

May 10, 2010

CITY OF FAIRWAY, KANSAS

**AMERICAN'S WITH DISABILITIES ACT TRANSITION PLAN**

In 1990, the Federal Government enacted the Americans with Disabilities Act ("ADA"). Title II of the ADA requires public entities that employ 50 or more people to develop a transition plan, which outlines the steps and schedule for making facilities accessible to individuals. The City of Fairway, Kansas ("City") does not employ fifty permanent employees. Nevertheless, the City has elected to undertake a transition plan ("Plan") because several significant changes to facilities operated and used by the City have recently been contemplated.

**PURPOSE**

The purpose of the Plan is to ensure that the citizens of Fairway are provided full access to the City's programs, services and activities in as timely a fashion as is reasonably possible. The City's elected officials and staff believe the ability to accommodate disabled persons is essential to good customer service, the quality of life Fairway residents seek to enjoy and to effective governance.

This Plan has been prepared after careful study of all of the City's programs, services and activities. The City, in preparing this document, has received input from individuals at public meetings and during individual interviews with disabled individuals and their families. Former Mayor John St. Clair, Mayor Jerry Wiley, the members of the Fairway City Council, Kate Gunja, the City Administrator/City Clerk, Kim Young, the Deputy City Clerk, Bill Stogsdill, the City's Public Works Director, Chief of Police John Simmons, William Sandy, the Codes Enforcement Officer, Nathan Nogelmeier, Parks and Recreation Director, and Stephen Chinn, City Attorney have all provided input into this Plan.

Title II of the ADA requires that each of the City's services, programs and activities, when viewed in their entirety, be readily accessible and usable by individuals with disabilities.

This Plan identifies **two (2) forms of barriers**: physical barriers and programmatic barriers.

**Physical Barriers** include physical features such as, but not limited to, the following:

1. Parking
2. Paths of entry/travel
3. Doorways
4. Restrooms

5. Service counters
6. Stairways
7. Curb ramps

**Programmatic Barriers** include, but are not limited to, the following:

1. Building signage
2. Customer communications and interaction
3. Access to public telephones
4. Emergency notifications, alarms, visible signals
5. Communications (via internet, public meetings, telephone)
6. Participation opportunities for events sponsored by the City

City facilities, programs, services, policies, practices and procedures will continue to be surveyed on an on-going basis, and the Plan may be revised from time to time to account for changes to City activities. An accessibility inventory of sidewalks and curb ramps on streets and near City facilities has been completed, and an approach put in place to ensure that all public ramps to sidewalks are handicap accessible.

This Plan has been posted to the City's web site for review and consideration by the general public. In addition, notice has been provided of its existence in the City's quarterly newsletter and other official and unofficial City publications. Any individual may submit comments on the accessibility of City programs and facilities by contacting the City's ADA Coordinator, the City Clerk/City Administrator or his/her designee by phone at (913) 262-0350.

## **I. PHYSICAL BARRIERS**

The City owns a very limited number of properties, and accordingly does not have many options on locations from which it can offer programs, activities and services without incurring significant financial cost. These facilities are as follows:

1. City Hall and City Administrative Offices, 4210 Shawnee Mission Parkway, Suite 100, Fairway, Kansas;
2. Public Safety Building, 5252 Belinder Road, Fairway, Kansas 66205;
3. Public Works Shop, 5505 Buena Vista Drive, Fairway, Kansas 66205;
4. Public Works Office, 4034 Shawnee Mission Parkway, Fairway, Kansas 66205;
5. Peterson Park, 6136 Mission Road, Fairway, Kansas 66205; and
6. Surface improvements to public streets and sidewalks within the municipal limits of the City.

A self-evaluation/assessment of each of the City's physical facilities has been conducted in conjunction with the preparation of this Plan. Summaries of these evaluations are included as Exhibit "A" attached hereto and by this reference incorporated herein. Deficiencies in the

physical features of facilities that diminish the ability of disabled persons to benefit from the City's programs, services and activities are identified. A correction plan or other course of action is noted for each deficiency, along with a schedule for completion of the correction.

#### **A. BASELINE CONDITIONS**

Each of the City's facilities was reviewed in light of several "baseline" conditions, including:

1. access to parking and entry into the facilities themselves;
2. access to a clear and distinct path of travel;
3. access to programs and services themselves;
4. access to public areas and restrooms; and
5. access to related amenities.

#### **B. CRITERIA FOR DETERMINING EXISTENCE OF IMPEDIMENT**

Criteria were established to determine whether corrective action needs to be taken at a particular facility. The criteria include, but are not limited to:

1. *The nature of unique programs or services.* Some facilities and sites are the only location that a particular program or service may be provided;
2. *Facilities already in compliance with ADA accessibility guidelines.* Some of the City's facilities were constructed or underwent major renovations after the effective date of the ADA;
3. *Ability to relocate programs from one facility to another accessible facility.* Because the City offers special programs and services at more than one location, consideration was given to distribution of the special programs and services when viewed in their entirety;
4. *Community/staff input.* Input from members of the disabled community has been included in the process. Meetings were held with these representatives and a public forum was held on September 13, 2007 to gather community input regarding current accessibility concerns and city-wide priorities. Interviews and self-evaluation surveys were also conducted with department representatives to identify how programs and services are provided by each City department;
5. *Current state of accessibility.* The current condition of each facility in terms of barriers already removed, or planned to be removed, as identified by City administration;
6. *Cost.* The cost of alternatives to physical barrier removal versus the cost of an alternative corrective action plan; and
7. *Public use.* The population served by a particular program or service and whether the public can obtain service from an alternative City location.

A summary of the City's street and sidewalk improvements is attached as Exhibit "C" for additional documentation of the City's strategy to bring sidewalks and curb cuts into compliance.

### **C. BRIEF SUMMARY OF EXISTING CITY FACILITIES**

Below is a summary of the City's facilities, the City's use of such facilities and the City's progress toward eliminating physical barriers to disabled persons at these facilities.

#### **1. City Hall and City Administration Office**

In 2002, the City conducted a city hall space needs analysis. From and even before that time, the City has been working toward a solution that will provide long-term storage and office space needs, adequate meeting space, a location that can be easily found by City residents so that those residents can conduct business with the City and office space that is accessible to all residents and customers of the City.

During the period after January 2005, multiple public meetings were held in regard to the process to relocate city administrative and public safety services to a barrier-free facility. The City's goal was to engage the public in the process and utilize facilities that are accessible and functional for government service. Perhaps of utmost importance in the process, and one of the reasons the process was time-consuming, was ensuring the most fiscally responsible use of taxpayer dollars.

In 2005 and 2006, the City attempted to construct a new city hall from which it could provide services and offer programs and activities. State statute authorizes the City to issue general obligation bonds to purchase property for and construct a new city hall building, but only if those bonds are approved by the majority of electors voting at an election on that question. In an election held in 2006, the City's electorate voted not to authorize the bonds for this purpose. The City then began studying alternative solutions to make its services, programs and activities fully accessible to all residents.

After substantial analysis, in April 2008, the City Council authorized the Mayor to execute a lease for 4,707 square feet of usable office space at 4210 Shawnee Mission Parkway, Fairway, Kansas 66205. The lease was executed in May 2008. The lease space is on the first floor of that building, and direct access to the City's space from the exterior of the building is provided, along with compliant parking for handicapped individuals. Substantial tenant finish was required to adapt the space for use for the City's administrative services and for meeting space for the Governing Body and other appointed bodies and City committees. The City offers all services and programs and activities from this leased space, except for those offered at Peterson Park and occasionally at the Shawnee Indian Mission, either outdoors or in open green spaces or in the North and East Buildings, which have ADA accessible entrances and restrooms. Door entries, restrooms, parking facilities, and ramps at this space meet current ADA design standards to ensure access to all individuals. The City was fortunate to have been allowed to use this space, and other space it was looking at to lease, for all its public meetings beginning in late 2007 through the commencement of the lease. The lease term took effect September 15, 2008.

The space was leased pursuant to a competitive Request For Proposal process. Among the requirements were that the property be ADA compliant. The burden was on responders to

show ADA compliance, but the City, through its architect, carefully evaluated all proposals for compliance.

Since September 15, 2008, the vast majority of the City's programs, services and activities have been provided at this location. This space and the common area in the building utilized by City employees and those who participate in the City's programs are fully accessible to individuals with disabilities. The leased space is fully accessible to any individual who desires to attend any public meeting.

This space is used for City administrative functions and other City-related functions. It includes space for all of the City's administrative departments except for the Police Department. The new City Hall accommodates the offices of City Administrator/Clerk, Parks and Recreation, Codes Administration/Planning and Zoning, and provides working space for Public Works, including a service area for residents wishing to correspond with Public Works.

As a component to the plan to relocate the City's administrative departments to leased office space, the City determined to utilize the ground floor of the old City Hall building located at 5252 Belinder as the headquarters for the City's Police Department. The basement of the 5252 Belinder building, which is not accessible to handicapped individuals without accommodation, is used primarily for storage and is not used to provide any public services or activities.

## **2. Current Public Safety Building**

As discussed above, the former City Hall located at 5252 Belinder has been retrofitted to serve as the City's new police headquarters. Police functions that are open to the public in that facility are accessible to all individuals and are ADA-compliant. Renovations that have been made to the Public Safety Building include access ramps, power entry doors, a fully accessible customer service counter, a fully accessible restroom and fully accessible hallways, doors and offices. The City's municipal court is held at 4210 Shawnee Mission Parkway.

## **3. Public Works Facility Improvements**

The Public Works Office, located at 4034 Shawnee Mission Parkway, was not intended as a public building. It was initially owned and operated as a private business. In 1996, the City took advantage of an opportunity to purchase the land and structure at an excellent price. The facility has a ramp for access, but neither the front door to the facility nor the restroom complies with ADA standards for accessibility.

This office is not a City facility from which individuals obtain services from the City, nor are programs or activities offered from this site. Upon the commencement of the lease for City Hall space, discussed above, Public Works has had office space and regular office hours in the new City Hall facility. As stated, this new facility is fully accessible, and Public Works inquiries and communications will be available in that facility. Bill Stogsdill and Ky Weekley, the Chairman of the City's Public Works Committee, have discussed building a new public works structure, but, this solution is not currently financially feasible.

The Public Works Shop, 5505 Buena Vista, is used for equipment storage and normal public works maintenance activities. This shop is not a City Facility from which individuals obtain service or to which individuals, other than Public Works employees, have any reason to visit. Entrance by the general public is not allowed at the Shop.

#### **4. Peterson Park/Parks and Recreation Improvements**

In 2001, a number of previously inaccessible amenities were made accessible in Peterson Park, presently the City's only park. As a result, Peterson Park is now fully accessible. The City hosts several municipal festivals and other events each year. All these events are held at Peterson Park, and all are accessible by handicapped individuals.

In 2004, the City undertook a planning effort that resulted in the creation of a new Master Plan, attached as Exhibit "B" for Peterson Park (the "Master Plan"). The Master Plan calls for renovating the existing pool house, although there are no current or former plans that call for any changes to the actual shell of the pool. To maximize the utilization of the City's limited existing open space and capitalize on opportunities that might become available to the City, the Master Plan incorporated property adjacent to the Park that was not owned by the City. To date, the City's Governing Body has not approved the Master Plan, however the City, through a lease with the Johnson County Parks and Recreation Department has acquired a long term leasehold interest in property adjacent to Peterson Park. The County acquired the lot located at 6119 Alhambra, dedicated it to park uses, then leased it to the City for 25 years, with that property to be used exclusively for park and recreation purposes. The lease took effect December 17, 2008. The acquisition of this interest in addition adjacent land helps allow for implementation of the Master Plan. Staff is currently reviewing that Master Plan for feasibility. The City's elected and appointed personnel continue to anticipate that the Master Plan will be adopted, if, and when, funds become available in the future. Previous impediments to its adoption included the fact that lands that were critical to the goals of the plan had not become available for purchase by the City and the substantial cost of making the improvements contemplated in the Master Plan.

The City's only municipal pool is located in Peterson Park. As to the accessibility of the pool itself, Nathan Nogelmeier, the City's Director of Parks and Recreation, has identified various avenues to eliminate existing barriers to access and has consulted with park committee representatives regarding the viability of each.

Although the City recently relined the pool, the issues with respect to pool accessibility were not able to be resolved at that time because the appropriate remedies require significant reconfiguration of the pool and adjacent areas. A zero depth entry was considered, but would have caused an extension of the pool to such a degree that it would reach into the associated parking lot, and thus was determined to be financially and physically infeasible in the 2004 Master Plan. However, this will be re-evaluated in future revisions.

The City has additionally considered a lift in order to improve accessibility. The City did not believe this is the most ideal solution, and again has received input from individuals with disabilities who concur that a lift is not an appropriate means of getting disabled persons in and out of the pool and that a ramp (as discussed below) is the best method to make the pool accessible.

The City has determined that rather than installing a lift, the better, long-term alternative is to install a ramp. Input from disabled persons has informed the City that they believe this is an acceptable solution to pool access, so long as it is permanently in place while the pool is open, and disabled persons do not have to request the ramp be placed in the pool by lifeguards. The City has complied with these requests. The ramp is only removed during swimming meets and for pool maintenance and cleaning. The ramp otherwise has the appearance of permanence. The ramp was installed in August 2008 and is available for use during all business hours. In addition, an Aqua Chair is also available for use to assist entry and exit from the pool. The pool itself, when viewed in its entirety, is considered to be accessible to individuals with disabilities.

As a part of the Master Plan, modifications to the bathrooms to provide access include removal of walls, reconfiguration of sinks, showers and bathroom stalls. In the Snack Bar, the installation of a new accessible counter will also require the removal of walls. Providing an accessible entrance to the facility will also be accomplished through the implementation of the Master Plan by creating a central open corridor from the exterior to the interior of the facility. While currently outside the scope of the 2004 Master Plan, issues relating to wading pool accessibility will also be incorporated into future planning.

## **5. Streets and Sidewalks**

Some courts have held that municipal sidewalks are a city program or service. As for overall public works compliance, the City's infrastructure is largely accessible. As stated above, a summary of the City's sidewalks and streets is attached to this Plan as Exhibit "C". In its February 2008 City Council meeting, the City authorized the issuance of general obligation bonds, the proceeds of which were utilized to make street improvements. In conjunction with the improvements, nearly all of the sidewalks in the City were made ADA-compliant. The majority of publicly owned curb cuts and sidewalks in the City are presently handicap accessible.

## **II. PROGRAMMATIC BARRIERS**

The City recognizes not all barriers to the City's programs, services and activities are physical in nature. Other administrative barriers exist that must be overcome to provide complete government services to those who are disabled.

### **A. COMMUNICATIONS**

The City's Plan incorporates steps to ensure that communications with people with disabilities are as effective as communications with others, as required by 28 C.F.R. § 35.160. Effective communication means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.

The City does not coordinate 9-1-1 and emergency communications services (also referred to as Public Safety Answering Points), which are required by 28 C.F.R. § 35.162 to provide direct and equal access to persons with disabilities. The 9-1-1 calls in the City are dispatched through the Johnson County Sheriff's Department, and emergency service calls for

fire and ambulance services in the City are handled through Fire District No. 2 of Johnson County.

As to communications the City does handle, including web site communications, communications relating to City administration and open public meetings, and other communications regarding the City's programs, services and activities, the City is in the process of:

- identifying local resources for auxiliary aids and services,
- identifying ways of producing documents in Braille or acquiring other aids or services, including software that can convert text into speech, and
- contacting qualified interpreter services and other providers so that interpreters and other aids and services may be available on short notice.

The City is taking the following additional specific actions to improve communications:

1. Agenda text.

The City has begun printing certain portions of meeting agendas in large-font type so that the content of agendas of public meetings can be more easily reviewed. Major agenda points will be printed in 14 point font.

2. Web site communication.

The City has also posted, and will continue to post, agendas on the City's web site, which, when used with the free Adobe Acrobat Reader function, allows for enlargement so that the contents of agendas may be viewed from one's personal computer. The City is exploring software upgrades with its web site operator to ensure handicap accessibility. Importantly, the City is considering the addition of text equivalents for every image on the web site, as well as using alternative document formats (such as HTML and Rich Text Formats) to the portable document format (pdf), which is incompatible with certain screen reader functions. The City has also requested that forms and tables be modified to include descriptive HTML tags.

3. Accommodations for hearing impaired persons/use of auxiliary aids.

The bottom of each public meeting agenda includes a note that hearing impaired persons may request an interpreter and/or teleprompter service. Furthermore, the City has equipment, available upon request, specially designed to assist hearing impaired persons to fully participate in City meetings in the council chamber.

4. Participation in/accessibility to public meetings.

The City has, as discussed above, already taken substantial efforts toward ensuring public meetings are held in ADA-accessible facilities. The City conducts all public meetings in ADA-accessible facilities, and will make specific accommodations, where necessary, to ensure that meetings among residents and City staff can be held within ADA-accessible facilities.

**B. ADA GRIEVANCE COORDINATION/ADMINISTRATION**

The City has established an ADA Grievance Policy and Procedures, including a grievance form, attached as Exhibit "D". The City has affixed ADA grievance policy signs to City facilities, and has appointed the Deputy City Clerk as the ADA Grievance Officer. This person will report directly to the City's City Administrator/City Clerk who is the ADA Coordinator. That individual will, on a case by case basis, forward ADA grievances to the Governing Body of the City. The Grievance Officer will provide a forum for affected persons to bring about direct communication with the City in the event of potential ADA violations. It is the City's hope that good communication will ensure that the City provides a forum in which individuals can raise issues related to access.

### **C. ACCOMMODATION OF DISABLED PERSONS IN MUNICIPALLY-SPONSORED PROGRAMS**

The City is committed to allowing persons with disabilities to participate in municipally sponsored programs. This includes recreation opportunities sponsored by the City's parks and recreation program, community forums and other events hosted or sponsored by the City. The City will achieve this goal by integrating all of the steps outlined above into these programs, including providing for effective communications and ensuring meeting and events are, to the extent possible, held in ADA-accessible facilities.

### **III. CONCLUSION/ACTION LOG**

The City is taking the actions referenced above and noted in the Exhibit "A" attachments, and will continue to look for and timely remedy barriers to access in an effort to ensure that the disabled citizens of Fairway are given access to the City's programs, services and activities.

To confirm follow-up on corrective actions required under the Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action log will identify items that are not ADA compliant and will include anticipated completion dates. From and after the adoption of this Plan by the Governing Body of the City, the ADA Action Log will be updated on an annual basis. The ADA Action Log shall be available upon request.

**Exhibit "A"**

**City Facilities Inventory**

**(Please see attached)**

4210 Shawnee Mission Parkway, Ste. 100– City Hall

Location	Structural Inconsistencies		Recommended Corrections/Modifications to Ensure Program Access	Criteria - L=low M=medium H=high			Supplemental Technical Information			Finalized Actions		
Location	Identified Issue	ADAAG Specifications	Recommended Correction	Priority (overall)	Public Access	Frequency - PWD	Photo #	Conceptual Costs	Support Information	Finalized Correction	Date to be Corrected	Date Complete <i>(Include initial)</i>
CITY HALL	NONE		<u>Ste. 100 is ADA Compliant</u>									Oct 2008

5252 Belinder Rd. – Public Safety Center – Police Department

Location	Structural Inconsistencies		Recommended Corrections/Modifications to Ensure Program Access	Criteria - L=low M=medium H=high			Supplemental Technical Information			Finalized Actions		
Location	Identified Issue	ADAAG Specifications	Recommended Correction	Priority (overall)	Public Access	Frequency - PWD	Photo #	Conceptual Costs	Support Information	Finalized Correction	Date to be Corrected	Date Complete <i>(Include initial)</i>
Lower Level Training /Locker Area	Area is not accessible	.1.6	NONE – Area is for the use of active Police Officers Only (No Public Access) Per ADAAG 4.1.6 (Technical Infeasibility)									Jan 2009

5505 Buena Vista – Public Works Department (Public Access Areas Only)

Location	Structural Inconsistencies		Recommended Corrections/Modifications to Ensure Program Access	Criteria - L=low M=medium H=high			Supplemental Technical Information			Finalized Actions		
	Identified Issue	ADAAG Specifications		Priority (overall)	Public Access	Frequency - PWD	Photo #	Conceptual Costs	Support Information	Finalized Correction	Date to be Corrected	Date Complete <i>(Include initial)</i>
5505 Buena Vista	Threshold @ Entrance Door	4.13.8	Change threshold height to no greater than ½ inch	H	H	H				Mat placed over threshold		Aug 2008
5505 Buena Vista	Entrance Door Hardware and Door Opening Force	4.13.9 4.13.11	Change to easy grasp, "single motion" hardware Change door closer device	H	H	H				Facility renovations	TBD	
5505 Buena Vista	Public Restroom	Multi	The restroom facility and access to the facility are not in compliance with ADA standards	H	H	H				Facility renovations	TBD	

**City Park/Swimming Pool Building 6136 Mission Road**

Location	Structural Inconsistencies		Recommended Corrections/Modifications to Ensure Program Access	Criteria - L=low M=medium H=high			Supplemental Technical Information			Finalized Actions		
	Identified Issue	ADAAG Specifications		Priority (overall)	Public Access	Frequency - PWD	Photo #	Conceptual Costs	Support Information	Finalized Correction	Date to be Corrected	Date Complete <i>(Include initial)</i>
6136 Mission Rd	Concession Counters Not Accessible	7.2	Counters need to be lowered to meet height requirements	H	H	H				Pool House Renovations	TBD	
6136 Mission Rd	No ADA Toilet Stalls	4.17	Reconfigure restroom to include compliant stalls and urinals	H	H	H				Pool House Renovations	TBD	
	No ADA urinals	4.18										
6136 Mission Rd	No ADA Shower Stalls	4.21	Remove barriers around stalls/add ramps	H	H	H				Pool House Renovations	TBD	
6136 Mission Rd	No ADA sinks	4.24	Reconfigure sink areas	H	H	H				Pool House Renovations	TBD	
6136 Mission Rd	Multiple Work Space Violations		Reconfigure work areas	H	H	H				Pool House Renovations	TBD	

City of Fairway – ADA/504 Transition Plan – Public Infrastructure

Location	Structural Inconsistencies		Recommended Corrections/Modifications to Ensure Program Access	Criteria - L=low M=medium H=high			Supplemental Technical Information			Finalized Actions		
	Identified Issue	ADAAG Specifications		Priority (overall)	Public Access	Frequency - PWD	Photo #	Conceptual Costs	Support Information	Finalized Correction	Date to be Corrected	Date Complete <i>(Include initial)</i>
Mission Road	Detectable Warnings	4.7.7	Install ADA warning pads on access ramps	H	H	H		\$215,000		2012 CARS Project	2012	
Shawnee Mission Parkway	Detectable Warnings	4.7.7	Install ADA warning pads on access ramps	H	H	H		\$120,000		2013 CARS Project	2013	
53 <sup>rd</sup> St.	Detectable Warnings	4.7.7	Install ADA warning pads on access ramps between Norwood and Mission Rd.	H	H	H		\$45,000		TBD per CIP schedule	TBD	

**Exhibit "B"**

**2004 Park Master Plan**



**Exhibit "C"**

**Map of Street and Sidewalk Improvements**

**(Please see attached)**



**County Assistance Road System  
2011-2015 Program Summary  
Sheet**

**Participating City:  
Fairway**

Priority	Project Location	Proposed Start/ Finish	Project Type	CARS Route Classification		CARS Program Funding Request	Total Project Cost
				Major	Minor		
2011-1	55th Street	May-11	Major Maintenance	X		\$36,242.00	\$302,017.00
	Shawnee Mission Pkwy to Roe	Sep-11	2 inch M/O, spot curbs				
2012-1	Mission Road	May-12	Route Enhancement	X		\$107,500.00	\$215,000.00
	Shawnee Mission Pkwy to 63rd St.	Sep-12	5' sidewalk, ADA Ramps				
2013-1	Shawnee Mission Parkway - South side	May-13	Route Enhancement	X		\$60,000.00	\$120,000.00
	55th Street west to City Limits	Sep-13	5' sidewalk, ADA Ramps				
2014-1	Shawnee Mission Pkwy	May-14	Route Enhancement	X		\$87,500.00	\$175,000.00
	Brookridge to Falmouth	Sep-14	5' sidewalk, ADA Ramps				
2015-1	Mission Road	May-15	Route Enhancement	X		\$180,000.00	\$360,000.00
	Shawnee Mission Pkwy to 63rd St.	Sep-15	2 inch M/O, spot curbs striping				

## **Exhibit "D"**

### **City of Fairway ADA Grievance Policy and Procedures**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). 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 of Fairway (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:

Deputy City Clerk  
4210 Shawnee Mission Parkway, Suite 100  
Fairway, Kansas 66205

Within 15 calendar days after receipt of the complaint, the ADA Grievance Officer's or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Grievance Officer or his/her designee will respond in writing, and where appropriate, in a 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 the ADA Grievance Officer's or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response. The appeal shall be to the ADA Coordinator. Notice of appeal of the decision of the ADA Grievance Officer shall be submitted to the ADA Coordinator in writing. Upon submission of the written notice, the ADA Grievance Officer shall provide the ADA Coordinator with all documentation related to the complaint. Within 15 calendar days of submission of the notice of appeal, the ADA Coordinator shall meet with the complainant to attempt to resolve the complaint. No later than 10 days after meeting with the complainant, the ADA Coordinator shall provide the complainant with a written statement of the City's position and any proposed solution or accommodation determined to be appropriate.

If the response of the ADA Coordinator still does not satisfactorily resolve the complaint, the complainant shall, within 10 calendar days, submit a written notice of appeal to the Governing Body through the ADA Coordinator. Upon receipt of the notice, the ADA Coordinator shall immediately provide each member of the Governing Body with all documentation related to the complaint. At the City Council's next regularly scheduled meeting; provided that the meeting

falls on a day that is no less than 7 calendar days after the date that the complaint documentation is provided to the Governing Body, but in no event at a regular or special meeting more than 35 days from the date of the written notice, the complainant shall present his/her complaint to the Governing Body for its consideration. The complainant and the ADA Coordinator may designate individuals to make presentations to the Governing Body related to the complaint and any actions proposed by the City to satisfactorily resolve the complaint. If deemed appropriate, the Governing Body may continue the discussion of the complaint to a subsequent regular City Council meeting or a special City Council meeting; provided that, unless the complainant agrees, the Governing Body shall conclude its consideration within 31 days of the initial hearing by the Governing Body on the complaint. Within 10 days of the conclusion of the hearing on the complaint, the Governing Body shall provide the complainant with a written statement of the City's position and any proposed solution or accommodation determined to be appropriate. The decision of the Governing Body shall be final decision of the City.

All written complaints and appeals received by the ADA Coordinator or his/her designee, appeals to and responses from this office will be retained by the City for at least three years.

City of Fairway  
ADA Grievance Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Location of problem: \_\_\_\_\_

Date noticed: \_\_\_\_\_

Description of  
problem: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Please attach additional pages if needed.*

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:

Deputy City Clerk  
4210 Shawnee Mission Parkway, Suite 100  
Fairway, Kansas 66205