

RESOLUTION NO. 2022-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK,
WASHINGTON, ESTABLISHING AN AMERICAN WITH DISABILITIES
ACT SELF-EVALUATION AND PROGRAM ACCESS PLAN.

WHEREAS, the City has been advised by Washington State Department of Transportation of one of the Federal Requirements under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act is to adopt an ADA Self Evaluation and Program Access Plan; and

WHEREAS, the Mayor and City Council have reviewed this Resolution and concur that it is in the best interests of the City; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON,
HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Americans with Disabilities Act Self-Evaluation and Program Access Plan and policies as set forth below is hereby approved:

INTRODUCTION AND BACKGROUND

The City of Deer Park is committed to providing equal access to all its public programs, services, and activities for citizens with disabilities. This plan will be used to help guide future planning and implementation of necessary accessibility improvements. The City will update the plan periodically and is always seeking public comments on necessary changes and improvements.

FEDERAL REQUIREMENTS

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 requires cities with fewer than fifty employees that is a recipient or subrecipient of Federal financial assistance to prepare a self-evaluation and ADA Program Access Plan.

The U.S. Congress signed the ADA in 1990, and it went into effect in 1992. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, government services and programs, public transportation, and telecommunications.

Title I of the ADA prohibits local governments from discriminating against qualified individuals with disabilities in job application procedures, hiring, employment termination, job promotion, compensation, job training and other terms, conditions, and privileges of employment. The City of Deer Park is an Equal Employment Opportunity (EEO) employer and adheres to the requirements of Title I.

Title II of the ADA adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973 but applies to all state and local governments regardless of whether or not they receive federal funding. It prohibits the City from denying persons with disabilities the equal opportunity to participate in its services, programs, or activities, either directly or indirectly through contractual arrangements.

The administrative requirements contained in Title II that apply to the City are:

- Designation of an ADA Coordinator responsible for overseeing Title II compliance,
- Development of an ADA grievance/complaint procedure,
- Completion of a self-evaluation of facilities, programs, and services; and
- Development of a program access plan if the self-evaluation identifies any accessibility deficiencies.

ADA COORDINATOR

The City Clerk / Treasurer is designated as the ADA Coordinator, until such time as the City designates a staff member to be the Human Resources Manager. This position is responsible for ensuring that all programs, services, and activities of the City of Deer Park are accessible to and usable by individuals with disabilities. The individual designated reports directly to the Mayor. The City's ADA Coordinator is:

Deby Cragun, City Clerk / Treasurer, City of Deer Park, PO Box F, 316 E. Crawford Avenue, Deer Park, WA 99006. DCragun@ci.deerpark.wa.us, 509-276-8802.

REQUESTING ACCOMMODATION

Requests for accommodation (e.g., translator, barrier removal, etc.) or documents/materials in alternate formats should be made as soon as the need for the accommodation is known. Requests should be made to the ADA Coordinator as follows:

Requests for accommodation at a City meeting or events should include:

1. The requestor's name, address, email, and telephone number.
2. A description of the programs, service, or activity where the accommodation is required.
3. The location of the program, service, or activity.
4. A brief description of why the accommodation is needed.

Requests for materials in alternate format should include:

1. The requestor's name, address, email, and telephone number.
2. The name and description of the City document or materials to be reformatted.
3. What type of format is desired (e.g., braille, audio recording, computer disk, etc.).
4. A brief description of why the alternate format is needed.

The ADA Coordinator will respond to the request within 15 business days or in advance of the scheduled meeting or event. If the response does not satisfactorily resolve the issue, the requestor may file a formal grievance with the City. All requests for accommodations and alternate formats will be kept on file for at least three years.

FILING A GRIEVANCE

The City of Deer Park has a formal procedure in place to provide citizens a means to file complaints regarding:

- City of Deer Park policies or its provisions of service, activities, and programs to persons with disabilities;
- Alleged violations of Title II of the ADA or Section 504 of the Rehabilitation Act by the City of Deer Park, its departments, or employees; and
- Structural and parking accessibility issues on City-owned or controlled property.

The ADA Coordinator is limited to the funding already available for capital improvement projects when responding to grievances that request barrier removal or structural modifications. In the event that the available funds are insufficient or already expended on other projects, improvements will be prioritized and scheduled in subsequent years.

The availability and use of this grievance procedure does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

STEP 1. To file a grievance, send a letter or an email to the ADA Coordinator that includes all of the following information:

- The full name, address and telephone number of the person filing the grievance.
- The full name, address and telephone number of the person who was discriminated against (if someone other than the grievant).
- The name and address of the program, service, activity, or facility where the incident took place.
- A description of the incident, the date(s) it occurred, and the name(s) of any city employees involved (if known).

- Any other information necessary to support the grievance.

The ADA Coordinator will notify the grievant in writing of any additional information needed. If the requested information is not provided, the ADA Coordinator will close the grievance.

STEP 2. The ADA Coordinator will meet with or contact the grievant within 15 working days of the grievance to discuss possible solutions.

STEP 3. Within 30 working days of that meeting or discussion, the ADA Coordinator will respond in writing or in a format accessible to the grievant, explaining the position of the City of Deer Park and offering options for resolution.

If the response does not satisfactorily resolve the issue, the grievant may appeal the decision to the Mayor of the City within 10 working days after receiving the response. The appeal should be in writing and provide an explanation about why the City's initial response was not satisfactory. Steps 1 – 3, will then begin again with the Mayor as the primary contact.

All formal grievances received by the ADA Coordinator, appeals to the Mayor and responses from the City will be kept on file for at least three years.

SELF-EVALUATION and PROGRAM ACCESS PLAN

The Self-Evaluation is the City's internal assessment of the accessibility of its facilities, programs, services, and activities. It includes site assessment surveys of all public facilities, parks and roads owned by the City of Deer Park, and a written survey of all City departments about the accessibility of their programs, services and activities where required.

PUBLIC OUTREACH

The current plan and policy have been posted on the City's website. Key stakeholder groups and the general public are invited to review and provide input. Comments should be directed to the ADA Coordinator for revisions and suggested edits as required.

The City will update the plan and its associated improvement project lists developed annually to reflect completed improvement projects, or additions or changes suggested by the public, as appropriate.

STATE AND LOCAL REQUIREMENTS

The State of Washington officially adopted the International Building Code (IBC) as its building code in 2004 (RCW 19.27 and 70.92). The IBC includes provisions ensuring that public facilities are accessible to and usable by persons with disabilities.

Pursuant to requirements of RCW 19.27, The City of Deer Park also adopted the IBC as its building code and subsequent code updates as required under RCW.

FUNDING SOURCES

The primary sources of funding for accessibility-related improvement projects on City property are the General Fund, real estate excise taxes accrued to the Street Fund, the Utility funds, and grants. Due to reduced support for grant programs and competing priorities, the City of Deer Park must prioritize projects due to limited funding options to fund accessibility improvement projects.

Accessibility improvements that can be made through general maintenance of the City facilities or as part of the regular administrative duties of City staff will typically be completed first, with larger capital improvement projects being completed when necessary, funding is available.

UNDUE BURDEN

According to the ADA, the City is not required 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 or designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

PROGRAMS, SERVICES and ACTIVITIES

All City strives to provide full and equal access to all its services, programs, and activities for people with disabilities.

Public Meetings, Hearings and Events. The City works hard to ensure its public meetings, hearings and events are open and accessible to all citizens, regardless of disability. In addition, the City works directly with community event organizers to help ensure events using City streets, parks or other resources are compliant with the ADA. For example:

- When the City hosts public meetings, hearings or other public events the City provides accommodations to people with disabilities as requested.
- The City assures that doorways and primary paths of travel at a meeting or event location are clear of obstructions or barriers.
- The City includes a statement on agenda and invitations to meetings with information on how to request an accommodation.

Printed Materials. The City provides a variety of informational and promotional materials for public use including maps, brochures, forms, newsletters, fact sheets, reports, and plans. The City is able to provide documents and other printed materials in alternate formats, as requested.

Website. The City of Deer Park completed a redesign of its website in 2022. The new design includes a variety of accessibility-related improvements, including text size and color, provides

alternate text on photos and provides PDF documents, City Departments, methods of contacting the City and answers to frequently asked questions.

Contracting/Purchasing. The City currently uses criteria that do not discriminate based on disability when selecting contractors, consultants or vendors for City projects or services. The City also includes a statement in all Requests for Proposal and other bid solicitation documents explaining that businesses, organizations, and individuals contracting with the City of Deer Park must comply with Title II of the ADA and Section 504 of the Rehabilitation Act AND requires all City contractors, consultants, and vendors to sign a statement attesting to their intent to comply.

Staff Training. The City's Employment Policies, which are available to all current employees and provided to all new hires, contain information about the ADA as it relates to employees. Additional training and written procedures are developed to provide more comprehensive information about the requirements and regulations of the ADA and the Rehabilitation Act. The City also continues to provide reminders about the requirements of the ADA.

City Facilities, Streets and Parks. The City has conducted a variety of site visits, surveys and inventories of its facilities, sidewalks, curb ramps and parks starting after the ADA became law in 1992. Since then, it has conducted a program of repair and renovation to correct many identified barriers and deficiencies. Today, the majority of the City's public facilities are ADA compliant, and it continues to make progress on installing ADA compliant curb cuts, ramps, and sidewalks along its roadways.

The City of Deer Park adopted the International Building Codes as its model building codes, which includes provisions ensuring accessibility for people with disabilities. The City also uses the Americans with Disabilities Act Guidelines for Buildings and Facilities and the ADA Standards for Accessible Design in the design and construction of its facility improvements and construction projects.

Public Streets and Curb Ramps. It has been a priority project for the City to improve accessibility for pedestrians and the disabled through the extension of an accessible sidewalk network in public and/or private construction projects within current or future public rights of way.

The City is in the process of creating and/or fixing curb ramps through completion of roadway construction projects throughout the City. For each intersection provided with new ramps or found to be in the need of replacement, analysis is completed showing whether there were any existing curb ramps, and whether existing curb ramps met ADA standards, including slope, lim, ramp width and landing areas. This review for each new project area assures ramps are installed or replaced as needed to meet the current ADA standards. In addition, in locations where existing walkways are removed for the addition of driveway approach to private parcels, the City provides standard details and inspects for compliance of the finished project to meet ADA standards.

Maintenance. Because the City does not have sufficient staff or resources to monitor the condition of all its facilities, roadways, and parks on a continual basis, it relies on reports from citizens to facilitate its maintenance efforts. The City website lists contact phone numbers and email


addresses for all departments which allow citizens to report issues found to exist. Priority is given to maintenance needs that impact safety and accessibility.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 3. This Resolution shall be effective immediately upon passage by the City Council.

RESOLVED the 7th day of September, 2022.

APPROVED:



MAYOR TIMOTHY VERZAL

ATTEST/AUTHENTICATED:



DEBY CRAGUN, CITY CLERK/TREASURER