

# **Larimer County, Colorado**

# **ADA**

Americans with  
Disabilities Act

## **Transition Plan**

**January 2020**

## **Background**

The Americans with Disabilities Act (“ADA”), enacted on July 26, 1990, and updated on September 14, 2010, provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, state and local government services, public accommodations and telecommunications.

This Federal civil rights regulation implements Title II of the ADA, which applies to state and local governments. The Title II regulations are similar and based on the earlier Rehabilitation Act of 1973 Section 504 as amended, which prohibits discrimination based on disability in federally assisted programs and activities. Title II of the ADA essentially extends the nondiscrimination mandate of section 504 to all State and local government services, programs, and activities including those provided by Larimer County. To assist with the ongoing process of ensuring ADA compliance Larimer County developed the following Transition Plan.

## **Transition Plan**

The 1991 ADA regulations required all public entities, regardless of size, to evaluate their services, policies, practices and facilities to determine whether the entity’s programs, when viewed in their entirety, were accessible to persons with disabilities. In addition, public entities with 50 or more employees were required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion. Larimer County invites interested individuals to participate in the self-evaluation and transition planning processes by submitting comments. While the 2010 regulation does not specifically require public entities to conduct a new self-evaluation or develop a new transition plan, Larimer County continues to evaluate its services, programs, activities and facilities, as documented in this Transition Plan.

## **ADA Coordinator**

Public entities with 50 or more employees are required to designate at least one responsible employee to coordinate ADA compliance. The County currently has the following responsible employee

Donna J. Notter, ADA Coordinator  
Risk Management  
400 W. Oak Street, Suite 4000  
Fort Collins, CO 80521  
Phone: 970-498-5967  
TTY: Colorado Relay – 711  
Email: [accessibility@larimer.org](mailto:accessibility@larimer.org)

The County’s ADA Coordinator coordinates Larimer County’s efforts to comply with the ADA and investigate any complaints or allegations that the County has violated the ADA. The coordinator also assists County departments in making “reasonable modifications” in their usual way of doing things when necessary to accommodate

people with disabilities. Citizens who have concerns with the accessibility of a County service, activity, program or facility should contact the ADA Coordinator for assistance.

Individuals with disabilities who require auxiliary aids and service should contact the individual listed as the point of contact for that service, activity or program.

### **Auxiliary Aids and Services**

Communicating successfully is an essential part of providing service to the public. Larimer County attempts to make its written and spoken communications as clear and understandable to people with disabilities as it does for those without disabilities. Larimer County has taken steps necessary to communicate effectively with people who have disabilities, through auxiliary aids such as readers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), video conferences, website information, information provided in large print, Braille, Audible or electronic formats, and other tools for people who have communication disabilities.

Because the nature of communications differs from program to program, the County attempts to be flexible in determining effective communication solutions. The goal is to find a practical solution that fits the circumstances, taking into consideration the nature, length, and complexity of communication, as well as the person's normal method(s) of communication. What is required to communicate effectively when a person attends a Commissioner's meeting is very different from what is required to communicate when paying a property tax bill. Larimer County training includes information on the County's responsibility to effectively communicate with people who have communication limitations.

### **Website Accessibility**

Since the enactment of the ADA in 1990, the Internet has dramatically changed the way Larimer County does business. Larimer County makes much of its information about services, programs, and activities available to the public by posting it on the Larimer County website. As a result, people can easily access information seven days a week, 24 hours a day. Many County services and activities are also provided on websites because the public can participate in them at any time of day and without the assistance of County personnel. Larimer County provides qualified individuals with disabilities equal access by complying with WCAG 2.0 standards and by making web pages available in text format for individuals who use screen readers. However, technology is changing, and website designers use creative and innovative ways to present web-based materials. These changes may involve new and different access problems and solutions for people with disabilities. Individuals with questions about the accessibility of the County's website should contact County ADA Coordinator Donna Notter who will coordinate with the Web Master regarding any changes.

## **Grievance Procedures**

This grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs or benefits by Larimer County Government.

The grievance/complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

### **Procedure**

An individual who believes he or she has been discriminated against on the basis of disability in the provision of services, activities, programs or benefits by an agency of Larimer County Government should, if possible, try to resolve the issue locally with the director or supervisor of the program or services. If this informal attempt at resolution is unsuccessful, the complainant shall follow these steps.

#### **Step 1: Grievance**

Fill out all the information requested on the ADA Title II Grievance Form. Mail, email or hand deliver the completed form to the ADA Coordinator. If the complainant needs a reasonable accommodation to communicate his or her complaint, such as an interpreter or an alternative format, it should be listed on the complaint form so that the ADA Coordinator can arrange for an accommodation for effective communication. ADA complaints must be filed within 60 calendar days after the discriminatory action or situation was alleged to have occurred.

Donna J. Notter, ADA Coordinator  
Larimer County Government  
200 West Oak Street, Suite 4000  
P.O. Box 1190  
Fort Collins, CO 80522  
Phone: 970/498-5967  
TTY: Colorado Relay – 711  
Email: [accessibility@larimer.org](mailto:accessibility@larimer.org)

#### **Step 2: Meet with the ADA Coordinator for Larimer County or her designee**

Within 15 business days after the complaint is received by the ADA Coordinator, the Coordinator or her designee will meet with the individual or contact him or her regarding his or her complaint.

If it is determined that the individual is a qualified individual with a disability under the ADA, the ADA Coordinator or her designee will attempt to resolve the complaint.

### **Step 3: Resolution of the Complaint**

If the individual and the ADA Coordinator or her designee jointly agree to a resolution of the complaint, the ADA Coordinator or her designee will put the joint agreement in writing and send it to the individual. The agreement will generally contain the following items:

- A description of the complaint.
- A summary of the facts.
- A description of the resolution agreed to.
- The timeframe for resolving the complaint.
- Assurance that Larimer County Government will comply with the specific terms and conditions of the agreement.

For this resolution to be effective, the individual must sign a copy of the agreement and return it to the ADA Coordinator or her designee in the time specified.

### **Complaint Not Resolved:**

If the individual and the ADA Coordinator or her designee cannot resolve the complaint, the ADA Coordinator or her designee will send the individual a notice of that fact. The notice will generally include the following:

- A description of the complaint
- A summary of any resolution proposed
- A statement addressing the issues that could not be resolved

It is important for the individual to keep copies of the original complaint or notifications received after meeting with the ADA Coordinator or her designee, as well as any other correspondence or other documentation that is related to the complaint and bring those copies to all meetings, reviews and appeals related to the complaint.

If the complaint is not resolved, the individual may request a further review of the complaint by the County's Risk Manager, who will review the decision of the ADA Coordinator. If additional information is required, the Risk Manager will schedule a meeting with the individual within 15 business days of having received the complaint. The Risk Manager will issue a decision on the complaint within 15 business days of having received the decision of the ADA Coordinator or her designee, or his meeting with the individual, whichever is appropriate. The decision of the Risk is not appealable.

### **Appeals**

If the response by the ADA Coordinator or her designee does not satisfactorily resolve the issue, the complainant and his or her designee may appeal the decision, in writing, within 15 calendar days after receipt of the response to the Larimer County Risk Manager:

Jeffrey L. Green, ARM-P  
Director of Risk Management  
Larimer County Government  
200 West Oak Street, Suite 4000  
PO Box 1190  
Fort Collins, CO 80522-1190

Within 15 calendar days after receipt of the appeal, the Risk Manager or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Risk Manager or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written grievances received by the ADA Coordinator or designee, and responses from this office will be retained by the Larimer County Government for at least three years.

### **U.S. Department of Justice**

If the individual still believes the grievance has not been resolved, he or she may request a decision from the:

**U.S. Department of Justice**  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
202-514-2000

**Note:** At any time during the grievance procedure, the complainant may refer the complaint to the U.S. Department of Justice at the address above.

### **Analysis of Existing Facilities (Appendix A)**

Initial analysis of County facilities was conducted by Meeting the Challenge, Colorado Springs, CO in 2017 and 2018 and documented in the original Transition Plan. They conducted surveys of facilities based on the 1991 ADA Standards. They developed a rationale for prioritizing accessibility improvements for buildings owned and operated by Larimer County based on:

**Priority 1** - Accessible approach and entrance

**Priority 2** - Access to goods and services

**Priority 3** - Access to public toilet rooms

**Priority 4** - Access to other items such as water fountains and public telephones

Subject to annual budget appropriations and whenever possible, ADA alterations will be targeted for completion during the next 15 years.

### **Emergency Management/Shelters**

One of government's primary responsibilities is to protect residents and visitors. Providing emergency shelter during disaster and emergencies is a basic way of carrying out this duty. Larimer County will have its shelters provide equal access to benefits that shelters provide, including safety, food, services, comfort, information, a place to sleep until it is safe to return home, and the support and assistance of family, friends, unless an action would result in a fundamental alteration in the nature of a service, program or activity or that would impose undue financial and administrative burdens. For information about the County's accessible Emergency Management Plan for people with disabilities go to <http://www.larimer.org/emergency>.

### **Service Animals**

Larimer County follows the ADA in defining a service animal as a dog or miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. Under the ADA, "comfort," "therapy," or "emotional support" animals do not meet the definition of a service animal because they have not been trained to do work or perform a specific task related to a person's disability. Larimer County does not require service animals to be certified, licensed, or registered as a service animal. Nor are they required to wear service animal vests or patches, or to use a specific type of harness. Larimer County allows service animals to accompany individuals with disabilities in all areas of its facilities where the public is normally allowed to go.

Larimer County may exclude service animals from its facilities if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, the individual will still be allowed to enter the facility without the service animal. Larimer County does not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, as a condition for entry. In situation where it is not apparent that the dog is a service animal, Larimer County employees may ask: 1) is the animal required because of a disability? and 2) what work or task has the dog been trained to perform?

Larimer County reserves the right to determine, on a case-by-case basis, whether use of a service animal poses a direct threat, based on that animal's actual behavior or history.

### **Ticketing for County Events**

Larimer County will provide wheelchair spaces and companion seats that comply with the 2010 ADA Standards along with any other seats required to be offered for sale to people with disabilities. Larimer County will ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating when selling tickets for a single event, or series of events, at Larimer County facilities.

### **Wheelchairs and Other Power-Driven Mobility Devices**

Larimer County allows people with disabilities who use mobility devices into all areas of its facilities where the public can go as a type of “reasonable modification” necessary to accommodate people who have disabilities. People with disabilities use a variety of devices for mobility. Some use walkers, canes, crutches, or braces while others use manual or power wheelchairs or electric scooters, all of which are primarily designed for use by people with disabilities.

Advances in technology have given rise to new power-driven devices (known as “other power-driven mobility devices”) that are not necessarily designed specifically for people with disabilities but are being used by some people with disabilities for mobility. These are any mobility device powered by batteries, fuel, or other engines, whether they are designed primarily for use by individuals with mobility disabilities, for the purpose of locomotion. Such devices include Segways®, golf carts, and other devices designed to operate in non-pedestrian areas. Larimer County allows individuals with disabilities who use these devices into all areas where the public can go, unless the County can demonstrate that the device cannot be accommodated because of legitimate safety requirement. Larimer County considers these factors in determining whether to permit other power-driven mobility devices on County premises:

- The type, size, weight, dimension and speed of the device;
- The volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- The facility’s design and operation characteristics, such as its square footage, whether it is indoors or outdoors, the placement of station equipment, devices, or furniture and whether it has storage space for the device if requested by the individual;
- Whether legitimate safety standards can be established to permit the safe operation of the device; and
- Whether the use of the device creates a substantial risk of serious harm to the environment or poses a conflict with Federal land management laws and regulations.

Using these assessment factors, a County facility or program may decide, for example, that it can allow devices like Segways® in a certain facility, but cannot allow the use of golf carts, because the facility’s corridors or aisles are not wide enough to accommodate these vehicles. County personnel may ask for a credible assurance that the device is required because of a disability. The County will accept a valid, State-issued disability parking placard or card or a State-issued proof of disability or a verbal statement that the device is being used because of a mobility disability, unless the person is observed doing something that contradicts the assurance. For questions about the use of other power-driven mobility devices in Larimer County facilities, contact the Larimer County ADA Coordinator.

**Larimer County, Colorado**  
**Americans with Disabilities Act Transition Plan**  
Updated:

**Appendix A**

List of Completed and Ongoing Accessibility Modifications at Larimer County Facilities

**This document will be added.**