

Town of Edinburgh

Transition Plan



ADA Consulting of Indiana

P.O. Box 248

Waynetown, IN 47990

Phone: 765-234-2ADA (2232)

www.adaconsultingofindiana.com

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TOWN OF EDINBURGH RESOLUTION 2018-15

A RESOLUTION ADOPTING AN ADA TRANSITION PLAN FOR THE TOWN OF EDINBURGH

WHEREAS, the federal government enacted The Americans with Disabilities Act 1990 (ADA), as amended, to prevent discrimination on the grounds of disability and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program, service or activity offer by a municipality (a Title II entity) receiving federal financial assistance on the basis of a person having a disability;

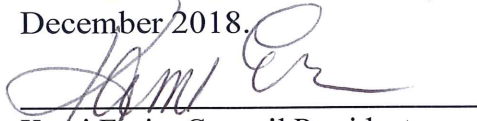
WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of the ADA;

WHEREAS, the Town of Edinburgh, IN, by its Town Council wishes to formally adopt and implement the following attached policy and procedure for the benefit of all Edinburgh citizens including members of the disabled population of this Town; and

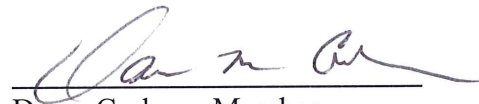
WHEREAS, it is a requirement of the Indiana Department of Transportation and the US Department of Justice that communities receiving federal financial assistance adopt an ADA Transition Plan.

NOW THEREFORE be it resolved by the Town Council of the Town of Edinburgh that it hereby adopts the attached ADA Transition Plan.

PASSED AND RESOLVED, Town Council of the Town of Edinburgh, this 10th day of December 2018.



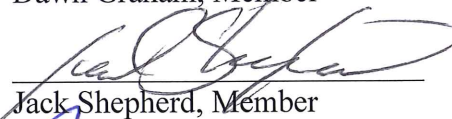
Kami Ervin, Council President



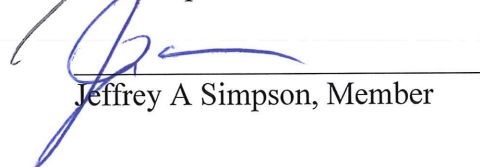
Dawn Graham, Member



Jerry Lollar, Vice President



Jack Shepherd, Member



Jeffrey A Simpson, Member

ATTEST:


Scott Finley, Clerk Treasurer

Town of Edinburgh

ADA Transition Plan

Introduction

The Americans with Disabilities Act (ADA) is a civil rights law that protects individuals with disabilities. This law provides equal access for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunications. There are five titles to the ADA and many requirements, regulations, & guidelines under the ADA law. The Town of Edinburgh is considered an ADA Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any Town of Edinburgh facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. We must ensure that the following issues are compliant with ADA Title II and accessible to people with disabilities:

- All services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of local legislative and judicial branches

In other words, no qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of a public entity.

Five Titles of the ADA

Title I

Equal Employment Opportunity for Individuals with Disabilities

This Title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

Title II

Nondiscrimination of the Basis of Disability in State and Local Government Services

This Title prohibits discrimination on the basis of disability by public entities. The public entity

is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

Title III

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This Title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV

Telecommunications

This Title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

Title V

Miscellaneous Provisions

The final Title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Application of the ADA to the Town of Edinburgh

The Town of Edinburgh is covered under ADA, Title I - Employment, and Title II - Programs, Services and Activities. The ADA requires the Town to make all its programs, services and activities readily accessible and useable by qualified persons with a disability when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to documenting and ensuring the Town's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluations and Transition Plan are significant in that they establish the Town's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all citizens. The final product is considered a "working" or "living" document and will be modified when barriers are removed or alterations are made.

In 2018, ADA Consulting of Indiana was hired to assist the Town with a comprehensive evaluation assessing the Town's compliance with the 2010 ADA Requirements & Guidelines and

the Section 504 of the Rehabilitation Act of 1973. ADA Consulting of Indiana will provide guidance to the Town staff member's using both of these requirements for self-evaluation assessments of the Town of Edinburgh's facilities, programs and services. Each action item will be listed within the individual facility reports. ADA Consulting of Indiana offered recommendations to remedy any compliance issues, and assisted the ADA Coordinator with the composition of this transition plan.

The information outlined in the following report is a summary of the general recommendations provided by ADA Consulting of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA Coordinator.

Program Location & Staffing:

Wade D. Watson

Town Manager

107 S. Holland St.

Edinburgh, IN 46124

wwatson@edinburgh.in.us

Office: (812) 314-5114

TTY: 711

Ms. Mary Patterson

Director of Administrative Services

ADA Coordinator / Title VI Coordinator

107 S. Holland St.

Edinburgh, IN 46124

mpatterson@edinburgh.in.us

Ph. (812) 526-3510

TTY: 711

Edinburgh Town Council meets at 6:00 p.m. Eastern, on the second & fourth Monday of every month at the Edinburgh Municipal Utilities Complex located at 107 S. Holland St., Edinburgh Indiana.

Town Council Members:

Kami Ervin – Council President

Jerry Lollar – Vice President

Dawn Graham - Member

Jack Shepherd - Member

Scott Finley - Member

Clerk-Treasurer - (Scott Finley)

Police Department: - (Chief of Police, David Mann)

Fire Department: - (Chief, Allen Smith)

Electric Department: - (Superintendent, Kevin Rubush)

Waste Water Department: - (Superintendent, Glenn Giles)

Water Department: - (Superintendent, Glenn Giles)

Street Department: - (Superintendent, Curtis Rooks)

Rest Haven Cemetery: - (Superintendent, John Hoskinson)

Parks and Recreation: (Parks & Rec Superintendent, Daniel Teter)

Offices at 722 Eisenhower Dr., Edinburgh

ADA Compliance Self Evaluation & Transition Plan:

The Town of Edinburgh's complete Title II ADA Self-Evaluation can be requested from the town ADA Coordinator. It is available in alternative formats upon request.

Requirements of Access to Programs, Services and Activities:

The U.S. Department of Justice (USDOJ) serves as the primary enforcement agency for the ADA and has suggested 13 points of program access for the Self Evaluation review. These 13 points and administrative requirements were used to set the scope of the review for the Town of Edinburgh

1. Transition Plan – The Transition Plan is being updated as a part of this project. The completed working Transition Plan will be made up of a list of barriers within the physical environment, and a statement of methods for removal of barriers. The Town will continue to implement barrier removal by scheduling and funding projects based on available funds and the disproportional undue burden ratio.

2. Program Access – ADA Consulting of Indiana will perform self-evaluations to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. The Town of Edinburgh will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town 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 the Town of Edinburgh, should contact the department directly with the request. Requests may also be sent to the Town's ADA Coordinator. The Town will achieve program accessibility by making accommodations. This means policies or procedures will be changed or adapted, as long as it is reasonable, to ensure inclusion, service or eliminate barriers.

3. Communication with persons with disabilities – Information regarding the communication needs of persons with disabilities appears to be inconsistent through Town departments. The Town of Edinburgh Disability Guidelines and Etiquette Handbook for Employees will be made available to each Town employee to ensure communication barriers do not exist within Town departments.

4. Auxiliary Aids and Services – Provision of auxiliary aides and services such as sign language interpreters, note takers, etc. were reviewed within this scope of the Self Evaluation. Information regarding this required area is not consistent and well-established among the Town staff. Employees will find procedures and local resources in The Town of Edinburgh Disability Guidelines and Etiquette Handbook for Employees.

5. Emergency Preparedness – One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies.

Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of the Town of Edinburgh's responsibility. ADA Consulting of Indiana has provided self-training materials and information to staff members to incorporate and be included as standard employee materials for current and new employees.

6. Language Sensitivity – The United States Department of Justice (USDOJ) suggests an examination of the manner in which persons with disabilities are portrayed in Town publications. Information concerning "person first language" and a list of terms that may be offensive to some persons with disabilities such as "mental retardation", "victim of", "wheelchair bound", or "handicapped." These concepts should be reinforced with training. This material was completed for training instruction and purposes and included in the Disability Guideline and Etiquette handbook for Employees.

7. Historic preservation – When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied. The Town of Edinburgh does not operate any programs or activities out of any governed historical building.

8. Procedure for determining fundamental alterations - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the Americans with Disabilities Act Accessibility Guidelines (ADAAG's) and the Public Right-Of-Way Accessibility Guidelines. Any situations that require the use of undue burden will require a written justification and approved by the ADA Coordinator as needed.

9. Access to public meetings– All Public meetings are held at the Town Hall located at 107 South Holland St. The Town has Public Notices of Non-Discrimination, publicly posted. The Town is in the process of purchasing assistive listening devices for Public Meetings. The Town will provide reasonable accommodations where requested. Contact the Town ADA Coordinator for reasonable accommodations and requests.

10. Employment Practices–The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. Ongoing staff training in the ADA and Title VI will be recorded and kept on file by the ADA Coordinator.

11. Construction and Renovation Project– After January 26, 1992, all construction and renovation projects are to be compliant with federal access requirements. The Town conducts plan checks of new construction projects to identify compliance issues before permits are issued and any construction begins. The Town's adoption of the 2010 **ADASAD** and **Public Rights-Of-Way Accessibility Guidelines (PROWAG)** will assist and provide means to meet the requirements of the ADA.

12. ADA Training for Staff – Much of the Town staff has regular contact with the public and will need to be equipped with a wide range of disability related information in order to appropriately address the Disability Civil Rights issues as they conduct Town business. It is recommended that guidance documents provided by ADA Consulting of Indiana be made available for Town staff to access as needed. These documents could then be maintained and updated as needed.

It is also advisable to have on-going training as it is available for;

- New staff,
- Staff having public contact,
- Supervisors and managers,
- Emergency responders, and
- Meeting organizers.

13. Employee Policies regarding former alcohol and drug users –ADA requires that persons who formerly engaged in the use of illegal drugs be protected from discrimination if they have been rehabilitated and no longer using drugs illegally. (Ongoing)

Public Involvement

The Town of Edinburgh will host a Public Meeting and invite the public to discuss currently known areas of the Town that deny access to any Town programs, services or activities. This meeting will record all public comments to include in the Transition Plan.

Public Meeting Date: December 10, 2018 7:00 P.M. at the Town Hall Building (107 S. Holland St.)

Sidewalk and Curb Ramp Inventory:

The sidewalk and curb ramp inventory will be arranged by the Town of Edinburgh to be completed in the future. Digital mapping will be provided to the Town Manager upon completion and will be available upon request from the ADA Coordinator thereafter.

The maps will identify locations where non-compliant ramps and sidewalks exist. The Town will use these maps to program and prioritize repairs on an annual and on-going basis.

Access Compliance Assessments of Facilities:

The following appendixes will be available by the Town of Edinburgh ADA Coordinator upon request in alternative formats. Facility assessments will be available to the public for 3 years. ADA Consulting of Indiana is scheduled to perform physical evaluations that outline physical barriers and recommended corrections in 2019. Each item is prioritized according to 28 C.F.R. § 36.304 Removal of Barriers. The Town of Edinburgh will provide a projected date for completion of each non-compliant item and name a person responsible for the remediation of each issue within the report. Upon completion of each correction of a non-compliant issue, the person responsible for carrying out that action will initial and date in that section provided within the report. The Town of Edinburgh's facilities that will be evaluated in 2019 and reports listed as appendixes to this Transition Plan, include:

1. Aquatic Center
 2. Electric Dept. & Med Facility
 3. Electric Garage
 4. Fire Station #1
 5. Fire Station #2
 6. JRDCC Community Building
 7. Police Department
 8. Public Library
 9. Rest Haven Cemetery
 10. Landfill
 11. Timbergate Golf Course
 12. Town Hall
- And A Total of 7 Parks

To request an alternate format or a copy of the physical evaluations, please contact the ADA Coordinator.

Action Items for the ADA Transition Plan

This section of the report will be used to record action items regarding the Transition Plan

Action Item: → **December 10, 2018:** ADA Consulting of Indiana submitted this Transition Plan to the Town of Edinburgh.

Action Item: → **December 10, 2018:** ADA Consulting of Indiana provided to Town staff members a completed self-evaluation and report of access to programs, services, activities.