

Create an Alternative Method to Allow Disabled Citizens to Participate in Public Hearing and/or Public Comment Period

Hampton City Council

June 13, 2018

BACKGROUND

CONSIDERATION OF THE ISSUES

STAFF RECOMMENDATION

Issue

- Should Council expand options for people with disabilities to address Council?

Background

- Result of a recent request by a citizen
- Considered and addressed by Council in 2015
 - Considered input from Hampton Mayor's Committee for People with Disabilities' review in 2014
- Addressed by the former City Attorney in 2008
- All previous actions and request came from same citizen

Legal Background

Americans with Disabilities Act Amendments Act (ADAAA) generally requires:

- Persons with disabilities have an equally effective opportunity to participate in or benefit from city programs, services, and activities. (Examples)
- Localities are not generally required to provide specific services for individuals with disabilities that are not provided for individuals without disabilities.

Legal question

- Given the current methods of access to City Council, is an accommodation required to allow the citizen to have an equal and effective opportunity to participate in or benefit from the City Council public comment period?

Legal Analysis

- Legal analysis as provided in 2008 and 2015: No accommodation required
- There are other avenues to address issues that would be heard during public comment, used by many citizens

Methods to communicate

- Letter to City Council, mailed to council office at 22 Lincoln Street
- Email to council@hampton.gov
- Call Council office at 727-6315.
- Contact individual members of Council
 - Phone numbers, email addresses on web site (www.hampton.gov/citycouncil)

Purpose of Public Comment

- Solely for Council to *receive* citizen input, comments, and/or questions
- *Not* the purpose to:
 - Engage in dialogue
 - Take action
 - Engage in deliberative discussion

Effectiveness of Communication

City Council routinely addresses:

- Communications received from citizens outside of public comment
- Communications received during public comment

No appreciable difference

- Only difference would be being on television or in some instances part of the official record of the meeting

What do other public bodies do?

- Several regional public bodies distribute comments received before the meeting or between meetings to members.
- Comments are printed and available prior to votes.
- Similar to the way comments are distributed to City Council now, but more formal.

Mayor's Committee

- Mayor's Committee for People with Disabilities was charged with coming up with a recommendation
- Ultimately believed it was for City Council to determine if any accommodation was needed
- If an accommodation was to be provided, recommended the most simple and cheapest accommodation

Accommodations considered (2015)

- Call-in number and voice mail box storage system
- Creating a text comment to be read to the Council
- Citizens make contact at least 48-72 hours in advance
- Committee recognized that this recommendation had many legal and logistical challenges

Challenges

- Determining eligibility for this accommodation
- Cost of staff time to screen and transcribe messages
- Even if you could effectively determine eligibility, what about other people?
 - Elderly who are not disabled but do not drive
 - Parents with infants or school-aged children
 - Individuals who work the night shift
 - Church members involved in evening services
 - And many more...

Additional option (2018)

- OpenGov is one platform that would allow citizens to create a log-on, listing name and address, and comment on items before City Council.
- Some verification, monitors language, visible to public, comments can be gathered for a report
- Allows anonymous comments (can be screened out)
- \$20,000 per year plus some one-time setup fees
- Staff time to post agenda items and create reports

Pros and Cons of changing

PROS	CONS
Allows citizen comment to be broadcast for other citizens to hear	No practical way to determine if citizen qualifies for this accommodation (legal concerns, HIPAA, etc)
	Expense of system and maintenance costs
	Expense and staff time to review and transcribe messages

Staff Recommendation

- No change in the current procedure
- No legal requirement
- Current system equally effective in accomplishing goal of public comment
- Change would involve additional expense
- Continue to use surveys and additional input tools on hot-button issues (as with backyard chickens, leash requirements, etc.)

Questions?