



AMERICANS WITH DISABILITIES (ADA) POLICY

COUNTY OF BURLESON

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Caldwell, Texas 77836

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A. INTRODUCTION AND ADA AUTHORITIES & REGULATORY REQUIREMENTS

The purpose of this Policy is to comply with the Americans with Disabilities Act (hereinafter "ADA" or "Act") and related statutes & regulatory requirements and to assure that persons with disabilities have equal access to Burleson County ("County") facilities, services, programs, activities and employment.

By way of background, Section 504 of the Rehabilitation Act of 1973, requires that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which became known as the "civil rights act" of persons with disabilities, states:

No otherwise qualified individual with a disability in the United States shall solely by reason of his or her disability be excluded from the participation in be denied the benefits at; or be subjected to discrimination under any program or activity receiving Federal financial assistance. (See Section 504).

Subsequent to the enactment of the Rehabilitation Act of 1973, Congress passed the ADA on July 26, 1990, and provides a comprehensive mandate of the rights of individuals with disabilities. Details of the ADA can be found at: www.ada.gov.

Title II of the ADA covers public entities, including Burleson County government, and all its programs, services, and activities. Title II regulations prohibit public entities from discriminating against or excluding individuals with disabilities from programs, services, or activities on the basis of disability. (See 28 CFR Part 35). The provisions of Title II fall into four broad areas: 1). General non-discrimination, 2). Equal effective communication, 3). Employment and 4). Program and facility accessibility

The County will strive to provide equal opportunity through reasonable modification in policies, practices, or procedures; ensure effective communication through the provisions of auxiliary aids and services; require nondiscriminatory employment practices; and make programs accessible through programmatic or architectural modifications.

The County is obligated to observe requirements of the ADA and the ADA Access Guidelines of 2012 (ADAAG) that apply to facilities and other physical holdings, as well as any other applicable law, as amended. Additionally, the County is to also comply with the Texas Accessibility Standards (TAS), Elimination of Architectural Barriers contained in Texas Government Code, Chapter 469 (See: [https:// www.statutes.capitol.texas.gov/Docs/GV/htm/GV .469.htm](https://www.statutes.capitol.texas.gov/Docs/GV/htm/GV.469.htm)), as well as Texas Department of Licensing and Regulations, under the Architectural Barriers Act.

B. ACCESSIBILITY REQUIREMENTS

Pursuant to the ADA and other accessibility laws and regulations, including Title II, the County as a public entity with over 50 employees is required to execute the following administrative requirements referenced below to ensure compliance with the law and be eligible to receive federal funds:

1. **Establishment of an ADA Coordinator.** In accordance with §35.107(a), an ADA Coordinator must be designated. Responsibilities of the ADA Coordinator (or designee) will include:
 - a. Familiarity with the ADA and applicable DOJ regulations.
 - b. Monitoring the County's compliance with the ADA and applicable DOJ regulations.
 - c. Coordination of accommodations for visitors and employees.
 - d. Serving as the contact person for people who need information about the **ADA**.
 - e. Educating County officials and employees about their responsibilities under the **ADA**.
 - f. Coordination of self-evaluations and barrier identification.
 - g. Handle ADA grievances.

Anyone who requires auxiliary aid or service for, or has a complaint related to, effective communication, or a modification of policies or procedures to allow participation in a program, service or activity in the County should contact:

Burleson County Treasurer
Stephanie Smith, County Treasurer ADA/504
Coordinator
100 West Buck Street Suite 404
Caldwell, Texas 77836
Phone: (979)292-7655
Fax: (956)292-7034
Email: ssmith@burlesoncounty.org

Burleson County 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 to accommodate access to or participation in programs or services.

The ADA does not require the County to undertake any action that it can demonstrate would result in a fundamental alteration to the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and/or administrative burden. The ADA Coordinator (or designee) shall make these determinations based on an evaluation of available applicable resources and shall provide a statement citing reasons for reaching that conclusion.

2. **ADA Accessibility Policy, ADA Assurances & ADA Notice Statement.** In accordance with 28 CFR §35.106, the County provides information to applicants, participants, beneficiaries, employees, and other interested parties through this policy, as well as the ADA Notice, ADA Nondiscrimination Statement, & ADA Assurances regarding the rights and protections afforded by Title II of the ADA and application of the same to the County's particular programs, services, and activities. (Attachments 01, 02, & 03).

3. **Conduct a Self-Evaluations of All Public Facilities & Programs.** In accordance with 28 CFR §35.105, the County will conduct a comprehensive review of the following four major areas in an effort to determine physical obstacles that limit the accessibility of the public entity's programs, services, or activities to people with disabilities. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. The County may hire an independent consultant to conduct a self-evaluation.
 - a. **Policies and Procedures.** The self-evaluation involves a thorough review of general policies and procedures to ensure non-discrimination. The County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of the County's programs, services, and activities.

 - b. **Communications.** The County will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they may participate equally in the County's programs, services, and activities.

 - c. **Employment.** The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations

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promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

- d. Program Facility Accessibility. Title II of the ADA prohibits public entities from excluding individuals with disabilities from programs, services, or activities because of inaccessible facilities. The County will conduct a facility access review to determine and ensure program accessibility.
4. **Develop a Transition Plan.** In accordance with 28 CFR §35.105, the County will develop an ADA Transition Plan as part of the conducted self-evaluation. At a minimum, the Transition Plan should:
- a. Identify the County's ADA Coordinator by name and include contact information;
 - b. Include the ADA policy and related documents;
 - c. Include the grievance procedure for ADA complaints;
 - d. Include the ADA self-evaluation results (for programs and facilities);
 - e. Identify the design standards for all facilities (buildings, streets, roadway, and walkway assets, including a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs.); and
 - f. Include a prioritization schedule for remediating assets and programs that are not ADA compliant and include the following information, if known:
 - The estimated completion date for each item on the schedule; and/or
 - A budget to be applied to the items on the prioritization schedule together with cost estimates for their remediation
 - g. Demonstrate that public involvement opportunities were provided in the development of this plan. (i.e.: including, but not limited to requesting public input at public meetings and/or through public surveys).
 - h. Identify that the plan will be updated periodically to ensure the ongoing needs of the community continue to be met; and
 - i. Effectuate the plan by the signature of the ADA Coordinator upon adoption of the plan by the Burleson County Commissioner's Court.
5. **Design & Build Accessible Facilities & Programs.** The County utilizes the design standards indicated above, including, but not limited to: the ADA Accessibility Guidelines (ADAAG), and the Texas Accessibility Standards (TAS), Proposed Guidelines for Accessible Rights-of-Way (PROWAG).

Generally, the County Facilities & Maintenance Department, under the guidance of the ADA Coordinator shall ensure that County built and operated facilities are

compliant with applicable design standards. During all emergency planning (mitigation, preparedness, response, and recovery), the County's Emergency Management Coordinator shall ensure awareness and compliance with ADA requirements.

6. ADA Complaint and Public Input/Request Procedure.

- a. Purpose. Public input regarding ADA-related matters may be obtained as described above while conducting a self-evaluation or developing a transition plan, or through the complaint/input procedure described below. This Complaint Procedure is established to meet ADA requirements and 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 County of Burleson.

Any person who believes that he or she, individually, as a member of a disabled community, has been subject to discrimination prohibited by the ADA, sections 504 or 508 of the Rehabilitation Act of 1973, as amended, may file a complaint as provided herein. A complaint may also be filed by a representative on behalf of such a person or group.

Prior to filing a formal complaint, individuals are encouraged, but not required, to bring any such disability-related concern or complaint to the attention of the ADA Coordinator in an effort to resolve the matter informally.

BURLESON COUNTY EMPLOYEES - Burleson County employees seeking to file an ADA complaint shall utilize the Burleson County employee complaint process/procedures available through applicable Burleson County policy. Any Burleson County employee utilizing the complaint procedures under this ADA policy will be redirected to follow the Burleson County employee complaint procedure at the County's discretion.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

- b. Filing an ADA Complaint. The complaint should be in writing and contain information about the alleged discrimination such as Complainant's name,

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address, and method of contact (i.e., telephone number, email address, etc.; location, date, and description of the problem/ alleged disability discrimination; location, names and contact information of any witnesses; and any other information that Complainant deems significant. 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. All complaints must be signed by the complainant and/or by the complainant's representative, unless unable to do so due to disability.

Time frame for filing a complaint If Complainant decides to proceed with a formal ADA complaint, it should be submitted by the Complainant and/or his/her designee as soon as possible but no later than **180 calendar days** after the alleged violation or the date the person(s) became aware of the alleged act(s) of discrimination. The County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaint Form: Complainant should use the External Title VI/ ADA Discrimination Complaint Form (Attachment 04) to file a formal written complaint alleging discrimination on the basis of disability, which may be obtained in English or Spanish at the Burleson County ADA Coordinator's Office or online at: www.co.burleson.tx.us

Where to file a complaint The written complaint form and any supporting documentation should be submitted by the complainant and/or his or her designee to:

Burleson County Treasurer's Office
Stephanie Smith, County Treasurer
ADA/504 Coordinator
100 West Buck Street, Suite 404
Caldwell, Texas 77836
Phone: (979)567-2305
Fax: (979)567-2366
Email: ssmith@burlesoncounty.org

ADA Coordinator's Roles & Responsibilities. The ADA Coordinator or designee is charged with the primary responsibility of processing ADA discrimination complaints received by the County. Failure to submit an ADA complaint to the ADA Coordinator may result in the complaint not being

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processed. The ADA Coordinator or designee shall follow the processes established herein when addressing an ADA complaint.

- c. Complaint Process. Within ten (10) business days of receipt of a complaint alleging discrimination based on disability, the ADA Coordinator will acknowledge receipt of the complaint and begin an investigation. The ADA Coordinator must also provide appropriate assistance to complainants, including those persons with disabilities, or who may be limited in their ability to communicate in English.

The ADA Coordinator has overall responsibility for the discrimination complaint process and procedures, and may at his/her discretion, assign a capable person to investigate the complaint. The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

The ADA Coordinator shall make every effort to address all complaints expeditiously and thoroughly. The ADA Coordinator will contact the complainant in writing no later than thirty (30) business days after receipt of the complaint for additional information, if needed. The Complaint will be copied, filed, and logged. If the complainant fails to provide the requested information in a timely basis, ADA Coordinator may administratively close the complaint.

The ADA Coordinator will complete the investigation within sixty (60) calendar days of receipt of a complaint. If additional time is needed for the investigation, the complainant will be notified. A written investigation report will be prepared by the ADA Coordinator. This report shall include a summary description of the incident, findings for each issue, and recommended corrective action if any.

If required by applicable grant requirements, the investigation and recommended decision will be forwarded to the appropriate state/federal agency.

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- d. Disposition of Complaint. A final written response letter will be provided to the complainant, and where appropriate, in a format accessible to the Complainant, within ten (10) calendar days of completing the investigation. The final response letter will explain the position of the County and, if appropriate, offer options for substantive resolution of the complaint. The Complainant will also be advised of his or her right to appeal the County's decision with the County within five (5) business days from receipt of the closing letter or that they may file a complaint externally with an applicable state/federal agency. If there is no appeal or no findings, the complaint will be closed.
- e. Appeal Process. Upon receipt of a written request for appeal, the ADA Coordinator or designee will verify the timeliness of filing. An appeal request mailed via US mail is considered filed on the date postmarked. If determined to be filed timely, the ADA Coordinator or designee will initiate the ADA Appeal Committee review process and send a notice of receipt of the appeal to the Complainant advising of the appointment of the appeal committee and the general appeal process.

The ADA Appeals Committee will be composed of three (3) members and will be tasked with reviewing any ADA appeal and submitting a written appeal decision. The three member committee will consist of the Elected Official/Department Head or designee of the following three departments/offices: Treasurer's Office/Human Resources, County Judge, and the County Auditor's Office.

If a Committee representative or the representative's department/office is involved in the complaint or is otherwise conflicted to participate as a member of the committee, the ADA Coordinator will have the discretion to choose a replacement. The ADA Appeals Committee will choose one individual among them to serve as chair of the committee. The County's Legal Counsel will serve to advise the committee as needed.

Within thirty (30) calendar days after receipt of the appeal, the County's ADA Appeals Committee will review the Complainant's permanent file including but not limited to the final investigation. During this time, the Committee shall confer a minimum of one (1) time to discuss the matter and their decision.

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After review of the Complainant's permanent file, the Committee shall vote to either:

- i. Accept the County's findings;
- ii. Reject the County's findings;
- iii. Accept in part and Reject in part the County's findings; and/or
- iv. Recommend any applicable action to be taken.

Within 15 calendar days after the ADA Appeals Committee's final decision, the ADA Appeals Committee will provide a written appeal decision to the ADA Coordinator which shall include the Committee's conclusions.

The ADA Coordinator shall provide the complainant with a copy of the ADA Appeals Committee's final appeal decision, and where appropriate, in a format accessible to the Complainant. If necessary, the ADA Coordinator may take the recommended action.

- f. Complaint Logs. The ADA Coordinator shall maintain a log (Attachment 05) of any discrimination complaints or lawsuits filed naming the County of Burleson, which alleges discrimination with respect to disability discrimination and/or ADA concerns. The log shall include information on each complainant to include:

- The identity of the complainant,
- The recipient,
- The claimed disability of the complainant,
- The nature of the complaint,
- The dates the complaint was filed,
- A summary of the allegation,
- The date the investigation was completed,
- The disposition and date of disposition,
- If concerning a lawsuit, include whether the parties to a lawsuit have entered into a consent decree/settlement agreement; and
- Any other pertinent information (such as age)

- g. County Departments/Elected Offices Responsibilities: (under this Section) All ADA/disability discrimination complaints received by a County department/office must be forwarded to the ADA Coordinator to investigate, regardless of whether the County department/office is required to conduct a separate investigation. The ADA Coordinator's investigation does not

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replace any other statutory obligation to investigate . The County Department Head/Elected Official,must:

- Post the ADA Notice (Attachment 01) in a conspicuous location in the departments/offices under their supervision, whereby the public and employees have access to the information;
- Forward any ADA/disability discrimination complaint to the ADA Coordinator within 48 hours of receipt.

h. Record Keeping. The ADA Coordinator will maintain permanent records, which include, but are not limited to:

- Signed acknowledgements of receipt from the employees indicating the receipt of the Burleson County ADA Policy;
- Copies of the ADA complaints or lawsuits and related documentation;
- Compliance records and records of correspondence to and from complainants;
- ADA investigations; and
- Any appeals decisions, responses or other pertinent records

The records shall be maintained for a period of ten (10) years or in accordance with Records Retention Schedules issued by the Texas State Library and Archives Commission, whichever is longer; however, should records be the subject of a grievance, administrative action, litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.

7. Monitor & Maintain Compliance.

In addition to implementing an ADA Transition Plan, the County will make subsequent plan updates which will demonstrate and evidence progress that has been made in order to reflect good faith efforts to comply with the requirements. The Transition Plan should be viewed as a "living document" and updated regularly to reflect changes in real world conditions and to address any possible new areas of compliance or noncompliance. As indicated above, the plan will be updated periodically to ensure the ongoing needs of the community continue to be met. The ADA Coordinator or designee, in coordination with County policy makers and stakeholders, will discuss and evaluate the effectiveness of the County's ADA

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Transition Plan, maintain applicable data and monitor compliance with the priorities set therein.

C. SUMMARY OF ATTACHMENTS

Attachment 01 - ADA Notice

Attachment 02 - ADA Nondiscrimination Statement

Attachment 03 - ADA Assurance

Attachment 04 - External Title VI/ ADA Discrimination Complaint Form

Attachment 05 - ADA Coordinator's ADA Complaint Log

