

# AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR PUBLIC FACILITIES

## Town of Montezuma, Indiana



800 Jackson St  
Montezuma, IN 47862

May 19, 2022

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## **INTRODUCTION**

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however, does not specifically name all the impairments that are covered. The ADA is divided into five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes should be made to give effect to the non-discrimination policies described in Title II.

## TRANSITION PLAN DEVELOPMENT

To ensure program accessibility for people with disability in the community, the Town of Montezuma has developed a Transition Plan, which is to be considered good practice.

*This Transition Plan for Public Facilities considers the following:*

### **A. ADA COORDINATOR:**

Effective communication is essential to address all the complaints or concerns of all individuals. To keep the lines of communication open, and thereby ensure effective communication between all parties, the Town of Montezuma has appointed the following person as the ADA Coordinator:

Cathy Morgan, ADA Coordinator

1243 N Jackson St/ PO Box 26

Montezuma, IN 47862

765-245-2759

[cmorgan@montezuma.in.gov](mailto:cmorgan@montezuma.in.gov)

The ADA Coordinator shall coordinate the Town's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under ADA. The Town shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator.

## **B. GRIEVANCE PROCEDURE**

The grievance procedure established below 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 provisions of services, activities, programs, or benefits provided by the Town of Montezuma. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date, and description of the problem. An example grievance form can be found in Appendix A of this document. Alternative means of filing complaints, such as personal interviews or recordings of the complainant will be made available for persons with disabilities upon requests. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to the ADA Coordinator at the address shown under 'A. ADA COORDINATOR' on page 3. 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 Town of Montezuma 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 or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his/her designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his/her designee will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or his/her designee will respond in writing, and, where appropriate, in a format described above that is 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 ADA Coordinator or his/her designee, and responses from ADA office will be retained by the Town of Montezuma for at least three years.

### **C. SELF-EVALUATION/COMMITMENT/SCHEDULE**

HWC Engineering, acting as a representative of the Town of Montezuma, has performed a cursory review of all town-owned properties and structures for ADA compliance. The results of this evaluation of all the town-owned properties and structures can be found in Appendix B. HWC Engineering, acting as representative of the Town of Montezuma has also performed a review of all sidewalks and curb ramps for ADA compliance. The results of this evaluation will be found in Appendix C.

The Town is committed to making sidewalks, curb ramps, public areas and town-owned facilities accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, road construction or alterations, including federal projects under the control and/or inspection of the Town of Montezuma will be in compliance with ADA.
- Buildings and municipal-owned structures will be brought into compliance as funds are available. Specific complaints will be prioritized.

### **D. ADA STANDARDS/GUIDELINES**

The standards are intended to apply to all construction undertaken within the Town Right-of-Way. For sidewalks within the town right-of-way, the “Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” (PROWAG) should be used. For buildings and facilities, the “ADA Accessibility Guidelines for Buildings and Facilities” (ADAAG) should be used. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

## **PUBLIC INVOLVEMENT**

On January 6, 2022, at the Town Council meeting, the Town entered into contract with a consultant to provide a self-evaluation of the public rights-of-way and facilities and an ADA Transition Plan. At that time, the Town began openly discussing in public format the ADA Transition Plan. The Town Council meets on the third Thursday of every month at 6:00pm. At the April 26, 2022, Town Council meeting the draft ADA Transition Plan including self-evaluation was presented. At that time, the draft document became public record and available for a two week review and comment period. On May 19, 2022, the final ADA Transition Plan including self-evaluation and the Council approved it.

## **IMPLEMENTATION**

The Town approved the ADA Transition Plan in public forum at the Town Board Council on May 19, 2022. Implementation of the plan began on that date. Not only does the Town commit to following the guidelines set forth in this Transition Plan but it also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy, this document will be updated at least every three years. Finally, a copy of this document has been placed on file at the Montezuma Municipal Building, with the ADA coordinator.