



City of Batavia

Physical Accessibility to Programs and Services

S9-24-43 | February 2025

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Report Highlights

City of Batavia

Audit Objective

Assess whether City of Batavia (City) officials could take additional steps to increase physical accessibility to programs and services provided at selected City facilities.

Key Findings

Of the 297 applicable physical accessibility components (components) we reviewed, we identified 21 components (7 percent) where City officials could consider taking additional steps to increase physical accessibility at selected facilities. Specifically:

- 17 components at the City Hall, such as signs identifying van accessible parking spaces and interior doors that require five or less pounds of pressure to open.
- Four components at the Police Station, such as a level landing at the top of curb ramps along the accessible route and an accessible entrance that provides direct access to the main floor.

Recommendation

City officials should assess the feasibility of taking additional steps to increase physical accessibility for the 21 components identified in this report. City officials agreed with our findings and indicated they plan to initiate corrective action.

Audit Period

January 1, 2023 – June 30, 2024

Background

The City is located in Genesee County and is governed by an elected nine-member City Council (Council). The City Manager is appointed by the Council and is responsible for the overall administration of the City government at the Council's direction.

The City provides programs and services at the City Hall, such as:

- The Clerk-Treasurer's Office (various licenses and permits, collection of City revenues, etc.),
- Department of Public Works (building and plumbing permits, work permits, etc.), and
- Public meetings of the Council along with other Boards, Committees and Commissions.

The Police Station is also accessible to the public.

Quick Facts

	City
Population	15,600
2023-24 General Fund Expenditures	\$19.2 million
Number of Employees	156

Physical Accessibility to Programs and Services

According to the Center for Disease Control and Prevention, more than one in four adults in the United States have some type of disability and more than one in 10 have a mobility disability with serious difficulty walking or climbing stairs.¹ It is important that someone with a disability can participate in their local government's decision-making process and be provided the same services and program opportunities as everyone else.

Title II of the 1990 Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability by state and local governments. Generally, under the ADA's implementing regulations, a public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. While not required to make each existing facility accessible, public entities must operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities.

The 2010 ADA Standard for Accessible Design (Standards) set minimum scoping and technical requirements for newly designed and constructed or altered state and local government facilities, public accommodations and commercial facilities. For any new construction or alteration that began on or after March 15, 2012, the project must comply with the Standards. An alteration is defined as a change to a building or facility that affects or could affect the usability of the entire building or facility or a portion thereof.

Although the Standards apply to new construction and alterations that began on or after March 15, 2012, we used the Standards as a tool to help identify where City officials could consider taking additional steps to increase physical accessibility to programs and services at selected existing structures within the City, whether built before or after March 2012. The potential improvements to physical accessibility identified in this report, however, are intended for informational purposes only and should not be construed as the Office of the State Comptroller (OSC) opining as to the legality of the City's compliance with ADA requirements.

Steps Identified to Potentially Increase Physical Accessibility to Programs and Services at Selected City Facilities

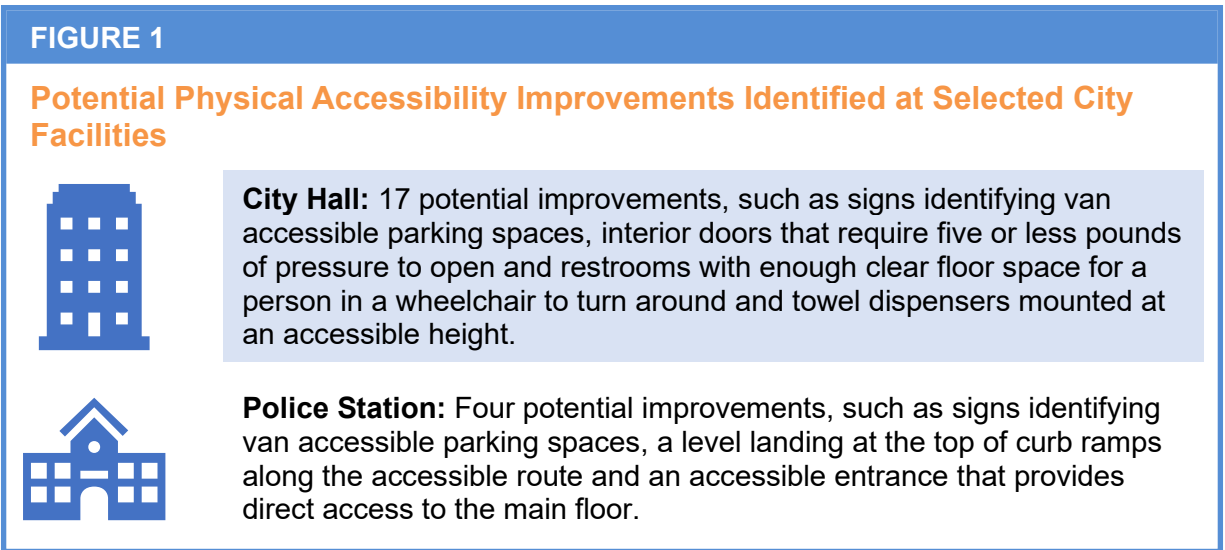
We reviewed physical accessibility to programs and services provided at City Hall and the Police Station, including access to City department offices, public meeting spaces and restrooms located within these buildings.

We also performed site visits at each of these buildings and their respective parking lots (together "facilities") and used the ADA Checklist for Existing Facilities² (ADA Checklist), which incorporates the Standards, as a tool to assess the accessibility of the sampled facilities.

1 https://www.cdc.gov/disability-and-health/articles-documents/disability-impacts-all-of-us-infographic.html?CDC_AAref_Val=https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html

2 Produced by the New England ADA Center, the checklist was created to review existing facilities using the 2010 Standards for Accessible Design: <https://www.adachecklist.org/checklist.html>. Similar to the use of the Standards, the checklist was used as a tool to identify potential improvements to physical accessibility. The use of the checklist, however, is for informational purposes only and should not be construed as OSC opining on the legality of the City's compliance with ADA requirements.

We reviewed 297 applicable physical accessibility components at the selected facilities and identified 21 components (7 percent) where City officials could consider taking additional steps to increase physical accessibility, including 17 components at City Hall and four components at the Police Station (Figure 1).

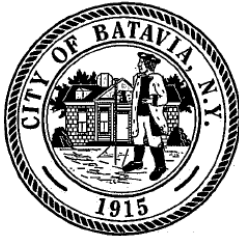


Examples of the potential improvements we identified and photographed at the facilities, along with a complete table of potential accessibility improvements, are included in Appendix B.

What Do We Recommend?

1. City officials should assess the feasibility of taking additional steps to increase physical accessibility for the 21 components identified in this report.

Appendix A: Response From City Officials



City of Batavia

February 12, 2025

Ms. Robin Lois
Deputy Comptroller
Division of Local Government and School Accountability
110 State Street
Albany, NY 12236

Dear Deputy Lois,

The City of Batavia is in receipt of the preliminary draft audit findings in regards to Physical Accessibility to Programs and Services. As of the date of this letter, the City of Batavia accepts the draft finding of the report, with no exceptions. We have met with [REDACTED] of the Statewide and Regional Projects Unit to review the recommendations and have begun to prioritize the potential areas of improvement to ensure the City's response to the 21 items are appropriate and timely. In addition, the City has met with the City Council to review the findings as we move forward in the process.

We appreciate the level of cooperativeness and open communication from the Division of Local Government and School Accountability throughout the Audit process. The auditors were both thorough and professional. The City has taken the results of the audit with the utmost seriousness and we look forward to continuing to make our buildings accessible to all members of the public.

Respectfully,

Erik Fix
Assistant City Manager
ADA Compliance Director
City of Batavia

Cc: Rachael Tabela City Manager

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Appendix B: Potential Physical Accessibility Improvements

FIGURE 2

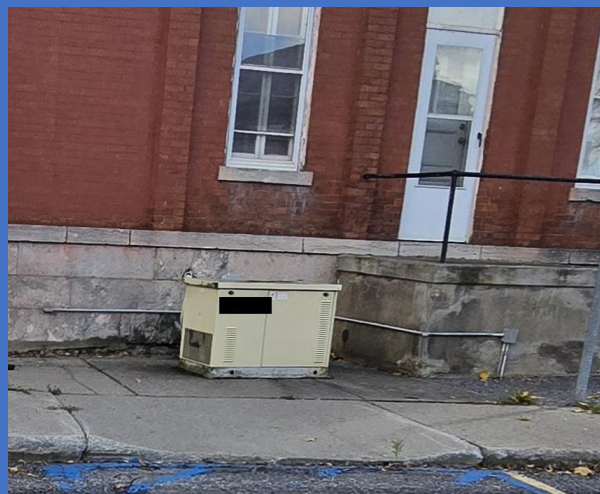
Potential Physical Accessibility Improvement Examples^a



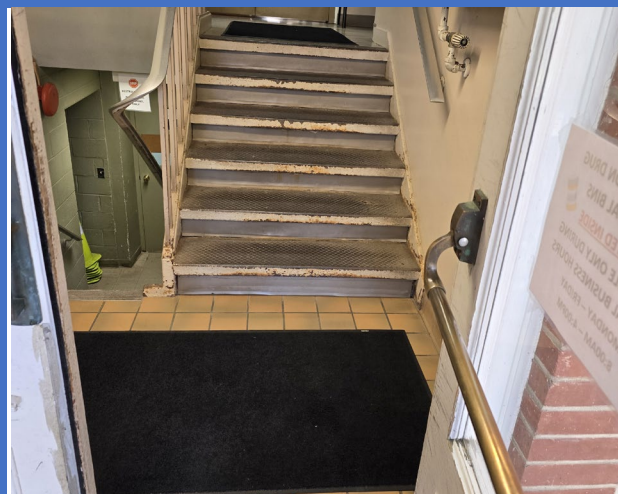
There are no signs identifying van accessible parking spaces at City Hall.



The first-floor restrooms in City Hall do not have at least 60 inches diameter of clear floor space available for a person in a wheelchair to turn around.



The level landing at the top of the curb ramp along the accessible route is obstructed by a generator installed at the Police Station.



The only public entrance at the Police Station does not provide access to the main floor.

a) Photos taken by OSC auditors in October 2024 with permission from local officials.

Figure 3: Potential Physical Accessibility Improvements by Component

Accessibility Checklist Component Category	Applicable Checklist Components Reviewed	Potential Improvements Identified	Percentage With Potential Improvements Identified
Accessible Route	18	1	6%
Curb Ramps	10	1	10%
Drinking Fountains	14	0	0%
Elevators	7	0	0%
Entrance	43	5	12%
Interior Doors	30	3	10%
Lavatories	28	0	0%
Parking	20	2	10%
Sales and Service Counters	13	0	0%
Seating	5	0	0%
Signs	9	1	11%
Soap Dispensers and Hand Dryers	8	4	50%
Toilet Compartments (Stalls)	32	1	3%
Toilet Rooms (Bathrooms)	16	3	19%
Water Closets (Toilets)	44	0	0%
Totals	297	21	7%

Appendix C: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We selected the City from a list of all cities, towns and villages (excluding NYC) not currently in OSC's audit process at the time of selection. We divided the list into seven regions and used expenditure data reported in the 2023 fiscal year to judgmentally select cities, towns and villages from these regions for an even representation across the State for this multi-unit audit.
- We reviewed applicable laws and regulations, as well as any policies and procedures the City had regarding accessibility. The potential improvements to physical accessibility identified in the report, however, are intended for informational purposes only and should not be construed as OSC opining as to the legality of the City's compliance with ADA requirements.
- We interviewed City staff and reviewed Council meeting minutes to gain an understanding of accessibility for the City's programs and services.
- We reviewed accessibility to programs and services provided at City facilities, excluding recreational programs and services provided by third parties. We used the ADA Checklist for Existing Facilities, which uses the 2010 ADA Standards, as a tool to review accessibility at the facilities. We reviewed the accessibility components applicable at each sampled facility including accessible parking, approaches to buildings, building entrances, accessibility within buildings including to meeting rooms, offices providing programs and services, restrooms, and water fountains.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

The Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Council to make the CAP available for public review in the City Clerk's office.

Appendix D: Resources and Services

Regional Office Directory

www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.ny.gov/local-government/publications

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.ny.gov/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.ny.gov/local-government/publications

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.ny.gov/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.ny.gov/files/local-government/publications/pdf/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.ny.gov/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.ny.gov/local-government/publications

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.ny.gov/local-government/academy

Contact

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Local Government and School Accountability Help Line: (866) 321-8503

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