



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Vice Mayor Chappie Jones,
Councilmember Sergio Jimenez,
Council Member Pam Foley

SUBJECT: ADA Compliance – Supplemental
Direction

DATE: December 7, 2021

Approved

Date: December 7, 2021

RECOMMENDATION

The purpose of this memo is to provide additional direction regarding the allocation of funds requested in Recommendation #4 of our [December 1, 2021 ADA Compliance Rules Memorandum](#), which proposes a number of efforts to increase education and resources addressing ADA compliance requirements for our small, minority-owned business owners.

Based on data reported by the California Commission on Disability Access, in 2020 the City of San José had the highest number of reported alleged disability access violations across the State. The proposed efforts are to ensure that our businesses across the City have access to information, resources and tools so that the City of San José is barrier free and accessible to all residents and visitors, and a place where our businesses may prosper.

To supplement our initial set of recommendations, Direct City Manager to:

1. Report to Council in February 2022 on how recommendations 1-6 of the Jones, Jimenez, and Foley Rules Memorandum may be implemented utilizing the more than \$848,000 of funds collected through the state mandated program “Disability Access and Education Revolving Fund” in accordance with Government Code Chapter 7.5 Disability Access and Education [4465 - 4470], per direction from City Attorney’s Office as to what is permissible use of funds.
2. Appropriate over \$848,000 of available and pending funds for FY 2022-23 to the proposed programs:
 - Education & Outreach campaign on ADA state and federal law requirements and available tools and resources for San José small, minority-owned businesses;

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- Expansion and promotion of the City's current CASp Grant Program;
- Implementation of the Accessibility & Legal Guidance Fund Program;
- Related administrative costs as appropriate and in alignment with state law.

DISCUSSION

Government code indicates that the funds collected through the state mandated program Disability Access and Education Revolving Fund may be used for "purposes of increasing disability access and compliance with construction-related accessibility requirements and developing educational resources for businesses to facilitate compliance with federal and state disability laws, as specified." We understand that staff needs time to research and provide feedback on the proposed recommendations and funding appropriations for the specified programs. We look forward to receiving input in February 2022 based on evaluation of the government statutes, research of best practices in other jurisdictions, and coordination of existing operation and workplans across City departments.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.