

The City of Gonzales will provide safe and usable facilities for all individuals to ensure compliance with all federal, state and local regulations and standards. In accordance with ADA Title II requirements, the City of Gonzales prepared an ADA Plan, an ADA self-evaluation, a grievance procedure, and a notice of non-discrimination to address access employment, programs, and services

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Americans with Disabilities Act (ADA) Plan
City of Gonzales
A 2020

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Introduction

To prohibit discrimination on the basis of disability, the Federal government enacted the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Title II of the ADA pertains to state and local governments and requires that persons with disabilities be provided with an equal opportunity to benefit from government programs, services and activities.

Title II of the ADA further identifies specific steps that state and local governments must follow to comply with the ADA. These include:

1. Prepare a Self-Evaluation of programs, services and activities that may not be accessible to persons with disabilities;
2. Develop a Plan to provide for the elimination of barriers for disabled persons to access these programs, services and activities;
3. Designate at least one employee as the ADA/Section 504 Coordinator to be responsible for the ADA compliance program;
4. Establish a Grievance Procedure to respond to complaints regarding accessibility;
5. Provide Notice to the public of the obligations under Title II to prohibit discrimination on the basis of disability;
6. Provide an Opportunity for interested persons, including individuals with disabilities, or organizations representing individuals with disabilities, to participate in the development of the Plan by submitting comments and making specific recommendations.

It is the goal of the City of Gonzales to provide safe and usable facilities for all individuals to ensure compliance with all federal, state and local regulations and standards. In accordance with the above ADA Title II requirements, the City of Gonzales prepared an ADA self-evaluation, a grievance procedure, and a notice of non-discrimination to address access employment, programs, and services.

The ADA/Section 504 Coordinator provides oversight and coordination of ADA compliance efforts with Management and Program Staff.

Background

Disability Access Laws

Title VI of the landmark Civil Rights Act of 1964 prohibits government agencies from discrimination on the grounds of race, color or national origin. The rights of persons with disabilities are protected under Section 504 of the Rehabilitation Act of 1973, and even further under the Americans with Disabilities Act of 1990 (ADA). In addition, the final rule implementing Section 1557 of the Affordable Care Act prohibits discrimination based on race, color, national origin, sex, age or disability in certain health programs and activities.

Title II of the ADA Act requires state and local governments to provide persons with disabilities an equal opportunity to benefit from government programs, services and activities. Title II dictates that state and local governments with 50 or more employees must develop self-evaluation and plans to make their facilities accessible.

Disability Defined

Under the ADA, a qualified individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

ADA Compliance Program

The purpose of this plan is to ensure that all individuals are provided reasonable access to all City of Gonzales facilities, programs, services and activities and to identify and create a Transition Plan, if necessary, to mitigate deficiencies within facilities, programs, services and activities that may pose an obstacle to those individuals that have a disability.

In compliance with the ADA, the City of Gonzales offered opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities to participate in the development of the plan by submitting and making specific recommendations.

Design Exceptions

Where it is technically infeasible or structurally impracticable to fully comply with federal or state minimum standards, the City of Gonzales will make every effort to provide reasonable modifications that would improve the existing conditions to facilitate access to the maximum extent feasible.

Reasonable Modification Policy

Non-Discrimination

No person shall, on the grounds of race color, or national origin, sex, age or disability be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service or activity provided by the City of Gonzales.

Individuals with Disabilities

No qualified individual with a disability shall, by reason of such a disability, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service or activity. The City of Gonzales shall not exclude or deny equal programs, services or activities to an individual because of the known disability.

Qualified Individual with a Disability

A qualified individual with a disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or the provision of auxiliary aids and services, meets the essential eligibility requirements for services or the participation in programs or activities provided by the City of Gonzales.

Reasonable Modification

The City of Gonzales shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the City of Gonzales can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

However, when the only remedy is to make structural changes, the recipient will prepare a Transition Plan itemizing the changes. Input from interested citizens, especially disabled residents, will be included, and the other transition plan requirements listed above apply in this case.

Communications

The City of Gonzales shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the City of Gonzales shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the City of Gonzales. In determining what type of auxiliary aid or service is necessary, the City of Gonzales shall give primary consideration to the requests of the individual with disabilities.

Auxiliary Aids and Services

- Provide qualified interpreters, transcription services, written materials, assistive listening systems or other methods for individuals with hearing impairments;
- Provide audio recordings, brailled materials, large print materials or other methods for individuals with visual impairments;
- Acquisition of equipment needed to reasonably meet the needs of the community;
- Other actions or modification needed to comply with ADA standards.
- Permitting access to a person with a disability accompanied by a service animal for assistance
- Provide language services to individuals whose primary language is not English.
(Written materials or qualified interpreters)

Limits of Required Modifications

The City of Gonzales is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens. Any decision that complies with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

Notice

The City of Gonzales shall make available to applicants, employees, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA), as well as Section 1557 of the Affordable Care Act, and its applicability to the services, programs, or activities of the City of Gonzales. The information shall be made available in such manner as the ADA/Section 504 Coordinator finds necessary to apprise such persons of the

protections against discrimination assured them by the ADA/Section 504.

Notification and Effective Communication

As required by Title II of the ADA, public agencies must notify applicants, participants, beneficiaries, and other interested persons of their rights and of the agency's obligations under Title II to prohibit discrimination on the basis of disability.

Notice of Non-Discrimination

The City of Gonzales has posted the Notice of Non-Discrimination to address employment, programs and services.

Public Outreach

The City of Gonzales has provided an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the plan by submitting comments and making specific recommendations. A comment period was announced on the City of Gonzales website. After adoption, a copy of this plan will be available for public reference on the City of Gonzales website. The City of Gonzales welcomes feedback from the public, including persons with disabilities, regarding the accessibility of its facilities. The public can communicate these requests to the City of Gonzales through email, phone calls, and by filling out the ADA Complaint Form.

Effective Communication

To ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others, the City of Gonzales offers auxiliary aids and services at no cost, when requested in advance, by qualified individuals with disabilities. Written notification of the availability of auxiliary aids and services is provided on public meeting notices and at public information counters. Listed below is sample wording for a meeting notice:

"In compliance with the Americans with Disabilities Act, persons with disabilities may request reasonable accommodations (including auxiliary aids and services at no cost) to participate in the meeting by contacting City of Gonzales, City Secretary at citysecretary@gonzales.texas.gov or 830-672-2815 least 5 business days before the scheduled event."

In addition, it is the policy of the City of Gonzales to provide the following statement on meeting notices, agendas and public information documents that such documents will be provided to persons with disabilities in alternate formats (such as large print, audio tape, electronic format, etc.) upon request: *To accommodate persons with disabilities, this document is available in alternate formats upon request.*

Inventory and Self-Evaluation

Self-Evaluation

The self-evaluation of City of Gonzales consists of its facilities, administrative practices, and employment practices of the municipality, as well as the annual projects and activities funded through federal grants. In the event that the municipality uses facilities of other municipalities or organizations to conduct the programs and activities funded with federal funds, those facilities, administrative practices and employment practices are also subject to self-evaluation.

List of Maintained Facilities: (list City of Gonzales city buildings)

Service Requests and Grievance Procedure

Title II of the ADA requires local governments with 50 or more employees to adopt and publish procedures for resolving grievances. The goal of the grievance procedure is to set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

The City of Gonzales prepared the ADA Grievance Procedure, to address accessibility, employment, programs and services. This grievance procedure and its corresponding ADA Complaint Form, as shown in Appendix C, are available to the public and to employees through the ADA Coordinator/Section 504 Coordinator and on the website.

ADA/Section 504 Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 1557 of the Affordable Care Act. The Grievance Procedure can be found in Appendix A of this document. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits provided by the City of Gonzales for access to facilities by persons with disabilities. The availability and use of the grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.

The complaint should be in writing and contain the following information regarding the alleged discrimination:

- Complainant name
- Address of complainant
- Phone number of complainant
- Location of complaint
- Date of alleged violation/problem or action identified to be discriminatory and the remedy/relief sought
- Description of the alleged violation

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA/Section 504 Coordinator:

City of Gonzales, Chief Building Official
PO Box 547 Gonzales, TX 78629-0547
Phone: (830) 672-2815

Within 30 calendar days after receipt of the complaint, the ADA/Section 504 Coordinator or his/her designee will contact appropriate, in a format accessible to the complainant such as large print the complainant to discuss the complaint and possible resolutions. Within 30 calendar days of contacting the complainant, the ADA/Section 504 Coordinator or his/her designee will respond in writing, and where applicable, audio tape or electronic file.

The response will explain the position of the City of Gonzales and offer options for resolution of the complaint. If the response by the ADA/Section 504 Coordinator 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 Executive Director.

Within 30 calendar days after receipt of the appeal decision, the Executive Director will contact the complainant to schedule a meeting to discuss the complaint and possible resolutions. Within 30 calendar days after the appeal, the City of Gonzales 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, and responses, will be retained by the ADA Coordinator for at least three years. To accommodate persons with disabilities, this notice is available in alternate formats upon request.

Service Requests or Complaints

Service Requests come into the City of Gonzales through several methods. Individuals either contact the ADA/Section 504 Coordinator, Civil Rights, Department of State Health Services, or Department of Aging and Disability Services by phone, email, mail or in person.

Individuals may download a general complaint form or they can download and fill out an online ADA Complaint form from the City of Gonzales webpage. Forms should be mailed or hand delivered to:

City of Gonzales, Chief Building Official
PO Box 547 Gonzales, TX 78629-0547
Phone: (830) 672-2815

When accessibility requests are made, the ADA/Section 504 Coordinator logs the request into a database. The data base is maintained locally by the ADA/Section 504 Coordinator. The ADA/Section 504 Coordinator reviews the request, investigates the request, in consultation with Human Resources as appropriate, and gives a recommendation for resolution to the City Manager's Office for the approval of allocating funds, if needed, to mitigate the request. If funds are allocated, then the request and recommendation are sent to the appropriate department to make the necessary corrections.

Each request is monitored from the date of receiving the request until final resolution. The ADA/Section 504 Coordinator summarizes the service requests/complaints and their resolution in an annual report to the City Manager's Office.

Persons with disabilities are also able to file formal ADA grievances through the United States Department of Justice, or Equal Employment Opportunity Commission.

Monitoring and Reporting

The City of Gonzales' self-evaluation and plan are reviewed annually or as needed.

The progress of the ADA compliance program is documented in an annual report prepared by the ADA/Section 504 Coordinator for review by the City of Gonzales.

The annual report is intended to identify the following information:

- The number of complaints/requests
- The number of barrier removals and upgrades to accessibility
- The total funds spent for the accessibility program
- Updates on funding availability and the efforts taken to secure extra funding
- Summary of requests/complaints received and how requests/complaints were resolved
- Establishment of targets for the upcoming year

The annual report is retained by the ADA/Section 504 Coordinator for at least three years and is made available to the public in alternate formats upon request.