

CITY OF SHENANDOAH, IOWA
AMERICAN WITH DISABILITIES
SELF-EVALUATION AND TRANSITION PLAN

Prepared February 2017

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1.0 Introduction

The American with Disabilities Act (ADA) is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. This ADA Self Evaluation and Transition Plan is being prepared to partially fulfill the requirements set forth in Title II of the Americans with Disabilities Act. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This report will assist the City of Shenandoah to identify policy, program, and physical barriers to accessibility and to develop barrier removal solutions that will facilitate the opportunity of access to all individuals.

2.0 Legislative Mandate

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that:

No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act.

Specifically, the City may not, either directly or through contractual

arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

Title II of the ADA provides that public entities must identify and evaluate all programs, activities and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. This report and certain documents incorporated by reference, establishes the City's ADA Self-Evaluation and Transition Plan.

3.0 Self-Evaluation and Transition Requirements Process

The Self-Evaluation is the City's assessment of its current policies, practices, and procedures. The Self-Evaluation identifies and makes recommendations to correct those policies and practices that are inconsistent with Title II requirements. As part of the Self-Evaluation, the

City:

- Identified the City's programs, activities, and services; and reviewed the policies, practices, and procedures that govern the administration of the City's programs, activities, and services.
- The ADA sets forth specific requirements for preparation of an acceptable Transition Plan. This plan includes:
 - A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
 - A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
 - Planning level cost estimates for their removal;
 - A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
 - The name of the individual responsible for the plan's implementation.

4.0 Discrimination and Accessibility

There are two kinds of accessibility: Program and Physical.

Absence of discrimination requires that both types of accessibility be provided. Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services.

Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites. Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City may achieve program accessibility by a number of methods:

- Structural methods such as altering an existing facility;

- Acquisition or redesign of equipment;
- Assignment of aides; and
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity.

5.0 Undue Burden

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden. The determination that an undue burden would result must be based on an evaluation of all resources available for use in the City. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access to the benefits and services of the program or activity by individuals with disabilities.

6.0 Facility Survey

In 2015, the City completed a physical audit of facilities to identify facility barriers and identify recommendations and alterations in order to meet state and federal accessibility standards. The list of facilities surveyed included:

- City owned parks
- City owned buildings
- City maintained pedestrian facilities

7.0 Self-Evaluation

In 2015, the City of Shenandoah evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for persons with disabilities.

The following Departments were contacted for purposes of soliciting feedback as to ADA needs:

- Airport
- Cemetery
- City Administrator's Office

- City Clerk's Office
- Fire Department
- Parks and Recreation
- Police Department
- Public Library
- Street Department
- Waste Water Treatment Department

City staff revealed that the City's existing policies, programs, and procedures may present barriers to accessibility for people with disabilities. It is the intent of the City to address the programmatic accessibility barriers in the following areas:

Customer Service – Policies and practices that ensure individuals with disabilities can participate in the programs, activities and services provided by the City including: procedures for program modifications and not charging additional fees for reasonable accommodation to the person with a disability for modification required to make a program accessible.

Outreach and Information – Notices, printed information, televised and audiovisual information, the City and departmental websites, public

telephones and communication devices.

Training and Staffing – The current level of training and experience of City staff with policies and procedures regarding providing services to individuals with disabilities.

Programs and Activities – Program eligibility and admission, public meetings, tours and trips, transportation services, the use of consultants or contractors to provide city services, emergency evacuation procedures, special events and private events on City properties, maintenance of accessible programs and ongoing accessibility improvements.

Accessible/Adaptive Equipment – The use of automated electronic equipment and auxiliary aids to assist individuals with disabilities participate in City programs.

8.0 Public Outreach

The Plan will then be released for public review in an online format and in hardcopy at the Library, and City Hall. All comments received will be reviewed and incorporated if need be into the Plan. The Final Plan will be presented to the City Council for adoption.

9.0 Priorities for Barrier Removal within Facilities

The following guidelines will assist the City to prioritize barriers found

in City facilities:

Priority One: The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place.

Examples:

- Connection to the public right-of-way
- Parking and passenger loading
- Entrance walks
- Entrance ramps
- Entrance stairs

Priority Two: A second level priority is placed on those barrier removal items that improve or enhance access to program use areas.

Examples:

- Transaction counters
- Conference and meeting rooms
- Public offices
- Recreation environments/features
- Public restrooms

Priority Three: A third level priority is placed on those barrier removal items that improve access to amenities serving program areas.

Examples:

- Drinking fountains
- Public telephones
- Vending machines

Priority Four: A fourth level of priority is assigned to areas or features that are not required to be modified because there are no public programs located in the facility or portion of the facility, or because there are other locations that provide access to the program.

10.0 Transition Plan for Facilities

The Transition Plan for the removal of architectural barriers to program access must contain the following information:

- Identification of the barriers to program access
- Identification of the specific barrier removal action(s)
- Identification of a schedule for barrier removal and
- Identification of responsibility for ensuring barrier removal

The City will accomplish barrier removals based on two strategies: policy and procedure modifications to remove programmatic barriers and construction projects to remove architectural barriers. The responsibility for ensuring barrier removal will reside with the City of Shenandoah's ADA Coordinator.

In August of 2016 the City of Shenandoah participated in a mediation session with an area resident to address ADA compliance issues at the existing City Hall. During the mediation process, it was agreed by all parties that the City should 1) remedy a curb cut concern at the east end of the City Hall block, 2) install a safety railing as an extension of the existing rear access ramp, and 3) construct a handicap accessible restroom within the interior confines of City Hall. It was also agreed upon that the City would 4) develop a Self-evaluation and Transition Plan, and a 5) ADA Grievance Policy. The City did comply with all of the 5 agreed upon Priority One and Priority Two transition changes by the February 10, 2017 completion date.

APPENDIX - A

2016 Transition Projects:

- Reduced the curb cut incline on the sidewalk just east of City Hall front door to meet ADA standards. The curb is at the intersection of West Thomas Avenue and Clarinda Avenue.
- Construction of City Hall back dock safety railing as an extension of the already constructed wheel chair ramp. The safety railing will provide direction to the rear door of City Hall while providing protection against accidental falls off the approximately 3 ft. high dock drop-off.

2017 Transition Projects

- Constructed a new handicap accessible restroom just inside the rear entrance to City Hall. ADA qualified engineers provided schematic diagrams of the project to ensure all ADA standards were met.
- Developed a City of Shenandoah Self-Evaluation and Transition Plan.
- Developed a City of Shenandoah ADA Grievance Policy.