

2017

## **Section III**

# **ADA Transition Plan Programs, Services & Activities Findings**



City of Helena

**316 North Park Avenue  
Helena, MT 59623  
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## **Programs, Services & Activities**

Services and programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City does not have to take any action that the City can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator and must be accompanied by a written statement of the reasons for reaching that conclusion.

The determination that an undue burden would result must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

The City may achieve program accessibility by a number of methods:

- structural methods such as altering an existing facility;
- acquisition or redesign of equipment;
- assignment of aides; and
- providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity but does not guarantee equality of results.

### **Program Evaluation Survey**

In the fall of 2016, the City surveyed all its departments and divisions to learn how they communicate with the public and what tools and techniques they use to ensure that people with disabilities have equal access to programs, services and activities.

Based on the survey responses most city departments felt that they currently provide full and equal access to all services, programs and activities for people with disabilities. However, the responses to specific questions indicated a need for some improvements. It is the intent of the City to address citywide programmatic accessibility barriers by providing improvements to the identified areas and recommendations.

The survey findings contained in this section will serve as a planning tool for the implementation of specific improvements to policies, procedures and practices for providing programmatic access to city programs as required by the ADA.

Findings from the programs, services and activities accessibility surveys and recommended corrective actions if any are required are listed below. A copy of the completed departmental surveys is provided in **Appendix E**.

## **Overall Findings**

### **PROGRAM ELIGIBILITY & ADMISSION**

The public should be able to access all city programs, services, and activities, regardless of disability. Admission criteria, ability to complete forms and participation in interviews should be available to all members of the public by providing reasonable accommodations.

#### **Self-Evaluation Findings:**

No departments reported having limitations or requirements that would exclude or discriminate against persons with disabilities.

**Recommended Actions:** No action required

### **ELECTRONIC & PRINTED INFORMATION**

Title II regulations require the city to inform the public of rights and protections provided by the ADA. The city's Notice under the Americans with Disabilities Act and ADA Statement is published online at:

<http://www.helenamt.gov/cd/planning/americans-with-disabilities-act-ada.html>

The published notice expresses the city's commitment to providing accessible services to individuals with disabilities. The notice also provides the contact information for the city's ADA Coordinator.

The City produces a variety of informational and promotional materials for public use, including applications, maps, brochures, forms, newsletters, fact sheets, reports and plans. In order to meet the ADA's communication standards, city departments must be able to provide printed information, when requested, in alternative formats such as using easy-to-understand language, Braille, large-print format, audiotape/CD/digital media file, computer disc, or other formats as requested.

Most City departments do not include instructions in their printed or electronic materials on how to request information in an alternate format. In addition most departments do not have a formal process in place to handle a modification request. In addition, not all departments include the State of Montana Relay service number in printed or electronic materials.

#### **Self-Evaluation Findings:**

Most City departments and offices produce printed information that is available to the public. While some City departments distribute information about obtaining printed information in alternate formats, other departments do not. Many departments routinely produce printed information in alternate formats upon request.

Most forms and applications produced by the City are available in printed or electronic form. However, there is inconsistency on the forms when advising the public on how to obtain an alternate format of a document such as large-print and audio tapes to individuals who are unable to read the materials.

#### **Recommended Actions:**

- All departments must be able to provide documents and other printed materials in alternate formats, as requested. This includes Braille, audio recordings, enlarged print and computer disks at no charge to the individual making the request.

- Handle all requests for other alternative formats or lengthy documents on an individual basis.
- Identify at least 3 Braille printing businesses that can be utilized by any department or division when a request to convert information to Braille is made.
- Provide programmatic changes (e.g., staff assistance), upon request to assist in filling out forms or when alternative formats are unavailable or infeasible.
- Provide applications, permits, program and reservation information in a variety of formats upon request (for example, in large-print format for persons with visual disabilities or in simple language for persons with cognitive disabilities).
- Produce meeting agendas and other public information distributed at meetings in alternative formats when requested.
- Include the following information (or similar) on the all printed materials provided to the public, including brochures, fact sheets, handouts, flyers, maps, plans, forms, reports and newsletters:

*To request other formats, please contact [your department or division name here].*

*Voice: xxx-xxx-xxxx | TTY: xxx-xxx-xxxx (if any) | Relay: 711*

*Email: [xxxxx@helenamt.gov](mailto:xxxxx@helenamt.gov)*

Note: If a document is going to be used for more than one year without updates, please select a generic customer service telephone number and email address for your department, if available.

- Include the following “uniform” accessibility statement on all event announcements, meeting/work session agendas and legal advertisements:

*The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.*

*Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Elroy Golemon, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:*

*(406) 447- 8490*

*TTY Relay Service 1-800-253-4091 or 711*

*citycommunitydevelopment@helenamt.gov*

*316 North Park Avenue- Room 440, Helena, MT 59623*

## **CUSTOMER SERVICE**

The City of Helena is committed to providing outstanding customer service to all patrons, including individuals with disabilities. In-person interaction with the public is one of the primary functions of most city departments. In addition, the city has fully embraced the use of electronic communication tools, like the internet and email, to further interact with the public and provide information to citizens.

City staff has made and continues to make adjustments to better accommodate customers via walk-in service, telephone & written correspondence (letters & e-mails).

**Self-Evaluation Findings:**

Based on the survey results most City departments lack contact information on how to request auxiliary aides, alternate formats or accommodations, which is required to be provided. In addition many departments do not have the City of Helena’s Notice of Program and Service Accessibility flyer posted.

**Recommended Actions:**

- Publicize the State of Montana Relay service number, 711, which the City uses in all email signature blocks, letterhead and web pages that include employee or department’s regular voice telephone number.
  
- Include the following information beneath the signature line of every letter or email sent to a patron:

*To request other formats, please contact [your department or division name here].*

*Voice: xxx-xxx-xxxx | TTY: xxx-xxx-xxxx (if any) | Relay: 711*

*Email: [xxxxx@helenamt.gov](mailto:xxxxx@helenamt.gov)*

Or, include the above contact information in your signature line and add this (or similar) sentence to your email or letter:

*Please contact me to request this document or its attachments in another format, such as Braille, audio recordings or text-only documents.*

- Whenever possible, make sure that any documents sent to a customer as an attachment to an email are in an accessible format (i.e. a PDF that was created using Adobe Acrobat, NOT a document that was scanned electronically and converted to PDF or TIF).
  
- Post a Notice of Program and Service Accessibility flyer in the lobby or public reception area of each department or facility clearly stating the City’s intent to provide equal access to all services, programs and activities **See Appendix B.**

**PUBLIC MEETINGS & EVENTS**

The City of Helena hosts City Commission meetings and volunteer public board and /or committee meetings (Parks Board, Planning Board). Special events are also offered by the Helena Civic Center. The City works hard to ensure that these events and meeting are open and accessible to individuals of all ability levels.

In addition, there are no eligibility restrictions that prevent persons with disabilities from applying for or holding an elected City Commission position. Further, there are no restrictions or limitations that prevent a person with a disability from holding an appointed position to any of the numerous volunteer boards or groups created by the City of Helena such as the ADA Committee, Board of Adjustment and Parks Board etc.

**Self-Evaluation Findings:**

No areas identified that would exclude or discriminate against persons with disabilities.

**Recommended Actions:** No action required

**CITY OF HELENA WEBSITE** [www.helenamt.gov](http://www.helenamt.gov)

The city of Helena website is one of the most effective ways to communicate and provide information to the public. In addition, the City website informs the readers about their rights under the ADA . Montana Human Rights Act.

According to Title II of the ADA, state and local governments must provide equal access to individuals with disabilities in all programs, services, and activities, including a requirement to provide "equally effective communication."

While the U.S. Department of Justice (USDOJ) has not finalized its proposed regulations, [Accessibility of Web Information and Services of State and Local Government Entities](#), they, along with other federal agencies, have already started holding public entities accountable for failure to provide web accessibility to individuals with disabilities. The USDOJ accessibility guidance for websites is located in **Appendix D**

**Self-Evaluation Findings:**

Currently the City is working with the City/County Information Technology & Services Department to identify the most effective way to update the accessibility of the City website. The updates being considered will include a variety of accessibility-related improvements such as text size and color, providing alternate text on photos and other graphics consistently, and providing accessible PDF documents. While the City website informs the readers about their rights under the ADA it does not specifically inform them of their rights under the Montana Human Rights Act.

**Recommended Actions:**

- Update the City website ADA Programs and Services notice to include information about ADA rights provided for under the Montana Human Rights Act.
- Ensure that all fillable electronic forms are accessible by computer screen-reading software for those with sight limitations.
- The Information and Technology Department should consider purchasing screen reading software like that used by people with such disabilities, in order to test the accessibility of certain key Web pages, forms and documents.
- Post links to PDF documents only if they were created using Adobe Acrobat from the original, editable document.
- Do not use TIF or JPG formats for documents with text unless another link to an accessible PDF or text-only document is provided along with it.
- Do not use a document scanner to create a PDF or TIF for your Web pages unless you also provide a text version of the document along with it.
- Provide text alternatives for any non-text content when these formats are posed to the website.
- Create content that can be presented in different ways without losing information or structure.

- Provide ways to help users navigate, find content, and determine where they are on the website.
- Make text content readable and understandable.
- Help users avoid and correct mistakes when inputting information

### **HELENA CIVIC TELEVISION (HCTV)**

The City of Helena does not own HCTV but does contract with the broadcasting service in order to provide coverage of City Commission meetings and other City public hearings.

#### **Self-Evaluation Findings:**

Currently HCTV does not close or open caption any of its produced programming. In addition, Montana law exempts HCTV from providing closed and open captioning service at this time due to the size of population served by their broadcasts and operational budget makes providing captioning cost prohibitive at this time. However, HCTV has had numerous discussions on how to caption future Helena City Commission and Lewis & Clark County Commission hearings and other important civic broadcasts. Since the City does not own HCTV the following are suggested actions to consider in order to provide effective communications for public meeting broadcasts.

#### **Suggested Actions:**

- Consider providing an American Sign Language Interpreter for all public meetings of the City broadcast by HCTV
- Encourage HCTV to take advantage of any computer-based real-time captioning software programs that may be developed in the future, and take advantage of any grant opportunities that might arise to help provide more complete captioning services.

### **STAFF TRAINING**

In February 2016 members of staff attended a citywide training session provided by John McGovern of Recreation Accessibility Consultants LLC. The training provided touched on the basic elements of the ADA which includes a simple overview on customer service, service animals and the role of the ADA Coordinator and the grievance process. However, there are a number of requirements and regulations related to the ADA that go beyond the basics that all employees would benefit from. In early 2017 the Helena Police Department as established ADA training sessions to enhance their skills when communicating, interacting and understanding the needs of a person with a disability.

#### **Self-Evaluation Findings:**

Most departments identified the need to provide for regular and recurring employee training on a variety of subjects related to the requirements and regulations of the ADA. This information can be provided to employees through written procedures and other self-directed training tools (e.g. PowerPoint presentations, videos, etc.), through online training courses or through formal classroom training. The Rocky Mountain ADA Center is a great resource for ADA training ([www.rockymountainada.org](http://www.rockymountainada.org)).

#### **Recommended Actions:**

- Develop a system or program to assure annual training occurs for all existing employees and new hires.

- Provide employees with annual reminders about the ADA requirements.
- Staff training and education needs identified from the surveys include:
  - Identifying effective communication options and formats.
  - Use of the State of Montana third-party Relay telephone system (placing and receiving calls)
  - Responding to requests for materials in alternate formats, including accessing Braille printers, getting audio recordings, providing enlarged text, etc.
  - Responding to requests for accommodations at public meetings and events, such as obtaining a sign language interpreter.
  - Providing accessible Web content (alternate text, fonts, PDFs)
  - General information about working with disabled customers (culture and etiquette)
  - General information about the ADA and its legal requirements as it pertains to the City.

### **EMERGENCY MANAGEMENT PLANS**

The City of Helena has emergency plans in place for city owned facilities that include measures needed to accommodate and care for disabled employees and customers. These plans are reviewed annually for updates.

In addition the Disaster and Emergency Services Department for Lewis and Clark County updated the County Emergency Operations Plan (EOP) in July of 2016. Updates made to the updated included input from the members of the disabled community and organizations and groups that proved support or sheltering during an event.

#### **Self-Evaluation Findings:**

No areas identified that would exclude or discriminate against persons with disabilities.

**Recommended Actions:** No action required