



Commission on Disability

CONSENT CALENDAR
July 29, 2025

To: Honorable Mayor and Members of the City Council
From: Commission on Disability
Submitted by: Kathi Pugh, Chairperson
Subject: City Compliance with Web Content Accessibility Guidelines (WCAG)

RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include a clause in all relevant City of Berkeley contracts that obligates City vendors to supply digital content, intended for or likely to be posted to the City website, that is compliant with the Web Content Accessibility Guidelines (WCAG) standard mandated by the U.S. Department of Justice. WCAG defines web content technical standards that, when implemented, meet legal requirements of the Americans with Disabilities Act (ADA).

In addition, relevant City staff should be informed of WCAG requirements, and systems put in place to ensure that documents available on the City of Berkeley website, whether submitted by vendors or created by City staff, meet current WCAG standards. When the City is informed that documents posted to its website do not meet current WCAG standards, remediation is recommended to be made within 30 days.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is legally obligated to meet federally-mandated accessibility standards. This should be made explicit in boilerplate contract language that is readily available on legal websites to which the Office of the City Attorney has access. City staff time is needed to select or craft a contract clause. Additionally, a system for reviewing compliance reports, and/or testing documents for compliance must be implemented to ensure that both vendor and staff-created documents are WCAG compliant. The City of Berkeley incurs the significant financial risk of legal action if it continues to fail to comply with existing, legally-mandated WCAG standards.

CURRENT SITUATION AND ITS EFFECTS

Within the City of Berkeley, compliance with ADA regulations in the built environment (ramps, tactile curb cuts, minimum door widths, etc.) is expected and enforced in new construction. However, for disabled users of screen readers—people who are blind or low vision, or who have limited dexterity, reading or cognitive differences—obstacles in the newly constructed digital world are frequently encountered and access is routinely denied. Just as the City of Berkeley enforces vendor compliance with requirements of the ADA in the built environment, the same must be true for both City vendors and City

staff who provide digital content for the City website, in City programs, and in City presentations. Yet it is not.

While the pages of the City of Berkeley website are largely WCAG compliant, attachments, i.e., documents that can be directly viewed and downloaded from the website, are often not compliant, *even though they are equally legally required to meet WCAG standards*. These are documents that, for example, provide essential safety information, explain City projects, request feedback from the public or otherwise invite public participation. All users must have equal access to the information they contain.

The message that inaccessible documents sends to Berkeley residents who use screen readers is that their participation in the life of the City of Berkeley is neither valued nor desired. Documents containing vital information must be made accessible to all users, not only when brought to the attention of City staff, but from their initial availability to the public. When users do encounter non-compliant, inaccessible documents, remediation must be taken seriously and made quickly.

The problem of digital inaccessibility is most acute when City vendors or City staff create image-rich documents. The majority of these files lack alternative text tags (alt text) that can be read by a screen reader. Without these descriptions—long descriptions when necessary—essential information for disabled Berkeley residents and visitors is simply unavailable. Meaningful alt text must be included on complex documents, photos, and images, including PDFs, maps, diagrams, and infographics.

Increasingly, Artificial Intelligence (AI) is being used to create descriptions of image-rich documents, lowering costs, increasing the quality of alt text, and significantly improving the experience for people using screen readers. The City of Berkeley should be at the forefront of WCAG implementation—yet we lag behind.

Other WCAG requirements address underlying document structure, tab order, and color contrast. The City's webpages are significantly in compliance with these standards, but forms and other documents attached to it are not. WCAG-compliant attachments will result in a City website with content that is fully accessible and legally mandated

BACKGROUND

The City of Berkeley must comply with Title II of the ADA. This title requires that local governments ensure that all services, programs and activities are accessible to people with disabilities. The U.S. Department of Justice has confirmed that Title II applies to services, programs and activities provided via the web and mobile applications.

A year ago, specific technical standards were newly updated and clearly defined. On April 24, 2024, the final rule of the U.S. Department of Justice regarding specific standards to ensure web and mobile app accessibility—including access to all online sites, programs and digital documents retrieved through local governments—were

published in the Federal Register. This rule updates requirements of Title II of the ADA, specifying compliance with WCAG 2.1 Level AA. The City of Berkeley has until April 24, 2026 to fully comply with the higher technical specifications, but the legal requirement that City websites, apps, digital programs and documents be accessible to the previous WCAG standard currently exists—and even this standard is frequently ignored.

The expectation of a fully accessible website also exists within the Berkeley Municipal Code on Technology Standards (2.06.170), which states that the City will “meet or exceed the guidelines for accessibility specified by the Federal General Services Administration pursuant to section 508 of the Rehabilitation Act.” Under Section 508, disabled employees and disabled users must be afforded access to information that is comparable to the access available to others. This recommendation seeks to realize the mandate of the City’s own Municipal Code.

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion (Fischer/Lewkowicz) To approve the recommendation to City Council regarding WCAG.

Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway; Nays: None; Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

This recommendation is a Strategic Plan Priority Project, advancing the City’s goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities—in this case the infrastructure, amenities, and facilities are digital;
- create a resilient, safe, connected, and prepared city—with information available for disabled residents and visitors;
- champion and demonstrate social and racial equity—including the City’s disabled residents and visitors;
- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community—including disabled residents and visitors.

Berkeley, a birthplace of the movement for independent living and disability rights, must take a multi-pronged approach to WCAG compliance. The City would not construct or renovate a City building without complying with accessible guidelines for the built environment; we must be equally vigilant regarding accessible, digital construction and use of the City’s online environment.

Moving forward, inclusion of a contract clause requiring compliance with the current WCAG standard is one of several critical approaches that will result in an accessible and legally-compliant City website. City staff must follow the same principle when creating documents available on the City website. The goal of this recommendation is an accessible website that equitably serves all of its users.

ALTERNATIVE ACTIONS CONSIDERED

None, if the City fails to address on-going issues of non-compliance it is open to litigation that can force a more costly and time-consuming solution.

CITY MANAGER

The City Manager recommends that Council refrain from referring the Commission on Disability's report recommendation from the report titled, "City Compliance with Web Content Accessibility Guidelines (WCAG)," to the City Attorney's Office at this time given that the City's website software, design and architecture were built to WCAG standards and continue to be updated to improve accessibility.

CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418