



## **CITY OF TAVARES 2010 ADA COMPLIANCE SELF EVALUATION**

**City of Tavares Community Development Department  
ADA Coordinator  
PZ File 2010-10  
PZD/DATA/Project File/ADA Compliance and Self Evaluation**

## **CITY OF TAVARES ADA SELF EVALUATION**

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## **INTRODUCTION**

The purpose of the City of Tavares American's with Disabilities Act Compliance Self Evaluation is to meet the requirements of the Federal American's with Disabilities Act and to increase accessibility to City of Tavares services, activities and program's by all City of Tavares' residents and visitors with specific focus on the needs of the disabled.

The self evaluation of the City's services, activities, and programs for compliance with the ADA act is to serve as a baseline for understanding accessibility obstacles as experienced by persons with disabilities. The self evaluation is an analysis tool and is intended to be updated periodically as a major component of the City's long term vision and federal requirements.

## **FEDERAL REGULATION**

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive rights and protections to individuals with disabilities. Specifically, the ADA covers individuals with physical or mental impairments that substantially limit a major life activity, persons with a record of such impairment, and persons regarded or perceived as having such impairment. The goal of the ADA is to ensure equality of opportunity, full participation, independent living and economic self-sufficiency for all disabled persons.

The Federal Act is broken down into the five sections, identified as Titles I-V. Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Furthermore, the act prohibits discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. The act requires a self evaluation be prepared which is intended to outline programs and services of the local government and to evaluate what policies and procedures which must be implemented or changed to ensure that nondiscrimination policies are in effect.

According to the Department of Justice, a self-evaluation must include an examination of the following areas:

1) Programs. A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in a transition plan.

- 2) Policies and Practices. A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.
- 3) Communication. A public entity must review its policies to ensure that it communicates with persons with disabilities in a manner that is as effective as its communication with others. If a public entity communicates with applicants and beneficiaries by phone, it should ensure that TTY's (also called text telephones or TDD's) or other equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech.
- 4) A public entity should review its policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and auxiliary aids for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.
- 5) A review should be conducted of a public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning way.
- 6) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.
- 7) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.
- 8) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including Section 504 of the Rehabilitation Act and the ADA regulations issued by the Equal Employment Opportunity Commission.

9) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulation.

Public entities that employ 50 or more persons are required to maintain the self-evaluation on file and make it available for public inspection for three years.

## **APPROACH**

The City of Tavares evaluation was conducted in two parts.

The first part consists of an evaluation of the services, activities and programs offered by the City. This was done by identifying the services offered by the various departments and determining their compliance with the Americans with Disabilities Act. The second part consists of an inspection and evaluation of physical barriers to services provided by the City and an analysis of the public realm. This was accomplished by an inspection of each of the City facilities conducted by Public Risk Management of Florida. The findings of the inspection are incorporated into the section of this document entitled physical barriers.

## **DEPARTMENTS AND SERVICES**

The City departments include: Administration, Human Resources, Economic Development, Finance, Information Technology, Water, Community Services, Library, Police, Fire, Community Development, and Public Works. While all departments serve the citizens of Tavares residents and visitors each department has a separate mission and set of services, activities and programs.

Description of programs, services and activities by departments and/or service area.

### Administration

The Administration Services includes the City Administrator, the Human Resources Department, the City Clerk's Office and Public Communication. The Human Resources Department provides a full scope of employment and risk management related services and expertise to all City employees, Tavares City Council, and the public at-large in compliance with local, state and federal law. The City Clerk's Office creates records of public meetings, provides access to public documents, supervises elections and along with the City Administrator provides the City Council with the information necessary to make sound policy

decisions. The Public Communications Office provides a wide variety of communication services and public relations support for the city. The City Administrator governs all City Departments.

### Emergency Services

The Police and Fire Department provide for the emergency services needs and safety of the community by working in partnership with the residents to protect life, property, the environment and solve neighborhood problems.

### Finance

Finance Department is responsible for the proper accounting of all City funds and compliance of all applicable regulations and law as they pertain to fiscal matters. Information Technology, a division of the Finance Department, is responsible for researching, evaluating, purchasing, installing, and maintaining all City owned computer related equipment and software.

### Public Works

The Public Works department includes general maintenance of City buildings facilities, and vehicles and is responsible for repairing all City equipment, structures, roadways, traffic signalization, and sidewalks.

### Utilities Department

The Utilities department consists of the water and waste water divisions and is responsible for maintaining the water distribution and plant facilities within the City as well as providing safe, reliable sewage disposal while maintaining loss prevention measures within established guidelines and safeguards from the Department of Environmental Protection.

### Community Development

The Community Development Department's primary responsibilities are long-range land use planning, growth management, plan review and building permitting.

### Community Services

Community Services includes the parks and recreation division and library services. The Parks Division maintains the city's various parks and recreational

events while the Library offers the public a variety of forms of information and entertainment.

### Economic Development

Economic development department implements programs and projects to encourage economic growth and redevelopment, serves as staff to the Community Redevelopment Agency, pursues grant opportunities and coordinates special events for community residents and visitors.

## **POLICIES AND PROCEDURES**

The City of Tavares has made and will continue to make reasonable accommodations to policies and practices in order to prevent discrimination against individuals with disabilities.

### OFFICE VISITS

The staff of the City of Tavares will make accommodations or modifications in the agency's policies and practices to enable individuals with disabilities to participate in, and benefit from, the programs, services and activities provided. The City of Tavares is currently modifying its existing personnel policy handbook. Upon completion, it will be amended to include an official policy on assisting persons with disabilities.

### PUBLIC MEETINGS

The public is informed that the City of Tavares is prepared to make reasonable modifications to its programs, services and activities, so qualified individuals with disabilities are able to participate in the programs, services and activities in a manner equally as effective as those provided to others. Notices of public meetings are distributed to the Orlando Sentinel Lake Edition and the Daily Commercial.

The notices of public meetings include the following statement:

"Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at 352.253-4546."

### EMPLOYEES AND POTENTIAL EMPLOYEES

The City of Tavares has an official procedure through which a potential employee can request a modification to ensure his or her participation in the employment application process. Employment applications include the following statement:

“Applicants who need accommodation in accordance with the Americans with Disabilities Act are asked to notify Human Resources”.

The City of Tavares does not have a written policy outlining the procedure by which a current employee can request an accommodation. However, there is an informal understanding that the City of Tavares will make reasonable modifications to accommodate current employees if it does not impose an “undue hardship.” The City of Tavares’ amended personnel policy will include an official policy documenting its informal commitment to employees and potential employees as it relates to this matter.

#### EMPLOYMENT PRACTICES

The City of Tavares is an equal opportunity employer. As such all applications for employment and the City Personnel Policy include a notice which reads as follows, “The City hires without regard to sex, race, color, national origin, religion, age, handicap, physical or mental disability, marital status, or any other protected status except to the extent the law allows consideration of such factors.”

#### PROCUREMENT CONTRACTS

The City of Tavares follows the established state purchasing and procurement procedures. There are no circumstances in which a consideration related to disability would influence the choice of a procurement contractor.

#### COMMUNICATIONS

The City of Tavares programs, services and activities involve the dissemination of information visually, aurally, and orally. Many of the programs, services and activities of the City require telephone communication with residents and business owners.

#### VISUAL

The following list identifies information that is visually presented. Auxiliary aids currently available and those that may be possible in the future or upon request are listed.

Brochures

Auxiliary Aid: Staff Reader

1. Forms

Auxiliary Aid: Staff Reader

2. Employee Handbook

Auxiliary Aid: Staff Reader

3. Newsletters

Auxiliary Aid: Staff Reader

4. Visual Displays

Auxiliary Aid: Staff Reader

5. Publications

Auxiliary Aid: Recorded Reading upon request

6. Employment Applications

Auxiliary Aid: Staff Reader

7. Meeting Minutes and Agenda

Auxiliary Aid: Staff Reader, Recorded Reading upon request

8. Policies and Procedures

Auxiliary Aid: Staff Reader, Recorded Reading upon request

9. Internet Website

Auxiliary Aid: Staff Reader, Recorded Reading upon request

## 10. City Ordinances

Auxillary Aid: Staff Reader, Recorded reading upon request, Braille  
Transcription upon request

## AURAL OR ORAL

### 1. Telephone

Auxiliary Aid: A reasonable accommodation upon request

### 2. Job Interviews

Auxiliary Aid: A reasonable accommodation upon request

### 3. Meetings

Auxiliary Aid: Sign language upon request

### 4. General Interoffice Communication

Auxiliary Aid: Written communication between employees

## TELEPHONE

The City of Tavares is investigating the use of video relay and other technical assistance machines which may be appropriate for the customer service area, Police Department, Fire Department and the Human Resources Department.

## WEBSITE ACCESSIBILITY

In 1998, Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage the development of technologies that will help achieve these goals. The City of Tavares' goal is to ensure that its website, [www.tavares.org](http://www.tavares.org), is both accessible and technologically innovative. The website was designed in accordance with Section 508.

## PRIMARY CONSIDERATION FOR AUXILIARY AIDS

The City of Tavares provides qualified individuals with disabilities the opportunity to request the type of communication technology and assistance that best

meets their needs to access city information. The City's programs, services and activities:

1. Inform qualified individuals with disabilities that communication aids or services are available upon request.
2. Do not charge or ask for payment for the cost of requested auxiliary aids or effective alternatives.

The informal policy of the City of Tavares is to provide reasonable accommodations for qualified individuals with disabilities with a preference given to the individual's requested aid or service. If the requested accommodation is not readily available, then a mutually acceptable aid or service is provided. The City of Tavares will be documenting this policy in its modified personnel policy handbook which is expected to be completed in the fall of 2010.

#### SECURING SERVICES FOR AUXILIARY AIDS

As noted earlier in this document, the City of Tavares will provide auxiliary aids to a qualified person with a disability if a request is made. However, the City does not have an official policy for obtaining these services. The City of Tavares will be documenting this policy in its modified personnel policy also mentioned earlier in this document. This new policy will also be available on the City Website. The new policy will include sources of auxiliary aids City of Tavares employees can obtain for the purpose of addressing request for reasonable accommodations by persons with qualified disabilities.

#### TRAINING FOR EMPLOYEES

Although there is an informal policy that the City of Tavares will make reasonable accommodations to services, programs, or activities, there is no formal statement of this policy. The City of Tavares is considering creating a more formal policy, including adding its policies to the employee handbook and holding sensitivity and diversity training sessions for its employees. Through these training sessions, the City of Tavares will ensure that its employees are familiar with the office's policies and practices for the full participation of individuals with disabilities.

#### SAFETY AND EMERGENCY SERVICES

Safety & Emergency Services are delivered by telephone, in-person, by email, standard type written document or standard mail.

The Comprehensive Emergency Management Plan outlines the policies and procedures to be carried out in the case of any emergency. The plan includes several provisions designed to ensure that the needs of the disabled are addressed. Among the provisions are the following:

The existing plan addresses assisting individuals with disabilities in the following manners:

Annex D – Alert & Warning III A 6, “Door-to-door warning may be necessary for part of the population” and;

Annex D – Alert & Warning V C 5, “Provide liaison with Red Cross language data bank personnel for hearing and impaired and non-English speaking groups as appropriate” and;

Annex E – Shelter II A 5, “Special need for the elderly, handicapped, institutionalized and those with language barriers are recognized and will be provided for”.

All of the City's 911 lines and the Police department non-emergency # (352) 742-6300 have telecommunication devices for the deaf (TDDs) and all eight employees who work in the Communications Center receive training on these devices during their 12 week Communications Officer Training program and in the 40 Hour Basic APCO Telecommunicator course.

Further, the City of Tavares is updating its personnel policy to include additional training material on the subject of communicating with persons with disabilities for the staff of the Police Department and Fire Department.

## RECREATIONAL SERVICES

The City offers a variety of recreational opportunities and special events. The City maintains approximately 300 acres of park lands within its municipal boundaries. Parks with amenities accessible to wheel chair users include the Ingraham Center, a facility available for lease; the Ingraham Park, a picnic facility; Tavares Recreation Park, a boat ramp; Woodlea Sports Complex, a sports viewing facility, and Wooton Park, a six acre park offering a meandering access way, picnic pavilions, restrooms, a children's splash park and a boat ramp. Residents and visitors to the City of Tavares also have access to Lake Idamere Park, a 43 acre playground also designed to be accessible to persons with disabilities.

The City of Tavares offers some competitive sporting events which may not be fully handicap accessible. The City's concern for the safety of participants limits the degree to which the City can modify this service. However, all cases will be explored for opportunities for participation.

## BUILDING AND CONSTRUCTION POLICIES

The City has reviewed its building and construction policies to ensure their conformance to Title II standards. The City will continue to ensure that all future construction and alteration of City facilities will be done in accordance with Title II standards.

### **REQUESTING ACCOMMODATIONS AND RESPONDING TO REQUESTS**

The process for requesting necessary accommodation from City staff is both formal and informal. Informal request can be made of all City employees. Formal request may be made in writing and submitted to the City Clerk, the Human Resources Director or the ADA Coordinator. The City is considering documenting this process in its employee handbook.

The current process for responding to requests for accommodation is both formal and informal. Notice of public meetings and employment applications provide information on the formal process for requesting an accommodation. At public events, qualified individuals with disabilities may request an accommodation by contacting the City Clerk's Office.

When requests for accommodation are made, the City of Tavares determines whether the accommodation would fundamentally alter the nature of the program, service or activity, or create an undue financial or administrative burden. Requests for accommodation are reviewed by the City Clerk, the Human Resources Director and ADA Coordinator. Where feasible, accommodations are made within a timely manner.

The City of Tavares does not have a written policy explaining this procedure or how long a decision regarding an accommodation request will take. The City of Tavares intends to include an explanation of this policy both in the employee handbook and on the City website.

## **ADA COORDINATOR AND GRIEVANCE PROCEDURE**

Upon receipt of a formal complaint or grievance pertaining to non-compliance with Title II of the ADA, the City of Tavares will:

1. Immediately provide the ADA Coordinator with the complaint or grievance.
2. The ADA Coordinator will review the complaint or grievance with the Director of the appropriate department impacted or the City Administrator and seek to resolve the matter in 45 days.
3. If necessary, the ADA Coordinator will seek the assistance of the local ADA affiliate, the Center for Independent Resources, to determine an agreeable resolution of the matter in compliance with the ADA.
4. The ADA coordinator shall communicate the results of the investigation and the chosen course of action to the complainant not later than 60 working days from the date the complaint was filed.

## **RECOMMENDATIONS**

- Complete the modification of the City of Tavares Personnel Policy Handbook which will include an official procedure for providing auxiliary aids and services for persons with qualified disabilities. This procedure will guide employees to sources of auxiliary aids, such as sign language interpreters and Braille transcribers.
- Continue to provide diversity and sensitivity training to employees, including training sessions specifically addressing assisting persons with disabilities as outlined on the City Personnel Policy Handbook.
- Display adopted policies regarding accommodating people with disabilities and sources of auxiliary aid and services on the City of Tavares website for convenient access by employees and the public.