

1. DISABILITY RIGHTS PUBLIC NOTICE

PURPOSE:

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA” or “Title II”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and Section 1557 of the Patient Protection and Affordable Care Act of 2010 (“Section 1557”), Adams County (“Adams County” or “County”) will not discriminate against qualified individuals with disabilities on the basis of disability in employment, admission or access to, treatment or participation in, or receipt of its services, programs, or activities. Adams County is committed to providing reasonable policy modifications, which ensure equitable access to and participation in our programs and services, when viewed in their entirety, for all citizens.

SCOPE:

Adams County’s ADA policies apply to members of the public accessing County programs and services.

Effective Communication: Adams County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County 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, vision, or manual impairments.

Modifications to Policies and Procedures: Adams County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County 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 County program, service, or activity, should contact the **ADA Coordinator** no later than forty-eight (48) business hours before the scheduled event. Title II does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The County 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, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs. Adams County has a procedure for complaints alleging disability discrimination or violations of Title II of the ADA, Section 504, or Section 1557.

Employment: Adams County 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.

1. DISABILITY RIGHTS PUBLIC NOTICE (CONTINUED)

Complaints that a County program, service, or activity is not accessible to persons with disabilities should be made to the ADA Coordinator. The ADA Coordinator handles complaints of discrimination made by the public under Title II, Section 504, or Section 1557.

For more information or to submit a request or complaint please contact:

Adams County ADA/504/1557 Coordinator
4430 South Adams County Parkway, Suite C5000B
Brighton, CO 80601-8206
Phone: (720) 523-6882 or (720) 523-6116
Fax: (720) 523-6114
Email: ADA504@adcogov.org
Adams County TTY: (720) 523-6044
Website: www.adcogov.org/americans-disabilities

If you wish to file a complaint with the U.S. Department of Health and Human Services, please contact:

U.S. Department of Health and Human Services
Office for Civil Rights
Centralized Case Management Operations
200 Independence Avenue, S.W.
Suite 515F, HHH Building
Washington, D.C. 20201
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov
Website: www.hhs.com/ocr

2. COMPLAINT PROCEDURE

ADA/SECTION 504 COMPLAINT PROCEDURE:

If you feel that you have not been able to access an Adams County program or service because of a lack of accessibility, or that you have been discriminated against because of your disability, please fill out a written ADA Complaint Form.

Step 1: An ADA Complaint Form should be filed in writing to:

Adams County ADA/504/1557 Coordinator
4430 South Adams County Parkway, Suite C5000B
Brighton, CO 80601-8206
Phone: (720) 523-6882 or (720) 523-6116
Fax: (720) 523-6114
Email: ADA504@adcogov.org
Adams County TTY: (720) 523-6044
Website: www.adcogov.org/americans-disabilities

Complaints should contain the name and address of the person filing the complaint and describe the alleged violation of Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act, if appropriate, and the remedy the person believes is appropriate. A complaint must be filed within thirty (30) calendar days after the complainant becomes aware, or should have become aware, of the alleged violation. Assistance with and/or a modification to filling out the ADA Complaint Form will be provided to those persons with disabilities requesting such assistance and/or modification.

Step 2: An investigation will follow the filing of a complaint. The ADA Coordinator shall conduct or administer the investigation unless such complaint alleges misconduct on the part of the ADA Coordinator.

Step 3: Upon conclusion of the investigation, and within forty-five (45) working days of the filing of the ADA Complaint Form, the ADA Coordinator shall issue a written determination regarding the validity of the complaint and describing the resolution. A copy of the written determination will be forwarded to the complainant and the affected department director, or elected official.

Filed Complaints:

The ADA Coordinator shall maintain the confidentiality of all files and records of any complaint, unless disclosure is authorized or required by law. The entire record shall be maintained for a period of three years.

Filing a complaint with the ADA Coordinator does not preclude a complainant from filing a complaint or seeking relief from any other federal or state agency with jurisdiction over such matters. If you wish to file a complaint with the U.S. Department of Health and Human Services, please contact:

U.S. Department of Health and Human Services
Office for Civil Rights
Centralized Case Management Operations
200 Independence Avenue, S.W.
Suite 515F, HHH Building
Washington, D.C. 20201
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov
Website: www.hhs.com/ocr

3. NONDISCRIMINATION POLICY

POLICY:

It is the policy of Adams County that all programs and services, viewed in their entirety, are accessible to and usable by individuals with disabilities, unless providing access results in undue financial or administrative burden to Adams County or causes fundamental alteration of the programs and services. It is also Adams County's policy that members of the public not experience discrimination, retaliation, or harassment based upon a disability when accessing County programs and services.

Adams County complies with applicable federal and state civil rights laws and does not exclude, deny benefits to, or otherwise discriminate against any individual on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability in employment, admission or access to, treatment or participation in, or receipt of the services and benefits under any of its programs, services and activities, whether carried out by the County directly or through a contractor or any other entity with which it arranges to carry out its programs, services and activities.

4. ANTI-RETALIATION POLICY

POLICY:

Adams County shall not discriminate against any individual because that individual has opposed any act or practice made unlawful by the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA.

Adams County and its staff shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the ADA.

5. DIRECT THREAT POLICY/PROCEDURE

POLICY:

Adams County's ADA Nondiscrimination Policy does not require a public accommodation or modification that would permit an individual to participate in or benefit from the goods, services, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of themselves or others. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. The County may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities.

In determining whether a direct threat exists, County staff should perform an individualized assessment that relies on current medical evidence, or on the best available objective evidence, to assess:

- The nature, duration, and severity of the risk;
- The probability that the potential injury will actually occur; and,
- Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate or eliminate the risk.

Making this assessment will not usually require the services of a physician. Medical guidance may be obtained from public health authorities.

If an employee believes that an individual may pose a direct threat, the employee should immediately contact the County's ADA Coordinator. If the direct threat situation constitutes an emergency, the employee should dial 911.

6. EFFECTIVE COMMUNICATIONS POLICY

POLICY:

It is the intent of Adams County to ensure that communications with individuals with disabilities in its programs, services, and activities are as effective as communications with individuals without disabilities. Upon request, the County will provide, free of charge, appropriate and reasonable auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from, the County's programs, services, and activities. The County 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. All notifications, including approvals or denials of requests for effective communication referenced in this policy, will be provided in an alternate format, upon request.

Auxiliary Aids and Services:

Auxiliary aids and services include a wide range of services and devices that promote effective communication for people with disabilities. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved.

- **For people who are deaf, have hearing loss or are deaf-blind**, examples of appropriate auxiliary aids and services may include, but are not limited to, a qualified sign language interpreter, oral interpreter, cued-speech interpreter, tactile interpreter, note-takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, real-time captioning, closed caption decoders, open and closed captioning, videophones, captioned telephones, telecommunications devices for deaf persons (TTYs), videotext displays, and exchange of written notes.
- **For people who are blind, have vision loss, or are deaf-blind**, examples of appropriate auxiliary aids and services may include, but are not limited to, a qualified reader, taped texts, optical readers, audio recordings, printed information in Braille, large print materials, screen reader software or text magnification software to make computer displays accessible, or assistance in locating items.
- **For people who have speech disabilities, examples of appropriate auxiliary aids and services may include**, but are not limited to, a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), computer terminals, speech synthesizers, and communication boards.

Qualified interpreters:

The term "qualified interpreter" means an interpreter who, via an on-site appearance or a video remote interpreting (VRI) service, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any specialized terminology necessary for effective communication with an individual who is deaf or hard of hearing or who has a speech impairment. The term "qualified interpreter" includes, for example, sign language interpreters, oral translators, or cued-language translators.

6. EFFECTIVE COMMUNICATIONS POLICY (CONTINUED)

Telephone communications:

Departments and offices that have regular and direct contact with the general public via the telephone should ensure communication is equally accessible and effective to people who are deaf, hard of hearing and/or speech impaired by providing telecommunication access. If telephone relay services are used (i.e., TTY), County staff should respond to all telephone calls from a telecommunications relay service, in the same manner that they respond to other telephone calls in the normal course of business.

The TTY number for the Adams County Government Center is: (720) 523-6044.

Requests for Effective Communication:

All requests for auxiliary aids and services must be submitted in writing to the Adams County ADA Coordinator using the “Auxiliary Aids and Service Request Form.” and must be received by the ADA Coordinator a minimum of two (2) weeks prior to the date the service is needed. If, in emergency circumstances, an auxiliary aid or services is requested less than two (2) weeks prior to the date the service is needed, the County will take reasonable steps to secure the requested auxiliary aid or service to the extent possible.

The “Auxiliary Aids and Service Request Form” is available on the County website. Individuals may contact the Adams County ADA Coordinator directly to discuss alternate methods for completing the request.

In determining which type(s) of auxiliary aids and/or services to provide, the County will give “primary consideration” to the request of the individual with a disability. “Primary consideration” means that the County will honor the individual’s request unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

Upon notification of a request, County staff may consult with the individual with a disability to determine the most appropriate auxiliary aid or service to meet their needs. The County will endeavor to respond promptly to requests for auxiliary aids and services so that delays in responding do not deny individuals with disabilities an equal opportunity to participate in, and benefit from, the County’s programs, services and activities.

Personal Devices

The County will not provide individuals with disabilities with personal or individually prescribed devices, such as: wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

6. EFFECTIVE COMMUNICATIONS POLICY (CONTINUED)

Effective Communication FAQs:

Must public service announcements or other television programming produced by public entities be captioned?

Audio portions of television and videotape programming produced by public entities are subject to the requirement to provide equally effective communication for individuals with hearing impairments. Closed captioning of such programs is sufficient to meet this requirement.

Must tax bills from public entities be available in Braille and/or large print? What about other documents?

Tax bills and other written communications provided by public entities are subject to the requirement for effective communication. Thus, where a public entity provides information in written form, it must, when requested, make that information available to individuals with vision impairments in a form that is usable by them. "Large print" versions of written documents may be produced on a copier with enlargement capacities. Braille versions of documents produced by computers may be produced with a Braille printer, or audio tapes may be provided for individuals who are unable to read large print or do not use Braille.

May friends or relatives be asked to interpret?

Often, friends or relatives of the individual can provide interpreting services, but the County may not require the individual to provide his or her own interpreter. A family member or friend may not be qualified to render the necessary interpretation or other services. Also, in many situations, requiring a friend or family member to interpret may not be appropriate, because his or her presence at the transaction may violate the individual's right to confidentiality, or because the friend or family member may have an interest in the transaction. The obligation to provide "impartial" interpreting services requires that, upon request, the County provide an interpreter who does not have a personal relationship to the individual with a disability.

Are certified interpreters considered to be more qualified than interpreters without certification?

Certification is not required in order for an interpreter to be considered to have the skills necessary to facilitate communication. Regardless of the professionalism or skills that a certified interpreter may possess, that particular individual may not feel comfortable or possess the proper vocabulary necessary for interpreting for a subject that involves specialized knowledge. Another equally skilled, but noncertified interpreter might have the necessary vocabulary, thus making the noncertified person the qualified interpreter for that particular situation.

Can the County use a staff member who signs "pretty well" as an interpreter for meetings with individuals who use sign language to communicate?

Signing and interpreting are not the same thing. Being able to sign does not mean that a person can process spoken communication into the proper signs, nor does it mean that he or she possesses the proper skills to observe someone signing and change their signed or finger spelled communication into spoken words. The interpreter must be able to interpret both receptively and expressively.

7. TELECOMMUNICATIONS POLICY

POLICY:

It is the policy of Adams County that all departments and offices that have regular and direct contact with the general public via the telephone shall ensure communication is equally accessible and effective to people who are deaf, hard of hearing and/or speech impaired by providing telecommunication access. If telephone relay services are used, County staff shall respond to all telephone calls from a telecommunications relay service, in the same manner that they respond to other telephone calls in the normal course of business.

For departments and offices that communicate by telephone with applicants and beneficiaries, text telephones (TTYs) or equally effective telecommunications systems shall be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

For departments and offices that use an automated-attendant system, including, but not limited to, voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay system, including Internet-based relay systems.

Adams County TTY number (Government Center): (720) 523-6044

In the event that County staff require relay services, these services are available by contacting the Colorado Relay Service at:

- TTY: 7-1-1 or 1 (800) 659-2656
- Voice: 7-1-1 or 1 (800) 659-3656
- Spanish Calls: 1 (800) 337-3242
- Spanish Translation: 1 (844) 409-2451
- VCO Calls*: 1 (877) 659-8260
- ASCII Calls: 1 (800) 659-4656
- Speech-to-Speech Calls: 1 (877) 659-4279
- Telebraille: 1 (800) 659-2656

** Voice carry-over or VCO calls allow a deaf or hard-of-hearing person to use their voice to speak directly to a hearing person.*

For customer service or technical assistance, staff can contact the Colorado Relay Customer Care Center 24 hours 7 days a week at:

- Voice: 1 (800) 676-3777
- Speech-to-Speech: 1 (877) 787-1989
- TTY: 1 (800) 676-3777
- Spanish: 1 (800) 676-4290

7. TELECOMMUNICATIONS POLICY (CONTINUED)

- E-mail: Sprint.TRSCustServ@sprint.com
- Fax: 1 (877) 877-3291

8. SERVICE ANIMAL POLICY

POLICY:

Adams County allows service animals to accompany individuals with disabilities in all areas where members of the public are allowed to go, subject to the requirements and limitations noted below. If the County properly excludes a service animal it will give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Service Animals:

Service animals are dogs or miniature horses that are individually trained to do work or perform tasks for a person with a disability. Service animals are working animals, not pets. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under Title II. The work or task a dog has been trained to provide must be directly related to the individual's disability. Examples of such work or tasks may include the following:

- Guiding people who are blind;
- Alerting people who are deaf;
- Pulling a wheelchair;
- Alerting and Protecting a person who is having a seizure;
- Reminding a person with mental illness to take prescribed medications;
- Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack;
- Fetching or retrieving items; or
- Performing other special tasks or duties.

Miniature horses that have been individually trained to do work or perform tasks for people with disabilities will be accommodated at County facilities where reasonable. Miniature horses generally range in height from 24 to 34 inches as measured to the shoulders and generally weigh between 70 and 100 pounds. The following four assessment factors will be used by the County in order to determine whether a miniature horse can be accommodated at a particular County facility:

- 1) Whether the miniature horse is housebroken;
- 2) Whether the miniature horse is under the individual owner's control;
- 3) Whether the facility can accommodate the miniature horse's type, size and weight; and
- 4) Whether the miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of that facility.

8. SERVICE ANIMAL POLICY (CONTINUED)

Handler Requirements and Limitations:

- **Control:** Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents the use of these devices. In such cases, the individual must maintain control of the animal through voice, signal, or other effective controls.
- **Removal:** An individual with a disability may be asked to remove their service animal from a County facility if the animal is out of control and the individual does not take effective action to regain control, or if the service animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, County staff must offer the individual with the disability the opportunity to obtain goods or services without the animal's presence.
- **Licensure:** There is no requirement that a dog be licensed or certified as a service animal.
- **Maintenance:** County staff is not responsible for the care and supervision of a service animal. It is the responsibility of the individual to make or arrange for any cleaning necessary due to the presence of the Service Animal.

Permissible Inquiry

When it is not obvious what service an animal provides, only limited inquiries are allowed. County staff may only ask two questions:

- 1) "Is the service animal required because of a disability?"
- 2) "What work or task has the animal been trained to perform?"

County staff may not ask about the individual's disability, require a showing of medical documentation, require a special identification card or training certificate for the animal, or ask that the animal demonstrate its ability to perform the work or task. County staff may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable disability). Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.

Charges and Requirements

The County should not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the County normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

9. MOBILITY DEVICE POLICY

POLICY:

Adams County allows people with disabilities who use wheelchairs, manually-powered mobility aids and other types of power-driven mobility devices (“OPDMD”) into all areas of a County owned facility where members of the public are permitted to go, unless a particular type of device cannot be accommodated because of legitimate safety requirements. The County will ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

In addition, the County strives to provide an equal opportunity to all visitors to experience programs, events, facilities, and natural and cultural resources at County facilities. Due to the broad range of devices and vehicles that meet the above definition of an OPDMD, the County will assess the use of such devices using the below noted assessment factors. The County will allow use of OPDMDs that meet the following criteria:

- Limited by the intended use of the device or vehicle, based upon the manufacturer’s recommendation and the type of activity the device or vehicle is designed and used for.
- If powered by an internal combustion engine, the engine shall have a four-stroke cycle, be equipped with an approved spark arrestor muffler, and meet Clean Air standards in effect at the time of its manufacture. Two-stroke cycle engines are not allowed.
- If powered by an internal combustion engine, OPDMDs are not allowed inside structures whether the internal combustion engine is used or not while indoors.
- Used in accordance with normal operating hours for that facility or site and in compliance with current regulations and policy governing public use of County programs and sites.
- Used only on designated trails and paved surfaces.
- When using an OPDMD, it must not exceed a maximum speed limit of 15 mph.

The County reserves the right to modify this criteria regarding use of OPDMDs in order to provide greater clarity of use and to establish additional safety requirements as necessary.

Other Power-Driven Mobility Device Assessment Factors:

In determining whether an OPDMD will be allowed in a specific facility as a reasonable modification, the County shall consider the following assessment factors:

- The type, size, weight, dimensions, and speed of the device;
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility; and

9. MOBILITY DEVICE POLICY (CONTINUED)

- Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with all applicable land management laws and regulations.

Permissible Inquiry:

County staff should not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. County staff may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's qualified disability. When the use of an OPDMD is permitted by the County in accordance with the established policy, the County shall accept the presentation of a valid, state-issued, disability parking placard, or other state-issued proof of disability as a credible assurance that the use of the OPDMD is for the individual's mobility disability. In lieu of a valid, state-issued disability parking placard, or state-issued proof of disability, the County shall accept a verbal representation, not contradicted by observable fact, as a credible assurance that the OPDMD is being used for a mobility disability. A “valid” disability placard is one that is presented by the individual to whom it was issued and is otherwise in compliance with the state of issuance’s requirements for disability placards.

DEFINITIONS:

- **Manually-powered mobility aid:** any manually-operated device such a walker, crutches cane, brace or similar device.
- **Wheelchair:** a manually operated or power driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.
- **Other Power-Driven Mobility Devices (OPDMD):** any mobility device powered by batteries, fuel or other engines that is used by individuals with mobility disabilities for the purpose of locomotion. This definition includes golf carts, electronic personal assistance mobility devices (EPAMDs) such as Segways[®], or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. When an OPDMD is being used by a person with a mobility disability, different rules apply under the ADA than when it is being used by a person without a disability.

10. INFORMATIONAL SIGNAGE

POLICY:

The County shall endeavor to ensure that interested persons, including individuals with disabilities, can obtain information as to the existence and location of accessible services, activities, and facilities. Requests for information can be made to the Adams County ADA Coordinator.

The County provides signage at inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

11. FUNDAMENTAL ALTERATION/UNDUE BURDEN

POLICY:

All programs, services and activities, viewed in their entirety, should be accessible to and usable by individuals with disabilities, unless providing access results in undue financial or administrative burden to Adams County or causes fundamental alteration of the programs and services. An undue burden is defined as significant difficulty or expense relative to the operation of a public entity's program. Undue burden is determined on a case-by-case basis and is based on the nature and cost of the requested modification/accommodation in relation to the size, resources, and structure of the specific operation.

All decisions denying the provision of a requested modification, auxiliary aid or service on the grounds that doing so would result in a fundamental alteration or impose undue financial or administrative burdens must be made by the County Manager, or his/her designee, after considering all resources available to the County for the use in the funding and operation of the County's services, programs and activities, and should be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the County shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

12. ILLEGAL USE OF DRUGS POLICY

POLICY:

It is the policy of Adams County to not discriminate against members of the public on the basis of illegal use of drugs for an individual who is not engaging in the current illegal use of drugs who:

- Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
- Is participating in a supervised rehabilitation program; or
- Is erroneously regarded as engaging in such use.

Adams County will also not deny services to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services. This policy does not prohibit the County from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs. Nothing in this policy shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

13. MAINTENANCE OF ACCESSIBLE FEATURES POLICY

POLICY:

All Adams County departments and offices will maintain, in operable working condition, the features of County facilities and equipment that are required to be readily accessible to and usable by individuals with disabilities.

Temporary access interruptions for maintenance, repair, or operational activities (such as mechanical failures in equipment including elevators or automatic doors) are permitted, but will be remedied as soon as possible and may not extend beyond a reasonable period of time. Repairs will be made promptly and adequately so as not to cause repeated or persistent failures. Adams County employees will be prepared to assist individuals with disabilities during these interruptions. Accessible doors will be unlocked and operable when the County is open for business. No new barriers will be created that impede access by people with disabilities. For all accessible public routes, the route will remain accessible and not blocked by obstacles such as furniture, filing cabinets, potted plants, etc. Isolated instance of placement of an object on an accessible route is permissible when necessary provided that the object is promptly removed.

14. EXISTING FACILITIES POLICY

POLICY:

Adams County will maintain, in operable working condition, the features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

ADA Requirements:

All public facilities designed, constructed, or altered must be readily accessible and usable by individuals with disabilities, if the construction or alteration began after January 26, 1992. Title II regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible.

The County is not required to make structural changes in existing facilities where other methods are effective in achieving compliance under Title II. In making alterations to existing buildings, the County shall meet the accessibility requirements of Title II. In choosing among available methods for meeting the requirements of this section, the County will give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

The County is not required to make each of its existing facilities accessible. **Elements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards (UFAS), are not required to be modified in order to comply with the requirements set forth in the 2010 Standards.** This provision is referred to as the “safe harbor.” It applies on an element-by-element basis and remains in effect until a public entity decides to alter a facility for reasons other than the ADA. . The safe harbor does not apply to those elements in existing facilities that are subject to supplemental requirements.

The County is not required to take any action that would threaten or destroy the historical significance of a historic property or require the County to take any action that would result in a fundamental alteration in the nature of service, program, or activity or would cause an undue financial and administrative burden. In meeting the requirements of Title II in historic preservation programs, the County will give priority to methods that provide physical access to individuals with disabilities. The decision that compliance would result in such alteration or burdens will be made in compliance with the established County policy on “Fundamental Alteration/Undue Burden.”

Transition Plan:

Adams County has a Transition Plan that identifies the required structural changes in order to be compliant with Title II of the Americans with Disabilities Act. Requests for a copy of the transition plan are available to the public by contacting the Adams County ADA Coordinator.

15. NEW CONSTRUCTION AND ALTERATIONS POLICY

POLICY:

All new construction or qualifying facility alterations for the use by Adams County will be designed and constructed in such a manner that the facility, or part of the facility, is readily accessible to and usable by individuals with disabilities. The design, construction, or other determinations such as the sites and locations of facilities will not have the effect of excluding individuals with disabilities from programs, denying them the benefits of the programs, or otherwise subjecting them to discrimination.

ADA Requirements:

All public facilities designed, constructed, or altered must be readily accessible and usable by individuals with disabilities, if the construction or alteration began after January 26, 1992. Title II regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible. For new construction or alterations on or after March 15, 2012, public entities must comply with the 2010 Standards for public accessibility.

When part of a building has been altered on or after March 15, 2012, the alterations must be made in strict compliance with architectural standards, including creating an accessible path of travel to the altered area. New and altered facilities must be built in compliance with the 2010 Standards regardless of what, if any, programs are located in them. Even if new or altered facilities are not open to the public, they must be accessible to people with disabilities. In the case of a building built before 1992 that has altered elements, the County can provide program access for the programs housed in the non-altered portion of the building by making them available in the parts of the building that have been altered.

16. CORRECTIONAL FACILITY POLICY

POLICY:

Please refer to the Sheriff's Office Correctional Facility policy.

17. ALTERATIONS OR MODIFICATIONS OF ASSETS WITHIN PUBLIC RIGHT-OF-WAY POLICY

POLICY:

An overall plan to transition the non-compliant existing County assets within public right-of-way shall be developed, implemented, monitored and amended by Adams County as needed to successfully implement ADA. Adams County may designate a Department Director and/or their assigns to manage the technical aspects related to the self-evaluation activities of the assets within the public right-of-way, and ADA Transition Plan updates as it pertains to the existing assets within public right-of-way.

Adams County, when altering or modifying County assets within public right-of-way, shall bring non-compliant assets within the specific project limits into compliance or file an exception for the specific asset with the ADA Coordinator.

ADA Requirements:

In accordance with Title II of the ADA, Adams County must assess County assets within the right-of-way for their compliancy to ADA and to prepare a plan to transition the non compliant existing assets within public right-of-way to full compliancy.

The County is not required to make specific physical changes in the public right-of-way where other methods are effective in achieving compliance under Title II. In making alterations to existing County assets within public right-of-way, the County shall meet the accessibility requirements of Title II. In choosing among available methods for meeting the requirements of this section, the County will implement and phase the transition of existing county assets within the public right-of-way based on current work priorities, project types, funding, process, and training.

In many circumstances, existing County assets within public right-of-way fall under the existing facilities policy.

The County is not required to correct non-compliant areas within and/or immediately adjacent to work being done when the cost of the corrections will cause a disproportionality in overall project costs.