

RECEIVED

APR 01 2010

LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING)
FEDERAL AID FUNDING REQUIREMENTS,)
ADOPTING THE LANCASTER COUNTY,)
NEBRASKA AMERICANS WITH)
DISABILITIES/SECTION 504 OF THE)
REHABILITATION ACT OF 1973 POLICY,)
AGREEING TO THE ASSURANCES)
CONTAINED IN THE LANCASTER COUNTY,)
NEBRASKA AMERICANS WITH)
DISABILITIES/SECTION 504 OF THE)
REHABILITATION ACT OF 1973 POLICY,)
AND DESIGNATING AN ADA/SECTION 504)
COORDINATOR)

RESOLUTION NO. 10-0026

Whereas: Certain transportation facilities (roads, streets, trails, and others) in Lancaster County, Nebraska, have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

Whereas: Lancaster County, Nebraska, desires to continue to participate in Federal-Aid transportation construction programs; and

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

Whereas: Lancaster County, Nebraska, as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Lancaster County, Nebraska, Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy; and

Whereas: Lancaster County, Nebraska, understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Lancaster County, Nebraska, being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED, by The Board of County Commissioners of Lancaster County, Nebraska that Lancaster County, Nebraska, does hereby adopt and bind itself to comply with all applicable federal law regarding Federal Aid funding for transportation construction projects, including the rules and regulations of the Federal Highway Administration, all

applicable state law and rules and regulations (Nebraska Administrative Code) regarding Federal-Aid funding for transportation construction projects , the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Lancaster County, Nebraska, Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy.

Be it Further Resolved by The Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County, Nebraska, Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy is adopted as provided in Attachment "A", and that Lancaster County, Nebraska, agrees to the Assurances contained in the Lancaster County, Nebraska, Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy.

Be it Further Resolved, The Board of County Commissioners of Lancaster County, Nebraska, hereby designate the Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners as the ADA/Section 504 Coordinator for the management and implementation of the Lancaster County, Nebraska, Americans With Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy.

Adopted this 6 day of April, 2010 at Lincoln Nebraska.
(Month) (Year)

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

APPROVED AS TO FORM
this 6 day of April, 2010.

[Signature]
Deputy County Attorney
For GARY E. LACEY
Lancaster County Attorney

Member Bob Workman
Moved the adoption of said resolution
Member Ray Stevens Seconded the motion
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

Attest: [Signature]
[Signature of City or County Clerk or Corporate Secretary]

LANCASTER COUNTY, NEBRASKA

**Section 504 - Rehabilitation Act of 1973
Americans with Disabilities Act of 1990**

POLICY STATEMENT

Lancaster County, Nebraska will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Lancaster County, Nebraska, further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purpose, a disabled person is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities,
2. Has a record of such an impairment, or
3. Is regarded as having such impairment.

ORGANIZATION AND SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners, 555 South 10th Street, Lincoln, NE , 68508 402-441-7447, acts as the Lancaster County ADA Coordinator and coordinates ADA compliance activities, inquires, accommodation requests, and complaints.

SECTION 504/ADA NOTICE TO THE PUBLIC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, Lancaster County, Nebraska, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. Lancaster County, Nebraska, does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the

designated ADA/Section 504 Coordinator:

Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners
555 South 10th Street
Lincoln, NE 68508
402-441-7447
Office Hours: Monday - Friday, 8 a.m. to 5 p.m.

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 Lancaster County, Nebraska, should contact the ADA/Section 504 Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require Lancaster County, Nebraska, to take any action that would fundamentally alter the nature of its programs or services, or impose on it an undue financial or administrative burden.

Complaints that a program, service, or activity of Lancaster County, Nebraska, is not accessible to persons with disabilities should be directed to the ADA/Section 504 Coordinator.

Lancaster County, Nebraska, 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 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.

SECTION 504/ADA SELF-EVALUATION AND TRANSITION PLAN

Lancaster County previously performed a self evaluation and prepared a transition plan. Lancaster County intends to perform an additional self evaluation and prepare an updated transition plan within twelve months from the date of execution of this policy.

GRIEVANCE PROCEDURES

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (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 Lancaster County, Nebraska. The Lancaster County Personnel Rules 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 complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or 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 60 calendar days after the alleged violations to the designated ADA/Section 504 Coordinator:

Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners
555 South 10th Street
Lincoln, NE 68508
402-441-7447
Office Hours: Monday - Friday, 8 a.m. to 5 p.m.

Within 15 calendar days after receipt of the complaint, the ADA/Section 504 Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA/Section 504 Coordinator or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of Lancaster County, Nebraska and offer options for substantive resolution of the complaint.

If the response by the ADA/Section 504 Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chief Administrative Officer of the Lancaster County Board of Commissioners or his/her designee. Within 15 calendar days after receipt of the appeal, the Chief Administrative Officer of the Lancaster County Board will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Chief Administrative Officer of the Lancaster County Board or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA/Section 504 Coordinator or his/her designee, appeals to the Chief Administrative Officer of the Lancaster County Board of Commissioners or his/her designee, and responses from these two offices will be retained by Lancaster County for at least three years.

REASONABLE ACCOMMODATION PROCEDURES

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by Lancaster County, Nebraska should contact the ADA/Section 504 Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners
555 South 10th Street
Lincoln, NE 68508
402-441-7447
Office Hours: Monday - Friday, 8 a.m. to 5 p.m.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Lancaster County, Nebraska, desiring to avail itself of federal financial assistance from the United States Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Lancaster County, Nebraska further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 C.F.R. Part 27, 28 C.F.R. Part 35, and 42 U.S.C. 12101-12213.

Adopted this 6 day of April, 2010, at Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM

this 6 day of
April, 2010.

Thomas Fox
For GARY E. LACEY
Lancaster County Attorney

Deb Shorr
Don A. Hovmeyer
Reynold Keen
Nancy Hubbard
Bob Workman

NDOR USE ONLY

Date Received: _____

Questionnaire Review:

NDOR Employee: _____

Title: _____

Date: _____

Next Step:

Letter of compliance: _____

Further review required: _____



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director - State Engineer

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402) 471-4567 • FAX (402) 479-4325 • www.transportation.nebraska.gov

April 8, 2010

Lancaster County Engineering Department
Attn: Doug Pillard
444 Cherrycreek Road, Bldg C
Lincoln, NE 68528

RECEIVED

APR 13 2010

LANCASTER COUNTY
ENGINEERING DEPT.

Dear Mr. Pillard:

Thank you for your recent submittal of information requested to show your commitment to ADA/Section 504 of the Rehabilitation Act. Any entity receiving federal assistance from the Nebraska Department of Roads (NDOR) must comply with the Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

According to our records, the necessary information to support your commitment to ensure non-discrimination for the transportation services provided by your agency has been provided. Therefore Lancaster County is now in compliance with the provisions of ADA/Section 504.

If you require further assistance, please contact me at 402-479-4870 or by email at carrie.williams@nebraska.gov. Thank you for your efforts.

Sincerely,

Carrie Williams
Highway Civil Rights Coordinator