REGULAR MEETING

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

4. RECONSIDERATION

5. SYNOPSIS APPROVAL

6. VISITORS

7. PENDING BUSINESS

8. NEW BUSINESS

A. Election of Chair and Vice Chair **Page 3**

B. Review Scope of Work **Page 5**

i. Resolution 16-019, Establishing and ADA Compliance Committee to develop a transition plan and establish a grievance procedure to comply with ADA requirements

C. Establish Committee Meeting Schedule **Page 9**

9. INFORMATIONAL ITEMS

A. ADA Basics – Statue & Regulations **Page 11**
B. ADA Guide for Small Towns **Page 27**
C. ADA Coordinator, Notice, & Grievance Procedure **Page 53**
D. Memorandum 16-041, Committee Appointments **Page 45**

10. COMMENTS OF THE AUDIENCE

11. COMMENTS OF CITY STAFF

12. COMMENTS OF THE COMMITTEE

13. ADJOURNMENT NEXT REGULAR MEETING IS SCHEDULED at a Time to be Determined in the City Hall Conference Room located at 491 E. Pioneer Ave, Homer, Alaska.

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: ADA Compliance Committee

FROM: Melissa Jacobsen, CMC, Deputy City Clerk, ADA Coordinator

DATE: March 18, 2016

SUBJECT: Call to Order and Election of Chair, Vice Chair, and Secretary

As the first appointed member, Patrick Brown will start the meeting as Acting Chair and will open the floor for nomination of a Committee Chair. Once the Chair is elected, that person will assume the seat and proceed with election of a Vice Chair and a Secretary.

The responsibilities of the Chair and Vice Chair are as follows:

- The duty of the Chair is to preside at all meetings, facilitate orderly and relevant discussion of agenda items brought before the Committee, and report the recommendations to City Council.

- The duty of the Vice Chair is to fill the role of the Chair in his or her absence.

- The duty of the Secretary is to take notes at the meeting and prepare a synopsis of the Committees actions and supporting discussion. The synopsis will be provided to the City Clerk's office, posted on the city website, and included in the upcoming meeting packet.

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: ADA Compliance Committee

FROM: Melissa Jacobsen, CMC, Deputy City Clerk, ADA Coordinator

DATE: March 18, 2016

SUBJECT: Scope of Work

Pursuant to Resolution 16-019 the Committee's scope of work entails:

1. Preparing a Self-Evaluation of the City's policies and practices and analyze whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services.

2. Developing a Transition Plan that lists the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities; the methods to be utilized to remove these barriers and make the facilities accessible; and the schedule for taking necessary steps to achieve compliance.

3. Developing a Grievance Procedure to outline the process of providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II.

CITY OF HOMER
HOMER, ALASKA

City Manager

RESOLUTION 16-019

A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING AN AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE TO DEVELOP A TRANSITION PLAN AND ESTABLISH A GRIEVANCE PROCEDURE TO COMPLY WITH ADA REQUIREMENTS AND APPOINTING DEPUTY CITY CLERK MELISSA JACOBSEN AS THE ADA COORDINATOR FOR THE CITY OF HOMER.

WHEREAS, The Americans with Disability Act (ADA) requires that State and local governments comply with **Title II of the ADA that covers programs, activities, and services of public entities**; and

WHEREAS, Title II is intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments; and

WHEREAS, Title II requires that public entities take several steps designed to achieve compliance with the ADA to include the preparation of a self-evaluation. In addition, public entities with 50 or more employees are required to:

1) Develop a grievance procedure;

2) Designate an individual to oversee Title II compliance;

3) Develop a transition plan if structural changes are necessary for achieving program accessibility; and

4) Retain the self-evaluation for three years.

WHEREAS, It is necessary to establish an ADA Compliance Committee (ADACC) to develop a Transition Plan and Grievance Procedure and appoint an ADA Coordinator for the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer hereby establishes the Americans with Disability Act Compliance Committee (ADDCC).

BE IT FURTHER RESOLVED that Melissa Jacobsen, Deputy City Clerk, is appointed as the ADA Coordinator for the City of Homer.

BE IT FURTHER RESOLVED that the Committee membership shall be one member of the City Council, and four members of the community, two of those members shall reside with the City of Homer.

BE IT FURTHER RESOLVED that the committee should select within its membership a chairperson to run meetings and provide the clerk's office with agenda content, a vice chair in the chair's absence, and a secretary to take notes at meetings.

BE IT FURTHER RESOLVED that the scope of work shall include:

- Prepare a Self-Evaluation of the City's policies and practices and analyze **whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services.**
- Develop a Transition Plan **that lists the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities; the methods to be utilized to remove these barriers and make the facilities accessible; and the schedule for taking necessary steps to achieve compliance.**
- Develop a Grievance Procedure to outline the process of **providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II.**

BE IT FURTHER RESOLVED that the Committee shall establish its own work schedule and shall remain in effect to review any new programs, activities, and services within the City of Homer.

PASSED AND ADOPTED by the Homer City Council this 8th day of February, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

City of Homer
www.cityofhomer-ak.gov

Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: ADA Compliance Committee

FROM: Melissa Jacobsen, CMC, Deputy City Clerk, ADA Coordinator

DATE: March 18, 2016

SUBJECT: Committee Meeting Schedule

In reviewing the Clerk's meeting schedule and room availability I am proposing the following options for the Committee's regular schedule.

If the group wants to meet twice monthly, the second and fourth Tuesdays or the second and fourth Thursdays of each month are available.

If meeting once a month is better, I would propose the second Tuesday or Thursday of each month.

A 4:00 p.m. start time is also proposed, however if the Committee wants to meet earlier in the day, that can be accommodated as well.

Future meetings will be held upstairs in the City Hall Conference room.

Chapter 1

ADA Basics: Statute and Regulations

A. Introduction

On July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act ("ADA") saying these words, "Let the shameful wall of exclusion finally come tumbling down."[1] One of the most important civil rights laws to be enacted since the Civil Rights Act of 1964, the ADA prohibits discrimination against people with disabilities.

What does the ADA mean for state and local governments in the delivery of their programs, services, and activities, as well as their employment practices? In the broadest sense, it requires that state and local governments be accessible to people with disabilities.

Accessibility is not just physical access, such as adding a ramp where steps exist. Accessibility is much more, and it requires looking at how programs, services, and activities are delivered. Are there 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)?

Before you begin your accessibility audit, you need to understand the answers to several basic questions.

- What is the ADA, and are there any other laws or regulations I need to know about to do an accessibility evaluation?
- What is a "disability" under the ADA, and is having one enough to be covered by the ADA?

---

[1]Speech of President George H. W. Bush at the signing of the Americans with Disabilities Act of 1990, reprinted at http://www.eeoc.gov/ada/bushspeech.html.

- What types of barriers are there to accessibility?
- What are states' and local governments' obligations under the ADA?

B. The Legal Landscape

Before looking at the individual parts of the ADA, it's best to look at the whole picture. Having an overview of the laws, regulations, and other legal requirements helps to put everything in context.

The Rehabilitation Act of 1973

Broader than any disability law that came before it, Section 504 of the Rehabilitation Act made it illegal for the federal government, federal contractors, and any entity receiving federal financial assistance to discriminate on the basis of disability.[2] Section 504 obligates state and local governments to ensure that persons with disabilities have equal access to any programs, services, or activities receiving federal financial assistance. Covered entities also are required to ensure that their employment practices do not discriminate on the basis of disability.

The Americans with Disabilities Act of 1990

The ADA is built upon the foundation laid by Section 504 of the Rehabilitation Act. It uses as its model Section 504's definition of disability and then goes further. While Section 504 applies only to entities receiving federal financial assistance, the ADA covers all state and local governments, including those that receive no federal financial assistance. The ADA also applies to private businesses that meet the ADA's definition of "public accommodation" (restaurants, hotels, movie theaters, and doctors' offices are just a few examples), commercial facilities (such as office buildings, factories, and warehouses), and many private employers.

While the ADA has five separate titles, Title II is the section specifically applicable to "public entities" (state and local governments) and the programs, services, and activities they deliver. The Department of Justice ("DOJ" or the "Department"), through its Civil Rights Division, is the key agency responsible for enforcing Title II and for coordinating other federal agencies' enforcement activities under Title II.

In addition, the Department has the ability to enforce the employment provisions of Title I of the ADA as they pertain to state and local government employees.

---

[2]Rehabilitation Act of 1973 § 104, 29 U.S.C. § 794 (2006).

DOJ is the only federal entity with the authority to initiate ADA litigation against state and local governments for employment violations under Title I of the ADA and for all violations under Title II of the ADA.

Some Helpful Tools

The Department's Title II regulations for state and local governments are found at Title 28, Code of Federal Regulations, Part 35 (abbreviated as 28 C.F.R. pt. 35). The ADA Standards for Accessible Design are located in Appendix A of Title 28, Code of Federal Regulations, Part 36 (abbreviated as 28 C.F.R. pt. 36 app. A). Those regulations, the statute, and many helpful technical assistance documents are located on the ADA Home Page at www.ada.gov and on the ADA technical assistance CD-ROM available without cost from the toll-free ADA Information Line at 1-800-514-0301 (voice) and 1-800-514-0383 (TTY).

The ADA Standards for Accessible Design (the ADA Standards)

The ADA Standards for Accessible Design, or the "ADA Standards," refer to the requirements necessary to make a building or other facility architecturally (physically) accessible to people with disabilities. The ADA Standards identify what features need to be accessible, set forth the number of those features that need to be made accessible, and then provide the specific measurements, dimensions and other technical information needed to make the feature accessible.

Caution: You may hear the acronym ADAAG used to refer to the ADA Standards. ADAAG stands for the Americans with Disabilities Act Accessibility Guidelines, which are issued by the United States Architectural and Transportation Barriers Compliance Board (called the "Access Board" for short). ADAAG is not the same as the ADA Standards. The Department's regulations must be consistent with the ADAAG, but the ADAAG contains guidelines, not enforceable standards.

Uniform Federal Accessibility Standards (UFAS)

These are the architectural standards originally developed for facilities covered by the Architectural Barriers Act, a law that applies to buildings designed, built, altered or leased by the federal government. They also are used to satisfy compliance in new or altered construction under Section 504. State and local governments have the option to use UFAS or the ADA Standards to meet their obligations under Title II of the ADA. However, if states and local governments

choose to use the ADA Standards, the elevator exemption contained in the ADA Standards may not be used.[3] Also, only one set of standards may be used for any particular building. In other words, you cannot pick and choose between UFAS and the ADA Standards as you design or alter a building. DOJ also uses UFAS for certain special-use facilities when the ADA Standards have no scoping or technical provisions, such as for prisons and jails. A downloadable copy of UFAS can be found at http://www.access-board.gov/ufas/ufas.pdf and a searchable copy can be found at http://www.access-board.gov/ufas/ufas-html/ufas.htm. Technical assistance on UFAS is available from the U.S. Access Board at 1-800-872-2253 (voice), 1-800-993-2822 (TTY), or TA@access-board.gov.

Did You Know? When discussing architectural standards, two terms are often used: "scoping" and "technical provisions."

"Scoping" tells you where and how many accessible elements or features are required under the ADA Standards. "Technical provisions" give you the components, dimensions and installation details of the accessible elements.

For Example. Section 4.1.3(7) of the ADA Standards tells you generally about doors in new construction. There are four different scoping requirements that tell you the percentage or absolute number of which of the following types of doors must be accessible: doors going into a building, doors within a building, doors that are part of an accessible route, and doors as part of egress (*i.e., exits for fire and life-safety purposes)*. Section 4.13 of the ADA Standards tells you the technical provisions for doors that are specific requirements, such as the required clear passage width of a doorway.

C. ADA Fundamentals

The cornerstone of Title II of the ADA is this: No qualified person with a disability may be excluded from participating in, or denied the benefits of, the programs, services, and activities provided by state and local governments because of a disability.[4] One simple sentence, but it has many words, phrases, and ideas to understand.

---

[3]The elevator exemption, which only applies to non-governmental entities, states that elevators are not required in certain specified facilities. 28 CFR pt. 36 app. A § 4.1.3(5).

[4]42 U.S.C. § 12132; 42 U.S.C. § 12102(2)(B) & (C).

1. Who is Covered?

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.

a. Disability Defined

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities.[5] ADA protection extends not only to individuals who currently have a disability, but to those with a record of a mental or physical impairment that substantially limits one or more major life activities, or who are perceived or regarded as having a mental or physical impairment that substantially limits one or more major life activities.[6]

Three things to ask yourself when determining whether an individual has a disability *for purposes of the ADA* are:

One: Does the individual have an impairment?
A *physical* impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss impacting one or more body systems.[7] Examples of body systems include neurological, musculoskeletal (the system of muscles and bones), respiratory, cardiovascular, digestive, lymphatic, and endocrine.[8]

A *mental* impairment is a mental or psychological disorder.[9] Examples include mental retardation, emotional or mental illness, and organic brain syndrome.[10]

The Department's regulations also list other impairments, including contagious and noncontagious diseases; orthopedic, vision, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; specific learning disabilities; HIV disease (with or without symptoms); tuberculosis; drug addiction; and alcoholism.[11]

---

[5] 42 U.S.C. § 12202(2)(A).

[6] 42 U.S.C. § 12102(2)(B) & (C).

[7] 28 C.F.R. § 35.104(1)(i)(A).

[8] 28 C.F.R. § 35.104(1)(i)(A).

[9] 28 C.F.R. § 35.104(1)(i)(B).

[10] 28 C.F.R. § 35.104(1)(i)(B).

[11] 28 C.F.R. § 35.104(1)(ii).

Two: Does the impairment limit any major life activities?
An impairment cannot be a disability unless it limits something, and that something is one or more major life activities. A major life activity is an activity that is central to daily life.[12] According to the Department's regulations, major life activities include walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking, working,[13] and performing manual tasks that are central to daily life.[14] The Supreme Court has also decided that reproduction is a major life activity.[15] This is not a complete list. Other activities may also qualify, but they need to be activities that are important to most people's lives.

Three: Is the limitation on any major life activity substantial?
Not only must a person have an impairment that limits one or more major life activities, but the limitation of at least one major life activity must be "substantial." An impairment "substantially limits" a major life activity if the person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so. An impairment is "substantially limiting" under the ADA if the limitation is "severe," "significant," "considerable," or "to a large degree."[16] The ADA protects people with serious, long-term conditions. It does not protect people with minor, short-term conditions.

Here are some things to think about when trying to decide if an impairment is substantially limiting:

- What kind of impairment is involved?
- How severe is it?
- How long will the impairment last, or how long is it expected to last?
- What is the impact of the impairment?
- How do mitigating measures, such as eyeglasses and blood pressure medication, impact the impairment? The Supreme Court has ruled that, if an impairment does not substantially limit one or more major life activities because of a mitigating measure an

---

[12] *Toyota Motor Mfg., Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002).

[13] *Bragdon v. Abbott*, 524 U.S. 624, 638-49 (1998). The Supreme Court has questioned whether "working" is a major life activity. However, "working" is identified as a major life activity under the regulation for Title II of the ADA, 28 C.F.R. § 35.104, and the regulation for Title I of the ADA, 29 C.F.R. § 1630.2(I).

[14] *Toyota*, 534 U.S. 184.

[15] *Bragdon v. Abbott*, 524 U.S. 624 (1998).

[16] *Toyota*, 534 U.S. 184.

individual is using, the impairment may not qualify as a disability.[17] Remember, however, that mitigating measures such as blood pressure medication may sometimes impose limitations on major life activities, and those must be considered as well.

Example: Broken Arm – Under ordinary circumstances, a person with a broken arm is not covered by the ADA. Although a broken arm is an impairment, it is usually temporary and of short duration. Consequently, a broken arm is not considered to be substantially limiting in most circumstances.

Does a person with depression have a disability under the ADA?

You might think the answer would be "no" because depression does not seem to substantially limit any specific major life activity. However, someone who has had major depression for more than a few months may be intensely sad and socially withdrawn, have developed serious insomnia, and have severe problems concentrating. This person has an impairment (major depression) that significantly restricts his ability to interact with others, sleep, and concentrate. The effects of this impairment are severe and have lasted long enough to be substantially limiting.

b. A Qualified Person with a Disability

Having an impairment that substantially limits a major life activity may mean that a person has a disability, but that alone still does not mean that individual is entitled to protection under the ADA. A person with a disability must also qualify for protection under the ADA. A "qualified individual with a disability" is someone who meets the essential eligibility requirements for a program, service or activity **with or without** (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.[18]

---

[17] *Sutton v. United Airlines, Inc.*, 527 U.S. 471 (1999).

[18] 28 C.F.R. § 35.105.

Essential eligibility requirements can include minimum age limits or height requirements (such as the age at which a person can first legally drive a car or height requirements to ride a particular roller coaster at a county fair). Because there are so many different situations, it is hard to define this term other than by examples. In some cases, the only essential eligibility requirement may be the desire to participate in the program, service, or activity.

What happens if an individual with a disability does not meet the eligibility requirements of a program, service, or activity? In that case, you will have to look further to determine if the person with a disability is entitled to protection under the ADA.

When a person with a disability is not qualified to participate or enjoy a program, service, or activity under Title II, there may be ways to enable the individual to participate, including, for example:

- Making a reasonable modification to the rule, policy, or procedure that is preventing the individual from meeting the requirements,
- Providing effective communication by providing auxiliary aids or services, or
- Removing any architectural barriers.

Reasonable Modification

Public entities must reasonably modify their rules, policies, and procedures to avoid discriminating against people with disabilities.[19] Requiring a driver's license as proof of identity is a policy that would be discriminatory since there are individuals whose disability makes it impossible for them to obtain a driver's license. In that case it would be a reasonable modification to accept another type of government-issued I.D. card as proof of identification.

---

[19] 28 C.F.R. § 35.130(b)(7).

Examples of Reasonable Modifications

✓ Granting a zoning variance to allow a ramp to be built inside a set-back.

✓ Permitting a personal attendant to help a person with a disability to use a public restroom designated for the opposite gender.

✓ Permitting a service animal in a place where animals are typically not allowed, such as a cafeteria or a courtroom.

Are there times when a modification to rules, policies and procedures would not be required? Yes, when providing the modification would fundamentally alter the nature of the program, service, or activity.

A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same.

For example, a city sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate ("G.E.D"). If someone lacks a diploma or G.E.D. because of a cognitive disability, would the city have to modify the policy of requiring a high school diploma or G.E.D.? Probably not. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

Effective Communication

People with disabilities cannot participate in government-sponsored programs, services, or activities if they cannot understand what is being communicated. What good would it do for a deaf person to attend a city council meeting to hear the debate on a proposed law if there was no qualified sign language interpreter or real-time captioning (that is, a caption of what is being said immediately after the person says it)? The same result occurs when a blind patron attempts to access the internet on a computer at a county's public library when the computer is not equipped with screen reader or text enlargement software. Providing effective communication means offering auxiliary aids and services to enable someone with a disability to participate in the program, service, or activity.

Types of Auxiliary Aids and Services

There are a variety of auxiliary aids and services. Here are a few examples.

- **For individuals who are deaf or hard of hearing**: qualified sign language and oral interpreters, note takers, computer-aided transcription services, written materials, telephone headset amplifiers, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, videotext displays, and TTYs (teletypewriters).

- **For individuals who are blind or have low vision**: qualified readers, taped texts, Braille materials, large print materials, materials in electronic format on compact discs or in emails, and audio recordings.

- **For individuals with speech impairments**: TTYs, computer stations, speech synthesizers, and communications boards.

Persons with disabilities should have the opportunity to request an auxiliary aid, and you should give 'primary consideration' to the aid requested. Primary consideration means that the aid requested should be supplied unless: (1) you can show that there is an equally effective way to communicate; or (2) the aid requested would fundamentally alter the nature of the program, service, or activity.

Example: A person who became deaf late in life is not fluent in sign language. To participate in her defense of criminal charges, she requests real time computer-aided transcription services. Instead, the court provides a qualified sign language interpreter. Is this effective? No. Providing a sign language interpreter to someone who does not use sign language is not effective communication.

The Cost of Doing Business

The expense of making a program, service, or activity accessible or providing a reasonable modification or auxiliary aid may not be charged to a person with a disability requesting the accommodation.[20]

Example: What if a person asks for a sign language interpreter at a city council meeting? The cost may not be passed along to the person requesting that accommodation.

---

[20] 28 C.F.R. § 35.130(f).

Examples of Barriers to Accessibility

Architectural

✓ A building has just one entrance that is up a flight of stairs and has no ramp.

✓ The door to the only public restroom in a building is 28 inches wide.

Policies and Procedures

✓ Requiring a driver's license to obtain a library card from the public library.

✓ A "No Animals" rule (without an exception for service animals) to enter a pie baking booth at a county fair.

Effective Communication

✓ No assistive listening system for public meetings by a City Council.

✓ A state's website that cannot be accessed by blind people using screen reader software or those with low vision using text enlargement software.

A Final Word: Every disability is a disability of one. While some people with a particular disability may not be able to perform a certain task or participate in a particular program, service, or activity, others may be able to do so.

Example: Some people with severely impaired vision can drive safely so long as they use specially prescribed optical aids.

One Man's Ability – and Disability

Jim Abbott played professional baseball. He was the 15th player to ever debut in the major leagues (and never play in the minor leagues) and had a 3.92 earned run average in his rookie year. Jim Abbott was born with one hand. If his home town had applied a blanket requirement that all little league players must have two hands, Jim Abbott might not have had the chance to develop into the professional athlete that he became.

The key to making correct decisions is an individualized assessment. Avoid blanket exclusions, and evaluate each person based on his or her own abilities.

2. What is Covered?

Programs, Services, and Activities
Public entities may provide a wide range of programs, services, and activities. Police, fire, corrections, and courts are services offered by public entities. Administrative duties such as tax assessment or tax collection are services. Places people go such as parks, polling places, stadiums, and sidewalks are covered. These are just some examples (and by no means a complete list) of the types of programs, services, and activities typically offered by state and local governments.

Integrated Setting
One of the main goals of the ADA is to provide people with disabilities the opportunity to participate in the mainstream of American society. Commonly known as the "integration mandate," public entities must make their programs, services, and activities accessible to qualified people with disabilities in the most integrated way appropriate to their needs.[21]

Separate or special activities are permitted under Title II of the ADA to ensure that people with disabilities receive an equal opportunity to benefit from your government's programs, services, or activities.[22] However, even if a separate program is offered to people with disabilities or people with one kind of disability, a public entity cannot deny a person with a disability access to the regular program. Under the ADA, people with disabilities get to decide which program they want to participate in, even if the public entity does not think the individual will benefit from the regular program.[23]

Example: A county may run a summer program for children with disabilities in June and children without disabilities in July. The county must allow children with disabilities to attend either session.

3. When Was it Built? Why Does it Matter?

The ADA treats facilities that were built before it went into effect differently from those built or renovated afterwards. **The key date to remember is January 26, 1992**, when Title II's accessability requirements for new construction and alterations took effect.[24]

---

[21] 28 C.F.R. § 35.130(d).

[22] 28 C.F.R. § 35.130(b)(1)(iv).

[23] 28 C.F.R. § 35.130(b)(2).

[24] 28 C.F.R. § 35.151.

Before January 26, 1992

Facilities built before January 26, 1992, are referred to as "pre-ADA" facilities.[25] If there is an architectural barrier to accessibility in a pre-ADA facility, you may remove the barrier using the ADA Standards for Accessible Design or UFAS as a guide, or you may choose to make the program, service, or activity located in the building accessible by providing "program access."[26] Program access allows you to move the program to an accessible location, or use some way other than making all architectural changes to make the program, service, or activity readily accessible to and usable by individuals with disabilities.

Example: A small town with few public buildings operates a museum featuring the history of the area. The museum is in a two story building built in 1970, which has no elevator. The town may either install an elevator or find other ways to make the exhibits accessible to people with mobility disabilities. One program access solution in this case might be to make a video of the second floor exhibits for people to watch on the first floor.

There are many ways to make a program, service, or activity accessible other than through architectural modifications. Keep in mind, however, that sometimes making architectural changes is the best solution financially or administratively, or because it furthers the ADA's goal of integration.

After January 26, 1992

Any facility built or altered after January 26, 1992, must be "readily accessible to and usable by" persons with disabilities.[27] For ADA compliance purposes, any facility where construction commenced after January 26, 1992 is considered "new," "newly constructed," or "post-ADA." "Readily accessible to and usable by" means that the new or altered building must be built in strict compliance with either the ADA Standards for Accessible Design or UFAS.

Altering (renovating) a building means making a change in the usability of the altered item. Examples of changes in usability include: changing a low pile carpet to a thick pile carpet, moving walls, installing new toilets, or adding more parking spaces to a parking lot. Any state or local government facility that was altered after January 26,1992 was required to be altered in compliance with the ADA Standards or UFAS.

---

[25] 28 C.F.R. §§ 35.150 - 35.151.

[26] 28 C.F.R. § 35.150.

[27] 28 C.F.R. § 35.151.

When part of a building has been altered, the alterations must be made in strict compliance with architectural standards, including creating an accessible path of travel to the altered area.

Example: A county renovates a section of an administrative building. That renovated section must be altered in compliance with the ADA Standards or UFAS. In addition, the route from the accessible entrance of the building to the renovated section must be made accessible to people with disabilities. Features along the route, such as toilet rooms and water fountains, need to be made accessible as well.

Of course, it is possible for a pre-ADA building (i.e., built before 1992) to have altered elements. In that case, the public entity can provide program access for the programs housed in the non-altered portion of the building by making them available in the parts of the building that have been altered.

New and altered facilities must be built in compliance with the ADA Standards or UFAS regardless of what, if any, programs are located in them. Even if new or altered facilities are not open to the public, they must be accessible to people with disabilities.

4. Enforcement and Remedies

An individual or a specific class of individuals or their representative alleging discrimination on the basis of disability by a state or local government may either file –

(1) an administrative complaint with the Department of Justice or another appropriate federal agency; or

(2) a lawsuit in federal district court.

If an individual files an administrative complaint, the Department of Justice or another federal agency may investigate the allegations of discrimination. Should the agency conclude that the public entity violated Title II of the ADA, it will attempt to negotiate a settlement with the public entity to remedy the violations. If settlement efforts fail, the agency that investigated the complaint may pursue administrative relief or refer the matter to the Department of Justice. The Department of Justice will determine whether to file a lawsuit against a public entity to enforce Title II of the ADA.

Potential remedies (both for negotiated settlements with the Department of Justice and court-ordered settlements when the Department of Justice files a lawsuit) include:

- injunctive relief to enforce the ADA (such as requiring that a public entity make modifications so a building is in full compliance with the

ADA Standards for Accessible Design or requiring that a public entity modify or make exceptions to a policy);

- compensatory damages for victims; and/or
- back pay in cases of employment discrimination by state or local governments.

In cases where there is federal funding, fund termination is also an enforcement option that federal agencies may pursue.

Americans with Disabilities Act

ADA Guide for Small Towns

A guide for small local governments including towns, townships, and rural counties.

Reproduction

Reproduction of this document is encouraged.

Additional copies of this publication may be obtained by calling the ADA Information Line at 800-514-0301 (voice), 800-514-0383 (TTY) or by visiting the Department's ADA Home Page on the World Wide Web (www.usdoj.gov/crt/ada/adahom1.htm).

Disclaimer

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation. However, this technical assistance does not constitute a legal interpretation of the statute.

first printing, April 2000

Table of Contents

Introduction

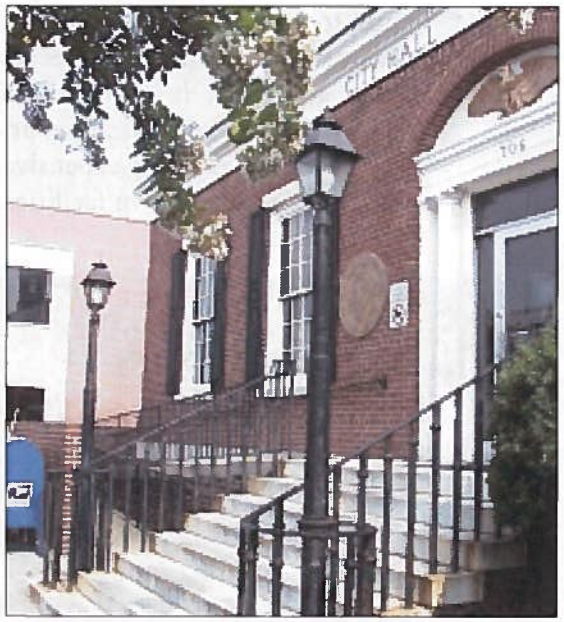
The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in employment, transportation, State and local government services, telecommunications, and in the goods and services provided by businesses.

Small towns offer a variety of essential programs and services that are fundamental to the public and to everyday American life. Although the range of services offered by small towns varies, it is essential that people with disabilities have the opportunity to participate in the programs and services that towns offer. Applying for a building permit or business license, playing ball in the local park, marching in the Memorial Day parade, attending an annual street festival or a town meeting, or calling 9-1-1 for emergency police, fire, or rescue all are typical town programs, activities or services covered by the Americans with Disabilities Act or ADA.

The ADA gives people with disabilities an equal opportunity to participate in the mainstream of public life offered to all Americans. This guide presents an informal overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA.

Part One: The ADA's Requirements for Small Towns

Title II of the ADA applies to State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments and instrumentalities. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by towns[1]. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities.



A ramp located next to the stairs to this town hall provides an accessible entrance.

[1] The term "towns" is used in this publication to refer to all small local governments, towns, and townships. Please remember that title II applies to all State and local government entities, regardless of size, including State governments, local governments, special government entities such as transportation authorities, school districts, water districts, and other special purpose districts.

1. Existing Facilities: Program Accessibility

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of title II of the ADA, towns must make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens (see page 8). This requirement is called program accessibility. When a service, program, or activity is located in a building that is not accessible, a small town can achieve program accessibility in several ways. It can:

- relocate the program or activity to an accessible facility,
- provide the activity, service, or benefit in another manner that meets ADA requirements, or
- make modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, a small town need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all town facilities.

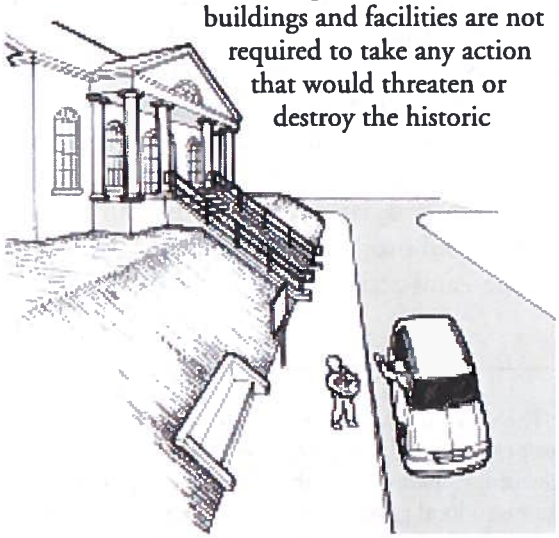
Physical modifications to provide program accessibility included parking spaces, the public toilet facility and an accessible route to the ocean overlook.

Example

A town holds its annual town meeting in an inaccessible location, the second floor of the two-story town hall that has no elevator. The town council considers installing an elevator in the building as well as replacing the existing town hall with a new, fully accessible building, but determines that the town's limited financial resources will not allow either of these approaches. Instead, the town officials decide to hold the town meetings, as well as other public meetings where large numbers of the public are expected to attend, in the accessible auditorium of its local high school. The town officials also decide to move smaller meetings, which are periodically held on the second floor of the town hall, to the school auditorium, when they receive a request within 24 hours of a meeting.

Example

The town library is a historic structure that is listed on the State historic register. The two entrances to the facility each have four steps and no accessible entrance is provided. The town consults with an architect to determine if an accessible entrance can be provided and is told that a ramp or lift cannot be added to either entrance without a significant change to the exterior of the building. After reviewing the ADA requirements, the town learns that qualified historic buildings and facilities are not required to take any action that would threaten or destroy the historic



Library staff provide curbside services because the library facility cannot be made accessible.

Example (continued)

significance of a historic property. The State historic preservation office is consulted and it determines that the exterior cannot be modified. Because physical modifications to the entrances cannot be made, the town changes its policies and provides access to the library services in an "alternate manner" upon request. Library staff are trained to take requests over the telephone, to look up information for individuals with disabilities who cannot use the library, to provide information over the telephone, and to provide curbside service for books and library publications or to mail items to individuals upon request. Library staff may also meet with an individual in another accessible location when the telephone service is not effective. The library publicizes a telephone number for requesting these alternate services in its publications and announcements.

Example

A town-operated two story historic house museum, which dates from 1885, provides exhibition and instructional programs for the public. The focus of the program is the exhibition of a typical 19th century Victorian house.

The self-evaluation determines that the house is not accessible. After considering the options for providing access to the programs and services, the town decides that it is not possible to move the museum programs to other accessible locations because the historic house itself is a critical part of the historic house program. The town develops plans to alter the facility to provide physical access to the first floor. These alterations are planned in compliance with the historic preservation requirements of the ADA Standards.

After reviewing the alterations with the State historic preservation office, the town determines that the second floor cannot be made accessible without threatening the unique features and historic significance of the house. Because the town must consider alternatives to structural changes in these instances, the town establishes a policy to locate all temporary programs on the first floor. In addition, the town documents the second floor spaces and content using video or other innovative solutions and provides an accessible viewing area on the first floor.

Example

The town's police station has one step at the public entrance and there is no accessible entrance available. After considering its options for providing program accessibility, the town decides to modify the facility to provide access rather than relocate the police programs or services. After review of the programs and services provided at the station, the town determines that the public entrance, lobby, and service counter need to be accessible to provide program accessibility. Therefore, alterations are limited to those items necessary to achieve program accessibility. In this case, it includes providing a van-accessible parking space in the parking lot, an accessible route from the parking space to the modified public entrance, and an accessible service counter inside the police station.

A town chose to alter its police station rather than move its programs and services to another accessible location.

When a town becomes aware that a program is not accessible and plans to alter a facility to provide access, it may be necessary to temporarily relocate a program, service, or activity to a temporary accessible location or to temporarily offer the service in an alternate manner.

This temporary solution assures that the service, program, or activity is accessible during the time the alterations are planned and being implemented.

Example

The public toilet facilities at the town recreation area are not accessible. After consideration of whether to modify the facilities or to relocate the programs held at the recreation area, the town decides to alter the toilet facilities and the walkway leading to them. While the fundraising is done, alterations planned, and the work completed, the town provides temporary portable toilet facilities that are accessible.

When choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In addition, a town may offer additional activities or services so an individual with a disability can more fully participate in, or benefit from, a program, service, or activity. However, when such special activities or services are provided for people with disabilities, the town must permit a person with a disability to choose to participate in services, programs, or activities that are not different or separate.

Example

The local town pool provides a swimming program for people with disabilities that includes additional staff who provide individualized instruction. A person with a disability participates in the program. The person applies to attend group swimming lessons that are open to the public even though these lessons do not provide specialized instruction. The town must permit the individual with a disability to participate unless doing so would fundamentally alter the program.

Because program accessibility may be provided in an accessible part of a facility when the remainder of the facility is not accessible, the public must be informed of the location of accessible features. Signs should direct the public to the location of accessible elements and spaces, including the location of accessible parking, the accessible entrance to a facility, and accessible toilet rooms. In addition, a town may issue a brochure or pamphlet with a map indicating the town's accessible features.

Example

A town hall has two sets of public toilet rooms. One set has been altered and is accessible, and the other set is not accessible. The town installs signage at the inaccessible toilet rooms directing people to the accessible toilet rooms.

Sign at an inaccessible entrance provides directions to the nearest accessible entrance.

Towns making modifications to a building or facility to provide program accessibility must comply with the ADA Standards for Accessible Design (ADA Standards) or the Uniform Federal Accessibility Standards (UFAS).

Example

The town outdoor recreation area has a ball field, parking lot, and a building with public toilets. Town officials note that the parking lot does not have accessible parking spaces and the toilet facilities are not accessible. The town decides to provide accessible parking spaces in the part of the lot closest to the route to the ball field by restriping that section of the parking lot, installing signage designating the accessible parking spaces, and

Example (continued)

by making sure the accessible parking spaces are on an accessible route to the recreation area. The town also modifies the toilet facilities to make them accessible. All alterations are done in compliance with the ADA Standards and signs are provided to identify the accessible toilet facilities.

Alterations done to provide program accessibility must comply with the ADA Standards.

2. New Construction and Alterations

New Construction

ADA requirements for new construction have been in effect since January 1992. New buildings and facilities must comply with the new construction provisions of the ADA Standards for Accessible Design (without the elevator exemption) or the Uniform Federal Accessibility Standards (UFAS). This requirement includes facilities that are open to the public and those that are for use by employees.

The ADA Standards for Accessible Design (ADA Standards) were first issued in 1991 and have been selected as the ADA design standard by many towns. Although towns now have the option to choose either the ADA Standards or the UFAS, it is likely that in the future the ADA Standards will become the only design standard under the ADA. Because ADA requirements for new construction and alterations do change from time to time, towns should become familiar with any new design and construction requirements before a project starts (see Resources for free information sources).

Public toilets at a park were built to comply with the new construction requirements of the ADA Standards.

Alterations and Additions

When a building or facility is renovated or altered or added to for any purpose, the alterations or additions must comply with the ADA Standards. In general, the alteration provisions are the same as the new construction requirements except that deviations are permitted when it is not technically feasible to comply. Additions are considered an alteration but the addition must follow the new construction requirements. When existing structural and other conditions make it impossible to meet all the alteration requirements of the ADA Standards, then they should be followed to the greatest extent possible.

Basic Requirements for Alterations:

- Any alteration that affects the usability of a building or facility must comply with the requirements of the ADA Standards unless technically infeasible to do so. Alterations can be as limited as the replacement of a fixture or element, such as a lavatory, toilet, or piece of door hardware.

- When an element is replaced, the new element must comply with the ADA Standards if the minimum requirements for accessibility under the ADA have not already been met.

Alterations to existing town buildings follow the alteration requirements of the ADA Standards.

- When a town alters an area of a facility that contains a primary function area, the town has an additional obligation. The town is also responsible for making the path of travel to the altered area (room or wing), as well as the toilet rooms, drinking fountains, and public telephones serving the altered area accessible. Primary function areas are those areas of a building that include the primary spaces for which the building was constructed (for example, offices or meeting areas in a town hall, locker rooms in an athletic facility, or classrooms in a school or training center). The amount of money the town must spend to provide an accessible path of travel is limited to 20% of the overall cost of the alterations. If the path of travel alterations can be done for less than the 20% limit, then only that expenditure is required. If all the required accessible features are already provided then no additional expenditure is needed.

- When a qualified historic facility is altered, an exception to the alteration requirements of the ADA Standards may be used if the alteration threatens to destroy the historic significance of the building or facility. In these situations, special provisions in the Standards may be used for the element or space that would be threatened. In almost all situations, accessible design can be used without significantly impairing the historic features of the facility.

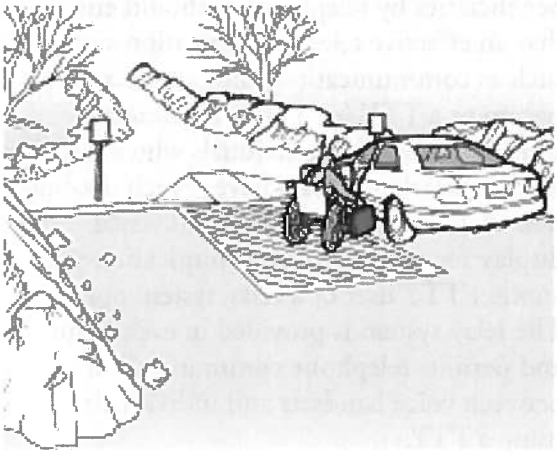
- The ADA Standards have specific requirements for additions. Additions, which include an expansion, extension or increase of the gross floor area of a building or facility, are considered an alteration to a facility but the area that is added must comply with the new construction requirements. Each addition that affects or could affect the usability of an area containing a primary function area must meet the path of travel requirements (see above).

3. Maintenance of Accessible Features

Towns must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities -- including elevators and lifts, curb ramps at intersections, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs.

Example

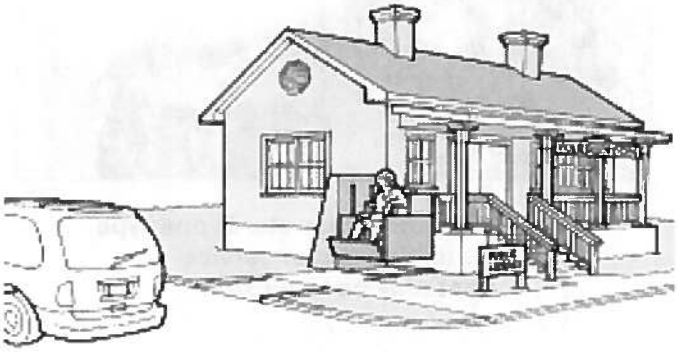
When weather conditions such as snow and ice limit or prevent access to services, programs, and activities, a town that houses programs in an accessible facility will have to maintain access to ensure that those programs are accessible. Maintenance of accessible features would include the removal of snow from accessible parking spaces, parking space access aisles, the accessible route to the accessible entrance, and accessible entrances. Although temporary interruptions in services due to bad weather are expected, alternate services should be provided if snow and ice cannot be cleared in a timely manner.



Clearing snow from accessible parking spaces and the accessible route may be essential to provide access to programs, services, or activities.

Example

A town building that was built before the ADA went into effect has a lift that provides access from inside the building to the library. The town must maintain the lift in working condition to assure that the public has access to the library programs. If the lift is out of order, repairs must be made in a timely fashion. Until the repairs are made, the town should provide alternate service for wheelchair users and others with disabilities who can no longer gain access to the library. These services may include retrieval of library materials by staff who will meet with an individual in an accessible location.



A lift provides access to the programs and services held in this town library. If the lift is out of service, alternate services are provided in an accessible location until the lift is repaired.

4. Effective Communication

Towns must take appropriate steps to ensure that communications with members of the public, job applicants, and participants with disabilities are as effective as communications with others unless it is an undue financial or administrative burden to do so or it would result in a fundamental alteration (see page 8) in the nature of its program or activity.

Achieving effective communication often requires that towns provide auxiliary aids and services. Examples of auxiliary aids and

services include qualified sign language interpreters, assistive listening devices, open and closed captioning, notetakers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Brailled materials, materials on computer disk, and large print materials.

A sign language interpreter is one type of auxiliary aid or service that may be requested.

Towns must provide appropriate auxiliary aids and services where they are necessary to achieve an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by or for the town. The town must give primary consideration to the type of auxiliary aid requested by a person with a disability. However, the town may provide a different type of aid if it can show that it is an effective means of communication.

Example

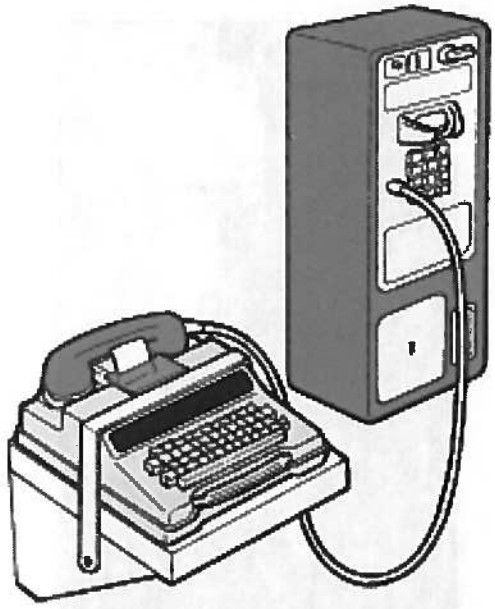
A town prepares to hold its annual town meeting in the high school gymnasium. A request is made through the meeting coordinator for real time captioning to be provided for a person who is deaf. Real time captioning displays the spoken content from a meeting or a speech on a large television screen as text. The town gives primary consideration to the request but after discussing alternatives for providing effective communication with the individual who made the request, the town learns that the individual is fluent in American Sign Language (ASL). The town offers to provide a qualified ASL sign language interpreter for the town meeting because it has determined from discussions with the individual that the interpreter can provide effective communication.

Determination of an undue financial burden or a fundamental alteration can only be made by the head of the town government or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination of an undue burden must be based on all resources available for use in the program, service, or activity. When it is not possible to provide a particular type of auxiliary aid to achieve effective communication due to an undue burden or fundamental alteration, the town must take any other action that would not result in such burdens or fundamental alteration, but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

If a town communicates with applicants and beneficiaries by telephone, it should ensure that an effective telecommunication system such as communication using the relay system or a TTY (or TDD) be used to communicate with individuals who are deaf, hard-of-hearing or who have speech disabilities. A TTY has a keyboard and visual display for non-verbal communication with another TTY user or a relay system operator. The relay system is provided in each State and permits telephone communication between voice handsets and individuals using a TTY.

A town can choose to provide a TTY without significant expense. Some towns have decided to install a portable TTY next to a public pay telephone and to anchor the portable unit to a shelf. Electrical connections are enclosed to protect against accidental disconnection of power.

Requirements for effective communications also apply to "telephone emergency services" that provide a basic emergency service, such as police, fire, and ambulance, that are provided by public safety agencies, including 9-1-1 (or, in some cases, seven-digit) systems. Direct, equal access must be provided to all services included in the system, including services such as emergency poison control information. Where direct access is provided to callers, direct access by TTY users means the telephone emergency service cannot use a relay system or transfer all TTY calls to one operator while other callers have access to all available operators (for more information, see the Department's publication, *Access for 9-1-1 and Telephone Emergency Services Under the Americans with Disabilities Act*).



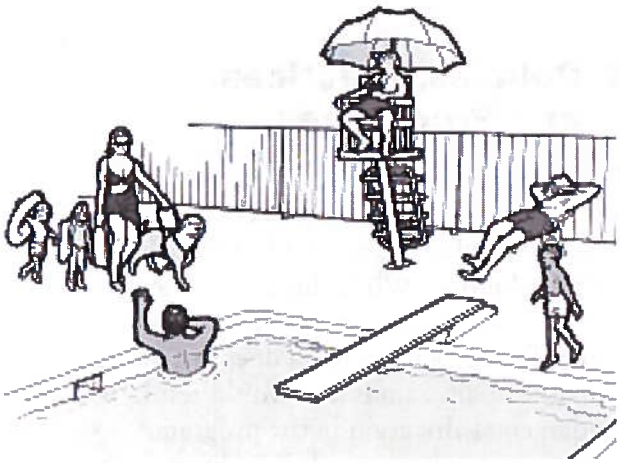
A portable TTY mounted on a shelf located next to a pay telephone can provide a low-cost TTY solution.

5. Policies, Practices, and Procedures

Towns must make reasonable modifications to policies, practices, and procedures to avoid discrimination against individuals with disabilities. While this requirement applies to all policies, practices, and procedures of the town, the town does not have to make modifications that would result in a fundamental alteration in the program, service, or activity or result in a direct threat to the health or safety of others. A direct threat is a significant risk that cannot be eliminated or reduced to an acceptable level by the town's modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability (see The ADA Title II Technical Assistance Manual).

The self-evaluation typically includes a review of polices, practices, and procedures (see page 10, Processes for Complying with the ADA). Periodic review after the self-evaluation may be done to maintain compliance with the ADA. A town can choose how it wants to conduct a review of policies and practices that govern the administration of the town's programs, activities, and services. Towns that have already done a self-evaluation do not have to do another one.

Review of policies, practices, and procedures also applies to telephone emergency services, such as 9-1-1, where policies must ensure direct access to individuals who use TTY's and computer modems.



A mother with her service animal leads her children to the town pool. Policies and procedures that restrict or prohibit service animals may violate the ADA.

Example

A town pool requires that adults provide photo identification to verify residency before using the pool or participating in pool programs. During review of town policies, practices, and procedures, the town determines that the pool identification policy, which requires that a driver's license with a photo be presented to gain admission, may discriminate against people with disabilities who may not have a driver's license. The town changes its policy to permit other forms of identification to verify residency.

6. Processes for Complying with the ADA

Towns that have not already conducted a self-evaluation or updated a previous self-evaluation conducted under Section 504 of the Rehabilitation Act must do so. The self-evaluation is a review of all town services, programs, and activities to identify any physical barriers or policies, practices, or procedures that may limit or exclude participation by people with disabilities. The self-evaluation includes permanent, temporary, and periodic services, programs, and activities. Each town should look at what services, programs, or activities are offered and in what location.

Any policies, practices, or procedures that may limit or exclude individuals with disabilities must be reasonably modified, unless doing so would result in a fundamental alteration in the nature of the service, program, or activity. The self-evaluation should identify changes to policies to be implemented. It should also identify any discriminatory policies, practices, and procedures that cannot be reasonably changed without resulting in a fundamental alteration.

The self-evaluation also identifies problems with the accessibility of facilities and establishes recommendations for providing program accessibility (which may include relocation to an accessible facility). It may also suggest short-term and long-term strategies to provide access to people with disabilities.

An emergency call box located in a rural area is mounted in an accessible location and can be used with or without speech to provide effective communication.

Towns that completed a self-evaluation to comply with section 504 of the Rehabilitation Act only have to bring the 504 self-evaluation up to date with ADA requirements by evaluating the services, programs, and activities that have changed. However, because considerable time has passed since most section 504 self-evaluations were done, it would be best to conduct a new self-evaluation.

Provide public notice about ADA requirements

A small town must provide notice to the public about its ADA obligations and about accessible facilities and services in the town. The notice must inform the public about the ADA's nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the town's website, print, radio, or television.

Other obligations for larger towns with 50 or more employees

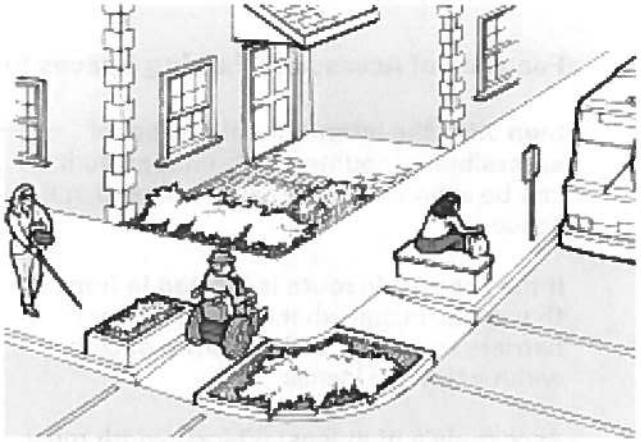
Although the ADA only requires State and local governments with 50 or more employees to take the following measures, towns with less than fifty employees may want to consider following the same or similar steps because the process may make it easier to comply with the ADA.

a Designate an individual to coordinate ADA compliance

Responsibilities for the ADA coordinator may include conducting the self-evaluation and developing the transition plan (see below), handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a local resource to the town or township. The ADA coordinator may also have responsibility for working with the mayor or town council to ensure that new facilities or alterations to town facilities meet ADA requirements. In some communities, this individual also receives complaints from the public and works to resolve them.

b Develop a transition plan

If a town with 50 or more employees decides to make physical changes to achieve program access it must develop a written plan that identifies the modifications that will be made. The plan should include timelines for completing these modifications. Interested parties, including people with disabilities and organizations representing people with disabilities, must at a minimum have an opportunity to participate in the development of the plan by submitting comments. A copy of the plan and a copy of the self-evaluation must be available for public inspection for three years after completion.



Installation of curb ramps is one of the items included in the transition plan. This type of curb ramp is used when some type of barrier prevents pedestrians from entering the curb ramp from the side.

c Develop a grievance procedure

Towns with fifty or more employees must have an ADA grievance procedure. A grievance procedure provides people who feel they have been discriminated against because of

their disability, or others who feel they have been discriminated against because they have a friend or family member with a disability, with a formal process to make their complaint known to the town. This procedure encourages prompt and equitable resolution of the problem at the local level without having to force individuals to file a Federal complaint or a lawsuit.

Part Two --Typical Issues: Program Accessibility and Effective Communication

A Accessible Parking

In new construction and in alterations, accessible parking must be provided whenever public parking is provided. Towns may wish to add accessible parking when public parking is not provided to provide access to facilities where programs, services, or activities are located. Accessible parking spaces have a number of features that make it possible for people with disabilities to get into or out of a vehicle.

Accessible Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60 inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces must be located on level ground and identified with a sign mounted in front of the parking space high enough so it is visible when a vehicle is parked.

Features of Accessible Parking Spaces for Cars

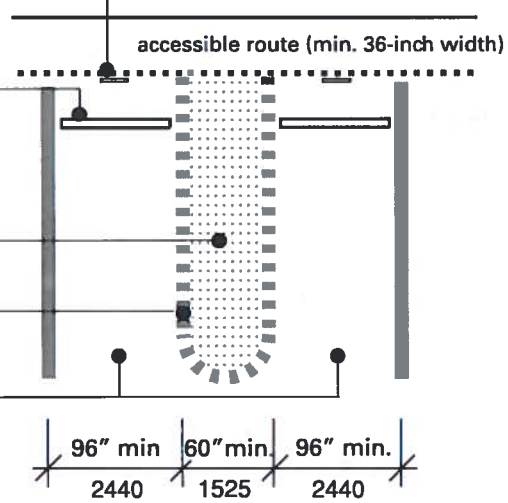
Sign with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space.

If the accessible route is located in front of the space, install wheelstops or other barriers to keep vehicles from reducing width below 36 inches.

Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.

Boundary of the access aisle must be marked. The end may be a squared or curved shape.

Two parking spaces may share an access aisle.



Van-Accessible Parking Spaces

One of every eight accessible parking spaces, but always at least one, must be accessible for vans with a side-mounted lift. If only one accessible space is provided, it must be a van-accessible space.

Van-accessible parking spaces incorporate the same requirements as accessible parking spaces for cars and have three additional features for vans:

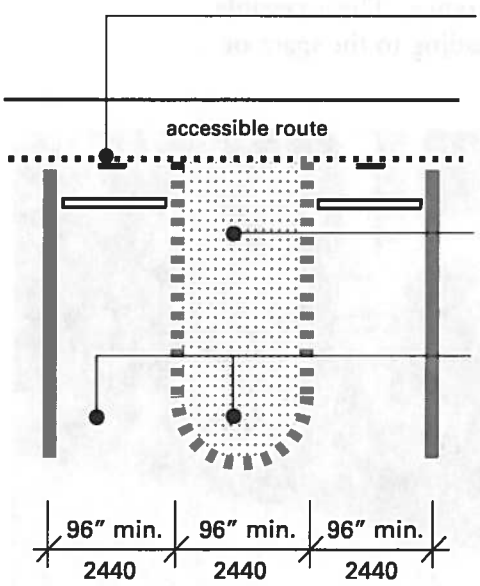
- a wider access aisle (96 inch-wide) to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

When accessible parking spaces are added in an existing parking lot, towns must locate the accessible spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking spaces to the accessible entrance.

The ADA Standards have technical requirements for parking lots and garages but no technical requirements for the design of on-street parking.

For more information about accessible parking, see the ADA Standards and other publications listed in Part III: Resources (page 20).

Three Additional Features for Van-Accessible Parking Spaces



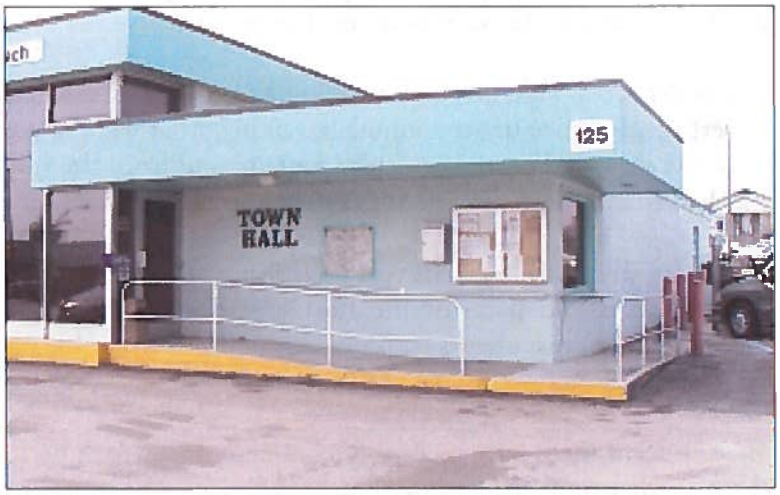
Sign with "van accessible" and the international symbol of accessibility mounted high enough so the sign can be seen when a vehicle is parked in the space

96-inch min. width access aisle, level (max. slope 1:50 in all directions), located beside the van parking space

98-inch min. high clearance at van parking space, access aisle, and on vehicular route to and from van space

B Accessible Route

When a walk, pathway, or pedestrian route is necessary to provide public access to a program, service, or activity, an accessible route must be provided. An accessible route is an unobstructed pedestrian path that connects accessible elements and spaces such as accessible parking spaces, accessible entrances, accessible meeting rooms, accessible toilet rooms, etc. It can be a walkway, hallway, part of a courtyard, or other pedestrian space. An accessible route must be at least 36 inches wide, have no abrupt vertical changes in level (such as a step), have a running slope no more than 1:12 in most cases, and meet other requirements for cross slope, surface conditions, vertical height, and passing spaces. The width of an accessible route can be as narrow as 32 inches wide, such as at a doorway or a narrow section of hallway, but only for a distance up to 24 inches long.



An accessible route connects accessible parking (right) with the accessible entrance.

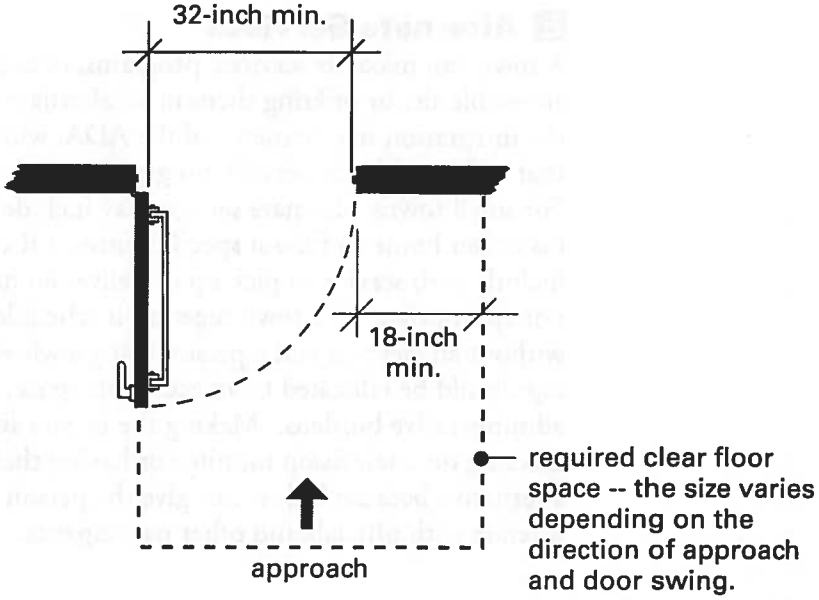
C Accessible Entrance

If entering a facility is necessary to participate in or benefit from a program, service, or activity, then that facility must have an accessible entrance and the accessible entrance must be on an accessible route. The accessible route must connect one or more (exterior) site entry points (such as parking, a public sidewalk, or a public transportation stop) with an accessible entrance. The accessible entrance must also connect to an interior accessible route leading to the space or spaces where the program is located.

An accessible entrance must have an accessible door or doorway. If a door is provided, there must be maneuvering space on the pull and push sides of the door to permit a person using a wheelchair to open the door and then move through the door opening. The clear width of the opening must be at least 32 inches wide and accessible door hardware (handle and latch) must be provided. If a door closer is provided, it must be adjusted so the door will not close too quickly.

A historic town building added a ramp, walkway, and modified an entrance to provide access.

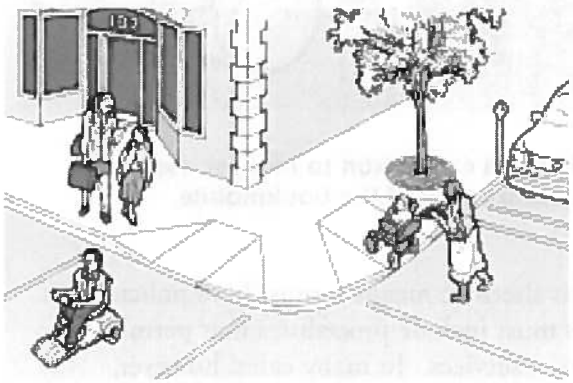
Although it is best to have the accessible entrance be the same one used by most of the public, existing conditions may prevent modification of the main entrance resulting in use of a secondary or side entrance as the accessible entrance. It may also be necessary to use a secondary entrance if only one part of the building is accessible. Where a secondary or side entrance provides access, signs should be provided at inaccessible entrances to direct the public to the nearest accessible entrance.



A plan view of an accessible door

D Curb Ramps at Intersections

Pedestrian walkways or sidewalks that are the responsibility of the town often play a key role in providing access to government programs and services and to the goods and services offered to the public by private businesses. When walkways cross a curb at intersections, a ramp or sloped surface is needed. The title II regulations set requirements for curb ramps at intersections. Whenever a town constructs a new road and sidewalk or alters existing roads and sidewalks, it must install curb ramps. In addition, the ADA requires that towns evaluate its existing system of sidewalks and develop a schedule to provide curb ramps where pedestrian walkways cross curbs. Because a town will not be able to install curb ramps at all town streets right away, the town's plan for curb ramp installation should set priorities for which streets require curb ramps. Towns must give priority to walkways serving State and local government offices and facilities, bus stops and transportation services, private businesses offering goods and services to the public, and employees, followed by walkways serving residential areas.



Curb ramps are needed when walkways cross a curb at an intersection. This type of curb ramp has flared sides and must be used when pedestrians may enter or exit the curb ramp from the side.

Any curb ramps that are installed must comply with the ADA Standards. In areas with hilly terrain or other site constraints, towns should follow the ADA Standards to the greatest extent feasible.

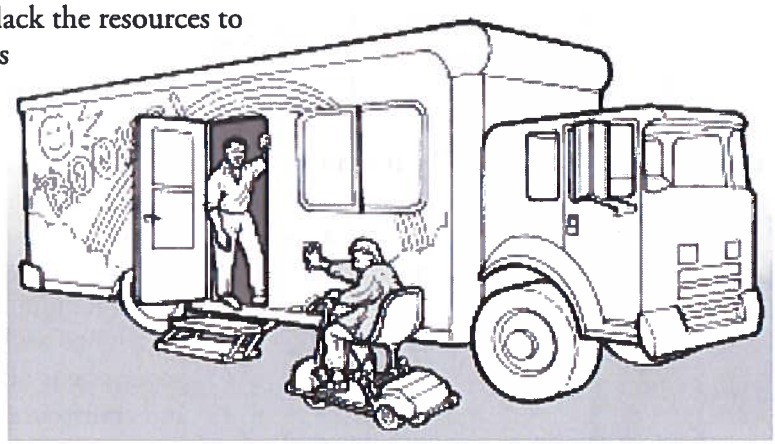
To achieve or maintain program accessibility, a town should develop procedures to allow the public to request that curb ramps be installed at specific intersections frequented by people with disabilities, including residents, employees, or visitors.

E Alternate Services

A town can make its services, programs, or activities accessible by relocating them to an accessible site or offering them in an alternate way that is accessible. A town should consider the integration requirements of the ADA, which require that priority be given to measures that will provide the service, program, or activity in the most integrated setting appropriate. For small towns, alternate service may include meeting with an individual with a disability in his or her home to fill out specific forms if the town office is not accessible. It may also include curb service to pick up or deliver an item. However, in some cases alternate service is not appropriate. If a town meeting is scheduled to be held on the second floor of a building without an elevator and a person using a wheelchair wishes to attend the meeting, the meeting should be relocated to an accessible space, unless it would result in undue financial or administrative burdens. Making the person sit by themselves on the first floor and watch the meeting on a television monitor or having them watch the meeting at home is not a desirable alternative because it does not give the person with a disability an equal opportunity to interact with officials and other participants.

F Library Services

Library services are an example of programs and services offered by many towns. If a library facility or building is not accessible, these services may be offered in a different accessible library facility, in another accessible facility nearby, or in an alternate manner. Some towns with only one library may prefer to modify the entrance to the library and other key elements to provide access. Others that may have a facility that is difficult to make accessible or lack the resources to make essential physical changes may choose to offer the programs and services in an alternate accessible location. What is important is that the same services be available to individuals with disabilities as are offered to others – such as doing research, using the card catalog or cataloging device, reading or reviewing items usually held in reserve or special collections, and returning loaned items.

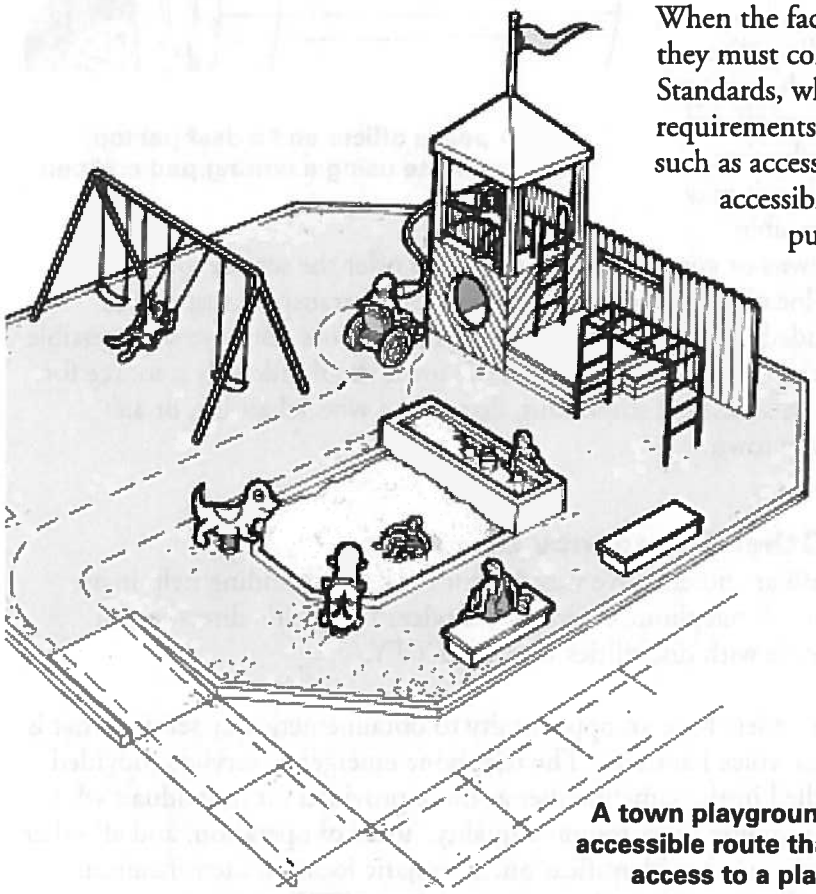


An individual uses a call button to request assistance from library staff of the bookmobile.

If a library provides program accessibility through alternate means it must have policies that permit staff to carry out this policy. The policies must include procedures that permit the public to make requests for the alternate location or services. In many cases, however, providing basic physical accessibility to the library facility is preferred in meeting the obligation to provide services in the most integrated setting appropriate.

G Parks and Recreation Programs

A town's recreational programs or activities, such as those offered at the town baseball or football field or at the town pool, play an important part in the life of a community. These programs, services, and activities are among those that the town should review as part of the self-evaluation to determine if any physical or policy barriers exist that may keep people with disabilities from participating. If a town decides to modify facilities to provide program accessibility and has more than one facility available (such as when several ball fields are provided) only some of the facilities may need to be accessible. However, when only some of the ball fields are accessible, the scheduling policies for their use will need to accommodate requests for accessible fields, player areas, or spectator seating (if provided).



When the facilities are built or altered, they must comply with the ADA Standards, which have specific technical requirements for elements and spaces, such as accessible parking spaces, accessible routes, toilet facilities, public telephones, and spectator seating areas. For elements and spaces without specific technical standards, such as ball fields or playing areas, the town should use the Standards as a guide, providing a reasonable number, but at least one, that is accessible and providing an accessible route to the area of play and the spectator areas.

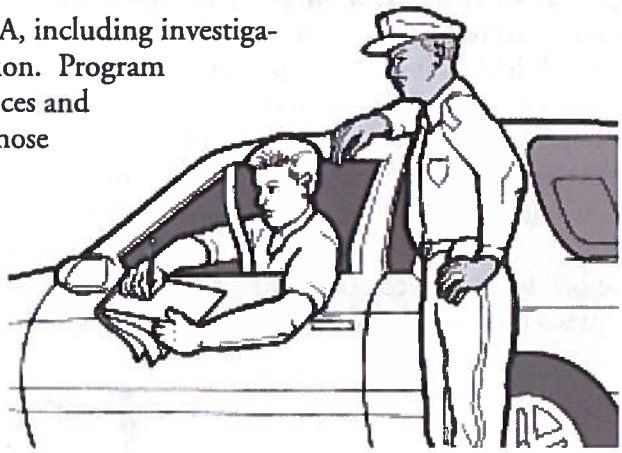
A town playground with an accessible route that provides access to a play area.

H Accessible Print Material

Public documents such as town annual reports, promotional brochures, and other documents, such as tax bills, license applications and other printed information may need to be provided in an alternate accessible format to provide effective communication for individuals who are blind or visually impaired. Alternate formats may include materials in Braille, large print, files on computer disk that can be used in a personal computer, or an audiotape recording of the print document. Priority should be given to the type of format that has been requested unless the town determines that another format is effective or that providing the one requested would result in undue financial or administrative burdens or a fundamental alteration in the nature of the program. A town should publish a contact number for the public to request an accessible format or other auxiliary aid or service.

I Police Services

Local police services are covered by the ADA, including investigations, interrogation, arrest, and transportation. Program accessibility requirements apply to the services and programs offered to the public, including those offered at a local police station. Effective communication requirements also apply to communication with the public, including individuals suspected of criminal activity.



A police officer and a deaf person communicate using a writing pad and pen.

If a town has a police station, jail, or holding facility, or other public police facility, the town should include services, programs, and activities that are offered in these facilities in its self-evaluation. To achieve program accessibility, it may be possible to share some accessible facilities with other nearby towns or government entities or to offer the service, program, or activity in another accessible location or manner. Vehicles used to transport suspects or prisoners should also be included in the self-evaluation. If a town does not have an accessible vehicle available for transporting suspects or prisoners, the town should identify a source for an accessible vehicle, such as an accessible school bus, taxi with a wheelchair lift, or an accessible vehicle from a nearby town.

J Calling 9-1-1 and Other Emergency Services

Dialing 9-1-1 is the most familiar and effective way Americans have of finding help in an emergency. The ADA requires all telephone emergency services to provide direct, equal access to their services for people with disabilities who use a TTY.

Equal access means that TTY callers have an opportunity to obtain emergency services that is equal to that of callers who use voice handsets. The telephone emergency services provided for TTY callers must be handled in the same manner as those provided for individuals who make voice calls, 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). There must be adequate numbers of TTY's or equipment to answer TTY calls. If a town or township relies on another government entity to provide its 9-1-1 and telephone emergency services, it should inquire about the accessibility of the services (for more information see *Access for 9-1-1 and Telephone Emergency Services Under the Americans with Disabilities Act*).

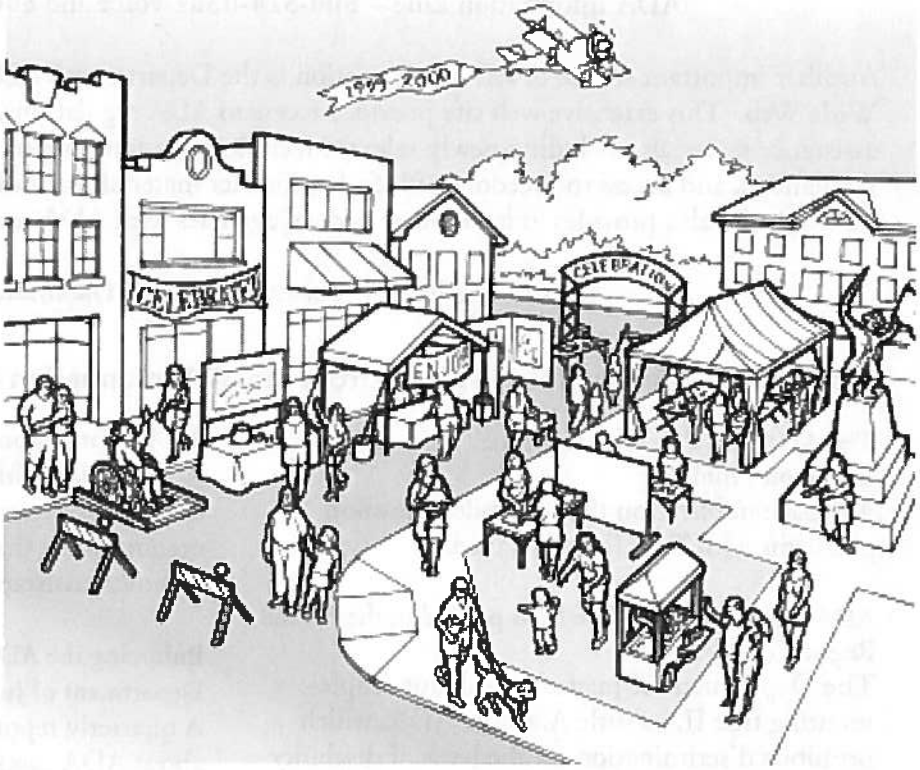
K Temporary Events

The ADA applies to both temporary and permanent services, programs, or activities of a town. Facilities and structures that are built or altered for temporary use must comply with the ADA Standards (except for construction trailers). In addition, the policies and operations for the event must meet the nondiscrimination requirements of the ADA. When planning temporary events such as a town festival or concert, the town should review ADA

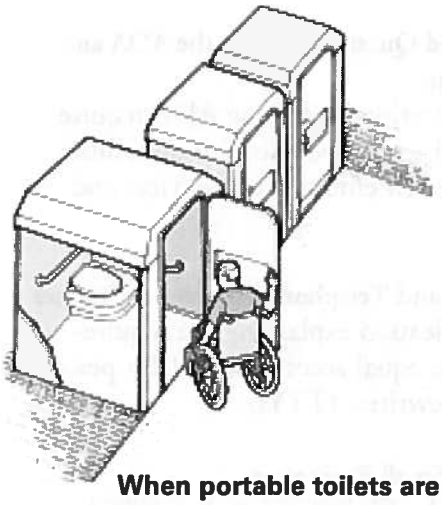
title II requirements[2] and the ADA Standards. The Standards can provide guidance to help event planners place temporary accessible parking spaces in appropriate locations, provide an accessible route throughout the site, and provide other accessible features for food service, toilet facilities (including accessible portable toilets), assembly area seating, public telephones, etc., where such elements or facilities are provided for the public. It is very important to consider accessibility requirements when the event is in the planning stage so that accessible facilities can be identified and incorporated in a manner that does not require extensive construction or last-minute modifications.

Selected Accessible Features of Town Fair

- temporary curb ramp added where needed to provide an accessible route
- booths and vendors located on an accessible route
- sign language interpreters available for selected performances and programs
- accessible parking, accessible transit drop offs and stops (if provided) and an accessible route from these areas to the fair is provided



A town fair that was planned to provide accessible programs, services and activities.



When portable toilets are provided, at least one at each location must be accessible.

Effective communication requirements also apply to temporary events. It may be necessary to provide qualified sign language interpreters or other auxiliary aids and services as requested, such as print material in a large-print format or on computer disk. A town may choose when to provide interpreters and publicize a schedule for interpreters and other auxiliary aids and services. It should also provide auxiliary aids or services in response to individual requests, unless to do so would result in undue financial and administrative burdens. Promotional material for a temporary event should explain how the public can request a particular auxiliary aid or service and be informed of when specific auxiliary aids and services may be available.

---

[2] Private vendors and contractors should follow the ADA title III regulations which cover goods and services provided by private companies. For more information, see the *ADA Guide for Small Businesses.*

Part Three: Resources

Department of Justice ADA Information

To help State and local governments, including small local governments, understand and comply with the law, the Department of Justice established a technical assistance program to answer questions about the ADA. The Department of Justice has a toll-free ADA Information Line that provides access to ADA specialists during business hours. The ADA Information Line also provides twenty-four hours a day access to a fax-on-demand system for technical assistance materials that permits a caller to have the document sent to them by fax. Orders for publications sent by mail may be made twenty-four hours a day on the Information Line's voice mail system.

ADA Information Line -- **800-514-0301 voice** and **800-514-0383 TTY**

Another important source of ADA information is the Department's ADA Home Page on the World Wide Web. This extensive web site provides access to ADA regulations, all Department ADA technical assistance materials, including newly-released technical assistance material, proposed changes in the ADA regulations, and access to Freedom of Information Act materials including technical assistance letters. The web site also provides links to other Federal agencies with ADA responsibilities.

ADA Home Page -- **www.usdoj.gov/crt/ada/adahom1.htm**

Selected ADA Publications available from the ADA Information Line and ADA Home Page:

The ADA and City Governments: Common Problems
A 9-page publication that compiles common problems with Title II compliance.

ADA Regulation for Title II, as printed in the Federal Register (7/26/91)
The Department of Justice's regulation implementing title II, subtitle A, of the ADA, which prohibits discrimination on the basis of disability in the services, programs, and activities provided by towns.

Title II Technical Assistance Manual (1993) and Supplements (Spanish edition available by mail)
A 30-page manual explaining what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a non-discriminatory manner. Gives practical examples.

Department of Justice ADA Mediation Program
A 8-page publication describing the Department's ADA mediation program including locations of ADA mediators, and examples of successful mediation efforts.

ADA Regulation for Title III, including the **ADA Standards for Accessible Design.**

ADA Information Services
A 2-page list with the telephone numbers and Internet addresses of Federal agencies and other organizations that provide information and technical assistance to the public about the ADA.

Enforcing the ADA: A Status Report from the Department of Justice
A quarterly report providing timely information about ADA cases and settlements, building codes that meet ADA accessibility standards, and ADA technical assistance activities.

Commonly Asked Questions About the ADA and Law Enforcement
A 13-page publication explaining ADA requirements for ensuring that people with disabilities receive the same law enforcement services and protections.

Access for 9-1-1 and Telephone Emergency Services
A 10-page publication explaining the requirements for direct, equal access to 9-1-1 for persons who use teletypewriters (TTYs).

ADA Guide for Small Businesses
A 15-page booklet for businesses that provide goods and services to the public.

Other Federal Agencies and Federal Grantees Providing Information

Department of Transportation

Department of Transportation offers technical assistance on ADA provisions applying to public transportation.

ADA Assistance Line for information, questions and complaints
888-446-4511 (voice) -- TTY: relay service
202-366-2285 (voice) -- 202-366-0153 (TTY)

Transportation - documents and questions
202-366-1656 (voice) -- TTY: use relay service

Transportation - legal questions
202-366-4011 (voice) -- TTY: use relay service

Internet address -- www.fta.dot.gov

Equal Employment Opportunity Commission

Equal Employment Opportunity Commission offers technical assistance on the ADA provisions applying to employment; also provides information on how to file ADA complaints.

Employment - questions
800-669-4000 (voice) -- 800-669-6820 (TTY)

Employment - documents
800-669-3362 (voice) -- 800-800-3302 (TTY)

Internet address -- www.eeoc.gov

Access Board

Access Board (or Architectural and Transportation Barriers Compliance Board) offers technical assistance on the ADA Accessibility Guidelines.

Documents and questions
800-872-2253 (voice) -- 800-993-2822 (TTY)

Electronic bulletin board -- 202-272-5448

Internet address -- www.access-board.gov

Department of Housing and Urban Development

Fair Housing Act: for questions or publications call Department of Housing and Urban Development.

Fair Housing accessibility questions
202-708-2333 (voice) -- 202-708-4112 (TTY)

Fair Housing publications
800-767-7468 (voice) -- TTY: use relay service

Internet address -- www.hud.gov

Disability and Business Technical Assistance Centers (DBTACs)

Department of Education funds ten regional centers to provide technical assistance on the ADA.

800-949-4232 (voice/TTY)

Internet address -- www.adata.org

Job Accommodation Network

The Job Accommodation Network (JAN) is a free telephone consulting service offering information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

800-526-7234 (voice &TTY)

Internet address --
http://janweb.icdi.wvu.edu/english

Chapter 2

ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements Under Title II of the ADA

In this section, you will learn about the administrative requirements of Title II of the ADA, including the mandates to designate an ADA coordinator, give notice about the ADA's requirements, and establish a grievance procedure. Questions answered include:

- If the local government has fewer than 50 employees, do different requirements apply?
- What are the responsibilities of an ADA Coordinator?
- What are the benefits of having an ADA Coordinator?
- What are the requirements for providing notice of the ADA's provisions?
- How and where must you provide ADA notices?
- What is a grievance procedure?
- What must an ADA grievance procedure include?

A. Designating an ADA Coordinator

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance.[1] A government entity may elect to have more than one *ADA Coordinator*. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used in state

---

[1]Department of Justice Nondiscrimination on the Basis of State and Local Government Services Regulations, 28 C.F.R. pt. 35, § 35.107(a) (2005). See www.ada.gov/reg2.html for the complete text of the Department of Justice's Title II regulation.

and local governments across the country and will be used in this chapter.

The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons.

Benefits of an ADA Coordinator

There are many benefits to having a knowledgeable ADA coordinator, even for smaller public entities that are not required to have one.

For members of the public, having an ADA Coordinator makes it easy to identify someone to help them with questions and concerns about disability discrimination. For example, the ADA Coordinator is often the main contact when someone wishes to request an *auxiliary aid or service* for effective communication, such as a *sign language interpreter* or documents in *Braille*. A knowledgeable ADA Coordinator will be able to efficiently assist people with disabilities with their questions. She or he will also be responsible for investigating complaints.

Common Question:
Which employees count?

If a local government or other public entity has fewer than 50 employees, it is not required to appoint an ADA Coordinator or establish grievance procedures.

The number of employees is based on a government-wide total, including employees of each department, division, or other sub-unit. Both part-time and full-time employees count. Contractors are not counted as employees for determining the number of employees.

For example: Jones City has 30 full-time employees and 20 part-time employees. The employees include ten police department employees and eight fire department employees.

Jones City must have an ADA Coordinator and an ADA grievance procedure. The total number of employees is 50 because both full-time and part-time employees are counted. In addition, the police and fire departments are part of the city-wide employment pool, and the requirements for an ADA Coordinator and an ADA grievance procedure cover both of those departments.

Having an ADA Coordinator also benefits state and local government entities. It provides a specific contact person with knowledge and information about the

ADA so that questions by staff can be answered efficiently and consistently. In addition, she or he coordinates compliance measures and can be instrumental in ensuring that compliance plans move forward. With the help of this Tool Kit, ADA Coordinators can take the lead in auditing their state or local government's programs, policies, activities, services, and facilities for ADA compliance.

An Effective ADA Coordinator

The regulations require state and local governments with 50 or more employees to designate an employee responsible for coordinating compliance with ADA requirements. Here are some of the qualifications that help an ADA Coordinator to be effective:

- familiarity with the state or local government's structure, activities, and employees
- knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794
- experience with people with a broad range of disabilities
- knowledge of various alternative formats and alternative technologies that enable people with disabilities to communicate, participate, and perform tasks
- ability to work cooperatively with the local government and people with disabilities
- familiarity with any local disability advocacy groups or other disability groups
- skills and training in negotiation and mediation
- organizational and analytical skills

B. Notice of the ADA's Provisions

The second administrative requirement is providing public notice about the ADA.[2] There are three main considerations for providing notice:

1. Who is the target audience for the ADA notice?
2. What information shall the notice include?
3. Where and how should the notice be provided?

Regardless of Size, the ADA Notice Requirement Applies

The ADA notice requirement applies to ALL state and local governments covered by title II, even localities with fewer than 50 employees.

1. Who is the target audience for the ADA notice?

The target audience for public notice includes applicants, beneficiaries, and other people interested in the state or local government's programs, activities, or services. **The audience is expansive, and includes everyone who interacts – or would potentially interact – with the state or local government.**

Examples of the Target Audience for the ADA Notice

- a recipient of social services, food stamps, or financial assistance provided by the state or local government
- an applicant for a public library card
- a public transit user
- a person who uses the county recreation center
- a grandmother attending her grandchild's high school graduation in a city park
- a member of a citizen's advisory committee
- a recipient of a grant from the state or local government
- a citizen who wants to participate in a town council meeting
- a person adopting a dog from the local public animal shelter

---

[2] 28 C.F.R. § 35.106.

2. What information shall the notice include?

The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity.

The notice should not be overwhelming. **An effective notice states the basics of what the ADA requires of the state or local government without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA Coordinator.**

This chapter contains a model "Notice Under the Americans with Disabilities Act" created by the Department of Justice. It is a one page document in a standard font, and includes brief statements about:

- employment,
- effective communication,
- making reasonable modifications to policies and programs,
- not placing surcharges on modifications or auxiliary aids and services, and
- filing complaints.

The model notice is included at the end of this chapter.

3. How and where should the notice be provided?

It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA.

Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary. If you use the radio, newspaper, television, or mailings, re-publish and re-broadcast the notice periodically.

The information must be presented so that it is accessible to all. Therefore, it must be available in *alternative formats*.

Some Ways to Provide Notice to Interested Persons

- Include the notice **with job applications**
- Publish the notice periodically in **local newspapers**
- Broadcast the notice in public service announcements on **local radio and television stations**
- Publish the notice on the government entity's **website** (ensure that the website is accessible)
- Post the notice **at all facilities**
- Include the notice in **program handbooks**
- Include the notice in **activity schedules**
- Announce the notice at **meetings** of programs, services, and activities
- Publish the notice as a **legal notice** in local newspapers
- Post the notice in bus shelters or other **public transit stops**

Examples of Alternative Formats

- Audio tape or other recordings
- Radio announcements
- Large print notice
- Braille notice
- Use of a **qualified sign language interpreter** at meetings
- Open or closed-captioned public service announcements on television
- ASCII, HTML, or word processing format on a computer diskette or CD
- HTML format on an accessible website
- Advertisements in publications **with large print versions**

C. Establishing and Publishing Grievance Procedures

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA.[3] Grievance procedures set out a system 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.

---

[3] 28 C.F.R. § 35.107(b).

Common Question:
Complaint Filing

If a person with a disability has a complaint about a public entity, is she or he required to file a complaint with the public entity before filing a complaint with the federal government?

No, the law does not require people who want to file an ADA complaint against a public entity with the federal government to file a complaint with the public entity first. However, it is often more efficient to resolve local problems at a local level.

D. Summing up: ADA Coordinator, Notice, and Grievance Procedures

If a state or local government has fewer than 50 employees, it is required to:

- adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, activities, and services.

If a state or local government has 50 employees or more, it is required to:

- adopt and distribute a public notice about the relevant provisions of the ADA to all persons who may be interested in its programs, activities, and services;
- designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints; and
- develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.

These administrative requirements help ensure that the needs of people with disabilities are addressed in the programs, activities, and services operated by a public entity. Having these requirements in place will not prevent all problems, but it will help you to address many questions and problems efficiently.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), ***[name of public entity]*** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: [Name of public entity] does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: [Name of public entity] will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the ***[name of public entity's]*** 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.

Modifications to Policies and Procedures: [Name of public entity] will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in ***[name of public entity]*** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of ***[name of public entity]***, should contact the office of ***[name and contact information for ADA Coordinator]*** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require ***[name of public entity]*** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of ***[name of public entity]*** is not accessible to persons with disabilities should be directed to ***[name and contact information for ADA Coordinator].***

[Name of public entity] 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 persons who use wheelchairs.

[Name of public entity]
Grievance Procedure Under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the ***[name of public entity]***. The ***[e.g., State, City, County, Town]***'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]

Within 15 calendar days after receipt of the complaint, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the ***[name of public entity]*** and offer options for substantive resolution of the complaint.

If the response by ***[name of ADA coordinator]*** or ***[his/her]*** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ***[City Manager/ County Commissioner, or other appropriate high-level official]*** or ***[his/her]*** designee.

Within 15 calendar days after receipt of the appeal, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ***[name of ADA coordinator]*** or ***[his/her]*** designee, appeals to the ***[City Manager/ County Commissioner/other appropriate high-level official]*** or ***[his/her]*** designee, and responses from these two offices will be retained by the ***[public entity]*** for at least three years.

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

Memorandum 16-041

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: MARCH 8, 2016

SUBJECT: REAPPOINTMENT OF MARCIA KUSZMAUL TO THE LIBRARY ADVISORY BOARD AND APPOINTMENTS OF PATRICK BROWN, RICK MALLEY, LINDA MUNNS, TESS DALLY, AND COUNCILMEMBER DONNA ADERHOLD TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE.

Marcia Kuszmaul is reappointed to the Library Advisory Board for a three-year term to expire April 1, 2019.

Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold are appointed to the newly formed Americans With Disabilities Act Compliance Committee.

RECOMMENDATION:

Confirm the reappointment of Marcia Kuszmaul to the Library Advisory Board and appointments of Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold to the ADA Compliance Committee.

Fiscal Note: N/A

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

March 15, 2016

Patrick Brown
40996 Woodman Ln.
Homer, AK 99603

Dear Patrick,

Congratulations! Council confirmed/approved your appointment to the Americans with Disabilities Act Compliance Committee during their Regular Meeting of March 14, 2016, via Memorandum 16-041.

Thank you for your willingness to serve the City of Homer on the Americans with Disabilities Act Compliance Committee.

Your term will expire upon completion of the Committees work.

Cordially,

Mary E. Wythe, Mayor

Enc: Memorandum 16-041
Certificate of Appointment

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Be It Known That

Patrick Brown

Has been appointed to

serve as

"Committee Member"

on the

"Americans with Disabilities Act Compliance Committee"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

In Witness whereof I hereunto set my hand this 15th day of March, 2016.

Mary E. Wythe, Mayor

Attest:

Jo Johnson, MMC, City Clerk

FEB 11 2016 AM08:11

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD AND TASK FORCE
APPLICATION FORM

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: PATRICK BROWN Date: 2/10/2016

Physical Address: 40996 WOODMAN LANE HOMER ALASKA 99603

Mailing Address: SAME

Phone Number: _____ Cell #: 907-775-4638 Work #: _____

Email Address: PBrown5@yahoo.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a √

	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY – SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2ND AND 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
	OTHER – PLEASE DESIGNATE	ADA Committee

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?
I AM STATE 1ST VICE PRESIDENT NATIONAL FEDERATION OF THE BLIND OF ALASKA

Please answer following if you are applying for the Advisory Planning Commission: Have you ever developed real property, other than your personal residence, if so briefly describe? N/A

Please answer the following if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

N/A Commercial N/A Recreational

Please include any additional information that may assist the Mayor in his/her decision making:
ONE PROJECT I AM WORKING ON IS VOTER REGISTRATION AND PARTICIPATION FOR INDIVIDUALS WITH DISABILITIES STATEWIDE. HERE IN HOMER THE CITY INVESTED IN ACCESSIBLE VOTING MACHINES BY PURCHASING UNITS TO ASSIST IN ALL PUBLIC ELECTIONS AT LOCAL, BOROUGH, STATE AND FEDERAL LEVELS. THE GOAL IS TO HAVE EVERYONE VOTE AND TO INCLUDE PRIVACY AND SECURITY AS ALL OTHER NON-DISABLED VOTERS EXERCISE AS THEIR CONSTITUTIONAL RIGHTS. I ONLY APOLOGIZE FOR NOT IMPLEMENTING THIS SOLUTION BEFORE THE CITY PURCHASED THE UNITS FROM THE CITY BUDGET.

When you have completed this application please review all the information and return to the City Clerk's Office. You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

March 15, 2016

Rick Malley
117 Lee Drive, Apt 2-C
Homer, AK 99603

Dear Rick,

Congratulations! Council confirmed/approved your appointment to the Americans with Disabilities Act Compliance Committee during their Regular Meeting of March 14, 2016, via Memorandum 16-041.

Thank you for your willingness to serve the City of Homer on the Americans with Disabilities Act Compliance Committee.

Your term will expire upon completion of the Committees work.

Cordially,

Mary E. Wythe

Mary E. Wythe, Mayor

Enc: Memorandum 16-041
Certificate of Appointment

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Be It Known That

Rick Malley

Has been appointed to

serve as

"Committee Member"

on the

"Americans with Disabilities Act Compliance Committee"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

In Witness whereof I hereunto set my hand this 15th day of March, 2016.

Mary E. Wythe, Mayor

Attest:

Jo Johnson, MMC, City Clerk

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD AND TASK FORCE
APPLICATION FORM

FEB 12 2016

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Rick Malley Date: 2/9/16

Physical Address: 117 Lee Drive, Apt# 2-c

Mailing Address: same

Phone Number: _____ Cell #: 399-1962 Work #: 235-7911

Email Address: rmalley@peninsulailc.org

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a √

	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY – SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2ND AND 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
√	OTHER – PLEASE DESIGNATE	ADA Committee

I have been a resident of the city for 3 yrs 6 mos. I have been a resident of the area for 3 yrs 6 mos.

I am presently employed at Independent Living Center

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force: ADA Specialist in my current employment, 25 years working with Seniors

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: Yes, I organized and chaired two ADA committee's in Massachusetts including the Cities of Bo

Why are you interested in serving on the indicated commission, committee, board or task force?

To make Homer Alaska a model community for inclusion of Seniors and People with Disabilities.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

My employment is directly related to the mission of this Committee.

Please answer the following if you are applying for the Advisory Planning Commission:
Have you ever developed real property, other than your personal residence, if so briefly describe?

Please answer the following if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

☐ Commercial ☐ Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

March 15, 2016

Linda Munns
PO Box 3361
Homer, AK 99603

Dear Linda,

Congratulations! Council confirmed/approved your appointment to the Americans with Disabilities Act Compliance Committee during their Regular Meeting of March 14, 2016, via Memorandum 16-041.

Thank you for your willingness to serve the City of Homer on the Americans with Disabilities Act Compliance Committee.

Your term will expire upon completion of the Committees work.

Cordially,

Mary E. Wythe, Mayor

Enc: Memorandum 16-041
Certificate of Appointment

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Be It Known That

Linda Munns

Has been appointed to

serve as

"Committee Member"

on the

"Americans with Disabilities Act Compliance Committee"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

In Witness whereof I hereunto set my hand this 15th day of March, 2016.

Mary E Wythe

Mary E. Wythe, Mayor

Attest:

Jo Johnson, MMC, City Clerk

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD AND TASK FORCE
APPLICATION FORM

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

Received by the Clerk's Office
MAR 02 2015 PM02:16 RK

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Linda Munns Date: 2/25/15

Physical Address: 167 W. Bayview Ave. #1 - Homer, AK

Mailing Address: P.O. Box 3361 - Homer, AK - 99603

Phone Number: 907-235-8361 Cell #: 907-299-1175 Work #: —

Email Address: munnski51@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a √

	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY – SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2ND AND 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
	OTHER – PLEASE DESIGNATE ADA (Americans w/ disabilities Act)	

I have been a resident of the city for 34 yrs ___mos. I have been a resident of the area for 44 yrs ___mos.

I am presently employed at retired- state of Alaska

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

I've had Multiple Sclerosis for almost 30 years
I served on the board for Independent Living Ctr. - 10 yrs

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:
I've served on many boards over the years but not for the city. ie: Community Mental Health (Now called The Center)
South Peninsula Women's Svcs. (Now called Haven House)

Why are you interested in serving on the indicated commission, committee, board or task force?
Since my M.S. has progressed, I find many obstacles to access here in Homer. Several businesses responded positively

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on? over →
(Previously Independent Living Center)

Please answer the following if you are applying for the Advisory Planning Commission:
Have you ever developed real property, other than your personal residence, if so briefly describe?

Please answer the following if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

☐ Commercial ☐ Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

Living with extremely limited mobility certainly reveals areas needing improvement to provide access for ALL residents and visitors to our community

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

to requests for handicapped parking designation

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

March 15, 2016

Tess Dally
PO Box 284
Homer, AK 99603

Dear Tess,

Congratulations! Council confirmed/approved your appointment to the Americans with Disabilities Act Compliance Committee during their Regular Meeting of March 14, 2016, via Memorandum 16-041.

Thank you for your willingness to serve the City of Homer on the Americans with Disabilities Act Compliance Committee.

Your term will expire upon completion of the Committees work.

Cordially,

Mary E. Wythe, Mayor

Enc: Memorandum 16-041
Certificate of Appointment

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Be It Known That

Tess Dally

Has been appointed to

serve as

"Committee Member"

on the

"Americans with Disabilities Act Compliance Committee"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

In Witness whereof I hereunto set my hand this 15th day of March, 2016.

Mary E Wythe

Mary E. Wythe, Mayor

Attest:

Jo Johnson, MMC, City Clerk

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD AND TASK FORCE
APPLICATION FORM

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

MAR - 3 2016

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Tess Dally Date: 03/02/16

Physical Address: 56245 Glenn Rd., Homer, AK

Mailing Address: P.O. Box 284, Homer, AK 99603

Phone Number: _____ Cell #: (907) 299-2436 Work #: _____

Email Address: tessdally@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a √

	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY – SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2ND AND 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
✓	OTHER – PLEASE DESIGNATE	Homer ADA committee

I have been a resident of the city for 0 yrs 0 mos. I have been a resident of the area for 15 yrs 7 mos.

I am presently employed at Retired

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force: Master's of Social Work, a retired clinical social worker with experience advocating for indivuals with disbilities. I have a disability. I am aware of the many challenges regarding accessability in the city of Homer.

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: Not that I recall

Why are you interested in serving on the indicated commission, committee, board or task force?

I am a person with a disability. I am skilled at advocating for individuals and groups with disabilities. I am aware of the many challenges regarding accessability in the city of Homer.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

No

Please answer the following if you are applying for the Advisory Planning Commission:
Have you ever developed real property, other than your personal residence, if so briefly describe? No

Please answer the following if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

_____ Commercial _____ Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

~~Thank you for your time.~~

~~Tess Dally~~

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

City of Homer
www.cityofhomer-ak.gov

Office of the Mayor
491 East Pioneer Avenue
Homer, Alaska 99603
mayor@ci.homer.ak.us
(p) 907-235-3130
(f) 907-235-3143

March 15, 2016

Donna Aderhold
353 Grubstake
Homer, AK 99603

Dear Donna,

Congratulations! Council confirmed/approved your appointment to the Americans with Disabilities Act Compliance Committee during their Regular Meeting of March 14, 2016, via Memorandum 16-041.

Thank you for your willingness to serve the City of Homer on the Americans with Disabilities Act Compliance Committee.

Your term will expire upon completion of the Committees work.

Cordially,

Mary E. Wythe, Mayor

Enc: Memorandum 16-041
Certificate of Appointment

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Be It Known That

Donna Aderhold

Has been appointed to

serve as

"Committee Member"

on the

"Americans with Disabilities Act Compliance Committee"

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

In Witness whereof I hereunto set my hand this 15th day of March, 2016.

Mary E Wythe

Mary E. Wythe, Mayor

Attest:

Jo Johnson, MMC, City Clerk

CITY OF HOMER
COMMISSION, COMMITTEE, BOARD AND TASK FORCE
APPLICATION FORM

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

Received by the Clerk's Office

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Donna Aderhold Date: 2/28/2016

Physical Address: 353 Grubstake Ave., Homer, AK 99603

Mailing Address: same

Phone Number: _____ Cell #: 907-244-4388 Work #: _____

Email Address: DonnaAderhold@ci.homer.ak.us

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a √

	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY – SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2ND AND 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
√	OTHER – PLEASE DESIGNATE	ADA Compliance Committee

I have been a resident of the city for 8 yrs ___mos. I have been a resident of the area for 8 yrs ____mos.

I am presently employed at JHT as contractor to NOAA Kasitsna Bay Lab

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force: City Council member; past experience working for an engineering firm working on projects that included consideration of ADA compliance; pedestrian in Homer; strong interest in the topic

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: Homer City Council; Vice President of the Board of Directors for the Kachemak Heritage Land Trust; Community Council member for the Kachemak Bay National Estuarine Research Reserve; Past member of the Far North Bicentennial Park User Group Committee (Anchorage)

Why are you interested in serving on the indicated commission, committee, board or task force?

I am interested in helping the city develop a framework for ADA compliance and finding cost effective solutions to ADA issues with city facilities.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

Homer City Council

Please answer the following if you are applying for the Advisory Planning Commission:
Have you ever developed real property, other than your personal residence, if so briefly describe?_____

Please answer the following if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

☐ Commercial ☐ Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!