

CITY OF MULVANE



Americans with Disabilities Act Self-Evaluation Report and Transition Plan

Updated April 2017

SECTION I: INTRODUCTION AND OVERVIEW

EXECUTIVE SUMMARY

The City of Mulvane (“the City”) has worked diligently to update its 1993 Americans with Disabilities Act (ADA) Self-Evaluation of the City’s facilities, programs, activities, and services. The intent of the updated Self-Evaluation is to identify steps that must be taken to comply with the program accessibility requirements of Title II of the ADA. Integrated within the Self-Evaluation Report is the Transition Plan which lists any identified barriers to program or facility access, recommends corrective actions and sets a timeline for improvements along with estimated costs.

The City of Mulvane hired a new ADA Coordinator last December 2016 to act in an advocacy and advisory role to improve the access of citizens with disabilities to all government and community facilities and activities. As part of their duties, the Coordinator is embarking on a gap analysis to include an ADA Self-Evaluation and Transition Plan Update.

The Americans with Disabilities Act, enacted on July 26, 1990, provides comprehensive rights and protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. The ADA prohibits all state and local governments and most private businesses from discriminating on the basis of disability.

With this report the City of Mulvane intends to:

- Produce a Self-Evaluation of selected facilities, policies, and procedures in the City; and
- Develop a Transition Plan to ensure program accessibility in Mulvane facilities, programs, and activities.

Results of the Self-Evaluation and Transition Plan are provided in Sections III (The Physical Accessibility Evaluation & Transition Plan) and IV (The Program, Policy, and Services Evaluation) of this report. These sections comprise the basis for the City to develop the required “Transition Plan”. This report clarifies recommendations contained within the Transition Plan; the City of Mulvane should consider local factors (e.g. demographics, economic conditions, community input, etc.) in making final decisions on how to proceed with specific actions regarding removal of physical barriers, timelines, and related issues.

The City of Mulvane's Self-Evaluation & Transition Plan is a public record, and the public should be invited to participate in the development of the document and any subsequent updates. This updated report will stay on file with the City for a minimum of three years, preferably as a "living document", and will guide decisions in policies, protocols, programs and construction.

Overall, the City has taken a number of steps over the past 10 years to improve accessibility of its facilities and programs. The City should focus initial efforts on updating its policies, enhancing access to its play areas, providing accessible routes to key spaces in outdoor environments, and ensuring equal access in its parking and restroom facilities. This report specifically details recommendations regarding what areas to address and priorities for action steps.

THE GOAL: PROGRAM ACCESSIBILITY

The City of Mulvane will utilize the Self-Evaluation report and process to develop a Transition Plan that results in improved program access for and inclusion of individuals with disabilities.

"PROGRAM ACCESSIBILITY: A public entity shall operate each service, program, or activity so the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

1. Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
2. Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
3. Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens."

The degree of program accessibility of a program is based on viewing each program "in its entirety"; this means that a city can achieve program accessibility in its services, programs and activities without removing every physical barrier present in existing facilities. For example, under the proper circumstances, a city that offers a public swimming program at 6 community pools may be able to demonstrate program accessibility without having a compliant pool lift at

every location. Of course, the long term goal is full inclusion, complete elimination of all barriers is not required to demonstrate compliance with Title 2 of the ADA.

THE APPROACH: GOOD FAITH EFFORT

"Good faith effort" is an implied contractual term and it is defined as "what a reasonable person would determine is a diligent and honest effort under the same set of facts or circumstances." (Troutt v. City of Lawrence, 2008 U.S. Dist. LEXIS 61641). Title II entities, including the City of Mulvane, are able to best show compliance with the ADA by demonstrating a good faith effort toward meeting its legal responsibilities. There are many factors taken into account when determining whether an entity has met the standard of good faith effort. Some factors which are most effective in showing compliance with this standard include:

- The presence of a current Self-Evaluation and Transition Plan (based on review of existing conditions).
- Record of past steps taken to remove barriers to program accessibility or otherwise enhance accessibility and inclusion of people with disabilities.
- The presence of written policies and procedures that are non-discriminatory and address the unique needs of people with disabilities.
- Staff training on disability etiquette, customer service, ADA requirements, and nondiscriminatory organizational policies and procedures.

PURPOSE OF THE SELF-EVALUATION

As stipulated in 28 CFR Part §35.105, all Title II entities were required to have completed Self-Evaluations by January 26, 1993. The City Self-Evaluation is being updated (as required by the amended ADA Title II Regulations), and the City will continue to update the Transition Plan. The City recognizes that this 2017 updated Self-Evaluation is the requisite initial step toward identifying current barriers for employees and all citizens with disabilities who use the City programs, services, activities and facilities. The goal of the Self-Evaluation and the resulting Transition Plan is removing those barriers, whether they are in a City facility, program, service, activity, policy, or governmental culture.

Program access allows a Title II entity – like the City of Mulvane – to find means of delivering their programs, services and activities without necessarily making every building fully

accessible. This evaluation will work toward assessing all the programs, services and activities and facilitate an understanding of how physical access (or a lack of access) to City sites, facilities buildings, and elements impact and inform the level of services provided to the public.

The evaluation allows the elected leaders of the community, department heads, and employees to distinguish their individual and collective strengths, systemic weaknesses and other previously unrecognized barriers to accessibility. The Self-Evaluation creates a baseline for historical purposes, and chronicles the current conditions of the City.

The Self-Evaluation forms the cornerstone for accessibility decisions that are made when programs, services, activities and facilities are altered or created new. The Self-Evaluation is the foundation for providing fully accessible programs, services, activities and facilities for the City's future growth and direction.

The following are the regulatory requirements set forth in Title II regarding an entity's responsibilities in developing a Self-Evaluation:

"§ 35.105 Self-Evaluation.

- a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.
- c) A public entity that employs 50 or more persons shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:
 - 1) A list of the interested persons consulted;
 - 2) A description of areas examined and any problems identified; and
 - 3) A description of any modifications made.
- d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the

requirements of this section shall apply only to those policies and practices that were not included in the previous self- evaluation.

SCOPE OF THE SELF-EVALUATION

1. City facilities are reviewed with the philosophy of full “Program Access” to any and all of the services and activities offered by the City, their agents or instrumentalities, by inter-local agreement, informal customs or unwritten policies. The scope of the Self-Evaluation requires a review of each of the programs, services, activities, policies and procedures presently being utilized or offered by City of Mulvane, as well as a review of all buildings and sites owned, and possibly used by the City.

The Self-Evaluation scope of this report includes reviewing:

All offered programs, services and activities.

Policy and Personnel manuals

City-wide informal and unwritten policies.

City departments and their respective services and procedures.

City facilities, buildings, and areas

The sites, facilities, buildings and areas included in the review are as follows:

City Building and Police Department – 211 N. Second Street

Public Works/ City Maintenance Shop – 410 E. Bridge Street

Inventory Control Bldg. – 410 E. Bridge Street

Public Works/Parks Dept. Bldg . – 507 N. First Street

Main Street Park (Band Shell and play equipment) – 200 E. Main

Wastewater Treatment Plant – 1417 N. Pope Drive

Pix Events Center (Community Room and two offices) – 101 E. Main

English Park-Willowdell Park (Shelter, basketball court and play equipment) – 600 Rivera Drive

Fire/EMS Station No. 1 – 910 E. Main

Styx Creek/Ralph Bell Park (skateboard park, tennis courts, volley ball courts and play equipment) – 4th Street & Franklin St.

Municipal Swimming Pool (bath house, slide, water play features) – 990 E. 111th Street

Senior Center Room – 632 E. Mulvane

Fairchild Park (baseball fields) – East Blair & Swan Drive

Rockwood Park (play equipment) – Mundell Drive & Bernice Marie Street

Collier Park (play equipment) – 302 Collier Street

Carson Park (play equipment) end of Circle Drive

Northview Park (play equipment) – N. 1st and Sunset Street

Settlers Park (play equipment) – 251 Frontier Drive

Buddy Nichols Park (play equipment) – Trail Drive and Ridge Point Drive

Hazel Craig Park (play equipment) Country Walk Lane & Lockridge Street

Fire/EMS Station No. 2 - 777 Kansas Star Drive

Water Treatment Plant – 100 N. Oliver

Public Library – 408 N. 2nd Street

Cobb Park (play equipment) 220 W. Main Street

Sports Complex (ball diamonds, soccer fields, concession stand) 995 E. 111th Street South

Electric Generation Bldg. (generators) – 8120 E. 111th Street South

Specific public facilities, trails and undeveloped parks and areas were not reviewed for accessibility. These include:

- Public Rights of Way
- All School associated parks
- Citywide Trail System
- All other facilities and elements, including, but not limited to:
 - Water Reservoir – 9903 E. 111th Street South
 - Electrical Substation – 8120 E. 111th Street
 - Electrical Substation – 410 W. Bridge
 - Pump House # 5 – 119th St. & Oliver Road
 - Pump House # 4 – 119th St. & Oliver Road
 - Pump House # 3 – 410 W. Bridge Street

Sewer Lift Station – 1501 Rockwood Blvd.
Sewer Lift Station – Buddy Nichols Park
Sewer Lift Station – 103rd St. & Rock Road
Force Main Monitoring Station # 2 – 777 Kansas Star Drive
Force main Monitoring Station # 1 - 1417 N. Pope Drive

The City's public website (www.mulvanekansas.com) was also reviewed for basic accessibility features and elements related to program accessibility, but a comprehensive accessibility and usability review of the website was beyond the scope of the work for the Self-Evaluation.

2. The ADA Coordinator solicited policies, procedures, and related documents from each department head. These materials were reviewed for compliance and any follow-up information needs were solicited via email and phone. This evaluation also includes review of inter-local government agreements and landlord and informal customs and policies.
3. Program access often requires that buildings and facilities are also accessible, which compels the need for an architectural review of all City-owned buildings and sites, temporary events or leased properties used by the City. In order to establish a baseline for the architectural standards, the facility evaluations are performed using the 2010 Standards for Accessible Design (2010 Standards) guidelines, as promulgated by the Department of Justice (DOJ) and published on September 15, 2010. The DOJ standards are intended only for new or altered construction, and not for existing structures and sites. However, using the 2010 Standards is a best practice, and provides a starting point with a federally created document intended for purposes of accessibility, which is the accepted standard nationwide. By using the 2010 Standards for this review, the city will be able to utilize this report for any future construction, alteration or addition as these projects must be designed and constructed using the 2010 Standards.
<http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>

THE TRANSITION PLAN

The United States Department of Justice emphasizes the importance of community involvement in implementing the findings of these reports.

“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.”

(<http://www.ada.gov/smtown.htm>)

Formation of an Ad-Hoc Accessibility Advisory Board is critical in making these decisions. **The City Council should create and appoint an ADA Advisory Committee early in 2017 to act in an advocacy and advisory role to improve the access of citizens with disabilities to all government and community facilities and activities.** As part of their duties, the Committee should embark on a gap analysis to include an ADA Self-Evaluation and Transition Plan.

The concept of “Nothing About Us Without Us” should drive the processes and activities the City incorporates to make reasonable, informed, and effective decisions about accessibility moving forward from this report.

OVERVIEW OF RECOMMENDED ACTION STEPS

1. REVIEW SELF EVALUATION REPORT OF SELECTED FACILITIES AND POLICIES
2. POST DRAFT ON CITY WEBSITE FOR PUBLIC COMMENT
3. DOCUMENT INPUT FROM PUBLIC
4. ADOPT SELF-EVALUATION REPORT
5. ADOPT RECOMMENDED POLICY MODIFICATIONS (SECTIONS II AND IV) AND IMPLEMENT 2017 DEVELOP TRANSITION PLAN BASED ON NEED TO REMOVE BARRIERS TO PROVIDE PROGRAM ACCESSIBILITY (SECTION III)
 - a. INCORPORATE PUBLIC INPUT OBTAINED DURING COMMENT PERIOD
 - b. CONSIDER REPORT RECOMMENDATIONS IN CONJUNCTION WITH LOCAL CONDITIONS
6. FOLLOW UP:
 - a. DEMONSTRATE GOOD FAITH/BEST EFFORTS TO PROVIDE NON-DISCRIMINATORY FACILITIES, ACTIVITIES, PROGRAMS, AND SERVICES
 - b. COMPLETE SELF-EVALUATION OF FACILITIES AND PROGRAMS NOT ADDRESSED IN THIS REPORT
 - c. SCHEDULE TARGETED, ROLE-BASED TRAINING FOR CITY EMPLOYEES

SECTION II: TITLE II ADMINISTRATIVE REQUIREMENTS

In addition to the requirements to conduct a Self-Evaluation and develop a Transition Plan outlined above, the ADA sets forth three further administrative requirements for Title II entities with 50 or more employees. These include public notice, designation of an employee responsible for ADA compliance activities, and development of a grievance procedure.

PUBLIC NOTICE

The City must provide notice to the public about its ADA obligations and about its accessible facilities and services. The notice should inform the public about the ADA's nondiscrimination requirements and should also describe how the public or employees may contact specific 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. This requirement is outlined in the ADA regulatory language provided below:

§ 35.106 Notice

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

At this time, the City has drafted the following ADA Policy Statement:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 as amended ("ADA"), the City of Mulvane, Kansas ("City") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Mulvane 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: The City of Mulvane will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Mulvane 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: The City of Mulvane 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.

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 the City of Mulvane, should contact the following as soon as possible, but no later than 48 hours before the scheduled event:

ADA Coordinator ~ 211 N. Second Street Mulvane, KS 66110 ~ (316) 777-1143

The ADA does not require the City of Mulvane 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 the City of Mulvane is not accessible to persons with disabilities should be directed to the ADA Coordinator.

The City of Mulvane shall 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.

Upon review, this policy includes the information recommended by the U.S. Department of Justice (DOJ) for ADA notices and highlights the City's nondiscrimination, effective communication, and reasonable modification policies. It also includes the contact information for the ADA Coordinator, a key component to an effective ADA public notice. At this time, no revisions to the language included in this policy are recommended.

Although no specific method is required to reach the public, it is recommended that notice be provided in more than one format and by using more than one type of media. At this time, the policy is posted prominently on the City's website at <http://www.mulvanekansas.com/documents/ada-policies> It is recommended that the City verify that the policy is also posted prominently in public offices. It is also important that this policy be provided in alternate formats such as large print, electronic file, or Braille, upon request.

RECOMMENDATIONS:

- ***Verify that ADA Public Notice is posted prominently in all offices and facilities open to the public.***
- ***Train City employees and volunteers to respond to requests for alternate formats of the ADA Public Notice.***

RESPONSIBLE EMPLOYEE

A public entity with 50 or more employees is required to designate at least one employee to coordinate ADA compliance. Although the ADA does not refer to this person as an "ADA Coordinator," this job title is commonly used in state and local government and is the operative term in this document. The regulatory language relative to this requirement includes:

§ 35.107 Designation of responsible employee and adoption of grievance procedures

- a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.*

The ADA Coordinator is responsible for managing 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. The best practices approach is to publicize the name and role of the contact person or office on the city web-site and in any appropriate documents. Officials from other cities, counties and agencies with which City of Mulvane has agreements should also be informed. Issues regarding complaints from the public under ADA Title II or from city employees under Title I should be channeled through the same office or individual.

The job description of the ADA Coordinator should reflect the intent of Title II regulations, which is to coordinate state or local government's efforts to comply with and fulfill its responsibilities under title II, including the investigation of complaints. The responsibilities of an ADA Coordinator should include:

- Conducting and/or maintaining a Self-Evaluation
- Conducting and/or maintaining a Transition Plan
- Establishing and overseeing grievance procedures
- Monitoring on-going progress of the Transition Plan
- Communicating policy within the organization and throughout the community
- Coordinating activities among a number of departments
- Identifying and utilizing appropriate resources
- Establishing a working knowledge of ADA regulations and guidelines
- Assisting in development of policies and procedures
- Coordinating ADA-related training for City employees and volunteers
- Working closely with the disability community and the disabilities advisory commission

The ADA Coordinator should be viewed as an administrative/management position rather than a technician, legal counsel, or regulatory specialist. Note that the above functions require a skill set similar to most management roles: a high level of administrative, organizational, and communication skills. Qualifications of an effective ADA Coordinator include:

- 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

To better serve all citizens equally, the City has assigned the duties of the ADA Coordinator to the Planning & Zoning Administrator, a position currently filled by Joel Pile.

RECOMMENDATION:

- ***Verify that the current ADA Coordinator has access to necessary training and resources needed to fulfill the requirements of the position.***

GRIEVANCE PROCEDURE

Title II also requires that cities 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 City. 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. This requirement is outlined in the ADA regulations as such:

§ 35.107 Designation of responsible employee and adoption of grievance procedures

b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part."

The City's current ADA Grievance Procedure (adopted procedure included in Section V of this report) was reviewed as part of this Self-Evaluation. The policy covers complaints related to alleged Title II disability discrimination while the City's Personnel Policy governs employment-related discrimination issues. The policy includes a clear outline of necessary steps for filing an ADA-related grievance and also includes designated timelines for filing and response. While grievances are required to be filed in writing with the ADA Coordinator, alternate methods are provided, upon request. The grievance process includes

an investigation led by the ADA Coordinator and the option for reconsideration by the City Administrator.

RECOMMENDATIONS:

- *Revise policy to include language that “Reasonable modifications to the deadlines outlined in this policy may be made, upon request.” This allows the City to modify the 30-day filing deadline in case of legitimate disability-related reasons and it also allows for some flexibility to the 15-day investigation timeline, when needed.*
- *Provide periodic training on an ongoing basis about the ADA Grievance Policy to all City employees and volunteers. This training ensures that all City representatives are able to access and discuss the policy, when necessary.*

SECTION III: PHYSICAL ACCESSIBILITY EVALUATION & TRANSITION PLAN

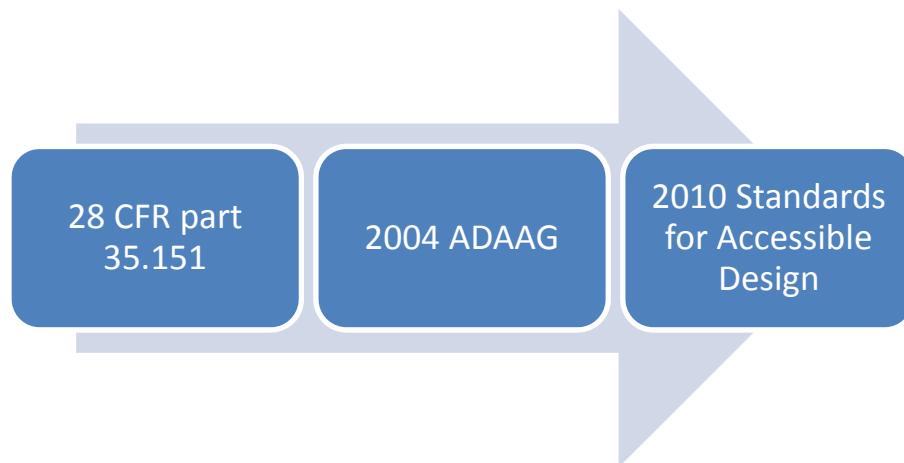
The Physical Accessibility Evaluation identifies areas that could be potential barriers to program accessibility for users based on the minimum standards established in the 2010 ADA Standards. **NOTE:** The facilities reviewed are existing facilities. The references to the ADA and related regulations are standards for new construction and alterations.

ACCESSIBLE DESIGN

Accessible Design is design focused on principles of extending standard design to people with one or more ability limitations to maximize the number of potential people who can readily use a product, building or service.

In the United States, the most common standard measure of accessible design is The 2010 Americans with Disabilities Act Standards for Accessible Design. The 2010 Standards are organized as a mix of regulatory standards excerpted from the updated Americans with Disabilities Act Title 2 Regulations and a building standard, the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

State and local government facilities must follow the requirements of the 2010 Standards, including both the Title II regulations at 28 CFR 35.151; and the 2004 ADAAG at 36 CFR part 1191, appendices B and D.



In the few places where requirements between the two differ, the requirements of 28 CFR 35.151 prevail.

Adoption of the 2010 ADA Standards for Accessible Design The U.S. Department of Justice has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of this rule. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States.

Effective Date The rule became effective March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations and barrier removal. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards and the 2010 Standards.

Element-by-Element Safe Harbor The rule includes a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration. A similar safe harbor applies to elements associated with the "path of travel" to an altered area.

The area-specific reports provide information about potential barriers to people with disabilities, ADAAG references, suggestions to address barriers, and an area for comments.

The facilities reviewed are existing facilities. The references to the 2010 Standards and ADAAG are standards for new construction. Area-specific reports identify elements and facilities that are covered by Safe Harbor provisions of the ADA.

RECOMMENDED PRIORITIES AND PLANNING LEVEL COST ESTIMATES

The tables below contain prioritized recommendations for physical barrier removal to ensure program accessibility throughout the City's programs and activities. Where needed, further guidance on approach to barrier removal is provided beneath the table.

Priorities were developed based on three factors:

- Likelihood that steps will meet the standard of "easily accomplishable and able to be carried out without much difficulty or expense"
- Priorities for barrier removal identified in U.S. § 36.304: Removal of barriers

- Subjective assessment of which steps toward barrier removal will significantly impact the widest range of users with disabilities

Barriers are identified as being Priority 1, 2 or 3.

- Priority 1 indicates the barrier is considered easy and relatively inexpensive to address, or is integral to compliance with ADA.
- Priority 2 indicates the barrier should be assessed in relation to cost and overall effect on usability of the facility
- Priority 3 indicates the barrier is unlikely to be addressed without significant cost and/or renovation, is technically infeasible, or (subjectively) is not likely to affect a significant number of people with varying abilities. However, priorities assigned are relative; just because an action is identified as Priority 3 does not mean that the action should not be considered as part of the City's good faith efforts to meet the standard of Program Access.

The recommendations provided for timelines and budget allocations to address barriers are not binding in any way; it will be dependent upon the City Council to assess resources available and factor in local conditions when implementing the Transition Plan. It is possible such conditions result in the city addressing barriers under either a more or less aggressive timetable.

Costs are not included for items identified as "maintenance" in the schedule. We assume that those costs will involve hourly city staff time plus common maintenance materials.

Costs for signs and simple fixtures such as door hardware do not include hourly city staff time for installation. Prices to acquire fixtures and hire outside contractors to do the work can be provided, but will significantly increase costs related to compliance for the City.

Remodeling costs are offered based on historic cost information for similar project scopes completed by professional developers. New construction costs are offered based on historic cost information for similar projects. We have tried to be conservative with cost estimates; by shopping around and consulting playground surfacing professionals, Mulvane may be able to address barriers for less than the amount indicated in these projections.

City of Mulvane – ADA/504 Transition Plan: City Building & Police Department

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Police Restrooms	Install accessibility features	II	2019	\$500

City of Mulvane – ADA/504 Transition Plan: Public Works Maintenance Shop

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Restrooms	Provide ADAAG compliant signage at restroom.	I	2018	\$50

City of Mulvane – ADA/504 Transition Plan: Inventory Control Building

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost

No Inconsistencies

City of Mulvane – ADA/504 Transition Plan: Parks Department Building

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Police Restrooms	Install accessibility features	II	2019	\$500
Accessible Parking	Provide at least one accessible parking space.	I	2017	\$500

City of Mulvane – ADA/504 Transition Plan: Main Street Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Wastewater Treatment Plant

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Main Entrance	Install universal sign of accessibility	I	2018	\$50

City of Mulvane – ADA/504 Transition Plan: Pix Community Center

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Accessible Parking	Provide at least one accessible parking space.	I	2017	\$500

City of Mulvane – ADA/504 Transition Plan: English Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Disc Golf	Create an accessible path (concrete, rubber, asphalt) of travel to access disc golf	III	2020	\$15,000
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$4,000

City of Mulvane – ADA/504 Transition Plan: Fire/Ems Station No. 1

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost

No Inconsistencies

City of Mulvane – ADA/504 Transition Plan: Styx Creek / Ralph Bell Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Municipal Swimming Pool

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Main Entrance	Install universal sign of accessibility	I	2018	\$50

City of Mulvane – ADA/504 Transition Plan: Senior Center

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Main Entrance	Install universal sign of accessibility	I	2018	\$50

City of Mulvane – ADA/504 Transition Plan: Fairchild Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
	No Inconsistencies			

City of Mulvane – ADA/504 Transition Plan: Rockwood Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Collier Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Carson Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Northview Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
	No Inconsistencies			

City of Mulvane – ADA/504 Transition Plan: Settlers Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
	No Inconsistencies			

City of Mulvane – ADA/504 Transition Plan: Buddy Nichols Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Hazel Craig Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Provide an accessible path of travel leading to at least one of each type of park amenity.	II	2019	\$3,500

City of Mulvane – ADA/504 Transition Plan: Fire/Ems Station No. 2

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost

No Inconsistencies

City of Mulvane – ADA/504 Transition Plan: Water Treatment Plant

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Accessible Parking	Provide at least one accessible parking space, 96" wide designated "van accessible".	II	2019	\$1,000

City of Mulvane – ADA/504 Transition Plan: Public Library

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost

No Inconsistencies

City of Mulvane – ADA/504 Transition Plan: Cobb Park

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
	No Inconsistencies			

City of Mulvane – ADA/504 Transition Plan: Sports Complex

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
Pedestrian Paths of Travel	Create an accessible path (concrete, asphalt, rubber) of travel leading to at least 5% of benches, bleachers, containers and ball fields.	III	2021	\$25,000

City of Mulvane – ADA/504 Transition Plan: Electric Generation Building

Location / Issue	Recommended Correction(s)/ Modifications to Ensure Program Access	Priority Rank	Year	Estimated Cost
	No Inconsistencies			

SECTION IV: PROGRAM, POLICY, AND SERVICES SELF-EVALUATION

The Program, Policy, and Services evaluation offers two basic areas of review and recommendations related to Title II compliance. The first section discusses several general areas of Title II requirements including effective communication, reasonable modification, separate benefit/integrated setting, and eligibility criteria. The second section includes recommendations for improving program access for the City's specific programs and services on a department-by-department basis.

The first section summarizes general findings and recommendations as they apply broadly to all the City departments. These recommendations should be incorporated into the City policies as a whole and can be tailored by each department to specifically fit their programs, services, and activities. The City does not specifically operate any programs or services devoted exclusively for persons with disabilities.

The City has several categories of interaction with the public in their delivery of services. All of the departments interact with citizens and others in person, on the telephone, or by serving them online. Some programs and departments are autonomous, creating regulations, policies, and documents to guide interactions with the public. Other departments must base their public interactions, in part, on their relationship to State or Federal programs, contractual agreements, resolutions, etc.

In general, the City can take several proactive steps within all their divisions that will enhance their level of accessible services. These include:

- The review, modification, creation or implementation of policies that reaffirm each department's commitment to providing accessible services, programs and activities.
- Ongoing ADA and disability etiquette/awareness training for staff.
- Crafting and posting permanent signage (in addition to the existing web-site notice) which outlines the City commitment for accessibility. Signage in each office, structure and Department should detail how a person with a disability can get assistance with any service, program, document, etc.

TITLE II REQUIREMENTS FOR PROGRAMS & SERVICES

Title II of the ADA prohibits Mulvane from discriminating on the basis of disability in all the City's services, programs, and activities. Likewise, people with disabilities must have an equal opportunity to participate in and benefit from the City's services, programs, and activities. To accomplish this, the ADA sets requirements for communications with the public and policies and procedures governing town programs, services, and activities. These include provisions concerning denial of participation, integrated setting/separate programs, reasonable modification, effective communication, and relationships with outside vendors.

Denial of Participation

The ADA prohibits the City from denying services or benefits to otherwise qualified individuals because of disability. Instead, individuals with disabilities should have an equal opportunity to participate in or benefit from the many programs and services offered by the City. For example, an adult with diabetes cannot be denied participation in the adult athletics program offered through the Parks & Recreation department because of his medical condition.

RECOMMENDATION:

- ***Verify that each department publishes a basic nondiscrimination/equal opportunity statement that includes disability as a protected class in all publications, forms, and documents.***

Integrated Setting/Separate Programs

A primary goal of the ADA is the equal participation of individuals with disabilities in the "mainstream" of American society, including participation in their local communities. The major principles of mainstreaming including 1) integrating individuals with disabilities into programs and services to the maximum extent appropriate, 2) creating separate programs when necessary to ensure equal opportunity, and 3) allowing individuals with disabilities to participate in the regular program instead of a separate program when offered. For example, while the City offers a Special Olympics program, a young athlete with a disability should also be allowed to participate in the standard athletic program, as long as that person meets the program requirements.

Reasonable Modification

Title II requires the City and its departments to reasonably modify policies, practices, or procedures to avoid discrimination based upon disability. For example, the City's ADA Grievance Procedure discussed above requires individuals to submit ADA-related complaints in writing. However, as a reasonable modification to that policy, alternate means of submitting those complaints are also allowed on a case-by-case basis. Several recommendations for reasonable modifications to policies, practices, and procedures are discussed below with regards to specific City departments. However, some general modifications to City policies are offered below. Keep in mind, if the City can demonstrate that a requested modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

In review of the City's Application for Reasonable Accommodation (NonEmployment Related). It appears that this form is used to solicit information about individuals' needs for modifications, auxiliary aids and services (see section below on Effective Communication), and other disability-related needs. It is important to keep in mind that the term "reasonable accommodation" is typically reserved for employment and education. In fact, the term is never used in Title II of the ADA regarding access to government programs, services, or facilities. Therefore, it is recommended that this form be updated with language relevant to the City's ADA compliance responsibilities.

RECOMMENDATIONS:

- ***Revise the Application for Reasonable Accommodation (Non-Employment Related) by updating the title to Application for Disability-Related Modification and substituting the word "modification" for "accommodation" throughout the form.***
- ***Develop a statement and detailed guidance for all departments regarding "Reasonable Modifications of Policies" as discussed above. Currently, the review did not uncover any language in policies guiding decision making when the City considers whether to modify a policy for the public or employees of the City. The following language is one such example: "The City of Mulvane is committed to providing our programs, services and activities in an accessible and integrated manner. When City policies or procedures present an obstacle to that goal, the City will modify the policy to the maximum extent feasible without altering the fundamental nature of that program, service or activity. If you are in need of policy***

modifications identified with the ADA; or have suggestions, concerns or complaints, please contact the City ADA Coordinator."

- ***Provide training to City employees on the consistent administration of policies and reasonable modification.***

Effective Communication

According to Title II, CFR §35.160 of the ADA, City of Mulvane must "take appropriate steps to ensure that communication with applicants, participants and members of the public with disabilities are as effective as communication with others." The City's ADA Policy (see above) includes information about its commitment to effective communication.

In order to provide equal access, the City is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication. Auxiliary aids and services may include qualified interpreters, video-remote interpreters (VRI), assistive listening devices, real-time captioning, text telephones (TTYs)/telecommunications devices for deaf persons (TDDs), videotext displays, readers, taped texts, Brailled materials, and large print materials.

When an auxiliary aid or service is required, the City must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. "Primary consideration" means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens. For example, if a resident requests a sign language interpreter for a City Council meeting, the interpreter should be provided, unless the City determines that captioning or another auxiliary aid or service is equally effective.

It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective. Some individuals who were deaf at birth or who lost their hearing before acquiring language, for example, use sign language as their primary form of communication and may be uncomfortable or not proficient with written English, making use of a notepad an ineffective means of communication.

The City may not assess a surcharge to an individual with a disability for these services and this requirement is also outlined in the City's ADA Policy. Keep in mind, the fees to the public at-large or specific fees for an event or program may be increased to all participants to offset the costs of the auxiliary aids, services, interpreters, etc.

RECOMMENDATIONS:

- *Include Effective Communication statement from the ADA Notice on the Communication Page of the City's website (<http://www.mulvanekansas.com/documents/communication>)*
- *All City brochures, handbooks, handouts, application forms, examinations and other printed materials including - but not limited to - displays and presentations, information provided at booths and kiosks must be available in alternate formats, upon request. This applies to all departments. The City should consider identifying and retaining the contact information and a Memorandum of Understanding (MOU) with organizations that provide:*
 - ✓ *Sign-language interpreters*
 - ✓ *Video interpretation conferencing services*
 - ✓ *Real time captioning stenographers*
 - ✓ *Braille or large print o Audiotapes, CD's or other accessible formats*
 - ✓ *Assistive Listening devices*
 - ✓ *Call in/Speakerphone capability*
- *While the City does not need to provide these materials in advance of a request, it should be poised to respond affirmatively and in a reasonable time frame to individual requests. Developing guidelines for what is a 'reasonable time frame' to expect the delivery of a city document in Braille of large print should be explored with vendors, decided, and put into print as part of City policies.*
- *Establish a procedure for all departments which outlines how an individual requests alternative formats and aids. If a person with vision loss desired an alternate written format – such as Braille or large print – protocols can instruct all staff how to proceed in a consistent manner. The means for alerting the public about the availability of the alternate formats and aids should be offered via various media including on the City's website, at each service counter, posted in offices, on recordings for automated telephone service, and by email.*

- *Adopt City-wide communication design standards that ensure that all communications including correspondence, brochures, newsletters, signage, etc. are uniform and include consistent accessibility features such as a sans serif font (e.g., Ariel or Calibri), space between characters, line spacing, indentation, color contrast, etc.*

Relationships with Outside Vendors/Procurement

Standard practice in public administration includes contractual, inter-local, and even informal agreements between the City and other government agencies. For example, the City often partners with Sedgwick County to provide programs and services to its citizens. The City must ensure that any partner organizations, public or private, are in compliance with the ADA so as to avoid compliance liabilities. The following recommendations for modifications of policies include statutory or contractual relationships that exist between the City and other agencies.

RECOMMENDATIONS:

- *Include information in all formal agreements with outside vendors, service providers, and other government agencies about the City's commitment to ADA compliance. Include a clause that acknowledges the partner's commitment to ADA compliance when partnering with the City to provide programs and services.*
- *Revise the Purchasing Policy to include language about the City's commitment to purchasing products that meet ADA accessibility requirements and contracting with outside vendors who meet minimum ADA compliance requirements.*
- *Given recent regulations related to other federal laws, the City may also want to consider giving preference in bid opportunities to companies owned and operated by individuals with disabilities and veterans with disabilities. More information about an example of this type of disability diversity supplier program can be found at <http://usbln.org/what-we-do/supplierdiversity/>.*
- *In each relationship with other entities, the City has a concomitant level of responsibility to:*

- *Inform the other agencies or government officials of any known accessibility shortcomings within the policies, programs and facilities of those governments or agencies. This applies most readily when City of Mulvane is acting as a tenant or when City of Mulvane has no real authority over the conditions of the partners' sites, facilities, buildings, programs, services or activities, but may be aware of the shortcomings.*
- *Provide accessibility to the greatest extent feasible which corresponds with the City level of ownership, location of the service, nature or the arrangement, etc.*
- *Examine each of the contractual, inter-local, and informal and/or customary agreements to ensure that the City fully establishes which of the two parties is responsible for accessibility 36 under the ADA, and determine the appropriate distribution of that responsibility between parties.*

Emergency Management

At this time, City personnel indicate that Mulvane has adopted Sedgwick County's emergency management protocol. Many smaller municipalities have adopted a similar strategy for emergency management and disaster planning. In recent years, whole-community emergency management and inclusive disaster planning has dramatically increased in importance and visibility. Specifically, the U.S. Department of Justice has given much attention to this topic when enforcing the ADA within cities and towns. Given the vital importance of this topic, it is recommended that the City take several steps to ensure the needs of its residents and visitors with disabilities are addressed in its emergency management policies and procedures.

RECOMMENDATIONS:

- *In partnership with Sedgwick County, review the emergency management plan to verify that the needs of individuals with disabilities in emergencies and disasters are acknowledged and addressed.*
- *Build relationships with local disability and emergency management organizations (e.g., Red Cross) to verify that the needs of individuals with disabilities are addressed in all disaster planning efforts.*

- ***Each City facility should have a documented evacuation plan, as well as emergency procedures and practice drills or training with the staff. Develop policies that identify procedures for evacuating persons with disabilities. The evacuation plan and procedures should be developed and distributed to the general public.***
- ***Establish protocols for employees, volunteers, and visitors to disclose the need for emergency preparedness assistance. Information about these protocols should be included in the City's security/registration process and at point of entry to each building and should be available in a variety of formats (e.g., large print, multiple languages). Messaging related to emergency preparedness should not solicit disclosure of disability directly, but should instead focus on the need for assistance. For example, communication can be as follows:***

"It is the City's policy that, in an emergency, building occupants must be able to evacuate the premises independently in X time or less. Would you need assistance to do this and if so, what type of assistance would you need?"

DEPARTMENTAL REVIEWS

The City of Mulvane offers a variety of essential programs and services that are fundamental to the public and to everyday community life. It is essential that individuals with disabilities have the opportunity to participate in these programs and services to the greatest extent possible.

The City has several categories of interaction with the public in their delivery of services. All of the departments interact with citizens and others in person, on the telephone, or by serving them online. Some programs and departments are autonomous, creating regulations, policies, and documents as the sole decision-maker when interacting with the public. Other departments must base their public interactions, in part, on their relationship to State or Federal programs, contractual agreements, resolutions, etc.

Brochures, policies, programs and procedures, interaction with the public, and other details were reviewed to gain an understanding of the current status of the accessibility of these programs, services and activities. An overview of each department's programs and services is provided with appropriate recommendations.

City Clerk / Administration

The day-to-day duties of the City Clerk put the office in significant contact with the public across many venues. The Clerk's duties cover aspects of recording, reporting, employment, meetings with city leaders and interactions with many of the other city departments. Because of the nature of these programs and services, it is important that the Clerk's office provide these services as equally and accessibly to individuals with disabilities.

RECOMMENDATIONS:

- *Implement the City-wide Reasonable Modification Policy & Procedure discussed above.*
- *The Clerk's office should be prepared to provide all of their forms, applications, statements, receipts, handouts and brochures in an accessible manner. New steps are necessary, including being prepared to contact sign-language interpreters or the use of outside agencies for Braille or large print needs.*
- *All printed documents should contain a statement of non-discrimination when possible, in particular the forms, brochures, handouts, etc. The following language is one such example:*

"If you are in need of disability modifications or need alternate formats of any document please contact the City ADA Coordinator.

- *When identification is required, the Clerk's office should have a written policy describing the acceptable forms of official identification. Requiring a Driver's License has been considered discriminatory in past litigation, as some people with disabilities are not eligible for a Driver's License.*
- *All City Clerk staff should receive disability etiquette and awareness training for providing effective customer service to individuals with disabilities.*
- *All City Clerk staff should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc.*
- *All public meetings and board/commission/committee meetings should be held in areas and buildings which are architecturally accessible and should be advertised as such. The public should be informed of accessible meetings through a variety of channels including the City's website, appropriate service counters related to the public meeting, public and legal notices, recordings for voice mail and automated*

phone services, email, bulletins, brochures, handouts, and any other means being used.

Utilities

The City provides utility services, including electric, water, and wastewater, to its residents. The Utilities Department is responsible for the construction, operation, maintenance, and repair of the City's utility infrastructure. Because of the nature of these services, department employees interact with customers on a regular basis.

RECOMMENDATIONS:

- *Implement the City-wide Reasonable Modification Policy & Procedure discussed above.*
- *The department should be prepared to provide all of their forms, applications, statements, receipts, handouts and brochures in an accessible manner.*
- *All printed documents should contain a statement of non-discrimination when possible and should include a version of the following language: "If you are in need of disability modifications or need alternate formats of any document please contact the City ADA Coordinator."*
- *When identification is required, the department should have a written policy describing the acceptable forms of official identification. Requiring a Driver's License has been considered discriminatory in past litigation, as some people with disabilities are not eligible for a Driver's License.*
- *All staff should receive disability etiquette and awareness training for providing effective customer service to individuals with disabilities.*
- *All staff should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc.*

Public Works

The Public Works Department manages and maintains public rights-of-way, streets, traffic signs and signals, storm water, fleet maintenance, and city building maintenance.

Other responsibilities of the Public Works Department include planning, designing, and constructing elements of the City's infrastructure; managing the City's environmental programs; operation and maintenance of the City's storm water systems, streets, and traffic

control network; maintenance of the City's fleet of vehicles and equipment; and upkeep of City buildings and facilities.

It is important to keep in mind that the City must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited. Given its role in the upkeep of City buildings and facilities, Public Works plays an important role in the maintenance of these accessible features. Obviously, mechanical failures in equipment such as lifts or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.

RECOMMENDATIONS:

- *Implement the City-wide Reasonable Modification Policy & Procedure discussed above.*
- *Review the department's policy on the maintenance of accessible features of City buildings and facilities to ensure that adequate protocols are in place to meet ADA requirements.*
- *The department should be prepared to provide all of their forms, applications, statements, receipts, handouts and brochures in an accessible manner.*
- *All printed documents should contain a statement of non-discrimination when possible.*
- *All staff should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc.*
- *All staff should receive basic training related to the ADA Standards for Accessible Design, public rights of way, and other relevant topics.*

Boards, Commissions, and Committees

The City has several standing boards, commissions, and committees that assist with public administration. Some of these groups include the Planning Commission, Tree Board, and Building & Trades Board. Each group is charged with a different mission, depending on their affiliation with the City and their purpose.

RECOMMENDATIONS:

- ***Implement the City-wide Reasonable Modification Policy & Procedure discussed above.***
- ***All boards, commissions, and committees should be prepared to provide reports, meeting minutes, and other generated correspondence in an accessible format.***
- ***All members should receive disability etiquette and awareness training for effectively interacting with individuals with disabilities.***
- ***All members should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc. This training will help encourage decision-making that takes into consideration the City's ADA compliance responsibilities.***
- ***All public meetings and board/commission/committee meetings should be held in areas and buildings which are architecturally accessible and should be advertised as such. The public should be informed of accessible meetings through a variety of channels including the City's website, appropriate service counters related to the public meeting, public and legal notices, recordings for voice mail and automated phone services, email, bulletins, brochures, handouts, and any other means being used.***
- ***The City should actively recruit eligible individuals with disabilities to serve on boards, commissions, and committees.***
- ***All openings should be shared with disability organizations in the community.***

Parks

The Parks Department offers a variety of programs and services designed to “entertain, educate, and exercise the minds and bodies” of Mulvane residents including athletic programs, special events, and parks. Much of the programming involves the use of volunteers.

Parks, recreation, and sports are critically important in Mulvane, and equally so to persons with disabilities. Beyond the simple fun of participation, persons with disabilities, especially children with disabilities, are given exceptional opportunities for socialization and development often not available in other areas of their lives. The benefits of involvement with recreational activities like those offered by the Parks Department also include increased quality of life and health improvements. Therefore, ensuring that Parks facilities and services are accessible to individuals with disabilities is especially important for increasing community participation. The recommendations provided below focus on

providing equal access to these programs and services for individuals with a wide variety of disabilities.

Facilities and structures that are built or altered for temporary use must comply with the ADA Standards for Accessible Design. In addition, the policies and operations for the event must meet the nondiscrimination requirements of the ADA. When planning temporary events such as Movies & Music in the Park, the Easter Egg Hunt, or the Old Settlers Days, to name a few, the City should review ADA title II requirements 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. 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 electronically. The City 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 doing so would result in undue financial and administrative burdens. Promotional material for all temporary events 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.

RECOMMENDATIONS:

- ***Implement the City-wide Reasonable Modification Policy & Procedure discussed above.***
- ***The department should be prepared to provide all of their forms, applications, statements, receipts, handouts and brochures in an accessible manner.***
- ***All printed documents should contain a statement of non-discrimination when possible.***
- ***When identification is required, the department should have a written policy describing the acceptable forms of official identification. Requiring a Driver's License has been considered discriminatory in past litigation, as some people with disabilities are not eligible for a Driver's License.***

- *All staff and volunteers should receive disability etiquette and awareness training for interacting effectively with and providing effective customer service to individuals with disabilities.*
- *All staff and volunteers should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc.*
- *Ensure that the City's ADA policies and related guidance are available to coaches, team organizers, and other volunteers. Issues of team eligibility, scheduling of events, and other administrative aspects of sports programming must not discriminate against participants, parents, visitors, spectators, coaches, etc. with disabilities.*
- *When planning and promoting special events, including temporary events on City property, involve disability organizations and individuals with disabilities in the planning process for the events.*

Police Department

The Mulvane Police Department is responsible for a wide variety of law enforcement activities including the daily patrol activities of the department. The officers assigned to patrol respond to all calls for service and conduct the initial investigative duties related to any reported crime. Those duties include meeting with the reporting party, interviewing witnesses and suspects, collecting evidence and making arrests. The officers also conduct traffic accident investigations, along with a variety of self-initiated activities, such as traffic enforcement, narcotics detection/investigation, and residential and business checks. Police Department administration oversees the Investigations and Animal Control sections of the department. The investigations section processes crime scenes, completes follow-up investigations, submits completed cases to the District Attorney's Office, conducts citywide crime analysis, and maintains the evidence/property room. The animal control section handles all calls for service involving domestic and wild animal complaints, and completes follow-up investigations on animal bite cases. Administration is also tasked with recordkeeping, fulfilling the reporting requirements of the KBI and FBI, and the contract management and customer service functions of the department.

In addition to ongoing patrol and law enforcement, programs and services of the Police Department include neighborhood safety, child safety, business security, neighborhood block parties, crosswalk safety, crime map, and code enforcement.

RECOMMENDATIONS:

- *Implement the City-wide Reasonable Modification Policy & Procedure discussed above.*
- *The department should be prepared to provide all of their forms, applications, statements, receipts, handouts and brochures in an accessible manner.*
- *All printed documents should contain a statement of non-discrimination when possible.*
- *When identification is required, the department should have a written policy describing the acceptable forms of official identification. Requiring a Driver's License has been considered discriminatory in past litigation, as some people with disabilities are not eligible for a Driver's License.*
- *All law enforcement officers and staff should receive disability etiquette and awareness training for interacting effectively with and providing effective customer service to individuals with disabilities.*
- *All law enforcement officers and staff should receive basic ADA training that addresses primary compliance responsibilities including nondiscrimination, equal opportunity, reasonable modification, effective communication, etc.*
- *Since the Police Department has separate policies for employees, it is imperative to coordinate with HR to verify that all Police Department employment policies and procedures are consistent with general HR policies and procedures.*
- *Citizen Complaints. The procedure for lodging an PD-related complaint is separate and different than the City's ADA Grievance Procedure discussed above. The Police Department should coordinate with the City's ADA Coordinator to determine which procedure will be used for individuals with disabilities wishing to lodge an ADA-related complaint.*
- *The PD manuals should specify details and policies regarding separating a person with a disability from their assistive device (Wheelchair; walker, polio braces, or any other auxiliary aid). Details for the care and storing and return of the device are needed.*
- *The PD manual should identify how and when an officer will search assistive devices – such as wheelchairs.*
- *Specific training and procedures should be part of the department and the manuals regarding properly transferring a person to - or from - a wheelchair into vehicles, jail cells, etc.*
- *The City and PD should consider adopting the attached document: "MODEL POLICY OF LAW ENFORCEMENT ON COMMUNICATION WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING".*

- *The City and PD should consider retaining the services or ensuring the availability of appropriate vehicles for the proper transporting of persons with disabilities while still situated in their assistive devices.*
- *The City should amend policies to define when prisoners or others may have food or other sustenance to maintain blood sugar levels when being held, transported or incarcerated.*
- *The City should ensure that the public and any interested parties know and can obtain auxiliary aids and services upon request; including: Sign language interpreters, readers, CART, video remote interpreting, etc. This information should be promulgated on the City and PD website, brochures, handouts and all associated communication.*

SECTION V: REGULATORY GUIDANCE, EXCERPTS, RESOURCES & CONCLUSION

DEFINITIONS

ADA Coordinator: One or more employees of a state or local government entity (Title II) with more than 50 full time employees. The ADA coordinator(s) are required under CFR §35.107 with developing and reviewing the government's facilities, policies, programs, services and activities for citizens and employees with disabilities, establishing specific grievance procedures and other duties related to preventing and responding to issues of discrimination.

ADAAG: The Americans with Disabilities Act Accessibility Guidelines (2004 Edition). ADAAG is a part of the 2010 Americans with Disabilities Act Standards for Accessible Design.

City: The City Government of City of Mulvane, Kansas

Existing Facility: a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part. Facility: All or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Public Employer: means any State or local government employer with 15 or more employees.

Public Entity: means (A) any State or local government; (B) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and (C) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

Qualified Individual with a Disability: means any individual who:

- Has a physical or mental impairment that substantially limits a "major life activity", or
- Has a record of such an impairment, or
- Is regarded as having such impairment
- For purposes of employment, a qualified individual with a disability is any individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Reasonable Accommodations: means (A) making existing facilities and worksites used by qualified employees with disabilities accessible to and usable by them (B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations.

Self-Evaluation: means a public entity's assessment of its current programs, services, policies, practices and facilities. The Self-Evaluation is a review of all services, programs, and activities to identify any physical barriers, and/ 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.

Title II Entity: All state and local government, their agent's or instrumentalities, regardless of the government's size.

Undue Hardship: means an action requiring significant difficulty or expense when considered in light of the factors set forth in Section 101(10)(B) of the law, such as the nature and cost of the accommodation, the overall financial resources of the covered entity and the type of operations of the covered entity.

Key Definitions Summary: {See Public Law 101-336, Title I, Sections 101 and 201 and 29 Code of Federal Regulations (CFR) part 1630 of the Equal Employment Opportunity Commission (EEOC) Regulations Sections 1630.2 and 1630.3 for detailed definitions.}

REGULATORY OVERVIEW: ADA TITLES 1-5

ADA Title I: Employment

Title I of the Americans with Disabilities Act of 1990 (ADA) makes it unlawful for an employer to discriminate against a qualified applicant or current employee with a disability. The ADA applies to private employers with 15 or more employees and to state and local government employers. The U.S. Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the ADA.

An applicant for employment with a disability, like all other applicants, must meet the employer's requirements for the job; education, training, employment experience, skills, or licenses. An applicant with a disability must be able to perform the "essential functions" and

the fundamental duties either on his/her own or with the help of "reasonable accommodations." An employer does not have to provide a reasonable accommodation that creates an "undue hardship" which causes significant difficulty or expense.

Concerns related to employment within the City of Mulvane should be directed to the City ADA Coordinator. For more specific information about ADA requirements affecting employment, contact:

Equal Employment Opportunity Commission

1801 L Street NW
Washington, DC 20507
1-800-669-EEOC 1-800-800-3302 (Text Telephone)

For the appropriate EEOC field office, contact: (800) 669-4000 (voice) (800) 669-6820 (TTY)

www.eeoc.gov

For information on how to accommodate a specific individual with a disability, contact the Job Accommodation Network at: (800) 526-7234 (voice/TTY)

ADA Title II: State and Local Government Activities

ADA Title II covers all activities of state and local governments regardless of the government entity's size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings.

Title II Entities also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Title II concerns or complaints are handled by the ADA Coordinator. Mulvane has appointed the duties to the City Clerk. Because Mulvane has more than 50 employees, they are also required to provide a Grievance process which was discussed in Section II.

Complaints of Title II violations may also be filed with the Department of Justice. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice, such as a state Human Rights Commission.

Title II complaints may be sent to:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738
Online at: http://www.ada.gov/filing_complaint.htm

For more specific information about ADA requirements affecting transportation, contact:

Department of Transportation
400 Seventh Street SW
Washington, DC 20590
(202) 366-9305 (VOICE) (202)755-7687 (TTY)

ADA Title III: Public Accommodations

Title III covers businesses and nonprofit service providers that are public accommodations. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs, warehouses, industrial and commercial structures and agencies offering examinations.

Public accommodations are prohibited from exclusion, segregation, and unequal treatment in providing goods and services to people with disabilities. They must comply with architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements.

Please note – the City of Mulvane does not enforce the ADA Standards for Accessible Design for new construction or alterations by public accommodations under Title III. However, the City Building inspector reviews construction projects and issues building permits. Inspections are performed by the Metropolitan Area Building & Construction Department

(MABCD) based upon the adopted codes of Wichita/Sedgwick County. While the City does not enforce the ADA Standards for Accessible Design, the City has proactively decided to share responsibility to inform any Title III entity with whom they share services, lease structures, or use facilities of any known or identified shortcoming in the services, facilities, or policies. Conversely, if the City acts as the landlord or tenant, the City has a shared the responsibility that should be clarified in the written lease agreement.

CFR 36.201 (b): Under the Code of Federal Regulations (CFR) General Prohibitions Against Discrimination for Title III. **“(b) Landlord and tenant responsibilities.** Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. **As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.”**

Title III complaints may be sent to:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738
Washington, D.C. 20035-6738
Online at: http://www.ada.gov/filing_complaint.htm

ADA Title IV: Telecommunications Relay Services

Title IV addresses telephone and television access for people with hearing and speech disabilities. Title IV requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of federally funded public service announcements.

Examples of auxiliary aids and services: Auxiliary aids and services include a wide range of services and devices that promote effective communication. Examples of auxiliary aids and

services for individuals who are deaf or hard of hearing include qualified interpreters, note-takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, and exchange of written notes.

Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Brailled materials, large print materials, and assistance in locating items.

Examples for individuals with speech impairments include TDD's, computer terminals, speech synthesizers, and communication boards.

Title IV complaints may be sent to:

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66738

Washington, D.C. 20035-6738

Online at: http://www.ada.gov/filing_complaint.htm

ADA Title V: Miscellaneous Provisions

Title V clarifies that both states and Congress are covered by all provisions of the ADA. It also provides for recovery of legal fees for successful proceedings pursuant to the Act and establishes a mechanism for technical assistance along with specific instructions to many federal agencies required to implement the Act. Additionally, Title V includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the

ADA. ADA TITLE II: REGULATION TITLE AND DOCUMENTATION

ADA Title II Regulations: Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 12134.

DEPARTMENT OF JUSTICE

28 CFR Part 35

RIN 1190-AA46

Nondiscrimination on the Basis of Disability in State and Local Government Services
AGENCY: Department of Justice, Civil Rights Division.

ADOPTED GRIEVANCE PROCEDURE

**City of Mulvane, Kansas
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 City of Mulvane, KS. The City of Mulvane'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:

ADA Coordinator
Mulvane City Hall
211 N. Second St.
Mulvane, KS 67110

Within 15 calendar days after receipt of the complaint, ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or their 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 City of Mulvane, KS and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or thier 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 Administrator or their designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or their 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 ADA Coordinator or their designee, appeals to the City Administrator or their designee, and responses from these two offices will be retained by the City of Mulvane, Kansas for at least three years.

City of Mulvane
Accessibility Grievance Form

The form may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs or benefits by the City of Mulvane.

Complainant's Name: _____

Complainant's Address: _____

Complainant's e-mail address: _____ Phone #: _____

Location of Incident: _____ Date of Incident: _____

Name of Witness(es) and their contact information :

Parties Involved in the incident:

Description of Problem or Complaint:

Signature: _____ Date: _____

Please return completed form to: ADA Coordinator, City of Mulvane, 211 N. Second St.,
Mulvane, KS 67110, FAX 316-777-4081, Phone 316-777-1143

If you need this form in an alternative format such as large print or Braille, please contact
the ADA Coordinator.

CONCLUSION

The City of Mulvane is dedicated to public programs, activities and services, which are free of discrimination based on disability. Furthermore, the City of Mulvane applies this same dedication to all employees, including all aspects of the employment process, such as the pre-employment process, postemployment policies, and the benefits pertaining to employment. The City of Mulvane has developed this document, including all attachments, to establish in written policy its commitment to nondiscrimination based on disability and to comply fully with the letter and spirit of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

This document and attachments are made public to those interested and serves as the Self-Evaluation and Transition Plan for the City of Mulvane as defined by Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and meets disability nondiscrimination requirements for recipients of CDBG funds, including federal funds provided by other federal, state or local funding agencies. A copy of this Self-Evaluation is available for viewing at the City Hall, City of Mulvane, 211 N. Second Ave., Mulvane, KS 67110.