

PARKING & TRANSPORTATION MEETING AGENDA

December 12, 2024

- 1. ROLL CALL
- 2. APPROVAL OF MINUTES
 - a. November 14, 2024 Minutes
- 3. INFORMATIONAL ITEMS ON THE AGENDA
 - a. BID 8 chose not to fund free trolley during the 2025 KDN event.
 - b. Project Updates
- 4. NOTICE TO CONTEST PARKING TICKETS
 - a. Citation #256175627: Robert Shoemaker: Did not receive initial citation notices and paid the \$100 collections fee. Would like a refund of some of the late fees.
 - b. Citation #256155991: Jackie Lin
- 5. NEW BUSINESS
 - a. Canyon Cab License Transfers
 - b. Free Holiday Parking-Employee Permits
 - <u>c.</u> Recommend approval of amending Ordinance 5-40-010(B) Licenses--Issuance--Restrictions (Tour Conveyance Ordinance).
 - d. Reserved Residential Parking Permit Application: 320 Williams Street.
 - e. Free Parking for Swim Meet January 4, 5, 2025 from 7:00 am to 3:00 pm.
- 6. OLD BUSINESS
 - a. Accessible Parking at Event Complex
- 7. INFORMATIONAL ITEMS NOT ON AGENDA

(Items considered but no action will be taken at this time.)

8. Adjournment

a. Next Meeting January 9, 2025, 9:00 am

CITY OF DEADWOOD PARKING AND TRANSPORTATION COMMITTEE

November 14, 2024

1. ROLL CALL:

The City of Deadwood Parking and Transportation Committee met Thursday, November 14, 2024, in the Century Room in City Hall. Justin Lux called the meeting to order at 9:00 a.m. Present were Justin Lux, Cory Shafer, Trent Mohr, Lornie Stalder, Jim Lee, John Rystrom and Misty Trewhella. Commissioner Mike Johnson was present.

Absent were Dory Hanson, Kevin Kuchenbecker, Tom Riley and Andy Goodwin.

2. APPROVAL OF MINUTES:

Minutes for the meeting on Thursday, October 24, 2024, were approved unanimously by a motion from Mr. Mohr and a second by Ms. Trewhella.

3. INFORMATIONAL ITEMS ON AGENDA:

a. Project Updates:

The ramp sign package is still being worked on and the painting is done.

The bridges on Water Street are on the way and they will be set in place soon. They are working on the railing and they hope that Water Street will be open in early December.

4. NOTICE TO CONTEST PARKING TICKETS: None

5. NEW BUSINESS:

- a. Free parking in all metered spaces excluding Broadway Parking Garage from Wednesday, November 27 through Thursday, December 26, 2024. All kiosk proceeds (excluding the Broadway Ramp) will be donated to local non-profit organizations (selected by the City Commission): This is an annual request from the Chamber. We have been doing this for a number of years. This committee typically gives a recommendation to the City Commission. Move to approve by Ms. Trewhella, second by Mr. Stalder.
- **b.** Tour Conveyance Licenses: 2024 numbers are attached. Original Deadwood Tours and Boot Hill met the requirements set out by ordinance. Alkali Ike had zero ridership and has not met the minimum requirements. All license holders were given notice that this would be discussed at this meeting. Motion to provide written notice of revocation of the license by ordinance by Mr. Stalder, second by Mr. Mohr; motion carried.

Going forward, if this motion carries, then license holder is entitled to a hearing with the City Commission within 15 days of the notice, most likely the first meeting in December. That would potentially free up a license at which point the City Commission would make a determination as to what would be done with the license. Meaning whether it would be maintained or go down to 2 licenses.

Motion Carried.

c. Accessible Parking at Event Complex: Mr. Lux indicated he received a letter included in the agenda packet expressing concern about accessible parking at the rodeo grounds, specifically during the Days of '76 Rodeo. The complaint was that there weren't any more accessible spaces available or good transportation. Investigation showed we are good with the number of spaces we have; we are in compliance. We may need to consider putting more spaces by the VIP area. Discussion. Committee decided there needs to be further research done and more follow up to see if we need more spaces or if the available spaces need to be kept open, etc.

6. OLD BUSINESS:

a. Charles Street Parking: This was continued from the last meeting. Mr. Lux indicated he spent some more time reviewing the issue and looking at the area. The Committee needs to decide whether to take some sort of action not knowing the unintended consequences necessarily, leave it as is or add signage to make two hour parking or residential only parking. Motion to take no action and remove from the agenda by Mr. Mohr, second by Mr. Shafer; motion carried.

7. INFORMATIONAL ITEMS NOT ON AGENDA: None

8. ADJOURNMENT:

With no further business for the committee to consider, Mr. Mohr moved to adjourn, second by Ms. Trewhella; motion carried. Next meeting is December 12, 2024, at 9:00 am.

Respectfully Submitted,

Rhonda McGrath, Recording Secretary **** Audio from the meeting is posted on the "S" drive.

From:	Jackie Lin
To:	Justin Lux
Subject:	Dispute of Parking Fee and Collection Notice - 256155991
Date:	Friday, December 6, 2024 11:53:36 AM

[You don't often get email from linjackie19@yahoo.com. Learn why this is important at <u>https://aka.ms/LearnAboutSenderIdentification</u>]

Dear Justin,

I am writing to formally contest the parking fee associated with my vehicle, which has been referred to collections. I did not receive any prior notice of this parking fee through the mail and was only made aware of it when the collection notice arrived.

Upon receiving the collection notice, I opened a ticket through your online portal to request more details regarding the balance, as I was unfamiliar with the circumstances surrounding this fee. I am not a resident of Deadwood and, therefore, unaware that the parking ramp in question operates on a self-pay basis.

As I did not receive the initial parking citation or any earlier notification, I respectfully request that this fee be reviewed and reconsidered. It is possible that there was an issue with the delivery of the citation or that I missed the posted signage, but I would appreciate the opportunity to resolve this matter fairly.

Please let me know how I can proceed to clarify this situation and if there is any additional information I can provide to support my case.

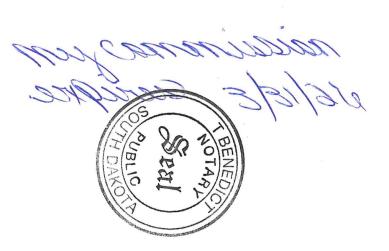
Thank you for your time and consideration.

Sincerely, Jackie Lin 372 Edgewater Dr. West Fargo, ND 58078 701-885-9397 | linjackie19@yahoo.com I Derrick Lehto, sole owner of Derrick Lehto LLC DBA Canyon Cab, relinquish two Deadwood taxi cab licenses to Lacey Goeringer and Joanann Goeringer, owners of Black Hills Taxi located in Deadwood, SD.

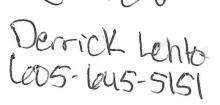
Dernick Lehto 605-645-5151

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I Derrick Lehto, sole owner of Derrick Lehto LLC DBA Canyon Cab, relinquish two Deadwood taxi cab licenses to Crystal Adams, owner of Dakota Taxi located in Deadwood, SD.



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I Derrick Lehto, sole owner of Derrick Lehto LLC DBA Canyon Cab, relinquish one Deadwood taxi cab license to Brad and Kim Reese, owners of Black Hills Grab-A-Cab located in Deadwood, SD.

Dernick Lehto 605-645-5151

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CITY OF DEADWOOD ORDINANCE 1413

AMENDING CHAPTER 5.40 TOUR CONVEYANCE LICENSES-ISSUANCE-RESTRICTIONS

AMENDING CHAPTER 5.40 TOUR CONVEYANCE LICENSES-ISSUANCE-RESTRICTIONS AMENDING FROM THE ISSUANCE OF THREE (3) TO TWO (2) LICENSES.

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: <u>AMENDMENT</u> "5.40.010 Licenses--Issuance--Restrictions" of the Deadwood Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.40.010 Licenses--Issuance--Restrictions

The City Commission may issue annual licenses for tourist conveyance companies which offer or give tours originating within the city, which licensees shall be limited and subject to the following:

- A. The licenses will allow the licensee or their agent admittance to Mt. Moriah Cemetery for the purposes of conducting tours. The admittance to Mt. Moriah Cemetery shall be from May 1st through October 31st unless otherwise expressly permitted by the Sexton of Historic Cemeteries. Only tourist buses or conveyances licensed pursuant to this chapter shall be admitted to Mt. Moriah Cemetery unless authorized by the Sexton of Historic Cemeteries.
- B. Unless otherwise established by resolution or ordinance, the number of licenses issued under this chapter shall be limited to no more than three (3) tour conveyance companies per calendar year. City Commission reserves the right to reduce the number of licenses if existing license is abandoned or revoked.
- C. The City Commission shall have the authority to establish the parking areas and origination location for each license issued. The City Commission shall have the authority to establish the routes tour bus companies must take to and from Mt. Moriah Cemetery. In addition, licenses shall not be issued until each licensee provides the chief of police and the Sexton of Historic Cemeteries with a tour schedule. Each licensee shall arrive and depart according to the tour schedule to ensure proper flow of traffic. Each licensee may utilize a five (5) minute grace period for those scheduled times; each licensee has five (5) minutes before and after the times set in the submitted tour schedule to arrive and depart. Any requested or proposed changes to the approved schedule shall be resubmitted to the Chief of Police and the Sexton of Historic

Cemeteries at least seven (7) days prior to such change taking effect. Violations of this subsection shall subject the licensee to suspension or revocation of its license under Section 5.40.060.

- D. A tourist bus or conveyance not originating within the city, or originating in the city but giving tours outside of the city, shall not be subject to the license provisions of this chapter; however, such buses or conveyances shall not be admitted or allowed within Mt. Moriah Cemetery and must comply with the requirements of Section 5.44.010 of the Deadwood Municipal Code.
- E. Each licensee shall be permitted to operate only one (1) vehicle at any one (1) time from assigned parking sites or origination location.
- F. Each company shall be permitted to operate only one (1) vehicle on a regular basis in Mt. Moriah Cemetery at any one (1) time. If licensee's primary tour vehicle is disabled or requires maintenance, licensee may substitute or designate another tour vehicle until the primary tour vehicle is repaired and operable.
- G. The licensee shall carry public liability insurance in the minimum amount of two million dollars (\$2,000,000.00) per accident and shall provide the city with evidence of such insurance before the issuance of each license with the City of Deadwood as an additional insured. The licensee shall also sign such indemnification agreement as the city desires that will hold the city harmless from any and all liability arising from or out of the operation of any such tour bus.

(Ord. 1320 (part), 2020; Ord. 1284 (part), 2019; Ord. 1159, 2011: Ord. 1058, 2005: Ord. 988 (part), 2002: Ord. 951 (part), 1999: prior code § 32-100 (part))

AFTER AMENDMENT

5.40.010 Licenses--Issuance--Restrictions

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- B. Unless otherwise established by resolution or ordinance, the number of licenses issued under this chapter shall be limited to no more than three (3) two (2) tour conveyance companies per calendar year. City Commission reserves the right to reduce the number of licenses if existing license is abandoned or revoked.
- C. The City Commission shall have the authority to establish the parking areas and origination location for each license issued. The City Commission shall have the authority to establish the routes tour bus companies must take to and from Mt. Moriah

Cemetery. In addition, licenses shall not be issued until each licensee provides the chief of police and the Sexton of Historic Cemeteries with a tour schedule. Each licensee shall arrive and depart according to the tour schedule to ensure proper flow of traffic. Each licensee may utilize a five (5) minute grace period for those scheduled times; each licensee has five (5) minutes before and after the times set in the submitted tour schedule to arrive and depart. Any requested or proposed changes to the approved schedule shall be resubmitted to the Chief of Police and the Sexton of Historic Cemeteries at least seven (7) days prior to such change taking effect. Violations of this subsection shall subject the licensee to suspension or revocation of its license under Section 5.40.060.

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- F. Each company shall be permitted to operate only one (1) vehicle on a regular basis in Mt. Moriah Cemetery at any one (1) time. If licensee's primary tour vehicle is disabled or requires maintenance, licensee may substitute or designate another tour vehicle until the primary tour vehicle is repaired and operable.
- G. The licensee shall carry public liability insurance in the minimum amount of two million dollars (\$2,000,000.00) per accident and shall provide the city with evidence of such insurance before the issuance of each license with the City of Deadwood as an additional insured. The licensee shall also sign such indemnification agreement as the city desires that will hold the city harmless from any and all liability arising from or out of the operation of any such tour bus.

(Ord. 1320 (part), 2020; Ord. 1284 (part), 2019; Ord. 1159, 2011: Ord. 1058, 2005: Ord. 988 (part), 2002: Ord. 951 (part), 1999: prior code § 32-100 (part))

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

Presiding Officer

Attest

David Ruth Jr., Mayor, City of Deadwood

Jessicca McKeown, Finance Officer, City of Deadwood Return Completed Form To: Parking and Transportation 108 Sherman Street Deadwood, SD 57732



Questions Contact: Justin Lux (605) 578-2082 or justin@cityofdeadwood.com

RESERVED RESIDENTIAL PARKING APPLICATION

Date: 11/05/2024

Applicant Name: DUSTY AND DACEY HEPPER

Applicant Address: 320 WILLIAMS ST.

Phone Number: 605-280-3592

This property has $\underline{25.5}$ feet of frontage (25' frontage is minimum required). Does this property have space for off street parking? \Box Yes \blacksquare No

Please attach a photo.

Provide a brief summary of your need for reserved parking:

We would appreciate the reserved signage simply because our primary vehicle is a 3/4 ton pickup that is no longer allowed to park in the garage and we also have a garage attached to the house that we haven't had access to our ATV if someone is parked in front of our house.

All applicants agree to pay a one-time fee of \$50 to cover the cost of the sign and installation. The sign will be ordered and installed by city personnel.

Signed Davis Hann	Date 11-5-24
- Thomas	

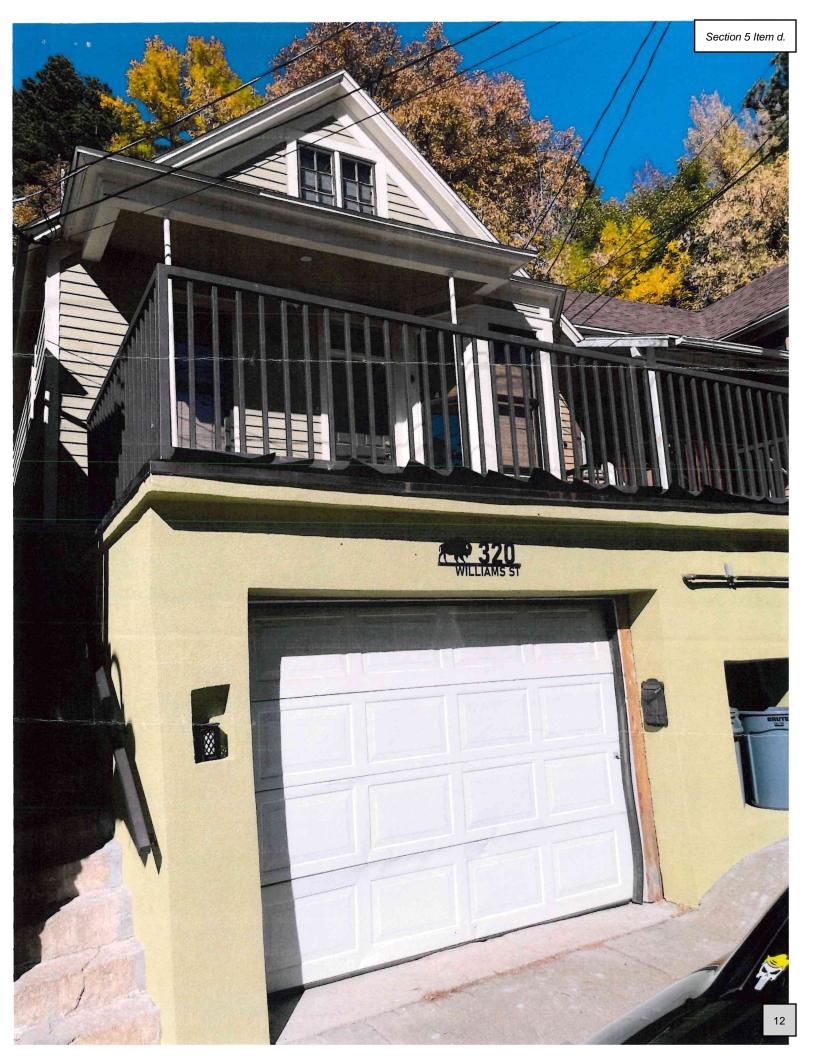
THE FOLLOWING IS TO BE COMPLETED BY THE CITY OF DEADWOOD

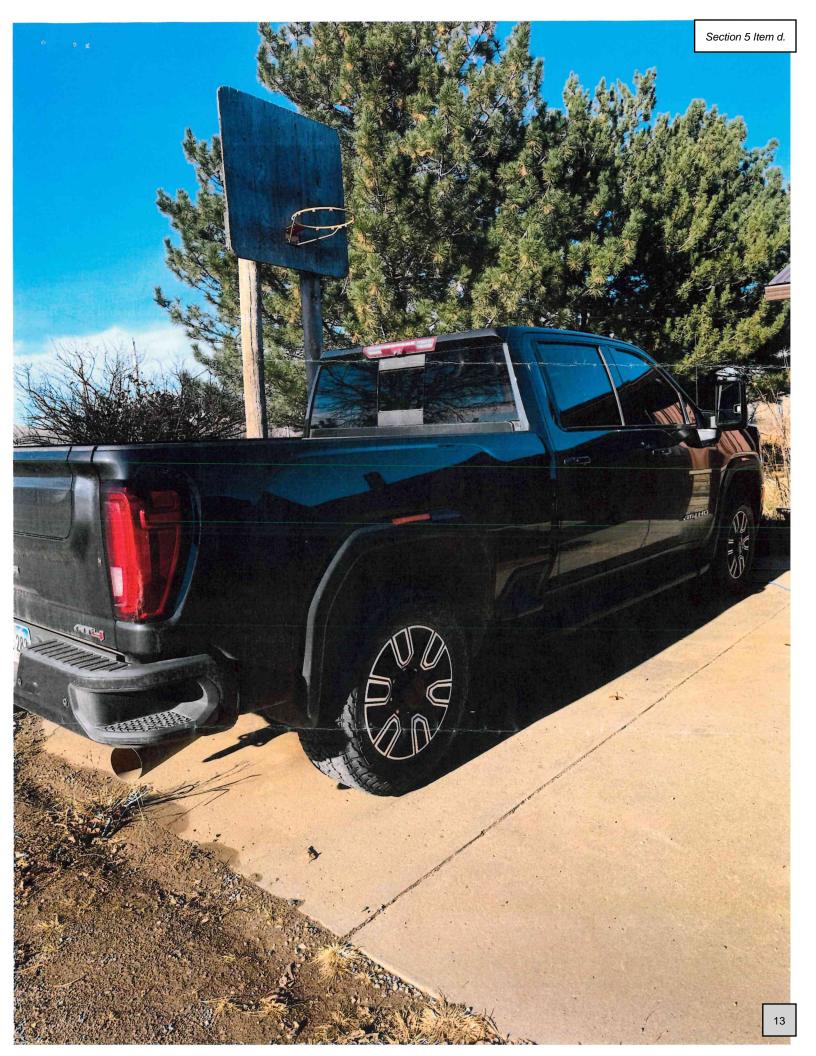
This application was reviewed by the Parking and Transportation Committee on this _____ day of _____, 20_____.

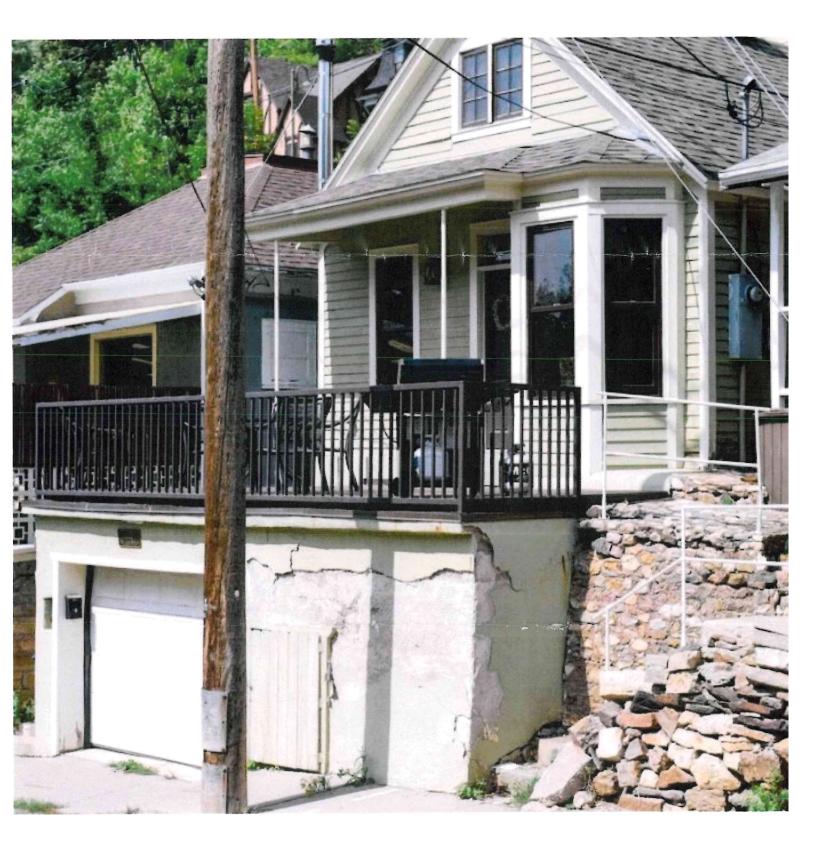
Recommendation: **ACCEPT DENY**

Applicant was granted a reserved residential parking space on this	day of
20, as recorded by the City Commission minutes.	

Applicant	was denied a reserved residential parking space on this	_day of _	and a second
20,	as recorded by the City Commission minutes.		







October 3, 2024

Deadwood City Commission Attn: Sharon Martinisko 53 Taylor Street Deadwood SD 57732

Dear Commissioner,

I am writing you concerning the disabled parking spots as it pertains to the Days of 76 Rodeo Grounds.

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I am a person with a disability, and I am substantially limited in the distance I am able to walk comfortably.

My experience this past summer at the Days of 76 Rodeo grounds provided handicap parking challenges for me. This was my first time attending the rodeo and I had tickets for

Thursday, Friday and Saturday night events. All three evenings, I was unable to park in a designated handicap space, as all spaces were full. I drive an electric golf cart while staying in Deadwood, and this was my means of transportation to the Rodeo. My disabled parking sticker is fully visible to the parking staff.

Below was my parking experience at the Rodeo Grounds:

Thursday Evening

- Arrived, minimally 45 minutes to an hour prior to the rodeo start.
- Parking Security Staff advised there are no disabled handicap parking spaces available. My tickets were for the VIP Grandstand area.
- Parking Security Staff directed me to park in front of the Days of 76 Museum. Upon arrival to this location, all handicap spaces were filled.
- Unfortunately, my only option was to park in a regular parking space and walk around the football field to the VIP Grandstand and back the same route to get to my vehicle.

Friday Evening

- Repeat of Thursday evening
- No handicap parking available again. Directed to park near the Museum.
- Upon arrival at the VIP ticket entrance, I inquired in regard to handicap parking. I was directed to a committee member. She said, 'yes there is a shuttle service', if needed. I explained my situation of which she acknowledged and said she would further investigate.
- There was not a shuttle ride available for my return to the vehicle.

Saturday Evening

- Repeat of Thursday and Friday evening
- Not my first rodeo, Here we Go!
- No handicap parking available

Dr.1.14

Section 6 Item a.

- I asked the parking attendant/security person to ask for a ride to be arranged to get me to the VIP Grandstand entrance. I was informed they were unaware of any such service, and nothing is available.
- I walked to the VIP ticket entrance, again and back at the end of the evening.

From my personal experience, it seems as if there was not a plan in place to accommodate disabled visitors. If there was a shuttle service available, it seems as if it was not communicated to the parking staff.

ADA requires accessible parking spaces to be located on the shortest accessible route to an accessible entrance.

I have been spending my summers in Deadwood for the past 15 years for a period of about 5 weeks. During that time, I attend the Sturgis Rally, Kool Deadwood Nights and this year the Rodeo. The majority of my stay is in Deadwood. During my stay and as a disabled person, I am able to park in a metered parking space with no charge. I park my daily driver in the Parking Ramp on Broadway. During Kool Deadwood Nights, I observed there are several temporary spots added in the Broadway parking structure to accommodate the disabled.

For the future, I am hoping that consideration will be given to modify and be more accommodating to persons with disabilities at the Rodeo Grounds during the Days of 76 Rodeo.

If you have any questions, I may be reached by email at richhawthorne@prodigv.net or phone 414-861-1326.

Thank you for your time in reviewing this matter.

Sincerely,

Rich Hawthorne 15075 W. San Mateo Ct New Berlin WI 53151



From:Murphy, ChrisTo:Justin LuxSubject:TA RequestDate:Wednesday, December 11, 2024 3:31:34 PMAttachments:image001.png

You don't often get email from chris.murphy@unco.edu. Learn why this is important

Your Name

Justin Lux

Your Email justin@cityofdeadwood.com

Your Phone Number 605-578-2082

I'm looking for... Help with the ADA

City/Town Deadwood

State South Dakota

Area of focus

Access to State and Local Government

Your ADA Question

I oversee parking for the City of Deadwood. At our event complex, we have enough accessible parking spaces throughout the facility to satisfy our ordinance with is modeled after the typical standards. When an organization rents the facility, they get access to the entire facility which includes parking areas to organize as they need to. Does the city have an obligation to ensure these spaces remain open for accessible parking or provide an acceptable alternative? We received a complaint from an individual who, although he was able to park in an accessible space, believed it was too far away (about 100 yards). He believes he should have received transportation to the grandstands by a golf cart. The parking within the complex was controlled by the organization and private security. We are motivated to address this as a customer service issue, but would like to know where our liabilities lie.

Hi Justin,

Unless the private organization is contractually carrying out an agreement with the city to provide an event on *behalf of the city*, the city should be meeting its minimum obligations under the ADA by providing facilities that are compliant with the requirements for Title II entities under the ADA Standards. The private entity should meet its obligations under Title III of the ADA.

In order to help distinguish my "voice" from the included citations of ADA Regulations, ADA Standards, and ADA Title II Technical Assistance Manual, my annotations will be in red from now on.

The city's obligation under the ADA is to ensure that access to its programs are provided to people with disabilities. The city generally does not have direct control over the operations of private organization conducting a private event on property leased by the city. The city can stipulate conditions relating to access in its contract with the private organization but is not necessarily compelled to do so by the ADA.

Subpart B—General Requirements

§ 35.130 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)

(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

The private entity must comply with Title III of the ADA. The entity cannot discriminate against people on the basis of disability. The scoping provisions for accessible parking are based upon the

amount of parking provided. The private entity has a right to decide what parking they provide for public use depending on their operations, so long as they do not discriminate on the basis of disability or reduce the minimum requirement for accessible parking below the scoping requirement found in the 2010 ADA Standards. An example of a permitted practice, assuming that a specific parking lot is appropritely scoped for accessible parking: A private entity decides to close an entire parking lot, both accessible and non-accessible parking spaces, so that it has space to set up a VIP experience tent. Since both accessible and non-accessible parking spaces are affected throughout that specific lot, there is likely no discriminatio on the basis of disability occuring . In another scenario, the private organization only decides to close-off accessible parking to the nearest parking spaces which satisfy the technical requirements for accessible parking, they would be in violation of Title III of the ADA. Accessible parking is not required to be located on the shortest route to the entrance of the facility it serves, but on the shortest *accessible* route to the entrance of the facility it serves, which may not be the shortest route in every situation.

II-1.3000 Relationship to title III. Public entities are not subject to title III of the ADA, which covers only private entities. Conversely, private entities are not subject to title II. In many situations, however, public entities have a close relationship to private entities that are covered by title III, with the result that certain activities may be at least indirectly affected by both titles.

ILLUSTRATION 1: A privately owned restaurant in a State park operates for the convenience of park users under a concession agreement with a State department of parks. As a public accommodation, the restaurant is subject to title III and must meet those obligations. The State department of parks, a public entity, is subject to title II. The parks department is obligated to ensure by contract that the restaurant is operated in a manner that enables the parks department to meet its title II obligations, even though the restaurant is not directly subject to title II.

ILLUSTRATION 2: A city owns a downtown office building occupied by its department of human resources. The building's first floor, however, is leased to a restaurant, a newsstand, and a travel agency. The city, as a public entity and landlord of the office building, is subject to title II. As a public entity, it is not subject to title III, even though its tenants are public accommodations that are covered by title III.

ILLUSTRATION 3: A city engages in a joint venture with a private corporation to build a new professional sports stadium. Where public and private entities act jointly, the public entity must ensure that the relevant requirements of title II are met; and the private entity must ensure compliance with title III. Consequently, the new stadium would have to be built in compliance with the accessibility guidelines of both titles II and III. In cases where the standards differ, the stadium would have to meet the standard that provides the highest degree of access to individuals with disabilities.

ILLUSTRATION 4: A private, nonprofit corporation operates a number of group homes under contract with a State agency for the benefit of individuals with mental disabilities. These particular homes provide a significant enough level of social services to be considered places of public accommodation under title III. The State agency must ensure that its contracts are carried out in accordance with title II, and the private entity must ensure that the homes comply with title III.

208.3 Location

Parking facilities shall comply with 208.3

208.3.1 General

Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4. Where parking serves more than one accessible entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, parking spaces complying with 502 shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.

Typically, alternative on-site transportation is a method chosen by the entity to satisfy its nondiscrimination obligations, for example if there is no compliant accessible route between the parking lot for a venue and the venue itself. The expectation voiced by the patron is otherwise not specifically supported by the ADA based on the information provided. If he had contacted the organization ahead of time, this could have been an example of a request for reasonable modification of policy, practice, and procedure, but it is ultimately up to the private entity to decide what constitutes "reasonable" within their operating constraints. Reasonable modifications are limited by fundamental alteration, undue burden, or direct threat to the health and satefy of others. To summarize, the city generally has an obligation to ensure its facilities are accessible unless the organization it is contracted with is acting on behalf of the city in the provision of city programs. I hope this information is helpful. Please let me know if you require further information.

Best, Chris

Chris Murphy, ADAC

ADA Informational Specialist (*He/his*) **Office:** (800) 949-4232 **Direct:** (719) 433-7643



Help us improve our services by taking our <u>demographic poll</u> <u>Email Disclaimer</u> | Supported by NIDILRR grant #90DPAD0014

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