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City of Madera

Americans with Disabilities Act Self-Evaluation and Transition Plan



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SECTION I: EXECUTIVE SUMMARY

INTRODUCTION: DEVELOPMENT OF ADA TRANSITION PLAN

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to qualified individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. Title II of the Act covers programs, services and activities of public entities, such as the City of Madera.

The ADA defines “disability” as:

- a. a physical or mental impairment that substantially limits one or more major life activities;
- b. having a record of such an impairment; or
- c. being regarded as having such an impairment.

If an individual meets any one of these tests, they are considered to be an individual with a disability for purposes of the ADA.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services and activities. The City's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program; result in undue financial and administrative burdens or threaten or destroy the historic significance of a historic property.

Section §35.150 requires that each program, service or activity conducted by a City, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. The regulation makes clear, however, that a City is not required to make each of its existing facilities accessible (§35.150(a)(1)). Unlike Title III of the ADA, which requires public accommodations to remove architectural barriers where such removal is "readily achievable," or to provide goods and services through alternative methods, where those methods are "readily achievable," Title II requires a City to make its programs accessible in all cases, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens. The US Congress intended the "undue burden" standard in Title II to be significantly higher than the "readily achievable" standard in Title III. Thus, although Title II may not require removal of barriers in some cases where removal would be required under Title III, the program access requirement of Title II should

enable individuals with disabilities to participate in and benefit from the programs, services or activities of cities in all but the most unusual cases.

To comply with the Title II requirements for accessibility to City *programs, services and activities*, this Transition Plan:

- Identifies physical obstacles in the public entity's Public Rights-of-Way that limit the accessibility of its programs or activities to individuals with disabilities;
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, parks and other facilities operated by the City;
- Describes in detail the methods that will be used to make the Public Rights-of-Way accessible;
- Estimates costs for mitigation solutions;
- Specifies the steps necessary to achieve compliance;
- Provides a schedule for barrier removal/mitigation;
- Sets priorities for barrier elimination; and
- Indicates the official responsible for implementation of the plan.

OVERVIEW: SELF-EVALUATION OF POLICIES, PROCEDURES AND PRACTICES

In addition to identifying and modifying physical barriers, Title 28 CFR Part 35, ***Non-Discrimination on the Basis of Disability in State and Local Government Services***, requires that a public entity evaluate its policies, procedures and practices. The following outlines the City's Self-Evaluation:

- Evaluate City policies, procedures, and practices as they pertain to its programs, services and activities; and make the necessary modifications to those policies and practices that do not meet the programmatic requirements of Title II of the ADA
- Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments
- Maintain, file and make available for public inspection a list of interested persons consulted, a description of areas examined, and any problems identified, and a description of any modifications made

It is recommended that the City periodically evaluate such policies, procedures and practices pertaining to communication, auxiliary aids and services, emergency response, publications, determination for undue burden, public activities, employment, and new construction of facilities, in addition to physical accessibility to City facilities.

It is also recommended that for program barrier mitigation, a detailed outline of administrative requirements and detailed requirements of needed policies be included. The policy outline would serve as a guideline upon which the City's future policies may be built.

OVERVIEW: ACCESS COMPLIANCE SURVEYS OF FACILITIES

The ADA Transition Plan is used to document physical accessibility barriers to the City’s programs, services, and activities and to outline a schedule / plan (or the basis to produce one) for which the City shall follow to transition from a state of noncompliance to compliance.

The access compliance surveys of City owned and leased facilities fulfill a portion of the first two requirements of an ADA Transition Plan by identifying existing building conditions that deviate from current State and Federal standards for new construction and providing detailed description of proposed solutions for barrier mitigation. For each barrier, the surveys outline the code deviations and requirements from the Americans with Disabilities Act Accessibility Guidelines (ADAAG), ADA Standards for Accessible Design (ADAS) and the Accessibility Standards in the California Building Standards Code (CBC).

The access compliance surveys of City facilities cover approximately 39-owned and leased facilities maintained by the City. The surveys identified approximately 2,284 different accessibility related barriers within the City facilities and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$14.6 million.

Number of Facilities Surveyed	Number of Accessibility Barriers	Total Cost Estimated (\$)
39	2,284	\$14,599,254

The City facilities that were surveyed are shown in the table below:

Facility Number	Facility Name	Address	City, State, ZIP
1	City Hall	205 W. 4th Street	Madera, CA 93637
2	Frank Bergon Senior Center	238 S. D Street	Madera, CA 93638
3	Corporation Yard	1030 S. Gateway Drive	Madera, CA 93637
5	Fire Station 56	317 N. Lake Street	Madera, CA 93638
7	Fire Station 57	200 S. Schnoor	Madera, CA 93637
8	McNally Park	825 South A Street	Madera, CA 93638
102	Old Train Depot	120 N. E Street	Madera, CA 93638

117C	Police Department	330 South C Street	Madera, CA 93638
121	Rotary Park	800 N. Gateway Drive	Madera, CA 93637
122	Madera Sunrise Rotary Sports Complex	1901 Clinton Street	Madera, CA 93638
126	Centennial Park	701 E. 5 th Street	Madera, CA 93638
133	Lions Town & Country Park Community	2300 Howard Road	Madera, CA 93637
135	Development Offices	428 E. Yosemite Avenue	Madera, CA 93638
139	Pan-Am Park	703 E. Sherwood Way	Madera, CA 93638
15	Millview Gymnasium	1901 Clinton Street	Madera, CA 93638
15A	Senior Nutrition Kitchen	1901 Clinton Street	Madera, CA 93638
181	Transit Center	1951 Independence Drive	Madera, CA 93637
182	Fire Station 58	2558 Condor Drive	Madera, CA 93637
23	Madera Municipal Airport	4020 Aviation Drive	Madera, CA 93637
26	Centennial Park Swimming Pool	221 Flume Street	Madera, CA 93638
39	Wastewater Treatment Plant	13048 Road 21 1/2	Madera, CA 93637
48	Madera Municipal Golf Course	23200 Avenue 17	Madera, CA 93637
50	Intermodal Facility	123 North E Street	Madera, CA 93638
51	Parks Maintenance Office	40 W. Olive	Madera, CA 93637
56	Westside Community Center	1124 W. Yosemite Avenue	Madera, CA 93637
56A	Rotary Youth Hut	113 South Q. Street	Madera, CA 93637
58	Mexican-American Center	716 Columbia Ave	Madera, CA 93638
60	Pan-Am Community Center	703 E. Sherwood Way	Madera, CA 93638
P1	Community Garden	621 E. 4 th Street	Madera, CA 93638

P10	Sunset Park	Sunset Ave. and Accomero St.	Madera, CA 93637
P11	Vernon McCullough Fresno River Trail	Along Fresno River	Madera, CA 93638
P2	Granada Linear Park	Granada Ave. btw Glade and Cleveland	Madera, CA 93637
P3	Knox Park	Corner of Knox and A Streets	Madera, CA 93638
P4	Laurel Trail	701 E. 5th St.	Madera, CA 93638
P5	Maple Court	T-Intersection of Maple Court and Maple St.	Madera, CA 93637
P6	Olive Outlots	Olive Avenue and Grove St.	Madera, CA 93637
P7	Riverside Park	Riverside Drive, between N. D St. and Lake	Madera, CA 93638
P8	Riverview	North side of Riverview Dr., west of Hwy 99	Madera, CA 93637
P9	Sharon Avenue Linear Park	Sharon Ave., between Cleveland and Riverside	Madera, CA 93638

Report Production

The following information contains the minimum data included in the Transition Plan – Access Compliance Survey Reports:

- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Area/location of the barrier; for example, room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution

- Code citations, specifying the applicable sections in the State accessibility regulations, and in the Federal standards
- Severity of individual barriers (four levels: 1=severe, 2=moderate, 3=mild 4=minor)
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Special site conditions (if applicable)

The information obtained from the surveys of the City facilities is maintained on a Microsoft Excel spreadsheet database.

Access Compliance Survey Reports are contained in Section II: Appendix.

[SEE Appendix B: Access Compliance Survey Report of Facilities](#)

Prioritization Criteria for Barrier Mitigation – Facilities

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding the ADA.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, a prioritization criterion was formed to rank barriers in order of most important to mitigate first to least important. The prioritization criteria rates each barrier based on two factors, its Priority Score, and its Severity Score. The Priority Score ranks the relative importance of addressing the barrier based on its locational impact on the disabled population, and the Severity Score ranks the barrier based on the degree of deviation exhibited compared to applicable access standards.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions
- Future Projects

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria were determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

Prioritization Criteria according to barrier location:

Priority can be further divided within any one facility depending on the function of the area within the facility being surveyed. Typically, these areas are divided into 4 general priorities.

The prioritization criteria can be used to sort the access barriers identified in the surveys and create a schedule that order barrier mitigation work starting from barriers of highest importance to barriers of least importance.

SEE Appendix G: Prioritization Criteria for Barrier Mitigation – Facilities

Additional Consideration: Age of the Facility

The age of the facility can also determine the City’s obligations to meet ADA compliance. Facilities built before September 15, 2010 are obligated to be in compliance with the 1991 ADAAG, barring that the building has not gone through major reconstruction or alteration henceforth that date. The facility will also be required to comply with the applicable California Building Codes (CBC) at the time of construction.

If a facility was constructed or altered between the transition period of September 15, 2010 through March 15, 2012, an option of choosing either the 1991 ADA or 2010 ADA Standards were allowed.

Facilities built after March 15, 2012 are required to meet the updated 2010 ADA Standards as well as the California Building Code (CBC) at time of construction.

The caveat being that crucial program functions and services must be provided in accessible locations.

Compliance Date for New Construction or Alterations	Applicable Standards
Before September 15, 2010	1991 Standards or UFAS
On or after September 15, 2010, and before March 15, 2012	1991 Standards, UFAS, or 2010 Standards
On or after March 15, 2012	2010 Standards

OVERVIEW: ACCESS COMPLIANCE SURVEYS OF THE PUBLIC RIGHTS-OF-WAY

Barden v. City of Sacramento, 292 F. 3d 1073 established that sidewalks and intersections constitute a service, program, or activity provided by a City, therefore they are subject to accessibility regulations and should be addressed as part of the City’s ADA Transition Plan.

Four different features provided in the PROW were surveyed, including sidewalks, curb ramps, and pedestrian signals. Curb ramps, pedestrian signals and bus stops were surveyed using a data collection checklist, based on Accessibility Standards in the California Building Standards Code (CBC), Americans with Disability Act (ADA), Manual on Uniform Traffic Control Devices (MUTCD) and US Department of Transportation (USDOT) requirements as well as Public Rights-of-Way Accessibility Guidelines (PROWAG) recommendations. Traditional measuring and smart-level equipment were used to collect measurements for these surveys. Sidewalks were surveyed using sidewalk profilers that were developed for the Federal Highway Administration (FHWA) and adapted for sidewalk ADA surveys. The device captures information on slopes, and surface variations and identifies deviations from the required ADA standards and other applicable requirements.

The access compliance surveys of the Public Rights-of-Way (PROW), along with the surveys of City owned and leased facilities, completely fulfill the first two requirements for an ADA Transition Plan. As a part of this effort, approximately 186 miles of sidewalk, 4,453 curb ramps, and 293 pedestrian signals were surveyed for access compliance and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$320 million.

Features	Total Number Surveyed	Number ADA Compliant	Total Cost Estimate (\$)
Sidewalks	185.6 miles	10 miles	\$299,683,125
Curb Ramps	4,453 curb ramps	76 curb ramps	\$19,209,500
Pedestrian Signals	293 pedestrian signals	0 pedestrian signals	\$1,484,850
TOTAL			\$320,377,475

The information obtained from the surveys of the PROW is maintained on a geographic information system (GIS) database.

Access Compliance Survey Reports are contained in Section II: Appendix.

[SEE Appendix C: Access Compliance Survey Report of Sidewalks](#)

[SEE Appendix D: Access Compliance Survey Report of Curb Ramps](#)

SEE Appendix E: Access Compliance Survey Report of Pedestrian Signals

Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way

The third requirement of an ADA Transition Plan is to create a schedule that the City shall follow which addresses the order in which barriers within each feature shall be mitigated. This schedule shall be a public document and shall be made available for public inspection, maintained, and updated for the duration of the Transition Planning period. The maintaining and updating of this document shall mark the City's good-faith efforts in transitioning from a state of noncompliance to compliance regarding accessibility.

The difficulty and complexity of creating a schedule is recognized. Therefore, to provide a methodology for creating a schedule, like City owned and leased facilities, a prioritization criterion was formed, catered to the in-depth information that is provided utilizing GIS.

The relative importance of each barrier, according to its impact upon the disabled population was taken into account when developing the prioritization criteria for barrier mitigation.

Overall Prioritization Criteria according to programmatic functions:

- Importance of the program function
- Frequency of Use
- Program location and relation to other programmatic functions

Since persons with disabilities utilize certain facilities with greater frequency than other facilities, the impact of barriers identified at those facilities was deemed to be greater. Upon compilation of the survey results, prioritization criteria was determined for barriers identified in the survey and additional information was obtained to determine a final level of prioritization.

The general policy includes the continuous effort of providing connection to existing pedestrian facilities where sidewalk segments are missing.

Prioritization Criteria for PROW according to barrier location:

- Government Services
- City Attractors (City Owned/Leased Facilities)
- Schools
- Parks

- Transit Stops/Centers
- Population Density
- Streets (Arterials, Collectors)

The prioritization criteria developed for the PROW rates the relative importance of each barrier based on a combination of rating the activity occurring at the barrier's location, or "Activity Score", as well as rating the severity from which each feature deviates from current State and Federal standards, or "Barrier Score". Each score is rated on a scale of 0 to 100, with 0 being the lowest, and 100 being the highest.

The combination of both the "Activity Score" and "Barrier Score" creates an overall "Priority Score" that can be used to sort features identified in the surveys and create a schedule that orders barrier mitigation work starting from features of highest priority to features of lowest priority. The "Priority Score" is rated on a scale of 0 to 200, with 0 being the lowest priority, and 200 being the highest priority.

[SEE Appendix F: Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way](#)

OFFICIAL(S) RESPONSIBLE

The ADA requires that an official be identified as responsible for the implementation of the Entity's plan.

It is the US DOJ's view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical City. In determining undue financial and administrative burdens, all City resources available for use in the funding and operation of City services, programs and activities would need to be considered.

The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burdens rests with the City. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or their designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the US DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the official responsible to make this decision/determination, the department's intention is clear in that the determination must be made by a high-level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions.

The City of Madera designates the City Manager as the Manager of EEO/Disability Compliance and as the Official responsible for the implementation of its ADA Transition Plan. They can be contacted as follows:

Arnoldo Rodriguez
City Manager
City of Madera, Administration
205 W. 4th Street
Madera, CA 93637
(559) 661-5402

The Official responsible for the designation and management of financial resources to support implementation should be able to seek/acquire funding for ADA barrier removal work over the City's Transition Planning period. The City of Madera Director of Financial Services will be responsible for effectively controlling the City's budget line item(s) for the ADA Transition Planning budget. As such, the City of Madera will designate the Director of Financial Services as the Official responsible for financial resources in support of plan implementation. They can be contacted as follows.

Michael Lima
Director of Financial Services
City of Madera, Finance Department
205 W. 4th Street
Madera, CA 93637
Phone: (559) 661-5453

Typically, the responsibility of making any City program, service or activity accessible to all persons, regardless of ability, rests with the official who controls the operating funds for that particular program, service or activity. To this end, the task of seeking/getting approval for funds from the governing body to make the said program accessible lies with the official responsible for the program.

Indication of the official(s) responsible for implementation of the plan fulfills the final requirement of a Transition Plan. To this end, individual department directors are expected to identify and pursue opportunities to seek funds in support of program accessibility. Said individuals are listed below:

Name	Department	Phone Number
Arnoldo Rodriguez	Administration	(559) 661-5402
Alicia Gonzales	City Clerk	(559) 661-5409
Will Tackett	Community Development	(559) 661-5451
Mike Lima	Finance	(559) 661-5453
Giachino Chiaramonte	Police	(559) 675-4201
Wendy Silva	Human Resources	(559) 661-5481
Keith Helmuth	Engineering	(559) 661-5423
Rafael Magallan	Building	(559) 661-5446
Planning Manager (vacant)	Planning	(559) 661-5433
Public Works Operations Director (vacant)	Public Works	(559) 662-4936
Joseph Hebert	Parks & Community Services	(559) 661-5491
Gary Price	Information Technology	(559) 661-5411

PUBLIC INPUT

Per 28 Code of Federal Regulations, Part 35; Subpart D – Program Accessibility; §35.150 – Existing Facilities; (d) Transition Plan (1): The City shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the ADA Self-Evaluation and Transition Plan by submitting comments.

In order to satisfy this requirement and to gain the perspective of persons with disabilities, a public vetting was held by the City on June 18th, 2024, where members of the public were invited to comment on and participate in the City's Draft ADA Self-Evaluation & Transition Plan.

[SEE Appendix H: Public Comments](#)

TRANSITION PLAN IMPLEMENTATION

The document should be maintained and updated for the duration of the Transition Planning period and a copy of the Transition Plan shall be made available for public inspection.

The final product is a working document to be modified as barriers are removed or alterations are made, open to modification throughout the transition period. The Official(s) responsible and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also as part of this process, technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the City's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the City's ADA Transition Plan on a regular basis to ensure that barriers are "checked-off" and the Plan is current with a record of barrier-mitigation work. Annual reports of barrier-mitigation work may also be provided to the City's Board of Supervisors.

Maintenance of Accessible Features

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the City's plan to transition into a more accessible destination. Both, Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 as well as the California Building Code section 1101B.3 – Maintenance of accessible features, state:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Both these sections provide that a public entity shall maintain in operable working condition those features of the Public Rights-of-Way that are required to be accessible to and usable by persons with disabilities. They require that, to the maximum extent feasible, Public Rights-of-Way must be accessible to, and usable by, individuals with disabilities. These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or curb ramps, if those features are not maintained in a manner that enables individuals with disabilities to use them. Excessive slopes on curb ramps, are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the 2nd paragraph provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This paragraph is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA or this part. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of curb ramps or other equipment intended to provide access would also violate this part.

A City-wide formal policy specifically addressing the legal requirements (28CFR Part 35.133 & CBC1101B.3) of maintaining accessible features would be of long-term benefit to the City. When, over time, an accessible feature fails, institutionalizing organizational commitments towards protocols and maintenance ensures an appropriate action is taken.

Implementation Policies

The City of Madera is committed to fostering equity by actively remediating ADA barriers, ensuring accessible and inclusive environments for all of its residents. The City proposes the following implementation priorities for transition of its facilities and public rights-of-way into compliance with the ADA.

Any grievances submitted to the [Client] will be ranked according to the implementation priorities listed below to determine the time frame in which to address the grievance.

Priority 1: High Pedestrian Traffic Areas and Risk Reduction. Focus on making modifications in areas that see heavy traffic and where reducing potential risks to individuals with disabilities is crucial. This ensures safe and accessible pathways for all users.

Priority 2: Sites Lacking ADA Access. Identify and eliminate obstacles at locations currently without any ADA-compliant access, ensuring that entrances, passageways, and services are accessible to everyone, including individuals with mobility, vision, or hearing impairments.

Priority 3: City of Madera Facilities. Implement changes within City-owned facilities to address and remove existing barriers. This includes making sinks wheelchair accessible, redesigning parking lots to include adequate accessible parking spaces, and ensuring that access routes are clear and unobstructed.

NOTICE OF COMPLIANCE UNDER ADA & CALIFORNIA STATE LAW

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135 and other applicable codes, the City does not discriminate against individuals on the basis of disability in its services, programs or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and will comply with the Fair Employment and Housing Act, as well as Title I of the ADA, including the regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC), including the requirement to provide reasonable accommodations.

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified person(s) with disabilities, including sign language interpreters, documents in Braille and other alternate formats to ensure information and communication is accessible to people who have speech, hearing, vision, or cognitive impairments so they can participate equally in the programs, services and activities.

Modification to Policies and Procedures: The City will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in all of its programs, services and activities. *For example, individuals with service animals behaving within applicable standards are welcome in offices and City facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a program, service or activity in the City should communicate with the responsible Department contact as soon as possible, but no later than **48 hours** before the scheduled event.

Neither the ADA, nor State law requires the City to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints that a program, activity or service of the City is not accessible should be directed to the **ADA Coordinator:**

Wendy Silva
Director of Human Resources
Human Resources
205 West 4th Street, Madera, CA 93637
Phone: (559) 661.5481
wsilva@madera.gov

The City does not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids and services or making a reasonable modification to a policy to create access.

ADA GRIEVANCE PROCEDURE

City of Madera ADA Grievance Procedure

Grievance Procedure under ADA and California State Disability Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Madera. The City’s Disability Discrimination Policy governs employment-related complaints of disability discrimination.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem(s). The City’s Grievance Procedure form is available online at <https://www.madera.gov/home/departments/human-resources/ada-advisory-council/>. Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, are available to persons with disabilities upon request.
2. The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to the City’s ADA Coordinator. The contact information is:

Wendy Silva, Director of Human Resources
205 W. 4th Street
Madera, CA 93637
Phone: (559) 661-5400, option 8
Email: hrinfo@madera.gov

3. An investigation, as may be appropriate, shall follow the filing of a complaint. The appropriate investigation will be conducted by the ADA Coordinator or a designated representative. These rules contemplate an informal but thorough investigation affording all interested persons an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53, the City need not process complaints from applicants for employment or housing. Such complaints will be referred to the California Civil Rights Department.
4. A written determination as to the validity of the complaint and a description of resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 30 calendar days after its filing.
5. The complainant may appeal the ADA Coordinator’s decision to the City Manager within 10 calendar days of receipt of the decision. The City Manager will review the

decision and within 30 days provide the complainant with a written response to the appeal.

- 6.** The complainant may appeal the decision of the City Manager by filing an appeal with the City Council. All such appeals must be submitted within 10 days of the complainant's receipt of the decision from the City Manager. Such appeals will be heard by the City of Madera ADA Advisory Council at its next regularly scheduled meeting. The City of Madera ADA Advisory Council will make findings and recommendations in writing regarding the complaint and appeal, and such findings and recommendations will be forwarded to the City Council at its next regularly scheduled meeting for which an agenda has not already been published. The City Council will consider the findings and recommendations of the City of Madera ADA Advisory Council and make a final decision regarding the complaint and the matter will be closed. The City Council's decision will be provided in writing to the complainant within 10 calendar days after the matter is heard at a public meeting.

SECTION II: APPENDIX

- A. The Americans with Disabilities Act Self-Evaluation Report**
- B. Access Compliance Survey Report of Facilities**
- C. Access Compliance Survey Report of Sidewalks**
- D. Access Compliance Survey Report of Curb Ramps**
- E. Access Compliance Survey Report of Pedestrian Signals**
- F. Prioritization Criteria for Barrier Mitigation – Public Rights-of-Way**
- G. Prioritization Criteria for Barrier Mitigation – Facilities**
- H. Public Comments**