

RESOLUTION #13-020

A RESOLUTION ADOPTING FEDERAL AID FUNDING REQUIREMENTS, ADOPTING THE HALL COUNTY, NEBRASKA, AMERICANS WITH DISABILITIES/SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY, AGREEING TO THE ASSURANCES CONTAINED IN THE HALL COUNTY, NEBRASKA, AMERICANS WITH DISABILITIES/SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY, AND DESIGNATING AN ADA/SECTION 504 COORDINATOR

WHEREAS, certain transportation facilities (roads, streets, trails, and others) in Hall County, Nebraska, have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

WHEREAS, Hall County, Nebraska, desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, the Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds and

WHEREAS, Hall County, Nebraska, as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Hall County, Nebraska, Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy; and

WHEREAS, Hall County, Nebraska, understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Hall County, Nebraska, being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED by the Hall County Board of Supervisors that Hall County, Nebraska, does hereby adopt and bind itself to comply with all applicable federal law regarding Federal Aid funding for transportation construction projects, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) regarding Federal-Aid funding for transportation construction projects, the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Hall County, Nebraska, Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy.

BE IT FURTHER RESOLVED by the Hall County Board of Supervisors that the Hall County, Nebraska, Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy is adopted as provided in Attachment "A", and that Hall County, Nebraska, agrees to the Assurances contained in the Hall County, Nebraska, Americans with Disabilities Act/Section 504 of the Rehabilitation Act 1973 Policy.

BE IT FURTHER RESOLVED that the Hall County Board of Supervisors hereby designates the Hall County Facilities Director as the ADA/Section 504 Coordinator for the management and implementation of the Hall County, Nebraska, Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy.

Resolution moved by Supervisor Schuppan.

Seconded by Supervisor Gary Quandt.

Vote:

Supervisor Arnold: For

Supervisor Lancaster: For

Supervisor McFarland: For

Supervisor Purdy: For

Supervisor Quandt: For

Supervisor Schuppan: For

Supervisor Ziola: For

PASSED, ADOPTED AND APPROVED THIS 21st DAY OF MAY, 2013.

HALL COUNTY BOARD OF SUPERVISORS

By Pamela Lancaster

ATTEST:

Marla J. Conley

Hall County Clerk

Prepared by:

Jack Zitterkopf

Chief Deputy Hall County Attorney

Attachment A

HALL COUNTY, NEBRASKA

Section 504 - Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

POLICY STATEMENT

Hall County, Nebraska, will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Hall County, Nebraska, further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purpose, a disabled person is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such impairment, or;
3. Is regarded as having such impairment.

ORGANIZATION AND SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The Hall County Facilities Director, 114 South Sycamore, Grand Island, Nebraska, 68801, 308-385-5049, acts as the Hall County ADA Coordinator and coordinates ADA compliance activities, inquires, accommodation request, and complaints.

SECTION 504/ADA NOTICE TO THE PUBLIC

In accordance with the requirements of Title H of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, Hall County, Nebraska, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. Hall County, Nebraska, does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA/Section 504 Coordinator:

Hall County Facilities Director
114 South Sycamore St
Grand Island, NE 68801
308-385-5049

Office Hours: Monday -Friday, 8:00a.m.-11:30a.m. and 12:30p.m.-5:00p.m.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Hall County, Nebraska, should contact the ADA/Section 504 Coordinator as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of Hall County, Nebraska, is not accessible to persons with disabilities should be directed to the ADA/Section 504 Coordinator.

Hall County, Nebraska, will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

SECTION 504/ADA SELF-EVALUATION AND TRANSITION PLAN

Hall County intends to perform a self-evaluation and prepare a transition plan within twelve months from the date of execution of this policy.

GRIEVANCE 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 Hall County, Nebraska. The Hall County Personnel Rules 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 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 violations to the designated ADA/Section 504 Coordinator:

Hall County Facilities Director

114 South Sycamore St

Grand Island, NE 68801

308-385-5049

Office Hours: Monday -Friday, 8:00a.m.-11:30a.m. and 12:30p.m.-5:00p.m.

Within 15 calendar days after receipt of the complaint, the ADA/Section 504 Coordinator 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/Section 504 Coordinator or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of Hall County, Nebraska, and offer options for substantive resolution of the complaint.

If the response by the ADA/Section 504 Coordinator 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 to the Chairman of the Facilities Committee of the Hall County Board of Supervisors or his/her designee. Appeals should be directed to the Hall County Board Assistant, 121 S. Pine Street, Grand Island, NE 68801, telephone 308-385-5093. Within 15 calendar days after receipt of the appeal, the Chairman of the Facilities Committee of the Hall County Board of Supervisors will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Hall County Facilities Director 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/Section 504 Coordinator or his/her designee, appeals to the Chairman of the Facilities Committee of the Hall County Board of Supervisors or his/her designee, and responses from these two offices will be retained by Hall County for at least three years.

REASONABLE ACCOMMODATION PROCEDURES

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by Hall County, Nebraska should contact the ADA/Section 504 Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Hall County Facilities Director

114 South Sycamore St.

Grand Island, NE 68801

308-385-5049

Office Hours: Monday-Friday, 8:00a.m.-11:30a.m. and 12:30p.m.-5:00p.m.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Hall County,

Nebraska, desiring to avail itself of federal financial assistance from the United States Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance. Hall County, Nebraska, further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 C.F.R. Part 27, 28 C.F.R. Part 35, and 42 U.S.C. 12101-12213.

ADOPTED THIS 21st DAY OF MAY 2013, Grand Island, Hall County, Nebraska.

BY THE COUNTY BOARD OF SUPERVISORS,

HALL COUNTY, NEBRASKA

Signed by:

Scott Arnold

Pamela Lancaster

Bob McFarland

Daniel Purdy

Gary Quandt

Stephen Schuppan

David Ziola

Prepared by:

Jack Zitterkopf

Chief Deputy Hall County Attorney