



MEMORANDUM

DATE: September 18, 2006

TO: The Honorable Mayor
and Council Members

FROM: Liana Perez, Director
OEOP

A handwritten signature in black ink that reads "Liana Perez".

SUBJECT: Department of Justice First Year Compliance Report

In January 2005, the City of Tucson was audited by the United States Department of Justice under a program entitled "Project Civic Access." A total of 48 facilities in which the City of Tucson provides a program, service and/or activity were audited. Of the 48 facilities, 6 were leased space facilities that house several City programs and/or services.

The American's with Disabilities Act of 1990 (ADA) mandates that individuals with disabilities are afforded equal access to and full participation in programs, services and activities pursuant to Title II. The audit conducted by the Department of Justice focused on the City of Tucson's compliance with Title II requirements, specifically the ADA Standards for Accessible Design (ADAAG) 28 CFR Part 36, Revised as of July 1, 1994.

On July 25, 2005, the City of Tucson and the Department of Justice entered into a 4 year Settlement Agreement. Under the Agreement, the City of Tucson is mandated to correct deficiencies identified in its facilities within a 3 year time period with an additional 1 year monitoring period. The City has met its first year reporting timeline.

Corrections to Facilities

The Settlement Agreement with the Department of Justice imposed timelines for each audited facility that was identified as being inaccessible pursuant to the ADA. The timelines imposed range from 6 months to 36 months. During the first 6 month reporting period, there were ADA compliance corrections made at 10 City of Tucson facilities: El Pueblo Library, Mission Library, Santa Rosa Learning Center, Santa Rosa Neighborhood Center, Fire Headquarters, City Hall, Ward 6, Wilmot Library, Miller Library and Fire Station 19. The total number of corrections made during this 6 month period identified in the audit were 106. In addition, during this same time period, 12 ADA deficiencies identified by the City of Tucson ADA project team were corrected at Jacobs Park.

During the next 6 month reporting period, 286 corrections were made to the following 12 facilities identified under the scope of the audit: City Court, Valencia Library, Columbus Library, Golf Links Complex, Main Library, Ward 5, Water Department Headquarters, Edith Ball Adaptive Recreation Center, El Pueblo Neighborhood Center, Quincie Douglas Recreation Center, Rincon Police Substation and Ward 4. In addition, the City of Tucson ADA project team identified and corrected 66 deficiencies that were not identified under the scope of the audit at the following facilities: Edith Ball Adaptive Recreation Center, Main Library, Quincie Douglas Recreation Center, Quincie Douglas Library and Rincon Police Substation.

There were also 2 restrooms in City Hall adjacent to Mayor and Council chambers that were modified to create 2 ADA accessible unisex restrooms as well as corrections made to El Rio Library totaling 21.

Corrections made in leased space facilities in which City of Tucson provided a program/activity and/or service totaled 22. These facilities are: the Pioneer Building, Desert Willow Elementary School, Henry Elementary School, and Mesquite Elementary School. The MacArthur Building and the building that housed the Human Resources Department were also audited as a leased facility; however, since the audit, the MacArthur Building has been purchased by the City and as such will be audited, in its entirety, under the City's self-evaluation process. The Human Resources Department vacated the leased facility it occupied and is now housed on the 3rd floor at City Hall.

The total corrections made during the first reporting period, which is inclusive of those deficiencies identified under the scope of the Department of Justice audit, corrections identified by the ADA project team as well as corrections made to the leased facilities total 513.

There were 74 claims submitted to the Department of Justice in which the City of Tucson is claiming technical infeasibility, requesting an extension or disputing the findings of specific deficiencies identified in the audit.

Attached, you will find 5 charts indicating the percentage of corrections to facilities that have been made as well as percentages for those areas in which the City has claimed technical infeasibility, requested an extension or disputed the Department of Justice's findings. The pie chart (DOJ First Year ADA Compliance Status) depicts the overall status of corrections, disputes, extension requests and technical infeasibility claims for the first reporting year. The 4 column charts (DOJ First Year ADA Compliance by Facility) breaks down the corrections, disputes, extension requests and claims of

technical infeasibility for each facility identified under the scope of the audit for the first year reporting cycle. As you will note in the column chart, the only facility that is representative of all reporting elements, i.e., corrections, technical infeasibility, disputes and request for extension is Rincon Police Substation. The charts, as presented, depicts the actions taken during this first reporting year.

Signage

The City of Tucson procured the services of a contractor, Kachina Signs, to survey and submit a proposal for a sign package for facilities under the scope of the audit having multiple entrances not all of which are accessible. Kachina's proposal was accepted and installation of an estimated 50 entrance signs commenced on July 25, 2005 and was completed on October 20, 2005. In addition, accessible directional signage was installed during the first reporting period in various facilities identified under the scope of the audit.

ADA Training

Under the Settlement Agreement, the City of Tucson was mandated to develop a 2 hour training program on the requirements of the ADA and appropriate methods to use when providing services to persons with disabilities to all City employees who have direct public contact. The training began in February 2006 and to date approximately 1,533 City employees have been trained. Within the next few months, Tucson Police, Tucson Fire and City Court employees who have direct public contact will receive ADA training. It is estimated that by the end of December 2006, all training will be completed at which time almost 4,500 City employees who have direct public contact will have been trained.

In addition, on December 8, 2005 all ADA Departmental Liaisons were trained in the use of the Arizona Relay Service.

Web-Based Programs and Services

The Settlement Agreement stipulated that City web pages be accessible to persons with disabilities. The City's Information Technology Department (IT) issued guidelines to 37 City employees responsible for designing, developing and maintaining City web pages as well as posted an online policy relative to web accessibility. Presently, the City of Tucson IT staff utilizes Bobby and Wave software to ensure accessibility guidelines are being met. Representatives from the Commission on Disability Issues (CODI) have been invited to test City of Tucson web pages for ease of use.

TTY/TDD (Law Enforcement & Effective Communication)

As a requirement under the Settlement Agreement, the City of Tucson was mandated to adapt for its own use a statement on "Effective Communication with People Who Are Deaf or Hard of Hearing" and were required to distribute to TPD officers the "Guide for Law Enforcement Officers When in Contact with People Who Are Deaf or Hard of Hearing." Additionally, in April 2005 the City of Tucson entered into a contractual agreement to procure the services of 2 locally qualified oral/sign language translation and interpretation agencies (Asturias Language Interpreters and Community Outreach Program for the Deaf) to ensure that translation and interpreting services are available to accommodate persons with disabilities.

The Settlement Agreement also dictates that each City of Tucson police substation is equipped with a working teletype communication device (TTY) or a telecommunications device for the deaf (TDD) to enable persons who are deaf, hard of hearing, or who have speech impairments to make outgoing telephone calls equal to what is afforded to persons without disabilities. TPD's General Orders have been amended to reflect the inclusion of TTY/TDD systems as well as to document that persons who use TTYs/TDDs are afforded a longer period of time to make a call due to the slower nature of the TTY/TDD communications compared with voice communications.

Assistive Listening Systems (ALS)

In July 2006, the City of Tucson published a Notice of Request for Proposal and a subsequent amendment to the proposal requesting that proposals be submitted for installation of ALS systems throughout various City facilities identified under the scope of the audit. Currently, the evaluation committee is reviewing proposals and it is anticipated that services to install the ALS systems will be procured by early October 2006.

Voting (Polling Sites)

From July 2005 through December 2005, the City of Tucson surveyed 135 polling sites to determine accessibility. Of the sites surveyed, 108 were deemed to be non-compliant with the ADA. Letters as well as descriptions of the identified deficiencies were sent to site representatives requesting a response as to whether or not compliance would be met. The City received 28 responses with 12 responding their willingness to comply with making the corrections while 15 responses cited their inability to comply with making the corrections. Presently, an all-mail ballot type of voting system is being considered. Corrections to City-owned polling sites will be conducted by March 2007.

Emergency Preparedness

Under the Settlement Agreement, the City of Tucson was required to develop and implement written procedures to assist persons with disabilities in the event of a disaster. On January 24, 2006, the City of Tucson implemented, as part of a regional Emergency Management Procedure, its procedures to ensure that provisions for and care of persons with disabilities as well as their service animals are met in the event of a disaster.

Complaint Procedure/Outreach

ADA Accessibility Complaint cards were created in consultation with the Commission on Disability Issues (CODI) in an effort to address accessibility issues in City-owned facilities that were not included under the scope of the audit. In addition, the OEOP website is continuously updated with information on ADA Departmental Liaisons, complaint forms/cards, resources and policies/procedures. The website to access the OEOP website, specifically for ADA updates and additional information is <http://www.tucsonaz.gov/eoo/ADA/ada.html>. An ADA informational guide on accessibility to City of Tucson programs, services and activities has been created and will be distributed to Council Offices, various City departments, and other outside agencies.

Budget

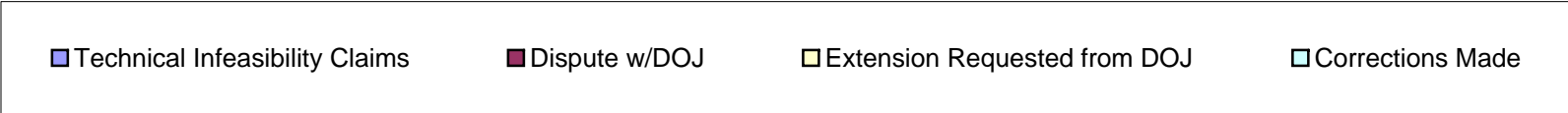
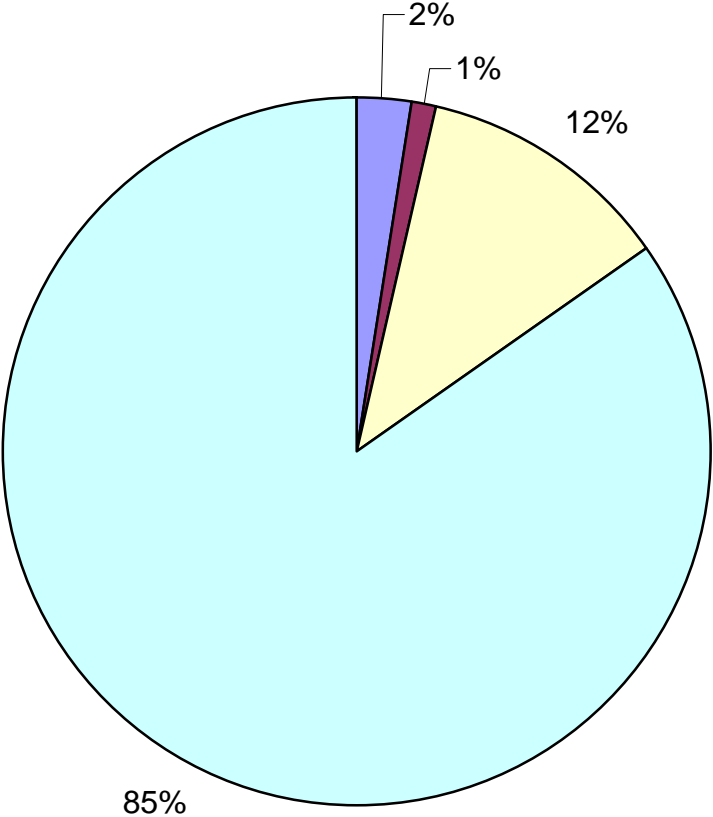
During this reporting period, the cost for making corrections to facilities identified under the scope of the audit and facilities that were not included in the audit totaled \$538,657.51.

Should you have any questions regarding this memorandum, or would like to review the report, in its entirety, please contact me at 791-4593.

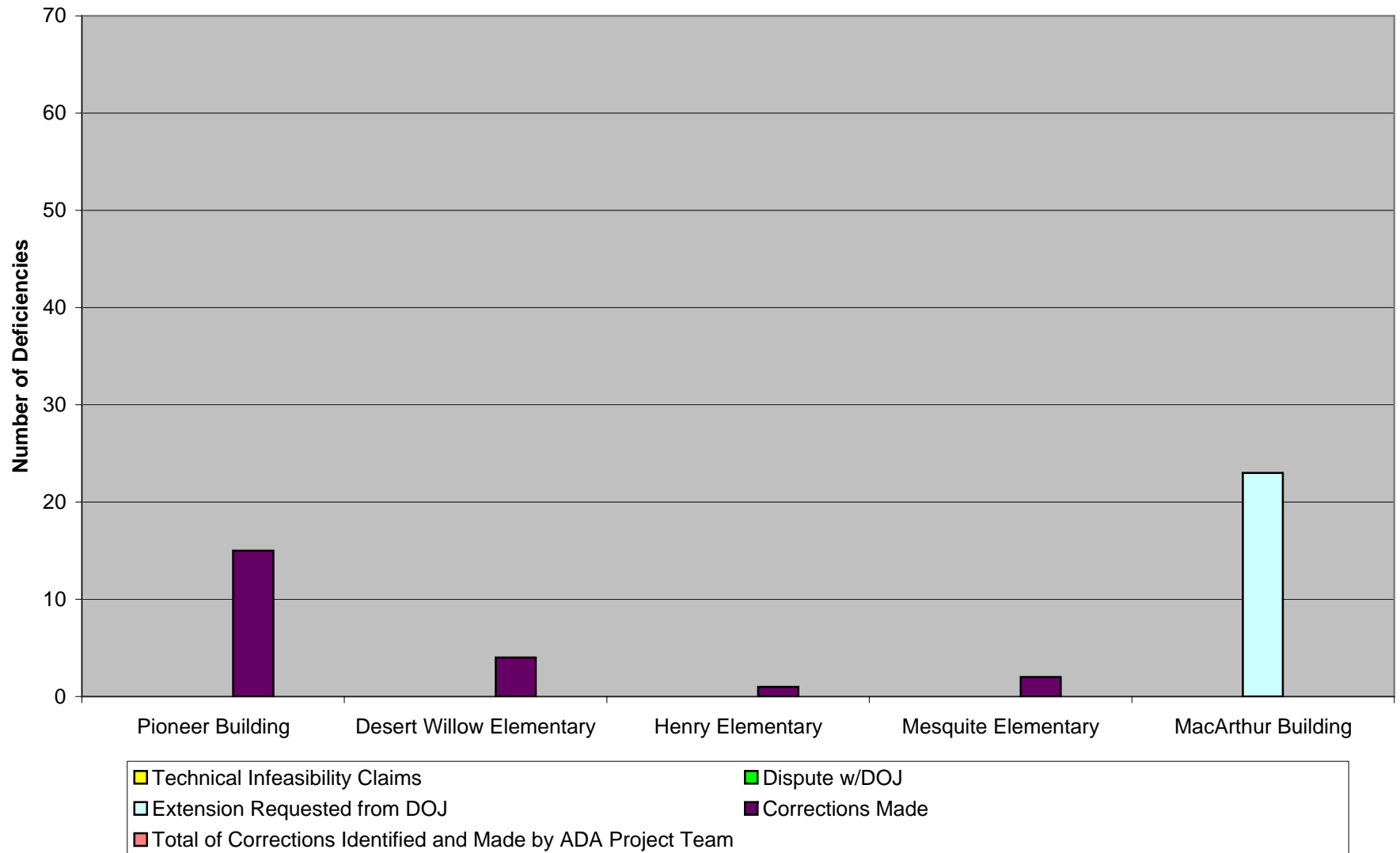
Attachments (5)

c: Mike Hein, City Manager
Mike Letcher, Deputy City Manager
Mike Rankin, City Attorney
Jim Cameron, Director of Budget
Ron Lewis, Director of General Services

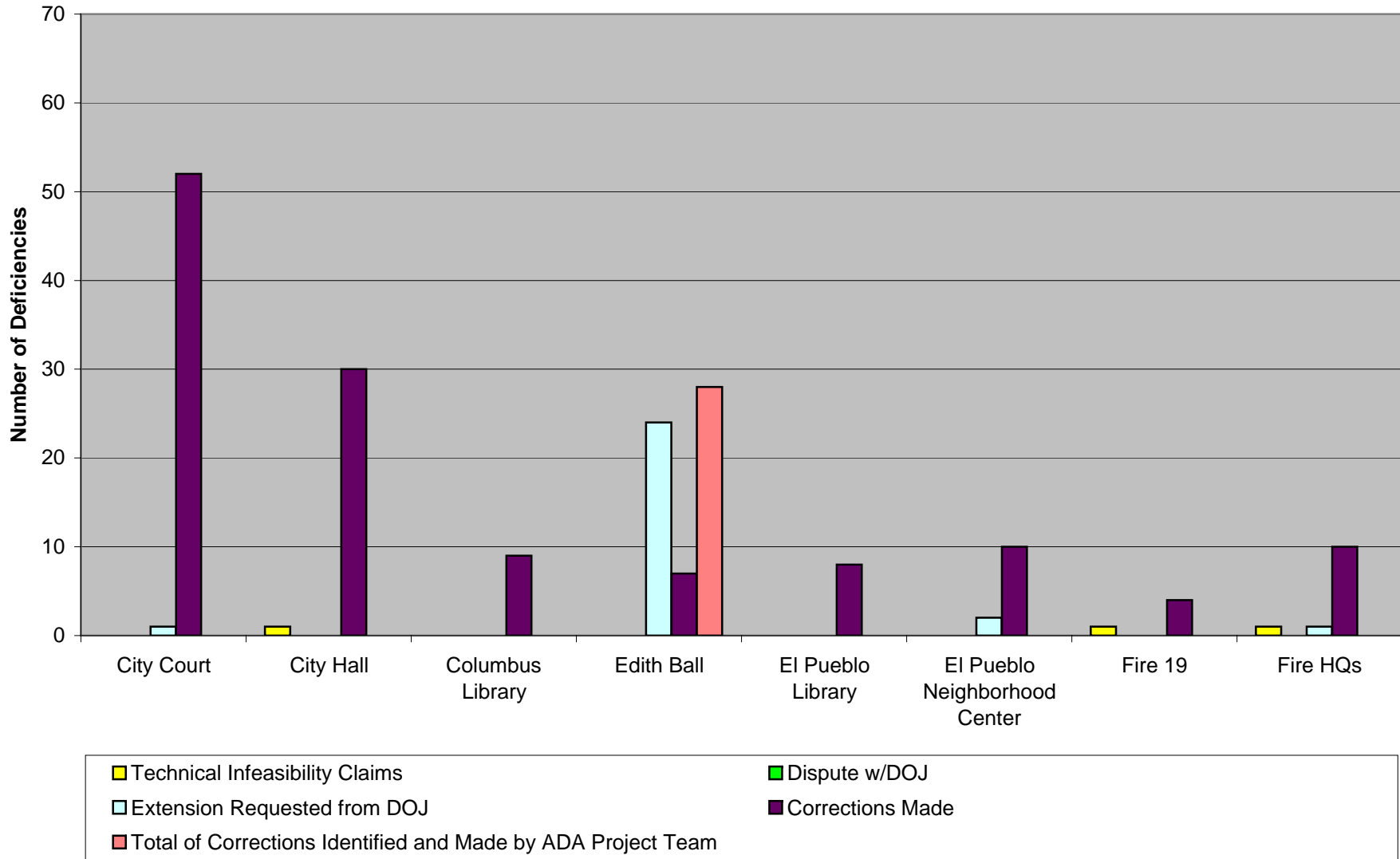
DOJ First Year ADA Compliance Status



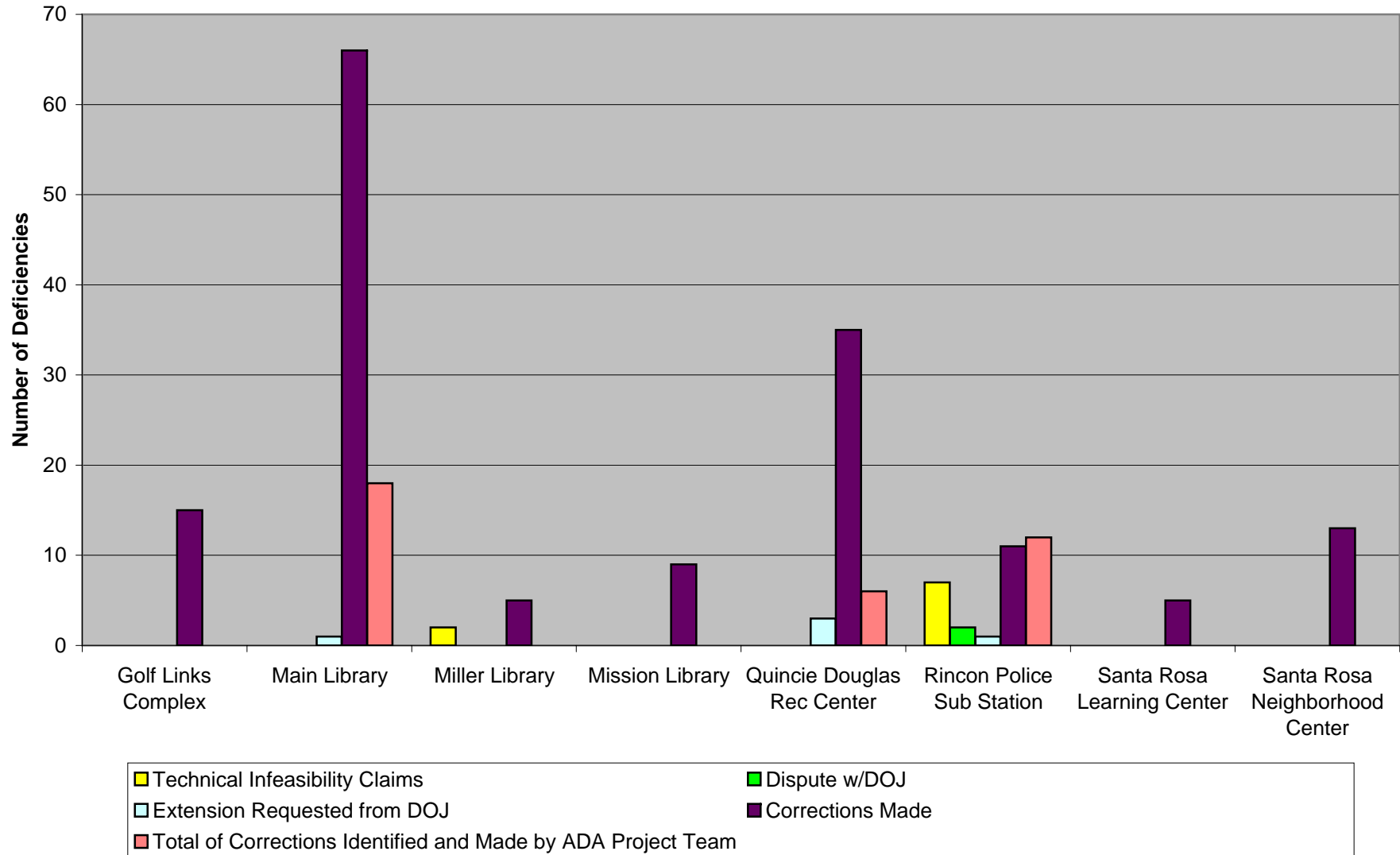
DOJ First Year ADA Compliance by Facility (Leased)



DOJ First Year ADA Compliance by Facility



DOJ First Year ADA Compliance by Facility



DOJ First Year ADA Compliance by Facility

