

State of New Mexico  
**County of Otero**

**RESOLUTION #09-21-17/106-15**

**Americans with Disabilities Act Policy**

**1. Policy Statement**

Otero 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 Otero County ADA Policy is to provide guidance for requesting modifications to ensure safe access to Otero 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)

Otero County Website [www.co.otero.nm.us](http://www.co.otero.nm.us)

**3. Policy Overview**

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

When multiple Policies exist, Otero 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 Otero County's programs to comply with ADA in terms and conditions of employment or the hiring process.

**4. Public Facilities**

The Administration Offices and Buildings and Grounds Department are responsible for ADA accessibility of public facilities. The Administration Offices and Buildings and Grounds Department collaborate with the ADA Coordinator to prioritize evaluation of public facilities and corrective actions.

Public facilities include:

- Facilities where Otero 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 Otero County ADA Website. The modification request process is detailed within **Figure 1** of the Otero County Transition Plan located on the Otero 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 County Manager 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 Otero County Transition Plan located on the Otero County Website.

**PASSED, SIGNED, and ADOPTED** this 21<sup>st</sup> day of September, 2017.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS**

**OTERO COUNTY, STATE OF NEW MEXICO**



  
Robyn Holmes, County Clerk

  
Janet T. White, Chair

  
Susan Flores, Vice Chair

  
Lori Bies, Member



**Americans with  
Disabilities Act  
Transition Plan**





**New Mexico  
Otero County  
1101 New York Ave.  
Alamogordo, NM 88310**

**GOVERNING BODY**

ADA Transition Plan Adopted: September 21, 2017

**COUNTY MANAGER:** Pamela Heltner

**COUNTY COMMISSION:** Janet T. White, Chairwoman  
Susan Flores, Vice-Chair  
Lori Bies, Member

**ADA COORDINATOR:** Sylvia C. Tillbrook  
1101 New York Ave.  
Alamogordo, NM 88310  
575-437-7427



## AMERICAN WITH DISABILITIES 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 – D6 and its funding recipients comply with all applicable laws and regulations, including those protecting persons with disabilities.

In order to accomplish this, Otero 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 improvement of those facilities and comply with ADA mandated standards. Otero County will progressively remove physical barriers to accessibility when facilities adjacent to its Roads and Highways cannot ensure access to persons with disabilities.

Realizing that geometric, infrastructure and structural changes will take time and money to upgrade the existing facilities, Otero 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 of its programs, services, or activities to individuals 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.

Otero 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. Responsible Official

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

#### B. Internal Review

During August 2017 Otero County conducted an inventory of the County facilities along its Roads and Highways. Otero County's commitment to upgrade and implement ADA regulations is what

makes the program work. Otero 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.

Otero County has been involved in each phase of the Transition Plan implementation. In addition, Otero County has established an inventory of Access Barriers to consider in projects within the Public Right-of-Way.

#### C. Self-Evaluation

As required by ADA legislation, Otero County has conducted a self-evaluation survey of all facilities within its jurisdiction in August 2017; identifying any physical barriers to ensure their accessibility to persons with disabilities.

An Action Plan was subsequently completed by Otero 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. The County's current inventory show no county roads during the survey 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. Facility Classification

Access to and utilization of Otero County facilities by individuals with disabilities is frequently compromised by barriers described below. Barrier descriptions are not necessarily complete, but they represent the type of barriers identified by Otero County during our site survey.

In general, Otero County's Road and Highway system provide traveling routes in which local and the traveling public visit public buildings and other services. The following facility classification was notorious during the County's field survey,

- Parking areas lack signage
- Parking facilities lack striping and emblem
- Parking areas need paving
- Ramps are under sized or absent in some cases

#### C. Inventory

Exhibit A, depicts Otero County facilities found during the survey within its Roads and Highways,

#### D. Targeted Barrier Removal Projects

Upon funding availability, Otero 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 Otero County's Transition Plan is to make the County's existing facilities accessible. Otero 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.

When appropriate, the County will replace existing facilities by reconstructing new ones, bringing them into compliance.

E. Otero 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-Way can only be made accessible via a realistic and fundable strategy for redesigning and 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 not identify any ramps that needed upgrading at this time. However, the County will upgrade any Ramps in the future that might require repairs through its Maintenance Program relying on negotiated Price Agreement Projects with local contractors.

##### B. Local Governments

It is Otero County's responsibility to assure that all its funding recipients comply with all ADA requirements.

##### C. Utilities

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

##### D. Transit

Transit Stops should be regulated by the municipal government to ensure that the public stops are accessible.

#### V. Funding

Otero County will strategically commit, upon fund availability, funding for maintenance projects of its annual allocation, towards ADA compliance projects. In addition, developer impacts on the Public's Right-of-Way will be required to further enhance pedestrian facilities. To date, it is unknown the amount of money that Otero County has invested into ADA Compliance.

#### VI. Other Jurisdictions

Municipalities, Villages and Tribal entities 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 Otero County. Each entity will be notified of their need to develop and implement their own ADA Transition Plan.



## VII. ICIP Construction Projects Schedule

Exhibit B lists those projects that will be considered to enhance the ADA compliance within the County and the proposed year they will be completed.

## VIII. Grievances

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 Otero County ADA Website. The modification request process is detailed within Figure 1.

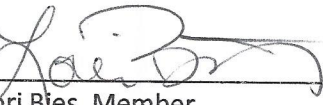
Grievances An individual who is dissatisfied with the outcome of their modification request, or feels discriminated against in violation of ADA or Section 504, may file a grievance with the County Manager for further investigation and resolution. Grievances can be submitted by letter, e-mail, phone call,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

**PASSED, SIGNED, AND ADOPTED** this 21<sup>st</sup> day of September, 2017

**BOARD OF COUNTY COMMISSION  
OTERO COUNTY, NEW MEXICO**

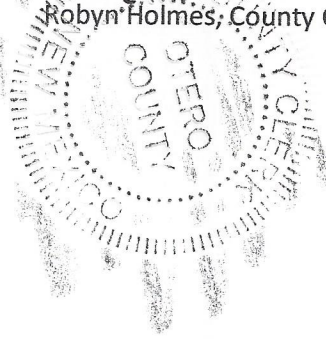
  
Janet White, Chairwoman

  
Susan Flores, Vice Chair

  
Lori Bies, Member

ATTEST

  
Robyn Holmes, County Clerk



## EXHIBIT A

Building Names	Address	Existing Ramps	Parking	Ramps Needed	Signage Needed	Striping & Emblem
American Armed Air Force Museum	144 US Hwy 82, Alamogordo	Good	Good	Good	Needed	Needed
Rifle Range	19 Rockcliff Rd, La Luz	Good	Needed	Good	Needed	Needed
Rifle Range Classroom	19 Rockcliff Rd, La Luz	Good	Good	Good	Needed	Needed
Road Dept.	7085 US Hwy 54/70	Good	Good	Good	Good	Good
Sheriff's Office	3208 N White Sands Blvd, Alamogordo	Good	Good	Needed	Good	Good
Weed Community Center	22 Weed Rd, Weed	Needed	Needed	Needed	Needed	Needed
Admin Annex	1102 N. White Sands Blvd., Alamogordo	Good	Good	Good	Good	Good
Admin Building	1101 New York Ave., Alamogordo	Good	Good	Good	Good	Good
Animal Shelter (Main building)	601 Wright Ave., Alamogordo	Good	Good	Good	Needed	Needed
Chaparral Community Center	472 Ace Ryan St., Chaparral	Good	Good	Good	Good	Good
Chaparral Health Clinic	204 Angelina, Chaparral	Good	Good	Good	Good	Good
CHINS Building	301 Texas Ave., Alamogordo	Good	Good	Good	Good	Good
Courthouse	1000 New York Ave., Alamogordo	Good	Good	Good	Good	Good
Fairgrounds Frontier Village	401 Fairgrounds Road, Alamogordo	Good	Good	Good	Good	Good
Flickenger Building	1110 New York Ave., Alamogordo	Good	Good	Good	Good	Good
Health Office	1207 8th Street, Alamogordo	Good	Good	Good	Good	Good
La Luz Community Center	#8 Baca & Water, La Luz	Needed	Needed	Needed	Needed	Needed
Mayhill Community Center	15 Civic Center, Mayhill	Good	Good	Good	Needed	Good
OCPF Building	10 McGregor Range, Alamogordo	Good	Good	Good	Good	Good
Tularosa Basin Historical Museum	1004 N. White Sands Blvd., Alamogordo	Good	Good	Good	Good	Good
PSAP Building	2351 Eddy Dr., Alamogordo	Good	Good	Good	Needed	Needed
Women's Club Building	1118 Indiana, Alamogordo	Good	Needed	Good	Needed	Needed



EXHIBIT B

Building Names	Existing Ramps	Parking	Ramps Need	Signage Needed	Striping & Emblem	FY
American Armed Air Force Museum	Good	Good	Good	Needed	Needed	2017-2018
Rifle Range	Good	Needed	Good	Needed	Needed	2019-2020
Rifle Range Classroom	Good	Good	Good	Needed	Needed	2017-2018
Road Dept.	Good	Good	Good	Good	Good	
Sheriff's Office	Good	Good	Needed	Good	Good	2018-2019
Weed Community Center	Needed	Needed	Needed	Needed	Needed	2019-2020
Admin Annex	Good	Good	Good	Good	Good	
Admin Building	Good	Good	Good	Good	Good	
Animal Shelter (Main building)	Good	Good	Good	Needed	Needed	2017-2018
Chaparral Community Center	Good	Good	Good	Good	Good	
Chaparral Health Clinic	Good	Good	Good	Good	Good	
CHINS Building	Good	Good	Good	Good	Good	
Courthouse	Good	Good	Good	Good	Good	
Fairgrounds Frontier Village	Good	Good	Good	Good	Good	
Flickenger Building	Good	Good	Good	Good	Good	
Health Office	Good	Good	Good	Good	Good	
La Luz Community Center	Needed	Needed	Needed	Needed	Needed	2019-2020
Mayhill Community Center	Good	Good	Good	Needed	Good	2017-2018
OCPF/OCPCC Building	Good	Good	Good	Good	Good	
Tularosa Basin Historical Museum	Good	Good	Good	Good	Good	
PSAP Building	Good	Good	Good	Needed	Needed	2018-2019
Women's Club Building	Good	Needed	Good	Needed	Needed	2018-2019



Figure 1

# Otero County

## Accommodation/Building Modification Request Form



DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

LOCATION OF PROBLEM: \_\_\_\_\_

IDENTIFY THE ISSUE: \_\_\_\_\_

REQUESTED ACCOMMODATION/MODIFICATION TO BUILDING: \_\_\_\_\_

Sylvia C. Tillbrook  
ADA Coordinator  
1101 New York Ave.  
Alamogordo, NM 88310  
Phone: 575-437-7427  
Fax: 575-443-2928  
[stillbrook@co.otero.nm.us](mailto:stillbrook@co.otero.nm.us)

Figure 2

# Otero County

## ADA Grievance Form



NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

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 30 calendar days after the alleged violation to:

Sylvia C. Tillbrook  
ADA Coordinator  
1101 New York Ave.  
Alamogordo, NM 88310  
Phone: 575-437-7427  
Fax: 575-443-2928  
[stillbrook@co.otero.nm.us](mailto:stillbrook@co.otero.nm.us)