

City of Brooklyn Park

ADA Evaluation

A review of policies, programs, services and activities for compliance with the Americans with Disabilities Act

December 2020

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City of Brooklyn Park - ADA Evaluation

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INTRODUCTION

BACKGROUND

Nestled along the Mississippi River, Brooklyn Park has a population of over 80,000 people, making it the sixth largest city in Minnesota. According to the U.S. Census Bureau, approximately 6.4 percent¹ of residents in Brooklyn Park under the age of 65 have identified as having at least one functional impairment that affects their daily life activity². Nationally, disability can affect one in every five individuals; and two out of every seven families.³ City leadership, both elected and appointed, are focused on growing a healthy community where residents are at the center of decisions. The City openly publishes its mission, values, and goals. Currently the City is implementing its *Brooklyn Park 2025 Plan* that is centered on building a healthy, welcoming community through diversity, commerce, housing, infrastructure, engagement with elected officials, and partnerships that increase racial and economic equity empowering residents and neighborhoods to prosper.⁴

In the early 1990s, the City conducted a self-evaluation and developed a transition plan as required under Title II of the Americans with Disabilities Act (ADA). Modifications were made to policies and accessibility improvements were made at city facilities to provide better access for people with disabilities to participate in and gain the benefits of programs, services and activities offered through the City of Brooklyn Park. Since this year marks the 30th anniversary of the ADA and because much has changed over the last three decades in regards to the delivery of services and residents' expectations, the City has initiated a comprehensive review of policies, practices and procedures for compliance with the ADA. A comprehensive review of policies regarding inclusion of people with disabilities and an updated transition plan are also required as part of the process for the Department of Recreation and Parks as it seeks accreditation through the Commission for Accreditation of Park and Recreation Agencies (CAPRA). The purpose of this report is to present the findings and recommendations from the evaluation of City policies, practices and procedures affecting people with disabilities. Recommendations are presented here in order for the City to maintain ADA compliance, expand its accessibility management program, and strive above and beyond the minimum standards toward model best practices to more fully include people with disabilities in all facets of community life.

METHODOLOGY

For the purposes of this ADA evaluation, data was collected through various methods that would paint a comprehensive landscape of the City of Brooklyn Park's ADA compliance efforts. More than 120 policies were reviewed and 27 hours of interviews were conducted across all departments to capture a current

¹ U.S. Census Bureau, American Community Survey (ACS) 2014-2018.

² It is important to note that the U.S. Census Bureau and statistical researchers in disability have long held that the definition of disability is both broadly and narrowly defined based on the context, whether it be as an expansive demographic category or a much more specific criteria for a federal benefit. Accounting for the vast population of people that may have a functional impairment along a spectrum and may not necessarily identify as having a disability per se, the Census Bureau estimates 18 to 20 percent of the population to have a disability in either the communicative, mental or physical domains.

³ [Disability and American Families: 2000](#). U.S. Census Bureau. (July 2005).

⁴ Brooklyn Park 2025. City of Brooklyn Park. (2017).

snapshot of how people with disabilities access City programs, services and activities. The staff interviews identified instances where modifications have been made to procedures and how auxiliary aids and services are utilized to facilitate participation for people with disabilities. Staff also had the opportunity through the interview process to discuss where ADA compliance challenges exist and opportunities to strengthen service delivery to better meet the needs of residents and visitors with disabilities.

HOW TO USE THIS REPORT

The following sections of this report present the findings from the ADA evaluation of policies, procedures, programs, services, and activities offered by the City of Brooklyn Park. Proposed action items are presented as either REQUIRED or RECOMMENDED as defined:

REQUIRED: The action is essential and necessary to achieve minimum compliance with the Americans with Disabilities Act.

RECOMMENDED: The action is recognized as a best practice, above and beyond the minimum ADA standards and regulations, to create a community more inclusive of people with disabilities.

This report is designed to give the City’s accessibility management team the information and tools necessary to implement an ADA Action Plan that can serve as a dynamic working document to guide future planning and gather ongoing feedback from people with disabilities who live, work and play in Brooklyn Park.

City of Brooklyn Park ADA Action Plan - DRAFT						
ID	Description	Lead Department	Lead Staff	Target	Budget Note	Status Update
<i>The following ADA Action Plan will be monitored and updated by the ADA Coordinator.</i>						
Part 1: Title II Administrative Requirements						
1 ADA Self Evaluation						
1.1	Required: Self Evaluation. Conduct an ADA self evaluation of policies, practices and procedures and make necessary modifications. (35.105 Self-evaluation)	Administration	Shardlow	Completed		A review was conducted by a consultant in 2020 with subsequent recommendations for modifying policies. This ADA Action Plan outlines specific strategies for implementation of reasonable modifications and transition planning. This document shall remain on file for public inspection.
1.2	Conduct a formal ADA self evaluation every 7-10 years.					Plan to revisit policies, practices and procedures 2027-2030.
2 ADA Public Notice						
2.1	Required: Maintain and periodically update the ADA Notice on the web site.					
2.2	Create a brochure or other publication targeted toward people with disabilities, advocates, educators, and family members to increase awareness of the accessibility features and disability-related services of City facilities, parks, programs, and activities thereby encouraging greater participation among people with disabilities.					

TITLE II ADMINISTRATIVE REQUIREMENTS

The ADA Title II regulations require units of state and local government, depending on size, take certain administrative measures to implement the regulations and make the information available to constituents with disabilities.

Title II Administrative Requirements



Designate a responsible employee

(Entities w/50+ employees)



Notice to the public

(All public entities)



Grievance procedure

(Entities w/50+ employees)



Self-Evaluation

(All public entities)



Transition Plan

(Entities w/50+ employees)

This section serves to provide an update on the administrative requirements completed by the City of Brooklyn Park while also outlining follow-up tasks to create greater access for people with disabilities, above and beyond the minimum regulations set forth in the ADA (*28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services*).

1. DESIGNATED OFFICIAL

Title II, § 35.107(a) Designation of Responsible Employee, requires a public entity to appoint an employee to coordinate and carry out the City's compliance efforts, including investigation of complaints. Further the contact information for the designated official is required to be made available through the public notice.

1.1 ADA Coordinator

The City's Community Engagement Manager is also assigned the responsibility of ADA Coordinator. The national trend regarding the originating department for the ADA Coordinator has evolved over the last three decades. Initially, when the ADA was passed, the ADA Coordinator may have been assigned as a collateral responsibility either with a Human Resource Specialist or a City Planner. During the initial implementation of the ADA, this assignment made a lot of sense considering the processes that needed to be established both for reasonable accommodations in employment and prioritizing barrier removal with the ADA transition plan. Over the last 5-8 years, a trend has emerged to assign the ADA Coordinator responsibility with the department responsible for community engagement. This is a FANTASTIC placement as this department is central to communication and relationship building with a multitude of community groups and neighborhoods! A municipality should always be in tune and able to gauge community perception on a variety of levels. The collateral responsibility poises the Community Engagement Manager to become educated on disability issues as the ADA Coordinator, and

enables the position to gather input directly from people with disabilities by nurturing relationships with disability advocacy organizations and individuals throughout the City.

The drawback to the ADA Coordinator position is one in which the appointed position as a collateral duty does not usually have final decision-making authority. As such, it is essential to clarify the process for final decisions related to ADA compliance, whether that is the mayor, the city manager, the ADA Coordinator, or a team approach with either the executive leadership team or accessibility management team. Delegation of final decisions is not recommended for assignment to the Human Rights Commission as that is likely the neutral entity to receive, investigate and decide on formal complaints pursuant to state and local regulations.

Required: Continue to publicize the contact information for the City ADA Coordinator through the web site, all ADA Notices to the public and other communication vehicles.

Required: Clarify the role with final decision-making authority for ADA compliance.

Recommended: Continuing education is critical to support the role of the ADA Coordinator and a public entity's ADA compliance program. It is recommended that the City ADA Coordinator complete the [ADA Coordinator Training Certification Program](#) offered through the Great Plains ADA Center and supported through the educational offerings of the National Network of ADA Centers and the [National ADA Symposium](#).

1.2 Accessibility Management Team

While the ADA does not require a formal compliance team, the team approach can be incredibly effective to ensuring compliance across departments. This team approach can drive disability policy and inclusive organizational practices. An effective accessibility management team includes representation of key functions within the public entity.

Recommended: The further development of the accessibility management/compliance team is recommended to facilitate the flow of ADA compliance information, direct policy, and prioritize corrective actions while maintaining a consistent level of expectation among residents with disabilities. The accessibility management/compliance team should provide a structure for determining the appropriateness of reasonable modifications of policies, practices and procedures, or other instances that may pose a direct threat, fundamental alternation to the nature of the program, or undue burden to the entity. At a minimum, the accessibility management/compliance team should include representation from Community Engagement, Administration and Finance, Operations and Maintenance, Human Resources, Planning, Parks and Recreation, Marketing and Communications, the City Clerk, and Information Technology.

ADA Compliance / Accessibility Management Team

Designated Responsible Employee / City Manager

- Authorized with final decision-making authority

ADA Coordinator

- Manage daily ADA compliance

Engineering / Planning / Design

- Prioritize and implement accessibility improvements identified in ADA Transition Plan

Operations / Public Works

- Make ADA improvements through routine maintenance. Ensure daily facility access

Programs / Services

- Provide reasonable modifications, auxiliary aids and services in the most integrated setting.

Marketing / Communications

- Ensure effective communication for all programs, services and activities

Purchasing

- Ensure new products, services and contracts include ADA compliance.

Information Technology

- Ensure new technologies for the public, employees and volunteers are accessible

Human Resources

- Facilitate reasonable accommodations for applicants, employees and volunteers

Finance

- Support creative approaches to steward accessibility improvements

Risk Management

- Assess safety concerns related to ADA compliance

Legal

- Engage proficient resources to support good faith efforts for ADA compliance

**Representation on the accessibility management team is recommended, but not limited, to these roles.*

2. NOTICE

Title II, § 35.106 Notice, requires public entities to make available a public notice to applicants, participants, beneficiaries, and other interested parties the applicability of the ADA provisions and to apprise them of the protections afforded to them under the federal law. The manner by which the information is made available is left to the discretion of the head of the agency.

The City of Brooklyn Park has posted an informal commitment to equity on its web site under the section Equity > Human Rights:

Everyone who lives in Brooklyn Park has the right to equity and inclusion.

However, this section does not specifically address discrimination of protected classes. A very broad ADA Notice is published on the web site under the "Equity > Accessibility" section, prefaced with its commitment to accessibility:

Accessibility is a part of everything we do in city government. It's our job to make sure the services we provide are readily available to everyone.

The adaptive recreation follows the broad accessibility statement directing people who need an accommodation to indicate so at the time of registration. The web page also includes information on plain language, the City's ADA transition plan specific to sidewalks and curb cuts, the ADA grievance procedure, translation services, and a contact form. While considerable editing and description has been made to the Equity/Accessibility section, it lacks a concise statement that the City does not discriminate or prohibit participation on the basis of disability.

The City publishes the covered employment laws protecting individuals from discrimination on the basis of race, color, religion, sex, national origin, disability, age, genetics, and retaliation, under the jobs section of the web site. In terms of an organizational non-discrimination statement, there is a brief introductory statement at Work for Brooklyn Park > Equal Employment Opportunity Law:

As a local government, we're committed to being an equal opportunity employer.

These very broad statements published both under Equity and EEO Law, while illustrative of commitment, may not be considered specific enough to fulfill the public notice requirement under the ADA and the non-discrimination statement under other federal and state regulations.

The U.S. Department of Justice interprets the ADA Notice requirement as an ongoing responsibility of the public entity and recommends ADA Notice placement in job applications; periodically in local newspapers; public service announcements on local radio and television stations; published on the government entity's website; posted at all facilities, included in program handbooks and activity schedules; announcements for meetings of programs, services, and activities; published as a legal notice in local newspapers; and posted in bus shelters or other public transit stops.

A welcome statement encouraging participation by people with disabilities is considered an accepted best practice by which the public entity can further communicate its commitment to inclusion. The ADA Notice and obligation of the City's responsibilities to comply with Title II should not be confused with the welcome statement or information directing an individual on the process to request a reasonable modification, alternate format, auxiliary aid or service for participation.

Recommended: Modify the ADA Notice under the Equity > Accessibility section of the web site to provide greater context to the City's intent to comply with the spirit of the ADA. At a minimum, modify the information to include the [template recommended by the U.S. Department of Justice](#) to Title II entities through Project Civic Access. A longer, more explicatory version may be more suitable for the web site, posting in public buildings and in a brochure to be developed specifically on the City's ADA activities. A shorter version could be adopted for other marketing and communication materials.

The following modification is recommended for the long version of the City's ADA Notice:

We welcome people of all abilities to participate in our programs! Accessibility is a part of everything we do in city government. It's our job to make sure the services we provide are readily available to everyone.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Brooklyn Park will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: the City of Brooklyn Park does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: the City of Brooklyn Park will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: the City of Brooklyn Park will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of, should contact the department offering the program or the City's ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

The ADA does not require the City of Brooklyn Park to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Questions or complaints that a program, service, or activity of the City is not accessible to persons with disabilities should be directed to Josie Shardlow, City of Brooklyn Park ADA Coordinator.

Recommended: Develop a schedule to broaden the outreach of the City's ADA Notice such as through major City publications, public service announcements and as a legal notice in the local newspaper.

Recommended: Design a poster that can be used as a public notice on display at all City facilities and locations of City programs, services and activities.

3. GRIEVANCE PROCEDURE

Title II, § 35.107(b) Complaint Procedure, requires a public entity to adopt and publish grievance procedures providing for prompt and equitable resolution of ADA-related complaints. The purpose of the ADA grievance procedure is to provide people with disabilities an informal process to contact an entity regarding an access issue so that the individual and the public entity may work together toward a mutual and timely resolution.

The City has posted the grievance procedure to the Equity > Accessibility section of the web site. Further, the grievance procedure is preceded by a statement encouraging people to contact the ADA Coordinator in advance of filing a grievance:

Many disability-related concerns can be resolved internally without resorting to lengthy and costly grievance procedures. Before filing your complaint, contact the City's ADA Title II Coordinator to discuss your concerns. The ADA Title II Coordinator can look into the issue and try to come up with an acceptable resolution to the situation.

This is an exemplar approach to ADA compliance through quality customer service and direct communication with the public. Staff are encouraged to maintain this approach whereby individuals with concerns can contact them directly to talk through the issue, staff can make inquiries with specific departments and then follow up with individuals with a win-win resolution.

The City has instituted a grievance procedure specific to disability and accessibility related issues. The process is clearly outlined to the public with the following steps:

- Within 15 calendar days after receipt of the complaint, the ADA Title II Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the ADA Title II Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Brooklyn Park and offer options for substantive resolution of the complaint.
- If the response by the ADA Title II Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or their designee.
- Within 15 calendar days after receipt of the appeal, the City Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days after the meeting, the City Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

- ☉ All written complaints received by the ADA Title II Coordinator or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City of Brooklyn Park for at least three years.

Recommended: Establish a system for the ADA Coordinator to intake, update, monitor, track and report all ADA-related inquiries and complaints. This will enable staff to pinpoint specific facility access issues that may be need reconsideration for prioritizing in the ADA Transition Plan, policy issues that may need further modification, and document corrective actions should the complaint proceed as a formal complaint to DOJ or private right of action in federal court.

4. SELF-EVALUATION

Title II, 35.105 Self-Evaluation, requires a public entity to evaluate its current services, policies, and practices to the extent modification of any such services, policies, and practices are necessary to enable participation by people with disabilities. The City of Brooklyn Park completed its ADA Self-Evaluation and made the document available to the public in the early 1990s. As policy has evolved and personnel has changed over the last 25 years, the evaluation conducted herein is intended to update the original findings. It will be critical for all staff to understand the process by which the City intends to comply with the ADA, the modifications put into place, the public notice and opportunities for public input.

Recommended: A successful public entity is attentive, flexible and responsive to the ever-changing needs of the community it serves. As such, City policies, programs and services will continue to evolve. Recognizing the fluidity of the enterprise, it is recommended that the expertise of the City ADA Coordinator be utilized to continually self-evaluate programs, services, policies and procedures; and work with departments to make reasonable modifications to ensure people with disabilities have the equal opportunity to participate and enjoy the benefit of City programs, services and activities.

Recommended: Utilize the coordination of an accessibility management team to implement an ADA Action Plan that specifies tasks, leads and timelines.

Recommended: Communicate the City's ADA compliance initiatives through annual updates, staff training and new employee orientation.

5. TRANSITION PLAN

Title II, § 35.150(d) Transition Plan, requires a public entity to develop a transition plan if structural changes to facilities are necessary in order to achieve program accessibility. The City utilized an independent contractor to conduct an accessibility assessment of City Hall and other facilities in the early 1990s. An accessibility assessment was conducted again around 2008 in an effort to update the transition plan based on an ADA-related complaint. The original ADA Transition Plan developed in 1993 focused on accessibility improvements to city buildings most frequently used by the public. It did not address barriers at parks and recreation facilities. When the ADA Transition Plan was updated in 2008 all facilities and parks were included. However, at that time, enforceable accessibility standards for recreation facilities had not yet been adopted as part of the ADA. In 2010, DOJ issued revised accessibility standards that, for the first time in standards history, outlined scoping and technical provisions for recreation facilities including swimming pools, golf course, playgrounds, boating facilities, fishing areas, and sports fields. In 2013, the U.S. Access Board issued accessibility standards for outdoor

developed areas including trails, scenic viewing areas, beaches, campgrounds, and picnic areas at federal facilities covered under the Architectural Barriers Act (ABA). While these accessibility standards only apply to federally owned and funded projects, they serve as guidance to Title II entities. Thus, the timing of the 2008 update precluded the analysis of deficiencies and prescribed corrective actions from assured compliance with what would soon become the enforceable standards and best guidance. With the release of both the 2010 ADA Standards for Accessible Design and the 2013 addition of outdoor developed areas to the ABA, it is necessary and prudent for all Title II public entities that provide outdoor recreation space and facilities to reassess barrier removal and accessibility improvements consistent with the new standards.

As per federal and state departments of transportation requirements, the City has developed a transition plan specific to accessibility improvements for sidewalks, curb cuts, and public rights of way. The inventory of city-maintained sidewalks and curb cuts are split in half for biennial inspections. Changes in condition affecting accessibility that may be a result of accelerated deterioration or seasonal freeze/thaw are recorded so the transition plan can be adjusted accordingly. The City has allocated approximately \$150,000 for annual accessibility improvements to sidewalks and curb cuts.

Presently the City does not have a working ADA Transition Plan with scheduled corrective actions for facilities and parks or a centralized process with documented accessibility improvements that have been since the 2008 update. Funding has been set aside for sidewalks and curb cuts to address scheduled corrective actions in the ADA Transition Plan. In addition, money is being set aside in the Capital Improvement Plan to address park and facility improvements.

5.1 Program Access

Title II, § 35.149 states that *no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.* This is known as the “program access” standard in Title II. Program access is the foundational principle for Title II of the ADA. When viewed in its entirety, programs, services and activities must be accessible to people with disabilities. Sometimes the standard is misinterpreted to only include programs that are structured, staffed and require registrations. This is not the case. The term “program” under the ADA is very broad and really extends to all the experiences offered by a public entity including, but not limited to:

Animal control	Elections & polling places	Notary services
Baseball/softball	Environmental education	Picnicking and grilling
Basketball	Exercise	Pickleball
Biking	Farmers market	Playground
Building permits & inspections	Festivals & special events	Public meetings
Business licenses	Fishing	Public safety
Canoeing & kayaking	Golf	Rental licenses & inspections
City council & commissions	Health screenings	Restroom
Code compliance	Hiking	Skateboarding
Communications	Historic preservation	Sports field
Community gardens	Housing services	Swimming
Concessions	Ice skating	Tennis

Disc golf
Dog park
Economic development &
planning

Interpretation of nature &
history
Library services
Meeting space
Nature area use
Pavilion use

Trash & recycling pick up
Utilities
Vehicle registrations
Youth services

These activities are the experiences or “programs” by which residents and visitors engage with a public entity. At some sites a program like baseball may be the primary activity or reason that people come to that site (park) and hiking trails may be a secondary experience. At other sites, there may be more than one or even several primary activities or reasons that people come to that site. The public entity should have a thorough understanding of visitor use patterns, including primary and secondary experiences, length of time at a site, volume of use and frequency of use. This data will help to guide prioritization of accessibility improvements.

The Title II “program access” standard does not require that ALL **existing facilities** are accessible. Instead, it requires that ALL **programs, services and activities** are accessible. At sites where programs, services and activities are offered but that currently are not physically accessible, the public entity is tasked with either 1) making the physical environment accessible to facilitate participation in the program, service or activity; OR 2) relocating the program, service or activity to an accessible location until such time that the existing inaccessible site is made accessible.

There are many instances in the updated 2008 Transition Plan where corrective actions to achieve program access have not been addressed. For example, the original plan recommends the acquisition of a golf cart with hand controls to accommodate golfers with mobility impairments. The 2008 update states “will provide driver.” The federal courts have determined that a single rider adapted golf car can be considered an auxiliary aid that may be necessary for people with mobility impairments to equally participate and enjoy the benefits of the game of golf. The provision of a single rider golf car enables an individual with a mobility impairment to use the golf course independently, golfing while in a seated position in the adapted cart. The primary experience at the golf course is to golf. Without the single rider golf car, the terrain of the golf course presents a physical barrier to the “program” of golf for people with mobility impairments.

Recommended: An updated Transition Plan should identify and prioritize what corrective actions are necessary to achieve PROGRAM ACCESS. These are corrective actions that can ensure people with disabilities have the equal opportunity to participate in and benefit from the activities and experiences associated with the program, service or activity offered by the City, whether it be structured and staffed or non-structured and self-guided.

Recommended: Update the ADA Transition Plan for the City’s 62 parks, recreation special use facilities and outdoor recreation spaces, prioritizing barrier removal to achieve program access at each site.

Recommended: Conduct an interactive review of the assessment data specific to program locations including program directors/coordinators and planners. Identify program locations that are integral to the delivery of the program and update the schedule corrective actions within the ADA Transition Plan.

5.2 Prioritizing, Scheduling and Updating Accessibility Improvements

The City's efforts to manage its ADA Transition Plan and implement accessibility improvements have fallen off mostly due to the lack of a coordinated process with delegated ADA compliance responsibilities. Historically, accessibility improvements have included installation of accessible parking spaces, exterior routes, and automatic doors at entrances that are completed at such time to coincide with other repairs, rehabilitation or capital projects. Barrier removal is more often prescribed for accessibility improvements when the facility is undergoing repairs or capital improvements for other reasons. Corrective actions have been directed by the Operations and Maintenance Department with limited involvement of staff responsible for the delivery of programs, services, and activities. It is critical that the City update the ADA Transition Plan to include parks and address barrier removal in order to achieve program access. Decision-makers should have a thorough understanding of visitor use patterns, including primary and secondary experiences, length of time at a site, volume of use and frequency of use. This data will help to guide prioritization of accessibility improvements.

Recommended: Designate lead staff to drive the prioritization and scheduling of accessibility improvements, coordinating ADA compliance for the physical environment at City facilities and parks. Incorporate access priorities into the annual Capital Improvement Plan (CIP).

Recommended: Convene the responsible units for transition planning semi-annually to report progress on accessibility improvements along with updates on upcoming projects.

Recommended: Develop a balanced, equitable process to prioritize accessibility improvements.

Recommended: Develop a process to track and report on completed accessibility improvements. This process should also include tracking actions in lieu of barrier removal necessary to achieve program access.

5.3 Planning, Design, and Inspection

Generally the City depends on outside architects for the design of new construction projects and alterations to existing facilities. Included in the scope of work for any project is the need for the consultant to design meeting ADA standard and the City has used Universal Design standards compliance in its requirement. Staff rely on the architect to be knowledgeable in the application of the accessibility standards. Plans and drawings are not specifically reviewed for compliance with the 2010 ADA Standards or the accessibility provisions of the state building code. Projects, whether it be large-scale capital projects by contractors or smaller-scale renovation projects by staff, are not inspected at completion for ADA compliance.

In its current make up, the key city functions with the greatest background and expertise to contribute to inclusion of people with disabilities are underutilized in the planning, design and inspection processes. Unlike similar-sized city planning departments, Community Development has a broad role in economic development honing-in on the optimization of land to meet the diverse needs of residents. Planners are not directly involved in the development or alteration of city facilities unless requested. Plans examiners and building inspectors, with the most knowledge of the accessibility standards, are not involved in alterations to city facilities or new city construction unless the project requires the issuance of a building permit. City program staff may be invited to participate in conceptual planning meetings, but are rarely involved in plan reviews or evaluation of completed projects. Historically, staff has

identified knowledge gaps regarding the application of the accessibility standards and the principles of universal design.

Recommended: Provide training on the accessibility standards for the accessibility management team and staff with responsibility that oversee and implement accessibility improvements.

Recommended: Develop a process to draw on the expertise of staff with knowledge of the building codes, accessibility standards, and inclusion of people with disabilities in the conceptual planning phase, drawing review, and final project inspection.

Recommended: Adopt a process by which construction drawings are reviewed at 50% and 90-95% completion for compliance with the accessibility standards.

Recommended: Adopt a process by which repairs, alterations, renovation and new construction projects are inspected for compliance with the accessibility standards prior to receiving ownership of the final completed project/building/site. During this process, an element found out of compliance with the accessibility standards should be corrected at the expense of the contractor.

Recommended: Provide training to the accessibility management team, planners and operations staff on the Principles of Universal Design and utilize the principles in new construction and alterations to expand access for residents and visitors of all abilities.

Recommended: Support staff for continuing education on the emerging trends and best practices of universal design applications in urban environments.

Recommended: Utilize the ADA Coordinator on specific projects and planning teams to research the latest technology advancements and design innovations to ensure the needs of people with disabilities from the onset of the project planning process.

5.4 Maintenance of Accessible Features

Title II, § 35.133 Maintenance of Accessible Features requires a public entity to maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

Recommended: Provide training on the 2010 ADA Standards for Accessible Design to facility and operations staff responsible for maintaining parks and facilities. Foundational knowledge of the accessibility standards will enable staff to more efficiently perform routine maintenance in compliance with the standards.

6. PARTICIPATION BY PEOPLE WITH DISABILITIES

Title II, § 35.105(b) Self-Evaluation and § 35.150(d) Transition Plan of the ADA requires a public entity provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process and the development of the transition plan by submitting comments. The City of Brooklyn Park utilizes a community engagement approach to foster relationships with neighborhoods and gain input from residents that contributes to building a healthy, vibrant community.

6.1 Public Input

The City of Brooklyn Park invites public input throughout the planning and policy-making processes. For the purpose of this ADA review, further community engagement will commence with the release of this report and the development of a new ADA action plan. Public comment will be invited to gather input and feedback on the development of ADA new priorities going forward. Public input will be sought from people with disabilities in a variety of formats including additional one-to-one interviews, public listening sessions, focus groups, and social media events.

Through community engagement, it is important that the City share information on the initiatives taken to achieve compliance with the ADA and build a healthy, inclusive community. Residents with disabilities, family members and service providers may be unaware of the efforts the City has undergone to make facilities accessible, modify policies, and provide inclusion supports to facilitate participation in City programs, services and activities.

Required: Provide opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process and the development of the transition plan by submitting comments.

Recommendation: Staff should continually seek public input specific to accessibility issues through relationships with local disability advocacy organizations, individuals with disabilities and an advisory committee specific to disability issues in the City.

Recommendation: Utilize events such as the anniversary of the ADA to update residents and disability advocacy organizations on the efforts the City has made to achieve compliance with the ADA and provide inclusion supports to facilitate participation in City programs, services and activities.

Recommendation: Consider developing a publication such as a brochure or e-newsletter inform residents on the accessibility of City facilities and the availability of disability-related accommodations in City programs, services and activities.

6.2 Boards and Commissions

Leadership for the City of Brooklyn Park includes a mayor, six elected city council members and six commissions: Budget Advisory, Charter, Community Long-range Improvement, Human Rights, Planning, Recreation and Parks Advisory Commission, Northwest Suburbs Cable Communications, and West Mississippi and Shingle Creek Watershed Management. In addition, the City has four advisory committees: Business Forward Advisory Board, METRO Blue Line Extension Business Advisory Committee, Community Advisory Team, and the Multicultural Advisory Committee. Administrative staff conduct an annual survey of City leadership to confirm appointments represent the community. No leadership members have voluntarily self-identified with a disability over the last year.

Recommended: Residents and visitors with disabilities are affected by all aspects of City programs, services and activities. As commissions, advisory teams, and work groups meet on specific topics, it is important to ensure that accessibility and disability-related issues are addressed in the earliest stages of planning. Representation of people with disabilities should be balanced, first, because the person has an interest in the overall topical area or project; and, second, because the person also has expertise with the disability issues, ADA regulations and standards. If the individual does not have a working

knowledge of the ADA, membership should be cultivated to ensure that knowledge is represented in the planning process and as part of the whole of the group.

Recommended: Consider adding a statement on the commission web page and other marketing materials encouraging diversity in the recruitment process.

Recommended: Provide training on ADA compliance for elected and appointed officials, especially on the Title II requirement for “program access.”

Recommended: Encourage participation and appointment to the Recreation and Parks Advisory Commission ensuring representation of people with disabilities.

Recommended: Actively engage with local disability advocacy organizations and individuals with disabilities to develop relationships and recruitment channels to communicate open leadership positions.

6.3 Advisory Committee on Disability

The City does not have an advisory committee specific to accessibility or disability-related issues.

Recommended: Consider convening a city advisory committee on disability to represent different disability populations within the community and provide guidance on disability policy to more fully include people with disabilities in all facets of City programs, services and activities.

MODIFICATION OF POLICIES, PRACTICES AND PROCEDURES

Title II, § 35.130(b)(7), requires a public entity to make reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. When an individual with a disability encounters barriers to programs and the environment it not only affects the individual, it affects the group, the family and friends who are also seeking to participate with the individual. Therefore, initiatives should be purposeful to meet the needs of individuals along a spectrum of functional limitations as well as facilitate a positive experience for the entire group, disabled and non-disabled alike. The following findings and recommendations are based on a broad review of the enterprise and those policies, practices and procedures that most immediately impact participation by people with disabilities.

7. ORDINANCES

City ordinances should be periodically reviewed and updated to provide consistency with federal and state regulations, as well as allow flexibility for reasonable modifications to enable participation by people with disabilities. A broad review of City ordinances and park regulations was conducted to identify areas where policy may unintentionally pose a barrier to participation for people with disabilities. There are two provisions in the ADA regulations that were updated in 2010 to provide further clarity – service animals and other power-driven mobility devices (OPMD). The updates to these provisions can create conflict when compared with older state regulations and local ordinances.

Required: Make reasonable modifications to the sections of City ordinance and present for City Council approval as expeditiously as possible (*§35.130(b)(7) Reasonable modifications*).

Recommended: As the city ordinances are complex, lengthy and ever-evolving, it is recommended that the ADA Coordinator be consulted in the drafting stage. The ADA Coordinator can assist with additions or revisions proposed for adoption to ensure the language is consistent with the federal ADA regulations.

7.1 Service Animals

The City ordinance, Chapter 92: Animals, requires all animals to be under restraint at all times. The only exception to being off leash is in a dog exercise area. The ordinance does not distinguish for service animals that may perform a disability-related task. The revised ADA regulations require a leash or tether unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means) (*§35.136(d)*). The revised ADA regulations also require the public entity to enable access for people with disabilities who may be using a miniature horse as a service animal.

The City ordinance, Chapter 95: Park Regulations, provides a definition for pet, but does not specifically address service animals covered under the ADA and Minnesota Human Rights Act.

Required: Modify the ordinance language in Chapter 92: Animals and Chapter 95: Park Regulations. Add a definition of service animal consistent with the ADA: *any dog that is individually trained to do*

work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Revise § 92.03 Restraint to include an exception for service animals, allowing for off leash in the performance of a disability-related task.

7.2 Other Power-Driven Mobility Devices

Staff may occasionally receive requests from the public to drive golf carts or ATVs in the parks. The requests are usually denied since they are for the specific purpose of recreational uses. The City ordinance § 95.07 Regulation of Motorized Vehicles, Traffic and Parking prohibits the use of motorized vehicles in parks. The City does not have specific regulations for shared used paths. Technology has expanded the availability of personal assistive devices beyond the classification of manual and electric wheelchairs. People with mobility impairments are more frequently using other power-driven mobility devices like scooters and segways to access the environment. The revised DOJ regulations, in essence, require people with disabilities using other power-driven mobility devices be allowed in the same areas open for pedestrian use unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to §35.130(h). The DOJ regulations state that the public entity shall consider the assessment factors such as the type and size of the device; the facility's volume of pedestrian traffic, characteristics and design; safety requirements that may need to be established; and whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Required: Modify the ordinance language for park regulations in Chapter 95 Park Regulations. Add a definition of other power-driven mobility device; and update § 95.07 specific to assistive devices and other power-driven mobility devices for persons with disabilities in parks, trails and shared use paths.

Recommended: As a best practice, consider developing rules specific to the use of shared use paths that may accommodate pedestrians, bicyclists and people with disabilities using other power-driven mobility devices.

8. ADVANCE REQUESTS FOR AUXILIARY AIDS, SERVICES AND ALTERNATE FORMATS

Title II, § 35.160(b)(1), requires a public entity to furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. The City of Brooklyn Park provides a vast array of programs and services to residents, visitors and businesses. These services range from youth outreach, recreation programs, building permits, business licenses, public safety, voter services, housing inspections, traffic control, snow emergency response, waste collection, recycling, and much, much more. Modifications, auxiliary aids and services are decentralized and provided through the coordinating department or unit.

8.1 Open Programs and Activities

As standard operating procedures, activities coordinated through the Administration Department, where people do not have to register in advance, the event notice includes a statement: *If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours notice by calling 763-424-8000 or emailing Josie Shardlow.* The addition of this statement is considered a best practice in ADA compliance, serving to welcome

individuals with disabilities to participate in the activity, and making the request that they inquire about an accommodation so that it may be planned in advance.

Recommended: Continue to publish information on how individuals with disabilities can request disability-related accommodations, especially for programs, activities and events that do not require advance registration.

Recommended: Provide occasional in-services for staff who coordinate programs, services and activities outside on the ADA requirements for auxiliary aids and services; along with the language for individuals to request disability-related accommodations in advance that can be used in event postings, flyers, e-newsletters, brochures, social media and other marketing materials.

8.2 Programs and Activities with Advance Registration

Each program coordinates its own registration process within its department. Advance registration for programs, services, and activities enables staff lead time to plan for auxiliary aids and services that may be requested to accommodate a disability-related need. Thus, each program has its own unique registration form. There are noted instances in at least two different departments with registration forms that make disability inquiries either stating *“Please list any disability or behavior concern”* or *“Any medical/behavioral issues we should know about?”* The ADA prohibits unnecessary disability inquiry. Therefore, great care must be taken to protect the privacy of the individual while gathering information to support the provision of an auxiliary aid or service. Any inquiry should be specific to the type of accommodation the individual needs, not the specifics of the disability or diagnosis. Recreation staff are currently evaluating language on the program registration forms by which people with disabilities can most effectively request a disability-related accommodation.

Required: Revise the registration process to include an option for individuals to request an auxiliary aid, service or other disability-related accommodation. The section should NOT make unnecessary inquiry to the specifics of a disability. Instead, it should offer examples of what types of auxiliary aids, services and accommodations might elicit a response. An example:

I require assistance for a disability related need (check all that apply):

- wheelchair accessible program location
- sign language interpreter
- reader
- real-time captioning
- assistive listening system
- allergy or dietary accommodation
- behavioral support
- inclusion support (i.e. activity modifications, assistance with tasks)
- braille
- large print
- advance information in electronic format
- other (please explain_____)

Recommended: If it is necessary to collect medical information for minor participants, that information should be kept on a paper completely separated from a registration form. It should be secured and only

shared with staff on a need to know basis. Each program should evaluate whether or not the collection of medical information is necessary.

8.3 Interpretive Services

Traditionally, the City uses local sign language interpreters when staff receive requests in advance. The Recreation Department utilizes SportSign Interpreting Service for programs, activities and special events. However, specific agreements with local providers have not been established for use by other departments outside of Recreation. With the advancement of technology, the City has been able to utilize LanguageLine Solutions for on-demand interpretive services that can be provided in 40 different languages including American Sign Language. The interpretive services can be provided in-person, over the phone, via video or mobile app. Most of the City's use for the service is for foreign language. Staff are only starting to explore the capability of using the service for on-demand video sign language interpreters. It should be noted that there is likely a need to provide balance between in-person interpretive services and when it is done via video. For special events, council meetings and longer programs, in-person interpretive service may be most effective. Use of video interpretive services may be more appropriate for internet-based program delivery and those unexpected circumstances that spring up since the provide touts its responsive capability.

Recommended: Identify local preferred sign language interpreters that meet the qualifications requirements, establish agreements with the providers, and make a list of providers available to staff in each department.

Recommended: Continue to explore the options for sign language interpreters via video with LanguageLine; and provide an in-service to departments on the circumstances, advantages and disadvantages of in-person interpretive services versus use of the online service.

8.4 Alternate Formats

On occasion, the City may receive requests for documents, publications and other information in alternate formats. Traditionally alternate formats have been known to include Braille, large print, audio recordings, and electronic files in text or rich text format. Technology has made it much easier to provide alternate formats, especially electronic files. As such, requests for audio recordings are no longer as prevalent. Requests for Braille and large print require more planning. As standard practice, many entities order their primary publications in Braille and large print. This approach should be evaluated case by case with considerations to the use of the publication and the audience.

Recommended: Identify service providers that can translate documents to Braille and establish agreements for use of their professional services.

9. COMMUNICATIONS

Title II, § 35.160(a)(1), requires a public entity take appropriate steps to ensure that communications with people with disabilities are as effective as communications with others. Further, the Title II regulation states the type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and

services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability (§ 35.160(b (2))). The City of Brooklyn Park employs multiple communication vehicles to disseminate information to residents, visitors and businesses. These can include publications, brochures, reports, surveys, newsletters, bulletins, web sites, and social media.

Many publications are provided electronically as PDFs. In some instances, the complex design of the original document has resulted in PDFs that are not accessible. Most commonly, images lack text descriptions and text boxes are indexed out of order, so the document then reads headlines and paragraphs aloud out of order.

A broad review of the City's web site was performed with WAVE, the Web Accessibility Evaluation Tool developed by WEBAIM. Generally, the structure and content met the W3C voluntary accessibility guidelines for web sites. There were only a small handful of errors with forms or elements that lacked labels for people who use screen readers and contrast issues with gray text that may be difficult to read for people with low vision.

Videos posted to the City's YouTube channel have been captioned. However, staff have shared concern that sharing non-native videos on social media do not reach the same large audience compared to native videos shared directly to Facebook, Twitter and Instagram. It should be noted that this will require extra steps by either open captioning the video in video editing software or using the limited capability of the social media platform to caption the video as it is posted. Relying on the social media platform to add captioning is not yet recommended because the capability is so limited and may actually create a barrier for people who are deaf or have hearing impairments.

Like many other organizations trying to navigate opportunities to expand communications through social media, the City has an active calendar of posts on events, news items, and public service announcements. Photos and infographics are common tools to attract more engagements. As such, it is critical the graphical information is communicated effectively for people with visual impairments by adding alternate text to the images or a longer description of the image at the end of the post. This can be somewhat restrictive on social media where characters are limited, like Twitter.

Required: Ensure all new web sites, mobile apps and other technologies are accessible to people with disabilities (*§35.149 Program accessibility; §35.160 Communications*) and adopt a City standard for accessible technology (WCAG 2.0 or Section 508).

Required: Ensure all new PSA videos are produced with open captions (*§35.149 Program accessibility; §35.160 Communications*).

Required: Ensure all new publications include a statement "This publication available in alternate format (large print, braille, electronic, etc.) upon request" (*§35.149 Program accessibility; §35.160 Communications*).

Recommended: Review all current publications that are distributed to the public to determine if any primary publications should be formatted for large print and Braille.

Recommended: Appoint a lead Communications and/or IT staff as the accessibility compliance coordinator to ensure all new projects are designed to be accessible to people with disabilities using

various adaptive technologies from the conceptualization and onset of development. This lead staff should drive usability testing of new City technologies specifically with a designated group of people with disabilities who use different types of adaptive technologies including screen readers, screen magnifiers, braille keyboards, alternate touch or mouse control devices, and other emerging adaptive technologies. This lead staff should also be trained to provide support to personnel and departments using contractors for IT development to ensure all new contracted IT projects are accessible and, at a minimum, compliant with the Web Content Accessibility Guidelines (WCAG) 2.0.

Recommended: Provide training to Communications staff and City staff responsible for communications within their respective departments on the application of the ADA to electronic information; how people with disabilities use adaptive technology to access information; and considerations for making electronic information like PDFs, web sites, videos and social media accessible to people with disabilities.

Recommended: Identify and support continuing education on accessible publications and information technology for Communications, IT and content management staff.

10. PUBLIC MEETINGS

Meetings held by the City Council, commissions and advisory committees are open to the public. A schedule of meetings, agendas and minutes are posted to the City web site. Notices of public meetings are posted to the web site and distributed to media and other outlets. City Council meetings are held at City Hall in the council chambers. City Council meetings are broadcast locally on cable access and streamed real-time through the City web site. The videos are also archived for on-demand playback from the City web site. Meeting notices include information on how to request a disability-related accommodation in advance. An assistive listening system is available in the council chambers and one or two of the new meeting rooms in City Hall. However, at the time of the review the functionality of the receiver units in the council chambers was uncertain. There are tentative plans to update this AV equipment in FY2022. The real-time streamed videos and archived videos lack captions. Portable assistive listening devices, "Pocket Talkers" have been purchased through the CARES Act and will be distributed for use among City buildings.

Required: Post signage at the entrance to the council chambers indicating the availability of the assistive listening system (*2010 ADA Standards 216.10*). Perform routine testing on the equipment in conjunction with the audio system to ensure it is operational. Ensure the receiver units are out and available for use prior to the start of each meeting (*§35.160 Communications and §35.133 Maintenance of accessible features*).

Required: Develop a procedure for providing real-time captioning of meetings upon request for attendees (*§35.149 Program accessibility; §35.160 Communications*).

Required: As the videos for public meetings are archived for on-demand playback, add captions to the videos or provide a written transcript (*§35.149 Program accessibility; §35.160 Communications*).

Recommended: Monitor the use and operation of the new a portable assistive listening devices. Designated a central coordinating staff that can periodically inspect the devices to assure they are

operational for use during public meetings, training programs and events held at other locations. (§35.160 Communications and 2010 ADA Standards 216.10).

Recommended: Because governing meetings of the City Council, commissions and advisory committees are some of the major activities conducted by the City, it is recommended the accessibility statement for public meetings be more descriptive. It is important for residents with disabilities to fully understand the availability of auxiliary aids and services along with the timeline to make such request in order to fully participate in the public forums. A more descriptive accessibility statement could include the following language:

People with disabilities are invited and encouraged to attend public meetings. Requests for a sign language interpreter, real-time captioning, reader, assistive listening device, large print, braille or electronic format should be made at least 72 hours in advance by calling the ADA Coordinator at 763-424-8000 or emailing Josie Shardlow.

11. ELECTIONS AND VOTER SERVICES

The Office of the City Clerk coordinates election and voter services. There are 24 polling sites across the City, however an accessibility assessment has only been conducted at one site. The accessibility of other sites, such as parking, exterior routes, entrances, interior routes and restrooms, is unknown. Curbside voting options are offered at each site; however this approach does not always allow for independent, private voting compared to that within the polling site. The City uses the ES&S AutoMARK voting system, including their wheelchair accessible units. As part of the training program, poll workers are shown a video on how to accommodate people with disabilities that was produced by the Minnesota Secretary of State.

Required: Conduct an accessibility assessment of polling places and prioritize corrective actions in the ADA Transition Plan.

Recommended: Providing hands-on training to staff within the City Clerk's office and poll workers on the accessibility features of the voting system. The AutoMARK systems include features such as an audio ballot; a tempo control voice technology; directions and a touch pad with Braille; repeat key voice technology; sip/puff tube for people with limited mobility or manual dexterity; and zoom and contrast button for the visually impaired. Following the training video screening, provide staff with the opportunity to test the different accessibility features. All staff should have advance competencies to enable the features, explain them to the voter, and test them in advance of opening the polling site.

Recommended: Conduct a minimum 90-minute training on the application of the accessibility standards to polling places. Then conduct a pilot accessibility assessment with a team consisting of elections staff and JQP Inc to determine a feasible approach for completing an accessibility assessment of all City polling locations.

Recommended: Adopt a policy that no new polling sites will be added until they are fully assessed for compliance with the accessibility standards, assuring voters can access parking, entrances, routes, voting booths, restrooms and any other amenities at each location.

12. EMERGENCY PREPAREDNESS AND PUBLIC SAFETY

Public safety and emergency preparedness are priorities for the City. The original ADA Transition Plan included several corrective actions at the supporting facilities for both the police and fire departments that were easily completed in the 1990s. First responders report their most current training has focused on responding to people in mental health crisis and there has been a lengthy gap in training on the application of the ADA to the public safety departments. The 911 system and emergency management response are coordinated by the County with several partner agencies. The emergency management plan was not available at the time of this evaluation and staff were unaware of specific accommodations addressing the needs of residents with disabilities. The Brooklyn Park Community Activity Center and local schools have been designated as emergency shelters. Staff noted that in the event accessible transportation is needed for emergency management, the City has an agreement with EMS, the ambulance service, the school district, and local mass transit to utilize accessible vehicles for transport residents with disabilities.

Facilities are responsible for the development of their own emergency procedures. Prior to the pandemic, an outreach program had been initiated by the Fire Department to coordinate emergency plans with individual building owners. This approach relies on the building owner and even private residences to identify if they have needs for occupants with disabilities. There is no central registry of information cataloged by address. For effective communication, first responders are able to utilize court authorized interpreters and the LanguageLine mobile app. While both public safety departments interact with several community organizations, there is a lack of connection with the disability community.

Recommended: Provide periodic refresher training for public safety personnel on the application of the ADA to police, fire and emergency management.

Recommended: Consider developing a voluntary program where residents can make known their address and any medical conditions or needs for special assistance in the event of a fire or other emergency. The information should be maintained confidentially within the emergency response system. However, it is the responsibility of the individual to keep the information updated, especially in the event of moving to a new address.

Recommended: Establish relationships with local disability advocacy organizations to gather public input on the needs of residents with disabilities in regards to public safety and emergency preparedness.

13. RECREATION PROGRAMS

The City's Recreation and Parks Department has a distinguished 20-year history of providing inclusive recreation opportunities for residents with disabilities. An inclusion process has been established to coordinate supports, modifications, and even equipment, if necessary, for participants with disabilities. An Inclusion Specialist who is also a Certified Therapeutic Recreation Specialist (CTRS) conducts an assessment with each prospective participant who has indicated a need for a disability-related accommodation. Recreation staff are fully committed to the "whatever it takes" approach to ensure people with disabilities can participate in all programs and activities. Staff have an exceptional ability to listen to family concerns regarding the needs of a child with a disability and to build relationships with these families so that their children have been able to fully benefit from participation in recreation

programs. An example of successful inclusion is illustrated by a girl who is profoundly deaf that wanted to enroll in the dance class. Staff were able to establish effective communication between the participant, the family, the instructor and other participants, and everyone had a great time. Most recently, staff have worked with participants in school-aged programs who, because of their disability, have had difficulty wearing masks or keeping them on all day. Staff have worked with program modifications to allow for socially-distanced time away from the group to take a break from wearing the masks, enabling the child to relax without the added stimulus.

13.1 Inclusion & Accommodation Process

While the Recreation Department has done exceptional work to establish an inclusion process and appoint qualified staff in key roles, there were a few notes where processes may need to be “tweaked” to assure ADA compliance, establish modifications in certain programs where there may be barriers to the physical environment, and further support individuals who may not want to disclose disability information. As it has been previously noted in Section 8, the ADA prohibits inquiry into the specifics of a disability. Therefore, it is paramount that the registration process shift focus from disability to accommodations. Recreation staff are currently evaluating language on the program registration forms by which people with disabilities can most effectively request a disability-related accommodation.

The Inclusion Form and Action Plan forms specific to the inclusion of participants with asthma, ADD/ADHD, allergies and diabetes have a boilerplate disclaimer at the top of the form regarding the Minnesota Government Data Practices Act with an explanation of how the private and confidential information will be used. Part of the disclaimer includes the statement *“You have the right to withhold this information. However, this may affect your ability to receive updated program information and/or accommodations.”* Disclosure of disability information should not be a condition for accommodation in a program.

While recreation staff are incredibly accommodating to assure participation in programs, there may be instances by which the accommodation borders on personal care assistance, which is not required by the ADA. Generally, inclusion supports and accommodations are determined together between the Inclusion Specialist and Recreation Supervisor. It may be necessary to bring a third decision maker into the process to represent the balance of risk management and ADA compliance. The City does not have a policy specific to personal care attendants being present in a program.

Required: Modify the registration process to present options for auxiliary aids, services and other disability-related accommodations.

Required: In the Inclusion Form and Action Plan Forms, immediately remove the statement *“However, this may affect your ability to receive updated program information and/or accommodations.”* An alternative statement may be phrased *“This information will assist the Inclusion Specialist and Program Staff to make effective accommodations so that your child may fully participate and benefit from the program.”*

Recommended: As follow up and completely separate from the registration process, offer the option of the therapeutic recreation assessment by certified staff. The inclusion questionnaire is preferably completed by staff through the interview process and/or only offered for completion by the parent/guardian in the event they are willing to offer more information as part of the assessment process. Completion of the inclusion questionnaire is voluntary.

Recommended: Continue to monitor the collection of private medical information based on the nature of the program. Continue to ensure that personal medical information is kept confidential, separate from participant program information, and only accessible to senior staff on a need to know basis. Any information collected as part of a medical form should only be collected out of business necessity because the Recreation Department is collecting such information from all participants, not just participants with disabilities. There may be an event where medical attention is required and business necessity dictates the collection of such information to expedite medical care due to the fact City staff will be the sole care provider for an extended period of time when parents/guardians may not be present.

Recommended: Develop a process, preferably with the addition of either the risk manager or Recreation and Parks Director to fully review accommodation requests that may be outside of standard operating procedure. In the event the accommodation request is denied, the denial should be documented with rationale that the request either poses a direct threat, a fundamental alteration to the program, or an undue hardship to the City.

Recommended: Develop a policy specific to participants that may need a personal care attendant present at a program.

13.2 Aquatic Programs

Aquatics programs are held at Brooklyn Middle School and Jackson Middle School. Neither location has been assessed for physical access under the City's ADA Transition Plan. The pool lift at Jackson Middle School is permanently installed, while the pool lift at Brooklyn Middle School must be installed upon request. A transfer step into the pool is also available at Brooklyn Middle School. Both pools are kept at a temperature for competitive swimming, which is considered colder than typical use for therapeutic aquatic programs. Under requests for warmer temperature pool programs, individuals are referred to programs offered by the City of Brooklyn Center and the Courage Kenny Rehabilitation Institute.

Recommendation: Conduct an accessibility assessment of the physical spaces where aquatic programs are held at sites that are not owned and operated by the City. During the assessment, confirm that both pool lifts can be independently operated from both the deck and the water levels, permitting a person to call the pool lift when the pool lift is in the opposite position. Through the City's partnership agreements, work with both school districts and other building owners to make accessibility improvements at sites where City programs are held.

13.3 Golf

The City operates two golf courses, Brookland Golf Park, a 9-hole golf course in Central Park, and Edinburgh USA, an 18-hole Robert Trent Jones II design. Generally, staff will make the exceptions to allow golfers with mobility impairments to drive golf carts as close to the ball as possible, but not on the green. At one time golf carts allowed this exception were flagged, but the flagging procedure has since been discontinued. Neither golf course has a single rider adaptive golf cart. One of the golf professionals that teaches lessons has been through training specific to accommodating golfers with disabilities, however the rest of the golf staff reports having limited knowledge of accessibility and disability-related accommodations.

Recommendation: Provide a single rider adaptive golf cart with hand controls and features that allow the golfer to hit from a seated position. To get started, it would be permissible to share a single rider

golf cart between the two courses if the unit can easily be transported from one location to the other with 24 hours notice. As more request to use the adaptive golf cart come in and demand grows, the acquisition of additional units is recommended.

Recommendation: Provide opportunities for golfers with disabilities to learn and practice golfing from the adaptive single rider golf cart.

Recommendation: Modify the policy to allow golfers with mobility impairments to access the tee boxes, fairways and greens as closely as possible via golf cart. Provide golfers with rule for driving on to these areas, such as straight on/off and no turning, to minimize any impact to the grass.

13.4 Interpretive Programs at Historic Eidem Farms & Other Locations

The City offers interpretive programs at Historic Eidem Farms which includes 19 acres and two farmsteads. Programming for school groups, senior groups and public events include interpretation of the 2-story house and grounds. Historic Eidem Farms has adopted a welcoming accessibility statement and posted detailed information regarding the physical accessibility of the site on its web site. For example, information explains the uneven terrain surfaced with crushed limestone gravel and grass; and limited access to the first floor of the historic house with no access to the second floor. The format and detail of accessibility information made available to the public can serve as a model for other park web pages.

The City has adopted a master plan for the site, addressing physical access and interpretive themes. Staff has noted limited for training providing historic and environmental interpretation to people with disabilities, but has gained direct program experience and worked closely with the Inclusion Specialist. Staff has limited knowledge of live descriptive services to accommodate visitors with visual and cognitive impairments. A self-guided tour of the site is under development. The site also hosts special events throughout the year.

Recommended: A current accessibility assessment is recommended to update the City's ADA Transition Plan whereby accessibility improvements can be further planned and assigned as either ADA or to be addressed in the capital improvements.

Recommended: Considering the major interpretive themes and master plan, identify relevant tactile objects that can be used to support the live descriptive service for visitors with visual and cognitive impairments.

Recommended: Consider developing a tactile map or model of the site to support visitor orientation and wayfinding.

Recommended: Convert the photo book of the second floor to a permanent exhibit benefitting all visitors.

Recommended: Consider technology options like Facetime or Zoom to keep members of the group with mobility impairments who cannot access the second floor engaged with the tour.

Recommended: Support staff to receive training on interpretive practices and live descriptive services to accommodate visitors with disabilities.

14. SPECIAL EVENTS & FESTIVALS

The City is host to dozens of special events throughout the year from Tater Days and Fall on the Farm to drive-in movies and a weekly farmers market. Special events may be produced and coordinated by the Recreation and Parks Department or other groups may use a City property to produce their own event. People with disabilities have an expectation that because an event takes place at a City park or facility that the event will be accessible. Staff have shared concern over the placement of temporary event activities such as booths, food vendors, and portable toilets in proximity of an accessible route. For some events, the use of auxiliary aids and services like sign language interpreters, captioning and assistive listening systems has been spotty. There is no definitive policy that the largest events will be proactively scheduled for auxiliary aids and most still rely on the individual with a disability to make the advance request. It would not be uncommon for staff or volunteers at the information booth to lack details on the accessible features and services of the special event. For City-produced programs and special events, it is imperative that auxiliary aids are planned in advance even if they are by request; that all locations are selected because the sites are accessible; and that temporary structures, booths, demonstrations or other activities are located along the accessible route.

In those instances, when external groups have requested special permits or permission to hold a public event on City property, accessibility must be a major consideration. It is in the best interest of both the group and the City to ensure an accessible location has been selected and all efforts have been made to comply with the ADA. The role of issuing a permit, providing use of facilities, or extending supporting services puts the City in a unique position to influence the accessibility of special events with the coordinating entities. A designated employee with accessibility and event planning or an event review committee should guide the external group toward meeting the ADA requirements for program access, effective communication and physical access. They can also give guidance on the selection of other auxiliary aids and services like sign language interpreters, assistive listening systems, sighted guides, large print, etc. An accessibility checklist can also guide the event holder in planning, such as creating a general layout of the event and demonstrating where all the accessible amenities will be located. Ideally there would be a pre-event inspection of the layout and amenities to make sure everything was accessible before the event was opened to the public.

Required: Adopt an internal policy that all City-produced special events will be held in accessible locations, including parking, accessible routes, restrooms and amenities like picnic tables, benches and drinking fountains (*§35.149 Program accessibility*).

Required: Adopt language to permits and contracts stating the permit holder and/or contracting entity will be responsible for complying with the ADA and ensuring the event is accessible to people with disabilities.

Recommended: Include the ADA Coordinator or Inclusion Specialist to the event committee to more fully address the ADA programmatic requirements for auxiliary aids and services.

Recommended: Refer event holders to the resource publication "[A Planning Guide for Making Temporary Events Accessible to People With Disabilities](#)" so they have a better understanding of the expectations and means to coordinate a successful AND accessible event. Consider holding an annual or semi-annual training for event coordinators on ADA compliance.

15. PURCHASING

The City Manager is considered the chief purchasing agent while the Finance Department serves to administer policies and procedure; and the department heads are responsible for monitoring purchases within their respective departments. The purchasing process through the City is very decentralized, originating in the benefitting department. The buyers may or may not have knowledge of the application of the ADA regulations and accessibility standards to the product or service they seek to purchase. Thus, the acquisition process does not include a point by which any new fixtures, furnishings or technologies are validated as compliant with the ADA accessibility standards before the purchase is confirmed with a vendor.

There is limited boilerplate information in requests for proposals, bids and/or contract documents referencing compliance with the Americans with Disabilities Act of 1990 (1990). Many agencies provide a boilerplate statement regarding compliance with the ADA. This statement provides an overall expectation to the seller of the requirements the agency has for the equipment, product or service to be compliant with the ADA. However, in many cases the statement may be too broad to ensure certain equipment, products, or services meet the standards and regulations of the ADA. Furthermore, in instances where there are general requirements but no specific technical provisions in the ADA, the seller is likely to use a false/uninformed defense like "The ADA does not apply." For example, a bid or contract for the development of a web-based application with this broad statement does not ensure the final product is accessible simply because the ADA does not have specific standards for the web, apps and information technology. Instead, and in the absence of finalized standards for electronic and information technology under the ADA, the City should adopt specific criteria to ensure procured equipment, products and services are accessible to the public and employees. As such in this example, the bid and contract for web/app development should include specific language that the final product must meet all requirements of the Web Content Accessibility Guidelines (WCAG) 2.0 and the Section 508.

Several external groups use the City facilities and park properties to conduct programs and activities such as softball leagues and soccer tournaments. Each group has a unique partnership agreement. Because these programs and activities are held on City properties, the City can also be held responsible if a person with a disability is denied participation.

Recommended: Utilize the expertise of the ADA Coordinator to develop bid criteria and technical specifications to ensure the procurement of accessible equipment, products and services on a case by case basis. Inspect all final projects and products for ADA compliance prior to issuing final payment to the vendor.

Recommended: Consider adding a section on accessibility and ADA compliance to the purchasing manual. Provide an explanation of the need to ensure the product or service is compliant with current accessibility standards prior to the purchase and provide a list of resources including support from the ADA Coordinator.

Recommended: Add a boilerplate statement for requests for proposals, bids and contracts, stating the City expectation that "All successful bidder(s) will be required to comply fully with the Americans with Disabilities Act of 1990 (ADA)." Further, each document should include agency expectations in the absences of finalized ADA standards, such as reference to the Architectural Barriers Act provisions for

outdoor developed areas including trails, campgrounds, beaches, picnic areas and scenic viewing areas; proposed ADA accessibility guidelines for public rights of ways and shared use paths; the Section 508 standards for electronic and information technology; and the Web Content Accessibility Guidelines (WCAG) 2.0.

Recommended: Add language to partnership agreements whereby organizations will attest to complying fully with the Americans with Disabilities Act of 1990 (ADA) and if such instances or claims of disability discrimination are made, the City will be notified immediately.

16. REGULATORY SERVICES

The City conducts several different regulatory services through both the Community Development Department and the Finance Department. City regulatory services include the issuance of vehicle, rental and business licenses; plan reviews, building permits and building code enforcement; property assessments; public health monitoring and environmental inspections; water and utility billing; housing and economic development. Interactions with the public may be over the phone, via e-mail, in-person at a City facility, or on-site. Information is made available to the public in a wide variety of formats, the City web site, electronic files like PDFs, and printed documents like fliers, mailers and forms. Staff will provide alternate formats and even assist individuals to fill out forms upon request. They want to provide the customer service excellence that has come to be expected in the City of Brooklyn Park.

Required: Review every electronic form, whether a PDF or web-based form, to ensure it is fully accessible to people with disabilities who may use adaptive technologies to read, complete and/or submit the information. Include a notation on each form "Alternate formats of this publication are available upon request by calling [Contact and phone number]."

Recommended: Considering the volume of public correspondence, conduct an annual review of all documents to ensure the most current accessibility statement or longer description to request auxiliary aids and services is included.

Recommended: Provide training to staff on the application of the ADA to City programs, services and activities and support staff to develop a process of providing accommodations for residents and visitors with disabilities.

Recommended: Provide a channel for staff to connect to the disability community to better gauge the level of service, expectations and needs that may not be met.

Recommended: Identify the services that could be further highlighted in a brochure, publication and/or web page on City-specific services for people with disabilities.

17. EMPLOYMENT & PROFESSIONAL DEVELOPMENT

The City of Brooklyn Park employs approximately 400 full and part-time permanent staff plus seasonal employees to meet the daily needs of residents, visitors and businesses. The Human Resources Department supports the employment functions for the public entity including recruitment, training and development, employee benefits, collective bargaining and labor contracts, compensation, job classifications, and policy development. The City has put many processes into place, consistent with similar size companies, to comply with the employment provisions of the ADA. The City subscribes to

the www.neogov.com web service to post position announcements, accept job applications and screen perspective candidates. Information is included on the web site for applicants as to how they may request a reasonable accommodation for the interview process or any pre-employment tests that may be administered.

Job descriptions broadly lists responsibilities and tasks. They are not formatted to differentiate between essential functions and marginal functions. They do not include any mention of physical requirements such as lifting, standing or prolonged periods of sitting. Job description questionnaires have been completed on several positions. However, the resulting data has from the job description questionnaire has not be translated to the job description. Presenting job descriptions that outline essential and marginal functions along with physical requirements communicates the employer's expectations with prospective new hires and current employees who may need to request a reasonable accommodation.

While both the public facing job opportunities section of the web site and the employee handbook state that applicants and employees can requests disability-related accommodations, they lack specifics on the process. Miscommunication between the employer and the employee is more likely to occur when the accommodation process is not clearly outlined. Employees should have information on who the request should be made to whether it be the supervisor or human resources; any necessary paperwork that should be completed in advance; examples of disability-related accommodations; and any appeal process should the accommodation request be denied. It is a good idea for employers to describe how the reasonable accommodation is determined, preferably with input from the employee, supervisor, and HR accommodation specialist.

New employee orientation includes a verbal description of the accommodation process. There is no specific training or requirement for employees to complete training on ADA compliance.

Required: Develop individual job descriptions formatted with the essential functions, marginal functions and physical requirements for each employment position. Job descriptions formatted in this manner should serve as guidance to clearly define which essential functions must be performed either with or without a reasonable accommodation, which marginal functions may be reassigned, and how the essential functions are related to physical tasks (*§35.140 Employment*).

Recommended: Update the employee handbook to outline the procedure for employees to request ADA accommodations. Ensure the procedure includes information on timelines the employee should expect are followed, documents to be completed, medical documentation required, and the appeals process should a request be denied.

Recommended: Utilize and designate an HR specialist as an accommodation specialist to support employees and supervisors through the ADA accommodation process.

Recommended: Develop a system to track the receipt, documentation, review process, accommodation provided/denied, and outcome of the appeals for ADA accommodations in the new HR system.

Recommended: Review the City's recruitment/hiring practices to ensure that sources for recruitment include organizations that train and place people with disabilities and that job announcements, job fairs, etc. are accessible to persons with disabilities.

Recommended: Conduct annual disability awareness training for ALL City personnel to build a culture whereby disability is understood to be a part of the diversity of the City’s workforce.

Recommended: Develop a training calendar and training modules for supervisors and managers on ADA accommodations; and the interplay between the ADA, reassignment and collective bargaining agreements. Consider use of an online learning manager system to document completion of required and elective training.

Recommended: Provide support for professional development to staff interested in completing the [ADA Coordinator Training Certification Program](#) offered through the Great Plains ADA Center and participating in the monthly webinars presented by the [National Network of ADA Centers](#).

CONCLUSION

Successful inclusion of people with disabilities starts with a commitment from the top, quality customer service on the frontline and a thorough understanding of the standards, regulations and emerging best practices. An effective accessibility management/compliance program utilizes a team approach that includes representation of key decision-makers. Simply, ADA compliance is not just one person’s, the ADA Coordinator’s, job, it must be everyone’s responsibility. City leadership and frontline staff have been fully engaged in this evaluative process, sharing information and asking questions as to how they can better serve residents and visitors with disabilities. The organization supports a “whatever it takes” culture that gives staff autonomy to put accommodations into place so that people with disabilities can fully participate in City programs, services and activities. Staff WANT to do “whatever it takes” not for the purpose of ADA compliance, but because they all share the common vision to build a healthy community by being welcoming and inclusive of everyone, regardless of background or ability. The next steps, simply, are to give staff the foundational knowledge – the how to’s – for modifying policies, instituting best practices, planning accessibility improvements, and carrying out an ADA Action Plan.

RESOURCES

For questions about the policy review or technical assistance on the ADA regulations under Title II, the accessibility standards or best practices of universal design, contact:

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U.S. Department of Justice
(800) 514-0301
www.ada.gov

U.S. Access Board
(800) 872-2253
www.access-board.gov

Great Lakes ADA Center
(800) 949-4232
www.adagreatlakes.org

Job Accommodation Network (JAN)
(800) 526-7234
www.askjan.org