

**City of New Braunfels**  
**Parks and Recreation Department**  
**ADA Transition Plan**

October 8, 2024



## **Introduction**

The City of New Braunfels' parks, programs, and events play an important part in the life of the community. These services are continually under evaluation to determine if any physical or policy barriers exist that may keep people with disabilities from participating.

When facilities are built or significantly altered, they must comply with standards set forth under the 1990 Americans with Disabilities Act (ADA), many of which have specific technical requirements for elements and spaces, such as accessible parking spaces, accessible routes, toilet facilities, public telephones, and spectator seating areas. For elements and spaces without specific technical standards, the City will use standards as a guide, providing a reasonable number of facilities that are accessible.

## **Section I: ADA Transition Plan Design**

Title II of the ADA adopts general prohibitions against discrimination which applies to all state and local governments. The law prohibits an agency from denying persons with disabilities the equal opportunity to participate in its services, programs, or activities, either directly or indirectly. This law requires the development of a Transition Plan if a self-evaluation identifies any accessibility deficiencies. The term "Transition Plan" comes from the terminology in the ADA that describes how public entities would transition into compliance.

The ADA Transition Plan addresses a broad range of accessibility issues, taking into account accessibility to sites, facilities, buildings, programs, information, and services. This Plan represents the evolution of an evaluation directed toward ensuring compliance with state and federal ADA legislation (Appendix A) as well as adopted and proposed ADA standards. This Transition Plan will guide the planning and implementation of the necessary program and facility modifications over the next several years.

The City seeks to maximize opportunities for accessibility; however, modifications of programs or facilities are not required if the change substantially alters the essential nature of the program or activity, creates a hazardous situation, are primarily for the personal benefit of the individual with a disability, or if it can be demonstrated that the modification poses an undue burden on the City.

## **Section II: ADA Program Coordination**

ADA law requires that agencies employing more than 50 employees designate at least one responsible employee to coordinate ADA compliance. A government entity may elect to designate more than one ADA Coordinator. Due to the far-reaching and ongoing implications of ADA, transparent points of public contact and internal staff coordination are important. ADA Coordinators serve as both public and staff contacts who have the knowledge and background required to address questions and issues efficiently and consistently. ADA Coordinators are responsible for overseeing the efforts of Department compliance with Title II of the ADA

including programs, activities, and facilities. Issues regarding possible discrimination or lack of access can also be referred to an ADA Coordinator for response and investigation of complaints. The ADA Coordinator for the Parks and Recreation Department is the Recreation Services Manager.

### **Section III: ADA Public Notice**

The target audience for public notice is expansive, and includes everyone who interacts, or would potentially interact, with the Department facilities, programs, or services.

#### The Department - Americans with Disabilities Act Compliance

In accordance with the requirements of Title II of the ADA, the Parks and Recreation Department will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities, and will apply the concepts of universal design, wherever feasible, in development and redevelopment of areas and facilities.

#### Employment

The City of New Braunfels is an EEO employer, and all qualified candidates will receive consideration for employment without regard to race, color, religious creed, sex, gender, gender expression, gender identity, transgender, sexual orientation, national origin, age, marital status, genetic predisposition/carrier status, or disability. The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations.

#### Effective Communication

The Department will provide appropriate aids and services leading to effective communication so everyone can reasonably participate in department programs, services, and activities.

#### Policy

Anyone who requires an auxiliary aid or special accommodations to participate in a program, service, or activity of the Department should contact the division responsible for the program or service. Advance notice prior to a scheduled event is requested. Fourteen days prior to the event is preferred to make necessary accommodations by contacting [schelar@newbraunfels.gov](mailto:schelar@newbraunfels.gov) 830-221-4355.

#### Modifications to Policies and Procedures

The Department will make reasonable modifications to policies and programs to promote equal opportunity for individuals to enjoy its programs, services, and activities. Examples include:

- Other Power Driven Mobility Devices – (Administrative Regulation 2-6, Americans with Disabilities Act)
- Service Animals– (Administrative Regulation 2-6, Americans with Disabilities Act)

### **Section IV: ADA Administrative Regulation 2-6**

Under the ADA, users of the Department facilities and programs have the right to file a grievance if they believe the Department has not provided reasonable accommodations. This

Grievance Procedure is established to meet the requirements of the ADA. It 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 Department. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Department complies with the ADA and implementing regulations. The right of a person to a prompt and equitable resolution of the grievance filed shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the Department of Justice. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies. This administrative regulation (AR 2-6) also governs employment-related complaints of disability discrimination.

### Grievance Procedures

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a complaint under this procedure. A supplementary form is attached to this administrative regulation. It is against the law for the City to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint.

### Complaint Procedures:

- Complaints can be filed orally, or in writing and should contain:
  - a. The name, address, and telephone number of the individual or representative filing the complaint; complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.
  - b. An explanation of the discrimination or denial of service;
  - c. The date the alleged violation(s) occurred;
  - d. Corrective action that is sought;
  - e. Signature of the person filing the complaint.
- Complaints may also be filed through a face to face meeting with the ADA Coordinator.
- Complaints must be submitted to the ADA Coordinator as soon as possible but no later than sixty (60) calendar days after the date the person filing the complaint becomes aware of the alleged discriminatory action.
- The ADA Coordinator, or designee, will conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
- The ADA Coordinator, or designee, will maintain the files and records of the City of New Braunfels relating to such complaints.
- The ADA Coordinator, or designee, will issue a written decision to the person filing the complaint after the completion of the investigation.
- The person filing the complaint may appeal the decision of the ADA Coordinator by writing to the City Manager within fifteen (15) calendar days of receipt of the ADA Coordinator's decision.

Nothing in this complaint procedure shall be construed to prevent an individual from pursuing other remedies including filing a formal complaint with other state or federal agencies. This procedure also does not preclude the individual from filing a lawsuit in federal or district court.

The City will address and seek to reasonably accommodate ADA requests, in an expeditious manner.

## **Section V: ADA Self-Assessment**

### Programs and Events

The ADA applies to both temporary and permanent services, programs, or activities of a community. Facilities and structures that are built or altered for temporary use will comply with the ADA Standards (except for construction trailers). In addition, the policies and operations for the event will meet the nondiscrimination requirements of the ADA. When planning temporary events such as a festival or concert, the Department will review ADA title II requirements and the ADA Standards. The Standards can provide guidance to help event planners place temporary accessible parking spaces in appropriate locations, provide an accessible route throughout the site, and provide other accessible features for food service, toilet facilities (including accessible portable toilets), assembly area seating, etc., where such elements or facilities are provided for the public.

Effective communication requirements apply to temporary events. When requested, qualified sign language interpreters or other auxiliary aids and services, such as print material in a large-print format, will be provided. The City will choose when to provide interpreters and will publicize a schedule for interpreters and other auxiliary aids and services in addition to providing auxiliary aids or services in response to individual requests, unless to do so would result in undue financial and administrative burdens.

### Department Website

The Department's website is part of the City of New Braunfels' website ([www.newbraunfels.gov](http://www.newbraunfels.gov)). Accessibility information is available within the site at <https://www.newbraunfels.gov/accessibility>. ADA Information is located at <https://www.newbraunfels.gov/3539/39879/Americans-with-Disabilities-Act-Infomat?activeLiveTab=widgets>. The Department's Inclusion Statement is located at <https://www.newbraunfels.gov/3418/About-Us>.

### Facilities

As of Fall 2024, a systemwide assessment is being conducted to identify barriers at existing recreation facilities, parks, and amenities owned and/or operated by the Department pursuant to the requirements of the US Department of Justice Title II regulation issued September 14, 2010 and effective March 15, 2011. The effort to conduct the systemwide assessment is led by the City of New Braunfels Transportation and Capital Improvements Department.

## **Appendix A: ADA Resources, Materials and Legislation**

### **U.S. Department of Justice**

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities.

Documents, including the following publications, can also be downloaded from the Department of Justice website (<http://www.ada.gov/>).

ADA Regulation for Title II: This publication describes Title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

Title II Technical Assistance Manual (1993) and Yearly Supplements. This 56-page manual explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.

Accessibility of State and Local Government Websites to People with Disabilities. A 5-page publication providing guidance on making state and local government websites accessible.

### **U.S. Access Board Publications**

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available at no cost and can be downloaded or ordered by completing a form available on the Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large print, disk, audiocassette, and Braille.

### **Buildings & Sites**

Standards issued under the Americans with Disabilities Act (ADA) address access to buildings and sites nationwide in new construction and alterations.

2010 ADA Standards for Accessible Design: This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation, under the ADA.

2010 ADA Standards: <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards>

### **Recreation Facilities**

Access to recreation facilities, including play areas, swimming pools, sports facilities, fishing piers, boating facilities, golf courses, and amusement rides is addressed in the ADA and ABA standards. New provisions will cover access to trails, picnic and camping sites, and beach access routes.

Recreation Facilities: <http://www.access-board.gov/guidelines-and-standards/recreation-facilities/about-recreation-facilities>

Outdoor Developed Areas: <http://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas>

### **Streets and Sidewalks**

New guidelines will cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. The Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

Public Rights-of-Way: <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>

Shared Use Paths: <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/about-this-rulemaking>

## **Title II: U.S. Department of Justice Publications**

### ***Title II Technical Assistance Manual | Supplement***

A 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. (1993) <http://www.ada.gov/taman2.html>

### ***The ADA and City Governments: Common Problems*** | <http://www.ada.gov/comprob.pdf>

A 9-page document that contains a sampling of common problems shared by city governments of all sizes, provides examples of common deficiencies and explains how these problems affect persons with disabilities. (2000) <http://www.ada.gov/comprob.htm>

### ***ADA Guide for Small Towns*** | <http://www.ada.gov/smtown.pdf>

A 21-page guide that presents an informal overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA. (2000) <http://www.ada.gov/comprob.htm>

### ***Accessibility of State and Local Government Websites to People with Disabilities*** | [http://www.ada.gov/websites2\\_prnt.pdf](http://www.ada.gov/websites2_prnt.pdf)

A 5-page publication providing guidance on making State and local government websites accessible. (2003) <http://www.ada.gov/websites2.htm>

### ***ADA Checklist for Polling Places*** | <http://www.ada.gov/votingprt.pdf>

This 39-page checklist is a self-help Evaluation that voting officials can use to determine whether a polling place has basic accessible features needed by most voters with disabilities. (2004) <http://www.ada.gov/votingchecklist.htm>

## Appendix B: ADA Action Request Form

**CITY OF NEW BRAUNFELS, TEXAS  
AMERICANS WITH DISABILITIES ACT  
ACTION REQUEST FORM**

Please complete this form and return it:

For Public: City of New Braunfels Parks & Recreation Department Attn: Recreation Services Manager 110 Golf Course Rd New Braunfels, TX 78130 <a href="mailto:schelar@newbraunfels.gov">schelar@newbraunfels.gov</a>	For Employees or applicants: City of New Braunfels ADA Coordinator Attn: ADA Action Request 550 Landa St New Braunfels, TX 78130 <a href="mailto:smcclelland@newbraunfels.gov">smcclelland@newbraunfels.gov</a>
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If you prefer a non-written format to submit request or a complaint, please call: (830) 221-4248

Check here if a request for accommodation. Public requests for accommodation must be received at least 10 business days before the date the accommodation is needed.

Check here to file a complaint of alleged discrimination in City programs, facilities, employment or services. Complaint must be filed within 60 calendar days of alleged offense.

Name	
Name if representative, parent or guardian	
Address	
Telephone	
Email address	
Date of Incident (if applicable)	

### DESCRIPTION OF PROBLEM

Please give a detailed description (including names/telephone numbers of any witnesses if reporting a problem).

### DESCRIBE YOUR ACCOMMODATION REQUEST

*Please be as specific as possible*

Your name: \_\_\_\_\_

Date: \_\_\_\_\_

Your signature: \_\_\_\_\_

Received Parks and Recreation Director's or Human Resources Office on: \_\_\_\_\_