

CITY OF GAINESVILLE
OFFICE OF EQUAL OPPORTUNITY
222 EAST UNIVERSITY AVE
GAINESVILLE, FL 32601

ADA SELF-EVALUATION PLAN PHASE I: PROGRAMS, SERVICES & ACTIVITIES

FINDINGS & RECOMMENDATIONS



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Initial “Discussion Starter” Team:

- Cheryl McBride
- Edward Gable
- Elizabeth Waratuke
- Fred Murry
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- Kelly Mott
- Mildred Crawford
- Paul Folkers
- Robert Woods
- Scott Heffner
- Sean McDermott
- Stephanie Marchman
- Steve Stagliano
- Steven Phillips
- Steven Varvel
- Sue DeBose
- Teresa Scott
- Tom Bledsoe
- William Shepherd
- Zantorfa Lynch

ADA Departmental Contacts:

1	Batey, Dekova	GG-Public Works	bateydt@cityofgainesville.org
2	Baxley, Robin	GRU-Administration	baxleyrl@gru.com
3	Bledsoe, Tom	Office of Equal Opportunity	bledsoetm@cityofgainesville.org
4	Blundell, Jeffrey	GG-Gainesville Police Department	blundelljb@cityofgainesville.org
5	Bredfeldt, Erik	GG-Economic Development & Innovation	bredfeldea@cityofgainesville.org
6	Burse, Carmen	GRU-Community Relations	bursecd@gru.com
7	Cooper, Chris	GG-Neighborhood Improvement-Code Enforcement	cooperce@cityofgainesville.org
8	Crawford, Millie	GG-Regional Transit System	crawfordma1@cityofgainesville.org
9	Del Valle,Eva	GRU-Energy Supply	delvalleem@gru.com
10	Foster, Jason (Alternate)	GG-Fleet Management	fosterjb@cityofgainesville.org
11	Gable, Ed	GG-Facilities Management	gableece@cityofgainesville.org

12	Harris, Helen	City Manager's Office	harrishj@cityofgainesville.org
13	Haskell, Karen	City Auditor's Office	haskellkl@cityofgainesville.org
14	Hatt, Monique	City Attorney's Office	hattnm@cityofgainesville.org
15	Hocker, Yolanda (Alternate)	City Attorney's Office	hockerye@cityofgainesville.org
16	Johnson, Andrea	GG-Risk Management	johnsonac@cityofgainesville.org
17	Johnston, Matt	GRU-Energy Delivery	johnstonjm@gru.com
18	Lannon, Kurt	Clerk of Commission	lannonkm@cityofgainesville.org
19	Latini, Frank	GRU-GRUCom	latinifa@gru.com
20	Lennon, Jim	GRU-Finance	lennonj1@gru.com
21	Martin, Dexter	GG-Fleet Management	martind@cityofgainesville.org
22	McElroy, Jennifer	GRU-Water/Wastewater	mcelroyja@gru.com
23	Morris, Belinda	GG-Budget & Finance	morrisbs@cityofgainesville.org
24	Mott, Kelly	GG/GRU-Human Resources	mottkl@cityofgainesville.org
25	Park, Michelle	GG-Parks, Recreation and Cultural Affairs	parkma@cityofgainesville.org
26	Rawson, Laura	GG-Communications	rawsonle@cityofgainesville.org
27	Rice, JoAnne	GG-Gainesville Fire Rescue	riceje@cityofgainesville.org
28	Richardson, Jackie	GG-Neighborhood Improvement-Housing and Community Development	richardsjs@cityofgainesville.org
29	Sela, Sarit	GG-Planning and Development Services	selas@cityofgainesville.org
30	Sela, Sarit	GG-Community Redevelopment Agency	selas@cityofgainesville.org
31	Voitle, Laura	GRU-Customer Support Services	voitlelm@gru.com
32	Warm, David	GRU-Communications	warmd1@gru.com
33	Witter, Katandra	GRU-Information Technology	witterkm@gru.com

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1.0 INTRODUCTION & BACKGROUND

The Americans with Disabilities Act of 1990 (ADA) has been hailed as one of the most significant civil rights laws since the Civil Rights Act of 1964. On July 26, 1990, on the South Lawn of the White House before the largest gathering ever to witness a signing ceremony in the history of the United States, President George Herbert Walker Bush signed the Americans with Disabilities Act into law. The ADA has been recognized as the most far-reaching extension of the civil rights protections to follow the ground-breaking Civil Rights Act of 1964 and the capstone to national disability policy.

In 2010, the U.S. Census Bureau announced that approximately one in five adults living in the United States – over 56 million people – have one or more disabilities, including those affecting sight, hearing, and mobility, as well as mental disabilities and learning disabilities, many of which are not readily visible.

The ADA applies to situations in these five areas:

1. Employment [Title I]
2. State and local government [Title II]
3. Public accommodations (private businesses) [Title III]
4. Telecommunications [Title IV]
5. Transportation and miscellaneous provisions [Title V]

The impact of the ADA has an even broader application than the statistics provided by the census data. The ADA's comprehensive civil rights protections extend to people who have disabilities, or *are regarded* as having a physical or mental impairment that substantially limits a major life activity. The ADA Amendments Act of 2008 (ADAAA) clarified that the definition of “disability” is intended to be broadly inclusive.

The key principles of Title II of the ADA promise full access to state and local government services and activities. It consists of four principles:

1. Policy and Operations

Make reasonable modifications and accommodations to policies and practices.

2. Communication

Ensure effective communication with people with disabilities affecting hearing, vision, or speech through the provision of auxiliary aids and services.

3. Integration

Offer services in the most integrated setting appropriate to the needs of individuals with disabilities.

4. Physical Access

Meet accessibility standards for new and altered buildings and ensure that programs are accessible as a whole.

Equal Opportunity underlies all the principles and requirements of the ADA. The law does require modifying policies or the way they are implemented, providing auxiliary aids, and ensuring programmatic accessibility in order to ensure that people with disabilities are offered the same opportunity as others to benefit from the city's services.

This ADA Title II Self-Evaluation Plan has been prepared to fulfill the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or facilities to avoid discrimination against people with disabilities. To develop this plan, the Equal Opportunity Director/ADA Coordinator launched an ADA Self-Evaluation process in July 2016. Subsequently, charter officers selected departmental contacts to respond to the self-evaluation survey and we received 100% participation from all departments in General Government and Gainesville Regional Utilities.

1.1 FEDERAL REQUIREMENT

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to promote equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

The development of a transition plan is a requirement of the federal regulations implemented in the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Rehabilitation Act, which is often referred to as the civil rights act of persons with disabilities, states that:

No otherwise qualified [disabled] individual in the United States shall, solely by reason of [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, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA emphasizes the accessibility of programs, activities and services of public entities. The Department of Justice’s Title II regulation adopts the general prohibitions of discrimination established under Section 504 of the Rehabilitation Act and incorporates specific prohibitions of disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V.

Specifically, the city may not, either directly or through contractual arrangements, do any of the following:

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

Title II requires that public entities with 50 or more employees do the following:

1. **Designate a responsible employee to coordinate and ensure ADA compliance.** This requirement ensures that the public can identify a person who is familiar with the requirements of the ADA and who can communicate these requirements to other individuals in the agency who may be unaware of their responsibilities. The public entity must provide the ADA coordinator's name, office address, and telephone number to the general public. The ADA coordinator's role includes planning and coordinating overall compliance efforts, ensuring that the administrative requirements are achieved, and receiving and investigating grievances on programs, services, practices, and employment.
2. **Provide notice of ADA requirements.** All public entities, regardless of size, must provide information to all interested parties regarding the rights and protections afforded by Title II, including information about how the Title II requirements apply to its particular programs, services, and activities. The public entity must provide the information on an ongoing basis.
3. **Establish a grievance procedure.** Grievance procedures must be adopted and published. These procedures provide for a prompt and equitable resolution of grievances arising under Title II. The ADA coordinator is responsible for receiving and investigating complaints. The purpose of the grievance procedure is to provide a mechanism for the resolution of discrimination issues at the State or local level.
4. **Conduct a self-evaluation.** All public entities must conduct a self-evaluation, a comprehensive review of the entity's current policies and practices, including communications and employment. Through the self-evaluation, the entity must identify any policies or practices that do not comply with Title II requirements and modify those policies and practices to bring them into compliance.
5. **Develop a transition plan.** A transition plan must be developed when structural changes to existing facilities are necessary in order to make a program, service, or activity accessible to individuals with disabilities. The transition plan identifies physical obstacles that limit the accessibility of programs, services, or activities to individuals with disabilities, describes the methods to be used to make the facilities accessible, provides a schedule for making the access modifications, and indicates the public official responsible for implementation of the transition plan.

Based on these requirements, the city's ADA Coordinator has completed all administrative and policy requirements illustrating the City's good faith efforts. Here are a few examples:

- On April 13, 2016, the ADA Coordinator recommended an update to the commission agendas to include additional assistance for individuals with disabilities including those who require a second language. The Clerk of the Commission updated the agenda to reflect the recommendation.
- On May 2, 2016, the ADA Coordinator created an ADA Compliance section on the Office of Equal Opportunity website to include administrative guidelines outlined by the Department of Justice on service animals, grievance/complaint procedures and wheelchairs/mobility aids/OPDMDs. The ADA Coordinator also created a formal public notice of the ADA provisions, posting of the ADA Coordinator's contact information online and posting grievance procedures that were contained in other Equal Opportunity policies.
- On August 18, 2016, the ADA Coordinator recommended and the City Commission revised the City's ADA policy as a total re-write including references to Title I and Title II and clarifying the accommodation request process

The complete text of the Act's Title II language and requirements can be located in the Appendix.

1.2 DISCRIMINATION AND ACCESSIBILITY

There are two kinds of accessibility:

- Program accessibility
- Physical accessibility

Absence of discrimination requires that both types of accessibility be provided. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural modification methods.

1.3 ADA COORDINATOR

The city's ADA Coordinator also serves as the Equal Opportunity Director. The ADA Coordinator, or designee, is responsible for ensuring that all programs, services, and activities of the City of Gainesville are accessible to and usable by individuals with disabilities and coordinates the implementation of plans, policies or accommodations to comply with Title II. The city's ADA Coordinator is:

Torey Alston
Phone: (352) 334-5051
Fax: (352) 334-2088
Florida Relay Service 7-1-1
TDD Line: (352) 334-2069

Office of Equal Opportunity
222 E. University Avenue
P.O. Box 490, Station 52
Gainesville, FL 32627

1.4 UNDUE BURDEN

The city does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial burden or administrative burden on the operation of the city's business. This determination can only be made by the ADA Coordinator or designee in consultation with the City Attorney's Office, Human Resources and impacted departments. The determination should be accompanied by a written statement from the department head or designee of the reasons for reaching that conclusion.

The determination that an undue burden would result will be based on a case-by-case evaluation of all resources available for use in the city.

1.5 REQUESTING ACCOMMODATIONS OR ALTERNATE FORMATS

Direction regarding how the public can request a modification or accommodation (i.e. translator, barrier removal, etc.) or requests for materials in alternate formats is provided on the city's website <http://www.cityofgainesville.org/OfficeofEqualOpportunity/ADACompliance/Forms.aspx>. Requests can be submitted to the responsible department or to the city's ADA Coordinator and most accommodation requests can be addressed with at least 48 hours' notice before the scheduled event.

The city's detailed reasonable accommodation process is outlined in Equal Opportunity Policy 6. Here is the link to the ADA & Accommodations Policy:
[http://www.cityofgainesville.org/Portals/0/eo/EO-6%20Disability%20\(R\)%20081816..pdf](http://www.cityofgainesville.org/Portals/0/eo/EO-6%20Disability%20(R)%20081816..pdf)

1.6 FILING A GRIEVANCE

The City of Gainesville has a formal grievance procedure in place to provide citizens with a means to file complaints regarding:

- City of Gainesville policies, or its provision of services, activities, programs or benefits to persons with disabilities;
- Alleged violations of Title II of the ADA or Section 504 or the Rehabilitation Act of 1973 by the city, its departments or employees; and
- Structural and/or parking accessibility issues on city-owned property.

ADA Administrative Guidelines 2016-04 addresses the Grievance Procedure outlined in the Equal Opportunity Complaint Policy. A copy of the city's Complaint Policy and all ADA Administrative Guidelines are included in the Appendix.

1.7 CITY OF GAINESVILLE'S APPROACH

We believe the city's first self-evaluation occurred in the early 1990s. Since this time, there hasn't been a comprehensive self-evaluation of all programs, services, activities and facilities by the city. As a result, the City's Equal Opportunity Director/ADA Coordinator shared this observation with the city commission in January 2016, thus beginning an internal discussion to make this a priority.

The recent self-evaluation of programs, services, activities focused on several areas:

- Customer Service
- Notice Requirements
- Print Information
- Television and Audio Visual Public Information
- Website
- Public Telephones and Communication Devices
- Accessible/Adaptive Equipment
- Public Meetings
- Transportation Services
- Tours and Trips
- Use of Consultants and Contractors
- Emergency Evacuation Procedures

- Special Events and Private Events on City Property
- Training and Staffing
- Facilities
- Suggestions

All charter officers identified ADA departmental contacts to respond to the survey. In short, the survey responses provide insight on the current state of ADA compliance and a perspective on opportunities ahead. This report will serve as a demonstration of good faith efforts to comply with the Americans with Disabilities Act.

2.0 PUBLIC OUTREACH

2.1 STAKEHOLDER ENGAGEMENT

After the plan was reviewed internally, the city presented the methodology and process used to create the self-evaluation plan to the city's ADA Departmental contacts and "Discussion Starter" Team, Citizens Disability Advisory Committee, Human Rights Board, local advocates and utilized the OEO website and social media. Furthermore, members of the public were afforded the opportunity to review the public draft and provide feedback.

2.2 DIGITAL PUBLIC FORUM

In conjunction with the stakeholder engagement, the self-evaluation plan and associated documents were released for general public inspection via a digital platform. The online public comment forum provided the general public an opportunity to review the project, prioritized barrier remediation efforts, and implementation timeline. All documents from the self-evaluation process have been on the Office of Equal Opportunity's website since October 2016. An additional public comment forum was available for 14 days from December 1, 2016 – December 14, 2016.

A record of engagement with the community and stakeholders has been incorporated into this document, and public comment cards can be found in the Appendix.

3.0 SELF-EVALUATION FINDINGS: CITY PROGRAMS, ACTIVITIES AND SERVICES

The self-evaluation of the city's programs, activities and services involved the participation of every city department that provides public services or activities. In June 2016, all charter officers identified ADA departmental contacts to respond to the survey. The ADA Coordinator distributed an accessibility questionnaire to the respective city departments to complete and met with stakeholders during the evaluation period to discuss the effects, impact and objectives of the ADA and the Title II update.

The recent self-evaluation of programs, services, activities focused on several areas:

- Customer Service
- Notice Requirements
- Transportation Services
- Tours and Trips

- Print Information
- Television and Audio Visual Public Information
- Website
- Public Telephones and Communication Devices
- Accessible/Adaptive Equipment
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- Use of Consultants and Contractors
- Emergency Evacuation Procedures
- Special Events and Private Events on City Property
- Training and Staffing
- Facilities
- Suggestions

A copy of the programmatic accessibility questionnaire is provided in the Appendix. Recommendations based on the survey findings contained in this section will serve as a planning tool for the implementation of specific improvements to policies, procedures and practices for providing programmatic access to city programs as required by law.

3.1 GENERAL FINDINGS

- The biggest and overwhelming response from the survey of all General Government and Gainesville Regional Utilities departments is a response of “I Don’t Know” to a supermajority of all questions. This shows a major need for citywide training, education and heightened awareness.
- Many departments reported that employees who have contact with customers get little training on the proper methods and appropriate etiquette when interacting with or assisting persons with disabilities, and are unaware of alternate communication methods and format options that are available, or how to accommodate requests for such accommodations.
- Public notification regarding city programs, events and registrations generally do not include information about available program modifications, nor do they commonly identify a contact person for individuals with disabilities who need to request modifications. Some departments include this information in their meeting agendas or notifications, but not all.
- Many departments reported they weren’t aware of the policy, process or procedure for individuals to request alternative formats or familiarity with the accommodation request process.
- In general, most department staff have limited familiarity serving or interacting with people with disabilities and receive little to no regular training to better assist them. Many staff members are not knowledgeable on to how accommodate the different types of reasonable modification requests to make their services accessible.

3.2 ADA COORDINATOR RECOMMENDATIONS

Responsible Officials	Recommendations	Fiscal Impact
All Charter Officers, ADA Coordinator, Human Resources	Provide training for all city staff on general information about the ADA, its legal requirements and explain the city's obligation under the law.	Training Resources; Incorporate into OEO annual mandatory training and through other HR Training sessions
All Charter Officers, ADA Coordinator, All Department Heads, Human Resources	Educate all staff including all managers and supervisors, on the city's policies and procedures to receive requests for reasonable accommodations, program/facility modifications and other citizen or employee requests.	Training Resources; Incorporate into OEO annual mandatory in-person training
All Charter Officers, ADA Coordinator, All Department Heads, Human Resources	Update the non-discrimination language found on the city's website to include the following or similar notice language for general information about the city's services, programs and activities: <i>The City of Gainesville does not discriminate on the basis of a disability in its programs, activities or services. An ADA Coordinator has been designated to coordinate compliance with non-discrimination requirements contained in the Department of Justice regulations implementing Title II of the Americans with Disabilities Act. The ADA Coordinator can be reached at (352) 334-5051/ Florida Relay 7-1-1 or by email at alstontl@cityofgainesville.org.</i>	None
All Charter Officers, ADA Coordinator, All Department Heads	Continue to update and widely distribute the Notice under the ADA to all department heads; post on departmental websites or link to the city's ADA page and post in conspicuous locations in all public buildings.	Training Resources
All Charter Officers, ADA Coordinator, All Department Heads	All requests relating to modifying facility or programmatic access should be analyzed periodically to identify trends or areas of increased need.	None
All Charter Officers, ADA Coordinator, All Department Heads	All departments must be able to provide printed materials in alternate formats at no charge. Instructions on how to provide acceptable alternate formats (audio recordings, enlarged print, etc.) should be posted on the city's website so it is available to both citizens and employees, with reminders sent out regularly.	None
All Charter Officers, ADA Coordinator, All Department Heads	Publicize the state's Florida Relay service used by the city in all email signature blocks, letterhead, business cards, printed marketing material, city Intranet and/or city web pages. (A sample template will be provided)	None

All Charter Officers, ADA Coordinator, All Department Heads	Educate staff on availability of wheelchair seating, assistive listening devices for public meetings, webpage resources and informing individuals with disabilities of the existence and location of the city's accessible programs, services and activities.	Training Resources
City Manager, ADA Coordinator, Police Chief, Fire Chief, Emergency Management Coordinator	Create an emergency management plan for individuals with disabilities in accessing emergency- and disaster-related services, programs, activities, and facilities. A plan should also be developed for all floors in all city facilities.	None
City Manager, ADA Coordinator, Police Chief	Develop a police department policy on communicating with individuals with disabilities and incorporate an emergency communications services plan.	None
ADA Coordinator, GG Communications, GRU Communications, All Department Heads	Designate a citywide employee and departmental employee as the web accessibility coordinator who is knowledgeable of website design, able to evaluate the city's website for compliance with ADA and who can coordinate an annual website accessibility self-evaluation.	Training Resources
ADA Coordinator, GG Communications, GRU Communications, All Department Heads	Develop a web accessibility policy statement which includes the following objective (or something similar) and include on the city's home page and various department home pages: <i>The objective of this policy is to improve the ease with which all citizens and employees, including those with disabilities can access and benefit from web-based government services and information. The city's criteria for web design supports access that is not dependent on a single sense or ability, such as vision or hearing.</i>	None

The Equal Opportunity Director/ADA Coordinator recommends completion within one year and will work with all impacted city staff to develop a detailed timeline and implementation plan.

3.3 NEXT STEPS

The Equal Opportunity Director/ADA Coordinator recommends initiation of a Phase II ADA Self-Evaluation Process focused primarily on facilities, through collaboration of charter officers and department heads. This internal self-evaluation would focus on approach and entrances, access to goods/services, restrooms, public access, golf facilities, play areas, swimming pools, etc. Upon completion of this Phase II Self-Evaluation Process, staff will create a Transition Plan proposing a comprehensive blueprint going forward.

3.4 CITY COMMISSION ACTION

The Equal Opportunity Director/ADA Coordinator recommends the City Commission accept the Phase I ADA Self Evaluation Plan, recommendations and require on-going updates on citywide progress through city staff, impacted stakeholders and authorize the Equal Opportunity Director/ADA Coordinator to begin work on a Phase II ADA Self-Evaluation Process.

Prepared by:
Torey Alston
Equal Opportunity Director/ADA Coordinator