

Memorandum #08-47

To: Al Viereck, Interim City Manager
From: Kevin Kuhl, Director of Public Works
Subject: Memorandum #08-47 in support of Resolution#08-11 to Adopt Updated Nondiscrimination Policy Statement and Appoint ADA Coordinator in Compliance with Disabilities Act
Date: March 4, 2008

The United States Department of Transportation Federal Highway Administration conducted a Baseline Assessment of the City of Yankton's Section 504/Americans with Disabilities Act (ADA) activities which resulted in the attached letter dated February 12, 2008.

In order to address review comments and be compliant with requirements the attached Nondiscrimination Policy Statement should be adopted and an ADA coordinator identified at this time. It is recommended that the attached Resolution #08-11 be approved by the City of Yankton Commission in order to address and clarify these two issues.

Department of Public Works will need to pursue other items identified in No. 4 and 5 of the February 12, 2008 letter. Public Works is negotiating with Planning and Development District III to have an evaluation prepared, which is the first step in developing a transition plan. There will be follow up action requested of the City Commission to authorize a service agreement with District III at a future Commission meeting.

Recommendation: It is recommended that the City Commission adopt Resolution #08-11 in order for the City of Yankton to be current with the Americans with Disabilities Act.

Respectfully submitted,

Kevin Kuhl, PE
Department of Public Works

_____ I concur with this recommendation.

_____ I do not concur with this recommendation.

Al Viereck
Interim City Manager

Cc: Sue Hanson

Attachments

RESOLUTION #08-11

Compliance with the Americans with Disabilities Act of 1990

WHEREAS, the U.S. Department of Justice has promulgated certain regulations pursuant to Section 504/Americans with Disabilities Act of 1990 (ADA); and

WHEREAS, to be compliant with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 the City of Yankton is required to establish the attached NONDISCRIMINATION POLICY STATEMENT; and

WHEREAS, the City of Yankton is also required to clearly identify an ADA Coordinator to oversee said compliances;

NOW THEREFORE BE IT FURTHER RESOLVED that the attached NONDISCRIMINATION POLICY STATEMENT be adopted for compliance with the Americans with Disabilities Act 1990 and Section 504 of the Rehabilitation Act of 1973; and

BE IT FURTHER RESOLVED the City of Yankton Human Resources Coordinator is hereby appointed as ADA Coordinator in compliance with the conditions of the Americans with Disabilities Act.

Adopted:

C. N. Gross, Mayor

ATTEST:

Ann Clough, Deputy Finance Officer

CITY OF YANKTON
NONDESCRMINATION POLICY STATEMENT
3-5-08

In compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990, and other nondiscrimination authorities it is the policy of

City of Yankton
416 Walnut Street
Yankton, SD 57078

to provide benefits, services and employment to all persons without regard to race, color, national origin, sex, disability/handicap, age, or income status. No distinction is made among any persons in eligibility for the reception of benefits and services provided by or through the auspices of the City of Yankton.

If you have any concerns regarding the provision of services or employment on the basis of disability/handicap you may contact our ADA/Section 504 Coordinator/Human Resources Coordinator at telephone number 605-668-5222.

All persons and organizations having the occasion either to refer persons to or recommend this facility/agency are advised to do so without regard to the person's race, color, national origin, sex, disability/handicap, age, or income status.

If you have a question concerning compliance, you may contact any of the City Council Members listed below at PO Box 176, Yankton, SD 57078 or email at commission@cityofyankton.org:

Charlie Gross (Mayor)
David Carda
William Duke Ellingson
David Knoff
Paul Lowrie
Charles Murphy
Dan Specht
Judy VanDerhule
Nancy Wenande

OR, Current Elected Officials whose names are available from
the City of Yankton, 416 Walnut Street, Yankton or by calling (605)668-5221.

You may also contact:

Associate Administrator for Civil Rights, Office of Civil Rights,
United States Department of Transportation, Federal Highway Administration,
Southeast Federal Center
1200 New Jersey Avenue SE, Washington, DC 20590.
Telephone: (202)366-1599



U.S. Department
of Transportation

**Federal Highway
Administration**

South Dakota Division

February 12, 2008

116 East Dakota Avenue
Pierre, South Dakota 57501

The Honorable Charles Gross
Mayor of Yankton
P. O. Box 176
Yankton, South Dakota 57078

In Reply Refer To:
HAD-SD

Dear Mayor Gross:

An inherent role of the Federal Highway Administration is to verify that recipients of Federal-aid Highway Funds comply with all applicable Federal laws and regulations. We have now completed assessments of all Class 1 Cities in South Dakota to determine what efforts have been made to implement pedestrian accessibility requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

The purpose of this letter is to thank Mr. Kevin Kuhl for taking the time to meet with Marc Hoelscher and me on February 7, as part of our Section 504/Americans with Disabilities Act Baseline Assessment of Local Agencies, and to follow up on the submission of items requested during the assessment. In order to complete the assessment for the City of Yankton, we request the following documents:

1. A copy of the City Commission/Council action designating an ADA Coordinator.
2. A copy of the City of Yankton's Grievance Procedures (you may insert the City information as appropriate on the sample provided during our meeting).
3. A copy of the City of Yankton's Non-Discrimination Policy. The policy should include the name, title, office address, and office telephone number of the ADA Coordinator (you may insert the City information as appropriate on the sample provided during our meeting).
4. A copy of the City of Yankton's self-evaluation of the City's right-of-way needs (e.g., curb ramps, slope of the curb ramps, width of the curb ramps, detectable warnings, etc.).
5. A copy of the City of Yankton's Transition Plan, including a curb ramp installation schedule as it relates to the remediation of item 4 above.
6. A copy of your public meeting announcement.
7. A statement that the City's Website and Telephone Services are accessible to those with hearing and sight impairments.

**AMERICAN
ECONOMY**

Please submit items 1 through 3, and 6 and 7 to our office no later than March 7, 2008. And please submit your Self-Evaluation and Transition Plan to our office by August 1, 2008. If you have concerns with this time-table, please contact me at your earliest convenience.

If you have any questions, or need additional information, please feel free to contact either Marc Hoelscher at (605) 224-7326, Ext. 3036; or me at (605) 224-7326, Ext. 3027.

A handwritten signature in cursive script, appearing to read "Kenneth L. Erlenbusch".

Kenneth L. Erlenbusch
Realty Civil Rights Officer