



**RESOLUTION 2019-02-12-ADA
Americans with Disabilities Act Policy**

Maria L. Martinez
Chair-District 4

Harold M. Garcia
Vice-Chair- District 1

Janice C. Varela
Commissioner-District 2

Max O. Trujillo
Commissioner-District 3

Chris A. Najar
Commissioner -District 5

Dr. Vidal Martinez
County Manager

1. Policy Statement

San Miguel County is committed to full compliance with Title II of Americans with Disabilities Act of 1990 as amended (ADA), Section 504 of the Rehabilitation Act of 1973 as amended (Section 504), and all related regulations, laws, executive orders and directives.

The purpose of the San Miguel County ADA Policy is to provide guidance for requesting modification to ensure safe access to San Miguel County programs, services, and activities; and submitting a grievance when the possibility of discrimination may have occurred due to a disability.

2. References

- Title II of the Americans with Disabilities Act of 1990, as Amended
- Section 504 of the Rehabilitation Act of 1973, as Amended
- Code of Federal Regulations Title 23
- Code of Federal Regulations Title 28, Part 35
- Code of Federal Regulations Title 36
- Code of Federal Regulations Title 49
- NMDOT Standard Drawing for Sidewalks, Drive Pads, and Concrete Median Pavement Pedestrian Access Detail (ADA)
- San Miguel County Website www.co.sanmiguel.nm.us

3. Policy Overview

This Policy discusses non-discrimination on the basis of disability in San Miguel County programs, services, or activities under ADA and Section 504. Within this Policy, a program, service or activity is any San Miguel County function administered, operated or contracted with San Miguel County.

The ADA Coordinator is responsible for administering department-wide compliance with ADA and Section 504, and other state and federal Disability discrimination laws. The ADA Coordinator's contract information is on the San Miguel County ADA website.

When multiple Policies exist, San Miguel County ADA Coordinator will evaluate the discrepancies and provide a determination as to which Policy will govern within a reasonable timeframe.

This Policy does not address the obligation of San Miguel County's programs to comply with ADA in terms and conditions of employment or the hiring process.

4. Public Facilities

County of San Miguel SAN MIGUEL COUNTY
State of New Mexico Pages: 13

I Hereby Certify that this Instrument was filed for record 02/13/2019 09:31:47 AM and was duly recorded as Instrument No. 201900448 of the Records of San Miguel County, NM.

Witness My Hand and Seal Of Office
Geraldine E. Gutierrez

Deputy _____
County Clerk, San Miguel, NM



The Administration Offices are responsible for ADA accessibility of public facilities. The Administration Offices will collaborate with the ADA Coordinator to prioritize evaluation of public facilities and correction actions.

Public facilities include:

- Facilities where San Miguel County programs, services or activities are delivered.

5. Modification Request

Individuals have a right to request modifications to ensure safe access to programs, services and activities. A modification request may be made to the ADA Coordinator, as referenced in Section 3 Policy Overview. Requests may be made by letter, email, phone call, or by completing the ADA Modification Requests Form included on the San Miguel County ADA Website. The modification request process is detailed within Figure 1 of the San Miguel County Transition Plan located on the San Miguel County Website.

6. Grievances

An individual who is dissatisfied with the outcome of their modification request, or feels discriminated against in violation of ADA or Section 504, may file a grievance with the ADA Coordinator for further investigation and resolution. Grievances can be submitted by letter, e-mail, phone call, or by completing the ADA Grievance form included on the ADA Website. The grievance process is detailed in Figure 2 of the San Miguel County Transition Plan located on the San Miguel County Website.

PASSED, SIGNED, and ADOPTED this 12th day of February 2019.

ATTEST:

Geraldine Y. Gutiérrez
County Clerk

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, STATE OF NEW
MEXICO**



Maria L. Martinez, Chair




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Janice C. Varela, Member



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Chris A. Najar, Member

Americans with Disabilities Act Transition Plan



**New Mexico
San Miguel County
500 West National
Las Vegas, NM 87701**

GOVERNING BODY

ADA Transition Plan Adopted: February 12, 2019

COUNTY MANAGER: Vidal Martinez, Ed. D.

COUNTY COMMISSION: Maria L. Martinez, Chair
Harold M. Garcia, Vice Chair
Janice C. Varela, Member
Max O. Trujillo, Member
Chris A. Najjar, Member

ADA COORDINATOR Eileen Sedillo
500 West National Suite 202
Las Vegas, NM 87701
505-425-1557

AMERICAN WITH DISABILITY ACT TRANSITION PLAN

I. Background

The American with Disabilities Act (ADA) of 1990 is a Federal Civil Rights Legislation which mandates non-discrimination to persons with disabilities. The ADA, Title II prohibits discrimination by public entities on the basis of disability. Therefore, it is important that the NMDOT – D4 and its funding recipients comply with all applicable laws and regulations, including those protecting persons with disabilities.

In order to accomplish this, San Miguel County developed a Transition Plan by conducting a self-evaluation of the accessibility by persons with disabilities on its Roads and Highways; identifying issues of accessibility that need to be addressed; upgrading its program for improvements of those facilities and comply with ADA mandated standards. San Miguel County will progressively remove physical barriers to accessibility when facilities adjacent to its Roads and Highways cannot ensure access to persons with disabilities.

Realizing the geometric, infrastructure and structural changes will take time and money to upgrade the existing facilities, San Miguel County's Transition Plan includes provisions to include specifications on all upcoming design projects, to comply with ADA requirements.

The ADA regulations further require the Transition Plan to contain the following elements:

- A list of physical barriers in the public entity's facilities that limit accessibility to its programs, services, or activities to individual with disabilities;
- A detail description of the methods to be utilized to remove these barriers and make the facilities accessible.
- The Schedule for taking the necessary steps to achieve compliance with Title II;
- The name of the official responsible for the plan's implementation;
- A schedule for providing ADA compliance pedestrian facilities, where pedestrian walkways cross the streets.

The NMDOT currently has standards that conform to ADA laws. These standards are published under the NMDOT's Standard Drawings for Pedestrian Access Details for Curb Ramps, Types A through D; Median Curb Details, Pedestrian Islands, Driveways and Driveway Aprons, Stairway and Handrail requirements, Accessible Parking, Passenger loading bus stop and ramp requirements; all aided by a Detectable Warning Surface where applicable.

San Miguel County encourages the development and construction of these facilities among its funding recipients and local governments to comply with all applicable laws and regulations,

including those protecting persons with disabilities. Provide technical assistance and training to those entities, and offers supplemental resources that explain how accessibility can be integrated into local government projects.

II. ADA Program

A. Timelines of the ADA Transition Plan

The County of San Miguel has identified key steps in developing the Transition Plan. (See Exhibit A)

B. Responsible Official

A Disability Program Coordinator has been designated by San Miguel County as the person responsible for the development and implementation of the NMDOT ADA Transition Plan.

C. Internal Review

Starting November 2018 through January 2019 San Miguel County conducted an **initial** inventory of the County facilities. San Miguel County's commitment to upgrade and implement ADA regulations is what makes the program work. San Miguel County biannually reviews the County's fiscal allocation for ADA improvements and assists local entities to improve facilities that present physical barriers, or to implement ADA regulations in new projects.

D. Self Evaluation

As required by ADA legislation, San Miguel County has conducted a self-evaluation survey of the facilities listed under Phase I Exhibit B within its jurisdiction, identifying any physical barriers to ensure their accessibility to persons with disabilities. The County will continue the self evaluation survey of the facilities listed in phase II on Exhibit B.

An Action Plan was subsequently completed, by San Miguel County, listing specific upcoming projects and /or facilities modifications needed.

III. Transition Plan

A. Prioritization

The County has the responsibility of identifying barriers and implementing a corrective program. During the inventory the county found no roads which have accessibility issues. However, it was determined that several Public Facilities need updates.

The County Prioritized upgrading of existing facilities according to a criterion set forth in this plan.

The Criteria is as follows:

- Paving the ADA parking areas, repairing existing or installing new ramps, installing signage, striping and emblems are all considered as “high” priority.

B. Inventory

Exhibit B, lists San Miguel County facilities found which programs, services or activities are delivered.

C. Targeted Barrier Removal Projects

Upon funding availability, San Miguel County will implement a barrier removal program within the Right of Way facilities. The program is based on the facility survey conducted by the County and it constitutes the Transition Plan of accessibility and upgrades with targeted dates.

The top priority of San Miguel County’s Transitional Plan is to make the County’s existing facilities accessible. San Miguel County facilities are those which serve pedestrians within the Public Right of Way. All local government recipients to any funding will have to comply with all applicable laws and regulations, including those protecting persons with disabilities.

- #### D. San Miguel County is responsible for the County’s transition Plan within the Public Right of Way. Most of the problems within the Right of Way concern physical barriers that cannot be addressed through other options such as Policy Changes or alternative methods. Therefore, the Public Right of Ways can only be made accessible via a realist and fundable strategy for redesigning ramps, repaving ADA lots where needed, striping of the current parking lots and adding signage in the appropriate areas.

IV. Strategy

The following strategy is recommended to assist the County in meeting ADA requirements.

A. Accessible Ramps

The County did identify ramps that need upgrading. The County will upgrade these ramps through its Maintenance Program.

B. Local Governments

It is San Miguel County's responsibility to assure that all its contractors and developers comply with all ADA requirements.

C. Utilities

Whenever a utility relocation, construction or alteration occurs within the Public Right of Way, San Miguel County will ensure that ADA requirements are implemented.

D. Transit

No transit Stops have been identified in the unincorporated areas of the county. Any transit stops within incorporated areas should be regulated by the municipal government to ensure that the public stops are accessible.

V. Funding

San Miguel County will strategically commit, upon fund availability, funding for maintenance projects of its annual allocation, towards ADA compliance projects. Any and all new construction or development on private right of ways will be brought up to ADA standards.

VI. Other Jurisdictions

Municipalities and Villages are independent and have their own independent budgets. Their Council shall determine their financial considerations and they are subject to the same ADA regulations as San Miguel County.

VII. Grievance

Modification Requests: Individuals have a right to request modifications to ensure safe access to programs, services and activities. A modification request may be made to the ADA Coordinator, as referenced in Section 3 Policy Overview Requests may be made by letter, email, phone call, or by completing the ADA Modification Requests Form included on the San Miguel County ADA website. The modification request form is detailed within Figure 1. All modification requests shall be made within five business days.

Grievances, an individual who is dissatisfied with the outcome of their modification request or feels discriminated against in violation of ADA or Section 504, may file a grievance with the ADA Coordinator for further investigation and resolution. Grievances can be submitted by letter, email, phone call, or by completing the ADA Grievance Form included on the ADA website. The grievance process is detailed in Figure 2.


PASSED, SIGNED, and ADOPTED this 12th day of February 2019.

BOARD OF COUNTY COMMISSIONERS

SAN MIGUEL COUNTY, STATE OF NEW MEXICO



Maria L. Martinez, Chair



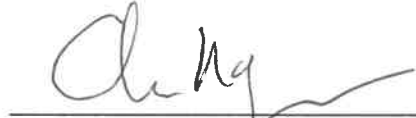
Harold M. Garcia, Vice Chair



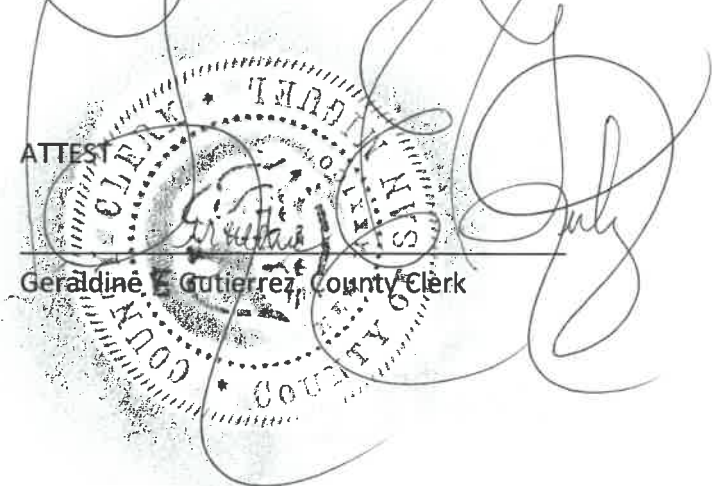
Janice C. Varela, Member



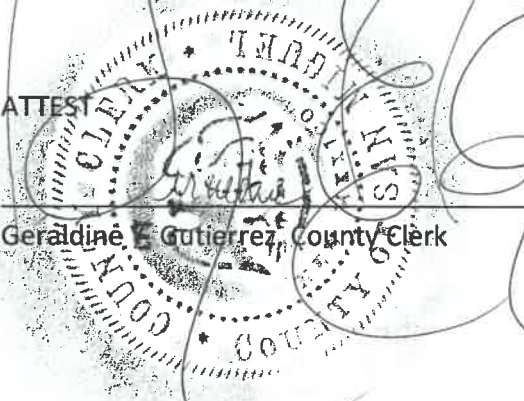
Max O. Trujillo, Member



Chris A. Najjar, Member



ATTEST



Geraldine E. Gutierrez, County Clerk

**San Miguel County
ADA Transitional Plan
Exhibit A**

Tasks	Estimated Time Frame	Actual Time	Comments
Assign an ADA Coordinator		November 2018	
Approve Title VI Resolution		January 2017	
ADA Policy Statement	February 2019		
ADA Transition Plan	February 2019		Living Plan
Internal Review			
Roads		January 2019	
Facilities Phase 1		January 2019	
Facilities Phase 2	April 2019		
Establish Priorities	June 2019		
Allow for Public Input	June 2019		
Accommodation Building Modification Request Form to be Posted Online	June 2019		
Hire Architect/Engineer to determine cost of items with high priority	November 2019		
Meet on ADA projects and possible Funding	Bi-Annually beginning with the adoption of the FY19/20 budget		

**San Miguel County
ADA Transitional Plan
Exhibit B**

Estimated Timeline

Building	Address	Estimated Timeline	
		Phase I	Phase II
County Administration Building	500 West National, Las Vegas, NM	January 2019	
Fourth District Court House	498 West National, Las Vegas, NM	January 2019	
District Attorney Building	1800 New Mexico Avenue, Las Vegas, NM	January 2019	
County Annex Building	513 West Valencia, Las Vegas, NM		April 2019
Public Health Building	18 Gallegos Road, Las Vegas, NM	January 2019	
4 H Building	20 Gallegos Road, Las Vegas, NM	January 2019	
Tri County Family Justice Center	2534 Ridge Runner Road, Las Vegas, NM	January 2019	
Sheriff Station	1224 Railroad Avenue, Las Vegas, NM	January 2019	
Detention Facility	26 NM.283		April 2019
Public Service Facility Admin Building	10 Airport Road, Las Vegas NM	January 2019	April 2019
Public Service Facility	11 Airport Road, Las Vegas NM		
Fair Grounds	3 Roadeo Grounds Road, Las Vegas NM		April 2019



San Miguel County

Accommodation/Building Modification Request Form

DATE: _____

NAME: _____

ADDRESS: _____

PHONE NO.: _____

EMAIL ADDRESS: _____

LOCATION OF PROBLEM: _____

IDENTIFY THE ISSUE: _____

REQUESTED ACCOMODATION/MODIFICATION TO BUILDING:

The modification request should be submitted as soon as possible but no later than five (5) working days prior to the public event.

**Eileen Sedillo
ADA Coordinator
500 West National Suite 202
Las Vegas, NM 87701
Phone: 505-425-1557
Fax: 505-426-3086
eileent@co.sanmiguel.nm.us**



San Miguel County

ADA Grievance Form

DATE: _____

NAME: _____

ADDRESS: _____

PHONE NO.: _____

EMAIL ADDRESS: _____

LOCATION OF PROBLEM: _____

DATE NOTICED: _____

DESCRIPTION OF PROBLEM: _____

Please attach additional pages if needed.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but not later than thirty (30) calendar days after the alleged violation to:

**Eileen Sedillo
ADA Coordinator
500 West National Suite 202
Las Vegas, NM 87701
Phone: 505-425-1557
Fax: 505-426-3086
eileent@co.sanmiguel.nm.us**

