

City of Oakland ADA Special Events Policy



ADA PROGRAMS DIVISION

Frequently Asked Questions (FAQ)

What is the purpose of the City of Oakland ADA Special Events Policy?

The purpose of the ADA Special Events Policy is to establish City of Oakland policy, procedure and accountability regarding compliance of City special events and City facilities rental programs with the Americans with Disabilities Act of 1990 (ADA), as amended in 2008.

What is a Special Event?

Special events include, but are not limited to, indoor and outdoor concerts, plays, festivals, fairs, town hall meetings, luncheons, and ceremonies that are open to the public, whether held on city property or at other sites.

What activities are covered by the policy?

- City special events.
- City sponsorship (support) of other events.
- City facilities rental programs when planned special events will be open to the public.
- Professional services contracts and other agreements for the delivery of special events programs, activities, and services to the public.

When should I begin following the updated ADA Special Events Policy?

All City departments must immediately begin to follow the revised ADA Special Events Policy.

When did the updated ADA Special Events Policy become effective?

The updated ADA Special Events Policy became effective on June 30, 2013. The current policy supersedes the last revised policy that was issued on October 31, 2011.

Why has the ADA Special Events Policy been revised?

New U.S. Department of Justice (DOJ) Americans with Disabilities Act (ADA) Title II Regulations came into effect on March 15, 2011. The revised ADA Special Events Policy incorporates new or modified DOJ requirements. The updated policy also clarifies and provides new local (City) procedures for special events planning/delivery and for facilities rentals.

How has the ADA Special Events Policy been revised?

The revised ADA Special Events Policy incorporates new or modified DOJ requirements. The revision also clarifies access requirements and explains local (City) procedures for ensuring effective communications. The City of Oakland ADA Policy changes include,

but are not limited to, the following: (1) Updated requirements for the location and number of companion seats per wheelchair seating space; (2) A new section covering Signs; (3) Changes to Communications Access requirements, including: accessibility statement, advance notice, and captioning; (4) Revised requirements for disability assistance table; and (5) Updated ticketing procedures to include an opportunity for patrons to make accommodation requests. The revised policy also includes revisions specifically for the City's Woodminster Amphitheater in its current condition, including: (1) Front of house seating; (2) Temporary restroom facilities; and (3) Courtesy seating.

I oversee a special program or special event with a specified targeted audience and do not anticipate attendance by people with disabilities. Must I still follow the ADA Special Events Policy and ensure access to persons with disabilities?

Yes, if the public is allowed to attend.

What are my responsibilities as a City of Oakland staff associate?

1. A City associate who coordinates events covered by the ADA Special Events Policy shall ensure that these events comply with the policy.
2. A City associate who processes covered facility rentals shall be responsible for distributing the ADA Special Events Policy to renters and ensuring the use of Contract Schedule C-2 when facilities will be used to provide special events to the public.
3. A City associate who coordinates contracts for special events services shall be responsible for distributing the ADA Special Events Policy to contractors and ensuring the use of Contract Schedule C-2.

What is Contract Schedule C-1?

Private organizations that provide goods and services to the public have independent responsibilities under Title III of the Americans with Disabilities Act, regardless of their funding sources. Contract Schedule C-1, Declaration of Compliance with the Americans with Disabilities Act, provides a mechanism by which outside agencies acknowledge their general obligations under the ADA before providing goods or services to the City.

What is Contract Schedule C-2?

Contract Schedule C-2, Declaration of ADA Compliance for Facility Use and Special Events Agreements provides a mechanism by which outside agencies acknowledge their obligations under the ADA **and** the City's ADA Special Events Policy before utilizing City facilities for public events and/or delivering special event services to the City.

Which Schedule Should I Use?

All contracts should use Schedule C-1, except contracts for special events services or for special events facilities rentals. All written agreements allowing outside organizations to use City facilities for facilities rentals and any written agreements for special events services must include Contract Schedule C-2.

If I use Schedule C-2, do I also need to use Schedule C-1?

No. Contracts should use either Schedule C-1 or Schedule C-2, but not both.

What is the recommended disability access statement for event announcements?

(Location) is wheelchair accessible. ASL interpreters are provided. To request any other disability accommodations please contact (name) at (voice number), (TTY number or 7-1-1) or (email) at least five business days in advance. Please refrain from wearing scented products to this event. –OR– (Location) is wheelchair accessible. To request a sign language interpreter or any other disability accommodation, please contact (name) at (voice number), (TTY number or 7-1-1) or (email) at least three business days in advance. Please refrain from wearing scented products to this event.

How broadly must communication access information be posted?

Communication notifications must be posted on *all* event announcements, flyers, posters and other advertisements. City agencies and departments may also choose to post a broad disability access statement on their general public web site.

My agency or department has a disability access statement and appropriate contact information on our web site where our special event is advertised. There is limited space on physical posters. Must I still ensure communication notifications are on the posters, flyers and other advertisements?

Yes. Communication notifications must be posted on *all* event announcements, flyers, poster and other advertisements, including the event web site. Statements on a City department or agency general web site or event web site *do not* negate the requirement to include a disability access statement on printed advertisements.

May I shorten the disability access statement?

Yes. City agencies and departments may shorten the disability access statement for postcards, posters and similar printed advertisements with limited print space. The statement *must* maintain the following information: (1) a statement that the event is accessible to wheelchair users or the international symbol of accessibility; (2) a statement indicating that American Sign Language (ASL) interpreters will be at the event or the symbol indicating ASL services; and (3) a procedure for requesting additional disability related information and/or accommodations, including a contact telephone number and e-mail address or TTY number. City staff can download accessibility symbols from the City ADA Programs Intranet page.

Can you provide an example of a shortened disability access statement / communication notification?

Location is wheelchair accessible. For sign language interpreters and other disability accommodations call (phone) / (TTY) / (email).

My department or agency does not have a text telephone (TTY) number. Should I eliminate the TTY number on advertisements?

While less members of the deaf community use TTY as a primary communication method, federal regulations require cities to effectively communicate with individuals with disabilities. For City departments and agencies without a direct TTY number, refer customers to the Citywide TTY line at 510-238-3254. In lieu of the departmental or Citywide TTY number, staff may choose to provide an e-mail address or refer individuals

to 7-1-1 relay service on all event notifications. A publicized e-mail address must be checked regularly by city staff with knowledge of the event and the authority to support auxiliary aids and service requests.

We have not previously provided sign language interpreters at our annual event. Why do we now have to hire interpreters?

Since 2001, City-sponsored special events have required department and agency hosts to hire sign language interpreters when certain criteria are met. For City special events with an expected attendance of 500 or more, sign language interpreters shall be routinely provided. For all City special events with an expected attendance of 499 or less, sign language interpreters shall be provided upon advance request of a qualified individual with a disability.

How do I count “expected attendance?”

For fixed seat venues, expected attendance is equivalent to the total seating capacity of the event. For all other venues, attendance shall be measured by anticipating peak attendance.

Where can I hire sign language interpreters for my special event?

The ADA Programs Division maintains a list of local sign language vendors that have been vetted and registered as qualified City vendors. This list is available through the ADA Programs Division at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com.

Sign language interpreters and other accommodations can be costly. May I pass on these costs to the requesting individual?

No. Entities may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs necessary to provide nondiscriminatory treatment. It may, however, adjust fees for all attendees such as raising the cost per ticket.

Is my special event or special program budget expected to cover the costs associated with sign language interpreters, Braille and other accommodations?

The ADA Programs Division administers the Auxiliary Aids and Services Program (AASP) which **may cover** the cost of sign language interpreting, Braille and certain other accommodations for qualified individuals with disabilities seeking to participate in special meetings and events offered by the City to the general public. The AASP **does not** cover the cost of sign language services for special meetings, events or programs with an expected audience of 300 or more, unless the meeting or event is offered free of charge to the general public. City departments and agencies that host or create ticketed special events and special programs with an expected attendance greater than 300 are expected to ensure that their program budgets include the costs of ASL interpretation and other auxiliary aids and services. For questions regarding the AASP please contact the City’s ADA Programs Division at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com.

My agency is hosting a music concert or booth fair with an expected attendance of more than 500 guests. Do we need to routinely provide American Sign Language interpreters?

For most City special events with an expected attendance of 500 or more, sign language interpreters shall be routinely provided **except** where the content of the special event does not include speeches, spoken word performances, extensive instruction provided audibly or similar substance, sign language interpreters may be provided upon advance request of a qualified individual with a disability. Special events that are not open to the public are not required to provide sign language interpreters regardless of the program's content.

Example 1: The City's Annual Art & Soul Festival is a public event that includes various stages with musical acts. Expected attendance exceeds 500 guests and individuals must purchase a ticket. Although performances are primarily musical in nature, event organizers and vendors often make speeches or announcements on stage between musical guests. Due to the content of the event and anticipated attendance, the City's Annual Art & Soul Festival must routinely provide sign language interpreters at the event. As a ticketed event with an expected attendance greater than 300, the City's Annual Art & Soul Festival budget should cover the costs of these services.

Example 2: The City's Annual Earth EXPO provides an environmental fair with various booths for vendors to offer information to the public. Expected attendance exceeds 500 guests and the event is free to the public. There are no organized speeches, spoken word performances or audible instructions during the event. Earth EXPO does not need to routinely provide sign language interpreters since there exists no significant audible portion of the event. Sign language interpreters are still required upon advance request of a qualified individual with a disability. As a free event to the public, costs associated with disability-related accommodations are eligible to be covered using the City's Auxiliary Aids and Services Program budget despite anticipated attendance levels.

Example 3: A private wedding is scheduled at the City-operated Dunsmuir-Hellman Historic Estate. It is anticipated that more than 500 guests will be present to witness the event. As the public is not invited to this private affair, sign language interpreters are not required to be provided.

For assistance in determining if your special event requires you to routinely provide sign language interpreter services, please contact the City's ADA Programs Division at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com.

Why must we establish a disability assistance table or booth?

All events with an expected attendance of more than 500 guests must have a disability assistance table or booth to provide essential access information and assistance to patrons with disabilities. The assistance table or booth must be staffed by at least one person who is trained to assist persons with disabilities with various event information, including accessible routes and seating areas, restroom locations, how to access information in alternative format, etc. The disability assistance table or booth staff should also be available or have immediate access to available staff to accompany patrons with

disabilities to their seats upon request. The assistance table or booth may be co-located but must be readily identifiable as such.

What type of training must be provided to disability assistance table staff members?

All trainees shall receive a copy of *Disability Etiquette Guidelines* available through the ADA Programs Division at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com. Event monitors or other persons designated to provide assistance at disability assistance tables or booths shall be trained to: (1) provide information about accessible seating areas and accessible routes of travel for wheelchair users and other individuals with disabilities; (2) in situations of severe crowding, offer to accompany wheelchair users and other individuals with disabilities to accessible seating areas; (3) provide printed information about event programs with American Sign Language interpreting, including the title, time and location of such programs; (4) when appropriate, use short notes to communicate with persons who are deaf or have hearing disabilities; (5) provide information about medical assistance available at the event and, if no such assistance is available, the location of the nearest emergency medical facility. To receive a list of training dates or to schedule training for a large group of staff, contact the ADA Programs Division at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com.

My special event will occur at Frank Ogawa Plaza. Are there any unique considerations to keep in mind?

Yes. The policy lists additional rules and procedures for special events and programs that occur at Frank Ogawa Plaza, including but not limited to path of travel and wheelchair seating area. Please refer to the ADA Special Events Policy for additional rules and procedures.

My special event will occur at the Woodminster Amphitheater. Are there any unique considerations to keep in mind?

Yes. The policy lists additional rules and procedures for special events and programs that occur at the Woodminster Amphitheater, including but not limited to wheelchair seating areas, and event information. Please refer to the ADA Special Events Policy for additional rules and procedures.

Who can I contact with questions about the Special Events Policy?

Please address any questions regarding the ADA Special Events Policy to the ADA Division Manager at 510-238-5219 (voice), 510-238-2007 (TTY) or adaprograms@oaklandnet.com.