

**Town of Clear Lake  
Indiana**

*Plan for Compliance with*

**Title II of the Americans with Disabilities Act of 1990 (ADA);**

**Section 504 of the Rehabilitation Act of 1973 (Section 504);**

*and*

**Title VI of the Civil Rights Act of 1964**

**April 2013**

### ***ADA Compliance***

Title II of the Americans with Disabilities Act of 1990 requires local government agencies with fewer than fifty (50) employees to adopt and distribute a public notice about the relevant provisions of the Americans with Disabilities Act to all people who may be interested in its programs, activities, and services. These small government agencies are not required to designate an ADA Coordinator, complete a Transition Plan, or develop and publish a grievance procedure to resolve complaints under Title II of the Americans with Disabilities Act (ADA).

### ***Section 504 Compliance***

Section 504 of the Rehabilitation Act of 1973 states that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency.

### ***Title VI Compliance***

Title VI of the Civil Rights Act of 1964 prevents discrimination by government agencies that receive Federal funds. This section states the general principle that no person in the United States shall be excluded from participation in or otherwise discriminated against on the ground of race, color, or national origin under any program or activity receiving Federal financial assistance.

### ***Clear Lake's Requirements for Compliance***

The Town of Clear Lake has twelve (12) employees. This figure includes the six (6) elected officials, who are officially employees of the Town. As a result, this written Compliance Plan goes above and beyond what is required of the Town of Clear Lake by designating a Compliance Coordinator that is also responsible for compliance with Section 504 and Title VI of the Civil Rights Act. This Compliance Plan also includes the required Notice and intended methods and frequencies for publishing the notice and a grievance procedure to resolve complaints.

### ***About Clear Lake***

The year-round population of the Town of Clear Lake is 339 according to the 2010 Census, but during the summer months, the population is estimated to be around 1,200. The Town provides general services to the community that include meetings and business of the Town Council, Plan Commission, and Board of Zoning Appeals; general street maintenance; garbage and recycling collection services; leaf collection services in the Fall; sanitary sewer services; and planning and zoning services.

While there are many community events in Clear Lake, all of these events are facilitated and organized by various community organizations, rather than the local Town government.

### ***Self-evaluation and Inventory***

The Town of Clear Lake owns and operates a Town Hall building with garages that house the Town's equipment. There are no sidewalks in Clear Lake, except those leading from the Town Hall parking lot into the Town Hall building. Constructed in 2006, the Town Hall includes accessible parking spaces and sidewalk ramps. While the main entrance meets size thresholds, there is not an automatic door opener. The restroom facilities within the Town Hall are accessible with appropriate railings. The meeting room where all of the Town's meetings (and most of the community-event meetings) are held is also accessible.

The Town does not own or operate any public parks or other facilities. There is a Public Access Site to the lake that is operated and maintained by the Indiana Department of Natural Resources, Division of Water. Additionally, there is a Public Beach which is owned, operated, and maintained by Steuben County.

The Town has a phone system and a website to better serve the residents. The website is particularly important to keep seasonal residents informed of what is going on during the off-season. Neither the phone system nor the website is ADA compliant. The website is maintained on a volunteer basis, and the list of requirements for a complaint website is long and cumbersome.

A copy of the Indiana Department of Transportation's Local Public Agency Pre-Award Certification and Assurances is attached as Appendix A for additional information about Clear Lake's self-evaluation and inventory.

### ***Transition Plan***

The Town should research an automatic door opener for the main entrance and alternatives to such a device, such as a door bell that would alert someone inside the building that assistance is needed outside. The Town should research the availability and cost of Telecommunications Relay Service (TRS) for Text Telephone/Telecommunication Device for the Deaf in Steuben County.

### ***Summary***

The Town of Clear Lake is a very small lake community where people from all over the United States (and different parts of the world) visit to rest, relax, and rejuvenate. The Town is as welcoming and accommodating as possible, while remaining fiscally responsible, to all residents and visitors.

### ***Compliance Coordinator***

The Town's Compliance Coordinator is responsible for overseeing compliance with

- The nondiscrimination laws as they relate to persons with a disability with regard to Title II of the Americans with Disabilities Act;
- The nondiscrimination laws as they relate to persons with a disability with regard to Section 504 of the Rehabilitation Act of 1973;
- The nondiscrimination laws as they relate to persons of different races, colors, and/or national origin with regard to Title VI of the Civil Rights Act of 1964

The Town Utility Superintendent shall be the designated Compliance Coordinator for the Town of Clear Lake. That position is currently filled by Bob Hull. Anyone wishing to request an auxiliary aid or service for effective communication or file a complaint regarding discrimination on the basis of disability, race, national origin, should contact Mr. Hull using the following contact information:

Bob Hull  
Town Superintendent  
111 Gecowets Drive, Fremont IN 46737  
(260)495-9158  
superintendent@townofclearlake.org

### ***About the Notice of the Americans with Disabilities Act (ADA) Provisions***

The audience for Clear Lake's Notice of ADA Provisions consists of the full time and seasonal residents of Clear Lake, as well as visitors to Clear Lake. The Town shall make efforts to make the notice available to that audience by:

- Permanently publishing it on the Town's Website, [www.townofclearlake.org](http://www.townofclearlake.org);
- Publishing it each year in the Town's printed directory;
- Periodically posting it in large print on bulletin boards where other meeting notices are often posted;
- Periodically reading it at public meetings; and
- Providing an audio recording of it upon request.

The content of the notice is as follows:

## **Notice Under the Americans with Disabilities Act**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Clear Lake will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

*Employment:* The Town of Clear Lake does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the US Equal Employment Opportunity Commission under Title I of the ADA.

*Effective Communication:* The Town of Clear Lake will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or visual impairments.

*Modifications to Policies and Procedures:* The Town of Clear Lake will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

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 the Town of Clear Lake, should contact Bob Hull, Town Utility Superintendent, 111 Gecowets Drive, Fremont IN 46737 or (260)495-9158 as soon as possible, but no later than 48 hours before the scheduled event.

The Americans with Disabilities Act (ADA) does not require the Town of Clear Lake to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of the Town of Clear Lake is not accessible to persons with disabilities should be directed to the Town Utility Superintendent, 111 Gecowets Drive, Fremont IN 46737 or (260) 495-9158.

The Town of Clear Lake will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing the auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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Bob Hull, Town Utility Superintendent

***Grievance Procedure under the Americans with Disabilities Act***

This Grievance Procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability, race, or national origin in the provision of services, activities, programs, or benefits by the Town of Clear Lake. The Town's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the person filing the complaint, and the location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than sixty (60) calendar days after the alleged violation to:

Bob Hull  
Compliance Coordinator  
111 Gecowets Drive, Fremont IN 46737

Within fifteen (15) calendar day after receipt of the complaint, Mr. Hull or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days of the meeting, Mr. Hull or his designee will respond in writing, and where appropriate, in a format accessible to the complainant such as large print, Braille, or audio tape. The response will explain the position of the Town of Clear Lake and offer options for substantive resolution of the complaint.

If the response of the Compliance Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after the receipt of the response to the Town Council President. Within thirty (30) days after receipt of the appeal, the Town Council President will meet with the complainant to discuss possible resolutions. Within 15 calendar days of that meeting, the Town Council President will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complainant.

All written complaints received by the Compliance Coordinator, appeals to the Town Council President, and responses from these two (2) offices shall be retained by the Town of Clear Lake for at least three (3) years.

## **Appendix A**

*Indiana Department of Transportation's*  
**Local Public Agency**  
**Annual Pre-Award Certification and Assurance**

*Completed by the Town of Clear Lake, Indiana on March 25, 2013*

[Link1](#) : [Link2](#) : [Link3](#)



[IN.GOV](#)  
[INDOT](#) LPA  
Annual Pre-  
Award  
Certification  
& Assurance

**Sign ADA inventory Survey - Local Planning Agency Annual  
Pre-Award Certification & Assurance**

[File Upload](#)

Dear LPA:

As part of your contractual agreement with INDOT, you must comply with Title VI of the Civil Rights Act of 1964 (Title VI), Title II of Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and all related laws. This pre-award certification and assurance outlines the basic requirements to ensure nondiscrimination in local planning agency (LPA) transportation projects and is a preview of the process, procedures, policies and documentation that will be expected in the event your LPA is selected for a Title VI compliance review by INDOT's Economic Opportunity Division. The information provided may be reported to the Federal Highway Administration.

As a condition of being awarded federal financial assistance, a LPA must certify that it will provide the following information when required, and where applicable it will conduct its programs and operate its facilities in compliance with all requirements imposed by or pursuant to 42 USC 2000d to 2000d-4, 49 CFR Part 21, 23 CFR 200, 49 CFR 27, 28 CFR Part 35, and 42 USC 12101-12213. Additionally, this assurance certifies that the LPA currently has the following practices and procedures in place.

This certification and assurance must be completed as part of your funding process.

**Title VI of the Civil Rights Act of 1964**

<b>County</b>	<input type="text" value="Steuben"/>
<b>City/Corporation Name</b>	<input type="text" value="Clear Lake"/>
	<input type="text" value="Bob Hull"/>

**Name of Title VI  
Coordinator**

**Data Collection – Do you have a process to collect the following?**

- Yes  No Breakdown of LPA employees by ethnicity, race, gender and position held.
- Yes  No Number of INDOT federally funded projects awarded or ongoing during the past two years.
- Yes  No Log showing Title VI complaints received during past three years (number, how resolved, issues involved) if any.
- Yes  No Attendance at public hearings tracked and broken down by ethnicity, race, gender and disability.
- Yes  No Statistical data collected on ethnicity, race, gender and disability for communities impacted by construction projects.
- Yes  No Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocatees.

**Staffing:**

- Yes  No Do you have designated staff with Title VI coordination responsibilities (in conjunction with other duties)?

**Policies, Procedures and Processes:**

- Yes  No Do you have a Title VI Policy or Policy Statement in place for your organization?
- Yes  No Do you have proof of public dissemination of your Title VI Policy or Policy Statement?
- Yes  No Do you have a process for handling Title VI complaints from the public?
- Yes  No Do you have proof of public dissemination of your Title VI complaint procedure?
- Yes  No Are planning, public involvement guidelines and public involvement policies reviewed for compliance with Title VI?
- Yes  No Are there procedures in place to ensure that equal opportunity is being considered in the hiring of employees and the award of contracts/agreements?

**Training:**

- Yes  No

Has staff received any Title VI training (formal or informal)?

**Planning Activities – Documentation to show (if not performed by INDOT):**

- Yes  No  N/A Are minority members of the community actively sought out to participate in public hearings?
- Yes  No  N/A Are accessible locations, adequate notice, and language translation services considered or provided during the coordination of public hearings?

**Contracts & Agreements:**

- Yes  No Do LPA-issued contracts/agreements contain Title VI and Section 504 non-discrimination assurances?

**Design/Environmental Activities – Documentation to show (if not performed by INDOT):**

- Yes  No  N/A Are minority members of the community actively sought out to participate in public hearings?
- Yes  No  N/A Are accessible locations, adequate notice and language translations services considered or provided during the coordination of public hearings?
- Yes  No  N/A Are location and design manuals, directives, operational procedures, guidelines and policies reviewed for Title VI compliance?

**Right of Way Activities – Documentation to show (if not performed by INDOT):**

- Yes  No  N/A Is Title VI language is incorporated in all acquisition, negotiation, property management communications and contracts?
- Yes  No  N/A Are Title VI language and the appropriate assurance statements included in all surveys for property owners and tenants after conclusion of all business?
- Yes  No  N/A Are values and communications associated with appraisals conducted in an equitable and nondiscriminatory manner?
- Yes  No  N/A Do deeds, permits and leases contain Title VI and Section 504 assurances?

**Construction & Maintenance Activities – Documentation to show (if not performed by INDOT):**

- Yes  No  N/A Have contractor selection procedures have been reviewed to ensure uniformity in their application to minority and non-minority contractors?
- Yes  No  N/A Are minority contractors and subcontractors informed about contracting opportunities with the LPA?

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

**Name of ADA Coordinator**

**Policies, Procedures and Processes:**

- Yes  No Is there a designated ADA/Section 504 Coordinator?
- Yes  No Is there an internal grievance procedure?
- Yes  No Is there a nondiscrimination policy that identifies the name, title, office address and office telephone number of the ADA/Section 504 Coordinator?
- Yes  No Do public meeting announcements provide notification that auxiliary aids are available upon request?
- Yes  No Are website and telephone services accessible to individuals with sight and hearing impairments?
- Yes  No Has a self-evaluation of current services, policies, practices and the effects thereof been completed to determine necessary modifications to achieve program accessibility as required by 28 CFR 35?
- Yes  No  N/A Has the LPA developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible?

**MUTCD Sign Inventory and Management Plan:**

- Yes  No Do you have a sign inventory?

Yes

No

Do you have a management plan for the replacement of signs to meet the MUTCD retroreflectivity guidelines?

By submission of this electronic document, I swear and affirm under penalties of perjury that the information contained in the foregoing statements are true and correct to the best of my knowledge, information and belief. I hereby acknowledge that I have read the [Information Resources Use Agreement \(IRUA\)](#) document, fully understand it, and agree to abide by it as a condition of being granted access to information resources. (Please check the box)

Submit

Indiana Department of Transportation