



CITY OF SAUK RAPIDS

AMERICANS WITH DISABILITIES ACT

ADA SELF EVALUATION AND TRANSITION PLAN

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1.0 INTRODUCTION

The Americans with Disabilities Act (ADA) was passed in 1990 as a step towards the disestablishment of discrimination against individuals with disabilities. ADA Title II requires local governments to establish self-evaluations and/or transition plans, as determined by the number of employees that they have, 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 in Sauk Rapids. The ADA Transition Plan is significant in that it established the City of Sauk Rapid's, (the "City") ongoing commitment to the development and maintenance of policies, programs and facilities that include all residents.

1.1 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.

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>.

1.2 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 that 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:

Todd Schultz
ADA Coordinator
City of Sauk Rapids
250 Summit Avenue North
Sauk Rapids, MN 56379
320-258-5315
Tschultz@ci.sauk-rapids.mn.us

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.ci.sauk-rapids.mn.us) by clicking on the Accessibility and Policies link at the bottom of the page.

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.

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:

Todd Schultz
ADA Coordinator
City of Sauk Rapids
250 Summit Avenue North
Sauk Rapids, MN 56379
320-258-5315
Tschultz@ci.sauk-rapids.mn.us

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 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.ci.sauk-rapids.mn.us.

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. As part of this assessment, the City will conduct an evaluation review of physical barriers in its buildings and facilities that are available for public use. 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
- Public feedback obtained through the grievance process
- Planning of future construction activity

3.2 STEPS TAKEN

As new City facilities have been constructed or existing buildings remodeled, the City has followed Minnesota Building Codes which meet or exceed ADA requirements. All public buildings in Sauk Rapids have been constructed within the past fifteen years or less. The City has also enhanced pedestrian access via street related capital improvement projects and will continue these improvements to meet its overall accessibility goals based on the overall Capital Improvement Plan which can be found on the City's website near the bottom of the homepage.

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 60 calendar days of the alleged occurrence. A grievance concerning the accessibility of any City facility, program, or service must be made in writing on the City grievance form and may be communicated via regular mail, e-mail, fax, or online.

The grievance form can be found in Appendix D.

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 an 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

When the investigation is complete, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Sauk Rapids and offer options for substantive resolution of the 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 15 calendar days after receipt of the response to the City Administrator.

Within 15 calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the

meeting, the City Administrator 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 Administrator, and responses from these two offices will be retained by the City for at least three 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.

According to the ADA, the City does not have to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator, City Administrator, or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

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.

The City of Sauk Rapids Emergency Management Coordinator (EMC) develops, maintains and facilitates the 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/pccatoolkit/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.

5.1 ACCESS TO 9-1-1 SERVICES

Benton County provides direct access to 9-1-1 service via text telephone (TTY).

6.0 PUBLIC OUTREACH

The City of Sauk Rapids recognizes the importance of public participation and comments in the development of this document. Public outreach for this document consisted of the following activities:

A public meeting was held at the Government Center on January XXXXX, 2020. Xxxxx Comments were received.

A public hearing was held in front of the Sauk Rapids City Council on January 13, 2020.

A draft of the document was placed on the City Website on December 9, 2019. Xxxx comments were received. The final document shall remain on the City website indefinitely

7.0 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 as necessary 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

Todd Schultz
Community Development Director
250 Summit Avenue North
Sauk Rapids, MN
320-258-5315
tschultz@ci.sauk-rapids.mn.us

City Administrator

Ross Olson
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Sauk Rapids, MN
320-258-5315
tschultz@ci.sauk-rapids.mn.us

United States Department of Justice – Civil Rights Division

www.ada.gov

APPENDIX B – SELF-EVALUATION AND ACTION TAKEN

The majority of public facilities in the City of Sauk Rapids are relatively new and have been constructed meeting all ADA standards that existed at the time. The Municipal Log Building was constructed in 1942 but just upgraded in 2018 with the addition of ADA compliant restrooms and sidewalk access. The only public building in Sauk Rapids that has an ADA non-compliant issue is the open-air park building at Municipal Park. There is not a hard surface connecting the building to the handicap accessible parking lot. The City will add this sidewalk connection as improvements to this building are made.

Public Facilities	Year Constructed	Year Renovated
Government Center	2012	N/A
Public Works	2004	N/A
Municipal Liquor Store	1992	2018
Municipal Park Pavilion	2009	N/A
Municipal Log Building	1942	2017
Municipal Park Open Air Building	Unknown	N/A
Autumn Ridge Open Air Park Building	2003	N/A

B.1 PROGRAMS, SERVICES & ACTIVITIES SELF-EVALUATION

Sauk Rapids does not offer any programs, services, or activities for the public to participate in.

B.2 CUSTOMER SERVICE/COMMUNICATIONS

There are a number of different customer services that are available to the public at both the Government Center and the Public Works Facilities. Both buildings meet ADA standards. The City also has two park buildings that can be rented to the public. Both of these facilities are within Municipal Park and meet ADA standards.

ADA requires City's to take appropriate steps to ensure effective communication with applicants, participants, and members of the public. Sauk Rapids is committed to providing all persons with disabilities appropriate formats for communication upon request. Such as interpreters for the hearing impaired or providing text documents that are accessible.

B.3 WEBSITE

The City updated its website in November of 2019 and has added components to the website to make it accessible.

APPENDIX C – TRANSITION PLAN

Existing public facilities will continue to be assessed in relation to ongoing changes to the accessibility code. With regards to City sidewalks and trails, since the ADA act of 1990, Sauk Rapids population has nearly doubled. All sidewalks and trails constructed since that time have been constructed to ADA standards. However, Sauk Rapids still has many miles of sidewalks that were constructed prior to the

ADA act of 1990 and these are in various states of conditions and standards. Some of which do not meet ADA standards. These facilities will be updated based on the City of Sauk Rapids Capital Improvement Plan. A copy of the Plan is available on the City website or by contacting the ADA Coordinator.

APPENDIX D – GRIEVANCE FORM

APPENDIX D – REPORT FORM

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