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CITY ADMINISTRATOR'S OFFICE MEMO
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319-393-1515 ext.523

To: Mayor Bennett and City Council

From: City Administrator, Kim Downs

Date: October 28, 2018

RE: ADA Compliance Best Practices

On December 5, 2006, February 27, 2007, May 7, 2007, and July 26, 2007, the Civil Rights Division of the U.S. Department of Justice issued installments of a new technical assistance document designed to assist state and local officials to improve compliance with Title II of the Americans with Disabilities Act (ADA) in their programs, services, activities, and facilities.

During the past five years, the Civil Rights Division of the United States Department of Justice has worked with communities across the United States to improve access to state and local government for over 3 million people with disabilities. Despite good intentions, many communities have not implemented the appropriate policies or actions complying with the Title II ADA programs, services, activities or updated their facilities when applicable.

ADA compliance in the broadest sense, requires state and local governments to be accessible to people with disabilities. Accessibility is much more than physical access, it requires looking at how programs, services, and activities are delivered. Do our policies or procedures that prevent someone with a disability from participating (such as a rule that says "no animals allowed," which excludes blind people who use guide dogs)? Are there any eligibility requirements that tend to screen out people with disabilities (such as requiring people to show or have a driver's license when driving is not required)?

The Civil Rights Division assembled a Tool Kit to help communities better understand the issues involved in providing equal access for people with disabilities. They encourage state and local government officials to use the Tool Kit to the best of our ability. The tool kit helps us determine:

- how to survey facilities and identify common architectural barriers for people with disabilities;
- how to identify red flags indicating that their programs, services, activities, and facilities may have common ADA compliance problems; and

- how to remove the barriers and fix common ADA compliance problems they identify.

State and local governments are not necessarily required to use this Tool Kit, but are required to comply with the requirements of Title II of the ADA, which prohibits state and local governments from discriminating on the basis of disability. The Tool Kit provides a reasonable approach to help communities such as us achieve compliance.

In reviewing the tool kit and the required ADA compliance city staff believes it is in the city best interest to move forward using the ADA compliance best practices tools as follows. The following is a brief summary of the seven chapters of the ADA Compliance best practices and the action item needed:

- **Chapter 1, ADA Basics:** Statutes and Regulations-defines ADA; ADA compliance and whose covered-although not everyone is covered under the ADA. There are certain basic requirements that must be met in order to be protected. The first and most obvious requirement is that a person must have a disability.

- **Chapter 2, Notice and Grievance Procedure-names an ADA coordinator-**
  The first step in moving forward with ADA compliance requires the city to designate an ADA coordinator. The ADA coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigates any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA coordinator is at the bottom of our website's home page under our HEDCO "We support" logo providing notice about ADA-Accessibility Statement, Notice Under the Americans with Disabilities Act and the designation of the ADA coordinator.

We Support
HEDCO
Hiawatha Economic Development Corporation

Privacy Policy/ADA Accessibility/ADA Notice/Grievance Procedure

The second administrative requirement is providing public notice about the ADA. There are three main considerations for providing notice:

1. Who is the target audience for the ADA notice? *Any individual, resident, or visitor that utilizes Hiawatha services, programs, activities, user of website and streets.*
2. What information shall the notice include? *The notice should include entity the notice is in reference to, acknowledge effective communication sources, make allowance for modifications to policies and programs to ensure equal opportunity for the disabled.*
3. Where and how should the notice be provided? The notice should be posted at all city facilities, city website, programming, activity schedules, local newspaper and provide for different formats to provide such information.

The third administrative requirement is providing a grievance procedure for resolving complaints of disability discrimination in a prompt and fair manner.

Neither Title II nor its implementing regulations describe what ADA grievance procedures must include. However, the Department of Justice has developed a model grievance procedure that is included at the end of this chapter.

The grievance procedure should include:

- a description of how and where a complaint under Title II may be filed with the government entity;
- if a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- a description of the time frames and processes to be followed by the complainant and the government entity;
- information on how to appeal an adverse decision; and
- a statement of how long complaint files will be retained.

Once a state or local government establishes a grievance procedure under the ADA, it should be distributed to all agency heads. Post copies in public spaces of public building and on the government's website. Update the procedure and the contact information as necessary.

In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities.

Action Item(s):

A. *Designate-City Administrator Kim Downs as the ADA Coordinator*
B. *Approve policy providing notice under the with American's Disability Act*
C. *Approve policy provide for a grievance procedure under the American's Disability Act*

- **Chapter 3, General Effective Communication Requirements Under Title II of the ADA -**

Under Title II of the ADA, all state and local governments are required to take steps to ensure that their communications with people with disabilities are as effective as communication with others.

What does it mean for communication to be "effective"? Simply put, "effective communication" means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities. This is important because some people have disabilities that affect how they communicate.

Hiawatha will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Some of the ways we currently communicate are through auxiliary aids and services that provide effective communication for people with disabilities. Most often our communication is through written communication, auxiliary aids that we provide at council meetings, connecting to a qualified Interpreter-Hands Up Communications- 319-213-9920. We do have to remember, not all ways work for all people with disabilities or even for people with one type of disability. In these case's our policy would be as follows after we would consult with the individual to determine what is effective for him or her:

Action Item:

A. *Approval the General Effective Communication Requirements Under Title II of the ADA*

- *Hiawatha will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.*
- *We not allow a family member or complain serve as the interpreter;*
- *The cost for such services will be at the expense of the city;*
- *The city has the ability to deny an interpreter, auxiliary aids and services based on undue financial and administrative burden only after considering all resources available for us in funding the operation of a program and a written statement of the decision to deny would be completed and documented;*
- *Where an interpreter would result in an undue financial and administrative burden, it is important to state our city staff will take any action that would not result in an undue financial and administrative burden but would ensure that the individual with a disability receives benefits or services provided;*

- **Chapter 4, 9-1-1 and Emergency Communications Services-**

The ADA requires that all Public Safety Answering Points (PSAPs) provide direct and equal access to their services for people with disabilities who use teletypewriters (TTYs). All basic emergency services provided by public safety agencies are covered, including police, fire, and ambulance services. Direct, equal access must be provided to all services included in the system. An example of another emergency service covered is an emergency poison control information service.

"Direct access" means that PSAPs must directly receive TTY calls without relying on an outside relay service or third-party services.

"Equal access" means that the telephone emergency services provided for TTY users are as effective as those provided for people who make voice calls. Access must be equal in terms of: response time, response quality, hours of operation; and all other features offered (e.g., automatic number identification, automatic location identification, automatic call distribution).

The city of Hiawatha will be dependent upon the Linn County Sheriff's office to provide 9-1-1 and emergency communication services, therefore;

Action Item:

A. *Linn County PSAP as verified they are compliant with the ADA Chapter 4: 9-1-1 and Emergency Communications Services.* They have confirmed the following:

   - The Public Safety Answering Point (PSAP) is equipped with a 4 position Zetron MAX call taking system that includes integrated voice, TTY, and NG911 to include Text 2-911 capabilities;
   - The system is maintained by a contracted vendor
   - Back up plans include routing all calls to an alternate PSAP with the same Zentron MAX call taking system;
   - Tele-communications are trained in the use of the Zentron equipment so voice and TTY calls are handled in the same timely manner.

B. *Approve the city of Hiawatha's policy and procedures as follows:*

   - The city of Hiawatha's 9-1-1 and Emergency Communications Services are provided through Linn County Sheriff's department PSAP;
   - The City of Hiawatha will verify each renewal year the Linn County Sheriff's department PSAP system meets the ADA Chapter 4- 9-1-1 and Emergency Communications Services requirements.
   - Linn County Sheriff's department PSAP is responsible in meeting the Title II ADA rules and regulations when it applies for programs, services and activities for people with disabilities. They will additionally make reasonable modifications to policies, practices, and procedures when necessary to avoid

discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities. There are no actions that would fundamentally alter the nature of a program, service or activity or impose undue financial and administrative burden.

- **Chapter 5, Website Accessibility Under Title II of the ADA –**

The Internet has dramatically changed the way state and local governments do business. Today, government agencies routinely make much more information about their programs, activities, and services available to the public by posting it on their websites. As a result, many people can easily access information seven days a week, 24 hours a day.

Many government services and activities are also provided on websites because the public is able to participate in them at any time of day and without the assistance of government personnel. Many government websites offer a low cost, quick, and convenient way of paying utilities bills, signing up for programs, applying for permits or funding, submitting job applications, and performing a wide variety of other activities.

The Americans with Disabilities Act (ADA) and, if the government entities receive federal funding, the Rehabilitation Act of 1973 generally require that state and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. One way to help meet these requirements is to ensure that government websites have accessible features for people with disabilities, using the simple steps described below.

- **Add a Text Equivalent to Every Image-**Adding a line of simple HTML code to provide text for each image and graphic will enable a user with a vision disability to understand what it is. Add a type of HTML tag, such as an "alt" tag for brief amounts of text or a "longdesc" tag for large amounts
  to each image and graphic on your agency's website.

- **Post Documents in a Text-Based Format-**Always provide documents in an alternative text-based format, such as HTML or RTF (Rich Text Format), in addition to PDF. Text-based formats are the most compatible with assistive technologies.

- **Avoid Dictating Colors and Font Settings-**Websites should be designed so they can be viewed with the color and font sizes set in users' web browsers and operating systems. Users with low vision must be able to specify the text and background colors as well as the font sizes needed to see webpage content.

- **Include Audio Descriptions and Captions-**Videos need to incorporate features that make them accessible to everyone. Provide audio descriptions of images (including

changes in setting, gestures, and other details) to make videos accessible to people who are blind or have low vision. Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.

Metro Studio's, our website developer, has made the necessary changes to our city's website along with providing an Accessibility Statement located on the bottom of our home page. Each link is interactive guide for the user to access. This tool enables the user to adapt their computer for accessibility. Within our Accessibility statement we additionally p**rovide a way for visitors to request accessible information or services by directly emailing the ADA Coordinator and a direct phone number for immediate response.**

To meet Chapter 5 Website Accessibility regulations, provide for future expenses. The City of Hiawatha will continuously work to improve our accessibility of content on our website. We have provided additional recommendations to help adapt the user's browser providing a better visiting experience. When the city makes improvements to the website or choose to redevelop the site we will look to ADA's Chapter 5 Website Accessibility for guidance to improve access for the disabled.

Action item:

- *Approve the Accessibility Statement and direct staff continue to improve website accessibility when funding is available and a need request is received and upon redevelopment of the city's website.*

- **Chapter 6, ADA Transition Plan-Public Rights-of-Ways, Curb Ramps and Pedestrian Crossings-**

Under Project Civic Access (PCA), the Civil Rights Division works with local governments nationwide to help them achieve compliance with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (Section 504). Curb ramps are a small but important part of making sidewalks, street crossings, and the other pedestrian routes that make up the public right-of-way accessible to people with disabilities. But they are just one part.

The federal government rulemaking process to revise the accessibility requirements for public rights-of-way provides for new accessibility guidelines. The new guidelines cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other parts of the public right-of-way.

To allow people with disabilities to cross streets safely, state and local governments must provide curb ramps at pedestrian crossings and at public transportation stops where walkways intersect a curb. To comply with ADA requirements, the curb ramps provided must meet specific standards for width, slope, cross slope, placement, and other features. In constructing facilities such as walkways and pedestrian crossings, state and local

governments can choose between two sets of standards – the ADA Standards for Accessible Design (ADA Standards) and the Uniform Federal Accessibility Standards (UFAS).

The City will follow the SUDAS Standard which is a permitted standard that is equivalent to the ADA Standard set by the federal government. In addition to determining which curb and pedestrian crosswalk to comply with ADA standards.

The city also needs to identify the following:

- Identify the newly constructed and altered pedestrian crossings that are inaccessible and incorporate them into your entity's long-range plan for streets and sidewalks.

- Implement written policies and procedures to ensure that newly constructed and altered pedestrian crossings are accessible from this point forward.

- Implement written policies and procedures to ensure that, whenever streets, roads, and highways are altered or resurfaced, curb ramps are installed at pedestrian crossings.

- Review any standardized designs your entity uses for the construction of curb ramps and change them, if necessary, to comply with ADA requirements.

- Evaluate the accessibility of your pre-ADA pedestrian crossings and, using the results of that evaluation, develop a long-range plan to improve their accessibility. In formulating your long-range plan, give priority to accessibility modifications in the following order: those serving or in close proximity to local government facilities, bus stops and other transportation services, public accommodations, business districts, and residential areas where requests for curb ramps or other accessibility modifications have been made.

- Get input from people with disabilities on your long-range plan for improving the accessibility of pedestrian crossings.

- Make sure that requests by people with disabilities for the installation and repair of curb ramps are incorporated into your long-range action plan for improving the accessibility of pedestrian crossings. Such requests can help you identify locations that pose access problems for people with disabilities.

- Finally, as part of your review of your state or local government's buildings and programs, don't forget to look at the pedestrian routes from accessible parking spaces and transportation stops to the accessible entrances to your facilities. Determine where curb ramps need to be installed. Include these curb ramps as a top priority in your long-range action plan to improve the accessibility of pedestrian crossings.

Action item:

- Approve the ADA Transition Plan-Public Rights-of-Way, Crosswalks and Sidewalks

- **Chapter 7, Emergency Management under Title II of the ADA-**

One of the primary responsibilities of state and local governments is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. State and local governments must comply with Title II of the ADA in the emergency- and disaster-related programs, services, and activities they provide. This requirement applies to programs, services, and activities provided directly by state and local governments as well as those provided through third parties, such as the American Red Cross, private nonprofit organizations, and religious entities. Under Title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities and generally may not use eligibility criteria that screen out or tend to screen out people with disabilities. The ADA also requires making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities. The ADA generally does not require state or local emergency management programs to take actions that would fundamentally alter the nature of a program, service, or activity or impose undue financial and administrative burdens.

Emergency management is wide-ranging. It includes all programs, services, and activities related to emergencies and disasters, including:

- Preparation – advance planning for emergencies and disasters;
- Testing of Preparedness – staging emergency simulations and other approaches to testing the effectiveness of emergency preparedness;
- Notification – alerting the public to emergencies and disasters and to available programs, services, and activities;
- Community Evacuation and Transportation;
- Emergency Shelter Programs;
- Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Relocation Programs, Activities, and Services;
- Transition and Transportation Back to the Community Following an Emergency or Disaster;
- Emergency and Disaster Recovery Programs, Services, and Activities; and
- Remediation of Damage Caused by Emergencies and Disasters– repairing and rebuilding damaged facilities, removing debris, and relocation and re-introduction of state and local government programs, services, and activities following an emergency or disaster.

The city of Hiawatha will be dependent upon the Linn County Emergency Management to provide the skill set, resources and time in a disaster therefore; Linn County Emergency Management has reviewed Chapter 7 Emergency Management under Title II of the ADA and have provided the necessary document attesting with a reasonable assurance that their

agency, in cooperation with other partner agencies, is compliant with Title II of the ADA in the emergency-and-disaster programs, services and activities that would need to be provided in disaster relief.

Action item:

Approve the city of Hiawatha's policy and procedures as follows:

- Linn County Emergency Management will be the primary responsible agency for protecting our residents and its visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters;
- Linn County Emergency Management is responsible in meeting the Title II ADA rules and regulations when it applies for programs, services and activities for people with disabilities. They will additionally make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities. There are no actions that would fundamentally alter the nature of a program, service or activity or impose undue financial and administrative burden.

Thank you for your consideration to acknowledge and approve each of the policies and statements as presented to comply with the Title II Americans Disability Act Best Practices to ensure and assist the citizens of Hiawatha and visitors with a disability who utilize city services, activates and programming.

Kim

DRAFT

RESOLUTION NO. 18-____

City Council

RESOLUTION APPROVING THE CITY OF HIAWATHA AMERICANS WITH DISABILITIES ACT COMPLIANCE CHAPTER II BEST PRACTICE STATEMENTS AND POLICIES

WHEREAS, the City Council of Hiawatha is committed to providing access for all of its citizens with disabilities, along with their families and associated, to all of the City's services, programs and facilities. The City seeks to comply fully with federal legislation entitled the Americans with Disability Act (ADA), and

WHEREAS, the City of Hiawatha designates the City Administrator of the City of Hiawatha, or her designee, to serve as the ADA Coordinator for the City (see attachment a) and to provide notice under the Americans with Disabilities Act. Complaints that a City program, service, or activity is not accessible to person with disabilities should be directed to the Office of the City Administrator at

Kim Downs, City Administrator and ADA Coordinator
Hiawatha City Hall, 101 Emmons Street, Hiawatha, IA 52233
Telephone 319-393-1515 ext. 523
Email-kdowns@hiawatha-iowa.com,
(see attachment b)

Contact information is additionally provided in the bottom right of the city's website homepage, and

WHEREAS, in accordance with the requirement of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Hiawatha, Iowa, will not discriminate against the qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and

WHEREAS, Hiawatha will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments, and

WHEREAS, Hiawatha will make all reasonable modification to policies and programs to ensure the people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City service, program, or activity, should contact the Office of the City Administrator, Kim Downs at 319-393-1515 ext. 523 or email kdowns@hiawatha-iowa.com as soon as possible but no later than 48 hours before a scheduled event, and

WHEREAS, the City of Hiawatha will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to person who use wheelchairs. The ADA does not require the City to take any action that would fundamentally alter the nature of its program or services, or impose an undue financial or administrative burden, and

WHEREAS, the City Council additional acknowledges and approves Linn County Sheriff's Department as the Public Safety Answering Point (PSAP) that will provide direct and equal access to their services for people with disabilities who use teletypewriters (TTYs) meeting Title II ADA Chapter 4 9-1-1 and Emergency

Communications Services (see attachment d). All basic 9-1-1 and Emergency Communications Services provided by public safety agencies are covered, including police, fire and ambulance services, and

WHEREAS, the City Council recognizes the internet has dramatically changed the way local governments do business; the city has made improvements to the city's website providing accessible features for people with disabilities, adding text equivalents to images, post documents in a text-based format, dictated appropriate color and font settings and audio descriptions and captions when possible. Therefore, a website accessibility statement (see attachment e) has been created and the city council directs staff to continue to improve website accessibility when funding is available and/or need request is received and/or upon the need for website redevelopment, and

WHEREAS, Title II of the Americans Disabilities Act also requires local municipalities to assess and plan for future improvements of curb ramps, pedestrian crossings and sidewalks to meet specific standards for width, slope, cross slope, placement and other futures. The City will follow the SUDAS standard which is an equivalent to ADA's standard set by the federal government. City Staff has developed and City Council approves the ADA Transition Plan-Public Rights-Of-Ways, Crosswalks and Sidewalk written policy and procedures (see attachment f) to ensure that newly constructed and altered pedestrian crossings are accessible from this point forward, and

WHEREAS, lastly Title II of the Americans Disabilities Act Emergency Management Chapter 7 expresses local governments responsibility to protect its residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. Again, City Council recognizes and acknowledges the city's dependency of Linn County Emergency Management to act as the city's primary responsible agency to provide the skill set, resources and time in a disaster. Linn County Emergency Management meets the Title II ADA rules and regulations when it applies for programs, services, and activities for people with disabilities. Linn County Emergency Management will reasonable modify policies, practices and procedures when necessary to avoid discrimination against a disability and take the necessary steps to ensure effective communication with people with disabilities (see attachment g), and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, by the City Council of the City of Hiawatha, Iowa, acknowledges and approves each of the policies and statements as presented to comply with the Title II Americans Disability Act Best Practices to ensure and assist the citizens of Hiawatha and visitors with a disability who utilize city services, activates and programming.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 7th day of November, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk