

City of Lakewood, Colorado

Self-Evaluation Assessment Report

February 5, 2023



Meeting the Challenge, Inc., A CP&Y Company

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INTRODUCTION

The City of Lakewood, Colorado, (the City) contracted the services of Meeting the Challenge, Inc., A CP&Y Company (MTC), in August 2022 to support the City in completing an evaluation of its continuous efforts to comply with title II of the Americans with Disabilities Act (ADA) and assist in the development of the City's Transition Plan. This Self-evaluation Assessment Report describes actions taken by the City and MTC to identify barriers to City programs, services, or activities which were caused, or might have been caused, by policies, practices, procedures, knowledge, digital media, or facilities. Significantly, while MTC has assisted the City with this project, the process of evaluating the City's programs, services, and activities for compliance with the ADA is an ongoing program to ensure that people of all abilities will be integrated into the same public opportunities as others.

The title II regulations prohibit a public entity from excluding from participation in or denying the benefits of its services, programs, or activities to any qualified individual with a disability, or otherwise subjecting any individual with a disability to discrimination. The City's programs may include recreation activities, use of City facilities and parks, City Council meetings, law enforcement, various permits, motor vehicle services (such as registration, title requests, and address changes), public records, tax collection (sales, use, property etc.), municipal court, volunteer opportunities, virtual programs, and many other services and activities. In addition, the public can access many of the City's services and programs online.

Title II regulations require state and local governments to ensure that each of their programs, services, and activities, when viewed in their entirety, are accessible to and usable by qualified individuals with disabilities. In essence, the process is intended to evaluate access to City programs, services, and activities from the perspective of people with disabilities, realizing the differences in abilities among individuals. To evaluate the accessibility of the City's programs, services, and activities, MTC conducted an inventory and review of the City's policies, interviewed a comprehensive cross-section of the City's management team, conducted an ADA knowledge survey of the City's employees, conducted a digital assessment in addition to user testing on the City's websites, and physically measured each of the City's facilities and parks. Through this process, MTC was able to identify various gaps that present barriers to persons with disabilities and could potentially put the City at risk of litigation.

This report documents the results of this evaluation and the anticipated plan to ensure procedures and practices of the City's employees are, and will continue to be, compliant with the ADA and Transition Plan requirements. When structural changes to facilities are needed to achieve program accessibility, title II regulations require *a transition plan setting forth the steps necessary to complete such changes* ([§ 35.150\(d\)\(1\)](#)). The Transition Plan lists those non-compliant physical conditions which must be removed to ensure access to City programs, describes how they will be remedied, provides a schedule for completion of remediations, and designates the individual(s) responsible for implementing the plan ([§ 35.150\(d\)\(3\)](#)).



REQUIREMENT AND PURPOSE OF SELF-EVALUATION

Title II of the ADA requires state and local government entities with 50 or more employees to complete evaluations of their current services, policies, and practices, and the effects thereof, which did not or might not have met the requirements of the Part 35 regulations within one year of January 26, 1992. The regulations do not specify a requirement to refresh or repeat the self-evaluation process. However, the title II regulations do require an ongoing effort to ensure that public programs, when viewed in their entirety, do not discriminate against people with disabilities. Reasonably, as most public entities engage in activities which alter their programs and facilities over time, the City is prudent to re-visit its previous evaluations to ensure that the City continues to comply with its title II prohibitions and obligations.

As the City has an ongoing requirement to ensure compliance with title II, MTC has assisted the City to evaluate its current services, policies, and practices, and the effects thereof, which do not or may not meet the requirements of Part 35 and, to the extent modification of any such services, policies, and practices is required, the City will proceed to make the necessary modifications. In addition, the City will 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 once the Transition Plan is made available for review. The City is required to maintain any comments received by the public for at least three years following completion of the self-evaluation (See [§ 35.105 Self-evaluation](#)). The City will maintain on file and make available for public inspection:

- I. A list of the interested persons consulted;
- II. A description of areas examined and any problems identified; and
- III. A description of any modifications made.

This self-evaluation process covers much more than physical access and architectural barriers. It is worth noting that many – probably most – of the necessary modifications that will be required resulting from this process will not be accomplished through physical barrier removal. The City can overcome barriers through modification of policies and practices rather than construction projects. For example, it may be possible to relocate some programs to accessible facilities or in some instances make a program virtually accessible on the City’s website, rather than making structural changes to facilities.

While removing physical barriers may be necessary to ensure that all City programs, when viewed in their entirety, are accessible to and usable by qualified people of all abilities, providing auxiliary aids and services to achieve equally effective communication, allowing service animals in public spaces, and making reasonable modifications to policies and procedures are equally necessary actions to prevent inadvertent discrimination against people with disabilities.

REQUIREMENT AND PURPOSE OF TRANSITION PLAN

Title II regulations require public entities with 50 or more employees, when structural changes to facilities are planned to achieve program accessibility, to develop within six months of January 26, 1992, a transition plan setting



forth the steps necessary to complete such changes. Such entities are required to provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. The City is required also to have a copy of the transition plan available for public inspection.

In addition, public entities with responsibility or authority over streets, roads, or walkways are required to include in their transition plans a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the ADA, including state and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. By extension, as such walkways serve a public program (pedestrian transportation), the City is required to ensure that these facilities are accessible to and usable by qualified individuals of all abilities. The scope of the project, for which the services of MTC were contracted, does not include pedestrian facilities within the City's right-of way.

A transition plan must include:

- I. Identification of physical obstacles in facilities that limit the accessibility of programs or activities for individuals with disabilities
- II. Detailed description of the methods that will be used to make the facilities accessible
- III. A schedule for taking the steps necessary to achieve compliance with the regulations and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period
- IV. Name the official(s) responsible for implementation of the plan (See [§ 35.150 Existing facilities](#) (d).)

The City has an ongoing obligation to ensure that its facilities are and remain accessible to and usable by people with disabilities, and its new facilities and alterations to existing facilities completed since January 26, 1992, are required to have complied with the [ADA Accessibility Guidelines](#) (ADAAG) or the [Uniform Federal Accessibility Standards](#) (UFAS) prior to March 15, 2012, and the [2010 ADA Standards for Accessible Design](#) (ADA Standards) since March 15, 2012. In its continued effort to assist the City with developing its Transition Plan, MTC has audited the City's facilities, including its parks, and analyzed existing conditions for compliance with the ADA Standards and, where relevant, the U.S. Access Board's ABAAS/ODA. Where possible to identify construction completed prior to March 15, 2012, the City may consider whether *safe harbor* provisions allowed in the Part 35 regulations might be applicable (*i.e.*, did design comply with ADAAG or UFAS at the time of construction?). (See [§ 35.150 Existing facilities](#), (b)(2).)






EXECUTIVE SUMMARY

On August 1, 2022, the City executed a contract with Meeting the Challenge, A CP&Y Company, to evaluate the City's services, policies, practices, and facilities for compliance with the Americans with Disabilities Act (ADA). Following the execution of the contract, a kickoff meeting was conducted with the City's Risk Manager, ADA Coordinator, and MTC project support team. The project approach was to perform an assessment of City policies, a knowledge assessment of City staff, interviews of City leadership, assessment of the City websites and assessment of physical barriers at City facilities & parks. Collection of data for each assessment began on August 1, 2022. Over the course of 26 weeks, data was compiled and analyzed to identify barriers that would discriminate against persons with a disability. Having identified barriers, MTC's analysts provided findings and recommendations on how to remediate such barriers. Concluding the analysis, MTC then worked with the City to create priorities to help the City remediate barriers within a reasonable schedule. This information is then used by the City during a period of public outreach which allows the public to provide comments and input about the City's prioritization, remediation and commitment to overall accessibility.

MTC has produced the Self Evaluation Assessment Report and various sub-reports for the Policy, Knowledge, Digital, Facilities, and Parks, assessments. Accompanying the Facilities and Parks, assessment report is the Accessible Compliance Data Table (ACDT), which contains all assets captured, findings, recommendations, citations, and recommended prioritization for barrier removal.

As part of the Self Evaluation report, each assessment is evaluated separately with findings and recommendations assigned to their respective sub-report. A summary of each assessment can be found below, and the full assessment sub-reports have been provided to city staff and available to the public upon request.

Each area assessed and noted is included in the individual sub-reports. A finding and subsequent recommendation was assigned for all deficiencies noted during each assessment. MTC recommends that each of these findings be looked at closely by their respective management team and evaluated alongside MTC's recommendations to eliminate the possibility of intentional or unintentional discrimination against people with disabilities. Overall MTC noted the City of



Policies

- Policies Assessed: 16
- Policies Needing Adjustment: 14




Knowledge

- Employees Interviewed: 385




Digital Media

- Webpages Assessed: 66
- Digital Barriers: 7



Facilities

- Measurements Taken: 24,961
- Out of Compliance: 6,234



Parks and Trails

- Measurements Taken: 13,374
- Out of Compliance: 4,046



Lakewood and its employees had a basic level of knowledge around the ADA and would find the means necessary to assist an individual with a disability. While service and assistance were a top priority among employees, various policies, procedures, practices, digital content, and facilities may still pose a litigation risk to the City. Each section of this report is shown in a summary below, then explained further in the project approach, with the full report included in the Self-Evaluation deliverable.

POLICY ASSESSMENT

The Part 35 regulations clearly require three minimal policy documents or formal resolutions of state and local governments: Notice of nondiscrimination based on disability, Naming an individual to coordinate efforts to comply with the ADA (i.e., ADA Coordinator), and Complaint or Grievance procedure. MTC's policy inventory identified that the above documents exist and are available on the City's website. The City's ADA Notice is based on the DOJ template and is provided in text (html on website) and can be accessed from the City's website homepage and footer. The ADA Coordinator, Billy Cooper, and all contact information is provided, as required. The City's **ADA Grievance Form** can be accessed from the *ADA and Title VI Notices* webpage. While the documents themselves appeared compliant, several items were noted in the Policy Assessment section of this report to better align the documents with best practices and DOJ policies. For additional information, reference the ADA Policy Assessment Report which is a supplement to the Self Evaluation Report.

Of the 16 ADA-related policies found by MTC, 14 had language that could be rewritten or edited to be more inclusive. Most of the policies appeared to support people with disabilities but need adjustments to better align with DOJ documentation, promote inclusivity, and be free from discrimination.

KNOWLEDGE ASSESSMENT

During November 2022, MTC conducted conversational interviews with twelve managers to better understand their programs, particularly the programs of departments with public-facing employees, and their obligations to appropriately interact with members of the public who have disabilities. Each conversation generally consisted of four key questions and discussions on 6 key topics. The focus of these questions and discussions was to gauge understanding around important concepts. Public employees must ensure that interaction with people with disabilities is provided in the most integrated setting appropriate to the needs of qualified individuals with disabilities ([§ 35.130\(d\)](#)). This requires public employees to offer, upon request, reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid disability-based discrimination ([§ 35.130\(b\)\(7\)](#)). Public-facing employees should receive enough training, appropriate to their duties, to be aware of and sensitive to individual needs, and to properly assist and treat individuals with disabilities in a respectful and courteous way, with proper attention to differences among people with disabilities. Details of these interviews and the questions asked can be found in the Knowledge Assessment Report.

To determine staff knowledge of the ADA, the City deployed a survey to each employee through an online platform. Of the 385 employees surveyed, nearly 50% responded Unsure to 12 of the 34 questions. During the management interviews, MTC spoke with twelve personnel. Several opportunities for training were identified. A large number of employees were unsure how to respond to situations with disabled individuals, but many knew whom to contact



or where to find the information. While most individuals were aware of the ADA, their knowledge was mostly from experiences on the job or previous employment, not actual consistent training. MTC's partner, The Rocky Mountain ADA Center, offers several pieces of training that would enhance staff knowledge and promote accessibility.

Between October 25 and November 18, 2022, MTC assisted the City with conducting a survey of City employees. The survey was deployed by the City via a link to Survey Monkey, provided by MTC. The purpose of the survey was to develop a better picture of City staff's knowledge, understanding, and attitudes about the ADA. That picture of their awareness provides an assessment of knowledge gaps and needs for targeted training which will help to ensure the City's ongoing compliance with title II. MTC received 385 responses, a statistically meaningful number of responses, which came from a representative cross-section of the City's employees. Response data was extracted to ensure the anonymity of employees, while preserving the informational nature of the response. The majority of responses could be broken down into Yes, No, or Unknown answers. A number of questions were multiple choice, and five questions were open ended responses. Details of each question and responses to these questions can be found in Knowledge Assessment Report.

DIGITAL ASSESSMENT

On December 14, 2022, MTC began to evaluate/audit the City's compliance with the Web Content Accessibility Guidelines (WCAG) and Colorado HB 21-1110, which requires all state and local government websites to comply with WCAG, by 2024. In addition to a WCAG audit, MTC had a website test team who have a variety of disabilities to access a specific set of URLs and complete functional tasks to assess the useability of the City's website at www.lakewood.org.

The significance and relevance of actual user testing of websites presumes that, regardless of compliance with the abstract, technical guidelines ([WCAG 2.1 Level AA](#)) stipulated by DOJ in its settlement agreements, actual user experience might vary depending on the abilities of individuals and any assistive technologies (such as [JAWS®](#), [NVDA](#), or [ZoomText](#)) they use. Access to information on websites is necessary to fulfill the basic title II requirement to ensure that services, programs, and activities of state and local governments are accessible to and usable by qualified people with disabilities. Public entities must also ensure that their communication with people with disabilities is as effective as their communication with others. The specific tasks and instructions given to each tester are detailed in Digital Assessment Report.

Many of the City's webpages were found to be accessible, however a few areas were found to be non-compliant or need to be revised for better inclusivity. MTC recommends immediate remediation of non-compliant finding and additional scanning to improve accessibility for its digital media and to better comply with WCAG and HB 21-1110.

FACILITY AND PARK ASSESSMENT

On September 19, 2022, MTC began data collection of City facilities and parks. This evaluation included physically measuring and documenting various attributes at each facility and park. These attributes were then analyzed for compliance with the ADA's physical accessibility requirements from the 2010 ADA Standards for Accessible Design (2010 ADA Standards) and used to identify physical barriers in the City's facilities, and parks. Analysts further



performed quality control by reviewing photos and normalizing data. The Access Board’s Architecture Barriers Act Accessibility Standards/Outdoor Developed Areas (ABAAS/ODA) federal standards, though not yet adopted by the DOJ as ADA Standards, may serve as best practices to achieve program access for those elements, which do not have formal ADA standards. Significantly, the title II regulations do not necessarily require every facility to be fully accessible, however there shall be no discrimination in access to the City’s programs, services, or activities. Conditions which are not consistent with ADA Standards but currently present no barrier to City programs may have a deferred priority in the City’s Transition Plan.

In performing this evaluation, MTC recorded 24,961 measurements across the City’s 47 facilities, with 6,234 of those measurements being non-compliant and placed in the findings category. MTC worked with the City and identified the top priority facilities. Further details of this report, along with common findings, and a full ACDCT can be found in the Facilities, and Parks Assessment Report.

The City’s Parks were assessed in a similar fashion in accordance with the ADA, and also elements of the ABAAS/ODA where applicable. As ABAAS/ODA have not yet been formally adopted, they are currently considered best practices and MTC recommends following these guidelines to avoid future re-work when the guidelines are formally adopted. In measuring play areas, various age groups were assumed based on signage or types of play features to better align results with the prescribed demographic of users. MTC performed 13,374 measurement and identified 4,046 non-compliant findings. A full list of attributes and non-compliant findings can be found in the Facility and Parks Assessment Report.

In assessing City Facilities, 24,961 attributes were cataloged throughout the City of Lakewood. Of these, 6,234 attributes were in non-compliance with the 2010 ADA standards. As part of the self-evaluation, each finding should be incorporated into the City’s Transition Plan for barrier removal. Each identified finding was prioritized for barrier removal to assist the City in the implementation of barrier removal, starting with the areas that will significantly impact persons with disabilities and the community.

<u>Facility Priority</u>		<u>Room/Space Type</u>		<u>Intrinsic Priority</u>		<u>Mitigation Difficulty</u>	
Identified prior to data collection	+	Captured in the field to determine program access	+	Department of Justice’s regulatory language	x	Level of difficulty for fixing or mitigating a non-compliant item	= Priority

13,374 measurements were collected at City Parks. Of the 13,374 measurements, 4,046 were deemed non-compliant with the 2010 ADA Standards. Each non-compliant attribute will be assigned a finding and recommendation to assist the City in barrier removal and prioritization. All measurements taken at each location will be included in the City’s Transition Plan.



PUBLIC ENGAGEMENT

Input from the public is required ([§35.150\(a\)](#)) and essential to the evaluating Transition Plan priorities. It is also important to facilitate ongoing input from the public to identify new or previously unidentified barriers to program access. Develop procedures, including public outreach, to ensure that the public knows how to:

- I. Report barriers
- II. Request accommodations
- III. Request auxiliary aids and services
- IV. Contact the ADA Compliance Manager
- V. File a formal complaint

The regulations also require the City to 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 on this document ([§35.105\(b\)](#)).

When the City was provided the draft Self-Evaluation and Transition Plan, it began the process for the public to review and comment on the plans through the City's digital engagement platform known as LakewoodTogether.org. The community was notified by the City's website, Twitter, Nextdoor.com and Facebook page.

SUMMARY OF RECOMMENDATIONS

POLICY ASSESSMENT

MTC recommends at least 17 additional policies and documents, mirroring specific prohibitions or requirements stated in the title II regulations and aligning with guidance and enforcement actions by the U.S. Department of Justice (DOJ). MTC has provided templates for these policies to the City. MTC understands that it may not be feasible to adopt all these templates as formal/legally adopted policies but recommends, at minimum, that the City compile them into an ADA guidance manual for the benefit of employees. MTC recommends that the City compile a full set of over-arching policies or ADA guidance documents as a resource for all departments that will ensure consistent practices and procedures across all departments and divisions of the City. MTC recommends distributing hard copies to all departments and providing online access to this ADA guidance manual for all employees. MTC also recommends reviewing the 14 noted policies the City currently has and revising them as detailed in the Policy report below. The City should prioritize ensuring that all public-facing employees receive ADA training and documented guidance on addressing potential requests for reasonable modification of policies and procedures or access by qualified people with disabilities. All recommended policy templates are provided in the Americans with Disabilities Act Policies Inventory and Review.

KNOWLEDGE ASSESSMENT

While MTC recommends developing appropriate procedures to implement policies and guidance documents



highlighted in the Policy Assessment portion of this report, MTC also recommends targeted training to all employees to ensure a functional understanding of the practices necessary to ensure compliance with the ADA and inclusion of all people with disabilities in the City's programs, services, activities, and within the City's workforce. Several interviewed individuals and numerous survey responses identified a strong need for comprehensive training throughout the City's organizational structure. MTC recommends a comprehensive training program be created that allows for open and inclusive communication. As a partner of MTC, the Rocky Mountain ADA Center provides formal in-person and online trainings that can be tailored to the City's specific training programs. Training programs ranging from Introduction to ADA, Service Animals and the ADA, to Effective Communication and the ADA, to Disability Awareness and Etiquette are courses offered and recommended by the Rocky Mountain ADA Center. A detailed list of recommended trainings can be found in the Knowledge Assessment Report.

DIGITAL ASSESSMENT

MTC's testers noted several deficiencies throughout the City's offered digital media. Many of the common deficiencies appeared to be Alt Text, web page layout, and link context. MTC recommends that Alt Text is added to each image to better describe the image for individuals with low or no vision. High contrast text and logos are also recommended on digital media to ensure low vision users are able to access all areas of the website. Web page layouts will also need to be adjusted to better follow Meaningful Sequence guidelines laid out in WCAG as well as addressing heading levels and labels to ensure screen readers do not skip valuable content. Website links should also provide purposeful context when read by a screen reader. This will assist low vision users with knowing what the link is addressed to. A full detail of the website test and user testing notes can be found in the Digital Assessment Report.

FACILITIES & PARKS ASSESSMENT

While mitigating 10,077 barriers may seem daunting at first, MTC recommends following a method of barrier mitigation where the easily eliminated barriers are addressed first. While eliminating these barriers, facility leadership should look at areas of high impact. These would be areas where a barrier may cause entire programs or facilities to become inaccessible by people with disabilities. These may also be barriers in areas where people with disabilities have a great need for access, such as civic centers and recreational facilities. More complex and difficult to remove barriers will require extended time to organize resources and allocate budgets. More complex projects will often involve hiring architects and contractors to complete the work. MTC recommends having introductory meetings and/or trainings with both architects and contractors to ensure knowledge of the ADA, best practices for design and construction, as well as how barriers will be remediated.

MTC suggests that the process of remediating barriers should follow this twofold approach. Begin actions to remove the low-hanging fruit immediately. Initiate simultaneous efforts to investigate all potential means to eliminate major physical barriers to access and establish budgets to fund eventual architectural mitigation projects. Details of individual barrier mitigation can be found in the Facilities and Parks Assessment Report.



CONCLUSION

Without exception, members of the City of Lakewood team demonstrated a positive attitude about providing inclusive programs for everyone in the community. The City's culture of providing exceptional customer service gives a solid foundation for meeting the accommodation and accessibility needs of people with disabilities. While in some instances where the lack of proper policies and procedures existed, employees spoke of circumstances where innovative approaches were acted upon to ensure that individuals with disabilities had equal opportunities to participate. Revising policies and practices will better align the City with title II requirements and provide better foundations for employees. Participants in surveys and discussions expressed a willingness to go out of their way to ensure that people with disabilities are not denied opportunities to participate in the City's programs, services, or activities but were not always thoroughly informed about the specific requirements of title II of the ADA. There is no plan or set of procedures that can guarantee, without question, the exact steps that the City's employees must take to achieve effective and compliant interaction with qualified individuals with disabilities. However, targeted and comprehensive training aligned with the requirements and intent of the ADA's title I and title II regulations for all city employees, reviewing and providing accessible online content, and overhauling existing facilities and parks to remove physical barriers are essential to preparing the City to respond effectively and appropriately in the delivery of services to qualified individuals with disabilities.



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