ADA COMPLIANCE COMMITTEE
491 E. PIONEER AVENUE
HOMER, ALASKA

SEPTEMBER 14, 2018
THURSDAY, 4:00 PM
CITY HALL COWLES COUNCIL CHAMBERS

NOTICE OF MEETING
REGULAR MEETING

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

4. RECONSIDERATION

5. SYNOPSIS APPROVAL

A. July 12, 2018 Meeting Synopsis Page 3

6. VISITORS

7. PENDING BUSINESS

A. ADA Self-Evaluation and Transition Plan Update Page 5

8. NEW BUSINESS

A. Grievance Procedure Page 19
B. Beluga Slough Trail

9. INFORMATIONAL ITEMS

10. COMMENTS OF THE AUDIENCE

11. COMMENTS OF CITY STAFF

12. COMMENTS OF THE COMMITTEE

13. ADJOURNMENT NEXT REGULAR MEETING IS SCHEDULED for October 11, 2018 in the City Hall Conference Room located at 491 E. Pioneer Ave, Homer, Alaska.

Session 18-05 a Regular Meeting of the ADA Compliance Committee was called to order by Chair Munns at 4:00 p.m. on July 12, 2018 at the City Hall Conference Room located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: Donna Aderhold, Tess Dally, Joyanna Geisler' Linda Munns, Pam Van Hoozer

STAFF: Melissa Jacobsen, City Clerk/ADA Coordinator

AGENDA APPROVAL

The agenda was approved by consensus of the Committee.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

RECONSIDERATION

SYNOPSIS APPROVAL

A. May 10, 2018 Meeting Synopsis

The meeting synopsis was approved by consensus of the Committee.

VISITORS

PENDING BUSINESS

A. ADA Self-Evaluation and Transition Plan Update
- Report on Presentation to Port and Harbor Advisory Commission

Donna and Tess reported that their presentation was well received by the commission and they were very receptive to the information.

B. Draft Building Survey Summary

The group reviewed the draft summary in the packet. They liked the format and City Clerk Jacobsen said the next step would be to start inserting pictures and looking at prioritization. There was some discussion about Sitka implementing some code language that addressed ADA compliance and it was suggested that be looked into. They reviewed the information in the summary and addressed some initial corrections related to the spreadsheet.

Tess noted an item not addressed is the curb cut in the loading area. There is a sign that points people to the handicap parking area but doesn't reference the curb cut being an accessible area. There was also some general discussion about the lack of parking enforcement in the handicap parking areas.

NEW BUSINESS

INFORMATIONAL ITEMS

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

COMMENTS OF THE COMMITTEE

There was brief discussion about the maintenance and inaccessibility of the Beluga Slough Trail.

ADJOURN
There being no further business to come before the Committee the meeting adjourned at 4:45 p.m. The next regular meeting is scheduled for August 16, 2018 at 4:00 p.m. at the City Hall Conference Room located at 491 E. Pioneer Avenue, Homer, Alaska.

_____
Melissa Jacobsen, MMC, City Clerk

Approved:_____

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Memorandum

TO: ADA Compliance Committee

FROM: Melissa Jacobsen, City Clerk/ADA Coordinator

DATE: September 7, 2018

SUBJECT: Self Evaluation and Transition Plan Follow up from July 12th

At the July 12th meeting there was some discussion regarding an amendment to Sitka Municipal Code regarding ADA requirements. I looked at their code on line and found the following excerpt:

19.01.095 The International Building Code Chapter 11 amended. Revised 5/18
The International Building Code is amended by adding to Chapter 11, Section 1101.1 of the IBC the following three sentences:
This chapter is adopted as a design reference for accessibility and is not reviewed by the Sitka Building Department for compliance. Compliance with the requirements of this chapter and other provisions within this code for accessibility of physically disabled persons is the exclusive responsibility of the owner of the structure. An advisory plan review may be obtained regarding the design for accessibility of a structure from the Alaska State ADA Coordinator's Office located at 801 West 10th Ave, Juneau, AK 99801, phone number 907-375-7705.
(Ord. 18-15 § 4 (part), 2018: Ord. 04-64 § 4 (part), 2004: Ord. 02-1676 § 4, 2002.)

There was also discussion about starting the prioritization process for the Transition Plan. I reached out to Joyanna who contacted Michael Richardson with NWADA Center who provided the following response and a copy of the information from the link is included in the packet.

These are the priority guidelines under the ADA:

Priority 1: parking, access route, main entrance
Priority 2: equitable access to goods and services
Priority 3: restrooms
Priority 4: all other measures to improve accessibility of facility's programs and services (e.g. signage, staff training, water fountains, etc.)

Here is a more detailed description: https://www.ada.gov/reachingout/title3l4.html This is under a Title III manual, but the guidelines would apply to a Title II entity as well.

At the last meeting I also talked about adding photos to the draft summary. As I went through the photos that were taken during our walk throughs, there are some areas that need to be re-photographed. Our new Deputy City Clerk Rachel Tussey helped me by compiling the information into the spreadsheet and she will be assisting by adding the photos and columns for priorities and cost information.

And on that note, I've asked Rachel to attend this meeting so you can meet her. I plan to hand a lot of this project over to her. It's painfully obvious to me that I don't have as much time to focus on our project as I did when we got started. I will be taking her out to help me with photos and to start familiarizing her with what we've been doing.

III-4.4000 Removal of barriers

III-4.4100 General. Public accommodations must remove architectural barriers and communication barriers that are structural in nature in existing facilities, when it is readily achievable to do so.

What is an architectural barrier? Architectural barriers are physical elements of a facility that impede access by people with disabilities. These barriers include more than obvious impediments such as steps and curbs that prevent access by people who use wheelchairs.

In many facilities, telephones, drinking fountains, mirrors, and paper towel dispensers are mounted at a height that makes them inaccessible to people using wheelchairs. Conventional doorknobs and operating controls may impede access by people who have limited manual dexterity. Deep pile carpeting on floors and unpaved exterior ground surfaces often are a barrier to access by people who use wheelchairs and people who use other mobility aids, such as crutches. Impediments caused by the location of temporary or movable structures, such as furniture, equipment, and display racks, are also considered architectural barriers.

What is a communication barrier that is structural in nature? Communication barriers that are "structural in nature" are barriers that are an integral part of the physical structure of a facility. Examples include conventional signage, which generally is inaccessible to people who have vision impairments, and audible alarm systems, which are inaccessible to people with hearing impairments. Structural communication barriers also include the use of physical partitions that hamper the passage of sound waves between employees and customers, and the absence of adequate sound buffers in noisy areas that would reduce the extraneous noise that interferes with communication with people who have limited hearing.

How does the communication barrier removal requirement relate to the obligation to provide auxiliary aids? Communications devices, such as TDD's, telephone handset amplifiers, assistive listening devices, and digital check-out displays, are not an integral part of the physical structure of the building and, therefore, are considered auxiliary aids under the Department's title III regulation. The failure to provide auxiliary aids is not a communication barrier that is structural in nature. The obligation to remove structural communications barriers is independent of any obligation to provide auxiliary aids and services.

What is a "facility"? The term "facility" includes all or any part of a building, structure, equipment, vehicle, site (including roads, walks, passageways, and parking lots), or other real or personal property. Both permanent and temporary facilities are subject to the barrier removal requirements.

III-4.4200 Readily achievable barrier removal. Public accommodations are required to remove barriers only when it is "readily achievable" to do so. "Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense.

How does the "readily achievable" standard relate to other standards in the ADA? The ADA establishes different standards for existing facilities and new construction. In existing facilities, where retrofitting may be expensive, the requirement to provide access is less stringent than it is in new construction and alterations, where accessibility can be incorporated in the initial stages of design and construction without a significant increase in cost.

This standard also requires a lesser degree of effort on the part of a public accommodation than the "undue burden" limitation on the auxiliary aids requirements of the ADA. In that sense, it can be characterized as a lower standard. The readily achievable standard is also less demanding than the "undue hardship" standard in title I, which limits the obligation to make reasonable accommodation in employment.

How does a public accommodation determine when barrier removal is readily achievable? Determining if barrier removal is readily achievable is necessarily a case-by-case judgment. Factors to consider include:

1) The nature and cost of the action;

2) The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site;

3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;

4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and

5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

If the public accommodation is a facility that is owned or operated by a parent entity that conducts operations at many different sites, the public accommodation must consider the resources of both the local facility and the parent entity to determine if removal of a particular barrier is "readily achievable." The administrative and fiscal relationship between the local facility and the parent entity must also be considered in evaluating what resources are available for any particular act of barrier removal.

What barriers will it be "readily achievable" to remove? There is no definitive answer to this question because determinations as to which barriers can be removed without much difficulty or expense must be made on a case-by-case basis.

The Department's regulation contains a list of 21 examples of modifications that may be readily achievable:

1) Installing ramps;

2) Making curb cuts in sidewalks and entrances;

3) Repositioning shelves;

4) Rearranging tables, chairs, vending machines, display racks, and other furniture;

5) Repositioning telephones;

6) Adding raised markings on elevator control buttons;

7) Installing flashing alarm lights;

8) Widening doors;

9) Installing offset hinges to widen doorways;

10) Eliminating a turnstile or providing an alternative accessible path;

11) Installing accessible door hardware;

12) Installing grab bars in toilet stalls;

13) Rearranging toilet partitions to increase maneuvering space;

14) Insulating lavatory pipes under sinks to prevent burns;

15) Installing a raised toilet seat;

16) Installing a full-length bathroom mirror;

17) Repositioning the paper towel dispenser in a bathroom;

18) Creating designated accessible parking spaces;

19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;

20) Removing high pile, low density carpeting; or

21) Installing vehicle hand controls.

Businesses such as restaurants may need to rearrange tables and department stores may need to adjust their layout of racks and shelves in order to permit wheelchair access, but they are not required to do so if it would result in a significant loss of selling or serving space.

The list is intended to be illustrative. Each of these modifications will be readily achievable in many instances, but not in all. Whether or not any of these measures is readily achievable is to be determined on a case-by-case basis in light of the particular circumstances presented and the factors discussed above.

Are public accommodations required to retrofit existing buildings by adding elevators? A public accommodation generally would not be required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator. The readily achievable standard does not require barrier removal that requires extensive restructuring or burdensome expense. Thus, where it is not readily achievable to do, the ADA would not require a public accommodation to provide access to an area reachable only by a flight of stairs.

Does a public accommodation have an obligation to search for accessible space? A public accommodation is not required to lease space that is accessible. However, upon leasing, the barrier removal requirements for existing facilities apply. In addition, any alterations to the space must meet the accessibility requirements for alterations.

Does the ADA require barrier removal in historic buildings? Yes, if it is readily achievable. However, the ADA takes into account the national interest in preserving significant historic structures. Barrier removal would not be considered "readily achievable" if it would threaten or destroy the historic significance of a building or facility that is eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470, et seq.), or is designated as historic under State or local law.

ILLUSTRATION 1: The installation of a platform lift in an historic facility that is preserved because of its unique place in American architecture, or because it is one of few surviving examples of the architecture of a particular period, would not be readily achievable, if the installation of the lift would threaten or destroy architecturally significant elements of the building.

ILLUSTRATION 2: The installation of a ramp or lift in a facility that has historic significance because of events that have occurred there, rather than because of unique architectural characteristics, may be readily achievable, if it does not threaten or destroy the historic significance of the building and is within appropriate cost constraints.

Does the ADA permit a public accommodation to consider the effect of a modification on the operation of its business? Yes. The ADA permits consideration of factors other than the initial cost of the physical removal of a barrier.

ILLUSTRATION 1: CDE convenience store determines that it would be inexpensive to remove shelves to provide access to wheelchair users throughout the store. However, this change would result in a significant loss of selling space that would have an adverse effect on its business. In this case, the removal of the shelves is not readily achievable and, thus, is not required by the ADA.

ILLUSTRATION 2: BCD Hardware Store provides three parking spaces for its customers. BCD determines that it would be inexpensive to restripe the parking lot to create an accessible space and reserve it for use by persons with disabilities. However, this change would reduce the available parking for individuals who do not have disabilities. The loss of parking (not just the cost of the paint for restriping) can be considered in determining whether the action is readily achievable.

III-4.4300 Standards to apply. Measures taken to remove barriers should comply with the ADA Accessibility Guidelines (ADAAG) contained in the appendix to the Department's rule. Barrier removal in existing facilities does not, however, trigger the accessible path of travel requirement (see III-6.2000). Deviations from ADAAG are acceptable only when full compliance with those requirements is not readily achievable. In such cases, barrier removal measures may be taken that do not fully comply with the standards, so long as the measures do not pose a significant risk to the health or safety of individuals with disabilities or others.

ILLUSTRATION: As a first step toward removing architectural barriers, the owner of a small shop decides to widen the shop's 26-inch wide front door. However, because of space constraints, he is unable to widen the door to the full 32-inch clearance required for alterations under ADAAG. Because full compliance with ADAAG is not readily achievable, the shop owner need not widen the door the full 32 inches but, rather, may widen the door to only 30 inches. The 30-inch door clearance does not pose a significant risk to health or safety.

Are portable ramps permitted? Yes, but only when the installation of a permanent ramp is not readily achievable. In order to promote safety, a portable ramp should have railings and a firm, stable, nonslip surface. It should also be properly secured.

III-4.4400 Continuing obligation. The obligation to engage in readily achievable barrier removal is a continuing one. Over time, barrier removal that initially was not readily achievable may later be required because of changed circumstances.

If the obligation is continuing, are there any limits on what must be done? The obligation is continuing, but not unlimited. The obligation to remove barriers will never exceed the level of access required under the alterations standard (or the new construction standard if ADAAG does not provide specific standards for alterations).

ILLUSTRATION 1: A 100-room hotel is removing barriers in guest accommodations. If the hotel were newly constructed, it would be required to provide five fully accessible rooms (including one with a roll-in shower) and four rooms that are equipped with visual alarms and notification devices and telephones equipped with amplification devices. A hotel that is being altered is required to provide a number of accessible rooms in the area being altered that is proportionate to the number it would be required to provide in new construction.

A hotel that is engaged in barrier removal should meet this alterations standard, if it is readily achievable to do so. It is

not required to exceed this level of access. Even if it is readily achievable to make more rooms accessible than would be required under the ADAAG alterations standards, once the hotel provides this level of access, it has no obligation to remove barriers in additional guest rooms.

ILLUSTRATION 2: A grocery store that has more than 5000 square feet of selling space and now has six inaccessible check-out aisles is assessing its obligations under the barrier removal requirement. ADAAG does not contain specific provisions applicable to the alteration of check-out aisles, but, in new construction, two of the six check-out aisles would be required to be accessible. The store is never required to provide more than two accessible check-out aisles, even if it would be readily achievable to do so.

ILLUSTRATION 3: An office building that houses places of public accommodation is removing barriers in common areas. If the building were newly constructed, the building would be required to contain areas of rescue assistance. However, the ADAAG alterations standard explicitly specifies that areas of rescue assistance are not required in buildings that are being altered. Because barrier removal is not required to exceed the alterations standard, the building owner need not establish areas of rescue assistance.

III-4.4500 Priorities for barrier removal. The Department's regulation recommends priorities for removing barriers in existing facilities. Because the resources available for barrier removal may not be adequate to remove all existing barriers at any given time, the regulation suggests a way to determine which barriers should be mitigated or eliminated first. The purpose of these priorities is to facilitate long-term business planning and to maximize the degree of effective access that will result from any given level of expenditure. These priorities are not mandatory. Public accommodations are free to exercise discretion in determining the most effective "mix" of barrier removal measures to undertake in their facilities.

The regulation suggests that a public accommodation's first priority should be to enable individuals with disabilities to physically enter its facility. This priority on "getting through the door" recognizes that providing physical access to a facility from public sidewalks, public transportation, or parking is generally preferable to any alternative arrangements in terms of both business efficiency and the dignity of individuals with disabilities.

The next priority is for measures that provide access to those areas of a place of public accommodation where goods and services are made available to the public. For example, in a hardware store, to the extent that it is readily achievable to do so, individuals with disabilities should be given access not only to assistance at the front desk, but also access, like that available to other customers, to the retail display areas of the store.

The third priority should be providing access to restrooms, if restrooms are provided for use by customers or clients.

The fourth priority is to remove any remaining barriers to using the public accommodation's facility by, for example, lowering telephones.

Must barriers be removed in areas used only by employees? No. The "readily achievable" obligation to remove barriers in existing facilities does not extend to areas of a facility that are used exclusively by employees as work areas.

How can a public accommodation decide what needs to be done? One effective approach is to conduct a "self-evaluation" of the facility to identify existing barriers. The Department's regulation does not require public accommodations to conduct a self-evaluation. However, public accommodations are urged to establish procedures for an ongoing assessment of their compliance with the ADA's barrier removal requirements. This process should include consultation with individuals with disabilities or organizations representing them. A serious effort at self-assessment and consultation can diminish the threat of litigation and save resources by identifying the most efficient means of providing required access.

If a public accommodation determines that its facilities have barriers that should be removed, but it is not readily achievable to undertake all of the modifications now, what should it do? The Department recommends that a public accommodation develop an implementation plan designed to achieve compliance with the ADA's barrier removal

requirements. Such a plan, if appropriately designed and diligently executed, could serve as evidence of a good faith effort to comply with the ADA's barrier removal requirements.

In developing an implementation plan for readily achievable barrier removal, a public accommodation should consult with local organizations representing persons with disabilities to solicit their suggestions for cost-effective means of making individual places of public accommodation accessible. These organizations may provide useful guidance to public accommodations in identifying the most significant barriers to remove, and the most efficient means of removing them.

If readily achievable modifications are being made in a single facility that has more than one restroom for each sex, should the public accommodation focus its resources on making one restroom for each sex fully accessible or should the public accommodation make some changes (e.g., lowering towel dispensers or installing grab bars) in each restroom? This is a decision best made on a case-by-case basis after considering the specific barriers that need to be removed in that facility, and whether it is readily achievable to remove these barriers. It is likely that if it is readily achievable to make one restroom fully accessible, that option would be preferred by the clients or customers of the facility.

III-4.4600 Seating in assembly areas. Public accommodations are required to remove barriers to physical access in assembly areas such as theaters, lecture halls, and conference rooms with fixed seating.

If it is readily achievable to do so, public accommodations that operate places of assembly must locate seating for individuals who use wheelchairs so that it --

1) Is dispersed throughout the seating area;

2) Provides lines of sight and choices of admission prices comparable to those offered to the general public;

3) Adjoins an accessible route for emergency egress; and

4) Permits people who use wheelchairs to sit with their friends or family.

If it is not readily achievable for auditoriums or theaters to remove seats to allow individuals who use wheelchairs to sit next to accompanying family members or friends, the public accommodation may meet its obligation by providing portable chairs or other means to allow the accompanying individuals to sit with the persons who use wheelchairs. Portable chairs or other means must be provided only when it is readily achievable to do so.

How many seating locations for persons who use wheelchairs must be provided? Under the general principles applicable to barrier removal in existing facilities, a public accommodation is never required to provide greater access than it would be required to provide under the alterations provisions of the ADAAG.

Must the seating locations be dispersed? The ADA accessibility standard for alterations requires wheelchair seating to be dispersed (i.e., provided in more than one location) only in assembly areas with fixed seating for more than 300 people. Because the requirements for making existing facilities accessible never exceed the ADAAG standard for alterations, public accommodations engaged in barrier removal are not required to disperse wheelchair seating in assembly areas with 300 or fewer seats, or in any case where it is technically infeasible.

Must a public accommodation permit a person who uses a wheelchair to leave his or her wheelchair and view the performance or program from a stationary seat? Yes. And in order to facilitate seating of wheelchair users who wish to transfer to existing seating when fixed seating is provided, a public accommodation must provide, to the extent readily achievable, a reasonable number of seats with removable aisle-side armrests. Many persons who use wheelchairs are able to transfer to fixed seating with this relatively minor modification. This solution avoids the potential safety hazard created

by the use of portable chairs, and it also fosters integration. In situations when a person who uses a wheelchair transfers to existing seating, the public accommodation may provide assistance in handling the wheelchair of the patron with the disability.

May a public accommodation charge a wheelchair user a higher fee to compensate for the extra space required to accommodate a wheelchair or for storing or retrieving a wheelchair? No. People with disabilities may not be subjected to additional charges related to their use of a wheelchair. In fact, to the extent readily achievable, wheelchair seating should provide a choice of admission prices and lines of sight comparable to those for members of the general public.

CLOSE WINDOW

ADA Checklist for Existing Facilities

rev. 6/2018

CITY HALL		Surveyed: 4/21 - 26/2017 Dan, Mike, Joyanna, Tess, Melissa
	Topic of Issue w/ ADA Code Reference	**Possible Solutions**
Priority 1 - Approach & Entrance: Front Entrance	Van Accessible Space [502.2]	Repaint lines
		Install "Van Accessible" sign at van space
	Grates in Wheelchair Route [302.3]	Replace grate to meet opening requirement of 1/2" or less
	Level Landing at Top of Curb Ramp [406.4]	Reconfigure curb ramp so there's a level landing at least 36" long
	Level Landing Where Ramp Changes Direction [405.7.4]	Alter landing ramp to meet minimum measurements
	Ramp Handrail Extension & Return [505.10.1]	Alter/replace handrails
	Minimum 32" Door Opening [404.2.3]	Alter main door, possibly with offset hinges
	Minimum 48" Vestibule Door Spacing [404.2.6]	Remove inner door or change door swing for one or both doors
	Secured Edges of Carpets/Mats [302.2]	Secure carpeting or mats at edges
Priority 1 - Approach & Entrance: Back Lot	Van Accessible Space [502.2]	Repaint lines
	Exterior Ramp Cross Slope [403.3]	Regrade cross slope to 1:48 max
	Door Closer Timing [404.2.8]	Adjust door so it takes at least 5 seconds to close
	Secured Edges of Carpets/Mats [302.2]	Secure carpeting or mats at edges
Priority 2 - Access to Goods & Services: Upstairs	Dimensions of Elevator's Interior [407.4.1]	Depth of elevator too short; replace elevator
	Tactile Interior Signs [703.5, 703.2, 703.3]	Replace all room/space placards with tactile signs in proper locations
	Depth of Counter at Accessible Portion [904.4]	Alter accessible portion so it's the same depth as the standard countertop
Priority 2 - Access to Goods & Services: Downstairs	Tactile Interior Signs [703.5, 703.2, 703.3]	Replace all room/space placards with tactile signs in proper locations
	Interior Door Closer Timing [404.2.8]	Adjust door so it takes at least 5 seconds to close
	Accessible Service Counter [904.4.1]	Rebuild/configure a portion of City Clerk's counter for accessibility
Priority 3 - Toilet Rooms: Upstairs	Location of Grab Bar on Side Wall [604.5.1]	Relocate grab bar to meet all location requirements
	Toilet's Flush Control on Open Side of Closet [604.6]	Move control or replace toilet
Priority 3 - Toilet Rooms: Downstairs	Toilet Room Sign Locations [703.4.2, 703.4.1]	Move signs to comply w/ height requirements and so they're not blocked by other doors
	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
	Toilet's Flush Control on Open Side of Closet [604.6]	Move control or replace toilet
	Stall Door Self-closing [604.8.1.2]	Add closer or replace door
	Stall Lock Operability [309.4]	Replace lock so it can be used with one hand and w/o tight grasping/pinching

AIRPORT		Surveyed: 4/26/2017 Dan, Mike, Melissa
	Topic of Issue w/ ADA Code Reference	**Possible Solutions**
Priority 1 - Approach & Entrance	Van Accessible Space [502.2]	Repaint lines to meet measurement requirements
		Install "Van Accessible" sign at van space
	ADA Parking Sign Placement [502.6]	Adjust height on existing handicap signage to comply with 60" minimum from ground
	"Van Accessible" Signs [502.6]	Install "Van Accessible" sign at van space
	Main Door Closer Timing [404.2.8]	Adjust door so it takes at least 5 seconds to close
	Secured Edges of Carpets/Mats [302.2]	Secure carpeting or mats at edges
Priority 2 - Access to Goods & Services	Objects on Public Area Circulation Paths [307.2]	Hand sanitizer protrudes; needs to either be replaced or have a tactile warning
	Wheelchair Space in Waiting Rooms [802.1.2, 802.1.3]	Space is there but it needs signage designation so it remains clear
	Depth of Counter at Accessible Portion [904.4]	Alter accessible portion so it's the same depth as the standard countertop

Priority 3 - Toilet Rooms: Womens	Threshold Entrance Height [404.2.5, 303.2]	Replace threshold that meets bevel and height restrictions
	Clear Turn-Around Space for Wheelchair [603.2.1]	Space limited near sink; move/remove partitions, fixtures or objects
	Toilet Seat Height [604.4]	Toilet seat too high; replace toilet, possibly with a slimmer seat
	Location of Grab Bar on Side Wall [604.5.1, 609.4]	Relocate grab bar to meet all location requirements
	Rear Grab Bar & Location [604.5.2, 609.4]	Replace grab bar with longer bar
		Locate grab bar to meet all location requirements
	Toilet's Flush Control on Open Side of Closet [604.6]	Move control or replace toilet
	Toilet Paper Dispenser Location [604.7]	Relocate toilet paper dispenser to meet all location requirements
	Stall Door Self-closing [604.8.1.2]	Add closer or replace door
Priority 3 - Toilet Rooms: Mens	Threshold Entrance Height [404.2.5, 303.2]	Replace threshold that meets bevel and height restrictions
	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Privacy Wall & Door Configuration [404.2.4]	Reconfigure space to meet minimum space requirements
	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
	Toe Clearance Under Sink [306.3.3]	Move or replace sink to meet under-sink clearance
	Space from Partition to Toilet's Centerline [604.2]	Move or replace toilet
	Toilet Seat Height [604.4]	Toilet seat too high; replace toilet
	Location of Grab Bar on Side Wall [604.5.1, 609.4]	Relocate grab bar to meet all location requirements
	Rear Grab Bar & Location [604.5.2, 609.4]	Replace grab bar with longer bar
		Locate grab bar to meet all location requirements
	Toilet Paper Dispenser Location [604.7]	Relocate toilet paper dispenser to meet all location requirements
	Stall Door Self-closing [604.8.1.2]	Add closer or replace door
Priority 4 - Additional Access	Drinking Fountain Spout Placement [602.5]	Replace drinking fountain with one that complies with all sizing requirements
	Protrusion of Drinking Fountain [307.2]	Drinking fountain sticks too far out; replace or add tactile warning
LIBRARY		Surveyed: 7/20 - 21/2017 Dan, Melissa
	Topic of Issue w/ ADA Code Reference	**Possible Solutions**
Priority 1 - Approach & Entrance	Slope of Accessible Parking Spaces [502.4]	Regrade surface to maintain max 1:48 slope
	ADA Parking Sign Placement [502.6]	Adjust height on existing handicap signage to comply with 60" minimum from ground
	"Van Accessible" Signs [502.6]	Install "Van Accessible" sign at van space
	Grates in Wheelchair Route [302.3]	Replace grate to meet opening requirement of 1/2" or less
	Exterior Ramp Cross Slope [403.3]	Regrade cross slope to 1:48 max
Priority 2 - Access to Goods & Services	Tactile Interior Signs [703.5, 703.2, 703.3]	Install tactile signs
	Clear Area to Side of Front-pulling Door [404.2.4]	Copy Room is tight; Install sign to ask for assistance with opening door
	Wheelchair Space Under Work Surface [305.3]	Alter table or work surface to extend 17" or more underneath
Priority 3 - Toilet Rooms: Mens	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Soap Dispenser Location [308.2.2]	Relocate soap dispenser to meet all location requirements
	Location of Grab Bar on Side Wall [609.4]	Relocate grab bar to meet all location requirements
	Toilet's Flush Control on Open Side of Closet [604.6]	Move control or replace toilet
	Stall Door Pulls on Both Sides [604.8.1.2]	Replace hardware
Priority 3 - Toilet Rooms:	Stall Door Self-closing [604.8.1.2]	Add closer or replace door

ADA Checklist for Existing Facilities

Womens	Stall Door Pulls on Both Sides [604.8.1.2]	Replace hardware
Priority 3 - Toilet Rooms: Kid's Room	Minimum 48" Vestibule Door Spacing [404.2.6]	Remove inner door or change door swing for one or both doors
	Privacy Wall & Door Configuration [404.2.4]	Reconfigure space to meet minimum space requirements
	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
	Location of Grab Bar on Side Wall [609.4]	Relocate grab bar to meet all location requirements re: surrounding objects
	Toilet Paper Dispenser Location [604.7]	Relocate toilet paper dispenser to meet all location requirements
BAYCREST PARKING		Surveyed: 11/2/2017 Dan, Mike, Melissa
	Topic of Issue w/ ADA Code Reference	**Possible Solutions**
Priority 1 - Approach & Entrance	Van Accessible Space [502.2]	Repaint lines
		Install "Van Accessible" sign at van space
CITY-WIDE PUBLIC RESTROOMS		Surveyed: 11/2/2017 Dan, Mike, Melissa
	Topic of Issue w/ ADA Code Reference	**Possible Solutions**
Priority 3 - Toilet Rooms: Bartlett	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
	Pipes Below Lavatory Protected/Insulated [606.5]	Install insulation or cover panel to protect pipes under sink
	Location of Grab Bar on Side Wall [609.4]	Relocate grab bar to meet all location requirements, specifically re: objects above bar
Priority 3 - Toilet Rooms: Bayview	Toilet Room Sign Locations [703.4.2]	Move signs to comply w/ location requirements
	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Location of Grab Bar on Side Wall [609.4]	Relocate grab bar to meet all location requirements, specifically re: objects below bar
	Location of Grab Bar on Rear Wall [609.4]	Relocate grab bar to meet all location requirements
	Toilet Paper Dispenser Location [604.7]	Relocate toilet paper dispenser to meet all location requirements
Priority 3 - Toilet Rooms: End of the Road Park	Force to Open Door [404.2.9]	Adjust or replace closer; Install lighter door
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Pipes Below Lavatory Protected/Insulated [606.5]	Install insulation or cover panel to protect pipes under sink
	Location of Grab Bar on Side Wall [609.4]	Relocate grab bar to meet all location requirements, specifically re: objects above bar
Priority 3 - Toilet Rooms: Ramp 4	Van Accessible Space [502.2]	Repaint lines to meet measurement requirements
		Install "Van Accessible" sign at van space
	Toilet Room Sign Locations [703.4.2]	Move signs to comply w/ location requirements
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Pipes Below Lavatory Protected/Insulated [606.5]	Install insulation or cover panel to protect pipes under sink
	Force to Activate Flush Control [605.4]	Change/adjust toilet flush control so it takes less than 5lbs of force to activate
	Toilet Paper Dispenser Location [604.7]	Relocate toilet paper dispenser to meet all location requirements
Priority 3 - Toilet Rooms: Load & Launch Ramp	ADA Parking Sign Placement [502.6]	Adjust height on existing handicap signage to comply with 60" minimum from ground
	Toilet Room Sign Locations [703.4.2]	Move signs to comply w/ location requirements
	Threshold Entrance Height [404.2.5, 303.2]	Replace threshold that meets bevel and height restrictions
	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
Priority 3 - Toilet Rooms:	Van Accessible Space [502.2]	Create van accessible parking spaces with proper signage, lines, and paved slope
	Toilet Room Sign Locations [703.4.2]	Move signs to comply w/ location requirements

Ramp 5	Coat Hook Location [603.4]	Relocate coat hook to meet location requirements
	Space from Partition to Toilet's Centerline [604.2]	Move or replace toilet
Priority 3 - Toilet Rooms: Ramp 6	Toilet Room Sign Locations [703.4.2]	Move signs to comply w/ location requirements
	Door Closer Timing [404.2.8.1]	Adjust door so it takes at least 5 seconds to close
	Pipes Below Lavatory Protected/Insulated [606.5]	Install insulation or cover panel to protect pipes under sink
	Toilet's Flush Control on Open Side of Closet [604.6]	Move control or replace toilet
Priority 3 - Toilet Rooms: Deep Water Dock	Pipes Below Lavatory Protected/Insulated [606.5]	Install insulation or cover panel to protect pipes under sink

CITY OF HOMER
HOMER, ALASKA

Aderhold

RESOLUTION 16-057

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING AN AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE.

WHEREAS, It is the responsibility of the City of Homer to make reasonable accommodations in its services, activities, programs or benefits so they are accessible to people with disabilities; and

WHEREAS, In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA; and

WHEREAS, Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner; and

WHEREAS, The ADA Compliance Committee has reviewed the grievance policy to ensure it includes-

- How and where a complaint under Title II may be filed with the City of Homer;
- A statement notifying potential complainants that alternative means of filing will be available to people who require such an alternative;
- A description of time frames and processes to be followed by the complainant and the City of Homer;
- Information on how to appeal an adverse decision;
- A statement of how long complaint files will be retained.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council adopts the City of Homer ADA Grievance Procedure.

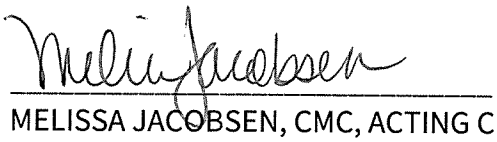
PASSED AND ADOPTED by the Homer City Council this 23rd day of May, 2016.

CITY OF HOMER

Mary E. Wythe

MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note: N/A

City of Homer
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 violation on the basis of disability in the provision of services, activities, programs or benefits by the City of Homer. The City's Personnel Policy governs employment-related complaints of violation.

The complaint should be in writing and contain information about the alleged violation 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 following timeline is established in accordance with Chapter 2 ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements under Title II of the ADA. It is the goal of the City of Homer to discuss and resolve grievances as quickly as possible.

1. The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

   Melissa Jacobsen,
   ADA Coordinator and Deputy City Clerk
   City of Homer
   491 E. Pioneer Avenue, Homer, AK, 99603

2. The ADA Coordinator or designee will meet with the complainant within 15 calendar days after the receipt of the complaint to discuss the non-compliance and possible resolutions.

3. The ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, within 15 calendar days. The response will explain the position of the City of Homer and offer options for substantive resolution of the complaint.

4. If the response of the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision to the City Manager or designee within 15 calendar days after the receipt of the response.

5. The City Manager or designee will meet with the complainant within 15 calendar days of receipt of the appeal to discuss the compliant and resolution.

6. The City Manager or designee will respond in writing, and where appropriate, in a format accessible to the complainant, within 15 calendar days with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City of Homer for at least three years.

You are under no obligation to use the City of Homer Grievance Procedure before filing a formal complaint with the State Commission on Human Rights, the Department of Justice, or the Equal Employment Opportunity Commission (EEOC). The City of Homer ADA Grievance Procedure is an informal process designed solely for the purpose of promptly and fairly resolving an ADA complaint with the city. You have 180 days to file a complaint with the Department of Justice or EEOC, and 300 days to file with the Alaska Human Rights Commission (AHRC).

ADA Grievance Form

Instructions: Please complete and sign the form and submit it within 60 days of any violation to:

Melissa Jacobsen
ADA Coordinator and Deputy City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603
907-435-3107
mjacobsen@ci.homer.ak.us

1. Type of Grievance (check all that apply):

_____ Accommodation Request
_____ Program/Service
_____ Facility Accessibility
_____ Other: _____
_____

2. Reporting Individual:

Full Name:	
Address:	
City, State, Zip Code:	
Phone	Alternate Phone:
Email:	

3. Authorized Representative of Reporting Individual (if any):

Full Name:	
Address:	
City, State, Zip Code:	
Phone	Alternate Phone:
Email:	

DETAILS OF VIOLATION

4. Date/Time of Incident:_____

5. Department/Facility/Location Involved:

6. Describe the violation. You may add an additional page if necessary.

7. Have attempts been made to resolve the violation through a City Department? If yes, please describe the efforts that have been made.

8. What do you recommend as a solution?

_____ _____

Signature Date

Attach additional pages as necessary. If you need assistance, require an accessible format, or have questions about this form please contact the City of Homer ADA Coordinator at: mjacobsen@ci.homer.ak.us or (907)435-3107