

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 20, 2022  
**To:** Honorable Mayor & Members of the City Council;  
**From:** Administration Department  
**Presentation By:** Diana Langley, City Manager

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**Summary**

**Subject:** Reasonable Accommodations Policy for City Meetings Subject to the Brown Act  
**Recommendation:** Adopt a Resolution adopting a Reasonable Accommodations Policy for City Meetings Subject to the Brown Act  
**Fiscal Impact:** Minor costs associated with resolving accommodation requests

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**Purpose:**

To comply with Government Code Section 54953(g) requiring 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

**Council's Strategic Goal:**

This supports Council's overarching goal of Quality of Life as the City wants to ensure that all citizens have access to publicly-noticed City meetings and meetings open to the public.

**Background:**

The Ralph M. Brown Act (Brown Act) requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The Brown Act generally requires posting an agenda at least 72 hours in advance of a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion on any items not appearing on the posted agenda, unless under specified conditions. The Brown Act also contains provisions for the ability of the public to observe and provide comment.

On September 13, 2022, Governor Newsom signed Assembly Bill 2449 (AB 2449) amending certain portions of the Brown Act and will go into effect January 1, 2023. AB 2449 provides complex alternative teleconference procedures to allow members of a legislative body to participate remotely and adds new requirements requiring legislative bodies to implement procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws.

**Analysis:**

The City Attorney prepared the attached "Reasonable Accommodations Policy for City Meetings Subject to the Brown Act" (Policy) which outlines the City's readily available accommodations and the process to request other accommodations.

**Fiscal Impact:**

There may be minor costs, including staff time and equipment, associated with resolving accommodation requests.

**Alternatives:**

As the policy is required by law, the only available alternative is to modify the Policy.

**Recommendation:**

Adopt a Resolution adopting a Reasonable Accommodations Policy for City Meetings Subject to the Brown Act

**Attachments:**

1. Attachment 1 - AB 2449 Resolution
2. Exhibit A - AB 2449 Reasonable Accommodation Policy

Prepared By:  
Diana Langley  
City Manager

Submitted By:  
Diana Langley  
City Manager

# ATTACHMENT 1

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
ADOPTING A REASONABLE ACCOMMODATIONS POLICY FOR CITY  
MEETINGS SUBJECT TO THE BROWN ACT**

WHEREAS, Assembly Bill 2449 amends certain portions of the Brown Act to provide alternative teleconference procedures to allow members of a legislative body to participate remotely and adds new requirements requiring legislative bodies to implement procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws; and

WHEREAS, Assembly Bill 2449 will go into effect January 2, 2023; and

WHEREAS, in order to comply with Assembly Bill 2449, the City has prepared a Reasonable Accommodations Policy for City Meetings Subject to the Brown Act.

NOW, THEREFORE, the City Council of the City of Yuba City, does hereby adopt the Reasonable Accommodations Policy for City Meetings Subject to the Brown Act.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 20<sup>th</sup> day of December 2022.

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Wade Kirchner, Mayor

ATTEST:

\_\_\_\_\_  
Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

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Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP

Attachment:  
Exhibit A – Reasonable Accommodations Policy for City Meetings Subject to the Brown Act

# **EXHIBIT A**

## **REASONABLE ACCOMMODATIONS POLICY FOR CITY MEETINGS SUBJECT TO THE BROWN ACT**

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, including members of the public, staff, and members of the legislative body.

### **Readily Available Accommodations**

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

- Agendas and staff reports: Upon request, any agendas or staff reports can be made available in appropriate alternative formats to persons with a disability, including hyperlinks where appropriate so that the user can access the linked information.
- For individuals with hearing loss: Upon request, accommodations can include the following:
  - Qualified interpreters on-site or through video remote interpreting (VRI) services;
  - Assistive listening devices, and;
  - Accessible electronic and information technology.
- For individuals with visual impairments: Upon request, accommodations can include the following:
  - Audio recordings, if available;
  - Screen reader software, and;
  - Large print materials.

Note that electronic agendas are available on the City's website at <https://www.yubacity.net/cms/One.aspx?portalId=239258&pageId=8030618> in .pdf format, which should be compatible with the screen readers that are commonly used by those who are visually impaired.

- For individuals with mobility impairments: Upon request, accommodations can include the following:
  - ADA accessible facilities, including ramps and elevators (if needed), to access Council chambers or other locations where public meetings are being held;

- Closed circuit broadcast/Zoom/Teams/telephone access.

### **Process for Other Accommodations**

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: A request for an accommodation other than those listed above may be made as follows:

1. Make the request for the 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 additional accommodation or an alternative. You can make this request yourself, or someone can make it on your behalf with your permission.
2. Make the request orally or in writing, and submit it to the City Clerk or to the City Manager so as to avoid delay in reviewing and processing the request. Requests can be made at either the following email address or mailing address:

Email Address: [cityclerk@yubacity.net](mailto:cityclerk@yubacity.net) or [citymanager@yubacity.net](mailto:citymanager@yubacity.net)

Mailing Address: City Clerk  
1201 Civic Center Boulevard  
Yuba City, CA 95993

3. The request for an accommodation must provide the following information:
  - (a) *Identify the proposed accommodation.* Tell us the type of accommodation you are seeking, and how the accommodation will allow you to access and participate in the meeting. The specific impairment does not need to be disclosed. Instead, a general statement of explanation of the type of need will suffice. A letter from a physician that the requested accommodation is required for you to access and participate in the meeting can also be submitted, but is not required.
  - (b) *Contact information.* Provide current contact information so we 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) *Identify the meeting where the additional accommodation is requested.* Specify the specific meeting(s) where the accommodation is requested.

Procedures for City Staff: Once City staff have received a request for an additional accommodation, the following procedures will apply:

1. Any City 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 and City Manager.
2. 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.
3. All responses to written reasonable requests for additional accommodation shall be provided in writing, if the request was made sufficiently in advance such that a written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, City staff will provide an oral response if the requestor has provided sufficient contact information. Responses will identify whether the accommodation is granted or granted in the alternative, and will provide any instructions necessary for the accommodation to be accessed. If an additional accommodation request is denied, the response will identify the grounds for denial. City staff will document requests and responses provided orally.
4. Any doubt regarding whether a request is reasonable and feasible should 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.