



AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

[Signature]

DEPARTMENT DIRECTOR

CITY MANAGER

January 15, 2008

FROM: PATRICK N. WIEMILLER, Public Works Director *[Signature]*
Public Works Department

BY: ELIZABETH KUNZ, ADA Coordinator *[Signature]*
Public Works Department

SUBJECT: ADOPT A RESOLUTION ESTABLISHING THE CITY OF FRESNO DISABILITY
ADVISORY COMMISSION

KEY RESULT AREA

Customer Service, Employee Satisfaction and Prudent Financial Management

RECOMMENDATION

It is recommended that the Fresno City Council adopt a resolution establishing the City of Fresno Disability Advisory Commission and accompanying bylaws.

EXECUTIVE SUMMARY

The City of Fresno Disability Advisory Commission will form a single formal body focused on promoting the inclusion of people with disabilities in all areas of community life. This Commission will have a stable membership representative of the diversity of the disability community, and comply with State and local laws governing such bodies. It will supersede both the FAX ADA Advisory Committee and the ADA Advisory Council. These existing bodies will be absorbed into the new commission as working committees, serving under the authority of the Commission. Both will be thereby dissolved as independent entities.

KEY OBJECTIVE BALANCE

This project balances the three Key Objectives of Customer Satisfaction, Employee Satisfaction and Prudent Financial Management. The Commission will improve long-term customer satisfaction by providing a positive, effective body dedicated to improving access to City services and community life for people with disabilities. The Commission will have the same dignity, rights and responsibilities afforded other similar boards and commissions, and work to develop relationships with organizations serving people with disabilities in the City of Fresno.

Employee satisfaction will increase, as the Commission members and the City staff share a common vision and mission.

In addition, the Commission will also result in more prudent financial management by ensuring that the City receives advice on important issues from the best qualified applicants, who have experience with a broad range of physical and mental disabilities. By developing a stable membership, a shared sense of vision and purpose with City staff, and formal procedures, the Commission will assist in the effective stewardship of City time and funding. In addition, creation of the Commission will decrease

the potential liability to the City associated with current disability advisory groups' potential nonconformance to the Legal Handbook for City of Fresno Boards, Commissions, Committees and Similar Bodies.

BACKGROUND

People with disabilities are an important and growing sector of the American population. According to US Census data, over 50 million Americans have some form of disability, of which 35 million have severe disability. Since disability is correlated with age, the aging of the "baby boomer" population is expected to triple the number of people with disabilities by the year 2040. The 2006 American Community Survey estimates that approximately 12% (76,000) of the residents of Fresno, and 52% (22,341) of our elders over the age of 65 have one or more disabilities.

Efforts to ensure that people with disabilities have access to governmental services and community life, and maintain their independence, is a vital public interest. The Commission will not only work to ensure that the Mayor, City Council and staff have access to diverse perspectives of individuals with disabilities, but will work to develop synergy with other service and community organizations to address the concerns of this important constituency.

The Commission will supersede two current advisory bodies: the FAX ADA Advisory Committee and the ADA Advisory Council. The former was created in 1992 to assist in the development of an ADA Paratransit Service Plan. The latter was created during the January 12, 1993 City Council Meeting, under an item entitled "Hearing on the Americans with Disabilities Act (ADA) for Paratransit Plan." At that meeting, City staff was directed to have members of the FAX Paratransit advisory board "serve as board members to .[a] citywide council in order to address handicapped accessibility and a TTD [sic] communications system." This latter group became known as the ADA Advisory Council.

Since that time, there have been two regular meetings on the third Friday of each month. The morning meeting is the "FAX ADA Advisory Committee," and the afternoon meeting is the citywide "ADA Advisory Council." The FAX ADA Advisory Committee has bylaws that allow for an open membership, with voting privileges given to people with disabilities who have attended four meetings in the previous year. The ADA Advisory Council has no bylaws at this time, but has adopted these same rules by custom. There are no term limits or formal appointment processes.

Both of these essentially function as open public meetings. Individuals who attend four meetings in a calendar year are considered voting members – there is no application or screening process for membership, and members are not required to file Statements of Economic Interest. (This fluid membership could, at any given time, create decision makers that are potential vendors or consultants to the City of Fresno.) In addition, it is unclear whether these organizations should have been considered subject to the Brown Act, or how compliance with this act would be managed given their organizational styles.

For over ten years, participants in these meetings have donated their time to discuss City services for people with disabilities. These individuals have provided input on a number of issues, held events and served as an informal social network that disseminates information about the City of Fresno and its services. The concern, effort and energy of these individuals must be acknowledged. Accordingly, participants in these meetings will be invited to apply for appointments to the Disability Advisory Commission. These groups will also continue to provide feedback on topics of concern as working committees under the authority and guidance of the new Commission.

It is believed, however, that a more purposeful body with a set membership, established bylaws and a broader charge would better serve the citizens of Fresno. In this way, the City can ensure that the experiences of individuals with a broad range of disabilities are appropriately included. The Commission will establish clear roles and responsibilities for all involved parties, and eliminate the disparity between the informal structure of the current disability advisory groups and other key City boards and commissions. To that end, we request that the attached bylaws for the Commission are adopted concomitant with the establishment of the Commission.

This move will bring the City of Fresno into alignment with the majority of its peer cities. Ten California cities were identified as benchmarks in Meeting the Challenge, a 2003 report of the Mayor's Council of Economic Advisors, because of their comparable size and complexity to that of Fresno. Of these, five (Long Beach, Oakland, Riverside, Sacramento and San Jose), have formal disability advisory groups appointed by the Mayor and/or City Council, and another (San Diego) is in the process of developing such a body. Of the remaining cities, two have other lesser bodies (Stockton and Bakersfield), and two (Anaheim and Santa Ana) no disability advisory bodies.

This City of Fresno Disability Advisory Commission would not be focused merely on legal compliance, but on providing excellent customer service for people with disabilities and developing community resources for serving this population. Its charge includes providing advice and guidance, disseminating information, identifying issues of concern and recommending solutions. In addition, it will seek avenues for funding to improve environmental and community accessibility, transportation, employment economic development, and other services. It is hoped that a positive, professional Commission can help to develop synergy with other organizations that serve people with disabilities to maximize community benefit, and assist in establishing priorities that allow for the best stewardship of public funds.

FISCAL IMPACT

The City will incur expenses ensuring effective communication with both Commission members and the Commission's audience. This will include the provision of "auxiliary aides and services" like sign language interpreters and materials in "alternative formats" like Braille, audio tape and electronic formats. In addition, the Commission members may be reimbursed for payment of any necessary expenses incurred in the conduct of pertinent business if those expenses were previously authorized in writing by the City Manager. This may include the services of a personal attendant, if necessary for the Commission member to participate in the meeting. These collective costs are not anticipated to exceed \$8,000 per calendar year.

EK:\Report to Council.COFDAC.FINAL.wBL

Attachments:

1. Resolution
2. Organizational Form for City of Fresno Boards, Commissions and Similar Bodies
3. City of Fresno Disability Advisory Commission Bylaws

CITY OF FRESNO DISABILITY ADVISORY COMMISSION

BYLAWS

ARTICLE I

SECTION 1. These bylaws are adopted by Council pursuant to Resolution Number _____.

ARTICLE II - NAME

SECTION 1. The name of the commission shall be "City of Fresno Disability Advisory Commission" ("Commission").

ARTICLE III – RESPONSIBILITIES

SECTION 1. The Commission has the following responsibilities:

- a. Advise the Mayor and City Council on matters affecting the disability community.
- b. Advise and assist other City Boards, Commissions, Committees and City staff on matters affecting persons with disabilities.
- c. Review and comment on City policies, programs, and activities that affect persons with disabilities, including efforts to remove physical and programmatic barriers to access.
- d. Serve as a coordinating body for the purpose of disseminating information to people with disabilities. In addition, it will receive input from citizens on the needs and concerns of the disability community, formulate and recommend solutions to those concerns, and to convey such recommendations to appropriate governmental bodies.
- e. Comment on current and pending legislative and/or regulatory issues affecting persons with disabilities.
- f. Organize and maintain working committees, when appropriate. These working committees will consist of at least two Commission members, and may address areas of concerns such as, but not limited to:
 - a. Accessibility
 - b. Education
 - c. Healthcare
 - d. Housing
 - e. Emergency Services
 - f. Employment
 - g. Transportation
- g. The two City of Fresno committees addressing accessibility and transportation for persons with disabilities in existence prior to the formation of the Commission will serve as working committees under the authority and guidance of the Commission. Working committees will operate in accordance with the guidelines of the Legal Handbook for City of Fresno Boards, Commissions, Committee and Similar Bodies, and applicable laws.

- h. Create task forces, as needed, to address specific issues. These task forces will be made up of at least one Commission member. The task forces will dissolve after 60 days, unless extended by vote of the Commission.
- i. Actively seek State, Federal and private funding to assist the City and surrounding community in improving environmental and community accessibility, transportation, employment and economic development, and other services.
- j. Carry out all activity in accordance with applicable law, including but not limited to the Ralph M. Brown Act (Government Code §§ 54950 et seq.), the Political Reform Act (Government Code § 8100 et seq.), and the Public Records Act (Government Code §§ 6250 et seq.).
- k. Operate under the guidelines of the Legal Handbook for City of Fresno Boards, Commissions, Committee and Similar Bodies.

ARTICLE IV – MEMBERS

SECTION 1. The formation of the Commission shall begin with the appointment of members and the Organizational Form for City of Fresno Boards, Commissions, Committees, and Similar Bodies ("Organizational Form") filed with the City Clerk and the City of Fresno Mayor's Office.

SECTION 2. MEMBERS

- a. There shall be seven (7) members of the Commission. Commencing no earlier than March 1, 2008, four (4) members will be chosen through a random drawing to begin a new two-year term and three (3) members will begin a new one-year term. Thereafter all terms shall be two years. The Mayor may also appoint additional *ex officio* (non-voting) members from the City of Fresno staff.
- b. Members will be appointed by the Mayor. Members will be confirmed by City Council.
- c. At least 60% of the Commission will be made up of persons with disabilities.
- d. The Commission membership shall include representatives or advocates from different disability groups, including physical, sensory and mental disabilities.
- e. Members of the Commission must be residents of the City of Fresno or an executive staff member representing a non-City governmental or nonprofit agency serving people with disabilities in the City of Fresno.
- f. Members of the Commission must have the proper skills, knowledge and abilities to understand the scope of the Americans with Disabilities Act of 1990 (ADA) and City governmental structure, its programs and policies. Commission members must be willing to maintain professional decorum with both the public and City staff.
- g. If a member must be absent from a meeting, he or she shall notify the Chairperson, or the Secretary. A Commission member is subject to dismissal if that member has three unexcused absences of regular meetings out of a series of ten. A Commission member

is recorded absent from a meeting if not actually present for at least fifty-one percent of a meeting.

- h. A member of a Commission may resign by submitting a letter of resignation to the Mayor's office with a copy to the chairperson for the committee.
- i. Members of the Commission shall serve without compensation. However, Commission members may receive payment of necessary expenses incurred in the conduct of pertinent business if previously authorized in writing by the City Manager. Members of working committees or task forces, who are not Commission members, are not eligible for reimbursement of expenses.
- j. Members will provide completed Statements of Economic Interest pursuant to the Political Reform Act.

ARTICLE V – OFFICERS

SECTION 1. The officers of the Commission shall be a Chairperson and a Vice-Chairperson, who shall be members of the Commission elected by the Commission as soon as practicable, following the first day of July of every year, and who shall serve at the pleasure of the Commission.

SECTION 2. The chairperson, with assistance of City staff, shall preside over all meetings of the Commission and shall submit such agendas, recommendations, and information as are reasonable and proper for the conduct of business. Unless otherwise designated, he or she shall be the official spokesperson for the Council. The chairperson will coordinate with the Mayor's staff in making public statements or documents relative to the work of the Commission. The chairperson shall serve as an ex-officio member on all subcommittees.

SECTION 3. The vice chairperson shall assist the chairperson as needed and shall perform the duties of the chairperson in his or her absence.

SECTION 4. There shall also be a Secretary designated by the Mayor's Office, who shall not be a member of the Commission. The Secretary shall provide general assistance, supplies, and meeting space as necessary. The Secretary is the record keeper for the Commission and is responsible for keeping the minutes of each meeting and records of any recommendations of the Commission.

ARTICLE VI – MEETINGS

SECTION 1. Time and date of meetings shall be set by the Commission unless otherwise provided in the Organizational Form. The Commission will hold a minimum of nine meetings per calendar year.

SECTION 2. The City will, upon request, provide auxiliary aides and services to the Commissioners and audience members with disabilities to ensure effective communication. These may include, but are not limited to, qualified sign language interpreters, assistive listening devices, and materials alternative formats. In addition, the City will consider requests for reasonable modifications of its procedures and policies in order to provide access to persons with disabilities.

ARTICLE VII – QUORUM/VOTING

SECTION 1. A quorum shall consist of a majority of sitting Commission members.

SECTION 2. An affirmative vote by a simple majority of the members present and eligible to vote shall be required for approval of any question brought before the Commission.

ARTICLE VIII – AMENDMENTS

SECTION 1. Amendments to these bylaws shall be made upon the approval of two-thirds of the members of the Commission. All amendments to these bylaws shall become effective at the first regular meeting following the vote to amend.

ARTICLE IX – PARLIAMENTARY AUTHORITY

SECTION 1. Points not covered by these bylaws shall be determined in accordance with the current edition of "Robert's Rules of Order."

**ORGANIZATIONAL FORM FOR CITY OF FRESNO
BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES**

This form shall be completed and filed with the City Clerk's Office when the Council, Mayor, or individual Councilmember creates a City board, commission, committee, or similar body ("body"). The City Clerk shall complete the form when the body is created by Council action. If the body is created by the Mayor or individual Councilmember, the Mayor or that Councilmember is responsible for ensuring that the form is completed and filed with the City Clerk.

1. Name: City of Fresno Disability Advisory Commission

2. Legal authority for creation. City Council Resolution Number _____

3. Purpose:

The Purpose of the City of Fresno Disability Advisory Commission is to:

- Advise the Mayor, City Council, City Boards, Commissions, Committees, and staff on matters affecting persons with disabilities.
- Review and comment on City policies, programs, and activities that affect persons with disabilities, including efforts to remove physical and programmatic barriers to access.
- Serve as a coordinating body for the purpose of disseminating information to people with disabilities. In addition, it will receive input from citizens on the needs and concerns of the disability community, formulate and recommend solutions to those concerns, and to convey such recommendations to appropriate governmental bodies.
- Comment on current and pending legislative and/or regulatory issues affecting persons with disabilities.
- Maintain working committees and create temporary task forces, as needed, to oversee areas of concern.
- Actively seek State, Federal and private funding to assist the City and surrounding community in improving environmental and community accessibility, transportation, employment and economic development, and other services.

4. How long body will be in existence: The City of Fresno Disability Advisory Commission shall exist until further action by the Council.

5. Membership.

a. Number of members.

The membership shall consist of: seven (7) members. Additional members from City of Fresno staff may be appointed on an *ex officio* basis.

b. How members are appointed.

The members shall be appointed by the Mayor and confirmed by the City Council.

c. Membership qualifications.

- Commission members must be residents of the City of Fresno or an executive staff member representing a nonprofit or non-City governmental agency serving people with disabilities in the City of Fresno.
- Commission members must have the proper skills, knowledge and abilities to understand the scope of the Americans with Disabilities Act of 1990 (ADA) and City governmental structure, its programs and policies. Commission members must be willing to maintain a professional decorum with both the public and City staff.

d. Term of Office.

Commencing no earlier than March 1, 2008, four (4) members will be chosen through a random drawing to begin a new two-year term and three (3) members will begin a new one-year term. Thereafter all terms shall be two years.

6. Contact person. Elizabeth Kunz, ADA Coordinator

7. Mailing address:

ADA Coordinator's Office
Department of Public Works
2600 Fresno Street Room 4011
Fresno CA 93721-3623

8. Location of the records. The records will be located in the ADA Coordinator's Office

To be completed by City Clerk, with advice from City Attorney.

9. Brown Act/open meeting requirement.

Yes X No _____ (Ad hoc committee or body created by a non-legislative body, such as the Mayor or individual Councilmember)

10. Must file Statements of Economic Interest.

Yes X No _____

Date _____

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL ESTABLISHING THE
CITY OF FRESNO DISABILITY ADVISORY COMMISSION

WHEREAS, over 50 million Americans have some form of disability, and 35 million have a severe disability;

WHEREAS, as estimated 76,000 residents of Fresno, and 52% (22,341) of our elders over the age of 65 have one or more disabilities;

WHEREAS, these citizens deserve access to the services of the City of Fresno, and inclusion in civic and community life;

WHEREAS, in 1992, the City created the Fresno Area Express (FAX) Americans with Disabilities Act (ADA) Advisory Committee to advise on the development of its paratransit plan and other compliance issues;

WHEREAS, at the January 12, 1993 City Council meeting, staff was directed to have members of this paratransit advisory board serve on a citywide council to address access issues, in what was to be known as the ADA Advisory Council;

WHEREAS, the City wishes to elevate its service to the disability community by establishing an unitary advisory body with a formal membership, established bylaws, and a broader charge to serve the citizens of Fresno. The mission of this body will exceed legal compliance, and focus on providing excellent customer service for people with disabilities and developing community resources for serving this population;

WHEREAS, the Council wishes to ensure compliance with Resolution No. 2004-185, and all State and local laws governing City bodies;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. City of Fresno Disability Advisory Commission is hereby established.
2. The Purpose of City of Fresno Disability Advisory Commission is to:
 - Advise the Mayor, City Council, City Boards, Commissions and Committees, and staff on matters affecting persons with disabilities.
 - Review and comment on City policies, programs, and activities that affect persons with disabilities, including efforts to remove physical and programmatic barriers to access.

- Serve as a coordinating body for the purpose of disseminating information to people with disabilities. In addition, it will receive input from citizens on the needs and concerns of the disability community, formulate and recommend solutions to those concerns, and to convey such recommendations to appropriate governmental bodies.
- Comment on current and pending legislative and/or regulatory issues affecting persons with disabilities.
- Maintain working committees, and create temporary task forces, as needed, to oversee areas of concern.
- Actively seek State, Federal and private funding to assist the City and surrounding community in improving environmental and community accessibility, transportation, employment and economic development, and other services.

3. The City of Fresno Disability Advisory Commission shall continue to exist until otherwise instructed by the Council.

4. The voting membership shall consist of: (7) seven voting members. Additional members from the City of Fresno staff may be appointed on an *ex officio* (non-voting) basis.

- a. The voting members shall be appointed in the following manner: by the Mayor and confirmed by the City Council.
- b. Qualifications for the voting members include:
 - Commission voting members must be residents of the City of Fresno or an executive staff member representing a nonprofit or non-city governmental agency serving people with disabilities in the City of Fresno.
 - Commission voting members must have the proper skills, knowledge and abilities to understand the scope of the Americans with Disabilities Act of 1990 (ADA) and City governmental structure, its programs and policies. Commission members must be willing to maintain professional decorum with the public and City staff.

5. The term of office: Commencing no earlier than March 1, 2008, four (4) voting members will be chosen among the voting members through a random drawing to begin a new two-year term and three (3) voting members will begin a new one-year term. Thereafter all terms shall be two years.

6. Compensation shall not be provided.

7. The Staff Representative shall be the ADA Coordinator.
8. The City of Fresno Disability Advisory Commission Bylaws are hereby adopted.
9. The Fresno Area Express (FAX) Americans with Disabilities Act (ADA) Advisory Committee and the ADA Advisory Council shall be absorbed into the City of Fresno Disability Advisory Commission as working committees and are thereby dissolved as independent entities. Working committees will serve under the authority of the Commission and operate in accordance with the guidelines of the Legal Handbook for City of Fresno Boards, Commissions, Committee and Similar Bodies and applicable laws.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, hereby certify that the foregoing Resolution No. 2008-_____ was adopted by the Council of the City of Fresno, California at a regular meeting held on the _____ day of _____.

AYES :
NOES :
ABSTAIN :
ABSENT :

Mayor Approval: _____, 2008

Mayor Approval/No Return: _____, 2008

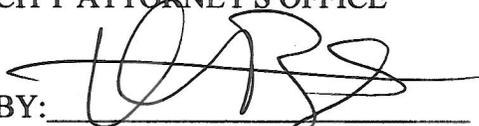
Mayor Veto: _____, 2008

Council Override Vote: _____, 2008

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 
Katherine E. Bradley, Deputy