

ADA Transition Plan

City of Cedar Hill

285 Uptown Blvd.
Cedar Hill, Texas 75104

Office: 972-291-5126

Fax: 972-291-7250

7/1/2015



Table of Contents

| | | |
|-----|---|----|
| 1.0 | Executive Summary..... | 2 |
| 1.1 | Introduction | 2 |
| 1.2 | Federal Accessibility Requirements | 2 |
| 1.3 | State of Texas Accessibility Requirements..... | 3 |
| 1.4 | Declarations | 3 |
| 2.0 | Compliance with ADA Title II Requirements..... | 4 |
| 2.1 | Notification | 5 |
| 2.2 | Designation of Responsible Employee..... | 5 |
| 2.3 | Self-Evaluation and Transition Plan | 5 |
| 2.4 | Establishment of Grievance Procedure..... | 6 |
| 2.5 | Emergency Management..... | 6 |
| 3.0 | ADA Self-Evaluation and Steps Taken..... | 6 |
| 3.1 | Self-Evaluation | 6 |
| 3.2 | Action Taken to Improve Access | 7 |
| 4.0 | Grievance Procedure..... | 7 |
| 4.1 | Submitting a grievance | 7 |
| 4.2 | Investigation Process | 8 |
| 4.3 | Resolution | 8 |
| 5.0 | Emergency Management..... | 9 |
| 5.1 | Access to 9-1-1 Services | 9 |
| 5.2 | Functional Needs Assessments..... | 9 |
| 6.0 | Conclusion..... | 10 |
| | Appendix A – Contact Information | 11 |
| | Appendix B – Self-Evaluation and Action Taken | 12 |

1.0 Executive Summary

1.1 Introduction

The Americans 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/or transition plans, as determined by community employee size, for updating public facilities. 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 businesses and services and to afford businesses and services the opportunity to benefit from the patronage of all Americans.

This document will 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 Cedar Hill's (the "City") 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 (the "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 ADA Access Guidelines of 2004 (ADAAG) that apply to facilities and other physical holdings.

Details of the Americans with Disabilities Act of 1990 can be found on 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:

- Designation of a person who is responsible for overseeing Title II compliance;
- Development of an ADA grievance procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. Modification records must be retained for three years.

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 found on their website: <http://www.statutes.legis.state.tx.us>.

1.4 Declarations

Compliance with the Americans with Disabilities Act

In accordance with the 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 modifications 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.

Anyone who requires auxiliary aid or service for, or has a complaint related to, effective communication, or a modification of policies or procedures to allow participation in a program, service, or activity in the City should contact:

ADA Coordinator
285 Uptown Boulevard
Cedar Hill, TX 75104
972-291-5126
adacoordinator@cedarhilltx.com

Surcharges and Fees

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 to accommodate access to or participation in programs or services.

Undue Burden

ADA does not require the City to undertake any action that would represent an undue financial and administrative burden. This determination is to be made by the ADA Coordinator and must be accompanied by a statement citing the reasons for reaching that conclusion. The determination that undue burdens would result must be based on an evaluation of all resources available for use in the programs.

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:

<http://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.cedarhilltx.com) under Helpful Links by clicking on the "Accessibility" link. Public meetings notices and agendas also include this notification.

2.2 Designation of Responsible Employee

The City has designated a responsible 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:

ADA Coordinator
285 Uptown Boulevard
Cedar Hill, TX 75104
972-291-5126
adacoordinator@cedarhilltx.com

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 will begin the process of identifying any barriers to accessibility that might be present. The ADA Transition Plan will provide a schedule that indicates a projected time for resolution and the department responsible for implementation. The City has begun the self-evaluation process and will continue the process through ongoing solicitation of public comment. This transition plan is a living document that will be updated periodically to reflect the ongoing assessment and resolution/response to public comment.

Updates will be provided as amendments to the plan, inclusion of additional annexes, and/or updates to the City's website www.cedarhilltx.com/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.

2.5 Emergency Management

The City of Cedar Hill 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 (<http://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>) 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.

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. As part of this assessment, the City will conduct an evaluation review of physical barriers in its buildings and facilities with the assistance of representatives from various departments housed in those facilities (i.e. Parks and Recreation, Library, Senior Center, etc.).

Recognizing that the City has limited funds, staff will utilize a variety of criteria for prioritizing the removal of physical 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
- Grant funding eligibility
- Planning of future construction activity

3.2 Action Taken to Improve Access

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 and 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 Community Development Block Grant (CDBG) funds. An ongoing assessment of areas requiring the removal of barriers will be conducted by City staff and the areas improved as funds are made available. Work plans will be made available on the City's website at www.cedarhilltx.com/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.

4.1 Submitting a grievance

Under the grievance procedures, a formal complaint must be filed within 90 calendar days of the alleged occurrence. A grievance concerning the accessibility of any City facility must be made in writing and may be communicated via regular mail, e-mail, fax, or online.

Regular Mail:

City of Cedar Hill – Public Works Dept.
Attn: ADA Coordinator
285 Uptown Blvd.
Cedar Hill, TX 75104

E-mail:

ADACoordinator@cedarhilltx.com

Fax:

972-291-7250
Attn: ADA Coordinator

Online:

www.cedarhilltx.com

Click on "Submit a Request"

Enter "ADA" in the search box

Select "ADA Accessibility Concerns" from the topics list

The ADA Coordinator is required to acknowledge receipt of the grievance within fifteen (15) days. If the ADA Coordinator does not respond or does not satisfactorily resolve the issue within the time period set forth in Section 4.2 below, the complainant may forward the request, or appeal the response, to the City Engineer and/or the Public Works Director. If the complainant wishes to appeal a decision further they may contact the City Manager.

If at any time the complainant is not satisfied with the City of Cedar Hill's handling of the grievance the complainant may file directly with the U.S. Department of Justice.

4.2 Investigation Process

Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or their designee. A thorough investigation affords all interested persons and their representatives and opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the complainant to discuss the matter and attempt to reach resolution of the grievance.

4.3 Resolution

Any resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed. All written complaints and resolutions shall be kept on file for seven (7) years.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to facilities; the safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any grievance does not constitute an admission of liability, guilt or a precedent upon which the City is bound or upon which other parties may rely.

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 the Southwest Regional Communication Center (SWRCC) for all 9-1-1 services. SWRCC provides direct access to 9-1-1 services via text telephone (TTY).

5.2 Functional Needs Assessments

A functional needs assessment of the local residents will assist in ensuring that emergency management procedures are in compliance with the ADA. Functional needs assessments are required as part of the Emergency Management Plan in order to facilitate the notification, evacuation and sheltering phases of an emergency incident.

The State of Texas currently has a functional needs registry that is available to any individual who may require additional assistance. This is a voluntary, confidential registration and individuals may apply through the Texas Information Referral Network (2-1-1) or online through the State of Texas Emergency Assistance Registry ("STEAR"):

<https://www.txdps.state.tx.us/dem/stear/public.htm>

STEAR will provide the City with a list of individuals requiring assistance. All information will remain confidential and at no time will names, addresses or other personal information be published, sold or provided to any third parties unless otherwise required by law.

The City of Cedar Hill will utilize public outreach to educate citizens regarding this registration process.

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 and requesting comments. In addition, the City Council will solicit comments as part of a public hearing. Upon receiving public input, City staff will update the Plan and make it available in its revised form, to the public. Periodic updates will be made to the Plan going forward.

Appendix A – Contact Information

ADA Coordinator

285 Uptown Boulevard

Cedar Hill, TX 75104

972-291-5126

adacoordinator@cedarhilltx.com

City Engineer

Robert Woodbury, P.E., CFM

285 Uptown Blvd.

Cedar Hill, TX 75104

972-291-5126 ext. 2812

Robert.woodbury@cedarhilltx.com

Public Works Director

Elias K. Sassoon, P.E.

285 Uptown Blvd.

Cedar Hill, TX 75104

972-291-5126 ext. 2810

elias.sassoon@cedarhilltx.com

City Manager

Greg Porter

285 Uptown Blvd.

Cedar Hill, TX 75104

972-291-5126 ext. 1012

greg.porter@cedarhilltx.com

United States Department of Justice – Civil Rights Division

www.ada.gov

Appendix B – Self-Evaluation and Action Taken

Facilities

| Facility | Improvement | | Recommended Modification | Status |
|---------------|-------------|----------|---|--------------------|
| | Item | Location | | |
| Senior Center | Doors | Entrance | Install automatic doors | Completed |
| Library | Doors | Entrance | Install automatic doors | Completed |
| Library | North side | | | Completed |
| Senior Center | Ramps | Entrance | Construct ramp near automatic door entrance | Under construction |
| | | | | |

Curb Ramps/Sidewalks

| Street | Limits | | Modification | Status |
|------------------|--------------------------------|---------------|----------------------------------|--------------------|
| | From | To | | |
| Clark Rd. | US67 | FM1382 | 2 - 5' sidewalks w/ramps | Completed |
| Straus Rd. | FM1382 Intersection | | 5' sidewalks w/ramps | Completed |
| Pleasant Run Rd. | US67 frontage | Joe Wilson | 2 - 5' sidewalks w/ramps | Completed |
| Lake Ridge Pkwy. | US67 | Mansfield Rd. | 5' sidewalks & 12' trail w/ramps | Completed |
| Pleasant Run Rd. | Joe Wilson | Duncanville | 5' sidewalks & 12' trail w/ramps | Completed |
| Cedar Street | Wilson St. | Library | Install ramps | Completed |
| WalMart | Along south entrance on Uptown | | Install ramps | Completed |
| W. Belt Line Rd. | Along the 100 block | | Install ramps and sidewalks | Scheduled for 2015 |
| S. Clark Road | Along the 100 and 200 block | | Install ramps and sidewalks | Scheduled for 2015 |
| | | | | |
| | | | | |

Existing facilities will continue to be assessed.