

City of Greenwood, Indiana

Americans with Disabilities Act



2013

Transition Plan

Table of Contents

| | |
|---|----------|
| I. Introduction | 1 |
| II. ADA Program Elements..... | 2 |
| III. Responsible Official | 2 |
| IV. Public Notice of Rights of Individuals..... | 2 |
| V. Grievance Procedure | 2 |
| VI. Self-Evaluation and Inventory..... | 2 |
| VII. Design Standards | 3 |
| A. Buildings..... | 3 |
| B. Sidewalks..... | 3 |
| VIII. Transition Plan..... | 3 |
| A. Identify and Document Needs..... | 3 |
| B. Document Solutions | 3 |
| C. Strategies for Removal of Barriers..... | 4 |
| 1. Buildings and Parks..... | 4 |
| a. Targeted Removal | |
| b. Retrofit or Remodel | |
| c. Maintenance or Repair | |
| d. Leased Facilities | |
| 2. Public Rights of Way | 4 |
| a. Targeted Removal | |
| b. New Construction of Existing Facility | |
| c. Maintenance or Repair | |
| d. New Construction or Reconstruction of Existing Private Facility | |
| 3. Personnel Responsible for Carrying Out Strategies..... | 5 |
| D. Costs for Making Modifications | 5 |
| 1. Public Rights-of-Way..... | 5 |
| 2. City Parks and Other Facilities | 5 |
| E. Public Involvement..... | 5 |

| | |
|--|----------|
| F. Priorities | 6 |
| 1. Buildings | 6 |
| 2. Parks..... | 6 |
| 3. Sidewalks | 6 |
| 4. Intersections..... | 6 |
| 5. Parking, Facilities and Signage..... | 7 |
| G. Financial Plan and Schedule..... | 7 |
| IX. Plan Review and Update | 7 |

Attachments

| | |
|---|-----------|
| • Greenwood Common Council Resolution 92-2 | 9 |
| Greenwood Common Council Resolution 11-06 | 12 |
| Greenwood Common Council Ordinance 11-38 | 14 |
| 2. Greenwood Board of Public Works & Safety Resolution 92-4..... | 17 |
| Greenwood Board of Public Works & Safety Resolution 11-04..... | 19 |
| 3. ADA Grievance Form..... | 22 |

I. Introduction

The Americans with Disabilities Act (ADA) of 1990 (revised September 2010), is Federal Civil Rights Legislation which mandates non-discrimination to persons with disabilities. The Act has five Titles, which are listed below:

- Title I - Employment
- Title II - Public Services and Transportation
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Miscellaneous

Title II of the ADA prohibits discrimination by public entities on the basis of disability by making all programs, services, and activities accessible to persons with disabilities. In order to accomplish this, the Department of Justice developed regulations requiring governmental jurisdictions to conduct a self-evaluation of the accessibility of programs and services to determine whether issues of accessibility could be addressed through changes in the way such programs and services are provided. The City of Greenwood (City) is obligated to remove physical barriers to accessibility when program changes cannot ensure access to services, programs, and activities in existing facilities. Realizing that such structural changes will require commitment of resources (i.e. time and money) by the City to comply with the Department of Justice Regulations, Federal Register 28 CFR Part 35 states that "in the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop a Transition Plan setting forth the steps necessary to complete such changes". Additionally, "if a public entity has responsibility or authority over streets, roads, or walkways, its Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act".

The ADA regulations further require the Transition Plan to contain the following elements:

- A list of physical barriers in the public entity's facilities that limit the accessibility of its programs, services, or activities to individuals with disabilities;
- A detailed description of the methods to be utilized to remove these barriers and make facilities accessible;
- The schedule for taking necessary steps to achieve compliance with Title II;
- The name of the official responsible for the plan's implementation;
- A schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Priorities should be given to the following order:
 1. State and local government offices
 2. Transportation
 3. Places of public accommodation
 4. Employees
 5. Other areas (e.g., residential areas where people needing curb ramps reside)

- An estimate of the costs for making the modification.
- The opportunity for the disabled community and other interested parties to participate in the development of the Transition Plan.

II. ADA Program Elements

Section III - Responsible Official

Section IV - Public Notice of Rights of Individuals

Section V - Grievance Procedure

Section VI - Self-Evaluation and Inventory

Section VII - Design Standards

Section VIII - Transition Plan

Section IX - Plan Review and Update

III. Responsible Official

The ADA Coordinator designated for the City of Greenwood is:

Mr. Mark A. Richards, P.E.
Executive Director of the Dept. of Community Development Services
and City Engineer

Mr. Richards' contact information can be found on the City of Greenwood website: www.greenwood.in.gov

IV. Public Notice of Rights of Individuals

City of Greenwood Common Council Resolution No. 92-2 sets out the City's compliance with Title II of the 1990 ADA. It has been amended by Resolution No. 11-6 and Ordinance No. 11-38 to update the ADA Coordinator designation. These documents are available at City Hall for viewing and are posted on the City's website. (See Attachment 1)

V. Grievance Procedure

Attachment 2 contains City of Greenwood Board of Public Works and Safety Resolution No. 92-4 establishing the City's Grievance Procedure and Resolution 11-04 updating the name of the ADA Coordinator. Attachment 3 contains the City's ADA Grievance Form.

VI. Self-Evaluation and Inventory

As required by the ADA legislation, the City has conducted a self-evaluation of its facilities and rights-of-way to ensure that they are accessible to and useable by persons with disabilities.

Items inventoried included:

- Curb Ramps - whether there are curb ramps with truncated domes

- present at any corner within each intersection.
- Sidewalks between intersections were reviewed to determine if they are a minimum of 4 feet wide (with parkway) or 5 feet wide if adjacent to a curb. Driveways were reviewed to determine if they have a 4 foot width at a 2% (max) cross-slope.
- Traffic signals (where present) were reviewed to determine if pedestrian push buttons and or identifications are present. The pedestrian push buttons were noted accessible via sidewalk.

The results of this inventory are available at City Hall for viewing.

Buildings and Parks were inspected to determine if ADA parking is provided and properly signed, and if the facilities meet present ADA Standards for accessibility. That inspection was included in the Transition Plan dated July 26, 1992. The results of that inventory are available at City Hall for viewing.

VII. Design Standards

- A. **Buildings** - Building construction shall follow the current ADA requirements shown on the following website: www.access-board.gov/ada/
- B. **Sidewalks** - The City of Greenwood has design standards for sidewalk construction and shall update them as needed in the future to stay current on ADA standards. In lieu of the update, reference will be made to the Indiana Department of Transportation (INDOT) Standards where applicable.

VIII. Transition Plan

The ADA Coordinator has the responsibility of identifying barriers and implementing Greenwood's barrier removal program. The steps involved in the creation of this Transition Plan are as follows:

- A. **Identify and Document Needs** - Physical barriers in and around a facility that prohibit access to programs, activities, and services, shall be identified and documented. "Programs, activities, and services" include the functions necessary to fulfill a building's mission". Events or programs that are open to the public must be accessible by person with disabilities.
- B. **Document Solutions** - Document the structural or physical modifications needed to make the facility accessible. Structure modifications include architectural renovations, such as widening a door or construction of a ramp. The modifications must meet ADA requirements for new construction, and changes cannot force a disabled person to access the building in an unequal manner. For example, if the main entrance does not provide accessibility but the rear entrance door does, rear entrance must be equal to the main entrance and available during operating hours.

C. Strategies for Removal of Barriers

1. Buildings and Parks

a. Targeted Removal

Barrier removal is based on the facility survey that was conducted. The plan will be reviewed annually to insure that Greenwood is meeting the needs of those with accessibility issues. Total accessibility for all City-owned facilities, for every citizen, is the goal of the Transition Plan. Whenever funding is made available, facilities are added to the priority list for that particular fiscal year.

b. Retrofit or Remodel

Whenever a retrofit or remodel of an existing City-owned building occurs, the facility is required to become compliant with ADA regulations (subject to availability of funding).

c. Maintenance or Repair

When appropriate and when funding is available, Greenwood will bring facilities into compliance by replacing defective fixtures with compliant models, i.e., door knobs replaced with levered door handles, etc.

d. Leased Facilities

When Greenwood lease agreements are scheduled for renewal, facilities are required to become compliant with the ADA. The responsibility for the improvements shall be negotiated with the lessee.

2. Public Rights of Way

a. Targeted Removal

Barrier removal is based on the field inventory conducted. As needs may arise, through either complaints from the public or by the City's own review, specific locations may be addressed.

b. New or Reconstruction of Existing Facility

New or reconstruction projects will include sidewalks, drives and ADA ramps in conformance with current design standards. This will include full intersection ADA ramps where projects only involve a single approach.

c. Maintenance or Repair

As maintenance and/or repair work is done to existing sidewalks,

all replacement work will meet current ADA standards. If such work involves ADA ramps on one corner of an intersection, the receiving corner will be included in such work if it is not in compliance

d. New Construction or Reconstruction of Existing Private Facility

All permits for new construction or reconstruction of sidewalk, drives or intersection corners will be reviewed and required to be in compliance with current ADA standards.

3. Personnel Responsible for Carrying Out Strategies

ADA Coordinator, Mr. Mark A. Richards, P.E.

D. Costs for Making Modifications

1. Public Rights-of-Way

| | | |
|-----------------|------------------------------|--------------------|
| Curb Ramps | Estimated Construction Costs | \$1,867,200 |
| Sidewalks | Estimated Construction Costs | \$1,340,500 |
| Traffic signals | Estimated Construction Costs | \$ 90,000 |
| | Total | \$3,297,700 |

(Inventory results filed in the Office of the ADA Coordinator.)

2. City Parks and Other Facilities

In 1992, The City of Greenwood inventoried all of its park facilities. A list of deficiencies was prepared at that time. This information is shown in the Transition Plan dated July 26, 1992. Since that time the City has diligently worked at bringing their facilities into compliance. Some tasks, like pavement marking of the parking areas are in need of refurbishment as they are on-going situations. There remain two tasks to be complete: trail segments in Westside Park and in Craig Park. The cost for these improvements is estimated to be \$40,000.

Cost Summary

| | |
|-----------------------------|--------------------|
| Public Rights-of-Way | \$3,297,700 |
| Facilities | \$ 40,000 |
| Total | \$3,337,700 |

E. Public Involvement -A public hearing was held on December 12, 2012 for the purpose of giving the community the opportunity to participate in the development of the Transition Plan. No comments were received. The Transition Plan is also being provided to members of the City Council, for review, comment and approval.

F. Priorities

1. Buildings

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- Second priority: Locations where there is routine City business conducted.
- Third priority: All other locations

2. Parks

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use.
- Second priority: Locations where there is routine programs conducted or facilities are used for functions that have a high likelihood of use by the ADA community.
- Third priority: All other locations

3. Sidewalks

- First priority: Locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- Second priority: Locations where there is routine City business conducted.
- Third priority: Locations where there is private partnership in cost
- Fourth priority: Locations in the downtown business area
- Fifth priority; Locations in the residential areas.
- Sixth priority: All others

4. Intersections

- First priority: Missing ramps at locations where complaints/problems have been identified by the public or where there is a high likelihood of ADA use, i.e., areas near hospitals, nursing homes or similar facilities
- Second priority: Missing ramps at locations where there is routine City business conducted.
- Third priority: Missing ramps at locations where there is private partnership in cost
- Fourth priority: Missing ramps at locations in the downtown business area
- Fifth priority; Missing ramps at Locations in the residential areas.
- Sixth priority: Replacement of substandard ramps and all others

5. Parking, Facilities and Signage

- Identifiable areas, without proper ADA signage or accessibility information, will be corrected, with the proper signage installed. Facility improvements will be implemented whenever funding becomes available.

G. Financial Plan and Schedule

The City of Greenwood will endeavor to provide between \$10,000 and \$50,000 annually in services, materials or contract replacement of deficiencies. In addition, the City will actively seek grants and other sources of funds from various programs available.

IX. Plan Review and Update

The Plan shall be reviewed annually to assess that the City is meeting the intent of the plan. The plan shall be updated every three (3) years to reflect modifications performed since the prior update, and to identify areas of additional need.

ATTACHMENT 1

GREENWOOD COMMON COUNCIL RESOLUTION 92-2

GREENWOOD COMMON COUNCIL RESOLUTION 11-06

GREENWOOD COMMON COUNCIL ORDINANCE 11-38

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 92-2

A RESOLUTION JOINING WITH THE MAYOR IN ESTABLISHING A CITY POLICY FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND ADDRESSING RELATED MATTERS

WHEREAS, the Greenwood Common Council of the City of Greenwood, Indiana, recognizes the needs of disabled Americans; and

WHEREAS, the Americans With Disabilities Act of 1990 (hereinafter "ADA") requires that the City of Greenwood not discriminate against disabled Americans; and

WHEREAS, the Mayor and the Greenwood Common Council, on behalf of the City, desire to comply with ADA and its regulations,

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The following policy statement is hereby adopted for the City of Greenwood, acting by and through its Boards, Commissions, agents and departments:

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act ("ADA") provides civil rights protection to qualified individuals with disabilities in five (5) areas of public and private life:

Employment: Employers may not discriminate against an individual with a disability in employment provided the person can perform the "essential functions" of the job with or without reasonable accommodation. Employers must provide reasonable accommodations unless doing so represents undue hardship for the employer. The effective date for the City of Greenwood is July 26, 1992, because the City employs twenty-five (25) or more employees.

Public accommodations: Public accommodations must be available to disabled persons through nondiscriminatory practices and accessible facilities. Affected businesses include, for example, doctors, lawyers and accountants, zoos, parks, banks, libraries, theaters, museums, restaurants, bars, schools, day care centers, hotels and motels, stores and shopping centers, gas stations, and other businesses and facilities which invite the public to do business. Effective date is January 26, 1992.

Public and private transportation: Transportation services, even if provided by private companies and individuals, must not discriminate against individuals with disabilities. That includes bus, rail and other conveyances that provide service to the general public. It does not include air travel, and special effective dates apply to "over the road" buses. Effective date is January 26, 1992.

Telecommunication relay services: Providers of telephone services must provide hearing and speech impaired individuals with telecommunications services which enable them to communicate with hearing individuals. Effective date is July 26, 1993.

Services provided by State and local governments: State and local governments must comply with the employment and public accommodation provisions listed above, and must ensure that all programs and services provided or made available by them do not discriminate against individuals with disabilities. Effective date is January 26, 1992, with

structural alterations to City's buildings to be completed by January 26, 1995.

Complaints, enforcement and remedies: An individual who believes that he or she has been discriminated against may file a grievance with the City of Greenwood ADA Coordinator or may file a complaint with the appropriate agency within one hundred eighty (180) days of the date of alleged discrimination, unless good cause for delay is shown. Pursuit of a complaint through the City's grievance procedure is the kind of "good cause" which delays the start of the one hundred eighty (180) days. Individuals may also initiate lawsuits against a municipality as a means of compelling compliance with the ADA.

It is the policy of the City of Greenwood to not exclude qualified individuals with disabilities from participation in or benefiting from the services, programs or activities of the municipality. Also, it is the policy of this municipality not to discriminate against a qualified individual with a disability in its job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of this municipality to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to municipal officials on how the municipality might better meet the needs of individuals with disabilities pursuant to its stated policy.

To meet its obligations under the ADA, the City of Greenwood will, to the extent possible:

1. Ensure that services provided by the City are equally available to individuals with disabilities;
2. Ensure that individuals with disabilities are able to participate in City sponsored programs and activities;
3. Remove structural and architectural barriers to participation by individuals with disabilities in City owned and leased buildings;
4. Take steps to ensure that vendors, contractors and other who do business with the City do not discriminate against individuals who have disabilities;
5. Reaffirm that the City is an equal opportunity employer, and that hiring is done without reference to race, gender, religion, natural origin or disability;
6. Provide a grievance system by which individuals with disabilities might make known to the City problems that exist in the provision of City services, so that such problems may be resolved quickly and fairly.
7. Appoint an ADA Coordinator who shall be responsible for oversight of all ADA compliance activities, and shall receive complaints through the grievance system, and investigate and resolve them.

The ADA Coordinator for the City of Greenwood is:

Virginia Boswell Fischer
Assistant City Attorney
2 North Madison Avenue
Greenwood, Indiana 46142
(317) 888-0494

Section 2. The Greenwood Common Council hereby delegates the authority to the Greenwood Board of Public Works and Safety to amend this policy when required by Federal law, to make all reasonable rules and regulations to comply with this policy and the ADA, as amended, to adopt a grievance procedure under the ADA, and do all things reasonable and necessary to publish this policy.

Section 3. The Greenwood Common Council hereby joins with and ratifies the actions of the Mayor in adopting a City policy for compliance with the ADA.

Section 4. The sections, paragraphs, sentences, clauses, phrases and words of this Resolution are separable, and if any word, phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor of the City of Greenwood, Indiana.

Adopted by the Common Council of Greenwood, Indiana, this 2nd day of March, 1992.

Michael J. Tapp
Michael J. Tapp, President
Greenwood Common Council

FOR:

Eli Helbert
John M. Gibson
James E. Reed
Michael J. Tapp
Karol Dean
William P. Blase

AGAINST:

ATTEST:

Genevieve Worsham
Genevieve Worsham, Clerk-Treasurer

The foregoing within and attached Resolution was adopted by the Common Council of the City of Greenwood, Indiana, on the 2nd day of March, 1992, and is now presented by me this 3rd day of March, 1992, at 8:00 O'Clock A. M. to the Mayor of the City of Greenwood, Indiana.

Genevieve Worsham
Genevieve Worsham
Clerk-Treasurer

The foregoing within and attached Resolution adopted by the Common Council of the City of Greenwood, Indiana, on the 2nd day of March, 1992, is approved by me this 3rd day of March, 1992, at 3:00 O'Clock P. M.

Margaret A. McGovern
MARGARET A. MCGOVERN, Mayor of
the City of Greenwood, Indiana

GREENWOOD COMMON COUNCIL

RESOLUTION NO. 11-06

A RESOLUTION AMENDING RESOLUTION NO. 92-2, "A RESOLUTION JOINING WITH THE MAYOR IN ESTABLISHING A CITY POLICY FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND ADDRESSING RELATED MATTERS", TO APPOINT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES AND CITY ENGINEER AS THE ADA COORDINATOR

WHEREAS, the Greenwood Common Council previously adopted Common Council Resolution No. 92-2, "A Resolution Joining with the Mayor in Establishing a City Policy for Compliance with the Americans with Disabilities Act and Addressing Related Matters" ("Res. No. 92-2"), that recognized the needs of disabled Americans and established a policy to comply with the Americans with Disabilities Act of 1990 ("ADA") and its regulations; and

WHEREAS, the ADA requires the City of Greenwood ("City") to designate an ADA Coordinator responsible for coordinating compliance with ADA requirements and Res. No. 92-2 appointed Virginia Fischer, Assistant City Attorney, as the ADA Coordinator; and

WHEREAS, Virginia Fischer is no longer employed by the City of Greenwood and the City Attorney recommends against designating the City's attorneys as the ADA Coordinator because of the potential for involvement in complaint investigation that would disqualify the attorney from later representing the City should litigation arise from the complaint; and

WHEREAS, it has been determined that it is appropriate to amend Res. No. 92-2 to appoint a new ADA Coordinator and it has further been determined that it is appropriate to appoint Mark Richards, Executive Director of the Department of Community Development Services and City Engineer as the ADA Coordinator,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Resolution No. 92-2 entitled, "A Resolution Joining with the Mayor in Establishing a City Policy for Compliance with the Americans with Disabilities Act and Addressing Related Matters", is hereby amended in Section 1., subsection 7., by deleting the following text:

"Virginia Boswell Fischer
Assistant City Attorney
2 North Madison Avenue
Greenwood, Indiana 46142
(317) 888-0494"

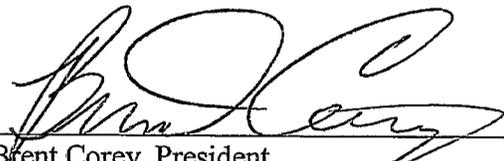
and replacing it with text to read as follows:

"Mark Richards
Executive Director of the Department of Community
Development Services and City Engineer
225 S. Emerson Avenue, Suite A
Greenwood, Indiana 46143
(317) 887-5230
richardma@greenwood.in.gov"

Section 2. This Resolution shall have no effect upon any other provisions of Resolution No. 92-2, except as herein provided, and all other sections of Resolution No. 92-2 not inconsistent herewith shall remain the same.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor of the City of Greenwood.

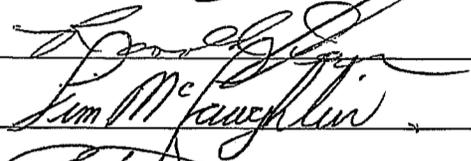
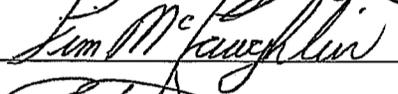
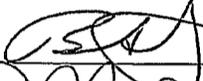
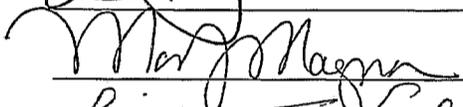
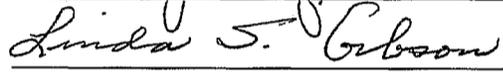
Passed by the Common Council of the City of Greenwood, Indiana, this 6th day of July, 2011.


Brent Corey, President
Greenwood Common Council

FOR:

AGAINST:



ATTEST:


Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 6th day of July, 2011, is presented by me this 13th day of July, 2011, at 12:00 O'Clock A.M. to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Resolution passed by the Common Council of the City of Greenwood, Indiana, on the 6th day of July, 2011, is signed and approved by me this 13th day of July, 2011, at 11:00 O'Clock A.M.


CHARLES E. HENDERSON, Mayor
City of Greenwood, Indiana

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 11-38

AN ORDINANCE AMENDING THE GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, CHAPTER 2, CITY ADMINISTRATION, ARTICLE 10, MISCELLANEOUS PROVISIONS, SECTION 2-121, AMERICANS WITH DISABILITIES ACT (ADA) POLICY STATEMENT TO CHANGE THE ADA COORDINATOR

WHEREAS, the Greenwood Common Council ("Common Council") adopted Resolution No. 92-2 establishing a policy to comply with the Americans with Disabilities Act of 1990 (ADA), which policy included the appointment of an ADA Coordinator for coordinating compliance with ADA requirements; and

WHEREAS, the Common Council amended Resolution No. 92-2 by Resolution 11-06 to change the appointed ADA Coordinator to Mark Richards, Executive Director of the Department of Community Development Services and City Engineer; and

WHEREAS, at the time of the adoption of the Municipal Code in 1993 the ADA compliance policy was included in the Municipal Code in Chapter 2, Article 10, Section 2-121, and at the time the change in the appointed ADA Coordinator was made by Resolution No. 11-06, amendment of the Greenwood Municipal Code (1993), as amended, should also have been made to reflect the change in the ADA Coordinator, but it was not; and

WHEREAS, it is necessary to amend the Greenwood Municipal Code (1993), Chapter 2, Article 10, Section 2-121, to change the ADA Coordinator,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1: Greenwood Municipal Code (1993), as amended, Chapter 2, City Administration, Article 10, Miscellaneous Provisions, Section 2-121 Americans with Disabilities Act (ADA) Policy Statement, subsection (a) (7), is hereby amended by deleting the language regarding the designated ADA Coordinator in its entirety and inserting the following designated ADA Coordinator language in its place to read as follows:

"Mark Richards
Executive Director of the Department of Community Development Services and City Engineer
225 S. Emerson Avenue, Suite A
Greenwood, Indiana 46143
(317) 887-5230
richardma@greenwood.in.gov"

Section 2. This Ordinance does not affect any other sections of the Greenwood Municipal Code (1993), as amended, or other ordinances except as herein provided and all other sections of the Greenwood Municipal Code and other ordinances shall remain the same.

Section 3. Nothing in this Ordinance shall affect any offense or act committed to done, or any penalty or forfeiture incurred, or an contract or right established or accruing before the effective date of the new rate set forth in this Ordinance.

Section 4. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed by the Common Council of the City of Greenwood, Indiana, this 5th day of December, 2011.


Brent Corey, President
Greenwood Common Council

FOR:

AGAINST:

Ronald Bates

Ronald Bates

Tom McLaughlin

Brent Corey

[Signature]

Linda S. Gibson

Mr. Meyer

[Signature]

Jeannine Myers

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 5th day of December, 2011, is presented by me this 5th day of December, 2011, at 9:00 O'Clock A.M., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 5th day of December, 2011, is signed and approved by me this 5th day of December, 2011, at 9:00 O'Clock A.M.


CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana

ATTACHMENT 2

GREENWOOD BOARD OF PUBLIC WORKS & SAFETY RESOLUTION 92-4
GREENWOOD BOARD OF PUBLIC WORKS & SAFETY RESOLUTION 11-04

MAR 9 2 1992

GREENWOOD BOARD OF PUBLIC WORKS AND SAFETY

RESOLUTION NO. 92-4 (BOW)

A RESOLUTION ADOPTING A GRIEVANCE PROCEDURE FOR THE CITY OF GREENWOOD
UNDER THE CITY'S AMERICANS WITH DISABILITIES ACT POLICY

WHEREAS, the Greenwood Common Council on March 2, 1992, adopted Resolution No. 92-2, "A Resolution Joining With The Mayor In Establishing A City Policy For Compliance With The Americans With Disabilities Act And Addressing Related Matters", a policy for compliance with the Americans With Disabilities Act ("ADA") for the City of Greenwood; and

WHEREAS, Common Council Resolution No. 92-2, Section 2, delegates the authority to the Greenwood Board of Public Works and Safety to adopt a grievance procedure under the ADA; and

WHEREAS, the Board of Public Works and Safety believes it is necessary to adopt a procedure to provide an informal process by which complaints regarding the accessibility of City-provided programs and services may be resolved promptly and fairly,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF GREENWOOD, INDIANA, that the following Americans With Disabilities Act Grievance Procedure is adopted by the City of Greenwood by and through the Board of Public Works and Safety:

1. All complaints shall be directed to the ADA Coordinator:

Virginia Boswell Fischer
Assistant City Attorney
Two North Madison Avenue
Greenwood, Indiana 46142
(317) 888-0494

(a) The ADA Coordinator or other City employee will contact or attempt to contact the Complainant within five (5) working days of receipt of the complaint, and will attempt to resolve the complaint informally;

(b) A decision by the ADA Coordinator will be rendered, in writing, within fifteen (15) working days of receipt of the complaint; and

(c) A record of the complaint and the action taken will be maintained by the ADA Coordinator.

2. If the complaint is not resolved to the Complainant's satisfaction:

(a) Within twenty (20) calendar days of issuance of the decision of the ADA Coordinator, the ADA Coordinator shall forward the complaint to the Board of Public Works and Safety, or the Complainant may do so;

(b) The Board of Public Works and Safety shall consider the matter at its next regularly-scheduled meeting;

(c) The Complainant may attend the meeting in person, or may be represented by any individual of his or her choice; failure of the Complainant to attend the meeting will not prevent the Board from considering the matter, unless the Complainant asks the Board, in writing, to postpone consideration until a later date;

(d) The Board shall record its proceedings and maintain a record of them;

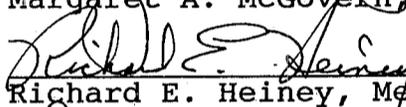
(e) The Board shall render its decision, in writing, within thirty (30) calendar days of considering the matter; the decision of the Board shall be final, however, the Board may reconsider its decision for good cause shown.

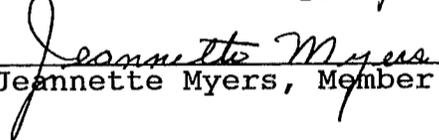
3. Notice of any decision of the ADA Coordinator or the Board of Public Works and Safety shall be made to the Complainant by first class United States mail, to the address provided by the Complainant.

BE IT FURTHER RESOLVED, that this procedure be published by the City of Greenwood by the posting in each building owned or leased by the City of Greenwood for the performance of municipal services, in a location conspicuous to the public.

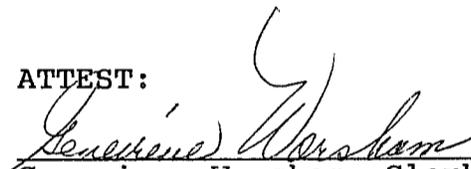
Approved and adopted by the Board of Public Works and Safety of the City of Greenwood, Indiana, this 16th day of March, 1992.


Margaret A. McGovern, Mayor/Member


Richard E. Heiney, Member


Jeannette Myers, Member

ATTEST:


Genevieve Worsham, Clerk-Treasurer

GREENWOOD BOARD OF PUBLIC WORKS AND SAFETY

RESOLUTION NO.11-04

A RESOLUTION AMENDING RESOLUTION NO. 92-4 ENTITLED "A RESOLUTION ADOPTING A GRIEVANCE PROCEDURE FOR THE CITY OF GREENWOOD UNDER THE CITY'S AMERICANS WITH DISABILITIES ACT POLICY", TO CHANGE THE ADA COORDINATOR TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES AND CITY ENGINEER

WHEREAS, the Board of Public Works and Safety of the City of Greenwood ("Board") previously adopted Board of Public Works and Safety Resolution No. 92-4, "A Resolution Adopting a Grievance Procedure for the City of Greenwood under the City's Americans with Disabilities Act Policy", ("Resolution No. 92-4") that adopted a procedure for processing complaints of disability discrimination; and

WHEREAS, at the time Resolution No. 92-4 was adopted the Board directed that complaints be filed with, and investigated by, the ADA Coordinator appointed by the Common Council under the City of Greenwood's policy for compliance with the Americans with Disabilities Act of 1990; and was Assistant City Attorney Virginia Fischer; and

WHEREAS, the ADA Coordinator appointed by the Common Council was Assistant City Attorney Virginia Fischer, who is no longer employed by the City of Greenwood; and

WHEREAS, the Common Council appointed Mark Richards, Executive Director of the Department of Community Development Services and City Engineer, as the City's ADA Coordinator by Common Council Resolution No. 11-06; and

WHEREAS, it has been determined that it is appropriate to amend Board Resolution No. 92-4 to change the name of the ADA Coordinator to Mr. Richards,

NOW THEREFORE, BE IT RESOLVED BY THE GREENWOOD BOARD OF PUBLIC WORKS AND SAFETY:

Section 1: Resolution No. 92-4 entitled, "A Resolution Adopting a Grievance Procedure for the City of Greenwood under the City's Americans with Disabilities Act Policy", is hereby amended in Section number 1., by deleting the following text:

"Virginia Boswell Fischer
Assistant City Attorney
2 North Madison Avenue
Greenwood, Indiana 46142
(317) 888-0494"

and replacing it with text to read as follows:

"Mark Richards
Executive Director of the Department of Community Development
Services and City Engineer
225 S. Emerson Avenue, Suite A
Greenwood, IN 46143
(317) 887-230
richardma@greenwood.in.gov"

Section 2. This Resolution shall have no effect upon any other provisions of Resolution No. 92-4, except as herein provided, and all other sections of Resolution No. 92-4 not inconsistent herewith shall remain the same.

Approved and adopted by the Board of Public Works and Safety of the City of Greenwood, Indiana, on the 7th day of July, 2011.

BOARD OF PUBLIC WORKS AND SAFETY

Charles E. Henderson
Charles E. Henderson, Mayor and Member

Kevin Hoover
Kevin Hoover, Member

Thom Hord, Member

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk-Treasurer

ATTACHMENT 3

ADA GRIEVANCE FORM



City of Greenwood

ADA Grievance Form

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Location of problem: _____

Date noticed: _____

Description of problem:

***Please attach additional pages if needed**

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days of the date of the alleged discrimination to:

**Greenwood City Building
Attn: ADA Coordinator
225 S. Emerson Avenue, Suite A
Greenwood, IN 46143
(317) 887-5230**

NOTE: This form may be administratively updated as necessary from time to time only to properly reflect changes to the contact information for the ADA Coordinator.