

TOWN OF ORDWAY  
 Conestoga park, Ordway Colorado. 81063

Invoice # 0001321  
 Invoice Date 08/01/2020

Item	Description	Unit Price	Quantity	Amount
Service	Removal of unsafe Trees and haul off brush	157.80	6.00	946.80
Service	Removal of unsafe limbs (Trimming) and haul off brush	157.80	75.00	11,835.00
Service	Overhead	1420.00	1.00	1,420.00
<p><b>NOTES:</b> Trim hazardous trees, haul off brush and wood                      1 Bucket truck usage                      1 Arborist                      2-3 general laborers</p> <p>Will Take 4 weekends to complete. Start date to be determined by client.</p>				
<b>Subtotal</b>				14,201.80
<b>Total</b>				14,201.80
<b>Amount Paid</b>				0.00
<b>Balance Due</b>				\$14,201.80

*Tru Jill  
 26,500.00*

~~4,160.80~~  
 3,040.60  
 4,160.00  
21,401.80



**Trujillo Tree Trimming Inc.**  
**Michael Trujillo – owner**  
**Fowler, CO 81039**

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**Bid for: Town of Ordway**  
**Date 8/9/2020**

**City park**

**Trim 77 trees, cut down 7**

**-Cut only (without clean up, 8ft lengths max) = \$18,750**

**-Full clean up = \$26,500**

**Reservoir**

**Trim 13 trees, cut down 3**

**-Cut only = \$3,900**

**-Full clean up = \$5,250**

**Combined Totals (park/reservoir)**

**Cut only = \$22,650**

**Full clean up = \$31,750**

**Estimated Start Date – October**

**Job Length – cut only 2-3 weeks, full clean up 3-4 weeks**

**No Deposit to start. Payment in 25% increments as job is finished.**



# CIRSA PUBLIC OFFICIALS LIABILITY ALERT

Published by the CIRSA General Counsel's Office

SAFER TOGETHER

## Check Your Website's Accessibility for ADA Compliance- A Claim May Be Just Clicks Away

If you surf the news online you may have seen this [Denver Post story](#) about a recent wave of lawsuits concerning website accessibility and the requirements of the Americans with Disabilities Act (ADA). Maybe the story prompted your public entity to ask the same question we had: Is our website ADA compliant? That's a great question and one worth following up on, particularly given municipalities must make their services accessible and the risk of an ADA claim may be just a few clicks away. This article provides a general overview of the ADA accessibility requirements and some resources for your entity to further evaluate this issue.

**ADA Effective Communication Requirement.** The ADA has been around thirty years.<sup>1</sup> While the Denver Post story addresses lawsuits against private entities, which are subject to Title III of the ADA as places of public accommodation, Title II of the ADA applies to municipalities and other state and local governments. Title II prohibits discrimination against persons with disabilities in all of the "services, programs, or activities of a public entity."<sup>2</sup> Among other requirements, covered entities must take appropriate steps to ensure that communications with persons with disabilities "are as effective as communications with others."<sup>3</sup> This requirement is referred to as "effective communication," and it is required except where the public entity can show "that providing effective communication would fundamentally alter the nature of the service or program in question or would result in an undue financial and administrative burden."<sup>4</sup>

**Online Services and Accessibility Issues.** While many municipalities have long provided services to assist in-person communications, such as sign language interpreters for court proceedings, electronic platforms sometimes receive less attention. This is despite the ever-stronger interest you and your citizens share in having information and services available via electronic means, including your websites or mobile apps. For example, your entity may already have on-line systems to: pay a utility bill, register for a recreation program, renew a library book, obtain a permit, apply for a job, listen to government meetings, schedule an inspection, pay court fines, review zoning information...and the list goes on! But, just as your city and town must facilitate access for persons with disabilities to such services within your buildings, your electronic services should also be available, either directly online or by suitable alternative means.

According to the U.S. Department of Justice ("DOJ"), a major issue in website accessibility is that websites don't effectively account for the fact that many people with disabilities use "assistive technology" to enable them to use computers and access the Internet.<sup>5</sup> For example, a blind person who uses a screen reader—a program or device that speaks text that would normally appear on a monitor—would not be able to access the content of on-line photos if they are not accompanied by some text. Other common barriers can include documents not posted in an accessible format, color and font issues, and inaccessible multi-media content. These types of barriers aren't usually the result of overt acts of discrimination; rather, they result from poor design, erroneous assumptions, oversight, or other factors. But, while litigation in this area usually isn't centered on an intent to discriminate, a failure to provide accessibility can have the same effect.

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# CIRSA LIABILITY ALERT

## *Website Accessibility for ADA Compliance (cont.)*

**Addressing Accessibility and DOJ Resources.** According to the DOJ, one way to help meet the ADA's effective communication requirements is to ensure that your websites have accessible features for people with disabilities. Another option is to provide an alternative, accessible way for citizens to use the programs or services otherwise provided on-line, such as a staffed telephone information line. But these types of alternatives can be cost-prohibitive and according to the DOJ, are "unlikely to provide an equal degree of access in terms of hours of operation and the range of options and programs available."

The DOJ has published a variety of resources to assist municipalities in assessing website accessibility issues and options for compliance. [Click here](#) for the Website Accessibility chapter from DOJ's "ADA Best Practices Tool Kit for State and Local Governments." And [click here](#) for a related DOJ document that includes additional technical information for web developers. This document includes links to information about web features that can make a web page more accessible or less accessible to persons with disabilities, and to web design standards.

**Website Accessibility Standards.** Neither the ADA nor related regulations dictate exactly what technical standards must be met to make a website ADA compliant, but recent DOJ settlement agreements are insightful. For example, through several voluntary compliance agreements with Colorado municipalities—which are entered to settle pending or potential enforcement actions—the DOJ has required compliance with the Web Content Accessibility Guidelines ("WCA Guidelines") developed by the Web Accessibility Initiative.

The WCA Guidelines are technical standards intended to provide "a single shared standard for web content accessibility," including information on "how to make web content more accessible to people with disabilities," addressing both natural content—e.g. text, images and sounds—as well as underlying code and markup that defines the website's structure and presentation. These settlement agreements also typically include requirement for periodic reviews, additional training, and clear notices of how and where individuals can request accessible information and provide input on accessibility issues. You can [click here](#) to review (at pages 11-12) the terms of DOJ's 2018 settlement agreement with Denver regarding accessibility to web-based services and program.<sup>6</sup>

**Conclusion.** As noted in the Denver Post story, the recent rash of website accessibility lawsuits filed in the Colorado federal courts is the result of aggressive tactics of an out-of-state law firm. While these tactical lawsuits have been on the rise in other states too, as reported [here](#), the underlying issue of website accessibility is real...and an issue that should be proactively addressed. Checking up on your compliance may prevent you from being the target of this recent trend in "click-by" claims but, more importantly, will confirm your commitment to the letter and spirit of the ADA, and to serving the needs of your community.

If you have any questions regarding this article, please call our Liability Hotline at 720-605-8002 to speak to CIRSA's General Counsel, Sam Light. In addition, if your entity is interested in ADA Coordinator training, please contact Eileen Chavez at [eileenc@cirsa.org](mailto:eileenc@cirsa.org) for information on these CIRSA-sponsored workshops. The final 2020 workshop is scheduled for November 19 in Ouray—[click here](#) for more information—and workshops are currently be scheduled for 2021.

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<sup>1</sup> For reflections on the ADA at 30, see this [article](#) authored by CIRSA Executive Director Tami Tanoue and CIRSA Loss Control Manager Greg Barlow.

<sup>2</sup> 42 United States Code (U.S.C.) § 12132.

<sup>3</sup> 28 CFR § 35.160(a)(1).

<sup>4</sup> *ADA Best Practices Tool Kit for State and Local Governments*, Chapter 3, "General Effective Communication Requirements Under Title II of the ADA," available at [this link](#).

<sup>5</sup> *Accessibility of State and Local Government Websites to People with Disabilities*, published by U.S. DOJ, Civil Rights Division, Disability Rights Section, available at [this link](#).

<sup>6</sup> Pursuant to provisions of the Rehabilitation Act of 1973, recipients of federal assistance can be subject to specific website accessibility standards. A discussion of the Rehabilitation Act requirements is beyond the scope of this article.

*[The text in this image is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible across the page. The content cannot be transcribed due to the low contrast and blurriness.]*