

RESOLUTION NO. 2023 – 11R

A RESOLUTION OF THE CITY OF SELMA ADOPTING AN AMERICANS WITH DISABILITIES ACT (“ADA”) ACCOMMODATION REQUEST POLICY FOR THE MEETINGS OF THE CITY COUNCIL AND ALL CITY COMMISSIONS AND COMMITTEES; AND DIRECTING CITY STAFF TO MAKE SUCH CHANGES TO THE CITY’S AGENDA TEMPLATES (INCLUDING SUCH TEMPLATES FOR THE CITY COUNCIL AND ALL CITY COMMISSIONS AND COMMITTEES) AS MAY BE NECESSARY TO IMPLEMENT THE TELECONFERENCING PROCEDURES AND ADA REQUIREMENTS OF ASSEMBLY BILL NO. 2449

WHEREAS, on September 13, 2022, Governor Newsom signed Assembly Bill 2449 (“AB 2449”) to modernize existing teleconferencing requirements under the Brown Act by temporarily allowing less than a quorum of a legislative body to attend public meetings remotely without posting their location and removing the requirement for public participation in a nonpublic location, provided certain requirements are met; and

WHEREAS, AB 2449 also imposes requirements relating to accommodation requests made under the Americans with Disabilities Act (“ADA”); and

WHEREAS, the City Council now desires to implement AB 2449, including, without limitation, the adoption of an ADA accommodation request policy and, further, modifications to the City’s agenda templates for the City Council and all City commissions and committees in order to implement AB 2449’s new teleconferencing rules and ADA requirements.

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

Section 1. **Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. **ADA Accommodation Request Policy.** The City Council hereby adopts the “Reasonable Accommodations Policy for City of Selma Brown Act Meetings,” which is attached hereto and incorporated herein by this reference (“Policy”). The City Manager, or his or her designee, is directed and authorized to make such changes to the Policy as may be necessary to comply with applicable law, including, without limitation, adding further “Readily Available Accommodations” to the appropriate section of the Policy.

Section 3. ADA Agenda Language. The accessibility language on all City Council, commission and committee meetings is amended in its entirety to read as follows:

REASONABLE ACCOMMODATIONS

In compliance with the Americans with Disabilities Act and Government Code Section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can also be found on the City's website. Please contact the City Clerk's Office, (559) 891-2200, to make an accommodation request, or to obtain an electronic or printed copy of the policy.

Further, a hyperlink to the Policy shall be embedded in the agenda. The City Manager, or his or her designee.


Section 4. AB 2449 Teleconferencing. The City Manager, or his or her designee, is hereby directed and authorized to make such modifications as may be necessary to the agenda templates of the City Council and the City's commissions, and committees in order to implement the teleconferencing rules of AB 2449 and to include an item on such agenda templates relating to "AB 2449 Teleconference Requests/Disclosures" wherein the City Council may receive and consider Council member requests and for the use of teleconferencing and disclosures thereof pursuant to AB 2449.

Section 5. Effective Date. This Resolution shall immediately take effect upon passage.

PASSED AND ADOPTED by the Selma City Council on this 21st day of February 2023, by the following vote:

AYES:	COUNCIL MEMBERS: Mendoza-Navarro, Guerra, Trujillo, Cho, Robertson
NOES:	COUNCIL MEMBERS: None
ABSTAIN:	COUNCIL MEMBERS: None
ABSENT:	COUNCIL MEMBERS: None

ATTEST:



Scott Robertson, Mayor



Reyna Rivera, City Clerk

REASONABLE ACCOMMODATIONS POLICY FOR CITY OF SELMA BROWN ACT MEETINGS

Effective January 1, 2023, Government Code Section 54953(g) requires that all public agencies have and implement a procedure for receiving and swiftly resolving reasonable accommodation requests for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. Requests may be made by any individual that participates or conducts the meeting, such as members of the public, staff, and members of the legislative body. This policy shall apply to all meetings of the City's legislative bodies and meetings open to the public, including, without limitation, the City Council, Planning Commission, Recreation and Community Services Commission, Personnel Commission, Pioneer Village Commission, Measure "S" Oversight Committee and Measure "P" Oversight Committee.

Readily Available Accommodations

Any of the following accommodations can be provided for a publicly-noticed City meeting or meetings open to the public:

- For individuals with hearing loss: assistive listening devices; assistive listening systems.
- For individuals with visual impairments: Video and Audio recordings of City Council, Planning Commission, Recreation and Community Services Commission, Personnel Commission, Pioneer Village Commission, Measure "S" Oversight Committee and Measure "P" Oversight Committee meetings are available on the City's website. Additionally, the meetings are streamed on the Internet, by Zoom, and on the City's You Tube channel.
- For individuals with mobility impairments: ADA accessible facilities to access council chambers; You Tube/ Zoom/telephone access via Zoom.

Additional Accommodations (Upon Request)

Individuals who are deaf or hard of hearing, who are blind or have low vision, have mobility impairments, or have any other disability, may also request accommodations other than those readily available using the process outlined below. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. Note that an accommodation will be considered to be unreasonable and will not be provided if it imposes undue financial or administrative burdens on the City, or requires a fundamental alteration in the nature of a program. If a particular accommodation is unreasonable, the City will offer an alternative accommodation that is reasonable.

Process to request an additional accommodation:

1. If you have an additional accommodation that is not identified above, please request an accommodation as soon as you can, preferably before the meeting you wish to attend, or at the meeting itself if necessary. The sooner the request is made, the more likely it is that the City can provide the accommodation or an alternative. You can make this request yourself, or someone can make it on your behalf with your permission.

2. Your request can be made orally or in writing, and you should submit it to the City Clerk's Office so as to avoid delay in reviewing and processing the request. Requests can be made by contacting the City Clerk's Office at (559) 891-2200, via email to reynar@cityofselma.com, or by mailing such a request to the City Clerk's Office located in Selma City Hall (1710 Tucker Street, Selma, CA 93662). Note that if you contact the City Clerk's Office via mail, you need to make the request early enough that a response can be timely provided.

3. Your request for an accommodation must provide the following information:

- (a) *What accommodation?* We need to know the type of accommodation you are seeking, and/or how the accommodation will allow you to access and participate in the meeting. You are not required to disclose the particular disability, instead a general statement of explanation will suffice. You may, but are not required to, submit a letter from a physician to the effect that the requested accommodation is required for you to access and participate in the meeting.
- (b) *Contact information.* You must give staff current contact information so they can respond in a timely manner. This can be a mailing address, an email address, or telephone number, for example. Note that if only a mailing address is provided, you need to make the request early enough that a mailed response can be timely provided.
- (c) *Which meeting or meetings?* Please specify if the accommodation is requested for a specific meeting, or for all or a series of meetings before a particular body.

Procedures for City Staff:

A. Any staff member who receives, or believes they may have received, an accommodation request, will promptly relay the request and the requestor's contact information to the City Clerk, City Manager, or City Attorney.

B. The City Attorney may be requested to assist in the review of requests, and assist staff in providing a response to the requestor as soon as practicable.

C. All reasonable accommodation request responses shall be provided in writing, when such written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, the response will otherwise be provided orally. Responses will identify whether the accommodation is granted or granted in the alternative, and any instructions necessary to access the accommodation. If denied the response will identify and the grounds for denial. City staff will document requests and responses provided orally.

D. The law requires that all doubt be resolved in favor of accommodations. Staff will make reasonable efforts to communicate with requestors to obtain clarifications or to discuss whether alternative accommodations will be viable.