

## Release Notes

ADA Compliance:  
March 2025

This policy has been updated because federal regulations impact its content. The update should be accepted and implemented as soon as possible. The rulemaking amended law by adding a new subpart of regulations titled Subpart H Web and Mobile Accessibility, which requires public entities to ensure that web content and mobile applications are accessible and usable for individuals with disabilities.

Public entities, other than a special district government with a total population of 50,000 persons or more, are required to comply with this requirement by April 24, 2026. Public entities with a total population of less than 50,000 or any public entity that is a special district government are required to comply with this requirement by April 26, 2027. This update is being released now to give local governments time to comply. We recommend that you consult with your information technology department to confirm whether your mobile applications and web content meet the Web Content Accessibility Guidelines (WCAG). Changes to this policy include:

- In **AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**, content has been updated to include an additional responsibility.
- In **WEBSITE ACCESS**, citations have been added.
- The Guide Sheet has been updated.

Unrelated to the regulatory update, additional changes include:

- In **DENIAL OF REQUEST**, content has been reorganized for better readability.
- In **COMMUNICATIONS WITH PERSONS WITH DISABILITIES**, content has been updated for clarity.
- In **TYPES OF ASSISTANCE AVAILABLE** and **FAMILY AND FRIENDS**, content has been updated for clarity, and a citation has been added.
- In **TTY AND RELAY SERVICES**, content has been updated for clarity, a citation has been added, and training content has been removed.

# ADA Compliance

## 205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

### 205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The employee designated by the City Manager to coordinate the City's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**Power-driven mobility device** - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### **205.2 POLICY**

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

### **205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR**

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
  - 1. ~~Provide~~ Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that ~~allows~~ provide access to persons with disabilities (28 CFR 35.133).
  - 2. Maintaining city department compliance with accessibility standards for city department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
  - 1. Inspection of current city buildings and facilities to identify access issues.
  - 2. Review of current city services, activities, and programs for access issues.
  - 3. Assessment and update of current compliance measures.
  - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
  - 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.

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6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.
- (e) ~~Review the processing~~ [Developing procedures for the review and processing](#) of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
- (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
- (g) ~~Assist~~ [Developing procedures for](#) employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
  1. [A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.](#)
- (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
- (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
- (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

### **205.4 REQUESTS**

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees

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should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### **205.4.1 DENIAL OF A REQUEST**

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
  - 1. A substantial alteration of the service, program, or activity.
  - 2. An undue financial or administrative burden on the City. ~~All~~ All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
  - 3. A threat to or the destruction of the historic significance of an historic property.
  - 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
  - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
  - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
  - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
  - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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### **205.4.2 PERSONAL DEVICES AND ASSISTANCE**

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### **205.4.3 SURCHARGES**

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

### **205.5 MOBILITY DEVICES**

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

#### **205.5.1 INQUIRIES REGARDING MOBILITY DEVICES**

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

### **205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES**

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the ~~individual's~~ individual's choice of assistive device, auxiliary aid, and service.

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The ~~individual's~~ individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

### 205.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, ~~and~~ or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, ~~and~~ or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35. Persons with disabilities may choose to accept 160).

The City will not require that persons with disabilities use city-provided assistive devices, auxiliary aids, ~~and services, or they may choose to provide their own~~ or services.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

### 205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

### 205.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.



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- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

### 205.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by ~~those who are deaf or hard of hearing~~ individuals with communications-related disabilities and received via a telecommunications relay service ~~.Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller~~ or equally effective telecommunications systems (28 CFR 35.161).

### 205.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 205.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

~~Children shall not be relied upon except in emergency or critical situations when there is~~ Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.



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### **205.6.7 FIELD ENFORCEMENT CONSIDERATIONS**

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### **205.7 SERVICE ANIMALS**

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

#### **205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS**

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **205.7.2 INQUIRIES REGARDING SERVICE ANIMALS**

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

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- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

### **205.7.3 CONTACT WITH SERVICE ANIMALS**

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

### **205.7.4 REMOVAL OF SERVICE ANIMALS**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

### **205.8 WEBSITE ACCESS**

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice [and federal regulations \(28 CFR 35 Subpart H; 28 CFR 35.200\)](#).

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

### **205.9 DOCUMENTATION**

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.

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- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

### **205.10 COMPLAINTS**

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

### **205.11 TRAINING**

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.