



**Vanderburgh County, Indiana
ADA Transition Plan**

December, 2012

ADA Requirements

The Americans with Disabilities Act (“ADA”) was signed into law on July 26, 1990. The ADA is a Federal civil rights law, under the jurisdiction of the United States Department of Justice (DOJ), that provides protection to qualified individuals with disabilities in the areas of employment, public accommodations, state and local government services, transportation, and telecommunications. When the law was passed, Congress stated that the purpose of the act is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, and to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities.

Title II of the ADA applies to the programs and services of State and local governments. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. Public entities are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

As a part of the implementation of Title II of the ADA, local governments are required to do the following:

- Designate an ADA coordinator
- Provide notice of the ADA’s provisions
- Establish grievance procedures
- Develop and/or adopt accessibility standards
- Complete a self-evaluation of all of its facilities, programs, and activities
- Develop a plan for removing barriers identified in the self-evaluation
- Implement the accessibility plan, and monitor its progress

The following sections of this preliminary report outline the steps Vanderburgh County has taken in order to meet these requirements.

ADA Coordinator

If a public entity has 50 or more employees, Title II of the ADA requires the public entity to designate at least one responsible employee to coordinate ADA compliance. This position is commonly known as the ADA Coordinator. The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and for investigating any complaints that the entity has violated Title II. As stated in the resolution provided in Exhibit A, the Vanderburgh County Commissioners have designated the Vanderburgh County Engineer as the ADA Coordinator.

ADA Notice to the Public

Title II of the ADA requires public entities to give public notice about ADA requirements and how the ADA applies to the programs, services, and activities of the public entity. The requirements state that the notice should include statements addressing matters such as employment, effective communication, and making reasonable modifications to policies and programs. Vanderburgh County's ADA notice is attached as Exhibit B. Vanderburgh County will post this notice in locations such as its various workplaces and on its website.

Grievance Procedure

According to 28 C.F.R. Part 35, a public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action or discrimination that would be prohibited by the ADA. In order to address this requirement, the Vanderburgh County Commissioners have adopted the grievance procedure shown in Exhibit C. This grievance procedure is intended to adhere to the standards outlined in the ADA. The procedure must 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 Vanderburgh County.

Accessibility Standards

Vanderburgh County's accessibility standards, specifications, and design details have been adopted from the U.S. Department of Justice's *2010 ADA Standards for Accessible Design*; the United States Access Board's *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*; and applicable Indiana Department of Transportation Standard Drawings, including appropriate amendments, updates, and replacements." These standards were adopted by the Vanderburgh County through the adoption of the resolution shown in Exhibit A.

Self-Evaluation of County Facilities, Programs and Policies

As required by Title II of ADA, Vanderburgh County must conduct a self-evaluation of county facilities and current policies and practices. This requires an assessment of existing buildings, curb ramps, policies, and procedures in order to determine if they comply with ADA Title II and Section 504. The initial findings are shown below.

County Buildings

Vanderburgh County has identified the following County owned and operated facilities that are routinely accessed by the public:

Burdette Park

The Old Vanderburgh County Courthouse

Veterans Memorial Coliseum

Vanderburgh County Highway Department

Vanderburgh County Coroner's Office

Vanderburgh County Community Corrections

At the time of the preparation of this report, the assessment of County buildings was not complete. As a result, the estimated total cost and schedule for work needed to remove access barriers has not yet been finalized. The assessments and cost estimates will continue to be developed so that

necessary improvements can begin to be prioritized and budgeted in 2013. Priority for improvements will be weighted according to their public traffic volume.

Curb Ramps

A major component of the County's transition plan is the self-evaluation of its pedestrian facilities within its public right of way. Title II of the ADA requires a public entity that has responsibility or authority over streets, roads, or walkways, to include a schedule in its transition plan for providing curb ramps or other sloped areas where pedestrian walks cross curbs.

In order to develop the required curb ramp schedule, Vanderburgh County completed a comprehensive inventory of sidewalks and intersection curb ramps located along its 550 miles of maintained roadways. This sidewalk inventory indicated that the County has 77.33 miles of sidewalks and 574 curb ramps along its maintained roadways. The summary of the types of curb ramps found is as follows:

- 95 ramps meet current ADA requirements
- 473 ramps exist but do not meet current standards
- 250 locations have no curb ramps at all
- 6 non-compliant ramps are unnecessary and should be removed

As a part of this inventory, a list was compiled of the following County policies and practices regarding sidewalks:

- Street repair and/or reconstruction projects that are completed through construction contracts issued by the County Commissioners usually include repair of sidewalks and the construction of ADA compliant curb ramps in locations where sidewalks and ramps currently exist.
- Street repair and/or resurfacing projects completed by the County Highway Department do not generally include the construction of ADA compliant curb ramps.
- No dedicated funding source currently exists for the replacement of curb ramps that do not meet ADA requirements.
- The County Engineering Department is responsible for the design review and inspection of ADA curb ramps that are constructed in conjunction with new subdivisions. However, sidewalks are not typically constructed as a part of new subdivision developments.
- Vanderburgh County uses INDOT curb ramp design standards as the County's ADA design standard for sidewalk and curb ramp construction.

Recommendations

- Vanderburgh County should continue to replace non-compliant curb ramps along all streets that will be repaired or resurfaced as a result of construction contracts issued by the Vanderburgh County Commissioners.
- Vanderburgh County should plan to spend at least \$25,000 of riverboat tax revenues each year to replace non-compliant curb ramps and/or add compliant ramps where none currently exist. This should be in addition to ramps that are replaced or added in conjunction with road repair contracts.

- Non-compliant curb ramps that are located within the limits of street repair or resurfacing projects done the Vanderburgh County Highway Department should be replaced utilizing the annual allotment of riverboat tax revenues.
- Vanderburgh County will evaluate major road reconstruction projects to determine if there is a need for sidewalk construction along roads where sidewalks do not currently exist. Ramps that meet current ADA requirements will be constructed if sidewalks are constructed.
- Vanderburgh County will continue to provide ramps that comply with current standards for the replacement of all curb ramps located within the limits of major road reconstruction projects.
- The priority schedule for curb ramp construction or replacement should be as follows:
 1. Construction of compliant ramps that serve state and local government offices or facilities, transportation, and places of public accommodation.
 2. Construction of compliant ramps on routes known to be regularly used by persons with disabilities.
 3. Construction of ramps in locations that have generated complaints.
 4. Construction of compliant curb ramps where ramps do not currently exist.
 5. Replacement of ramps that currently exist but do not meet current standards.
- Vanderburgh County will update design standards as needed in order to comply with any changes to ADA standards.
- Employees of Vanderburgh County should attend ADA training seminars as funding allows.

County Programs and Policies

Public Involvement

All public meetings and hearings held by Vanderburgh County are required to be accessible to all citizens. In order to meet this requirement, Vanderburgh County will strive to make reasonable accommodations needed to make meeting and hearings accessible. As stated in the notice provided in Exhibit B, 48 hours advance notice is required in order for the County to provide the necessary auxiliary aids or services.

County Website

Vanderburgh County had a complete redesign of its website in September 2012. At the time of the launch of the website, it was fully compliant with ADA requirements.

Ongoing Activities

As noted in this document, Vanderburgh County will continue to assess its buildings, policies, and activities in order to update this information as needed. As deficiencies are noted, additional changes (such as building renovations or policy changes) will continue to be made by county officials.

In order to strive to meet continuing changes in the ADA, it is important that County employees (such as department heads and/or employees within a department that might address ADA issues) receive training regarding ADA requirements. This would assist employees on how to respond to ADA accommodation requests, general concerns, and grievances.

EXHIBIT A

RESOLUTION NO. CO.R-12-12-015

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA ADOPTING THE AMERICANS WITH DISABILITIES ACT PROCEDURES

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (“ADA”) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA, Vanderburgh County, Indiana, shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA, Vanderburgh County, Indiana, shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA, Vanderburgh County, Indiana, shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA, Vanderburgh County, Indiana, shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, THAT:

1. The Vanderburgh County Engineer is designated as the ADA Coordinator for Vanderburgh County.
2. The Notice under the ADA, a copy of which is attached hereto and as revised from time to time, is adopted as Vanderburgh County’s Notice under the ADA.
3. The Vanderburgh County Grievance Procedure under the ADA, a copy of which is attached hereto and as revised from time to time, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Vanderburgh County, Indiana.
4. In compliance with Federal and State laws as set forth above, the Board of Commissioners of Vanderburgh County resolves to post the required information regarding its ADA coordinator, the Notice under the ADA, and the Vanderburgh County Grievance Procedure under the ADA on its website and at such other locations as may be determined from time to time.
5. Vanderburgh County hereby adopts the U.S. Department of Justice “2010 ADA Standards for Accessible Design”, the United States Access Board “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way”, and applicable Indiana Department of Transportation Standard Drawings, and their amendments, updates, or replacements, as accessibility standards, specifications, and design details for Vanderburgh County.

APPROVED AND ADOPTED this 18th day of December, 2012.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

Marsha Abell, President

Joe Kiefer, Vice President

Stephen R. Melcher, Member

ATTEST:

Joe Gries
Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

By: _____
Joseph H. Harrison, Jr.
Vanderburgh County Attorney

EXHIBIT B

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Vanderburgh County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Vanderburgh County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title II of the ADA.

Effective Communication: Vanderburgh County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Vanderburgh County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to persons who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Vanderburgh County will make all reasonable modifications to policies and programs to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Vanderburgh County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Vanderburgh County, should contact the office of the Vanderburgh County Commissioners at 812-435-5241 as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require the Vanderburgh County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden on the County.

Complaints that a program, service, or activity of Vanderburgh County is not accessible to persons with disabilities should be directed to President of the Board of Commissioners of Vanderburgh County, 305 Civic Center Complex, Evansville, Indiana 47708. The President of the Board of County Commissioners shall then forward the complaint to the Vanderburgh County ADA Coordinator.

Vanderburgh County 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 or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

EXHIBIT C

Vanderburgh County, Indiana Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). 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 by Vanderburgh County. The County Employee Handbook set forth in chapter 2.90 of the Vanderburgh County Code governs employment-related complaints of disability discrimination.

Any person who has a complaint regarding the County's alleged non-compliance with the ADA may file a complaint. The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged incident. The complaint should be in writing and it should contain information about the alleged incident including the name, address, phone number of complainant and location, date, a description of the problem, and your suggestions for resolving the problem.

We would ask that all grievance complaints be submitted on the attached form, and sent to the following address:

President
Board of Commissioners of Vanderburgh County
305 Civic Center Complex
1 N.W. Martin Luther King Jr. Blvd.
Evansville, IN 47708

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.

Upon receipt of a complaint, the President of the Vanderburgh County Commissioners shall forward the complaint to the Vanderburgh County ADA Coordinator. Within 30 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee shall meet with the complainant to discuss the complaint and possible resolutions to the same. Within 30 calendar days of the meeting, the ADA Coordinator or his/her designee shall 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 Vanderburgh County 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 30 calendar days after receipt of the response to the Board of Commissioners of Vanderburgh County.

Within 30 calendar days after receipt of the appeal one member of the Board of Commissioners of Vanderburgh County shall meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after such meeting, the Board of Commissioners of Vanderburgh County 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, all appeals to the Board of Commissioners of Vanderburgh County, and all responses to the complaints and appeals will be retained by Vanderburgh County for at least three years.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the Complainant's pursuit of other available remedies available by law.

Vanderburgh County ADA Complaint Form

Instructions: Please fill out this form completely. Please note that this form shall be filed for complaints regarding facilities, services, and/or programs owned and/or operated by Vanderburgh County. Sign and return this original form with your signature to the following address:

President, Board of Commissioners of Vanderburgh County
 305 Civic Center Complex
 1 NW M.L. King Jr. Blvd
 Evansville, IN 47708

Your Name (Complainant):			
Address:			
Contact Numbers:	Home:	Work:	Mobile:
Email Address:			
<p>Provide reason for grievance/complaint. This should contain information about the alleged ADA violation such as location, date, and description of the problem. Use a separate sheet if more space is needed.</p>			
State if you require an alternative form for follow up communications:			
Your Signature:			Date:

If you have questions about this form, require an accommodation, or if you need a different format, please contact the Vanderburgh County Commissioners' office at 812-435-5241, or send an email to commissioners@vanderburghgis.com.

Please allow up to 30 days for a response to your complaint.