



Draft: ADA Self- Evaluation and Transition Plan

Updated April 6, 2018

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1.0 Executive Summary

1.1 Introduction

The American with Disabilities Act was passed in 1990 as a step towards the disestablishment of discrimination against individuals with disabilities. ADA Title II requires communities to establish self-evaluations and transition plans. Title II covers programs, activities, and services of government entities with a specific focus on protecting citizens from discrimination on the basis of disability. The goal of this act is to afford every individual the opportunity to benefit from the patronage of all Americans.

The City of Gainesville (“City”) approved its first transition plan in 1994. This updated document will continue to guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Transition Plan is significant in that it established the City of Gainesville’s ongoing commitment to the development and maintenance of policies, programs, and facilities that include all residents.

1.2 Federal Accessibility Requirements

The development of a transition plan is a requirement of the Federal Regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which became known as the “civil rights act” of persons with disabilities, states:

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

Subsequent to the enactment of the Rehabilitation Act of 1973, Congress passed the Americans with Disabilities Act on July 26, 1990 (“ADA”). Title II of the ADA prohibits disability discrimination by all public entities. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. The legislative mandate, therefore, prohibits the City from, either directly or through contractual arrangements:

- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- Selecting facility locations that have the effect of excluding or discriminating against persons with disabilities.

The City is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

Details of the Americans with Disabilities Act of 1990 can be found in the ADA website www.ada.gov.

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Completion of a self-evaluation;
- Development of an ADA grievance procedure;
- Designation of at least one person who is responsible for overseeing Title II compliance; and
- Development of Transition Plan to schedule the removal of the barriers uncovered by the self-evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

1.3 State of Texas Accessibility Requirements

In addition to complying with ADA requirements, the City will also comply with the Texas Accessibility Standards, Elimination of Architectural Barriers as contained in Texas Government Code, Chapter 469. Details can be found on the state website www.statutes.legis.state.tx.us.

1.4 Declarations

Compliance with the Americans with Disabilities Act

In accordance with requirements of Title II of the ADA, the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment

The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations circulated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication

The City will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they may participate equally in the City's programs, services, and activities, including but not limited to, 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 will make all reasonable modification to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the City's programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires auxiliary aid or service for effective communication, or a modification of policies or procedures to allow participation in a program, service, or activity in the City should contact the ADA Coordinator at 940-668-4590 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City 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 is not accessible to persons with disabilities should be directed to the ADA Coordinator at 940-668-4590.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

2.0 Compliance with ADA Title II Requirements

This section makes reference to various parts of the Code of Federal Regulations (CFR), Section 35 as it pertains to ADA requirements that the City must comply with or address as part of the transition plan. The details of which can be found on the ADA website www.ada.gov/reg2.html.

2.1 Notification

Applicants, participants, beneficiaries, and other interested persons have been notified of their rights and the City's obligations under Title II of the ADA as required by 28 CFR §35.106. This notification appears on the City's internet home page (www.gainesville.tx.us) on the left-side navigation bar under the "Accessibility" link. Moreover, the City's website (www.gainesville.tx.us/ADA) provides additional notification along with Gainesville's ADA Transition Plan and meeting agendas provide additional notifications.

2.2 Designation of Responsible Employee

The City has designated an employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities in accordance with 28 CFR §35.107(a). The ADA coordinator has been designated to oversee compliance with the non-discrimination requirements and can be contacted at:

Leah Gore, ADA Coordinator
200 S. Rusk
Gainesville, TX 76240
940-668-4590
lgore@cogtx.org

2.3 Self-Evaluation and Transition Plan

Title II of the ADA requires that the City conduct a self-evaluation of its services, policies, and practices and make modifications as necessary to comply with 28 CFR §35.105. A self-evaluation is an assessment of the City's current policies and practices and identifies and corrects those policies and practices that are inconsistent with Title II requirements. The ADA Transition Plan identifies any barriers to accessibility that might be present. The ADA Transition Plan provides a schedule that indicates a projected time for a resolution and department responsible for implementation. The City completed a self-evaluation in 1993 and will continue the process as outlined in this plan. This transition plan is a living document that will be updated periodically to reflect the ongoing assessment and resolution/response to public comments.

Updates will be provided as amendments to the plan, inclusion of additional annexes, and/or updates to the City's website (www.gainesville.tx.us/ADA).

2.4 Establishment of Grievance Procedure

The City has established a grievance procedure for resolving complaints of violations in accordance with 28 CFR §35.107(b). See Section 4.0 below.

3.0 ADA Self-Evaluation and Steps Taken

3.1 Self-Evaluation

The self-evaluation is the City's assessment of its current policies, practices, and procedures to determine compliance with the ADA. Gainesville completed the first self-evaluation in 1993. The City looked into having an outside contractor update the self-evaluation and transition plan in FY 2017; however, the \$385,000 cost was considered to be an undue financial burden that could delay funding for the removal of physical or programmatic barriers. The City instead conducted a true self-evaluation and updated plan that provides information on the progress of ADA projects over the past five years and shows additional projects to be completed by the end of FY 2024. The City will continuously evaluate physical

barriers (such as parking, path or travel to, throughout and between buildings and amenities, doors, and restrooms) and programmatic barriers (like building signage, customer communication and interaction, non-compliant sidewalks or curb ramps, emergency notifications, alarms, visible signals and participation opportunities for City sponsored events) with the assistance of representatives from various departments and third-party consultants.

Recognizing that the City has limited resources, staff will utilize a variety of criteria for prioritizing the removal of physical and programmatic barriers. These criteria may include but not be limited to the following:

- Quantity and frequency of public use
- Critical nature of the programs offered at the facility
- Public feedback obtained through the grievance process
- Funding including annual budget, bonds, and grants
- Planning of future construction activity

3.2 Action Taken to Improve Access

Gainesville has improved access by removing the barriers that were found in the first self-evaluation and subsequent updates. Moreover, as new City facilities have been constructed or existing buildings remodeled, the City has complied with State of Texas design requirements through review by the Texas Department of Licensing and Regulation (TDLR). The City has also enhanced pedestrian access via street related capital improvement projects. Gainesville has responded to a grievance for accessibility to the baseball and softball fields at Leonard Park. The City will continue these improvements to meet its overall accessibility goals.

Several areas with non-existent, barrier-free ramps and sidewalks have been identified and have either been installed or are scheduled to be installed utilizing funds from annual budgets and bonds (see Appendix B: Self-Evaluation and Plan of Action). An ongoing assessment of areas requiring the removal of barriers will continually be conducted by City staff and consultants. Transition projects will be made available on the City's website at (www.gainesville.tx.us/ADA).

4.0 Grievance Procedure

Under the Americans with Disabilities Act, users of City facilities and services have the right to file a grievance if they believe the City has not provided reasonable accommodation.

Submitting a Grievance

Under the grievance procedures, a formal complaint must be filed within sixty (60) calendar days of the alleged occurrence. Any complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of

complainant, as well as, the location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or 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 sixty (60) business days after the alleged violation to:

City of Gainesville Texas
Attn: Leah Gore, ADA Coordinator
200 S. Rusk
Gainesville, TX 76240

Email:
lgore@cogtx.org

Fax:
940-668-4588
Attn: Leah Gore, ADA Coordinator

The ADA Coordinator is required to acknowledge receipt of the grievance within ten (10) business days and offer the opportunity to discuss the complaint and possible resolutions.

Within twenty (20) business days of the acknowledgment, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of complaint. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within ten (10) business days after receipt of the response to the City Manager or his/her designee at

City of Gainesville Texas
Attn: Barry L. Sullivan, City Manager
200 S. Rusk
Gainesville, Texas 76240

Email:
bsullivan@cogtx.org

Fax:
940-668-4518
Attn: Barry L. Sullivan, City Manager

Within ten (10) business days after receipt of the appeal, the City Manager or his/her designee will acknowledge receipt of the appeal from the complainant and offer to discuss with complainant a possible resolution. Within ten (10) business days after the acknowledgment, the City Manager or his/her designee will respond in writing and,

where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the City for at least three (3) years.

5.0 Emergency Management

One of the most important goals of emergency management is helping people prepare for and respond to emergencies. Making local preparedness and response programs accessible to people with disabilities is a critical part of this responsibility.

5.1 Access to 9-1-1 Services

The City partners with Texoma Council of Governments (TCOG) for all 9-1-1 services. City/TCOG provides direct access to 9-1-1 services via telephone typewriter and telecommunications device for the deaf (TTY/TDD).

5.2 Emergency Management

The City of Gainesville Emergency Management Coordinator (EMC) develops, maintains and facilitates the all-hazard Emergency Management Plan as required by Local, State, and Federal statutes and laws. During all emergency planning (Mitigation, Preparedness, Response, and Recovery), the City is committed to be in compliance with the ADA requirements as outlined in Chapter 7 under Title II of the ADA. The EMC ensures that all parties with responsibilities under the Emergency Management Plan and related annexes are aware of ADA requirements and that all programs and third party agreements are also in compliance with ADA. The Emergency Management Plan is regularly reviewed by the City and the Texas Division of Emergency Management in order to qualify for the Emergency Management Planning Grant.

6.0 Conclusion

Services and programs offered by the City to the public must be accessible for all citizens and reasonable accommodations must be made for those with disabilities. The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues through self-evaluation, resolution of complaints, and by making reasonable modifications to programs.

The City has made progress towards improving accessibility as seen by the following actions:

- Designation of an ADA Coordinator
- Implementation of an ADA grievance procedure

- Conducting an ongoing self-assessment to identify issues needing to be resolved
- Complying with Federal and State requirements as facilities are modified or constructed
- Planning future improvements through the capital improvement program

It is imperative that the City partner with the community to work together to identify and resolve accessibility issues. In addition to the existing grievance process, feedback will be obtained from the community by publishing this document on the City's website. Gainesville encourages feedback from the public on this Self-Evaluation and Transition Plan. In addition, the City Council will solicit comments as part of a public hearing on May 1, 2018. Upon receiving public input, City staff will update the Plan and make it available in its revised form to the public. Public hearings will be incorporated to City Council meetings to receive input on major, updated self-evaluations and transition plans. Periodic updates may be made to the Plan without public hearings.

Appendix A – Contact Information

ADA Coordinator:

Leah Gore, ADA Coordinator
200 S. Rusk
Gainesville, TX 76240
940-668-4590
lgore@cogtx.org

City Manager

Barry Sullivan
200 S. Rusk
Gainesville, TX 76240
940-668-4500
bsullivan@cogtx.org

Mayor and City Council:

Caitlyn Huddleston
City Secretary
200 S. Rusk
Gainesville, TX 76240
940-668-4500
cchuddleston@cogtx.org

United States Department of Justice – Civil Rights Division:

www.ada.gov

Appendix B – Self-Evaluation and Plan of Action

The City of Gainesville’s self-evaluation started in 1993 at which time the City listed issues with different barriers. Gainesville made several improvements through the years based on the plan. Moreover, the City incorporated ADA accessibility improvements while completing capital projects. The City also incorporated projects that were brought up by the public. The list below represents the current ADA transition project plan along with improvements that have been made over the past five years (FY 2013 – FY 2017).

Asset/Facility	Location	Project Description	Department	Cost	Planned Completion
Pool	1000 W California	Create ADA entrance and pool house	Parks & Recreation	Part of \$2.5 million improvement	Completed FY 2013
Pool	1000 W California	Install two means of ADA access to the pool	Parks & Recreation	Part of \$2.5 million improvement	Completed FY 2013
Pool	1000 W California	Regrade parking lot between handicap space and pool house	Parks & Recreation	Part of \$2.5 million improvement	Completed FY 2013
Curb	Dixon & Scott	Install 4 curb ramps	Public Works	\$8,000	Completed FY 2014
Curb	Dixon & Second	Install 2 curb ramps	Public Works	\$4,000	Completed FY 2014
Curb	Church & S Denton	Install 2 curb ramps	Public Works	\$4,000	Completed FY 2016
Curb	MLK & Culberson	Install 1 curb ramp	Public Works	\$2,000	Completed FY 2016
Curb	MLK & Mill	Install 2 curb ramps	Public Works	\$4,000	Completed FY 2016
Wastewater Treatment Plant Bathrooms	1805 S Weaver	Install ADA bathrooms and shower	Public Works	Part of \$16.3 million improvement	Completed FY 2017
Wastewater Treatment Plant Signage	1805 S Weaver	Install ADA compliant internal signage	Public Works	Part of \$16.3 million improvement	Completed FY 2017
Acquire Pricing for Engineered Updated Self-	NA	NA	Administration	NA	Completed FY 2017

Evaluation and Transition Plan					Quote was for \$385,000
Wastewater Treatment Plant Parking Lot	1805 S Weaver	Install parking lot with handicap spaces and proper grades for pathways to administration building	Public Works	Part of \$16.3 million improvement	Work in Progress FY 2018
Curb	Broadway & Red River	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2018
Curb	Lindsay & Church	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2018
Curb	Lindsay & Davis	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2018
Curb	Scott & N Denton	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2018
Curb	Scott & Moran	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2018
Curb	Scott & Red River	Install 3 curb ramps	Public Works	\$6,000	Work in Progress FY 2018
Leonard Park Ball Field	1000 W California	Install sidewalks from parking lot to baseball/softball fields and add a handicap parking space	Parks & Recreation	\$16,000	Completed FY 2018
Curb/Sidewalks	Weaver & Broadway	Install 6 curb ramps and sidewalks	City Admin.	\$17,000	Work in Progress FY 2018
Wastewater Treatment Plant Parking Spaces	1805 S Weaver	Install handicap parking	Public Works	Part of \$16.3 million improvement	Work in Progress FY 2019
Curb	Culberson & Scott	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2019
Curb	Culberson & Harvey	Install 2 curb ramps	Public Works	\$4,000	Work in Progress FY 2019
Curb	Culberson & Fletcher	Install 3 curb ramps	Public Works	\$6,000	Work in Progress FY 2019

Curb	Culberson & Yates	Install 1 curb ramp	Public Works	\$2,000	Work in Progress FY 2019
Sidewalk Replacement	Sidewalk Replacement	Install 480 square yards of sidewalks along Culberson between California and HWY 82	Public Works	Part of \$5.3 million improvement to Culberson	Work in Progress FY 2019
Sidewalk Replacement	Southside 200 & 300 blocks of W Broadway	Replace sidewalk	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Sidewalk Replacement	200 block of Chestnut	Replace sidewalks	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Sidewalk Replacement	Northside 200 (portion) and 300 blocks of W Elm	Replace sidewalks	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Curb	Weaver & Broadway	Install 2 curb ramps	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$4,000)	Work in Progress FY 2019
Curb	300 block of W Broadway	Install 3 curb ramps	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$6,000)	Work in Progress FY 2019
Curb	Chestnut and Broadway	Remove raised curb	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Curb	200 block of W Broadway	Install/Reconfigure 3 curb ramps	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$6,000)	Work in Progress FY 2019

Curb	200 block of W Elm	Install/Reconfigure 3 curb ramps	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$6,000)	Work in Progress FY 2019
Curb	Chestnut and Elm	Remove raised curb	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Curb	300 block of W Elm	Install 3 curb ramps	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$6,000)	Work in Progress FY 2019
Restroom Accessibility	Farmers Market	Replace portable restroom with permanent accessible facility	City Admin.	Part of \$2 million improvement to Farmers Market Area (\$597,000)	Work in Progress FY 2019
Parking Spaces	200 and 300 block of W Broadway	Install 3 additional handicap parking spaces	City Admin.	Part of \$2 million improvement to Farmers Market Area	Work in Progress FY 2019
Transfer Station Accessibility Bathrooms, Hallway, and Front Door	Transfer Station	Demolish old Transfer Station and rebuild accessible building	Solid Waste	\$3 million	FY 2021
Fire Station 3 Accessibility Bathrooms	Fire Station 3	Build new accessible fire station and decommission current Fire Station 3	Fire Department	\$2.71 million	Work in Progress FY 2021
Fire Station 2 Accessibility Bathrooms, Hallway, and Parking Lot	Fire Station 2	Build new accessible fire station and decommission current Fire Station 2	Fire Department	\$2.86 million	FY 2024