

LAKE CITY ARMORY

AND

THE AMERICANS WITH DISABILITIES ACT (ADA)

The **Americans with Disabilities Act of 1990** (ADA) is a law that was enacted by the U.S. Congress in 1990. It was signed into law on July 26, 1990, by President George H. W. Bush, and later amended with changes effective January 1, 2009.

The ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. Disability is defined by the ADA as "a physical or mental impairment that substantially limits a major life activity." The determination of whether any particular condition is considered a disability is made on a case by case basis. Certain specific conditions are excluded as disabilities, such as current substance abuse and visual impairment which is correctable by prescription lenses.

The ADA gives people with disabilities an equal opportunity to participate in the mainstream of public life offered to all Americans. The ADA applies to all jurisdictions including small towns. Local governments were to complete their ADA self-evaluations by January 26, 1993. ADA self-evaluations consist of four components:

- General requirements dealing with nondiscrimination in operational policies and procedures of the town's programs, services and activities.
- Employment covering all aspects of the employment process
- Program accessibility covering the physical, policy and procedure issues that may prevent or limit access to all programs, services and activities.
- Effective communication in the town's programs, services and activities that addresses the ways information is exchanged with people who have hearing, vision, speech and cognitive disabilities.

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, towns must make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens. This requirement is called program accessibility. When a service, program or activity is located in a building that is not accessible, a small town can achieve program accessibility in several ways. It can:

- Relocate the program or activity to an accessible facility
- Provide the activity, service, or benefit in another manner that meets ADA requirements, or

- Make modifications to the building or facility itself to provide accessibility.

Qualified historic buildings and facilities are not required to take any action that would threaten or destroy the historic significance of a historic property. Since modifications often do threaten or destroy the historic significance of a historic property, the owner of these facilities can:

- Relocate the program or activity to an accessible facility, or
- Provide the activity, service, or benefit in another manner that meets ADA requirements.

Under no circumstances, can services, programs or activities continue in historic facilities that are not accessible without one of the above actions being taken.

The following chronology documents the Town's efforts in trying to comply with the Americans with Disabilities act:

- July, 1994. Town Clerk announces need for the Town to conduct an ADA self-review. The Trustees agree to request proposals from consultants capable of performing the self-review for the Town.
- August, 1994. Trustees discuss ideas for the construction of a wheelchair ramp at the main entrance to the Armory.
- September, 1994. One proposal to conduct ADA self-review in the amount of \$2,720 was received. Trustees agree to try to obtain additional proposals and to discuss the matter further in workshop.
- October, 1994. Town Clerk received two more proposals for the conduct of the ADA self-review. Trustees will review and discuss in workshop. In workshop, trustees decide to form a local self-review committee.
- November, 1994. Wheelchair ramp has been completed. Lake City Senior Citizens Club sent a letter to acknowledge the improvement and urge Trustees to do more.
- December, 1994. ADA self-review committee appointed. Members were Mary Nettleton, Don Rodewald, Sharon Alfaro, Michael Tompkins and Gene Peterson. Trustees Joan Roberts and Bob Paulmenn agree to serve on the committee.
- January, 1995. Trustee Paulmenn to set up first committee meeting. Mayor to attend ADA seminar in Colorado Springs.
- February, 1995. Mayor appoints Trustee Paulmenn as the town's coordinator for ADA compliance.

- May, 1995. ADA self-review committee has met. Participants included Lisa Gray, Mary Nettleton, Gene Peterson and Trustee Paulmenn. Committee reported on a variety of needs. Trustees are urged to move the town offices downstairs to the offices recently vacated by the Sheriff as soon as possible. Trustees agree to meet with Department of Local Affairs to facilitate a meeting to prioritize needs.
- June, 1995. Trustees agree to hire Ed Beins to design an office layout for the former Sheriff's office located on the ground floor.
- July 1995. Trustees have further discussion about moving the town offices to the ground floor. Will look at a proposed floor plan during workshop.
- September, 1995. Trustees have further discussion about remodeling the downstairs office to bring it into ADA compliance so the town offices can be relocated to the ground floor.
- October, 1995. More discussion regarding office relocation.
- December, 1995. Trustees moved to relocate the town offices into the downstairs office and to proceed with accepting and awarding bids to remodel the office based on specifications drawn by Ed Beins. Town Clerk to investigate possibility of obtaining a grant to install an elevator to provide access to the second floor.
- December, 1995. Special Meeting. Trustees accepted bids for the remodeling of the downstairs office space. Creede Electric Company for \$2,360.00 for electrical work and Glasscock Construction for \$16,520 for carpentry and plumbing.
- October, 1996. Town offices were relocated to the newly remodeled offices on the ground floor.
- November, 1996. Trustees read a letter from Robb Wolfson, Investigator for the Disability Rights Section of the Civil Rights Division of the U. S. Department of Justice, notifying Trustee Nettleton that the investigation into her complaint against the Town of Lake City has been closed due to the recent relocation of the town offices to the ground floor.
- February, 1997. Trustees agree to move the Recreation Director's office to the recently vacated upstairs office with the understanding that she would meet folks with disabilities in the downstairs office when needed.
- December, 1999. Sound system purchased and installed in the community center portion of the Armory.
- February, 2001. Erin Cavit added to ADA Committee.

- April, 2001. ADA committee to schedule a meeting. Committee consists of Mary Nettleton, Lisa Gray and Erin Cavit.
- June, 2001. Report from ADA committee. Focus is on handicap parking throughout the town and accessible trails.
- July, 2001. Trustees identify lack of access to Armory restrooms as being one of the biggest accessibility issues facing the town government.
- September, 2001. ADA committee was not successful in obtaining grant funding.
- October, 2001. Trustees consider having a Disabilities Awareness Day. Trustee Marshall to paint a handicap parking space in front of the Armory.
- December, 2001. ADA committee researching requirements for historic buildings and possible financial aid for bringing the Armory into compliance.
- February, 2002. Trustee Marshall to prepare a drawing for the redesign of the Armory restrooms for ADA accessibility.
- May, 2002. ADA Compliance workshop held with representatives from the Center for Independence.
- August, 2002. ADA committee to meet to begin ADA self review.
- January, 2006. Re-organized ADA committee undertakes the required ADA self-review. Committee members are Larry liams, Michelle Pierce, Walter Potter, Mary Nettleton and Lisa Gray.
- February, 2006. Lisa Gray files a complaint about the lack of access to the upstairs fitness room. Trustees to consider moving the fitness center into a portion of the teen center. Discussion regarding the installation of an elevator to provide access to the 2nd floor. Trustees review plan developed by the Design Shop to provide disabled access to the Armory restrooms. Cost estimates to be obtained prior to making a decision to proceed.
- February, 2006. Parents and teens object to taking up space in the teen center for the fitness center.
- February & April, 2006. Work on ADA self-survey continues.
- February, 2007. Work on ADA self-survey nearly complete.
- March, 2007. Draft of ADA self-survey reviewed by ADA committee plus representatives from the disabled community (Erin Cavit, Carla Whinnery, Becky Campbell, Bob Hines).

- March, 2007. Draft of ADA self-survey reviewed by Board of Trustees and staff.
- April, 2007. Notice of Public Comment Period published in the Silver World.
- May, 2007. Public comment period ends.
- June, 2007. Trustees finalize and adopt ADA self-survey. (see ADA Self-Survey on www.townoflakecity.us). ADA Public Notice reviewed and approved.
- August, 2009. Trustees accept proposal from Wagner/Galloway for architectural services to design a historically sensitive accessible addition to the rear of the Armory building that will provide access to both floors. Total cost of proposal was \$23,495.
- November, 2009. Trustees authorize the Town Manager to file an application for a Community Development Block Grant in the amount of \$302,000 to assist with construction costs for the proposed addition to the Armory.
- February, 2010. Due to a recently discovered miscommunication of Community Development Block Grant rules by the Colorado Department of Local Affairs, the Armory project was determined to be ineligible for Block Grant funding.
- February, 2010. Town Manager met with the Executive Director of the Gates Family Foundation. Gates expressed interest in providing funding for the project but 30% of the money for the project must be secured prior to applying for funding from Gates.
- May, 2010. Newly elected Trustees agree to re-focus efforts on making improvements to existing Armory building.
- June, 2010. Town agrees to wait to apply for an Energy Impact Assistance Fund grant to assist with construction costs for the proposed addition to the Armory in the December funding cycle to allow the Lake Fork Health Service District to apply in the August round. The Energy Impact Assistance Fund grant program was once again suspended before the August round of applications was received.
- May, 2011. Trustees re-affirm their approval of the plans for the accessible addition to the Armory and authorized the Town Manager to seek funding sources.
- November, 2011. With no grant funding available from the State or Federal governments, the Town will have to figure out how to pay for the proposed addition on its own. Trustees agree to take steps to downsize the proposed addition to contain only new ADA accessible restrooms and ADA compliant access to the community center.
- Trustees will work with the architect late this winter to modify plans for the addition accordingly.