
CITY OF LAKE CHARLES



Americans with Disabilities Action Plan (ADA)

To Implement Self-Evaluation and Transition Plans

Nicholas E. Hunter, Mayor

The City of Lake Charles fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act, and related statutes, executive orders, and regulations in all programs and activities. The City operates without regard to race, color, national origin, income, gender, age, and disability. Any person who believes him/herself or any specific class of persons, to be subjected to discrimination prohibited by Title VI/Americans with Disabilities Act may by him/herself or by representative file a written complaint with the City of Lake Charles. The City's Title VI Coordinator/ADA Coordinator may be reached by phone at (337) 491-1440, the Mayor's Action Line at (337) 491-1346, or contact the appropriate Department Head.

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City of Lake Charles
Americans with Disabilities (ADA)
Action Plan to Implement Self-Evaluation and Transition Plans
Environmental Justice

1. Develop and Post a Complaint Policy and Plan

The first step to be taken is to establish a policy of nondiscrimination and communicate that policy to the public.

1. Designate ADA Coordinator
2. Review and adopt ADA policy on nondiscrimination (See Appendix A)
3. Review and adopt proposed complaint policy (See Appendix B)
4. Adopt the Complaint Procedure by Resolution
5. Methods to notify public and staff about grievance procedure

2. Constitute an Accessibility Professional Committee (APC) - Proposed Composition

The APC is a professional committee used to develop the ADA Transition Plan. The Transition Plan describes how to implement ADA accessibility, both structurally and programmatically in the City of Lake Charles. The committee may use in-house resources or it may utilize the resources of a consultant. Minutes of the meetings will be maintained. The composition of the APC is show in Appendix G.

3. Collaborate with Mayor's Commission on Disability (MCOD)

The Mayor's Commission on Disability is an existing committee established by City of Lake Charles to consider ADA issues. The ADA Transition Plan will be developed with the aid of citizen commentary during presentation plan components to the MCOD. Minutes will be maintained.

4. Review of Undue Burden Standard (See Appendix D)

If an undue burden results from the implementation of ADA accessibility requirements, then the structure would not have to be improved. However, services would still be required to be rendered through some means. An example might be a library on the National Register of Historic Places that provides curbside services to disabled patrons rather than altering the structure. (Appendix D)

5. Self-Evaluation Plan for each Structure and Program

A structure needs to be studied in two ways to complete a Self-Evaluation Plan. The first study is a structural evaluation using the hyperlinked resources of the U.S. Architectural and Transportation Barriers Compliance Access Board. Particular features such as ramps can be evaluated along with other features of a building. The second study examines the services rendered within a structure and determines if those services are rendered in a manner that does not violate accessibility standards.

6. Remediation Plan for Structures and Programs

The actions described in Section 1 to 4 in this document describe what modifications need to be performed to provide accessibility based on inventories of structures, sidewalks, and programs. A remediation plan should be developed as to requirement to bring structures and programs into compliance with ADA guidelines.

1. Description of modifications needed for each structure
2. Description of modifications needed for each service rendered

7. Estimation of Costs for Modifications of Structures and Services

The components of the Remediation Plan should be estimated in funds needed to accomplish the plan.

1. Estimation of modifications needed for each structure
2. Estimation of modification needed for each service rendered

8. Schedule for Planned Improvements

A schedule will be developed to implement the Remediation Plan over a period of years. The selection of the order in which projects are performed will be evaluated by the Accessibility Professional Committee (APC) and Mayor's Commission on Disability (MCOD). These evaluations will be presented to the City of Lake Charles as a line item each year in the budgetary process so that elected officials can make a decision as to how to implement the plan

1. Structural and Services-creation of database, map and documents
 - i. Cost of the improvement in new construction
 - ii. Cost of the improvement in new personnel services
 - iii. Amount of time to perform the improvement
2. Estimated date when the improvement will be performed

9. Assurance

The City of Lake Charles assures that no person shall, on the grounds of race, color, national origin, income, gender, age, and disability, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program activity.

More specifically, the City of Lake Charles assures that efforts will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Additionally, the City of Lake Charles will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency. The City of Lake Charles further assures that efforts will be made to ensure nondiscrimination in of its programs and activities, whether those programs and activities are federally funded or not.

The City of Lake Charles Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other City responsibilities as required by Title 23 of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

APPENDIX A- Proposed Policy of Nondiscrimination

As required by Section 504 of the Rehabilitation Act (as amended) and the Americans with Disabilities Act (ADA), the City of Lake Charles has adopted by resolution a policy regarding Nondiscrimination on the Basis of Disability.

The City of Lake Charles does not discriminate on the basis of disability in the admission to access to, or operations of programs, services, or activities.

Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the Title VI Coordinator/ADA Coordinator. Please give us at least 72 hours advance notice so we can adequately meet your needs.

An internal grievance procedure is available to resolve complaints. Questions, concerns, or requests for additional information regarding 504/ADA should be forwarded to the Title VI Coordinator/ADA Coordinator, whose contact information is listed in Appendix G.

Upon request, this notice and other materials may be made available in alternative formats (for example, large print or audio tape) from the Title VI Coordinator/ADA Coordinator.

APPENDIX B – Proposed Discrimination Complaint Process and Form Complaint Process

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance.

Under Title II applicable to local government, filing a grievance with the entity's ADA and Title VI Coordinator, filing a complaint with a federal agency or state agency administering federal funds, or filing a lawsuit may be done independently of others.

Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. The following are three federal agencies where an ADA complaint can be filed:

United States Department of Justice (DOJ)
Coordination and Review Section
Civil Rights Division
P.O. Box 66118
Washington, D. C. 20035-6118

Assistant Secretary for Fair Housing and Equal Opportunity
Department of Housing and Urban Development (HUD)
451 7th Street SW, Room 5100
Washington, D.C. 20202

Office of Civil Rights
Department of Education
330 C Street SW, Suite 5000
Washington, DC. 20202

B.1.0 Filing a Local Complaint

All written or verbal complaints of discrimination will be forwarded immediately to the Compliance Programs Office of DOTD for handling in accordance with 23 CFR 200.9 (b) (3). In cases where the complaint is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. However, the written complaint must be signed by the complainant.

All Title VI and related statute complaints are considered formal as there is no informal process. Therefore, the complainant will be contacted according to DOTD's formal complaints process. Complaints filled under Title VI against subrecipients or contractors/consultants will be investigated by the City of Lake Charles Committee with assistance of DOTD's Title VI Program Manager. The City of Lake Charles maintains a confidential log of complaints for the purpose of assisting DOTD.

B.2.0 Complaint Log

The log will include the following information:

- a. Name of Complainant;
- b. Name of Respondent;
- c. Basis of complaint: Disability along with other associated factors: race, color, national origin, income, gender, age, and retaliation;
- d. Date complaint received by the City of Lake Charles.
- e. Date the City of Lake Charles forwarded the complaint to DOTD's Title VI/ADA Program Manager;
- f. A statement of the complaint, including specific details, relevant facts and documentation;
- g. The final disposition of the complaint will be sent to the complainant twenty (20) days after the complaint is received; and
- h. The complaint log will maintain the above information for the last five years from the current date.

B.3.3 Intimidation and Retaliation

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can file a complaint of retaliation following the same procedure for filing a discrimination complaint.

B.4.0 Time Frames

There are different time frames depending on the agency and complainant.

B.4.1. DOTD Time Frames

The total time allotted is 60 days for City of Lake Charles with the assistance of DOTD to complete the investigative report and submit to the administrative supervisor of DOTD Complaint Section with copies to FHWA and MPO.

B.5.0 Complainant

A complaint must be filed no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or

3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest of the conduct.

Appendix C

ADA Notices

Notice of Nondiscrimination on the Basis of Disability (Americans with Disabilities Act of 1990)

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

City's Commitment

Modifications to Policies and Procedures

The City will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to attend all City of Lake Charles public meetings. For example, individuals with service animals are welcomed in City public meetings, even where animals are generally prohibited.

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 public meetings.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City of Lake Charles public meeting should contact the City's Transit Manager via phone (337) 491-1253 as soon as possible but no later than one week before a scheduled meeting.

The ADA does not require the City of Lake Charles to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. The City will strive to provide its services, programs, and activities in the most accessible manner that is feasible.

Notification that a City of Lake Charles meeting is not accessible to persons with disabilities should be directed to:

Transit Manager
City of Lake Charles
326 Pujoe Street
Lake Charles, LA 70601

APPENDIX D: Undue Burden and Fundamental Alteration

D.1.0 Undue Burden

Title II of the ADA and Section 504, as applicable to state and local government, requires a public entity to make its programs accessible in all cases, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial or administrative burdens.

D.2.0 Four Areas That Must Be Considered To Claim This Standard

If a City, Parish, or Organization determines that providing program access in certain areas would result in a financial or administrative burden, the following four areas must be considered:

1. The City's, Parish's, or Organization's resources available for use in the funding and operation of the service, program, or activity.
2. The burden of providing this standard rests with the public entity.
3. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee having budgetary authority and responsibility for making spending decisions.
4. A written statement of the reasons for reaching this conclusion will be provided.

D.3.0 Alternative Methods and the Undue Burden Standard

The undue burden standard does not relieve a City, Parish, or organization of all obligations to individuals with disabilities. A public entity is not required to take actions that would result in a fundamental alteration in the nature of a service, program, or activity, or a result in undue financial and administrative burdens. However, it nevertheless must take any other steps necessary to ensure that individuals with disabilities receive the benefits or services provided by the public entity.

D.4.0 Lawsuits and Undue Burden Standard

A lawsuit or complaint may be filed by any person who believes that he or she or any specific class of persons has been injured by a chief elected official's or executive management decision or failure to make a decision.

APPENDIX E: Americans with Disabilities Act Accessibility Guideline (ADAAG) Checklist for Buildings and Facilities

The Americans with Disabilities Act (ADA) is a landmark law that protects the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability in employment, state and local government services, transportation, public accommodations, commercial facilities, and telecommunications. To ensure access to the built environment, the ADA requires the establishment of design criteria for the construction and alteration of facilities covered by law. These requirements, which were developed by the U.S Architectural and Transportation Barriers Compliance Access Board, are known as the ADA Accessibility Guideline (ADAAG).

The hyperlinked checklists were developed by Access Board to assist individuals and entities with rights or duties under Title II, and Title III of the Americans with Disabilities ACT (ADA) in applying the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) to buildings and facilities subject to the law. The checklist presents information in summary form on the Department of Transportation (DOT) and the Department of Justice (DOJ) regulation implementing the ADA. The checklist must be used with the DOT and DOJ regulations and ADAAG to ensure accuracy.

ADAAG serves as the basis for standards used to enforce the design requirements of the ADA. These standards are maintained by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT). It is these standards that the public is required to follow. Regulations issued from these agencies provide important information on using and applying the standards.

As originally published in July 1991, ADAAG addressed places of public accommodation and commercial facilities in the private sector. This hyperlinks of ADAAG includes supplements issued by the Access Board that cover:

1. State and local government facilities (1998)
2. Building elements designed for children's use (1998)
3. Play areas (2000)
4. Recreation facilities (2002)

These four supplements add new specifications to the guidelines and also revise existing provisions. They have not yet been incorporated into the DOJ standards and thus are not enforceable at this time. However, they provide helpful guidance in providing access to the various types of facilities they cover.

This document reflects existing ADAAG provisions. The Access Board has updated its accessibility guidelines for buildings and facilities covered by the ADA and the (ABA) Architectural Barriers Act.

APPENDIX F:

Program Policy and Procedures for Self-Evaluation

1. Does your entity have a written policy stating that it does not discriminate against people with disabilities? Yes No N/A
2. Does your staff know and understand about your commitment not to discriminate? Yes No N/A
3. Do you have a designated coordinator for Section 504 Rehabilitation and the Americans with Disabilities Act (ADA) compliance requirements? Yes No N/A
4. Have you identified the persons with disabilities and other individuals who helped in our Self-Evaluation and is their participation described? Yes No N/A
5. Do you have procedures to assure that all programs, services, and activities, to include meetings, hearings, workshops, and conferences, are held in accessible locations? Yes No N/A
6. Are the resource manuals that govern your programs, including laws, statues, rules, policies, manuals, ordinances, and other guidelines available in alternate formats, or do you have the ability to provide alternate formats? Yes No N/A
7. Do you have written procedures to ensure that these individuals may also participate in programs available to the public? Yes No N/A
8. Do you have any policies and procedures, program eligibility and admission requirements, or licensing standards that:
 - a. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service? Yes No N/A
 - b. Do you afford an opportunity for participation or benefit equal to that afforded others? Yes No N/A

- c. Do you provide a qualified individual with a disability with an aid, benefit, or service that is as effective in affording equal opportunity to obtain the same results, gain the same benefit, or reach the same level of achievement as that provided to others? Yes No N/A
- d. Do you provide aids, benefits, or services to individuals with disabilities as effective as those provided to others? Yes No N/A
- e. Do you assure that assistance or contract is not provided to a person or entity that discriminates based on disability? Yes No N/A
- f. Do you deny a qualified individual with disability the opportunity to participate as a member of planning or advisory boards? Yes No N/A
- g. Do you limit the employment of a qualified individual with a disability any right, privilege, advantage or opportunity enjoyed by other qualified individuals who receive your services? Yes No N/A
- 9. Do you have provisions to assure that contractors understand 504/ADA requirements? Yes No N/A
- 10. If you use video, audio visual, and television equipment, do you assure that hearing-impaired persons can benefit from presentations? Yes No N/A

Employment

- 1. In the following areas, do you have policies, practices, or procedures that are followed to ensure that there is no discrimination based on disabilities?
 - a. Recruiting advertisements Yes No N/A
 - b. Processing of applications Yes No N/A
 - c. Employment testing Yes No N/A
 - d. Interviewing and orientation Yes No N/A
 - e. Promotion, transfer, demotion, lay-off, or reinstatement including changes in compensation resulting from these actions Yes No N/A

- f. Job assignments Yes No N/A
- g. Job classifications, use of vacation and sick leave, unpaid leave of absence, or compensatory time Yes No N/A
- h. Opportunities for and financial support of training opportunities, conferences, health and insurance benefits, agency-sponsored activities, including recreational or social programs Yes No N/A
2. Do you have a process to ensure that any employment-related criteria (including qualifications and testing requirements) which would adversely affect the opportunities of individuals with disabilities are related to the job and are a business necessity? Yes No N/A
3. Do you have a process for how your entity responds to a request for an accommodation in testing and interviews? Yes No N/A
4. Do you have procedures to ensure that nondiscriminatory questions are asked in a hiring interview? Yes No N/A
5. Do you have a process to determine if an individual with a disability is capable of performing the essential functions of a particular job, with or without a reasonable accommodation? Yes No N/A
6. Do you have a process to determine whether a request for a reasonable accommodation on the job can be granted or would cause undue hardship? Yes No N/A
7. Do you have a policy and procedure for maintaining the confidentiality of employee medical information, voluntary self-identification of disability, and requests for accommodation? Yes No N/A
8. Do you provide training or take other measures to ensure that supervisors do not subject individuals with disabilities to discrimination because of insensitivity or lack of knowledge? Yes No N/A

9. If you have automated electronic equipment in the workplace, can persons with disabilities use the equipment? Yes No N/A

10. Do you ensure that no pre-employment inquiries are made as to whether an applicant for a position is a person with a disability? Yes No N/A

Effective Communication

1. Do you have a policy or procedure to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others? Yes No N/A

2. If any written materials are provided by your program or services, do you provide any of the following alternatives?

- a. Audio tape Yes No N/A
- b. Braille Yes No N/A
- c. Reader Yes No N/A
- d. Aide Yes No N/A
- e. Mailed to home Yes No N/A
- f. Large print Yes No N/A
- g. Interpreter Yes No N/A
- h. Other assistance Yes No N/A

3. Do you describe the auxiliary aids and services that will be provided to individuals with a disability? Yes No N/A

4. Do you describe how an individual with a disability may request assistance and express their preference for auxiliary aid and services? Yes No N/A

5. Do you describe how your entity regularly advertises to the public that you will provide auxiliary aids and services for effective communication to participate in your programs and services? Yes No N/A

6. Do you describe how your entity will ensure that meetings, hearings, and conferences will be accessible for individuals with communication skills? Yes No N/A
7. Do you describe how your entity will use TDD (telecommunication device for the deaf) or the state relay system to communicate with those who have impaired hearing or speech, including training staff? Yes No N/A
8. Do you have a 911 emergency service? Yes No N/A
9. If yes to #8, is there a TDD connected to this service? Yes No N/A
10. If you have another form of emergency service, can people with disabilities access it? Yes No N/A
11. Are your TDD or relay service phone numbers printed on agency brochures, notices, and letterhead listed in telephone directories? Yes No N/A
12. Does your entity have an 800 number? Yes No N/A
13. If yes to #12, do you describe how the entity makes the 800? Yes No N/A
14. Do you let the public use your telephone? Yes No N/A
15. If yes to #14, is there at least one designated phone that is hearing-aid compatible? Yes No N/A
16. If your entity determines that equally effective communication cannot be provided, do you have the following:
- a. A statement included in your Self-Evaluation from the head of your agency or designee? Yes No N/A
 - b. Reasons why the service, program, or activity would be fundamentally altered or would result in undue financial and administrative burdens? Yes No N/A
 - c. A description of what other action will be taken to Yes No N/A

Notice of Nondiscrimination

1. Does your Self-Evaluation include a copy of your Notice of Nondiscrimination? Yes No N/A

2. Does your notice include the following information:
 - a. A statement that your entity does not discriminate under Section 504 or the ADA? Yes No N/A
 - b. Your 504/ADA Coordinator's name, address, telephone number, and office hours? Yes No N/A
 - c. A statement that asks individuals to give at least 72 hours advance notice to request auxiliary aids or other services? Yes No N/A
 - d. A statement notifying individuals about the availability of alternative formats? Yes No N/A
 - e. A statement that your city or parish has a grievance procedure available to resolve complaints? Yes No N/A

3. Does your written material contain a notice that your city or parish cannot accommodate a person with a disability? Yes No N/A

4. Does your grievance procedure include a time limit to file an individual to submit a grievance in alternative formats? Yes No N/A

5. Does your grievance procedure include a time limit to file a grievance procedure? Yes No N/A

6. Does your grievance procedure inform individuals of their right to file a complaint with a state or federal agency including the agency's addresses? Yes No N/A

APPENDIX G – CURRENT STAFF AND ORGANIZATION

The staff and organization of the City of Lake Charles ADA and Title VI Committee arises and personnel changes occur in order to respond to the needs of the service area population. In addition, DOTD may change the contact information for the Compliance Programs Section.

G-1.0 Title VI & ADA Coordinator

Esther D. Vincent, Director
 Community Development and Services
 326 Pujoe Street, 5th Floor
 Lake Charles, LA 70601

Phone: (337)-491-1440
 Fax: (337)-491-1437
 Email: evincent@cityoflc.us

G-2.0 Supervision, Position, Race, Gender, and National Origin of ADA and Title VI Committee

The supervision, position, race, gender, and national origin of City of Lake Charles Planning staff are listed in table below.

Table G-2 City of Lake Charles Planning Organization Supervision, Position, Gender and National Origin				
Name	Position	Race	Gender	National Origin
Karen Harrell	Dir. of Finance	W	F	Caucasian
Percy Brown	Dir. of Community Services	B	M	African American
Corey Rubin	Asst. City Attorney	B	M	African American
Alecia Comeaux	Dir. of Purchasing	W	F	Caucasian
Keith Murray	Fire Chief	W	M	Caucasian
Dena Jourdan	Admin. Assistant	B	F	African American
Wendy Goodwin	Dir. of Human Resources	W	F	Caucasian
Nicholas E. Hunter	Mayor, City of Lake Charles	W	M	Caucasian
Esther Vincent	Dir. Community Development & Services	B	F	African American
John Cardone	City Administrator	W	M	Caucasian
Al Hoover	Transit Manager	W	M	Caucasian

Table G-3
Mayor's Commission On Disability Committee
Supervision, Position, Gender, and National Origin

Name	Position	Race	Gender	National Origin
Esther Vincent	Liaison to the Mayor	B	F	African American
Brandon Jones	President	W	M	Caucasian
Adele Mart	1 st Vice President	W	F	Caucasian
William F. Denny	2 nd Vice President	W	M	Caucasian
Teri Beard	Secretary	W	F	Caucasian
Executive Council				
Alfred Doucette, Jr.	Member	B	M	African American
Catherine D. Thomas	Member	B	F	African American
Commission Members				
Diana L. Bergeron	Member	W	F	Caucasian
Dorothy Bowes	Member	W	F	Caucasian
Dacia Briley	Member	W	F	Caucasian
Sher Diaz	Member	B	F	African American
Kathy Dorsey	Member	W	F	Caucasian
Becky Franks	Member	W	F	Caucasian
Rocky Fuselier	Member	W	M	Caucasian
Dorothy Hooks	Member	B	F	African American
Wallace Johnson	Member	W	M	Caucasian
Jeffrey Jones	Member	W	M	Caucasian
Nicole Jones	Member	B	F	African American
Peggy Kelley	Member	W	F	Caucasian
James Lewis	Member	W	M	Caucasian
Nicole McNamara	Member	W	F	Caucasian
Barbara "BJ" Miller	Member	B	F	African American
Susan Riehn	Member	W	F	Caucasian
Habibe Sherman	Member	W	F	Caucasian
Zita Sorace	Member	W	F	Caucasian
Rosanne Thompson	Member	W	F	Caucasian
David Thibodeaux	Member	W	M	Caucasian
Advisory Council				
Ginger Basone	Member	W	F	Caucasian
Mitch Granger	Member	W	M	Caucasian
Lisa Pickering	Member	B	F	African American

Nicholas E. Hunter, Mayor
City of Lake Charles

Date



City of Lake Charles

Signature

Resolution Number: 294-11

326 Pujo Street
P.O. Box 1178
Lake Charles, LA
70602-1178

A resolution approving the ADA Action Plan to implement self-evaluation and transition plans for the City of Lake Charles.

WHEREAS, the Congress of the United States of America has enacted under Title VI of the Civil Rights Act of 1964 as amended, which states that "the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving Federal financial assistance;" and

WHEREAS, the Congress of the United States of America has enacted Section 504 of the Rehabilitation Act of 1973, which requires that "no otherwise qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program, services, or activities receiving federal assistance;" and

WHEREAS, the Congress of the United States of America has enacted Americans with Disabilities Act of 1990, as amended, which requires that "Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers," and

WHEREAS, the City of Lake Charles has applied for or received Federal funds and is required to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended; and

WHEREAS, neglecting to comply with the terms and conditions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities (ADA) Act of 1990, as amended may cause the City of Lake Charles to lose its grant or eligibility for future grants.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this resolution.

SECTION 2: It is the policy of the City of Lake Charles that it shall not discriminate on the basis of race, color, national origin, income, gender, age, and disability in access to, or operation of its programs, services, activities or in its hiring or employment practices as described in the City of Lake Charles Title VI Plan and ADA Action Plan to Implement Self-Evaluation and Transition Plans for the City of Lake Charles.

SECTION 3: It is the policy of the City of Lake Charles that all programs and activities shall be accessible to, and usable by, qualified persons with disabilities, in accordance with Section 504 and the Americans with Disabilities Act (ADA).

SECTION 4: The City of Lake Charles shall conduct a Self-Evaluation, directed by two committees constituted by the City Council of the City of Lake Charles and the Mayor's Commission on Disability to review its programs, policies, procedures, and facilities to determine those areas where the potential for discrimination is likely to occur.

SECTION 5: The City of Lake Charles shall, upon completion of the Self-Evaluation Plan, make revisions, modifications, or other changes to its policies and procedures so as to comply more fully with the letter and intent of Title VI of the Civil Rights Act of 1964, Section 504, and the ADA as most recently amended.

SECTION 6: Further, the City of Lake Charles shall, where building modifications are required, develop and implement a Transition Plan for eliminating structural barriers in a timely manner in accordance with Section 504 and the ADA.

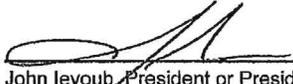
SECTION 7: Citizens may contact the ADA/Title VI Coordinator at 326 Pujoe Street, Lake Charles, Louisiana 70601 or by phoning (337) 491-1440 for assistance, or to answer questions regarding this policy during regular business hours.

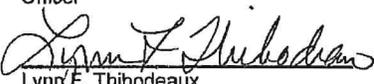
SECTION 8: The City Council of the City of Lake Charles, Louisiana hereby authorizes the Mayor, or his designee, to conduct all negotiations, execute and submit all documents, including, but not limited to, correspondence and amendments which may be necessary for the review and approval of the aforementioned plans.

SECTION 9: All resolutions or parts thereof, in conflict herewith are hereby repealed.

At a meeting of the City Council on 9/21/2011, this Resolution was adopted by the following vote:

For: John Ieyoub, Mark Eckard, Dana Carl Jackson, Rodney Geyen, Marshall Simien and Stuart Weatherford
Excused: Luvertha August

Passed and Adopted  Date 9-21-11
John Ieyoub, President or Presiding Officer

Attest  Date 9-21-11
Lynn F. Thibodeaux
Clerk of the Council

City of Lake Charles
Americans with Disabilities (ADA)
Action Plan to Implement Self-Evaluation and Transition Plans
Environmental Justice

1. Develop and Post a Complaint Policy and Plan

The first step to be taken is to establish a policy of nondiscrimination and communicate that policy to the public.

1. Designate ADA Coordinator
2. Review and adopt ADA policy on nondiscrimination (See Appendix A)
3. Review and adopt proposed complaint policy (See Appendix B)
4. Adopt the Complaint Procedure by Resolution
5. Methods to notify public and staff about grievance procedure

2. Constitute an Accessibility Professional Committee (APC) - Proposed Composition

The APC is a professional committee used to develop the ADA Transition Plan. The Transition Plan describes how to implement ADA accessibility, both structurally and programmatically in the City of Lake Charles. The committee may use in-house resources or it may utilize the resources of a consultant. Minutes of the meetings will be maintained. The composition of the APC is show in Appendix G.

3. Collaborate with Mayor's Commission on Disability (MCOD)

The Mayor's Commission on Disability is an existing committee established by City of Lake Charles to consider ADA issues. The ADA Transition Plan will be developed with the aid of citizen commentary during presentation plan components to the MCOD. Minutes will be maintained.

4. Review of Undue Burden Standard (See Appendix D)

If an undue burden results from the implementation of ADA accessibility requirements, then the structure would not have to be improved. However, services would still be required to be rendered through some means. An example might be a library on the National Register of Historic Places that provides curbside services to disabled patrons rather than altering the structure. (Appendix D)

5. Self-Evaluation Plan for each Structure and Program

A structure needs to be studied in two ways to complete a Self-Evaluation Plan. The first study is a structural evaluation using the hyperlinked resources of the U.S. Architectural and Transportation Barriers Compliance Access Board. Particular features such as ramps can be evaluated along with other features of a building. The second study examines the services rendered within a structure and determines if those services are rendered in a manner that does not violate accessibility standards.

6. Remediation Plan for Structures and Programs

The actions described in Section 1 to 4 in this document describe what modifications need to be performed to provide accessibility based on inventories of structures, sidewalks, and programs. A remediation plan should be developed as to requirement to bring structures and programs into compliance with ADA guidelines.

1. Description of modifications needed for each structure
2. Description of modifications needed for each service rendered

7. Estimation of Costs for Modifications of Structures and Services

The components of the Remediation Plan should be estimated in funds needed to accomplish the plan.

1. Estimation of modifications needed for each structure
2. Estimation of modification needed for each service rendered

8. Schedule for Planned Improvements

A schedule will be developed to implement the Remediation Plan over a period of years. The selection of the order in which projects are performed will be evaluated by the Accessibility Professional Committee (APC) and Mayor's Commission on Disability (MCOB). These evaluations will be presented to the City of Lake Charles as a line item each year in the budgetary process so that elected officials can make a decision as to how to implement the plan

1. Structural and Services-creation of database, map and documents
 - i. Cost of the improvement in new construction
 - ii. Cost of the improvement in new personnel services
 - iii. Amount of time to perform the improvement
2. Estimated date when the improvement will be performed

9. Assurance

The City of Lake Charles assures that no person shall, on the grounds of race, color, national origin, income, gender, age, and disability, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program activity.

More specifically, the City of Lake Charles assures that efforts will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Additionally, the City of Lake Charles will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency. The City of Lake Charles further assures that efforts will be made to ensure nondiscrimination in of its programs and activities, whether those programs and activities are federally funded or not.

The City of Lake Charles Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other City responsibilities as required by Title 23 of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

APPENDIX A- Proposed Policy of Nondiscrimination

As required by Section 504 of the Rehabilitation Act (as amended) and the Americans with Disabilities Act (ADA), the City of Lake Charles has adopted by resolution a policy regarding Nondiscrimination on the Basis of Disability.

The City of Lake Charles does not discriminate on the basis of disability in the admission to access to, or operations of programs, services, or activities.

Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the Title VI Coordinator/ADA Coordinator. Please give us at least 72 hours advance notice so we can adequately meet your needs.

An internal grievance procedure is available to resolve complaints. Questions, concerns, or requests for additional information regarding 504/ADA should be forwarded to the Title VI Coordinator/ADA Coordinator, whose contact information is listed in Appendix G.

Upon request, this notice and other materials may be made available in alternative formats (for example, large print or audio tape) from the Title VI Coordinator/ADA Coordinator.

APPENDIX B – Proposed Discrimination Complaint Process and Form Complaint Process

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance.

Under Title II applicable to local government, filing a grievance with the entity's ADA and Title VI Coordinator, filing a complaint with a federal agency or state agency administering federal funds, or filing a lawsuit may be done independently of others.

Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. The following are three federal agencies where an ADA complaint can be filed:

United States Department of Justice (DOJ)
Coordination and Review Section
Civil Rights Division
P.O. Box 66118
Washington, D. C. 20035-6118

Assistant Secretary for Fair Housing and Equal Opportunity
Department of Housing and Urban Development (HUD)
451 7th Street SW, Room 5100
Washington, D.C. 20202

Office of Civil Rights
Department of Education
330 C Street SW, Suite 5000
Washington, DC. 20202

B.1.0 Filing a Local Complaint

All written or verbal complaints of discrimination will be forwarded immediately to the Compliance Programs Office of DOTD for handling in accordance with 23 CFR 200.9 (b) (3). In cases where the complaint is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. However, the written complaint must be signed by the complainant.

All Title VI and related statute complaints are considered formal as there is no informal process. Therefore, the complainant will be contacted according to DOTD's formal complaints process. Complaints filled under Title VI against subrecipients or contractors/consultants will be investigated by the City of Lake Charles Committee with assistance of DOTD's Title VI Program Manager. The City of Lake Charles maintains a confidential log of complaints for the purpose of assisting DOTD.

B.2.0 Complaint Log

The log will include the following information:

- a. Name of Complainant;
- b. Name of Respondent;
- c. Basis of complaint: Disability along with other associated factors: race, color, national origin, income, gender, age, and retaliation;
- d. Date complaint received by the City of Lake Charles.
- e. Date the City of Lake Charles forwarded the complaint to DOTD's Title VI/ADA Program Manager;
- f. A statement of the complaint, including specific details, relevant facts and documentation;
- g. The final disposition of the complaint will be sent to the complainant twenty (20) days after the complaint is received; and
- h. The complaint log will maintain the above information for the last five years from the current date.

B.3.3 Intimidation and Retaliation

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can file a complaint of retaliation following the same procedure for filing a discrimination complaint.

B.4.0 Time Frames

There are different time frames depending on the agency and complainant.

B.4.1. DOTD Time Frames

The total time allotted is 60 days for City of Lake Charles with the assistance of DOTD to complete the investigative report and submit to the administrative supervisor of DOTD Complaint Section with copies to FHWA and MPO.

B.5.0 Complainant

A complaint must be filed no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or

3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest of the conduct.

City of Lake Charles

ADA Discrimination Complaint Form

Your Name	Phone	Name of Person (s) who discriminated Against You
Your Address (Street No., P.O Box, Etc.)		Location and Position of Person (If known)
Your City, State, Zip		City, State, Zip of Alleged Incident
Discrimination Because of ___ Disability Other factor: ___ Race/Color ___ Sex ___ Age ___ National Origin ___ Income Staus ___ Retaliation		Date of Alleged Incident
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved and witnessed the discrimination. Be sure to include how other persons were treated differently than you. Attach any written material pertaining to your case.		
Signature:		Date:
Please return this form to: City of Lake Charles Title VI & ADA Coordinator 326 Pujo Street, 5 th Floor Lake Charles, La 70601		Ph: (337) 491-1440 Fx: (337) 491-1437