CITY OF COCOA

Americans with Disabilities Act (ADA) Transition Plan

Effective October 28, 2014

Approved by the City Council on October 28, 2014

John A. Titkanich, Jr., City Manager

COCOA
FLORIDA

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City of Cocoa

Americans with Disabilities Act (ADA) Transition Plan

I. BACKGROUND

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, providing comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations and State and local government services.

The City of Cocoa is committed to providing accessible facilities and services to all Cocoa residents and visitors. In accordance with the Department of Justice, the requirements of Title II of the Americans with Disabilities Act of 1990 and The Florida Building Code, Chapter 11, Accessibility, the City of Cocoa will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

In an effort to provide amenities for persons with disabilities, the City offers a variety of services and activities. Our City Hall Council Chamber is equipped with an assistive hearing device upon request. The assistive hearing device can be made available for City meetings with 48 hour advance notice to the City Clerk, (321-433-8480).

The City of Cocoa is regulated by Title II (State and Local Government Services) of the accessibility requirements, and may not discriminate on the basis of disability (28CFR F35.130). Each service, program, or activity must be operated so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, unless it would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. Structural changes, to meet "program accessibilities" requirements in existing buildings, may be required where other methods of achieving compliance are not effective. These structural changes must be documented with a specified time line for correction and an estimated cost along with where the money is coming from (i.e., General Fund, Capital Improvement Fund).

An evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

II. ADA COORDINATOR

The City Manager has designated the Public Works Director as the ADA Coordinator. This position is responsible for ensuring that all programs, services, and activities of the City of Cocoa are accessible to and usable by individuals with disabilities. The contact information for the City's ADA Coordinator is:

City of Cocoa Public Works Director/ADA Coordinator
65 Stone Street.
Cocoa, Florida 32922
(321) 433-8770 (phone)
(321) 504-0922 (fax)

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator and follow the established procedures outlined in Section VIII.

A Transition Plan has been created and we are in the process of identifying barriers to accessibility, type of renovation and the approximate time of the barrier removal. It is our intention to receive input from the disability community.

Phase I of this Transition Plan is a work in process, and we are inspecting all of the Buildings, Parks and Facilities owned and used by the City of Cocoa for ADA, ADAAG and Florida Building Code Accessibility Compliance. Buildings and Facilities will be grouped into two categories: those that are in compliance and those that are not. The buildings and facilities that need work to be in compliance will be ranked to prioritize the buildings with the greatest public access to services or programs. We will also be developing Phase II of the Transition Plan, which is to assess the streets and sidewalks within the City of Cocoa.

Phase II will be completed by the Public Works Department, which will make a survey to include taking pictures and compiling a data base that will link to the photos of any street curb or sidewalk which is not in compliance. The resulting information will be incorporated into the Transition Plan. The Plan must include projects to be completed, cost estimates and projected completion dates; the funding source for these projects is coming from will also be in the Plan.

III. COCOA GOVERNMENT

The City desires to be proactive in removing the existing barriers. The City will work diligently to reduce/eliminate all barriers identified in the Transition Plan. Although the Building, Parks and Facilities Transition Plan has been prepared with proper care and attention, it must be understood that there is a possibility of it containing inadequacies and/or errors. The ADA guidelines/regulations along with the Florida Building Codes could change, so flexibility with interpretations and code updates may be required. Further, because of the broad scope of all City programs and services and the multitude of locations from which they are accessed, the City's Transition Plan is intended to be a fluid document that can and will be refined, changed and expanded during its continued life. The City understands the possibility of the need to amend its Plan and stands ready to review and consider suggestions and input.

Park accessibility for visitors with disabilities

Cocoa welcomes all visitors to its many and varied outdoor recreation areas. Many people share a love for the great outdoors and enjoy the recreational opportunities that abound. Nature has a therapeutic power to reinvigorate the body and spirit. Outdoor activities provide social interaction and offer a welcome break from the routine of our lives. The sights, sounds, and smell of the great outdoors belong to all of us to enjoy.

The City of Cocoa is always working to upgrade and improve its facilities to expand accessibility for people with disabilities. Our website is updated periodically to include new information. However, we strongly encourage disabled visitors to call our Leisure Services Department at (321) 635-7703. Some facilities may not be accessible to all people of all disabilities.

Environmental variables within City Parks

Change is an integral part of the natural landscape. Seasonal changes and environmental situations that occur may quickly alter the condition of facilities and trails. As a result, Cocoa cannot ensure that information about our parks on our City web site is always current, nor can we guarantee that each park or facility listed is open and available for public use.

Service animals in City Parks

Leashed pets and service animals are permitted in all City Parks. Please observe these service animal guidelines:

- Pets must be kept under restraint and control at all times.
- Owners must clean up after their pet.
- Dangerous or aggressive animals will not be tolerated in any park.
- Help Cocoa protect native plants and animals within the park boundaries by not allowing your dog or pet to run freely.
- Dogs or other animals are not allowed in the fountain at Riverfront Park under any conditions.

Service animals on waterfront areas

Guide or service dogs accompanying visually- or hearing-impaired persons shall be allowed on waterfront areas at all times. However, it is unlawful for any person to allow their animal on a City waterfront except for the above purposes.

IV. DEFINITIONS

As used in this Transition Plan (Plan), the following terms shall have the meaning ascribed to them in this Section, which are consistent with the provisions of existing federal and state law, including the regulations promulgated thereunder. Except to the extent expressly stated to the contrary, any term not expressly defined in this Section or elsewhere in this Transition Plan that has an expressly defined meaning in either the ADA or the regulations promulgated thereunder ("Regulations"), shall have the meaning ascribed to it by the ADA or the Regulations, in that order of preference. All other terms shall be interpreted according to their plain and ordinary meaning.

ADA/ADAAG:

"ADA" means and refers to the Americans with Disabilities Act as contained at 42 U.S.C. § 12101 et seq. "ADAAG" means and refers to the Americans with Disabilities Act Access Guidelines, codified at Appendix A to 28 Code of Federal Regulations part 36 and at Appendix A to 49 Code of Federal Regulations part 37. "ADAAG Standards" means and refers to physical conditions that meet the new construction and/or alterations standards set forth in ADAAG.

Florida Building Code Accessibility (FBCA):

Florida Building Code, Chapter 11- refers to Accessibility adopted pursuant to Section 553.503, Florida Statutes that any new construction and/or alteration standards set forth in the FBCA.

Compliance Period:

"Compliance Period" means and refers to the period of time for which this Transition Plan will be in effect. The Transition Plan shall become effective upon Final Approval, and remain in effect for up to 30 years. The City may dissolve the Transition Plan at any time upon a showing that it provides Program Access to Pedestrian Rights of Way or upon a showing that it has met or exceeded the monetary obligations specified in this Transition Plan. Alternatively, the Transition Plan will remain in effect until it dissolves automatically 30 years after Final Approval.

Compliant Curb Ramp:

"Compliant Curb Ramp" means and refers to a curb ramp that is constructed to comply with State and/or Federal law (whichever provides the higher access standard) in place at the time of construction. In the case of a location where it is Structurally Impracticable or Technically Infeasible to build a fully compliant curb ramp, or where construction of a fully compliant curb ramp would constitute a Fundamental Alteration of a service, program, or activity of the City of Cocoa or an Undue Burden on the City of Cocoa, a curb ramp that complies with access standards, or is constructed to the standards existing at the time of construction, or to the maximum extent feasible, will constitute a Compliant Curb Ramp as long as the requirements set forth in this Transition Plan for justifying the reasons for the City to avoid full compliance are met.

Curb Ramp:

"Curb Ramp" is used interchangeably with "curb cut."

Detectable Warnings:

"Detectable Warnings" means and refers to truncated domes which provide a tactile surface at the transition between the curb and the street, assisting pedestrians with Vision Disabilities in determining when they enter the street.

Final Approval:

"Final Approval" means and refers to the date when the City Manager approves the "Americans with Disabilities Act (ADA) Transition Plan" for the City of Cocoa.

Fundamental Alteration:

"Fundamental Alteration" means and refers to an action that, if taken by the City of Cocoa, would result in a fundamental alteration in the nature of the service, program or activity of Pedestrian Rights of Way in the City of Cocoa. If the City claims that any action otherwise required by this Transition Plan would constitute a Fundamental Alteration, the City shall have to demonstrate that such alteration would result, and the decision that an action would constitute a Fundamental Alteration must be made by the City Public Works Director, or his or her designee, after considering all funds available for such work, and must be accompanied by a written statement of the reasons for reaching that conclusion.

Mobility Disability:

"Mobility Disability" means and refers, with respect to an individual, to any physical or mental impairment or condition that substantially limits an individual's ability to move his or her body or a portion of his or her body and includes, but is not limited to, orthopedic and neuromotor disabilities and any other impairment or condition that limits an individual's ability to walk, maneuver around objects, ascend or descend steps or slopes, and operate controls. An individual with a Mobility Disability may use a wheelchair or motorized scooter for mobility, or may be Semi-Ambulatory.

Pedestrian Rights of Way:

"Pedestrian Rights of Way" means and refers to all sidewalks over which the City of Cocoa has responsibility or authority as well as all Curb Ramps and crosswalks serving such sidewalks and any other pathways used by pedestrians along public rights of way, including pedestrian pathways through public parking lots.

Statutory Defenses:

"Statutory Defenses" means and refers to the City's right to assert under this Transition Plan that removal of any barrier or installation of a Compliant Curb Ramp is not required because such barrier removal or curb ramp installation would be Technically Infeasible, or Structurally Impracticable, or that it would constitute an Undue Burden or Fundamental Alteration.

Structurally Impracticable:

"Structurally Impracticable" means and refers to circumstances in which the unique characteristics of terrain prevent the incorporation of accessibility features. If it is structurally impracticable to provide full access at any location along Pedestrian Rights of Way, the City shall comply with access requirements to the extent that it is not structurally impracticable to do so. (See ADAAG § 4.1.1(5) (a), FBCA Sec 203.15.

Technically Infeasible:

"Technically Infeasible" means, with respect to an alteration of a building, facility or Pedestrian Rights of Way, that it has little likelihood of being accomplished because existing physical or site constraints or a lack of public right of way prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility (See ADAAG § 4.1.6(1)(j), FBCEB Sec 202.

Third Party Entity:

"Third-Party Entity" means an entity other than the City of Cocoa that controls certain barriers or elements of barriers in a Pedestrian Rights of Way. Transit agencies and local utilities are examples of Third Party Entities.

Undue Burden:

"Undue Burden" means and refers to an action that, if taken by the City of Cocoa, would result in an undue financial and administrative burden. In order to demonstrate that removal of a barrier would

constitute an Undue Burden, the decision must be made by the City Public Works Director, or designee, after considering all resources available, and any other source of funding identified in this Agreement available for removal of sidewalk barriers, and must be accompanied by a written statement of the reasons for reaching that conclusion. In preparing such a statement, the City Public Works Director or designee may consider the usability of the existing facilities.

V. ADA CITIZEN ACCESSIBILITY ADVISORY SUB-COMMITTEE

The City of Cocoa will establish an ADA Citizen Accessibility Advisory Sub-Committee ("ADA Advisory Committee") comprised of representatives from City government and Cocoa residents. The Committee meets as needed to discuss issues related to disability and access. If the ADA Advisory Committee is disbanded or becomes inactive at any time during the life of this Transition Plan, the responsibilities of the ADA Advisory Committee under this Transition Plan, as set forth below, will be assigned to its successor, if any, or to the City Public Works Director.

The ADA Advisory Committee is charged with specific responsibilities under this Transition Plan related to barrier removal and access along the City's Pedestrian Rights of Way. For the life of this Transition Plan, the ADA Advisory Committee, or its successor, shall have ongoing responsibility for the following:

A. Selection and Prioritization of Barrier Removal Projects

The Public Works Director shall make recommendations regarding barrier removal projects to be prioritized and funded from the City General Fund Budget annually. The recommendations of the Public Works Director shall be submitted to the ADA Advisory Committee for review/consideration and approval. The City Manager shall coordinate the request with the City Council, who in turn will have final authority over the approval and authorization of projects.

B. Barriers to be Addressed

The following projects shall be considered for improvements throughout the City: (1) Installing Compliant Curb Ramps, including Detectable Warnings (at intersections where there are no curb ramps or where existing curb ramps do not meet current access standards); (2) Removing abrupt changes of level, whether caused by tree roots or any other deterioration or displacement of the surface of the Pedestrian Rights of Way; (3) Providing accessible crosswalks (by providing appropriate contrasting striping, developing or maintaining a policy concerning audible pedestrian signals, providing accessible pedestrian crossing controls, and removing any abrupt changes in level affecting the path of travel across the street; crosswalk access does not require any effort to remove slopes or cross slopes consistent with the slope of the street for vehicle traffic and/or drainage); (4) Removing obstacles in the Pedestrian Rights of Way that narrow the pedestrian pathway to less than 32 inches; (5) Removing or providing Detectable Warnings for overhanging obstacles below 80 inches above the pedestrian rights of way that are not detectible to a blind pedestrian using a cane; and (6) Removing excessive cross slopes perpendicular to the primary direction of travel along the Pedestrian Rights of Way, whether caused by driveways crossing the Pedestrian Rights of Way or by any other reason.

C. General Prioritization Standards

The following general principles will be used by the ADA Advisory Committee through and the ADA Coordinator to prioritize projects to be funded through the City General Fund Budget. Requests for installation of a Compliant Curb Ramp or removal of a specific barrier or barriers shall have the

highest priority. After requests, priority will be given to Pedestrian Rights of Way serving (1) State and local government offices and facilities; (2) important transportation corridors; (3) places of public accommodation such as commercial and business zones; (4) facilities containing employers; and (5) other areas such as residential neighborhoods and undeveloped regions of the City. In all planned projects, consideration will also be given to the severity of existing barriers and overall efficiency of project work. The ADA Advisory Committee in coordination with the Public Works Department and the ADA Coordinator, has discretion to authorize the removal of barriers in lower priority categories before removing barriers in higher priority categories if they deem such prioritization to be a more effective or efficient use of barrier removal resources.

D. Annual Selection Process

Every year, the ADA Advisory Committee shall recommend and prioritize a list of barrier removal projects during the Departmental Budget process, prior to the beginning of the new fiscal year. This list will be provided to the Public Works Department for review, who in turn will discuss it with the ADA Coordinator, who will recommend and prioritize a final listing as part of the Departmental Budget process.

E. Limitations on Barrier Removal

Under no circumstances will the City be obligated to remove any barrier if removal of such barrier would create an Undue Burden or a Fundamental Alteration, or if removal of such barrier would be Technically Infeasible or Structurally Impracticable. To the extent that the City determines that it would be an Undue Burden or Fundamental Alteration to remove a particular barrier, or that removal of a particular barrier would be Technically Infeasible or Structurally Impracticable, it must include such a determination in its regular reports as set forth below. Further, under no circumstances will the City be obligated to initiate eminent domain proceedings against a property owner in order to address any barrier.

F. Barriers under Control of Third Party Entities

Certain barriers in the Pedestrian Rights of Way involve elements under the control of entities other than the City of Cocoa. The City has no right or obligation to remove such barriers unilaterally. The City may, but has no obligation to, seek funding or participation in barrier removal work from such third party entities, which may include transit agencies, local utilities, or other entities that maintain equipment in the Pedestrian Rights of Way. Any contribution of money for barrier removal work by third party entities or any work done by such third party entities to remove barriers will be in addition to the work done based on the other obligations set forth in this Transition Plan.

VI. FUNDING

A. City General Fund

All work described in this Transition Plan shall be paid for through the City General fund with the exception of work done in conjunction with street overlays and reconstruction, work done using dedicated funding, and work affecting barriers under the control of third party entities. Projects using the money from the General fund will be recommended by the City's ADA Advisory Committee through the ADA Coordinator with reference to the general guidelines set forth in this Transition Plan and with the approval of the City Manager and City Council.

B. Leveraging Additional Funding Sources and City Programs

The ADA Advisory Committee shall confer with the City's ADA Coordinator a minimum of one time per year to assess how to best leverage additional City funds, if any, and/or additional City Programs, if any, that can be used to install Compliant Curb Cuts or remove barriers along the City's Pedestrian Rights of Way.

C. Additional Funding

If the City obtains dedicated funding for any additional street overlays or reconstruction, it will ensure that Compliant Curb Ramps are installed at each intersection as part of the overlay or reconstruction project. If the City obtains dedicated funding for redevelopment work that includes complete removal and reconstruction of a section of Pedestrian Rights of Way, the City will ensure that the reconstructed sidewalk is accessible, subject to all available defenses.

VII. RIGHTS OF WAY ACCESSIBILITY

A. City Monitoring of New Permitted Development and Alterations

The City will monitor all permitted construction work approved after the Effective Date of this Transition Plan affecting the Pedestrian Rights of Way to ensure that it conforms to the requirements set forth in this Transition Plan. In any location where an access feature required under the terms of this Transition Plan does not fully conform to access standards, and where the City claims that full compliance is not required due to any Statutory Defense, the City's explanation of its determination that full access is not required will be included and explained in the next Annual Report.

B. City Monitoring of Permitted Work to Existing Driveways

The City will monitor all permitted work for existing driveways. The City will not approve any permit to modify an existing driveway that would create an unreasonable cross-slope or worsen an existing cross-slope within the path of travel along Pedestrian Rights of Way.

C. Sidewalk Maintenance Program

Paved sidewalks, a minimum of five feet in width shall be installed on both sides of all local streets within a new development, and within the City when any new building or residence is built. Alternative path systems within a new development may be approved by the City in addition to sidewalks. Specifications for materials and design of sidewalks or alternative path systems shall be approved by the City Engineer or his or her designee, and shall be designed and constructed in accordance with such standards as may from time to time be published by the City Engineer. Construction of sidewalks or alternative path systems shall be the responsibility of the developer or the abutting property owner, as appropriate, at their sole cost and expense. However, the City Council may from time to time approve sidewalk or alternative path construction at City expense in a sidewalk construction program prepared by the City Engineer under the direction of the City Manager. The sidewalk construction program shall be consistent with the City's capital improvements plan and comprehensive plan. Funding of sidewalk construction shall be from the sources adopted by the Commission as a part of the program, and may include assessments of abutting property owners. Maintenance and replacement of the sidewalks or alternative path systems within a development and within the City shall be the responsibility of the abutting property owner. Sidewalks shall be located

in the right-of-way or adjacent easements of said street(s) but not closer than one foot to the abutting property line. Sufficient distance from obstacles such as fire hydrants, drainage inlets, manholes, utility structures and trees shall be maintained for the safety of the walkway users. No sidewalk shall be located within the appropriate recovery area of the traveled way of said street. Where the sidewalk is curved there shall be no unsafe curves or sudden elevation changes in the sidewalk which would present a hazard to the users.

D. Preventative Efforts to Deter Movable Barriers

Subject to its discretionary authority under the provisions of Florida Government Code §818.2, the City will take reasonable steps to prevent or deter the placement of movable barriers on sidewalks. These steps which may, but need not include conducting public information campaigns through mailers, providing community information, and utilizing other avenues of communication recommended by the ADA Advisory Committee. The ADA Advisory Committee may consult with the City's Planning and Development Director to increase public awareness of issues related to access along the City's Pedestrian Rights of Way. The ADA Advisory Committee may, at its discretion, recommend/request use of funding to promote increased awareness of disability access issues within the community. The Code Enforcement Division will perform routine inspections for movable barriers in the Cocoa Village area and will contact property owners to correct and remove any movable barriers identified.

E. Slurry Seal Requirement

The City will include in any slurry seal work it performs, a requirement to look for excessive build up which can create an inaccessible "lip" in the curb ramp area and will grind down any such lips subject to the City's claim that such work is subject to any Statutory Defenses.

VIII. REPORTS AND MONITORING

A. Annual Report

At the conclusion of each fiscal year until the end of the Compliance Period, the City shall provide a report ("Annual Report") to the City Manager describing the actual work done to implement this Transition Plan during the previous twelve months and a prospective plan of projects the City plans on undertaking to improve access to Pedestrian Rights of Way in the upcoming year. The Annual Report will be completed within one hundred and twenty (120) days from the end of the fiscal year and will include:

1. A summary or listing of all written complaints or requests for removal of particular barriers received since the prior report, including information specifying whether the City has taken action to remove the barrier.

2. Summaries of work done to ensure access and/or remove access barriers in conjunction with asphalt overlay projects, projects completed with Dedicated Funds and projects completed.

3. A list of all barriers, if any, for which the City asserts that it has a Statutory Defense excusing installation of a Compliant Curb Ramp or removal of an access barrier. If the City asserts that it has a Statutory Defense that limits its ability to remove a barrier or to install a Curb Ramp that meets all current standards, the City will include in the report a written statement by the City Public Works Director or designee providing the reasons for reaching that conclusion.

To the extent that the City claims that installation of a fully compliant Curb Ramp or removal of an existing barrier would be an Undue Burden, the written statement will include his or her consideration of all resources available from the ADA Advisory Committee Fund and any other source of funding set forth in this Agreement as available for the removal of access barriers.

4. Information regarding the removal of barriers along the Pedestrian Rights of Way from the City Public Works Director.

5. Information describing efforts made by the City or ADA Advisory Committee to leverage additional programs or funding sources to install Compliant Curb Ramps or remove access barriers in the Pedestrian Rights of Way.

6. Information regarding efforts at Community Outreach, and any action being taken as a result of such community outreach.

7. Information documenting all barrier removal efforts accomplished in conjunction with Third Parties (such as utility companies).

8. A prospective plan of projects for the upcoming year based on the priority recommendations of the City's ADA Advisory Committee, and approved by the City Manager or his/her designee.

9. A Monitoring Report, as described below, for the first three years of the Compliance Period.

B. Monitoring Report

The City of Cocoa will utilize a Registered Professional Civil Engineer who is either employed by the City through the Public Works Department or designated by the ADA Coordinator to monitor the City's compliance with this Transition Plan for a period of three years from the date of execution. The ADA Coordinator will annually inspect 8-10% of the locations within the Pedestrian Rights of Way at which barriers have been removed to ensure that such barrier removal is completed properly within acceptable tolerances. Such inspections will determine whether there are remaining barriers at sites that were identified as having all barriers removed, or whether barrier removal work was completed properly. The ADA Coordinator will annually produce a report ("Monitoring Report") containing his or her findings to the City. The Monitoring Report may be prepared in conjunction with or as part of the Annual Report at the discretion of the City Manager.

IX. ACCOMMODATION AND GRIEVANCE

A. Requesting an ADA Accommodation

The request for accommodation should include the name, address and telephone number of the individual requesting the accommodation (see Attachment 2—Request for Accommodation Form). The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed.
Complete the form and submit it to:

City of Cocoa Public Works Director/ADA Coordinator
65 Stone Street.
Cocoa, Florida 32922

(321) 433-8770 (phone)
(321) 504-0922 (fax)

Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance as indicated in Section B below. All Requests for Accommodation received by the ADA Coordinator will be kept by the City of Cocoa as required by law.

B. Filing an ADA Grievance

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of the disability in the provision of services, activities and programs by the City of Cocoa.

Step 1 – The Written Complaint

The complaint should be in writing and contain information about the alleged discrimination such as name, address and phone number of the complainant and location, date and description of the problem (see Attachment 3 for Filing an ADA Grievance Form). Alternative means of filing complaints will be made available for persons with disabilities upon request.

Contact the ADA Coordinator to request this information in an alternate format or the "Request for Accommodation" or "ADA Grievance" forms. The complaint should be submitted by the complainant as soon as possible, but no later than ninety (90) calendar days after the alleged violation (or discovery thereof) to:

City of Cocoa Public Works Director/ADA Coordinator
65 Stone Street.
Cocoa, Florida 32922
(321) 433-8770 (phone)
(321) 504-0922 (fax)

Step 2 – Meeting with the ADA Coordinator

Within fifteen (15) calendar days of the written complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator will respond in writing or in a format accessible to the complainant. The response will explain the position of the City of Cocoa and offer options for resolution of the complaint.

Step 3 – Appeal to the City Manager

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Manager or an appointed representative.

Within fifteen (15) calendar days after receipt of the appeal, the City Manager, or an appointed representative, will meet the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager, or an appointed

representative, will respond in writing or in a format accessible to the complainant of final resolutions to the complaint.

All written complaints received by the ADA Coordinator, appeals to the City Manager, and responses from the ADA Coordinator and the City Manager, will be kept by the City of Cocoa as required by law.

C. Accommodation and Grievance Response

In responding to request(s) for structural improvement brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited to the funds in the ADA Advisory Committee Fund. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

ATTACHMENT 1:

NEW SIDEWALK INSPECTION FORM

New Sidewalk Inspection Form

Compliance with Standards

Note: All new sidewalks should comply with the City's current design and construction standards. Where it is infeasible to construct or reconstruct a sidewalk to current standards, the Designer or Inspector must complete the Findings for Non-compliance Element(s) section below and state what the non-compliant element(s) are and the reason for the non-compliance. A drawing or picture can be included in the box below. After completing this form, submit it to the ADA Program Access Coordinator for acceptance and then signature by the City Manager.

Finding for Non-Compliance Element(s):

_____

_____

_____

_____

_____

_____

Designer/Inspector Date	ADA Coordinator Date	City Manager Date
Signature	Signature	Signature

ATTACHMENT 2:

REQUEST FOR ACCOMMODATION FORM

Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973

REQUEST FOR ACCOMMODATION FORM

Instructions: Please fill out this form completely, using black ink or typing. Sign and send it to the address at the bottom of the page. This form is available in alternate formats by request.

Reporting Individual:	
Name and Address:	
City, State, ZIP	
Telephone Number(s):	Home: Business:
Service Program or Facility Requiring Accommodation:	
Name of Service/Program/Facility:	
Address:	
City, State, ZIP	
Telephone Number:	
Date of Incident or Discovery:	
Describe the reason for requiring the requested accommodation (please feel free to use additional attachments as necessary):	
Action taken (office use only)	**Date of Action:**
Signature of Reporting Individual:	
Date:	

Please mail this form to: City of Cocoa, 65 Stone Street, Cocoa FL 32922

For office use: File No. _____ Date Received: _____ Received by: _____

ATTACHMENT 3:

CITY OF COCOA ADA COMPLAINT/GRIEVANCE FORM

ADA Complaint/Grievance Form

Complainant: _____

Person Preparing Complaint (if different from above): _____

Relationship to Complainant: _____

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: (_____) _____ E-Mail: _____

Please provide a complete description of the specific complaint or grievance:

_____

_____

_____

_____

Please specify any location(s) related to complaint or grievance (if applicable):

_____

_____

_____

_____

Please state what you think should be done to resolve the complaint or grievance:

_____

_____

_____

Please attach additional pages as needed.

_____ Please do not contact me personally

Signature: _____ Date: _____

Return to: City of Cocoa, ADA Program Coordinator, 65 Stone Street, Cocoa, FL 32922

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Program Coordinator at the address listed above, via telephone (321) 433-8770, Fax (321) 504-0922

ATTACHMENT 4:

ADA NOTICE – AMERICANS WITH DISABILITIES ACT OF 1990

ADA NOTICE
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 Cocoa will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, activities or employment.

Employment: The City of Cocoa 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 of Cocoa 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, activities, meetings, or employment. Our City Hall Commission Chambers is equipped with an assistive hearing device upon request. Qualified interpreters can be made available for City meetings with 48 hours advance notice to the City Clerk, Joan Clark (321-433-8488).

Modifications to Policies and Procedures: The City of Cocoa 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 welcome 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 following:

- For ***employment*** related issues, contact the Administrative Services Director at **321-433-8665**
- For ***services, events and activities*** related issues, contact the Leisure Services Manager at **321-633-7701** but no later than 48 hours before the scheduled event
- For ***City facilities use and access*** related issues, contact the ADA Coordinator at **321-433-8770**

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

Complaints: Complaints that a City program, service, activity or facility is not accessible to persons with disabilities should contact the **City's ADA Coordinator (321-433-8770)**.

The City of Cocoa 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.

ATTACHMENT 5:

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

City of Cocoa

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 90 calendar days after the alleged violation to:

City of Cocoa
ADA Coordinator
65 Stone Street.
Cocoa, FL 32922
321-433-8770

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 Coordinator 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, to the City Manager or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Manager 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 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 the ADA Coordinator, appeals to the City Manager or his/her designee, and responses will be retained by the City for at least three (3) years.