

SETTLEMENT AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND
THE CITY OF PUEBLO
UNDER THE AMERICANS WITH DISABILITIES ACT
DJ 204-13-269

BACKGROUND

SCOPE OF THE INVESTIGATION

The United States Department of Justice ("Department") initiated this matter as a compliance review of the City of Pueblo, a Municipal Corporation ("City") under title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35. Because the City receives financial assistance from the Department of Justice, the review was also conducted under the authority of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Department's implementing regulation, 28 C.F.R. Part 42, Subpart G.

The review was conducted by the Disability Rights Section of the Department's Civil Rights Division and focused on the City's compliance with the following title II requirements:

- to conduct a self-evaluation of its services, policies, and practices by July 26, 1992, and make modifications necessary to comply with the Department's title II regulation, 28 C.F.R. § 35.105;
- to notify applicants, participants, beneficiaries, and other interested persons of their rights and the City's obligations under title II and the Department's regulation, 28 C.F.R. § 35.106;
- to designate a responsible employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities, 28 C.F.R. § 35.107(a);
- to establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b);
- to operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. § 35.150, by:
 - delivery of services, programs, or activities in alternate ways, including, for example, redesign of equipment, reassignment of services, assignment of aides, home visits, or other methods of compliance or, if these methods are not effective in making the programs accessible,
 - physical changes to buildings (required to be made by January 26, 1995), in accordance with the Department's title II regulation, 28 C.F.R. § 35.151, and the ADA Standards for Accessible Design (Standards), 28 C.F.R. pt. 36, App. A, or the Uniform Federal Accessibility Standards (UFAS), 41 C.F.R. § 101-19.6, App. A.
- to ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151;
- to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. § 35.160;

- where the City communicates by telephone, to communicate through a teletypewriter (TTY), or other equally effective telecommunications system, with individuals who have hearing or speech impairments, 28 C.F.R. § 35.161;
- to provide direct access via TTY or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTY's and computer modems, 28 C.F.R. § 35.162;
- to provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities, and facilities, 28 C.F.R. § 35.163(a);
- to provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b).

As part of its compliance review, the Department reviewed the following City facilities, which – because construction or alterations commenced after January 26, 1992 – must comply with the ADA's new construction or alterations requirements: Historic Arkansas Riverwalk of Pueblo, Public Works Facility, Irving Place Park, Wild Horse Park, J.J. Raigoza Park, Dittmer Park, Police Department, Elmwood Golf Course, Mineral Palace Greenhouse, Air Museum, Pueblo Animal Services, City Hall, City Park Pavilion, City Park Annex, Court, and Park Zoo.

The Department's program access review covered those of the City's programs, services, and activities that operate in the following facilities: Joseph Edwards Senior Center, Mitchell Park Pool, Mineral Palace Park, Stauter Field, Langoni Sports Complex, Minnequa Park, University Park, Sunset Park, Vinewood Park, Pueblo Plaza-Ice Arena, Swimming Pool/Bathhouse at Mineral Palace Park, El Centro del Quinto Sol Community Center, Beckwood Park.

The Department reviewed the City's policies and procedures regarding voting, emergency management and disaster prevention, and sidewalk maintenance to evaluate whether persons with disabilities have an equal opportunity to utilize these programs.

Finally, the Department reviewed the City's Police Department's policies and procedures regarding providing effective communication to persons who are deaf or hard-of-hearing.

JURISDICTION

1. The ADA applies to the City because it is a "public entity" as defined by title II, 42 U.S.C. § 12131(1).
2. The Department is authorized under 28 C.F.R. Part 35, Subpart F, to determine the compliance of the City with title II of the ADA and the Department's implementing title II regulation, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action enforcing title II of the ADA should the Department fail to secure voluntary compliance pursuant to Subpart F.
3. The Department is authorized under 28 C.F.R. Part 42, Subpart G, to determine the City's compliance with section 504 of the Rehabilitation Act of 1973, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 29 U.S.C. § 794 and 28 C.F.R. §§ 42.530 and 42.108-110, to suspend or terminate financial assistance to the City provided by the Department of Justice should the Department fail to secure voluntary compliance pursuant to Subpart G or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law.
4. The parties to this Agreement are the United States of America and the City of Pueblo.
5. In order to avoid the burdens and expenses of an investigation and possible litigation, the parties enter into this Agreement; however, by doing so, the City of Pueblo does not admit to any past wrongdoing, nor violation of law or applicable regulations.
6. In consideration of, and consistent with, the terms of this Agreement, the Attorney General agrees to refrain from filing a civil suit in this matter regarding all matters contained within this Agreement, except as provided in the section entitled "Enforcement and Implementation."

ACTIONS TAKE BY THE CITY

7. The City has a designated ADA Coordinator. Grievances are brought to the attention of the Coordinator who then works towards a resolution of the matter.
8. The ADA Task Force assisted the City in 1992 to conduct a self-evaluation and develop a transition plan. In order to ensure that the programs offered at City facilities are readily accessible to and usable by individuals with mobility impairments, the City quickly increased the number of designated accessible parking spaces, installed curb ramps in some locations, and widened doors at many City parks and the Police Department.
9. The Communications Division of the Police Department where 9-1-1 calls are received, is equipped with TTY computer consoles at each call station. The Police Department has developed procedures for answering 9-1-1 calls that include training all call takers to use a TTY to take 9-1-1 calls, to recognize a "silent" open line as a potential TTY call and respond by TTY, and to ensure that TTY calls are answered as quickly as other calls received.
10. The City does not discriminate on the basis of disability in its hiring or employment practices.

REMEDIAL ACTION

NOTIFICATION

11. Within two months of the effective date of this Agreement, the City will adopt the attached notice (Attachment A); distribute it to all agency heads; publish the Notice in a local newspaper of general circulation serving the City; post the Notice on its Internet Home Page; and post copies in conspicuous locations in its public buildings. It will refresh the posted copies, and update the contact information contained on the Notice, as necessary, for the life of the Agreement. Copies will also be provided to any person upon request.
12. Within six months of the effective date of this Agreement, and annually thereafter until the Agreement terminates, the City will implement and report to the Department its written procedures for providing information for interested persons with disabilities concerning the existence and location of the City's accessible programs, services, and activities.

GRIEVANCE PROCEDURE

13. Within two months of the effective date of this Agreement, the City will adopt the attached ADA Grievance Procedure (Attachment B), distribute it to all agency heads, and post copies of it in conspicuous locations in each of its public buildings. It will refresh the posted copies, and update the contact information contained on it, as necessary, for the life of the Agreement. Copies will also be provided to any person upon request.

ADA ADVISORY COMMITTEE

14. Not later than 60 days from the effective date of this Agreement, the City Manager will appoint an ADA Advisory Committee whose members shall be residents of the City and who shall be chosen because they are generally representative of the disabled community.
15. The ADA Advisory Committee will assist the City by providing recommendations to the City Manager for making City programs and facilities more accessible and providing recommendations concerning priorities for expenditure of funds.

GENERAL EFFECTIVE COMMUNICATION PROVISIONS

16. Within two months of the effective date of this Agreement, the City, through the office of City Clerk, will identify sources of qualified sign language and oral interpreters, real-time transcription services, and vendors that can put documents in Braille, and will implement and report to the Department its written procedures, with time frames, for fulfilling requests from the public for interpreters, real-time transcription services, and documents in alternate formats (Braille, large print, cassette tapes, etc.).

17. The City will publicize its central TTY telephone number on the same basis as its voice number, through its inclusion on City letterhead that is ordered, City publications that appear, and the first reprinting of the local telephone book that takes place after the effective date of this Agreement. Such publication will include an explanation that the TTY number functions as a TTY number for all City offices and will be reiterated in subsequent publications and local telephone book editions for the life of this Agreement.

18. Within two months of the effective date of this Agreement, the City will implement and report to the Department its written procedures designed to ensure that TTY calls are returned by the appropriate City official by TTY on the same day as the call is received, provided that the call is received before 1:30 pm prevailing local time; if a call is received after 1:30 pm, it should be returned by noon of the following day. If the caller's questions or concerns cannot be handled promptly, the procedures will require a City employee to communicate with the caller on the same day in order to establish a time frame for the call-back.

19. The City will take steps to ensure that all appropriate employees are trained and practiced in using a TTY and the Colorado Relay Service to make and receive calls and that its TTY's are maintained in good working order through test calls every six months for the life of this Agreement.

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20. The City will incorporate correct TTY call-taking procedures into 9-1-1 call takers' performance evaluations and will amend its personnel policies to include written disciplinary procedures for call takers who fail to perform TTY call-taking consistent with the training and procedures. The City will implement and report to the Department its evaluation and procedures within three months of the effective date of this Agreement.

LAW ENFORCEMENT AND EFFECTIVE COMMUNICATION

21. Within two months of the effective date of this Agreement, the City will adapt for its own use and implement the Pueblo Police Department's Policy Statement on Effective Communication with People Who are Deaf or Hard of Hearing (Attachment C) and distribute to all police officers the *Guide for Law Enforcement Officers When in Contact with People Who are Deaf or Hard of Hearing* (Attachment D).

22. Within two months of the effective date of this Agreement, the City will contract with, under the supervision of the City Clerk, one or more local qualified oral/sign language interpreter agencies to ensure that the interpreting services will be available (for and on behalf of all City Departments) on a priority basis, twenty-four hours per day, seven days a week, or make other appropriate arrangements (such as contracting directly with or hiring qualified interpreters).

23. Within one month of the effective date of this Agreement, the City will ensure that each police station or substation, if any, is equipped with a working TTY (text telephone) to enable persons who are deaf, hard of hearing, or who have speech impairments to make outgoing telephone calls.

SIDEWALKS

24. Within three months of the effective date of this Agreement, the City will implement and report to the Department its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including, for example, requests to add curb cuts at particular locations.

25.

26. Discussions between the City and the Department are ongoing on the issue of making modifications to existing or previously altered sidewalks, as well as any sidewalks to be constructed or altered in the future, throughout the City to make them accessible to people with disabilities, i.e., by adding curb ramps at particular locations. This issue will be addressed later in a separate Agreement. Nothing in this Agreement limits the Department from enforcing the ADA with respect to sidewalk accessibility.

PHYSICAL CHANGES TO FACILITIES

27. Discussions between the City and the Department are ongoing on the issue of making modifications to sidewalks throughout the City to make them accessible to people with disabilities, i.e., adding curb ramps at particular locations. This issue will be addressed later in a separate Agreement. Nothing in this Agreement limits the Department from enforcing the ADA with respect to sidewalk accessibility.

28. To the extent elements or features of the City's facilities do not comply with the Standards, such conditions could prevent persons with disabilities from fully and equally enjoying the City's services, programs, or activities and could under certain circumstances result in discrimination on the basis of disability within the meaning of 42 U.S.C. § 12132 and 28 C.F.R. §§ 35.149 and 35.150.

29. The City will comply with the cited provisions of the Standards when taking the actions required by this Agreement.

30. Within three months of the effective date of this Agreement, the City will install signage as necessary to comply with 28 C.F.R. § 35.163(b), after having surveyed all facilities that are the subject of this Agreement for the purpose of identifying those that have multiple entrances not all of which are accessible.

Newly Constructed Facilities: In order to ensure that the following spaces and elements in City facilities, for which construction was commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the City will take the following actions:

31. Historic Arkansas Riverwalk of Pueblo (HARP)

Within one month of the effective date of this Agreement, the City will request in writing that the HARP Authority complete the following modifications to the Historic Arkansas Riverwalk of Pueblo within one year of the effective date of this Agreement. The request will specify that the remediation be completed within one year of the effective date of this Agreement. The City will simultaneously send a courtesy copy of the request to the Department:

a. Signage

1. There is no signage directing users to the accessible toilet rooms. Provide signs directing users to the location of the accessible toilet rooms. §§ 4.1.3(16)(b), 4.30.1, 4.30.2, 4.30.3, 4.30.5.

b. Women's Toilet Room - Third Floor

1. The centerline of the toilet is located 19 1/2 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.3(11), 4.22.4, 4.16.2 & Fig. 28.

2. The diaper changing station is 36 inches from the surface of the floor. Provide a station that has a top surface 28 to 34 inches above the finish floor. §§ 4.1.3(18), 4.32.4.

c. Counter

1. The top of the cashier's counter is 40 3/4 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§4.1.3(12), 7.2(2).

32. Wild Horse Park

The City will complete the following modifications to Wild Horse Park within one year of the effective date of this Agreement:

a. Playground

1. The playground equipment lacks an accessible route from the sidewalk or the street. Provide an accessible route to at least one piece of accessible play equipment in the

playground that complies with the Standards. §§ 4.1.2(1), 4.3, 4.5.

2. The basketball court lacks an accessible route from the sidewalk or the street. Provide an accessible route to the basketball court that complies with the Standards. §§ 4.1.2(1), 4.3, 4.5.

3. The pavilion lacks an accessible route from the sidewalk or the street. Provide an accessible route to the pavilion that complies with the Standards. §§ 4.1.2(1), 4.3, 4.5.

b. Men's and Women's Toilet Rooms

1. The designated accessible stall in the men's and women's toilet rooms does not comply with the Standards. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if toilet is wall mounted) in the each room such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. §§ 4.1.3(11), 4.13, 4.16, 4.17 & Fig. 30(a), 4.22.4, 4.22.7, 4.26, 4.27.

33. J.J. Raigoza Park

The City will complete the following modifications to J.J. Raigoza Park within one year of the effective date of this Agreement:

a. Playground

1. The playground equipment lacks an accessible route from the sidewalk or the street. Provide an accessible route into the playground that complies with the Standards. §§ 4.1.2(1), 4.3, 4.5.

34. Dittmer Park

The City will complete the following modifications to Dittmer Park within one year of the effective date of this Agreement:

a. Playground

1. The playground equipment lacks an accessible route from the sidewalk or the street. The curb ramp configuration exceeds the maximum allowable slope. Provide a curb ramp with a slope of not more than 1:12 with an accessible route to at least one piece of accessible play equipment in the playground that complies with the Standards. §§ 4.3, 4.5, 4.7.2, 4.8.2.

Altered Facilities: In order to Provide that the following spaces and elements in City facilities, for which alterations commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the City will take the following actions:

35. City Hall - On Historical Registry

The City will take the following actions within three years of the effective date of this Agreement, except as provided below:

a. Drinking Fountain

1. The drinking fountains are not usable by individuals who have difficulty bending or stooping. Provide a drinking fountain at a height convenient for those who have difficulty bending. § 4.1.3(10)(a).

b. Finance Cashier Counter

1. The top of the service counter is 42 1/2 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation

(e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

c. Council Chambers

1. The council chambers have no assistive listening system available. Provide a permanent assistive listening system or an adequate number of electrical outlets or other supplementary wiring in the room necessary to support a portable assistive listening system, with a minimum number of receivers provided equal to 4% of the total number of seats but no less than six receivers, and signage indicating the availability of a listening system. §§ 4.1.3(19)(b), 4.1.6(1)(b), 4.30.7(4), 4.33.

2. Within 30 days of obtaining the assistive listening system, develop and implement a policy governing the use and maintenance of the assistive listening transmitters and the assistive listening system receivers. This policy must allow for use of the assistive listening system in the Council Chambers whenever requested by a person with a hearing impairment and must allow for use of the receivers at no charge. It must also specify that the system and the receivers be maintained and implement specific measures for doing so.

3. Within 30 days of obtaining the assistive listening system, train all City Clerk employees in the set up, use and routine maintenance of the assistive listening system. In addition, within said period, train these employees on the policies governing use of the system and receivers.

d. Employment & Department of Human Resources /Office of the Civil Service Commission

1. The door to the Department of Human Resources/Office of the Civil Service Commission has a knob hardware. Provide accessible hardware that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are accessible designs. §§ 4.1.6(1)(b), 4.1.3(7), 4.13.9.

2. The top of the service counter is 41 1/2 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

e. Sales Tax & Business License Office

1. The top of the service counter is 44 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or Provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

f. Unisex Toilet Room - Basement

1. Due to the physical limitations in this historic building, it is infeasible to render the existing basement Men's and Women's Toilet Rooms fully accessible. Consequently, as recommended by the ADA Advisory Committee established under paragraph 14 of this Agreement, within ninety (90) days of the effective date of this Agreement, City shall construct a fully accessible Unisex Restroom in the basement of City Hall complying with the Standards.

h. Auditorium

1. There are no wheelchair locations in the orchestra seating in the auditorium. Provide fifteen wheelchair locations in the orchestra seating area that are an integral part of the fixed seating plan, adjoin an accessible route, have an adjacent fixed companion seat, and that have lines of sight comparable to those for the general public in compliance with the Standards. §§ 4.1.6(1)(b), 4.1.3(19)(a), 4.3, 4.5, 4.33 & Fig.46.

2. The auditorium has no assistive listening system available. Provide a permanent assistive listening system or an adequate number of electrical outlets or other supplementary wiring in the room necessary to support a portable assistive listening system, with a minimum number of receivers Provided equal to 4% of the total number of seats but no less than 20 receivers, and signage indicating the availability of a listening system. §§ 4.1.3(19)(b), 4.1.6(1)(b), 4.30.7(4), 4.33.

3. Within 30 days of obtaining the assistive listening system, develop and implement a policy governing the use and maintenance of the assistive listening and the assistive listening system receivers. This policy must allow for use of the assistive listening system in the auditorium whenever requested by a person with a hearing impairment and must allow for use of the receivers at no charge. It must also specify that the system and the receivers be maintained and implement specific measures for doing so.

4. Within 30 days of obtaining the assistive listening system, train all employees who deal with the use of the auditorium in the set up, use and routine maintenance of the assistive listening system. In addition, these employees must be trained on the policies governing use of the system and receivers.

36. Public Works Building

The City will complete the following modifications to Public Works Building within the specified number of years of the effective date of this Agreement as stated below:

a. Counters

1. The front office has two service counters. One counter is 42 inches above the finish floor, and the second counter is 43 inches above the finish floor. Within two years of the effective date of this Agreement, provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

b. Unisex Toilet Room

1. The spaces and elements within the unisex toilet room do not comply with the Standards. Within three years of the effective date of this Agreement, provide an accessible "unisex" toilet room identified by the International Symbol of Accessibility on an accessible route so that all of the spaces and elements, including the room identification signage, entry door, clear floor space, turning space, accessible route, water closet, urinal (if provided), grab bars, lavatory, mirror, and controls and dispensers comply with the Standards. §§ 4.1.6(3)(e)(i), 4.1.2(7)(d), 4.2, 4.3, 4.16 and Figs 28 & 29, 4.19 and Figs. 31 & 32, 4.22, 4.25, 4.26, 4.27, 4.30.

2. Install signs at the inaccessible toilet rooms and in conspicuous places directing users to the location of the accessible toilet room. §§ 4.1.6(3)(e)(iii), 4.1.3(16)(b), 4.30.1, 4.30.2, 4.30.3, 4.30.5

c. Public Works Meeting Room

1. The entrance door to the meeting room has knob hardware. Provide hardware that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. §§ 4.1.3(7)(b), 4.13.9.

d. Land Use Administration Office

1. The top of the service counter is 42 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

e. Department of Public Works - Street Division

1. The top of the service counter is 42 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

37. Park Zoo

The City will complete the following modifications to Park Zoo within 2 years of the effective date of this Agreement:

a. Women's Toilet Room - First Floor

1. The toilet room identification sign is mounted below 60 inches. Provide a sign on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor. §§ 4.1.6.(1)(b), 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
2. The centerline of the toilet is located 20 1/2 inches from the side partition. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.6(1)(b), 4.1.3(11), 4.22.4, 4.17.3 & Fig. 30(a).
3. The toilet paper dispenser in the designated accessible stall is located above the side grab bar and is 40 inches from the finished floor. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.1.6(1)(b), 4.1.3(11), 4.22.4, 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.
4. Provide visual and audible fire alarms in the women's toilet room. §§ 4.1.3(14), 4.1.6(1)(b), 4.28.

b. Men's Toilet Room - First Floor

1. The toilet paper dispenser in the designated accessible stall is located 40 inches from the finished floor and 31 1/2 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.
2. There is no visual fire alarm in the men's toilet room. Provide a visual fire alarm. §§ 4.1.3(14), 4.1.6(1)(b), 4.28.

c. Eco Center

1. Women's Toilet Room

- (a) There is no sign designating the women's toilet room as accessible. Provide a sign using raised letters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of a door. §§ 4.1.3(16)(a), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
- (b) The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.4.
- (c) The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 45 1/2 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.

(d) The single stall door has a minimum clear opening of 20 inches. Provide a minimum clear opening of at least 32 inches measured from the face of the door to the opposite door stop with the door open 90 degrees. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.5, 4.13.5.

(e) The top of the toilet seat measures 15 inches above the finished floor. Provide a toilet with a seat between 17 and 19 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig.30(d).

(f) The centerline of the toilet is located 21 1/2 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig. 30(a).

(g) The toilet paper dispenser is located 25 inches from the finished floor and 42 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6, 4.22.4.

2. Men's Toilet Room

(a) There is no sign designating the men's toilet room as accessible. Provide a sign with raised letters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of a door. §§ 4.1.3(16)(a), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

(b) The pressure required to open the door to the men's toilet room is 19 pounds. Ensure that the force required to open the door is no more than 5 pounds. §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.22.2, 4.13.11(2)(b).

(c) The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.4.

(d) The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 49 3/4 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.

(e) The door coat hook in the designated accessible stall is located 56 inches above the floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or 48 inches above the finished floor for a front reach. §§ 4.1.3(12)(a), 4.1.6(1)(b), 4.25.3, 4.2.5, 4.2.6.

(f) The top of the toilet seat measures 15 inches above the finished floor. Provide a toilet with a seat between 17 and 19 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig.30(d).

(g) The toilet paper dispenser is located 25 inches from the finished floor and 39 1/2 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor and the paper outlet at least 9 inches above the floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.

(h) The rim of the urinal in the men's room is 24 1/2 inches above the finished floor. Provide a urinal with an elongated rim no higher than 17 inches above

the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.5, 4.18.2.

d. Pioneer Ranch

1. The path to the exhibit has an uneven surface. Provide an accessible route to the exhibit with a surface that is stable, firm, and slip resistant. §§ 4.1.2(2), 4.1.6(1)(b), 4.3.6, 4.5.1.

e. Petting Zoo

1. The path to the exhibit has an uneven surface. Provide an accessible route to the exhibit with a surface that is stable, firm, and slip resistant. §§ 4.1.2(2), 4.1.6(1)(b), 4.3.6, 4.5.1.

f. Cold Blooded Creatures Exhibit

1. Accessible route

(a) The path to the entrance to the exhibit has an uneven surface. Provide an accessible route to the exhibit with a surface that is stable, firm, and slip resistant. §§ 4.1.2(2), 4.1.6(1)(b), 4.3.6, 4.5.1.

2. Men's Toilet Room

(a) The toilet room door has knob hardware. Provide accessible hardware that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are accessible designs. §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.22.2, 4.13.9.

(b) The rear grab bar in the designated accessible stall is 32 inches long, the space between the wall and the rear grab bar is 3 inches, and the rear grab bar is 1 inch in diameter. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall, 1 1/4 to 1 1/2 inches in diameter, and exactly 1 1/2 inches from the wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.6 & Fig. 30(c), 4.26.2 & Fig. 39 (a), (b), (c), (e).

(c) The side grab bar in the designated accessible stall is 32 inches long, and is located 15 1/2 inches from the back wall. The space between the wall and the side grab bar is 3 inches, and the side grab bar is 1 inch in diameter. Provide a side grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall, 1 1/4 to 1 1/2 inches in diameter, and exactly 1 1/2 inches from the wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.4, 4.26.2 & Fig. 39(a), (b), (c), (e), 4.17.6 & Fig. 30(a).

(d) The rim of the urinal in the men's room is 25 inches above the finished floor. Provide a urinal with an elongated rim no higher than 17 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.5, 4.18.2.

g. Drinking Fountain

1. Access to the drinking fountain is not provided. Provide a clear floor space of 30 inches by 48 inches at the drinking fountain. §§ 4.2.4.1, 4.3.2(2).

h. Women's Toilet Room

1. There is no sign designating the women's toilet room as accessible. Provide a sign with raised letters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of a door. §§ 4.1.3(16)(a), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

2. The toilet room door has twist hardware. Provide accessible hardware that is easy to

grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are accessible designs. §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.22.2, 4.13.9.

3. The rear grab bar is not accessible. Provide a 36 inch long rear grab bar mounted 6 inches from the side wall. § 4.17.3.

4. The side grab bar in the designated accessible stall is 32 inches long, and is located 17 inches from the back wall and 39 inches above the finished floor. The space between the wall and the side grab bar is 3 inches. Provide a side grab bar that is at least 40 inches long with the end closest to the back wall begins no more than 12 inches from the back wall, 33 to 36 inches above the finished floor, and exactly 1 1/2 inches from the wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.26.2 & Fig. 39(e), 4.17.6 & Fig. 30(a).

5. The toilet paper dispenser is located 28 inches from the finished floor and 43 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.

6. The toilet flush control is not mounted on the transfer approach side of the toilet. Provide a flush control mounted on the wide side of toilet are no more than 44 inches above the floor. § 4.16.5.

38. Municipal Court Building

The City will complete the following modifications to the Municipal Court Building within four years of the effective date of this Agreement:

a. Accessible Parking

1. There are two designated accessible parking spaces, one is identified as "van accessible" but none is served by an adjacent access aisle. Provide an access aisle at least 96 inches wide. §§ 4.1.2(5), 4.1.6(1)(b), 4.3, 4.6.3 & Fig. 9, 4.6.4.

2. The signs designating the accessible parking spaces are mounted such that they can be obscured by a vehicle parked in the spaces. Provide accessible signage that cannot be obscured by a vehicle parked in the space. §§ 4.1.6(1)(b), 4.1.2(5)(a), 4.6.4.

b. Entrance

1. The door to the court building has a clear opening width of 31 inches. Provide a doorway with a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.1.3(7)(a), 4.1.6(1)(b), 4.13.5 & Fig. 24.

c. Counter

1. The top of the service counter is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

d. Municipal Court Room

1. There is a 7 1/2 inch step leading to the witness stand and jury box. Provide access to the witness stand and jury box. §§ 4.1.3(1), 4.1.6(1)(b), 4.3.8, 4.5.2, 4.8.

e. Unisex Toilet Room

1. The toilet paper dispenser is located 37 inches from the back wall and is mounted at 23

inches from the finished floor. Provide a dispenser so that it is within reach, below the side grab bar, and with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6 & Fig. 29(b), 4.2.6.

f. First Floor Court House

1. Public Telephone

(a) The public telephone has no volume control. Provide a public telephone that is equipped with a volume control. §§ 4.1.3(17)(b), 4.1.6(1)(b), 4.31.5.

g. Police Station

1. Counter

(a) The top of the Information Counter is 45 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

h. Water Fountain

1. The spout outlet height of the drinking fountain is 43 inches above the finished floor. Provide a fountain with a spout height no higher than 36 inches above the finished floor or provide cups next to the existing fountain so that they dispense within the reach ranges of persons who use wheelchairs. §§ 4.1.3(10)(a), 4.1.6(1)(b), 4.15.2 & Fig. 27(a), 4.27.3, 4.2.5, 4.2.6.

i. Traffic Accident Reports Office

1. Counter

(a) The top of the counter is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

39. Elmwood Golf Course

The City will complete the following modifications to Elmwood Golf Course within one year of the effective date of this Agreement:

a. Accessible Parking

1. There are six accessible parking spaces provided, but none is designated as "van-accessible." Provide a space with a 96 inch wide access aisle and provide a sign designating the space as "van-accessible" mounted below the symbol of accessibility in a location that cannot be obscured by a vehicle parked in the space. §§ 4.1.6(1)(b), 4.1.2(5)(b), 4.6.3 & Fig. 9, 4.6.4.

b. Pro Shop and Payment Office

1. Counter

(a) The top of the service counter is 40 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an

accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2 (2).

c. Women's Locker Room

1. The entrance to the women's locker room has a clear opening width of 28 1/2 inches. Provide a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.5 & Fig.24.

d. Women's Toilet Room

1. The height of the lavatory provides a clearance of 27 1/2 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.2 & Fig. 31.

2. The highest operable part of the paper towel dispenser is 60 1/2 inches above the finished floor for a forward approach. Provide a dispenser so that its highest operable part is no higher than 48 inches above the finished floor for a forward reach, or no higher than 54 inches for a side reach. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.7, 4.27.3, 4.2.5, 4.2.6.

3. The door coat hook in the designated accessible stall is located 65 inches above the floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or 48 inches above the finished floor for a front reach. §§ 4.1.3(12)(a), 4.1.6(1)(b), 4.25.3, 4.2.5, 4.2.6.

4. The centerline of the toilet is located 21 1/2 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.17.3 & Fig. 30(a), 4.22.4.

5. The rear grab bar in the designated accessible stall is 29 1/2 inches long. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3, 4.17.6 & Fig. 30(a).

e. Men's Toilet Room

1. The height of the lavatory provides a clearance of 27 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.2 & Fig. 31.

2. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.4.

3. The highest operable part of the paper towel dispenser is 61 inches above the finished floor for a forward approach. Provide a dispenser so that its highest operable part is no higher than 48 inches above the finished floor for a forward reach, or 54 inches for a side reach. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.7, 4.27.3, 4.2.5, 4.2.6.

4. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 48 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.

5. The centerline of the toilet is located 20 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig. 30(a).

6. The rear grab bar in the designated accessible stall is 30 inches long, and the end

closest to the side wall is mounted at 7 inches from the side wall. Provide a rear grab bar that is at least 36 inches long with the end closest to the side wall mounted no more than 6 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.6 & Fig. 30(a).

7. The toilet paper dispenser in the designated accessible stall is located 37 inches from the back wall and 31 inches from the finished floor. Provide a dispenser that is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.

f. "Starter Shack"

1. Counter

(a) The top of the service counter is 45 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

(b) Access to the service window is obstructed by the narrow sidewalk. Provide an unobstructed accessible route to this element. §§ 4.1.6(1)(b), 4.1.3(1), 4.2.4.1.

40. Mineral Palace Park Greenhouse

The City will complete the following modifications to Mineral Palace Park Greenhouse within one year of the effective date of this Agreement. However, if the City decides to close this facility within six months of the effective date of this Agreement, the City will not be required to make the following modifications:

a. Indoor Ramp

1. The ramp configuration exceeds the maximum allowable slope. Provide a ramp with a slope of not more than 1:12. § 4.8.2.

b. Unisex Toilet Room

1. The unisex toilet stall is 54 inches wide and 71 1/2 inches deep. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.1.3(11), 4.1.6(1)(b), 4.25.3, 4.2.5, 4.2.6, 4.13, 4.22.4, 4.16, 4.17 & Fig. 30 (a), (c), (d), 4.26, 4.27.

2. The mirror is mounted so that the bottom edge of the reflecting surface is 43 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.

3. The highest operable part of the paper towel dispenser in the women's room is 58 inches above the finished floor. Provide a dispenser so that its highest operable part is no higher than 48 inches above the finished floor for a forward reach, or 54 inches for a side reach. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.7, 4.27.3, 4.2.5, 4.2.6.

4. The toilet paper dispenser in the designated accessible stall is 39 1/2 inches from the finished floor and 32 inches from the back wall. Provide a dispenser so that it is within reach as required by the Standards, with its centerline no less than 19 inches from the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6 & Fig. 29(b), 4.2.6.

5. The side grab bar is mounted 13 inches from the back wall. Provide a side grab bar with the end closest to the back wall mounted no more than 12 inches from the side wall. §§

4.1.6(1)(b), 4.1.3(11), 4.22.4, 4.17.3 & Fig. 30(a).

41. Air Museum at Pueblo Airport

The City will complete the following modifications to the Air Museum at Pueblo Airport within six (6) months of the effective date of this Agreement:

a. Provide directional signs at inaccessible toilet rooms and in conspicuous places directing users to the location of the accessible toilet rooms. §§ 4.1.3(16)(b), 4.30.1, 4.30.2, 4.30.3, 4.30.5.

b. Hangar - Women's and Men's Toilet Rooms

1. There are no accessible signs at the doors to the women's and men's toilet rooms located by the Hangar. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. §§ 4.1.3(16)(a), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

42. Pueblo Animal Services

The City will complete the following modifications to Pueblo Animal Services within three years of the effective date of this Agreement:

a. Accessible Parking

1. The designated accessible parking space is not served by an adjacent access aisle or identified as "van-accessible." Provide at least one van-accessible parking space served by an access aisle at least 96 inches wide and Provide a sign designating the space as "van-accessible" mounted below the symbol of accessibility in a location that cannot be obscured by a vehicle parked in the space. §§ 4.1.2(5)(a)& (b), 4.1.6(1)(b), 4.6.3 & Fig.9, 4.6.4.

b. Counter

1. The top of the service counter is 43 1/2 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§4.1.6(1)(b), 4.1.3(12)(b), 7.2(2).

43. City Park Annex

Unless the City closes the City Park Annex, the City will complete the following modifications to the City Park Annex within two years of the effective date of this Agreement:

a. Accessible Parking

1. There is one accessible parking space provided and designated as "van-accessible" with an access aisle of 36 inches wide. Provide a van accessible space with a 96 inch wide access aisle. §§ 4.1.2(5)(a)&(b), 4.1.6(1)(b), 4.6.3 & Fig. 9.

b. Counter

1. The top of the service counter is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

c. Women's Toilet Room

1. The door to the toilet room has a clear opening width of 27 inches. Provide a doorway with a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.5 & Fig.24(a).

2. The lavatory has twist-type faucets. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrists to operate. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.5, 4.27.4.

3. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 42 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.

4. The designated accessible stall door in the women's toilet room does not have accessible hardware. Provide hardware that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.5, 4.13.9.

5. The door to the toilet stall has a clear opening width of 29 1/2 inches. Provide a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.5 & Fig.24(a).

6. The centerline of the toilet is located 24 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig. 30(a).

7. The top of the toilet seat measures 15 inches above the finished floor. Provide a toilet with a seat between 17 and 19 inches above the finished floor. §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3 & Fig.30(d).

d. Men's Toilet Room

1. The men's toilet room is not accessible. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.1.3(11), 4.1.6(1)(b), 4.17.3 & Fig. 30(a), 4.22.4, 4.26, 4.27.

44. City Park Pavilion

The City will complete the following modifications to City Park Pavilion within one year of the effective date of this Agreement:

a. Accessible Route

1. The exterior ramp at the entrance to the Administration Office only has one handrail with 2 1/2 inches clear space between the handrail adjacent to the wall and the wall. Provide handrails so that there are 12 inch level/horizontal extensions at the top and bottom of the ramp, the space between the wall and handrail is 1 1/2 inches, and the top of the gripping surface on the handrail is 34 - 38 inches above the surface of the ramp. §§ 4.1.2(1), 4.1.6(1)(b), 4.3.7, 4.8.5, 4.26.2.

b. Counter - Administration Office

1. The top of the service counter is 41 1/2 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). §§ 4.1.6(1)(b), 7.2(2).

Program Access in Existing Facilities: In order to provide that each of the City's programs, services, and activities operating at a facility that is the subject of this Agreement, when viewed in its entirety, is readily accessible to and usable by persons with mobility impairments, the City will take the following actions:

45. The Parties agree that the technical requirements and, where appropriate, the scoping requirements of the Standards are used as a guide for determining whether a program or activity held in an existing facility is "readily accessible to and usable by" persons with disabilities and for determining what changes are necessary to make this program or activity accessible if it continues to be provided in the existing facility in question. See 28 C.F.R. §§ 35.150(b)(1), 35.151.

46. Joseph Edwards Senior Center

The City will complete the following modifications to Joseph Edwards Senior Center within two years of the effective date of this Agreement:

a. Accessible Parking

1. There are three parking spaces for people with disabilities, none of which has signage designating it as accessible or "van accessible." Provide at least one van-accessible parking space served by an access aisle at least 96 inches wide. Locate signage at each space mounted so that it cannot be obscured by a vehicle parked in the space. Provide an additional sign designating the space as "van-accessible" with sign mounted below the symbol of accessibility. §§ 4.1.2(5)(a)(b), 4.6.4.

b. Counter - First Floor

1. The top of the service counter is 43 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

c. Cafeteria Door

1. The pressure required to open the door to the Cafeteria is 15 pounds. Ensure that the force required to open the door is no more than 5 pounds. §§ 4.1.3(7), 4.13.11(2)(b).

d. Women's Toilet Room - First Floor

1. The pressure required to open the door to the women's toilet room is 10 pounds. Ensure that the force required to open the door is no more than 5 pounds. §§ 4.1.3(11), 4.22.2, 4.13.11(2)(b).

2. The door coat hook in the designated accessible stall is located 58 inches above the floor. Provide a hook that is no more than 54 inches above the finish floor for a side reach or, if that is not available, 48 inches above the finish floor for a front reach. §§ 4.1.3(12)(a), 4.25.3, 4.2.5, 4.2.6.

3. The toilet flush valve control in the women's designated accessible stall is on the closed, or narrow, side of the toilet stall. Provide flush valve control so that it is on the open, or wide side of the toilet stall or provide an automatic flush device. §§ 4.1.3(11), 4.22.4, 4.17.2, 4.16.5, 4.27.4.

4. The space between the wall and the side grab bar in the designated stall is 2 inches. Provide a side grab bar so that the space between the wall and the bar is exactly 1 1/2 inches. §§ 4.1.3(11), 4.22.4, 4.16.4, 4.26.2 & Fig. 39(e).

e. Men's Toilet Room - First Floor

1. The door to the men's stall designated for people with disabilities opens into the stall, impeding the clear floor space. It may be possible to reverse the door so that it swings outward, or provide an automatic door opener. §§ 4.1.3(11), 4.22.2, 4.17.5 & Fig. 30.

2. The toilet flush valve control in the men's designated accessible stall is on the closed, or narrow, side of the toilet stall. Provide a flush valve control that it is on the open, or wide side of the toilet stall or provide an automatic flush device. §§ 4.1.3(11), 4.22.4, 4.17.2, 4.16.5, 4.27.4.

3. The toilet paper dispenser in the designated accessible stall is located 44 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finish floor and the paper outlet at least 9 inches above the floor. §§ 4.1.3(11), 4.22.4, 4.16.6 & Fig. 29(b), 4.2.6.

4. The door coat hook in the designated accessible stall is located 58 inches above the floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or 48 inches above the finish floor for a front reach. §§ 4.1.3(12)(a), 4.25.3, 4.2.5, 4.2.6.

5. The clear floor space at the urinal is 27 inches wide. Provide a minimum clear floor space that is 30 inches wide. §§ 4.1.3(11), 4.2.4, 4.22.5, 4.18.3.

6. The rim of the urinal in the men's room is 18 inches above the finish floor. Provide a urinal with an elongated rim no higher than 17 inches above the finish floor. §§ 4.1.3(11), 4.22.5, 4.18.2.

f. Women's Toilet Room - Second Floor

1. The designated accessible toilet stall contains the following non-compliant elements: the stall is 41 1/2 inches wide; the centerline of the toilet is 21 1/2 inches from the side wall; the coat hook is located 58 inches above the floor; and the toilet paper dispenser is located 39 inches from the back wall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. Alternately, the City may provide directional signs at inaccessible toilet rooms and in conspicuous places directing users to the location of the accessible toilet rooms. §§ 4.1.3(11), 4.1.3(16)(b), 4.22.4, 4.17 & Fig. 30 (a), (c), (d), 4.26, 4.27, 4.30.1, 4.30.2, 4.30.3, 4.30.5.

g. Men's Toilet Room - Second Floor

1. The designated accessible toilet stall contains the following non-compliant elements: the stall is 41 inches wide; the centerline of the toilet is 20 inches from the side wall; the coat hook is located 58 inches above the floor; and the toilet paper dispenser is located 39 inches from the back wall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. Alternately, the City may provide directional signs at inaccessible toilet rooms and in conspicuous places directing users to the location of the accessible toilet rooms. §§ 4.1.3(11), 4.1.3(16)(b), 4.22.4, 4.17 & Fig. 30 (a), (c), (d), 4.26, 4.27, 4.30.1, 4.30.2, 4.30.3, 4.30.5.

h. Classroom Number 202

1. The pressure required to open the door to the classroom is 8 pounds. Ensure that the force required to open the door is no more than 5 pounds. §§ 4.1.3(7)(b), 4.13.11(2)(b).

i. Counter - Third Floor

1. The top of the service counter is 45 inches above the finish floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

j. Men's Toilet Room - Third Floor

1. There is a trash can located in the men's room that blocks access to the hand dryer. Provide and maintain unobstructed access to the hand dryer. §§ 4.1.3(11), 4.22.7, 4.27.2.
2. The designated accessible stall is less than 41 inches deep. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. §§ 4.1.3(11), 4.13, 4.16, 4.17 & Fig. 30(a), 4.22.4, 4.22.7, 4.26, 4.27.
3. The door coat hook in the designated accessible stall is located 58 1/4 inches above the finished floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or, if that is not available, 48 inches above the finish floor for a front reach. §§ 4.1.3(12)(a), 4.25.3, 4.2.5, 4.2.6.
4. The clear floor space at the urinal is 28 1/2 inches wide. Provide a minimum clear floor space that is 30 inches wide. §§ 4.1.3(11), 4.2.4.1, 4.18.3.

k. Women's Toilet Room - Third Floor

1. The designated accessible stall contains the following elements that do not comply with the Standards: the stall is less than 40 1/2 inches deep, and the toilet paper dispenser does not permit continuous paper flow. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. §§ 4.1.3(11), 4.13, 4.16.6, 4.17 & Fig. 30(a), 4.22.4, 4.22.7, 4.26, 4.27.
2. The door coat hook in the designated accessible stall is located 58 1/2 inches above the floor. Provide a hook that is no more than 54 inches above the finish floor for a side reach or 48 inches above the finish floor for a front reach. §§ 4.1.3(12)(a), 4.25.3, 4.2.5, 4.2.6.

47. Mitchell Park Pool

The City will complete the following modifications to Mitchell Park Pool within six years of the effective date of this Agreement:

a. Accessible Route

1. The ramp leading to the pool house has a horizontal projection greater than 72 inches and has handrails on only one side. Provide handrails on both sides of the ramp that are between 34 and 38 inches high, have extensions of at least 12 inches beyond the top and bottom of the ramp segment, and have ends that are rounded or returned to the floor, wall, or post and otherwise comply with the Standards. §§ 4.8.5, 4.26.

b. Women's Bathroom

1. There is no accessible sign at the door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. §§ 4.30.1, 4.30.4, 4.30.5, 4.30.6.
2. There is a 1 inch change in elevation at the threshold to the entrance door to the women's bathroom. Provide a threshold so that the change is no greater than 1/2 inch and beveled with a slope no greater than 1:2, or provide a ramp with a slope no greater than 1:12 that has a level landing in front of the doorway as required to provide maneuvering clearances at the door. §§ 4.13.8, 4.5.2, 4.8, Fig. 25, 4.13.6.
3. The height of the lavatory provides a clearance of 26 1/2 inches from the finished floor

to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.19.2 & Fig. 31.

5. The dressing room in the women's shower is 32 inches wide by 36 inches deep. The bench is 18 1/2 inches above the finished floor and 11 inches deep and is not compliant in size and configuration. Provide one accessible dressing room on an accessible route in the women's shower room with a clear floor space that allows enough room for a person using a wheelchair to make a 180 degree turn and has a bench at least 24 inches by 48 inches fixed to the wall along the longer dimension that is mounted between 17 and 19 inches above the finished floor. §§ 4.35.2, 4.13, 4.35.4.

6. The shower stalls in the women's room are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37.

7. The toilet stall contains the following non-compliant elements: the stall is 35 inches wide and 55 inches deep; the side grab bar is mounted 14 inches from the back wall, the rear grab bar is 30 inches long, the toilet paper dispenser is 37 inches from the finished floor and 33 1/2 inches from the back wall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), 4.26, 4.27.

c. Men's Bathroom

1. There is no accessible sign at the door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. §§ 4.1.3(16) (a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

2. The shower stalls in the men's room are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37.

3. The toilet stall contains the following non-compliant elements: the stall is 34 1/2 inches wide and 52 inches deep; the side grab bar is mounted 13 1/2 inches from the back wall, the rear grab bar is 30 inches long, the toilet paper dispenser is 38 inches from the finished floor and 33 inches from the back wall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), (c), 4.26, 4.27.

d. Kiddie Pool

1. The kiddie pool area has a 3 1/2 inch step at the entrance. Provide an accessible route to the kiddie pool that complies with the Standards. §§ 4.3.8, 4.5.2, 4.8.

e. Counter

1. The top of the cashier's counter is 42 1/2 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

f. Concession Stand

1. The top of the counter at the concession stand is 43 1/4 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

g. Playground, Basketball and Tennis Courts

1. The playground equipment, basketball and tennis courts lack an accessible route and an accessible surface from the sidewalk or the street. Provide an accessible route from the parking lot to the sports complex and an accessible surface. §§ 4.3, 4.5.1.

48. Mineral Palace Park

The City will complete the following modifications to Mineral Palace Park within one year of the effective date of this Agreement:

a. Accessible Route

1. The park lacks an accessible route from the street. Provide an accessible route from the sidewalk or the street to the park. §§ 4.3, 4.5.1.

49. Stauter Field

The City will complete the following modifications to Stauter Field within one year of the effective date of this Agreement:

a. Accessible Route

1. The basketball court lacks an accessible route from the street to the court. Provide an accessible route from the street to the court. §§ 4.3, 4.5.1.

b. Women's Toilet Room

1. The centerline of the toilet in the designated accessible stall is located 13 1/2 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. § 4.17.3 & Fig. 30(a).

2. The toilet paper dispenser in the designated accessible stall is located 39 inches from the back wall and 25 inches above the finished floor. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor and the paper outlet at least 9 inches above the floor. §§ 4.17.3 & Fig. 30(d), 4.2.6.

c. Men's Toilet Room

1. The centerline of the toilet in the designated accessible stall is located 13 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.17.3 & Fig. 30(a).

2. The toilet paper dispenser in the designated accessible stall is located 38 1/2 inches from the back wall and 25 1/2 inches above the finished floor. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.17.3 & Fig. 30(d), 4.2.6.

3. Operation of the lavatory trim requires twisting. Provide faucets that are operable with one hand and do not require grasping, pinching, or twisting of the wrist. § 4.27.4.1.

50. Langoni Sports Complex

The City will complete the following modifications to Langoni Sports Complex within one year of the effective date of this Agreement:

a. Accessible Route

1. The sports complex lacks an accessible route from the parking lot to the complex and the lack of an accessible surface. Provide an accessible route from the parking lot to the sports complex and an accessible surface. §§ 4.3, 4.5.1.

b. Men's Toilet Room

1. The pressure required to open the door to the men's toilet room is 18 pounds. Ensure that the force required to open the door is no more than 5 pounds. § 4.13.11(2)(b).

c. Women's Toilet Room

1. The pressure required to open the door to the men's toilet room is 18 pounds. Ensure that the force required to open the door is no more than 5 pounds. § 4.13.11(2)(b).

2. There is a 1 inch change in elevation at the threshold to the entrance door to the women's toilet room. Provide a threshold so that the change is no greater than 1/2 inch and beveled with a slope no greater than 1:2, or provide a ramp with a slope no greater than 1:12 that has a level landing in front of the doorway as required to provide maneuvering clearances at the door. §§ 4.13.8, 4.5.2, 4.8, Fig. 25, 4.13.6.

3. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 46 1/2 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. § 4.19.6.

4. The door coat hook is located 66 inches above the floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or 48 inches above the finished floor for a front reach. §§ 4.25.3, 4.2.5, 4.2.6.

5. The toilet paper dispenser in the designated accessible stall is located 38 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.17.3 & Fig. 30(d), 4.2.6.

51. Minnequa Park

The City will complete the following modifications to Minnequa Park within four years of the effective date of this Agreement:

a. Men's Toilet Room by Pool

1. There is no designated accessible men's toilet stall. Provide a "standard" toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and

arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), 4.26, 4.27.

2. The height of the lavatory provides a clearance of 27 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.19.2 & Fig. 31.

3. The soap dispenser is mounted so that the control is located 46 inches above the finished floor. Provide a dispenser so that its highest operable part is within the reach ranges of a person who uses a wheelchair. §§ 4.22.7, 4.27.3, 4.2.5, 4.2.6.

4. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 47 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. § 4.19.6.

b. Men's Showers

1. The shower stalls in the men's room are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. § 4.21 & Fig. 35(a), Fig. 37.

c. Women's Toilet Room by Pool

1. There is no designated accessible women's toilet stall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), 4.26, 4.27.

2. The height of the lavatory provides a clearance of 27 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. § 4.19.2 & Fig. 31.

3. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 46 1/2 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. § 4.19.6.

d. Women's Shower

1. The shower stalls in the women's room are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37(a)

e. Minnequa Playground

1. The playground lacks an accessible route and an accessible surface from the street to the playground. Provide an accessible route from the parking lot to the playground and an accessible surface. §§ 4.3, 4.5.1.

f. Minnequa Softball Field

1. The softball field lacks an accessible route and an accessible surface from the street to the field. Provide an accessible route from the parking lot to the playground and an accessible surface. §§ 4.3, 4.5.1.

g. Men's Toilet Room

1. There is no accessible sign at the men's toilet door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

2. The toilet paper dispenser in the designated accessible stall is located 28 inches from the finished floor. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor.
§§ 4.17.3 & Fig. 30(d), 4.2.6.

h. Minnequa Park Memorial to Steel Workers

1. Accessible Parking

(a) There are two accessible parking spaces provided but none is designated as "van-accessible." The shared access aisle is 36 inches wide. Provide a space with a 96 inch wide access aisle and provide a sign designating the space as "van-accessible" mounted below the symbol of accessibility in a location that cannot be obscured by a vehicle parked in the space. §§ 4.1.2(5)(a)(b), 4.6.3 & Fig. 9, 4.6.4.

(b) The sign designating the accessible parking space is mounted such that it can be obscured by a vehicle parked in the spaces. Provide accessible signage that cannot be obscured by a vehicle parked in the space. §§ 4.1.2(5)(a), 4.6.4.

52. University Park

The City will complete the following modifications to University Park within one year of the effective date of this Agreement:

1. The park and playground lack an accessible route and an accessible surface from the street to the park and playground. Provide an accessible route from the sidewalk or the street to the park and the playground and an accessible surface. §§ 4.3, 4.5.1.

53. Sunset Park

The City will complete the following modifications to Sunset Park within one year of the effective date of this Agreement:

1. The park lacks an accessible route from the street. Provide an accessible route from the sidewalk or the street to the park. §§ 4.3, 4.5.1.

54. Vinewood Park

The City will complete the following modifications to Vinewood Park within one year of the effective date of this Agreement:

a. Playground and basketball court

1. The playground and the basketball court lack an accessible route from the sidewalk or the street. Provide an accessible route from the sidewalk or the street to the park. §§ 4.3,

4.5.1.

b. Women's Toilet

1. There is no accessible stall in the women's toilet room. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.17.3 & Fig. 30(a), 4.22.4, 4.26, 4.27.

c. Men's Toilet

1. There is no accessible stall in the men's toilet room. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.17.3 & Fig. 30(a), 4.22.4, 4.26, 4.27.

55. Pueblo Plaza - Ice Arena

The City will complete the following modifications to Pueblo Plaza Ice Arena within two years of the effective date of this Agreement:

a. Accessible Route

1. There is a 1 inch change of level on the route from the street to the entrance. Provide an accessible route with no changes in level greater than 1/2 inch and beveled with a slope no greater than 1:2. §§ 4.1.2(1), 4.3.8, 4.5.2.

b. Counter

1. The top of the cashier's counter is 40 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

c. Rink

1. There is a 6 inch change in elevation at the threshold to the ice rink. Provide an accessible route to the ice rink, either by rendering the main entrance accessible or by providing an alternate route to the ice . If an alternate route is provided, signage shall be placed at the ticket counter and main entrance to the ice rink directing the public to the location of the accessible route. §§ 4.13.8, 4.5.2, 4.8, 4.13.6, Fig. 25.

d. Bleachers

1. There is no accessible route to the bleachers, nor wheelchair seating in the bleachers. City will provide a new accessible seating area suitable for wheelchair seating adjacent to the rink, with an accessible route to that area. The area shall be designated and signed for wheelchair use, and shall contain at least one companion seat for each wheelchair space. §§ 4.1.3(1), 4.3, 4.3.8, 4.5, 4.5.2, 4.8, 4.33.

e. Counter - Skate Rental

1. The top of the counter to rent skates is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

f. Telephones

1. The highest operable part of the public telephone is 68 inches. Provide a public telephone that has its highest operable part within the reach ranges specified in the Standards. §§ 4.2.5, 4.2.6, 4.31.2 through 4.31.8.

g. Counter - Concession Stand

1. The top of the counter at the concession stand is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

h. Women's Toilet Room

1. The toilet room sign is mounted at a height of 64 inches above the finished floor to the centerline of the sign. Provide a sign with its centerline 60 inches above the finished floor. § 4.30.6.
2. The designated accessible toilet stall is 43 inches wide and 56 inches deep. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.17.3 & Fig. 30 (a), 4.22.5, 4.26, 4.27.
3. The height of the lavatory provides a clearance of 21 1/2 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.19.2 & Fig. 31.
4. The entrance to the designated accessible stall has a clear opening width of 30 inches. Provide a doorway to provide a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.13.5 & Fig.24 (a).
5. The door coat hook in the designated accessible stall is located 62 1/2 inches above the floor. Provide a hook that is no more than 54 inches above the finished floor for a side reach or 48 inches above the finished floor for a front reach. §§ 4.25.3, 4.2.5, 4.2.6.
6. The top of the toilet seat measures 16 inches above the finished floor. Provide a toilet with a seat between 17 and 19 inches above the finished floor. §§ 4.17.3 & Fig.30(d).
7. The designated accessible stall has no rear grab bar. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall. §§ 4.17.6 & Fig. 30(a).
8. The toilet paper dispenser in the designated accessible stall is located above the side grab bar and is 37 inches from the finished floor and 29 inches from the back wall. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.16.6, 4.17.3 & Fig. 30(d), 4.2.6.

i. Men's Toilet Room

1. The designated accessible toilet stall is 39 1/2 inches wide and 52 inches deep. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), 4.26, 4.27.
2. There is no accessible sign at the door. Provide a sign with raised characters and Braille

on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

3. The height of the lavatory provides a clearance of 21 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.19.2 & Fig. 31.

4. The top of the toilet seat measures 16 inches above the finished floor. Provide a toilet with a seat between 17 and 19 inches above the finished floor. §§ 4.17.3 & Fig.30(d).

5. The designated accessible stall has no rear grab bar. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall. §§ 4.17.6 & Fig. 30(a).

56. Swimming Pool/Bathhouse at Mineral Palace Park

The City will complete the following modifications to Swimming Pool/Bathhouse and Mineral Palace Park within two years of the effective date of this Agreement:

a. Counter - Front Service

1. The top of the front service counter is 45 1/4 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

b. Counter - Near Women's Shower Room

1. The top of the service counter is 45 1/2 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

c. Concession Stand

1. The top of the concession stand is 45 1/4 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high; or provide an auxiliary counter with a maximum height of 36 inches; or provide equivalent facilitation (e.g., by offering those services at an accessible location for individuals who use wheelchairs). § 7.2(2).

d. Women's Bathroom

1. There is no sign designating the women's bathroom as accessible. Provide a sign with raised letters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of a door. §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

2. The women's shower stalls are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37.

3. The lavatory in the women's bathroom room has twist-type faucets. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrists to operate. §§ 4.19.5, 4.27.4.

4. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. § 4.19.4.

5. The toilet stall contains the following non-compliant elements: the stall is 31 1/2 inches wide and 62 inches deep; the side grab bar is mounted 16 inches from the back wall, the rear grab bar is 23 inches long, the centerline of the toilet is 16 1/2 inches from the side wall; the toilet paper dispenser is 26 inches from the finished floor and 38 inches from the back wall; and the top of the toilet seat measures 19 1/2 inches above the finished floor. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.17.3 & Fig. 30 (a), 4.26, 4.27.

e. Men's Bathroom

1. The men's shower stalls are not accessible. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37.

2. The height of the lavatory provides a clearance of 27 inches from the finished floor to the bottom of the apron. Provide a lavatory that has a clearance of at least 29 inches above the finished floor to the bottom of the apron and which otherwise complies with the Standards. §§ 4.19.2 & Fig. 31.

3. There are no accessible shower stalls in the men's bathroom. Provide one shower stall that is exactly 36 inches wide by 36 inches deep, has a clear floor space that is 36 inches wide by 48 inches deep extending 12 inches beyond the seat wall to enable a wheelchair user to make a lateral transfer, has a shower seat and grab bars, has controls between 38 and 48 inches above the shower floor and between the centerline and the outer edge of the shower on the wall opposite the seat wall, and has a shower spray unit with a 60 inch long hose or a fixed shower head mounted at 48 inches above the shower floor. §§ 4.21, Fig. 35(a), Fig. 37.

6. Kiddie Pool

There is a step down to the kiddie pool area. Provide an accessible route to the kiddie pool area that complies with the Standards. §§ 4.3.8, 4.8.

57. El Centro del Quinto Sol Community Center

The City intends to close this facility. In the event the City does not do so, it will complete the following modifications to El Centro del Quinto Sol Community Center within three years of the effective date of this Agreement:

a. Accessible Route

1. The indoor court is not accessible. Provide an accessible route to the indoor court that complies with the Standards. §§ 4.3.8, 4.8.

2. The interior ramp leading to the basement of the center has a slope of more than a 1:6

which exceeds the maximum allowable 1:12 slope for a ramp. Provide a ramp that has a slope no greater than 1:12. §§ 4.3.8, 4.8.2.

b. Men's Toilet Room

1. The toilet stall contains the following non-compliant elements: the stall is 38 1/2 inches wide and 74 inches deep; the side grab bar is mounted 32 inches above the finished floor, the rear grab bar is mounted 32 inches above the finished floor and 1 3/4 inches from the side wall, the centerline of the toilet is 19 inches from the side wall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall mounted) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, and controls and dispensers comply with the Standards. §§ 4.22.4, 4.17.3 & Fig. 30 (a), 4.26, 4.27.

2. The lavatory has twist-type faucets. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrists to operate. §§ 4.19.5, 4.27.4.

3. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 43 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. § 4.19.6.

4. Insufficient clear floor space is provided to access the urinal. Provide a minimum clear floor space of 30 inches by 48 inches. § 4.2.4.1.

c. Women's Toilet Room

1. The door to the toilet room has a clear opening width of 27 inches. Provide a doorway with a minimum clear opening width of at least 32 inches measured from the face of door to the opposite door stop with the door open 90 degrees. §§ 4.13.5 & Fig.24(a).

2. The centerline of the toilet is located 24 inches from the side wall. Provide a toilet so that the centerline is exactly 18 inches from the side wall. §§ 4.17.3 & Fig. 30(a).

3. The space between the wall and the rear grab bar is 1 3/4 inches. Provide a rear grab bar so that the space between the wall and the bar is exactly 1 1/2 inches. §§ 4.17.6, 4.26.2 & Fig. 39(e).

4. The toilet paper dispenser is located 26 1/2 inches from the finished floor. Provide a dispenser so that it is below the side grab bar and the farthest edge of the toilet paper roll is no more than 36 inches from the back wall with its centerline no less than 19 inches from the finished floor. §§ 4.16.6, & Fig. 30(d), 4.2.6.

5. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. § 4.19.4.

6. The lavatory has twist-type faucets. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrists to operate. §§ 4.19.5, 4.27.4.

7. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 42 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. § 4.19.6.

58. Beckwood Park

The City will complete the following modifications to Beckwood Park within one year of the effective date of this Agreement:

1. The park lacks an accessible route from the sidewalk or the street. Provide an accessible route into the playground that complies with the Standards. §§ 4.1.2(1), 4.3, 4.5.

MISCELLANEOUS PROVISIONS

59. Except as otherwise specified in this Agreement, at three, six, nine, and 12 months after the effective date of this Agreement, and annually thereafter until the termination or expiration of the Agreement, the City, through its ADA Coordinator, will submit written reports to the Department summarizing the actions the City has taken pursuant to this Agreement. Reports will include detailed photographs showing measurements, architectural plans, work orders, notices published in the newspapers, copies of adopted policies, and proof of efforts to secure funding/assistance for structural renovations or equipment.

60. Throughout the life of this Agreement, consistent with 28 C.F.R. § 35.133(a), the City will maintain the accessibility of its programs, activities, services, facilities, and equipment, and will take whatever actions are necessary (such as routine testing of accessibility equipment and routine accessibility audits of its programs and facilities) to do so. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 C.F.R. § 35.133(b).

61. Within 120 days of the effective date of this Agreement, the City will develop or procure a two-hour training program on the requirements of the ADA and appropriate ways to interact with persons with disabilities. The City will use the ADA technical assistance materials developed by the Department and will consult with interested persons, including individuals with disabilities, in developing or procuring the ADA training program.

62. Within one year of the effective date of this Agreement, the City will deliver its training program to all City employees. At the end of that period, the City submit a copy of its training curriculum and materials to the Department, along with a list of employees trained and the name, title, and address of the trainer.

IMPLEMENTATION AND ENFORCEMENT

63. If at any time the City desires to modify any portion of this Agreement because of changed conditions making performance impossible or impractical or for any other reason, it will promptly notify the Department in writing, setting forth the facts and circumstances thought to justify modification and the substance of the proposed modification. Until there is written Agreement by the Department to the proposed modification, the proposed modification will not take effect. These actions must receive the prior written approval of the Department, which approval shall not be unreasonably withheld or delayed.

64. The Department may review compliance with this Agreement at any time. If the Department believes that the City has failed to comply in a timely manner with any requirement of this Agreement without obtaining sufficient advance written agreement with the Department for a modification of the relevant terms, the Department will so notify the City in writing and it will attempt to resolve the issue or issues in good faith. If the Department is unable to reach a satisfactory resolution of the issue or issues raised within 30 days of the date it Provides notice to the City, it may institute a civil action in federal district court to enforce the terms of this Agreement, or it may initiate appropriate steps to enforce title II and section 504 of the Rehabilitation Act.

65. For purposes of the immediately preceding paragraph, it is a violation of this Agreement for the City to fail to comply in a timely manner with any of its requirements without obtaining sufficient advance written agreement with the Department for an extension of the relevant time frame imposed by the Agreement.

66. Failure by the Department to enforce this entire Agreement or any provision thereof with regard to any deadline or any other provision herein shall not be construed as a waiver of the Department's right to enforce other deadlines and provisions of this Agreement.

67. This Agreement is a public document. Either party shall make the document available for inspection and copying in accordance with the law. The Department shall make a copy of this document available to any person upon request. The City will make the document available for inspection at the office of City Clerk without charge and may place a copy on the City's internet website.

68. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not

contained in this written Agreement (including its Attachments), shall be enforceable. This Agreement does not purport to remedy any other potential violations of the ADA or any other federal law. This Agreement does not affect the City's continuing responsibility to comply with all aspects of the ADA and section 504 of the Rehabilitation Act.

69. This Agreement will remain in effect for seven years from the effective date of this Agreement, or until the parties agree that full compliance with this Agreement by the City has been achieved.

70. The City's contact person for purpose of receiving notices from the Department and the individual directly responsible on behalf of the City for reporting to the Department under this Agreement, unless otherwise stated or assigned herein, shall be City's designated ADA Coordinator.

71. TABOR (Taxpayer's Bill of Rights) Limitations

a. Nothing herein shall constitute, nor be deemed to constitute, the creation of a debt or multi-year fiscal obligation or an obligation of future appropriations by the City Council of City, contrary to Article X, § 20 of the Colorado Constitution or any other constitutional, statutory or charter debt limitation.

b. At the time of entering into this Agreement, the City fully intends to satisfy its obligations under this Agreement. During each fiscal year during the term of this Agreement, the City Manager shall include in the initial budget proposal submitted to Council under §7-2 of the City Charter appropriations sufficient to cover the City's obligations under this Agreement for each year. At the time of entering into this Agreement, the City reasonably believes that funds in amounts sufficient to discharge these obligations can and will lawfully be appropriated and made available for this purpose. In the event the budget or other means of appropriations does not provide funds in sufficient amounts to discharge these obligations, the City shall notify the Department and seek an extension of the term of this Agreement so as to meet such obligation in one or more subsequent fiscal years.

72. The person signing for the City represents that he or she is authorized to bind the City to this Agreement.

73. The effective date of this Agreement is the date of the last signature below.

For the City of Pueblo, A Municipal Corporation:

For the United States:

By: _____
RANDY THURSTON
President of City Council

ATTEST:

GINA DUTCHER
City Clerk

APPROVED AS TO FORM:

THOMAS E. JAGGER
City Attorney

R. ALEXANDER ACOSTA
Assistant Attorney General

By: _____
JOHN L. WODATCH, Chief
MARY LOU MOBLEY, Acting Deputy
Chief
NAOMI MILTON, Supervising Attorney
AMELIA M. EDUARDO, Investigator
MICHELE ANTONIO MALLOZZI,
Architect
Disability Rights Section- NYA
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue., N.W.
Washington , DC 20530

Date: June 2, 2004

Date: April 12, 2004

Attachment A to Settlement Agreement between the United States of America and the City of Pueblo in DJ# 204-13-269



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

Employment: The City 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 Americans with Disabilities Act (ADA).

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

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of Ms. Beth Vega as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to Ms. Vega.

The City 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.

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Attachment B to Settlement Agreement between the United States of America and the City of Pueblo in DJ# 204-13-269

The City of Pueblo

Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The 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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Ms. Beth Vega
1 City Hall Place
1st Floor of City Hall
Pueblo, Colorado 81003

Within 15 calendar days after receipt of the complaint, Ms. Vega or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Ms. Vega or her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by Ms. Vega or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of within 15 calendar days after receipt of the response to the City Manager/ County Commissioner/ other appropriate high-level official or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager/ County Commissioner/ other appropriate high-level official or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the City Manager/ County Commissioner/ other appropriate high-level official] or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Ms. Vega or her designee, appeals to the City Manager/ County Commissioner/ other appropriate high-level official or his/her designee, and responses from these two offices will be retained by the City for at least three years.

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Attachment C to Settlement Agreement between the United States of America and the City of Pueblo in DJ# 204-13-269

JAMES W. BILLINGS JR., CHIEF OF POLICE

POLICY STATEMENT REGARDING EFFECTIVE COMMUNICATION WITH PEOPLE WHO ARE

DEAF OR HARD OF HEARING

OVERVIEW

It is the policy of this law enforcement agency (Agency) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

- People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- The Agency will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing.
- Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- Various types of communication aids - known as "auxiliary aids and services" - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
- The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:

If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.

If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively.

- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination. For example:
 - If the Agency has limited financial resources and providing a particular auxiliary aid would cost a large sum of money, the Agency head may determine that it would be an undue financial burden (note: the Agency's budget as a whole must be considered). In this situation, the most effective means of communication that does not involve an undue burden must be used.
- The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless

they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.

- People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

ON-CALL INTERPRETIVE SERVICES

- The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Agency will update this list annually.
- A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

TTY AND RELAY SERVICES

- In situations when a non disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

- Officers must review and have a working knowledge of Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:
 - Issuing a noncriminal or motor vehicle citation.
Communicating with a person who initiates contact with an officer.
 - Interviewing a victim or critical witness to an incident.
 - Questioning a person who is a suspect in a crime.
Making an arrest or taking a person into custody.
 - Issuing Miranda Warnings to a person under arrest or in custody.
Interrogating a person under arrest or in custody.

PROCEDURES FOR OBTAINING AUXILIARY AIDS AND SERVICES

- Officers must utilize the following auxiliary aids, when available, to communicate effectively:
 - Use of gestures
 - Use of visual aids
 - Exchange of written notes
 - Use of computers or typewriters
 - Use of assistive listening devices

- Use of teletypewriters (TTY's)
- Use of qualified oral or sign language interpreters

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Attachment D to Settlement Agreement between the United States of America and the City of Pueblo in DJ# 204-13-269



GUIDE FOR LAW ENFORCEMENT OFFICERS

When In Contact With People Who Are Deaf or Hard of Hearing

As a law enforcement officer, you can expect to come into contact with people who are deaf or hard of hearing.

Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits State and local government from discriminating against an individual with a disability. Municipal and State police and county sheriff departments are bound by this Federal law. Your office has adopted a more detailed policy regarding law enforcement officers' communication with people who are deaf or hard of hearing. You should become familiar with this policy.

What does title II require of you when interacting with persons who are deaf or hard of hearing? Among other things, your communication with such an individual must be as effective as your communication with hearing people.

How do you communicate? Provide aids or services as necessary to ensure that the deaf or hard of hearing individual understands what you are saying and that you understand him or her. These can include:

- use of qualified sign language or oral interpreters
- for people who are hard of hearing, speaking loudly and clearly, and use of assistive listening devices (to amplify sound)
 - use of gestures or visual aids to supplement oral communication
- an exchange of written notes
 - or use of a computer or typewriter.

What method of communication should you use? The law requires you to give primary consideration to the individual's preference. Ask how the person wishes to communicate.

For example, some people who are deaf do not use sign language and may need to use a different aid or rely on lipreading. In one-on-one communication with an individual who lip reads, an officer should face the individual directly, and should ensure that the communication takes place in a well-lighted area.

Honor the individual's choice unless it would significantly interfere with your law enforcement responsibilities or you are confident that other means of communicating, that may be easier to provide, are just as effective. Remember that deaf or hard of hearing persons must be able to understand you as well as those who do not have hearing impairments.

DO NOT ask a family member or friend to interpret for a deaf individual unless it is urgent to communicate immediately and that is the only option. If the deaf person requests that arrangement and the other person agrees,

however, you can proceed.

How do you know when you are communicating clearly to an individual who is deaf or hard of hearing? Ask the person to summarize what you are saying. Test his or her understanding.

If the person uses sign language, what kinds of communication require an interpreter? Consider the length, importance, and complexity of the communication, as well as the context.

– In a simple encounter, such as checking a driver’s license or giving directions, a notepad and pencil or perhaps gestures will normally be sufficient.

During interrogations and arrests, a sign language interpreter will often be necessary.

– If the legality of a conversation will be questioned in court, such as where *Miranda* warnings are issued, a sign language interpreter may be necessary. You should be careful about misunderstandings in the absence of a qualified interpreter. A nod of the head may be an attempt to appear cooperative in the midst of misunderstanding, rather than consent or a confession of wrongdoing.

– In general, if an individual who does not have a hearing disability would be subject to police action without interrogation, then an interpreter will not be required, unless one is necessary to explain the action being taken.

Example: An officer clocks a car on the highway driving 15 miles above the speed limit. The driver, who is deaf, is pulled over and issued a noncriminal citation. The individual is able to understand the reasons for the citation, because the officer exchanges notes and points to information on the citation. A sign language interpreter is not needed.

Example: An officer responds to an aggravated battery call and upon arriving at the scene observes a bleeding victim and an individual holding a weapon. Eyewitnesses observed the individual strike the victim. The individual with the weapon is deaf, but the officer has probable cause to make a felony arrest without an interrogation. An interpreter is not necessary to carry out the arrest.

Example: An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children and he has been trying to restrain her. The wife, who is deaf, requests an interpreter. The officer begins by exchanging notes but the woman’s responses indicate a lack of comprehension and poor grammar. An interpreter is necessary to carry out any arrest. In this situation, it would be inappropriate to use a family member to assist with communication, even if it is offered.

Do you have to take a sign language interpreter to a call about a violent crime in progress or a similar urgent situation involving a person who is deaf? No. An officer’s immediate priority is to stabilize the situation. If the person being arrested is deaf, the officer can make an arrest and call for an interpreter to be available later at the booking station.

Contact numbers for your local sign language interpreters:

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