

**Resolution Agreement  
Prescott Public Library  
OCR Docket #08-22-4019**

On behalf of the Prescott Public Library (the Library), the City of Prescott (the City), without admitting to any violation of law, agrees to implement this Resolution Agreement to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title II of the Americans with Disabilities Act of 1990 (Title II) in the above-referenced OCR case number.

The City agrees that all new construction or alteration of Library facilities continuing or commenced after the date of this Agreement will comply with the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards).

1. Accessible Parking

The City will ensure that it provides an adequate number of standard and van accessible parking spaces for each lot that are located on the shortest accessible route to the accessible entrance served by the corresponding lot.<sup>1</sup> For standard accessible spaces, the City will ensure the spaces are a minimum of 96 inches wide and served by access aisles at least 60 inches wide. For van accessible spaces, the City will ensure the spaces are a minimum of 132 inches wide with an access aisle at least 60 inches wide or are a minimum of 96 inches wide with an access aisle at least 96 inches wide. The City will mark access aisles to discourage parking in them. At all spaces designated as reserved for persons with disabilities, the City will provide vertical signs with the International Symbol of Accessibility located a minimum of 60 inches above the ground surface. At the van accessible space, the City will provide an additional “Van-Accessible” designation on the sign. Finally, the City will ensure that all spaces and access aisles designated for use by persons with disabilities are flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, and that their surfaces are firm, stable, and slip-resistant. 2010 Standards §§ 208, 302.1, 502, 703.7.2.1.

2. Accessible Routes

The City will complete its evaluation of the routes connecting the north side parking space to the north side accessible entrances and the accessible parking spaces on the west side connecting to the west side accessible entrance. The City will ensure that the route complies with the accessibility standard selected at the time of construction, the 1991 ADA Standards for Accessible Design (1991 Standards).

a. Accessible Routes – General

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<sup>1</sup> The City is in the process of altering the one parking space serving the north side accessible entrance of the Library. The City has indicated that the space will be a van accessible space and that once reconstruction is complete, the space will comply with the 2010 Standards. The City has indicated that its assessment of the west side parking is ongoing and that plans are being drafted to improve the parking in the lot.

The City will ensure that the accessible route connecting accessible parking spaces to an accessible entrance: has a minimum clear width of 36 inches, or a minimum clear width of 42 inches if there is a turn around an obstruction less than 48 inches wide; has passing spaces at least 60 inches by 60 inches at least every 200 feet; has a minimum clear headroom of 80 inches; has a surface that is firm, stable, and slip resistant; has, in the absence of a curb ramp, ramp, elevator, or platform lift, no level changes in excess of ½ inch vertically; and has a running slope of less than 1:20 (5%) (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50 (2%). 1991 Standards §§ 4.3, 4.5, Fig. 7.

b. Ramp

With regard to the ramp element along the accessible route connecting the north side parking space to the north side accessible entrance, the City will ensure that the ramp element of the designated accessible route: is at least 36 inches wide and has a slope not exceeding 1:12 and a cross slope not exceeding 1:50; provides level landings at the top and bottom of the ramp that are at least as wide as the ramp and at least 60 inches long; if the ramp changes direction, provides a level landing measuring at least 60 inches by 60 inches at the change in direction; on both sides of the ramp, provides handrails between 1¼ inches and 1½ inches in diameter with a continuous gripping surface; provides handrails that extend at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface and that they are mounted between 34 inches and 38 inches above the ramp surface, will not rotate within their fittings, and that have ends that are rounded or return smoothly to the floor, wall, or post; provides edge protection that is at least 2 inches high at the ramp's drop off sides; and that the ramp and its level landing at the top and bottom are designed and maintained so that water does not accumulate on walking surfaces. 1991 Standards §§ 4.3.8, 4.8.

If either the route generally, or the ramp, does not comply with the 1991 Standards, the City will remove all identified barriers to access in a way that complies with the 2010 Standards. 2010 Standards §§ 302, 402, 405, 505.

**REPORTING REQUIREMENTS:**

1. By January 15, 2023, or sooner if available, the City will provide:
  - a. A written report summarizing the progress of the City in completing the reconstruction of the north side parking space.
  - b. A copy, or a written summary, of the results of the accessibility assessment it has conducted for OCR review.
  - c. A copy of the City's plan (the Plan) for removing any identified barriers to access for OCR review and feedback.

The City's report will include such information as detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices, or proof of efforts to secure funding/assistance for structural renovations or equipment.

2. Within 15 days of OCR’s feedback regarding the Plan, the City will implement the Plan.
3. Within 90 days of receiving OCR’s feedback, and every 90 days thereafter, the City will update OCR on its progress toward implementing the Plan. The City’s reports will include detailed information as described above in Term 1 (i.e., photographs, measurements, etc.).

The City understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the City understands that during the monitoring of this Agreement, OCR may visit the Library, interview staff and patrons and request such additional reports or data as are necessary for OCR to determine whether the City has fulfilled the terms of this Agreement and is in compliance with the statute(s) and regulations implementing Title II, at 28 C.F.R. §§35.149 – 35.151, §35.163, and §35.107(b), which were at issue in this case.

The City also understands that OCR will not close the monitoring of this Agreement until OCR determines that the City has demonstrated compliance with all the terms of this Agreement and is in compliance with Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this review. Upon the City’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The City understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the City written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF PRESCOTT

\_\_\_\_\_  
 /S/  
 PHILIP R GOODE, MAYOR

\_\_\_\_\_  
 January 25, 2023  
 DATE

ATTEST:  
 \_\_\_\_\_  
 /S/  
 SARAH SIEP  
 CITY CLERK

APPROVED AS TO FORM:  
 \_\_\_\_\_  
 /S/  
 JOSEPH YOUNG  
 CITY ATTORNEY