



# MEMORANDUM

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**DATE:** August 22, 2008

**TO:** The Honorable Mayor  
and Council Members

**FROM:** Liana Perez, Director  
Equal Opportunity Programs

**SUBJECT:** Department of Justice Third Year Compliance Report

In January 2005, the City of Tucson underwent an audit by the United States Department of Justice under a program entitled "Project Civic Access." A total of 48 facilities in which the City of Tucson provides a program, service and/or activity were audited. Of the 48 facilities, 6 were leased space facilities that housed several City programs and/or services.

The Americans with Disabilities Act of 1990 (ADA) requires that persons with disabilities be afforded equal access to and full participation in programs, services and/or activities pursuant to Title II of the Act. As a governmental entity, under Title II the City of Tucson is mandated to ensure that its facilities are in compliance with the ADA Standards for Accessible Design (ADAAG) guidelines, 28 CFR Part 36, Revised as of July 1, 1994.

On July 25, 2005, the City of Tucson and the Department of Justice entered into a 4 year Settlement Agreement. Under the Agreement, the City of Tucson was mandated to correct deficiencies identified in its facilities within a 3 year time period with an additional 1 year monitoring period. The City has met its third year reporting timeline.

## **Corrections to Facilities**

The Department of Justice set timelines for mandated ADA compliance in City facilities. The third year timeline ended July 26, 2008, and as such, the City is required to submit its annual report to the Department of Justice by August 26, 2008. There was one facility, the Tucson Convention Center (TCC) that fell within the third year reporting timeline. However, during the end of the second year reporting timeline, five facilities remained non-compliant: Hardesty Police Substation, Public Safety Training Academy (PSTA), Santa Cruz Police Substation, Temple of Music and Art, and William Clements Center. The deficiencies identified in these facilities were brought into compliance during the third reporting timeline.

The attached spreadsheet represents a breakdown of total identified deficiencies in each of the 6 facilities and outlines the number of corrections made in these facilities during the second year reporting period (2007) and the third year reporting period (2008). For the third reporting period, there were a total of 127 corrections made. These corrections were at Hardesty, PSTA, Santa Cruz, TCC, Temple of Music and Art, and William Clements Center. One Hundred and forty one (141) deficiencies are in the process of being corrected at the TCC.

Additionally, the City is disputing 13 findings by the Department of Justice. The facilities in which there are disputes are Hardesty, PSTA, TCC and William Clements. There is one claim of technical infeasibility at Temple of Music and Art.

Attached you will find 2 charts that show the percentage and number of corrections by facility that have been made as well as the percentage of deficiencies not completed, and those in which the City is either disputing the Department of Justice's findings or claiming technical infeasibility for the third reporting period. In addition, there are 2 charts which provide an overview of the total number of corrections, deficiencies not yet completed, disputes and technical infeasibility claims that cover all three reporting periods.

### **Assistance Listening Systems (ALS)**

The following facilities are now equipped with an active Assistive Listening System (ALS): Community Services – Sentinel Building, Hardesty Police Substation, Fire Department Headquarters, Quincie Douglas Recreation Center, Police Department Headquarters, PSTA, Randolph Community Center, Udall Regional Park and Senior Center, TCC, Ward 5 Council Office. City staff in each of these facilities has been trained on the use of the ALS equipment, and appropriate signage displaying the International Symbol of Access for Hearing Loss is in place to indicate the availability of ALS devices within the facility.

### **Outreach**

The OEOP/ADA website is regularly updated with information relating to impending ADA compliance issues. Once changes to the ADA regulations and standards have been finalized at the federal level, information regarding these changes can be accessed through the OEOP/ADA website. The website can be accessed by going to: <http://www.tucsonaz.gov/eoo/ADA/ada.html>

### **Budget**

During the third reporting period, the cost for making corrections to facilities identified under the scope of the audit total \$1,378,227.71. The total cost for corrections made to facilities identified by the Department of Justice during their audit over a 3 year reporting period is \$3,123,482.55.

### **Monitoring Period – Self Audit/Transition Plan**

Within the next year, which is the 1 year monitoring period as outlined in the Settlement Agreement, OEOP will continue to monitor ADA corrections made to City facilities identified under the scope of the audit, and ensure that the City continues to comply with all aspects of the Settlement Agreement. Additionally, it is the intent of OEOP to begin the self-audit phase of the City's facilities pursuant to the Settlement Agreement, and develop a Transition Plan that will

outline the City's timeline for correcting ADA deficiencies in all City facilities. Revisions to the ADA regulations and standards are scheduled to be finalized and implemented by January 1, 2009. The impending changes to the ADA's regulations and standards occurring within the next 4 months will directly affect the City's efforts in conducting its self-audit and the subsequent development of the Transition Plan.

Should you have any additional questions regarding this memorandum, or would like to review the report submitted to the Department of Justice in its entirety, please contact me at 837-4003 or Alison Colter-Mack, Program Manager at 837-4001.

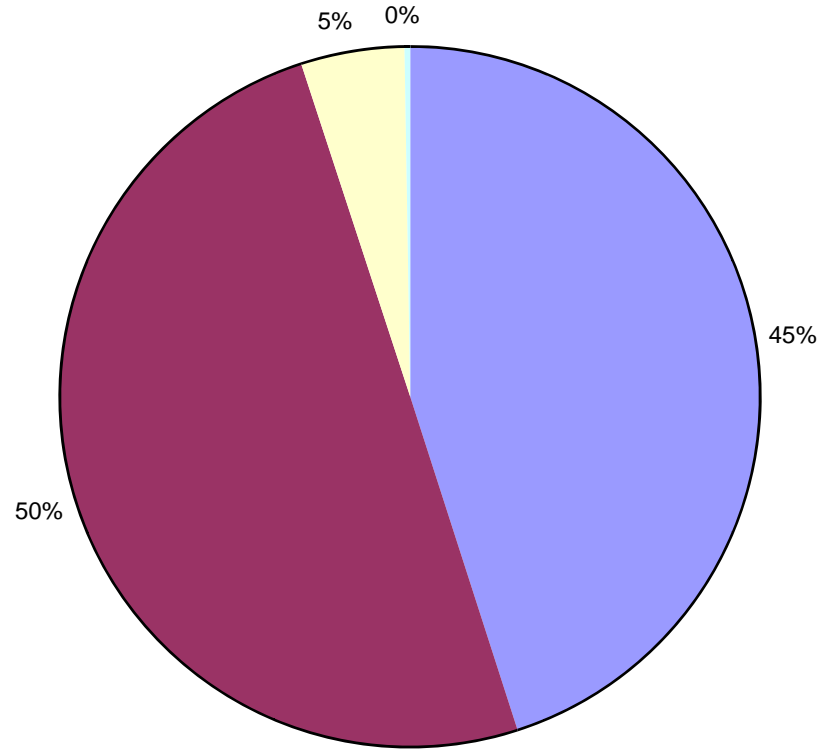
Attachments (5)

c: Mike Hein, City Manager  
Mike Letcher, Deputy City Manager  
Mike Rankin, City Attorney  
Ron Lewis, General Services Director

**DOJ Third Year  
Data Distribution**

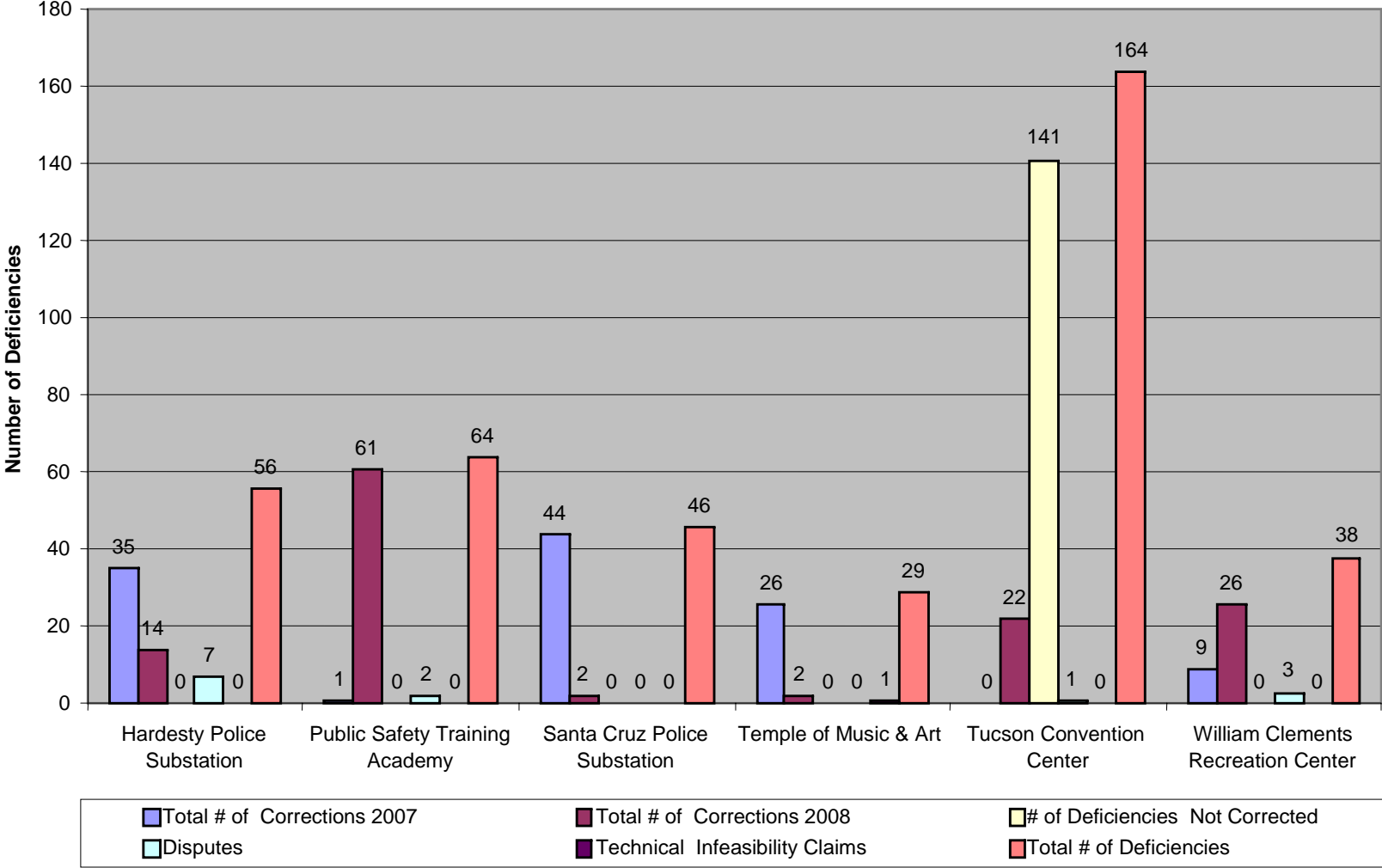
Facility	Total # of Deficiencies	Total # of Corrections 2007	Total # of Corrections 2008	# of Deficiencies Not Corrected	Disputes	Technical Infeasibility Claims
Hardesty Police Substation	56	35	14	0	7	0
Public Safety Training Academy	64	1	61	0	2	0
Santa Cruz Police Substation	46	44	2	0	0	0
Temple of Music & Art	29	26	2	0	0	1
Tucson Convention Center	164	0	22	141	1	0
William Clements Recreation Center	38	9	26	0	3	0
Totals	397	115	127	141	13	1

### DOJ Third Year ADA Compliance Status

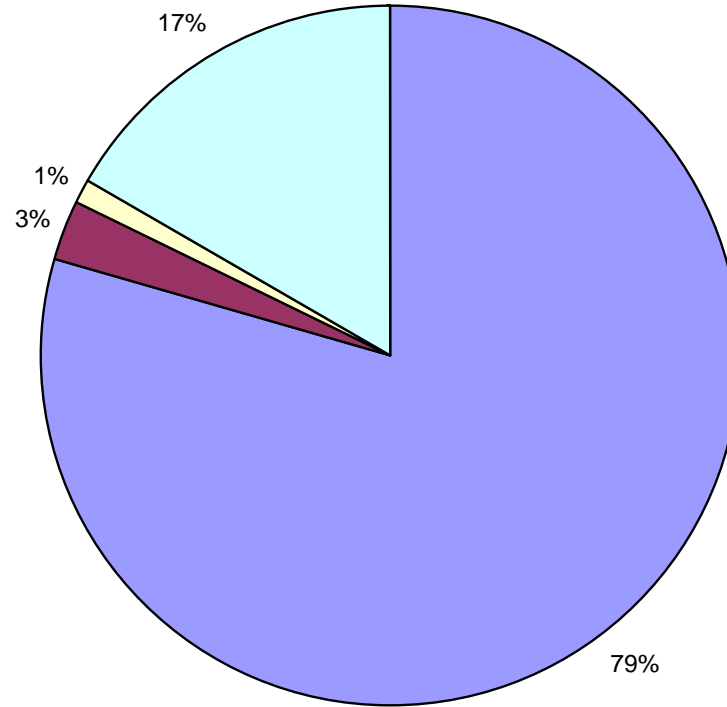


■ Total # of Corrections 2008   ■ # of Deficiencies Not Corrected   ■ Disputes   ■ Technical Infeasibility Claims

### DOJ Third Year ADA Compliance by Facility



### DOJ 2006-08 ADA Correction Activity



■ Total # Corrections Made   ■ Disputes   ■ Technical Infeasibility Claims   ■ Extension Requested, To Be Corrected

### DOJ 2006-2008 ADA Correction Activity

