

# CITY OF MONTICELLO, INDIANA

## Transition Plan

---

### Americans with Disabilities Act

Cathy Gross

5/20/2013



This document will provide a planning and implementation guide for the City of Monticello. It establishes the City's ongoing commitment to the development, maintenance, and inclusion of policies, programs, and facilities for all of its citizens.

## TABLE OF CONTENTS

	<b>Page Number</b>
<b>I Introduction</b>	<b>3</b>
<b>II Plan Development</b>	<b>5</b>
<b>A. ADA Coordinator</b>	<b>5</b>
<b>B. Grievance Procedure</b>	<b>6</b>
<b>Grievance Form</b>	<b>8</b>
<b>C. Mayor’s Americans with Disabilities Act (ADA) Advisory Council</b>	<b>9</b>
<b>D. Self Evaluation</b>	<b>9</b>
<b>Traffic and Pedestrian Inventory</b>	<b>9</b>
<b>Public Buildings and Facilities</b>	<b>10</b>
<b>Programs and Services</b>	<b>10</b>
<b>Emergency Preparedness</b>	<b>10</b>
<b>Commitment</b>	<b>11</b>
<b>Standards and Guidelines</b>	<b>11</b>
<b>III Implementation</b>	<b>11</b>

# I INTRODUCTION

## **ADA Overview**

Enacted on July 26, 1990 and amended effective January 1, 2009, as written and implemented,  
<sup>1</sup>The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability.

The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: State and Local Government

Title III: Public Accommodations

Title IV: Telecommunications

Title V: Transportation and Miscellaneous Provisions

## **“Disability” Under the ADA**

The ADA only applies to persons who meet the definition of “disabled” under the Act. A person is considered disabled, and so protected under the ADA, if he or she either actually has, or is thought to have, a physical or mental impairment that substantially limits what the ADA calls a “major life activity.” Major life activities are the basic components of any person’s life – including walking, talking, seeing, and learning. If a person has an impairment that substantially limits his or her ability to perform one or more of these activities, that person is considered disabled under the ADA.

The ADA does not specifically name all of the impairments that are covered, but common examples of disabilities include confinement to a wheelchair, reliance on assistive devices such as canes and walkers, blindness, deafness, a learning disability, and certain kinds of mental illness.

## **ADA Title I: Employment**

Title I of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant’s disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

## **ADA Title II: State and Local Government Activities**

---

<sup>1</sup> <http://civilrights.findlaw.com/discrimination/the-americans-with-disabilities-act-overview.html>

Title II of the ADA covers all activities of state and local governments regardless of the government entity's size or receipt of federal funding. 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. They 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.

### **Transition Plan**

The City of Monticello is covered under the ADA, Title I Employment, and Title II, programs, services and activities. The ADA requires the City to make all its programs, services and activities readily accessible to and useable by qualified persons with disabilities when the programs, services, and activities are viewed in their entirety. This Transition Plan is the cornerstone to ensuring and documenting the City's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary street and sidewalk modifications, programs, and facility modifications over the next several years. The ADA self-evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs, and facilities that include all of its citizens. The final product is a **working** document to be modified as standards change and when barriers are removed or alterations are made.

The Transition Plan will be submitted to public hearing, and upon passage by the Monticello City Council, will be a public document, available on the city website, [www.monticelloin.gov](http://www.monticelloin.gov) and at the City Municipal Building. Any comments, additions, or suggestions about the plan may be directed to the ADA Coordinator.

Cathy Gross  
City of Monticello ADA Coordinator  
227 North Main Street  
Monticello, Indiana 47960  
574-583-4568  
Cell: 574-870-8056  
Fax: 574-583-9244  
[adacoordinator@monticelloin.gov](mailto:adacoordinator@monticelloin.gov)

## **II Plan Development**

To ensure accessibility for persons with disabilities in the community, the City of Monticello has developed a Transition Plan, which should be considered good practice.

### **A. ADA Coordinator**

To ensure that the City of Monticello complies with the requirements of the ADA, and to provide the City with essential and efficient means of communication with all individuals, the City Council has appointed Cathy Gross as the ADA Coordinator.

The ADA Coordinator is responsible for coordinating the efforts of the City of Monticello to comply with Title I and Title II of the Americans with Disabilities Act and investigating any complaints that the entity has violated Title I and Title II; adopting and distributing public notice about the relevant provisions of the ADA to all persons who may be interested in its programs, activities, and services; and developing and publishing grievance procedures to provide fair and prompt resolution of complaints under Title I and Title II of the ADA in the City of Monticello.

These administrative requirements help ensure that the needs of people with disabilities are addressed in the programs, activities, and services operated by the City of Monticello.

### **B. Grievance Procedure**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. This procedure is to be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in provision of services, activities, programs, or benefits provided by the City of Monticello.

## **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 the City of Monticello, Indiana. The City of Monticello, Indiana’s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. 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 grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Cathy Gross**  
**ADA Coordinator**  
**City of Monticello, Indiana**  
**227 North Main Street**  
**Monticello IN 47960**  
**574-583-4568 Office; 574-870-8056 Cell**  
[adacoordinator@monticelloin.gov](mailto:adacoordinator@monticelloin.gov)

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/ her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, 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 Monticello, Indiana 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 Mayor of the City of Monticello, Indiana or his designee.

Within 15 days after receipt of the appeal, the Mayor of the City of Monticello, Indiana or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor of the City of Monticello, Indiana or his designee 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 Mayor of the City of Monticello, Indiana or his designee, and responses from these two offices will be retained by the City of Monticello, Indiana for at least three years.

**ADA GRIEVANCE FORM  
CITY OF MONTICELLO, INDIANA**

**Today's Date:** \_\_\_\_\_

**Complainant:** \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone and E-mail: \_\_\_\_\_

**Alleged Violation:** Date(s) and Approximate Time of Occurrence: \_\_\_\_\_

\_\_\_\_\_

**Detailed Description of Violation and City Department Involved:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Requested Action by City to Correct Violation:** \_\_\_\_\_

**Has Complaint been filed with State or Federal Agency:** \_\_\_\_ Yes \_\_\_\_ No

Name of Agency: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Contact Person: \_\_\_\_\_

**Signature:** \_\_\_\_\_

**If there are witnesses, please list names and addresses separately.**



### **C. Mayor’s Americans with Disabilities Act (ADA) Advisory Council**

In a Joint Resolution of the Monticello City Council and the Monticello Board of Public Works and Safety, Resolution No. 2012-03, dated August 20, 2012 the City of Monticello established the Mayor’s Americans with Disabilities Act (ADA) Advisory Council.<sup>2</sup>

This Advisory Council is composed of nine (9) voting members, serving without compensation, plus ex officio members including one staff member from the Street Department, Parks and Recreation, and the Clerk/Treasurer’s Office. This Council has been embraced by the city leadership to provide the citizens of our city and surrounding community a voice as we evaluate, and plan for our future as a livable community.

The Mayor’s Americans with Disabilities Act (ADA) Advisory Council has established By-Laws which detail the role they will play as we “advance independence, productivity and inclusion of people with disabilities in all aspects of the Monticello community.”<sup>3</sup>

### **D. Self Evaluation**

The City of Monticello has conducted an inventory of curbs, ramps, and sidewalks through a contractual agreement with Randall Miller & Associates. The scope of services as follows:

#### “Right-of-Way”

- Provide onsite review and evaluation of public rights-of-way, including roadway intersections and sidewalks. Elements for evaluation include, but are not limited to, crosswalks, curb ramps, sidewalks, changes in level, detectable warnings, obstructions or obstacles, accessible routes, geometry, parking lots, accessible pedestrian signals, street furniture, bus stops, and shared use trails.”

A Traffic and Pedestrian Map has been created with the identification and location of accessibility barriers.<sup>4</sup>

Standards will be determined by the September 2005 Indiana Department of Transportation Standard Location Plan for Sidewalk Curb Ramps,<sup>5</sup> and any subsequent standards established by the Indiana Department of Transportation, and the United States Department of Justice including but not exclusive to, PROWAC, The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way<sup>6</sup> <http://www.access-board.gov/prowac/nprm.htm>, which is expected to become law soon, as its comment period closed February 2, 2012.

---

<sup>2</sup> City of Monticello, Indiana, Resolution No. 2012-03

<sup>3</sup> By-Laws of the Mayor’s Americans with Disabilities Act

<sup>4</sup> City of Monticello, Indiana ADA Public Right-of-Way Inventory & Assessment Data, December 19, 2012

<sup>5</sup> Indiana Department of Transportation Location Plan for Sidewalk Curb Ramps, September 2005

<sup>6</sup> U.S. Access Board

Curb ramps have at the intersections of public sidewalks and streets have been reviewed and inventoried as required by the American with Disabilities Act (ADA) and Title 28 of the Code of Federal Regulations (CFR), Part 35, which implement the ADA law.

The ADA Coordinator is working collaboratively with the White County Area Plan Director and Commission to insure planning and development within the city is ADA compliant.

Evaluation is ongoing as the Mayor's Americans with Disabilities Act (ADA) Advisory Council meets and determines priorities in conjunction with the Monticello Comprehensive Plan, adopted February 2010.<sup>7</sup>

#### Public Buildings and Facilities

- Provide onsite review and evaluation of buildings and site related elements, both interior and exterior to the building or facility. Internal elements include, but are not limited to, entry/exit doors, corridors, foyers or other open spaces, restrooms, drinking fountains, elevators, windows, obstructions, and floor area. External elements include, but are not limited to, sidewalks, curb ramps, parking spaces, loading zones, bus stops, change in level, detectable warnings, obstructions or obstacles, and accessible routes.”

The Mayor's Americans with Disabilities Act (ADA) Advisory Council will assume the primary evaluation and assessment role for our public buildings and facilities. The council volunteers, consisting of members with disabilities, will collaborate with department heads to evaluate, assess, prioritize, and incorporate corrective solutions. These recommendations will be considered essential in the programming, services, and planning of all public buildings and facilities.

#### Programs and Services

- The City of Monticello through its commitment to the Americans with Disabilities Act will closely monitor and utilize its best efforts to adapt programs and services to provide access to all participants.

#### Emergency Preparedness

- After reviewing the requirements of our Transition Plan with our County Communications, Sheriff's Department, Police Department, Fire Department, and Emergency Management Services, an Emergency Notification Committee was formed, including representatives from Area IV Council on Aging, Senior Citizens Center, CDC, the Red Cross, and the Indiana Department of Homeland Security. This committee meets frequently and is currently investigating funding mechanisms and vendors to provide this service, not only to our citizens with disabilities, but to everyone. A primary focus will be on promotion and voluntary enrollment in the notification system, as well as affordability and sustainability.

---

<sup>7</sup> Monticello Comprehensive Plan

## **E. Commitment**

The City of Monticello is committed to making the community accessible to all its citizens, including those with disabilities. This will be accomplished through the following:

- New construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of the Board of Public Works and Safety will be reviewed for compliance under current ADA standards;
- The city will maintain and review its sidewalk repair program annually;
- The city currently budgets annually to sidewalk repair and maintenance and will investigate alternative funding opportunities and resources, i.e. grants.

## **F. Standards and Guidelines**

The City of Monticello will apply the Indiana Department of Transportation design guidelines to applicable construction undertaken within the City Rights-of-Way. It will also utilize when possible under project development any subsequent standards established by the Indiana Department of Transportation, and the United States Department of Justice including but not exclusive to, PROWAC, The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way<sup>8</sup> <http://www.access-board.gov/prowac/nprm.htm>.

# **III Implementation**

The City intends to implement this Transition Plan effective following public hearings.

The City also commits to actively revising and amending this document as new information is provided by the Indiana Department of Transportation, further, as a matter of policy, this document will be reviewed every five (5) years.

---

<sup>8</sup> U.S. Access Board