Owen County

Transition Plan

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OWEN COUNTY
RESOLUTION 2023-01

A RESOLUTION ADOPTING AN ADA TRANSITION PLAN
FOR OWEN COUNTY

WHEREAS, the federal government enacted The Americans with Disabilities Act 1990 (ADA), as amended, to prevent discrimination on the grounds of disability and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program, service or activity offer by a municipality (a Title II entity) receiving federal financial assistance on the basis of a person having a disability;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of the ADA;

WHEREAS, Owen County, IN, by its County Commissioners, wishes to formally adopt and implement the following attached policy and procedure for the benefit of all Owen County citizens including members of the disabled population of this County; and

WHEREAS, it is a requirement of the Indiana Department of Transportation and the US Department of Justice that communities receiving federal financial assistance adopt an ADA Transition Plan.

NOW THEREFORE be it resolved by the County Commissioners of Owen County, Indiana that it hereby adopts the attached ADA Transition Plan.

PASSED AND RESOLVED, County Commissioners of Owen County, this 19h day of April 2023.

_____ _____

Gary Burton, Date
President

Joel Lowe, Date
Commissioner

_____

Bob Curry, Date
Vice-President

ADA Transition Plan

Introduction

The Americans with Disabilities Act (ADA) is a civil rights law that protects individuals with disabilities. This law provides equal access for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunications. There are five titles to the ADA and many requirements, regulations, & guidelines under the ADA law. Owen County is considered an ADA Title II entity. Under Title II and Title III of the ADA regulations, law prohibits public entities, such as any Owen County facility, from discriminating against or excluding a person access to programs, services, or activities on the basis of disability. We must ensure that the following issues are compliant with ADA Title II and accessible to people with disabilities:

- All services and programs offered by the entity
- All aspects of the employment relationship
- Government services carried out by contractors/partners/grant recipients
- Activities of local legislative and judicial branches

In other words, no qualified individual with a disability can be excluded from participation in or denied benefit from services, programs or activities of a public entity.

Five Titles of the ADA

Title I

Equal Employment Opportunity for Individuals with Disabilities

This Title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

Title II

Nondiscrimination of the Basis of Disability in State and Local Government Services

This Title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, services and activities provided by the state or local government, when viewed in their entirety.

Title III

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This Title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV

Telecommunications

This Title requires telephone companies to have developed interstate and intrastate telephone relay services in every state.

Title V

Miscellaneous Provisions

The final Title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Application of the ADA to Owen County

Owen County is covered under ADA, Title I - Employment, and Title II - Programs, Services and Activities. The ADA requires the County to make all its programs, services and activities readily accessible and useable by qualified persons with a disability when the programs, services and activities are viewed in their entirety. The Self Evaluation and Transition Plan are cornerstones to documenting and ensuring the County's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary programs and facility modifications over the next several years. The ADA self-evaluations and Transition Plan are significant in that they establish the County's ongoing commitment to the development and maintenance of policies, programs and facilities that includes all citizens. The final product is considered a "working" or "living" document and will be modified when barriers are removed or alterations are made.

In the winter of 2022, ADA Consulting of Indiana was hired to assist the County with a comprehensive evaluation assessing the County's compliance with the 2010 ADA Requirements & Guidelines and the Section 504 of the Rehabilitation Act of 1973. ADA Consulting of Indiana will provide guidance to the County staff member's using these requirements for self-evaluation

assessments of Owen County's facilities, programs and services. Each action item will be listed within the individual facility reports. ADA Consulting of Indiana offered recommendations to remedy any compliance issues, and assisted the ADA Coordinator with the composition of this transition plan.

The information outlined in the following report is a summary of the general recommendations provided by ADA Consulting of Indiana.

Any comments, additions or suggestions about this plan may be directed to the ADA Coordinator.

Program Location & Staffing:

ADA Coordinator:	Jack White
Address:	908 W. Hillside Ave. Spencer, Indiana 47460
E-Mail:	jack.white@owencounty.in.gov
Phone:	(812) 829-5035 **TTY:** 711

County Commissioners:
Gary Burton: Commissioner, President
Bob Curry: Commissioner, Vice President
Joel Lowe: Commissioner
Owen County Commissioner's meetings are held monthly the 1st Monday and Third Wednesday in the Commissioner's room located on the second floor of Owen County Courthouse.
Contact: 60 S Main St., Spencer, IN 47460

County Council Members:

Amy Casebeer, Council President (At-Large)
Anton Carl Neff, Member District 2
Polly Chesser, Member At-Large
Steve Carrell, Member District 3
Andy Wood, Member at Large
Verl Keith, Member District 4
Nick Robertson, Member District 1

Owen County Council holds monthly meetings that are open to the public at 7:00 pm on the Second Monday of each month. Meeting schedule is subject to change during the month of August during budget hearings and November. Meetings are held at: 60 S Main St., Spencer, IN 47460.

Department Superintendent Contact Information

Assessor: **Dusty White, 60 S. Main St., Room 100, Spencer IN 47460**
812-829-5018 dusty.white@owencounty.in.gov

Auditor: Jack White, 60 S. Main St., Room 102 A, Spencer IN 47460
812-829-5000 sheila.reeves@owencounty.in.gov

County Clerk: Dianne Stutsman, P.O. Box 146, Spencer IN 47460
812-829-5015 dianne.stutsman@owencounty.in.gov

Recorder: Loretta Foster, 60 S. Main St., Room 201, IN 47460
812-829-5013 loretta.foster@owencounty.in.gov

Treasurer: Shelly Townsend, 60 S. Main St., Room 102 B, Spencer IN 47460
812-829-5011 treasurer@owencounty.in.gov

Health Department: Dr. B. Diane Wells, MD, 751 E. Franklin St., Spencer IN 47460
812-829-5017 dianne.wells@owencounty.in.gov

Sherriff: Ryan White, 291 Vandalia Ave., Spencer IN 47460
812-829-5757 ryan.white@owencounty.in.gov

Building Inspector: Jacob Gilreath, 60 S. Main St., Spencer IN 47460
812-829-5017 Ext. 2 jacob.gilreath@owencounty.in.gov

Highway Department: 2032 N US HWY 231 Spencer, IN 47460
812-821-3335

Coroner: Shelby Hershberger:
shelby.hershberger@owencounty.in.gov

Surveyor: Amy Meier, Spencer, IN 47460
amy.meier@owencounty.in.gov

Circuit Court: Honorable Judge Lori Quillen, 60 S. Main St., Spencer, IN 47460

Probation: Donna McElroy, 64 East Market St., Spencer IN 47460
812-829-5025 donna.mcelroy@owencounty.in.gov

Prosecuting Attorney: Donald Vandermoere, 60 S. Main St. PO Box 150, Spencer IN 47460
812-829-5005 donald.vandermoere@owencounty.in.gov

ADA Compliance Self Evaluation & Transition Plan:

Owen County's complete Title II ADA Self-Evaluation can be requested from the County ADA Coordinator. It is available in alternative formats upon request.

Requirements of Access to Programs, Services and Activities:

The U.S. Department of Justice (USDOJ) serves as the primary enforcement agency for the ADA and has suggested 13 points of program access for the Self Evaluation review. These 13 points and administrative requirements were used to set the scope of the review for Owen County

1. **Transition Plan** – The Transition Plan is being updated as a part of this project. The completed working Transition Plan will be made up of a list of barriers within the physical environment, and a statement of methods for removal of barriers. The County will continue to implement barrier removal by scheduling and funding projects based on available funds and the disproportioned undue burden ratio.

2. **Program Access** – ADA Consulting of Indiana will perform self-evaluations to identify any program eligibility requirements that would limit or exclude or tend to limit the participation of qualified persons with disabilities. Owen County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy its programs, services, and activities. For example, individuals with service animals are welcomed in the County 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 program, service, or activity of Owen County, should contact the department directly with the request. Requests may also be sent to the County's ADA Coordinator. The County will achieve program accessibility by making accommodations. This means policies or procedures will be changed or adapted, as long it is reasonable, to ensure inclusion, service or eliminate barriers.

3. **Communication with persons with disabilities** – Information regarding the communication needs of persons with disabilities appears to be inconsistent through County departments. Owen County Disability Guidelines and Etiquette Handbook for Employees will be made available to each County employee to ensure communication barriers do not exist within County departments.

4. **Auxiliary Aids and Services** – Provision of auxiliary aides and services such as sign language interpreters, note takers, etc. were reviewed within this scope of the Self Evaluation. Information regarding this required area is not consistent and well-established among the County staff. Employees will find procedures and local resources in Owen County Disability Guidelines and Etiquette Handbook for Employees.

5. **Emergency Preparedness** – One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of Owen County's responsibility. ADA Consulting of Indiana has provided self-training materials and information to staff members to incorporate and be included as standard employee materials for current and new employees.

6. **Language Sensitivity** – The United States Department of Justice (USDOJ) suggests an examination of the manner in which persons with disabilities are portrayed in County publications. Information concerning "person first language" and a list of terms that may be offensive to some persons with disabilities such as "mental retardation", "victim of", "wheelchair bound", or "handicapped." These concepts should be reinforced with training. This material was completed for training instruction and purposes and included in the Disability Guideline and Etiquette handbook for Employees.

7. **Historic preservation** – When covered entities operate programs, services and activities from registered historic sites, alternative historic codes can be applied.

8. **Procedure for determining fundamental alterations** - The determination of an undue burden must be based on all resources available (must consider all municipal financial resources) when viewed in its entirety. Determinations will be addressed by using the Americans with Disabilities Act Accessibility Guidelines (ADAAG's) and the Public Right-Of-Way Accessibility Guidelines. Any situations that require the use of undue burden will require a written justification and approved by the ADA Coordinator as needed.

9. **Access to public meetings**– All Public meetings are held at: 60 S. Main St. Spencer, IN 47460. The County has Public Notices of Non-Discrimination, publicly posted. The County is in the process of purchasing assistive listening devices for Public Meetings. The County will provide reasonable accommodations where requested. Contact the County ADA Coordinator for reasonable accommodations and requests.

10. **Employment Practices**–The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.
Ongoing staff training in the ADA and Title VI will be recorded and kept on file by the ADA Coordinator.

11. **Construction and Renovation Project**– After January 26, 1992, all construction and renovation projects are to be compliant with federal access requirements. The County conducts plan checks of new construction projects to identify compliance issues before permits are issued and any construction begins. The County's adoption of the 2010 **ADASAD** and **Public Rights-Of-Way Accessibility Guidelines (**PROWAG) will assist and provide means to meet the requirements

of the ADA.

12. **ADA Training for Staff** – Much of the County staff has regular contact with the public and will need to be equipped with a wide range of disability related information in order to appropriately address the Disability Civil Rights issues as they conduct County business. It is recommended that guidance documents provided by ADA Consulting of Indiana be made available for County staff to access as needed. These documents could then be maintained and updated as needed.
It is also advisable to have on-going training as it is available for;
- New staff,
- Staff having public contact,
- Supervisors and managers,
- Emergency responders, and
- Meeting organizers.

13. **Employee Policies regarding former alcohol and drug users** –ADA requires that persons who formerly engaged in the use of illegal drugs be protected from discrimination if they have been rehabilitated and no longer using drugs illegally. (Ongoing)

Public Involvement

Owen County will host a Public Meeting and invite the public to discuss currently known areas of the County that deny access to any County programs, services or activities. This meeting will record all public comments.

Public Meeting Date: We anticipate this meeting to occur in the Month of June, 2023.

Sidewalk and Curb Ramp Inventory:

The sidewalk and curb ramp inventory shall be targeted to be completed in the year 2024. Butler, Fairman & Seufert Engineering (BF&S) will be providing this inventory. Those documents can be made available upon request. Arrangements will be made by Owen County to update the completed sidewalk/curb ramp inventory, mapping and digital information in cooperation with BF&S Engineering. Digital mapping will be provided to the Commissioners upon completion and will be available upon request from the ADA Coordinator thereafter.

The maps will identify locations where non-compliant ramps and sidewalks exist. The County will use these maps to program and prioritize repairs on an annual and on-going basis.

Access Compliance Assessments of Facilities:

The following appendixes will be available by the Owen County ADA Coordinator upon request in alternative formats. Facility assessments will be available to the public for 3 years. ADA Consulting of Indiana is scheduled to perform physical evaluations that outline physical barriers and recommended corrections in 2023. Each item is prioritized according to 28 C.F.R. § 36.304 Removal of Barriers. Owen County will provide a projected date for completion of each non-compliant item and name a person responsible for the remediation of each issue within the report. Upon completion of each correction of a non-compliant issue, the person responsible for carrying out that action will initial and date in that section provided within the report. Owen County's facilities that will be evaluated in 2023/2024 and reports listed as appendices to this Transition Plan include:

1. Owen County Courthouse, 60 South Main Street, Spencer, Indiana
2. Owen County Jail, 291 Vandalia Ave, Spencer, Indiana
3. Five Storage Buildings, 291 Vandalia Ave, Spencer, Indiana
4. Highway Administration, 2032 N U.S. HWY 231, Spencer, Indiana
5. Highway Rock Building, 2032 N U.S. HWY 231, Spencer, Indiana
6. Highway Equipment Building, 2032 N U.S. HWY 231, Spencer, Indiana
7. Extension Office, 180 South Washington Street, Spencer, Indiana
8. Community Corrections, 180 South Washington Street, Spencer, Indiana
9. Soil & Water Building, 788 Pottersville Road, Spencer, Indiana
10. Spencer Armory, 157 South Washington, Spencer, Indiana
11. Office Building, 86 East Market, Spencer, Indiana
12. Probation, 64 East Market, Spencer, Indiana
13. Sheriff Building, 333 HWY 46, Spencer, Indiana
14. EMS/911 Building 910 W. Hillside Ave, Spencer, Indiana
15. Coroner Building
16. Park
17. Cemetery

Owen County Polling Locations Primary & General Elections

Precincts / Polling Location

Owen County Court House:60 S Main St, Spencer, IN 47460

Faith Baptist Church: 11612 IN-243, Cloverdale IN 46120

Millgrove United Methodist Church: 11151 Millgrove Rd., Quincy, IN 47456

Lighthouse Fellowship Church:5392 IN-67, Gosport, IN 47433

Clay Township Fire Department: 5663 IN-43, Spencer, IN 47460

Freedom Community Center: 5552 Freedom Arney Rd, Freedom, IN 47431

Jefferson Baptist Church:4019 Main St., Coal City, IN 47427

Garrard Chapel Church:7410 IN-46, Bowling Green, IN 47833

Spencer Nazarene Church:126 E Market St, Spencer, IN 47460

To request an alternate format or a copy of the physical evaluations, please contact the ADA Coordinator.

Action Items for the ADA Transition Plan

This section of the report will be used to record action items regarding the Transition Plan

September, 2023: ADA Consulting of Indiana will assist the County Commissioners in conducting a Public Meeting (as required by the ADA Transition Plan) to collect and record information in areas of known non-compliance within existing Owen County programs, activities, services or facilities.

by Winter 2024: ADA Consulting of Indiana will perform and provide to County staff members a completed self-evaluation and report of access to each County owned facility.