

The Honorable Mike Puto
Interim City Manager
Marathon, FL

Dear Mr. Puto:

By way of background, I am an attorney, and a full time resident of the Keys, and formerly served as a Senior Trial Attorney at the United States Department of Justice from 1993-2005, in the Disability Rights Section of the Civil Rights Division in Washington, DC. In that capacity, I was responsible for nationwide enforcement of the Americans with Disabilities Act (ADA) and of Section 504 of the Rehabilitation Act of 1973.

I am writing to express my ongoing concerns about the failure of the proponents of the Crane Point Zip-line Project to take the needs and rights of the disability community seriously, and their failure to keep the City Council and the public informed of any efforts to ensure compliance with federal civil rights laws prohibiting discrimination on the basis of disability. As I indicated in prior correspondence with the Marathon City Commission, and in meetings with the City Manager, City Attorney, various Council members, and in testimony before the City Commission, the property at Crane Point is currently inaccessible to people with disabilities, and the plans and representations presented to the City Council to date do not take into consideration accessibility requirements imposed by the Americans with Disabilities Act, the Architectural Barriers Act, and Section 504 of the Rehabilitation Act of 1973.

It is my understanding that as a result of my prior complaint, the City told the proponents of the Zip Line Project to hire an architectural firm to assess the property for current ADA violations, so that the architects could advise the proponents about ways to ensure that the Crane Point property and the Zip Line Project will be accessible to and usable by persons with disabilities, as mandated by federal law. I understand that a consulting firm was engaged, and provided a comprehensive series of findings and recommendations. Has the City Council been provided a copy? What were the findings and recommendations? May I have an opportunity to review them and discuss them?

Prior to filing my complaint with the City Council, I toured the Crane Point property. In my career with the Justice Department, I had toured hundreds of properties across the country to identify violations. In my view, the Crane Point property is currently in violation of the ADA, and before the City spends federal money in partnership with them, the violations need to be corrected. In the absence of removal of the violations, CDBG money should not be allowed to be given to the City. In addition, before federal money is given to the City, the proponents of the Zip-line Project should be required to provide detailed plans of how they plan to ensure that they will be in compliance with the ADA, Section 504, and the Architectural Barriers Act. In the absence of compliance, the City risks significant legal exposure.

I wish to also point out that I had expected to be kept informed of any efforts and recommendations, but, to date, have been kept in the dark about any of these efforts or reports. I suspect the City Council has similarly been stonewalled, and has been denied access to the reports, findings, and recommendations. I urge you to ask why they are playing hide the ball with

this information. I also urge the City Council to take whatever steps are necessary to obtain and review this information, as expeditiously as possible, and respectfully request that the information be provided to me and the public as well for consideration.

I am deeply concerned about the city's legal liability for entering into a partnership with an entity that violates federal civil rights laws, and about using federal money to pay for a project that violated federal civil rights laws. I urge the City Council to be very careful here. The ADA, Section 504, and the Architectural Barriers Act prohibit the city from doing so, and doing so may put all federal financial assistance to the City of Marathon at risk. Please let me know what the City plans to do about this, and whether I will be provided with a copy of the findings and recommendations.

Please feel free to contact me if I can be of assistance.

I look forward to hearing from you.

Sincerely,

Marc

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