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1 PURPOSE

The purpose of the Americans with Disabilities Act (ADA) Transition Plan (the Plan) is to ensure that all citizens of Kennesaw are provided access to the City's programs, services, and activities in as timely and complete a manner as is reasonably possible. The City's elected officials and staff believe the ability to accommodate disabled people is essential to good customer service, effective governance, and the quality of life Kennesaw residents seek to enjoy. This plan has been prepared after careful study of the City's programs, services, and activities.

1.1 STRATEGIC PLAN AND VISION STATEMENT OF THE CITY OF KENNESAW

Today, Kennesaw's journey is best characterized by the phrase, "One City, One Vision." After years of division and economic decline, a year-long strategic planning process has united the City around a common vision for the future. The City's leaders and department heads clearly understand the needs of their residents, more specifically, individuals with special needs. The City's Building Services Department leads the charge. Over the past three (3) years, great efforts have gone into ensuring the City property owners comply with Section 504, Title II. One of the challenges the strategic planning process highlighted is the aging population of Kennesaw. In 2016, the median age of all people in Kennesaw was 34.5. Native-born citizens, with a median age of 32, were generally younger than foreign-born citizens, with a median age of 45.2. The average age of citizens in Kennesaw is shifting toward the younger end of the spectrum. In 2015, the average age of all Kennesaw residents was 34.6 versus 38 for Georgia. Overall, Kennesaw's median age has been decreasing at a rate faster than the median age has been increasing state-wide.

In 2015, the American Community Survey (ACS) estimated the overall rate of people with disabilities in the United States (US) was 12.6%. The percentage of people with disabilities in the US population rose from 11.9% in 2010 to 12.6% in 2013, 2014, and 2015. Rates of disability increase with age. In 2015, less than 1.0% of the population 5 years old and under had a disability. For those ages 5-17, the rate was 5.4%. For ages 18-64, the rate was 10.5%. For people ages 65 and older, 35.4% had a disability. In 2015, of the US population with disabilities, over half (51.1%) were people in the working ages of 18-64, while 41.2% were 65 and older. Disability in children and youth accounted for only 7.2% (ages 5-17) and 0.4% (under 5 years old).

1.1.1 Prevalence by Disability Type

What is the percentage of people with disabilities for different types of disability?

The American Community Survey (ACS) asks about six types of disability: vision, hearing, cognitive, ambulatory, self-care, and independent living. From 2008 to 2015, the percentages of people with each type of disability have remained relatively unchanged. The percentage of people with ambulatory disabilities, cognitive disabilities, and independent living disabilities rose from 0.2 to 0.3 points over the period, while people with hearing, vision, and self-care disabilities rose 0.1 points or less.

In addition, US Census information shows that approximately 20.35% of Georgia's total civilian population has a disability. Since disability rates increase dramatically with age and are already elevated in the City of Kennesaw, meeting or exceeding ADA standards is crucial to achieving

the goals outlined in the City’s strategic plan to position itself as a safe, attractive, and prosperous place to live. Building on this foundation, the City of Kennesaw is committed to the following vision in the development and implementation of this plan:

1. Fiscal Soundness

The City will endeavor to make ethical, cost-effective use of the resources available in the development and implementation of this plan.

2. Accessibility

The City recognizes that it has citizens with various levels of ability that must access the City services, programs, and facilities.

3. Success

The City will strive to deliver exceptional service to all our customers (internal and external) to continually seek ways to improve our service delivery and foster a “customer first” mindset in the City of Kennesaw.

1.2 STATEMENT OF ACCESSIBILITY

The City of Kennesaw shall make reasonable modifications in policies, practices, and/or procedures when the modifications are necessary to avoid discrimination on the basis of disability unless the City can demonstrate modifying would fundamentally alter the nature of the service, program, or activity. The City of Kennesaw will not place surcharges on individuals with disabilities to cover the cost involved in making programs accessible.

1.3 ADA COORDINATOR

The ADA Coordinator for the City of Kennesaw shall be appointed by the City Manager. As of the writing of this plan, the ADA Coordinator is:

Billy Warren, Jr.
Assistant Director Parks and Recreations
and Building Operation Departments
City of Kennesaw
2753 Watts Drive
Kennesaw, Georgia 30144
770-422-9714
bwarren@kennesaw-ga.gov

2 INTRODUCTION

The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities similar to protections provided to race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities regarding employment, transportation, state and local government services, telecommunications, and in the goods and services provided by businesses. Specifically, Title II requires nondiscrimination on the basis of disabilities in government services. These public entities are all required to comply with ADA.

Introduction

Title II of ADA, therefore, requires that all programs, services, and activities of public entities, including those considered “instrumentalist” of government, assure that individuals with disabilities have reasonable access to their programs, services, and activities. The Act applies to all facilities where public programs and services are held, including facilities built before and after 1990. A necessary step in developing a program access plan relative to the accessibility requirement of ADA, is that state and local governments and public entities and agencies are required to perform self-evaluations of their current facilities and services. The agencies are then required to develop a “Transition Plan” to address the deficiencies. The plan is required to be updated periodically until all accessibility barriers are removed. The Plan is intended to achieve the following:

- a) Identify physical obstacles that limit the accessibility of City services to individuals with disabilities
- b) Describe the method to be used to make services accessible
- c) Provide a schedule for making the access modification
- d) Identify the public officials responsible for the implementation of the Transition Plan

Accessibility is not just for individuals with needs related to mobility disabilities, but also for individuals with needs related to speech, cognitive, vision, and hearing disabilities. There are many potential barriers to accessibility of state or city services, and the following are examples of a few of the more common barriers:

Physical Barriers

- Parking
- Path of Entry/Travel
- Doors
- Service Counters
- Restrooms
- Sidewalks/Curb Ramps.

Programmatic Barriers

- Building Signage
- Customer Communication and Interaction
- Access to Public Telephones
- Emergency Notifications, Alarms, Visible Signals
- Communications (via internet, public meetings, telephone)
- Participation opportunities for events sponsored by the City.

This plan has been prepared after a careful study of Kennesaw’s programs and facilities. The City, in preparing this document, will continue to reach out to local agencies to improve upon the plan.

The City will also utilize agencies as resources to facilitate the implementation of this plan and to service the ADA community in the City of Kennesaw.

This plan has been posted to the City's website for review and consideration by the general public. The City will provide the opportunity for interested individuals to provide feedback on the ADA Plan at a public meeting at a later date to be announced. In addition, notice will be provided of its existence in an official and unofficial City publication.

Responsibility for the coordination and implementation of this plan will reside with the City's ADA Coordinator. City facilities, programs, services, policies, and procedures will continue to be surveyed on an on-going basis, and the ADA Transition Plan may be reviewed to account for changes to City functions.

3 PHYSICAL BARRIERS

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity; however, public entities are not necessarily required to make each of their existing facilities accessible.

The City has successfully completed a self-evaluation/facility assessment of accessibility for all of the City's facilities and parking lots, as noted in Section 3.3. The remaining self-evaluation/facility assessment has been completed in conjunction with the execution of this plan. The plan has been developed on the following criteria and the existence of impediment as outlined below.

3.1 BASELINE CONDITIONS

The City's facilities were reviewed under the following conditions:

- Access to parking and entry into the facilities themselves
- Access to a clear and distinct path of travel
- Access to programs and services themselves
- Access to public area and restroom
- Access to related amenities

3.2 CRITERIA FOR DETERMINING THE EXISTENCE OF IMPEDIMENT

Criteria have been established to determine whether corrective action needs to be taken at a particular facility. The criteria include, but are not limited to:

- a) **The nature of unique programs or services.** Some facilities and sites are the only locations that a particular program or service may be provided, so there is limited flexibility to move the program or service to a more accessible facility.
- b) **Facilities already in compliance with ADA accessibility guidelines.** City Hall underwent major renovations over the past two years to address several major ADA conditions.
- c) **Ability to relocate programs from one facility to another accessible facility.** Because the City may offer special programs and services at more than one location, consideration is reviewed by the City's departments to determine the most feasible locations for programs.

- d) **Current state of accessibility.** The current condition of each facility in terms of barriers already removed or planned to be removed.
- e) **Cost.** The cost of the alternative to physical barrier removal versus the cost of an alternative corrective action plan and public use.
- f) **Population Served.** The population served by a particular program or service and whether the public can obtain service from an alternative City location.

These criteria may also be utilized by City personnel and elected officials to prioritize implementation of recommended action items, as outlined in Section 5. In particular, as the City is prioritizing facilities for constructing recommended improvements, they should consider the criteria listed below.

3.3 FACILITY ASSESSMENT

3.3.1 *New Construction*

ADA requirements for new construction have been in effect since 1992. New buildings and facilities must comply with the new construction provisions of the ADA Standards for Accessible Design or the Uniform Federal Accessibility Standards (UFAS). This requirement includes facilities that are open to the public and those that are for use by employees.

The ADA Standards for Accessible Designs (ADA Standards) were first issued in 1991 and have been selected by many cities. It is Kennesaw's preference to comply with the ADA Standards for new construction when constructing new commercial facilities. Because ADA requirements for new construction and alterations do change from time to time, the City's Building Services Department is the governing body to identify the correct ADA requirements and improvements for commercial and residential buildings.

3.3.2 *Alterations and Additions*

When a building or facility is renovated, altered, or added to for any purpose, the alterations or additions must comply with the ADA Standards. In general, the alteration provisions are the same as the new construction requirements permitted by the Building Services Department to also ensure that all work is completed within the ADA Standards. Additions are considered an alteration, but the addition must follow the new construction requirements for ADA. When existing structural and other conditions make it impossible to meet all alteration requirements of ADA Standards, then it is imperative that you contact the City for support before starting work. The Building Services Department can also assist you in identifying feasible accommodations to comply with ADA.

Self-evaluations/facility assessments have been completed for all of the City-owned and operated facilities and parking lots. Preliminary results have identified there are two (2) main areas for future consideration of cost-effective retrofits:

- Water fountain height/set back issues
- Renovation of bathrooms to achieve compliance and potential need to resolve conflicts with both code requirements (i.e. number of bathrooms) and available space (i.e. rehab of bathroom may result in less facilities post consideration)

These issues are city-wide and will be addressed on a case-by-case basis to minimize the overall financial burden associated with the renovation of the different spaces.

3.3.3 *Parking Lot Assessments*

The City of Kennesaw Public Works Department personnel have inspected the city-owned parking lots and there are no properties that have been identified as not being in compliance with ADA. Reviews of the parking lots are done on an annual basis and other City departments help to facilitate the maintenance and repairs of the parking lots.

3.3.4 *Building Assessments*

In 2017, a Facility Assessment was conducted and identified one facility that will require renovation to bring the facility in compliance with the new ADA Standards. The results of the assessment are identified in the ADA Transition Plan.

3.4 SIDEWALK ASSESSMENT

The City of Kennesaw Public Works Department, in conjunction with a second party, Architectural Firm (A&E), has inventoried all of the pedestrian right-a-ways, assessing the overall conditions of the sidewalks throughout the City, and determined the level of accessibility and physical locations of any barriers. By conducting a condition assessment, the City was able to identify sidewalk maintenance needs and necessary improvements. The goal for the City is to identify any physical barriers and provide better accessibility to residents through improved connectivity between neighborhoods, commercial corridors, and other community resources.

The City's representatives conducted a sidewalk inventory in 2015 in downtown Kennesaw, where there is a representative mix of commercial businesses, residential areas, and a sidewalk network. The City also used a contracted A&E Firm to aid in identifying sidewalks city-wide that need improvements to meet ADA standards. During the assessment, the A&E Firm utilized measuring equipment and other standard measuring tools to develop a map of existing sidewalks, ramps, and problem areas. The assessment included characteristics of slope and other aspects of ADA compliance at each point. In addition to ramp characteristics, maintenance needs were also recorded in the field at specific locations along each sidewalk segment. Maintenance needs identified in the field include the following categories:

- **Sediment/Vegetation** – these were defined as areas where excess vegetation or overgrowth has occurred across a sidewalk.
- **Structural Damages** – defined as significant damage to the sidewalk material, hindering the movement for wheelchairs or people with other disabilities.
- **Obstruction** – occurs when natural elements or manmade features impede the flow of movement along a sidewalk segment.
- **Erosion** – instances where erosion or sedimentation, most likely related to drainage, has created an unsafe and potential dangerous situation along a given sidewalk section.

3.4.1 *Sidewalk Assessment and Database Improvements*

During the assessment of the sidewalks, there were numerous reoccurring conditions that represented challenges for accessibility. These areas have been properly cataloged and documented, specifically identifying the concerns at the location in detail. Both the Public Works Department and contracted A&E Firm have documented notes that will be used to describe all problematic sidewalk areas in the City's common areas. It is highly recommended that the ADA Coordinator keep a catalog of all of the City's sidewalk conditions and when sidewalk improvements or upgrades are completed the database be updated. This can be used as a standardized database that can be queried and more readily integrated into capital works improvements related to sidewalk assessments.

3.4.2 Sidewalk ADA Compliance Implementation

The City of Kennesaw will utilize all available data and other plans of record to prioritize future inventory and sidewalk improvement work. For example, the City's engineers can review city-wide topography to identify overly steep grades where compliant slopes are not attainable. Moreover, these sidewalks can be prioritized to compliment other access improvements throughout the City. The City has developed a Strategic Plan for the City of Kennesaw Bicycle/Pedestrian Program Integration Study for the Historical Downtown Depot area that will inform the residents of Kennesaw of the next phase of sidewalk upgrades and improvements. All work to be completed will be done in accordance with the ADA Standards. All recommended action to identify future sidewalk improvement work is being kept by the Public Works Department.

The City has also implemented a process that further evaluates development plans that include sidewalks such that selected sidewalk ADA deficiencies are addressed by the property owners and/or developers in conjunction with the development or redevelopment projects. The City is reviewing projects (especially in the downtown area) relative to opportunities to engage the owner in repair, rehabilitation, or re-construction of non-compliant or damaged sidewalks incidental to their onsite construction efforts.

3.5 ACTION PLAN

A self-facility evaluation summarized the above deficiencies in the City of Kennesaw's facilities, including parking lots and sidewalks, which diminish the ability of disabled persons to benefit from the City's programs, services, and activities. All the City's facilities have undergone an in-depth, in-house Facility Assessment and a correction plan has been developed. The remaining items needing to be addressed are identified in the ADA Transition Plan. The report will be updated semi-annually to reflect work that has successfully been completed.

4 PROGRAMMATIC BARRIERS

The City recognizes not all barriers to the City's programs, services, and activities are physical in nature. Other administrative barriers exist that must be overcome to provide complete government services to those who are disabled. The City has conducted a self-survey of the City Departments to identify any programmatic barriers that may impact accessibility of City programs, services, and activities.

4.1 SURVEY RESULTS

The Building Operation Department has conducted a detailed Facility Assessment to evaluate each department

Concerns are noted:

- On the lower level rear area of City Hall, there needs to be ADA rated doors and a push button door to enter the Building Services area
- The addition of ADA doors, in the front, at the Southern Museum of Civil War and Locomotive History
- ADA upgrades to all the facility restrooms (City Hall 2nd floor, Building Services 1st floor, and Parks and Recreation Scout Hut, Baseball/ Restroom Building, and Baseball and Softball Complex restrooms
- There are no listening devices anywhere in City Hall, the Gardens, nor Parks and Recreation to assist the deaf
- During public meetings, there needs to be a sign language interpreter

There are no formal policies in place with a clear defined procedure for accommodating people with disabilities. Generally, each case is handled independently, and the appropriate accommodations are being made on a case-by-case basis. However, the City of Kennesaw strives to make programs available for anyone to participate. Each of the City Departments are committed to providing quality services to all residents in the City and taking the necessary steps to confirm that they provide their service in a manner that is accessible to all residents.

The Human Resources Department is the only department with formal, reasonable accommodations request procedures, which is included in the City’s Personnel Policy and Procedure Manuel. Such best practices can be extended to include procedures specific to other departments as needed. Through an informal discussion with the departments, it was revealed that the departments are doing their own public outreach. Please see below.

Public Outreach By Department

<i>How do departments communicate with members of the public about services?</i>						
	Verbal Outreach	Brochures	Flyers/ Notices	Newspaper/ Bulletin	Website/ Social Media	Other
Buildings Operation	X					
Building Services	X				X	
Parks and Recreation	X	X		X	X	
Human Resources			X	X	X	
Public Works	X		X	X	X	
Police Department	X	X	X	X	X	X
City Clerk	X			X	X	
Finance	X			X	X	
Planning/ Community Development	X	X	X	X	X	

4.2 ACTION PLAN

Based on the results of the Facility Assessment survey, the City has identified future steps and activities that the City can explore to ensure that people with disabilities have access to City services and programs. The City’s future plan must address the following elements:

4.2.1 Communication

Effective communication is essential to providing accessible services in that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.

The City uses many forms of communication with residents including the city website, public notices, social media, electronic marquees, newsletters and other forms of communication regarding the City’s programs, services, and activities. To ensure that all forms of communication are accessible, the City is taking specific actions to improve communication, including the following:

- 1. ADA Grievance Policy.** The City has developed a formal Grievance Policy and Procedure for ADA compliance. This document will be distributed to the City Departments and made available at public buildings and meetings. (See Attachment J).

2. **Reasonable Modification Policy.** The City has a Reasonable Modification Policy for ADA compliance. This policy will be distributed to all City Departments and posted at public buildings. It will also be posted on the website. (See Attachment B).
3. **Public Information.** All forms of public communication about the City programs and activities must address ADA compliance issues specific to the program activity. In order to ensure that public communication has the appropriate verbiage/statement regarding ADA compliance, they should be periodically reviewed by the ADA Coordinator.
4. **Agenda Text.** The City will begin printing certain portions of meeting agendas in large-font type size, so that the content of agendas and public meetings can be more easily reviewed. Major agenda points will be printed in 14- point font.
5. **Website Communication.** The City posts agendas on the City's website, which, when used with the free Adobe Acrobat Reader function, all residents can enlarge the text and view the contents from one's personal computer. The City is exploring upgrades to its website to increase accessibility for meeting materials.
6. **Accommodation for Participation in Public Meetings.** The City will research the feasibility of incorporating equipment, available upon request, specially designed to assist hearing impaired persons to fully participate in City Council Meetings. The City will explore the feasibility of producing documents in braille or acquiring other aids or services, including software that can convert text into speech. The City will also investigate contracting qualified interpreter services and other providers so that accommodations may be available on short notice.
7. **Accessibility of Public Meetings.** The City has already made substantial efforts toward ensuring public meetings are held in ADA accessible buildings and spaces. The City continues to work towards ensuring that all public meetings are held in ADA facilities, and, to the extent feasible, will make specific accommodations, where necessary, to ensure that meetings among the citizens and City staff can be held within ADA accessible buildings.
8. **Closed Captioning Television.** The City will investigate the possibility of including closed captioning for public meetings televised on local cable access channel.
9. **Accessibility of Phone Communication.** The City will investigate tele-typewriting devices (TTD/TTY) to determine feasibility of offering this service for City's public line(s). The City may consider the purchase of such devices or a virtual/contractual service that can be made available upon request.
10. **ADA Compliance in Legal Documents.** The City must include appropriate ADA Compliance language in all legal documents including, but not limited to: contracts, request for proposals (RFP), request for qualifications (RFQ), bid request, job advertisements, and public notices.
11. **ADA Compliance for Hiring Procedures.** The ADA Compliance officer should review the application, interview, and hiring procedures within each City Department to ensure compliance with ADA.

4.2.2 *Municipally Sponsored Programs*

The City is committed to allowing persons with disabilities to participate in municipally sponsored programs. This includes recreation opportunities sponsored by the City's Parks and Recreation Department, community meetings, and other events hosted or sponsored by the City. The City will achieve this goal by integrating all of the steps outlined above into these programs, including providing effective communication and ensuring meeting and events are, to the extent possible, held in ADA accessible parks and buildings. The City is taking additional specific actions to improve accessibility by including the following:

1. **Formal ADA Recreational Policy.** The Parks and Recreation Department will develop a formal policy for accommodating disabled persons, where feasible. This is the City's policy not to discriminate against disabled persons wishing to participate in all City-sponsored recreational activities, and such, the City will do its best to accommodate all participants.
2. **Accessible Vehicle Transportation.** Only the Parks and Recreation Department has access to a handicapped accessible vehicle. The vehicle is a Cobb County issued bus used during the summer programs to transport summer camp participants when taking field trips. It is recommended at least one handicapped vehicle be purchased by the City or be made available to rent at short notice for use by all City Departments as deemed necessary.

4.2.3 *Training for City Personnel on ADA Compliance*

In order to ensure effective implementation of this plan and to afford personnel with the tools necessary to provide better accessibility, the City will provide the following training on the following topics to its personnel:

1. ADA Transition Plan Training for City Personnel
2. Specialized training for field personnel who may deal with the public as part of their job duties
3. Formal (annual) training for the ADA Coordinator.

4.2.4 *Plan Review, Building Services Department Standards, and Code Amendments*

To move toward ADA compliance as a seamless part of routine maintenance and future development, the City is committed to amend or otherwise adjust municipal code and plan review procedures to ensure every opportunity to cost-effectively achieve ADA compliance. The City has taken the following steps as it relates to City policy and codes towards implementation of this Plan.

1. The City will continue to utilize planned development to leverage investments in future sidewalk ADA projects, including ADA compliance of surrounding right-of-ways.
2. The City will continue to review existing City standards or ordinances as it relates to ADA compliance, including zoning, subdivision, and engineering standards. The City will also continue to require private property owners to maintain the public sidewalk segment that is in front of his/her property, which is a standard part of the plan review checklist.
3. Curb cut driveway slopes that are not ADA compliant are one of the biggest issues identified as a part of the study. The City's existing cut permit process should be reviewed and modified to continue to address ADA compliance issues associated with sidewalk slope transitions. The City's Public Works Engineers, in conjunction with the Building Services Department, have developed specifications for driveway curb cuts to ensure future driveways are constructed in compliance with ADA standards.

4.2.5 *Additional Transportation Services*

As a compliment to ADA compliance in City programs, the City will provide additional public notification on available ADA-compliant transportation services. The Cobb County Transit Authority offers a fixed route bus system for sections of Cobb County. ADA requires areas that offer route services to also offer transportation for those with disabilities that is equivalent to fixed route service. As the City continues to grow and the transportation services provided by Cobb County grows into the Kennesaw area, all efforts will be made by the City to secure ADA compliance fixed bus routes for the City's disabled population.

The City is also developing a platform on the City's website that will provide information to the public about these transportation services and explore future partnerships for potentially increasing access to public meetings and services for the residents of Kennesaw.

5 CONCLUSION AND ACTION LOG

The City is taking the actions referenced below and will continue to look for ways to remove barriers to access so that the disabled citizens of Kennesaw are given reasonable access to the City's programs, services, and activities.

To confirm follow-up on corrective actions recommended by the Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. The Action Log below addresses recommendations made to address physical and programmatic barriers to accessibility. Each recommendation is translated into action items with implementation lead and anticipated implementation/ completion dates. After the adoption of this Plan by the City Manager, Mayor, and Council, the ADA Action Log will be reviewed and updated on an annual basis by the ADA Coordinator in conjunction with the City Manager. The ADA Action Log shall be readily available upon request.

The City has taken the liberty to include in the appendix all of the ADA forms for your review and use.

ADA Action Log for Physical Barriers

<u>Physical Barriers</u>	<u>Implementation Lead</u>	<u>Completion Date</u>
1. Annual ADA inspection at all City of Kennesaw owned buildings.	Building Operations Department	2018
2. Perform assessment of identified renovation/ construction project based on criteria and development prioritized ADA building improvement plan for City owned buildings	Building Operations Department	2018
3. Complete ADA inspection at remaining Kennesaw facilities.	Building Services Department	2018
4. If necessary, hire a design professional to evaluate facility assessments and also plan necessary improvements.	Building Operations & Public Works Departments	2019
5. Solicit quotes to perform renovation/construction work necessary to bring facilities into compliance with ADA standards.	Building Operations Department	2019
6. Implement ADA Facility Improvement Plan, as funding becomes available.	Building Operations Department	Annually
7. Refine and improve database of sidewalk inventory.	Public Works Department	2019
8. Determine sidewalk inventory pilot area and complete assessment of ADA compliance.	Public Works Department	2018
9. Determine if prioritized sidewalk improvement corridor plan is active.	Public Works Department	2018
10. Implement citywide sidewalk improvement plan as funding is made available.	Public Works Department	Annually
11. Identify and train ADA Coordinator.	City Manager	Beginning in 2019
12. Distribute ADA Grievance Policy and Procedure	ADA Coordinator	2019
13. Distribute Reasonable Modification Policy	ADA Coordinator	2019
14. Applicable public communication approved by ADA Coordinator, such as large-font agenda text.	Communications Department	2018
15. Improve the City's website communication accessibility.	Communications Department	2018
16. Research ways to provide more accommodations for participation in public meetings.	ADA Coordinator	2019
17. Determine availability of closed captioning for public meetings videos.	Communications & IT Departments	2019
18. Investigate TTD/TTY to determine feasibility of offering this service during public meetings.	ADA Coordinator	2019
19. Include appropriate ADA Compliance language in legal documents.	City Attorney	2018
20. Review hiring procedures in each department to determine compliance with ADA.	Human Resources	2018
21. Develop formal ADA recreational Policy.	Parks and Recreation Department	2018
22. Investigate availability of accessible vehicle purchase or rental.	Public Works Department	2018
23. Promote Cobb County paratransit service as appropriate.	ADA Coordinator	2018
24. Performing training for City personnel on ADA Transition Plan.	ADA Coordinator	2018
25. Investigate available training for City personnel.	ADA Coordinator	2018
26. Review and update City Code for ADA compliance.	Building Services & Planning Departments	2018
27. Analyze plan review process and amend for ADA Compliance in new development and renovations.	Building Services & Planning Departments	2018
28. Revise and implement new curb cut specifications.	Public Works Department	2018
29. Explore additional opportunities for continual upgrades to achieve ADA compliance, such as a sidewalk CIP, other ongoing plans and maintenance.	ADA Coordinator	2018

APPENDIX A

City of Kennesaw Americans with Disabilities Act/Section 504

The City of Kennesaw is dedicated to public programs, activities, and services, which are free of discrimination based on disability. Furthermore, the City of Kennesaw (City) applies this same dedication to all employees, including all aspects of the employment process, such as the pre-employment process, post-employment policies, and the benefits pertaining to employment. The City has developed this document, including all attachments, to establish in written policy its commitment to nondiscrimination based on disability and to comply fully with the letter and spirit of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

The Americans with Disabilities Act (ADA), enacted in 1990, extended comprehensive civil rights protections to people with disabilities. Title II of the ADA addresses the law's requirements of local governments in their interactions with people with disabilities. This section summarizes those requirements.

Title II of the ADA has broad application to local governments' interactions with people with disabilities, mandating that qualified disabled individuals not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any local government program or activity. Title II also provides disabled employees with certain protections and requires local government employers to make reasonable accommodation for disabled applicants and employees.

Under Title II, the City may not establish eligibility criteria for participation in programs and activities that would screen out persons with disabilities unless such requirements are necessary for provision of the service or program. The City must reasonably modify its policies and procedures to avoid discrimination toward persons with disabilities. However, if the City can demonstrate that a modification would fundamentally alter the nature of its service or constitute an undue hardship, it would not be required to make that modification. Title II also discusses the use of auxiliary aids and services necessary to enable persons who have visual, hearing, mobility, or similar impairments to access programs and activities provided by the City.

The United States Department of Justice's (DOJ) regulations implementing Title II of the ADA dictate that local governments must evaluate their services, programs, policies, and practices and identify barriers that may limit accessibility for people with disabilities and develop transition plans describing how they will address identified barriers. This self-evaluation and transition plan report is intended to outline the City's strategies for complying with Title II of the ADA.

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. The City has undertaken a comprehensive re-evaluation of its policies, programs, and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities, and facilities.

Reasonable Modification Policy

**City of Kennesaw
ACCESS TO PROGRAMS, SERVICES,
AND ACTIVITIES**

NONDISCRIMINATION

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any City program or activity.

INDIVIDUALS WITH DISABILITIES

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination by the City. Nor shall the City exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association.

DEFINITION

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

REASONABLE MODIFICATION

The City shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

COMMUNICATIONS

The City shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a

service, program, or activity conducted by the City. In determining what type of auxiliary aid or service is necessary, the City shall give primary consideration to the requests of the individual with disabilities.

AUXILIARY AIDS AND SERVICES

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments, (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments, (3) acquisition or modification of equipment or devices, and (4) other similar services and actions.

LIMITS OF REQUIRED MODIFICATION

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or an undue financial and administrative burden. Prior to making a determination that a service, program, or activity cannot be altered for the aforementioned reasons, the City will consider all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany this decision.

NOTICE

The City shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the City. The information shall be made available in such manner as the City ADA Coordinator finds necessary to apprise such persons of the protections against discrimination assured them by the ADA.

City ADA Coordinator

The City's ADA Coordinator shall coordinate the City'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 City alleging its noncompliance or alleging any actions that would be prohibited under the ADA. The City 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 alleging any action that would be prohibited under the ADA.

For additional information or to receive this information in alternate format, please contact the City ADA Coordinator, Billy Warren, at (770) 422-9714.

ADA Accommodation and Grievance Policy

Requesting an ADA Accommodation or Barrier Removal

Request for accommodations or barrier removals should be made to the ADA Coordinator, include the name, address and telephone number of the individual requesting the accommodation. (See Appendix- Request for Accommodation Form) The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed.

Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance. All requests for accommodations received by the ADA Coordinator will be kept by the City of Kennesaw for at least three (3) years.

Filing an ADA Grievance

The City of Kennesaw has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. This procedure is available for any individual who wishes to file a complaint alleging discrimination on the basis of their disability in the provision of services, activities, facilities and programs by the City.

The availability and use of this grievance procedure via submission of a complaint form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

The Written Complaint

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a complaint form with the ADA Coordinator no later than sixty (60) days from the date of the alleged discrimination. The complaint should be in writing; however, other arrangements for submitting a request, such as personal interviews, tape recordings and assistance completing the form are available upon request. (See Appendix – Grievance Form)

The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

Consideration of Grievance

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

Appeal to the City's Law Department

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City's Law Department or an appointed representative.

Within fifteen (15) calendar days after receipt of the appeal, the City's Law Department, or an appointed representative, will meet with or contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Law Department, or an appointed representative, will respond in writing or in a format accessible to the complainant of final resolutions to the complaint.

All written complaints received by the ADA Coordinator, appeals to the City's Law Department, and responses from the ADA Coordinator and the City's Law Department, will be kept by the City of Kennesaw for at least three (3) years after final resolution.

Accommodation and Grievance Response

In responding to request(s) for structural improvement brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited to the funds in established Capital Improvement Projects and other miscellaneous funds. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.



City of Kennesaw Notice of Nondiscrimination

The City of Kennesaw *is committed to providing accessible facilities and/or programs for individuals with disabilities.* In 2012, the City of Kennesaw designated the Building Operations Department as the ADA Coordinator. This department is responsible for ensuring that all programs, services, and activities of the City of Kennesaw are accessible to and usable by individuals with disabilities. For accommodations, grievances, or other disability-related issues, please contact the City’s ADA Coordinator:

**City of Kennesaw
ADA Coordinator
Building Operations Department
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144
(770) 422-9714**

City Statement of Accessibility

The City shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. In the provision of auxiliary aids or services, including modifications in policies, practices, or procedures. The City of Kennesaw will not place surcharges on individuals with disabilities to cover the costs involved in making programs accessible.

APPENDIX E

DECLARATION OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) requires that private organizations serving the public make their goods, services, and facilities accessible to people with disabilities. Furthermore, the City of Kennesaw requires that all its Contractors comply with their ADA obligations and verify such compliance by signing this Declaration of Compliance.

The Contractor certifies that it will comply with the Americans with Disabilities Act by:

- a. Adopting policies, practices, and procedures that ensure non-discrimination and equal access to the Contractor's goods, services, and facilities for people with disabilities
- b. Providing goods, services, and facilities to individuals with disabilities in an integrated setting, except when separate programs are required to ensure equal access
- c. Making reasonable modifications in programs, activities and services when necessary to ensure equal access to individuals with disabilities, unless fundamental alteration of the Contractor's program would result
- d. Removing architectural barriers in existing facilities or providing alternative means of delivering goods and services when removal of barriers is cost-prohibitive
- e. Furnishing auxiliary aids to ensure equally effective communication with persons with disabilities
- f. If contractor provides transportation to the public, by providing equivalent accessible transportation to people with disabilities.

The undersigned authorized representative hereby obligates the Contractor to the above stated conditions under penalty of perjury.

Company Name

Signature of Authorized Representative

Address

Type or Print Name

City, State, Zip

Phone

Date

Type or Print Title

APPENDIX F

City of Kennesaw ADA/504 Contractor Assurance of Compliance Form

All individuals or organizations that contract with the City of Kennesaw or otherwise receive funds for the purpose of constructing, altering, or adding to the City of Kennesaw buildings or facilities, must complete, sign and return this form with your contract. If you have questions regarding this form, or if you require this material in an alternate format, please contact the City of Kennesaw ADA Coordinator, Billy Warren, Jr.

ADA/504 General Information

Federal and state laws prohibit discrimination based on disability. Section 504 of the Rehabilitation Act of 1973, as amended (504), and the Americans with Disabilities Act of 1990 (ADA) require that the City of Kennesaw and all organizations or firms contracting with the City of Kennesaw, except those providing tangible goods, comply with ADA/504 accessibility requirements.

Contractor Assurance of Compliance

As a contractor or funding recipient from the City of Kennesaw, I understand that federal and state laws prohibit discrimination in public entities and employment based solely on disability. In addition, I recognize that Section 504 requires recipients of federal funds (either directly or through contracting with a local governmental entity receiving federal funds) to make their programs, services, and activities, when viewed in their entirety, accessible to qualified and/or eligible people with disabilities. I agree to comply with, and to require that all subcontractors comply with, ADA/504 requirements. I understand that reasonable accommodation is required in both program services and employment, except where doing so would cause an undue hardship or undue burden. I also agree that all new construction, alterations, or additions to the City of Kennesaw buildings or facilities, performed by my organization, or subcontractors, must comply with all City, state, and federal laws, including related building guidelines/codes, and specifically the Americans with Disabilities Accessibility Guidelines (ADAAG).

I agree that any violation of the specific provisions of the ADA or Section 504, which are applicable to my organization or work my organization is currently performing or has performed at the City of Kennesaw buildings or facilities shall be deemed a material breach of my Contract between the City of Kennesaw and my organization. Such a breach shall be grounds for cancellation, termination, or suspension, in whole or in part, of my organization's Contract with the City of Kennesaw.

Americans with Disabilities Accessibility Guidelines (ADAAG) Understanding

Pertinent individuals from my organization are knowledgeable of all scoping provisions and specifications as defined by the Americans with Disabilities Act Accessibility Guidelines have easy access to such information when necessary; and have attended the Annual ADAAG Training provided by the Department of Housing and Urban Development.

I declare that (company name) _____ is in compliance with the applicable provisions of the ADA and 504 and declare that the foregoing information is true and correct.

Signature of authorized signatory

Date

Type or print name of authorized signatory

Title

Telephone

City of Kennesaw Section 504 Title II ADA Accommodation Request Form

Accommodations: Pursuant to Section 504 of the Rehabilitation of Act of 1973 and Title II of the ADA, the City of Kennesaw provides reasonable accommodations to individuals with disabilities to ensure that there are no barriers to City services, programs, or activities.

The types of accommodations that are available to you include, but are not limited to the following:

- Assistive Listening Devices
- Interpretive Services
- Large type documents, forms, or pamphlets
- Wheelchair [access]

You may request an accommodation (or someone else may request an accommodation on your behalf) by completing this form. Complete the form in its entirety and return it to the City within 15 days.

All efforts will be made to provide the requested accommodation or one that reasonably responds to your needs.

With regard to removal of any barriers, said requests will be evaluated for the appropriate response.

If you need assistance in completing this form, contact us at (770) 422-9714; (TTY/TDD) Georgia Relay dial 711.

Submit the Request for Reasonable Accommodation to:

**City of Kennesaw
ADA Coordinator
Building Operations Department
2529 J. O. Stephenson Avenue
Kennesaw, Georgia 30144**

Section 504 Title II ADA Accommodation Request Form

Title II of the ADA Section 504 of the Rehabilitation Act of 1973

Request for Accommodation

Name: _____

Address: _____

City: _____

State: _____

Email address, if any: _____

Telephone # _____

Identify if request is for *yourself or on behalf of another*; please check _____ self **or**, _____ on behalf of another; (If on behalf of another, provide your name and contact information here:

Name: _____ Telephone # _____ Email _____

Check if you are seeking an: _____ Accommodation and/or _____ Barrier Removal

Answer the following. Please be specific as possible, e.g., adaptive equipment, reader, interpreter.

Date accommodation is needed: _____ Time needed: _____ (indicate AM or PM)

Identify the accommodation you will need and at what location: *(If accommodation is time sensitive, please explain)*

If you are requesting barrier removal, please identify the barrier you seek to have removed and its location:

Reason for request: a brief statement as to why you need the accommodation or barrier removal:

Attach additional information or documentation as needed.

Signature: _____ Date: _____

APPENDIX H

Grievance: Complaint Form

I. COMPLAINANT INFORMATION

Name of Complainant: _____
Last MI First

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ E-mail Address: _____

Preferred Method(s) of Communication: (Check all that apply)

Voice Telephone TTY CRS E-mail US MAIL Other: _____

II. DESCRIBE YOUR COMPLAINT OF DISCRIMINATION BASED UPON DISABILITY. Be specific and give date(s), time(s) and location(s). Use the reverse side of this sheet or attached pages, if needed.

III. PERSONS NAMED IN YOUR COMPLAINT. List the names of (or describe) all persons involved in your complaint. Indicate the job title and City agency, department or division of City employees, if possible.

IV. WITNESSES TO YOUR COMPLAINT. List the names of (or describe) all persons involved in your complaint. Indicate the job title and City agency, department or division of City employees, if possible.

V. **EVIDENCE AND DOCUMENTATION.** List and provide any physical evidence, written or recorded documents, or any other information that directly supports your specific claim of discrimination.

VI. **CASE REMEDY AND/OR RESOLUTION.** What remedies or resolutions are you seeking?

CERTIFICATION: I hereby certify that the information and statements provided above are true.

Signature: _____ Date: _____

If person needing accommodation is not the individual completing this form, please provide Representative's:

Name: _____

Address: _____

Phone: _____ Email: _____

For more information or assistance in completing the form, please contact the ADA Coordinator at (770) 422-9714, or (TTY/TDD) Georgia Relay dial 711.