

# MILWAUKEE RECREATION ADA TRANSITION PLAN



2018-2030



A department of **MPS**

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##### [ADA Transition Plan \(complete\)](#)

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<a href="#">Alcott School</a>	<a href="#">Gaenslen School</a>	<a href="#">North Division HS</a>	<a href="#">South Division HS</a>
<a href="#">Bay View HS</a>	<a href="#">Hamilton HS</a>	<a href="#">OASIS Senior Center</a>	<a href="#">Vincent HS</a>
<a href="#">Beulah Brinton CC</a>	<a href="#">MacDowell School</a>	<a href="#">Obama HS</a>	<a href="#">Washington HS</a>
<a href="#">Bradley Tech HS</a>	<a href="#">Madison HS</a>	<a href="#">Parkside School</a>	
<a href="#">Central Services</a>	<a href="#">Marshall HS</a>	<a href="#">Pulaski HS</a>	

##### Phase 2 (Outdoor) Access Audit Site Reports:

<a href="#">Alcott Playfield</a>	<a href="#">Enderis Playfield</a>	<a href="#">Lewis Playfield</a>	<a href="#">Seventy Eighth St. Playfield</a>
<a href="#">Auer Ave Playfield</a>	<a href="#">Fairview Playfield</a>	<a href="#">Lincoln Playfield</a>	<a href="#">S. 88th St. Playfield</a>
<a href="#">Brinton Playfield</a>	<a href="#">Fifty Third St. Playfield</a>	<a href="#">Lowell Playfield</a>	<a href="#">Stark Playfield</a>
<a href="#">Browning Playfield</a>	<a href="#">Garden Homes Playfield</a>	<a href="#">Merrill Playfield</a>	<a href="#">Uncas Playfield</a>
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<a href="#">Emigh Playfield</a>	<a href="#">Juneau Playfield</a>	<a href="#">Rogers Playfield</a>	



## Acknowledgments

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In 2018, Milwaukee Recreation enlisted the services of WT Group to conduct an ADA Facility and Site Access Audit that adheres to USDOJ Title II regulations at 22 Milwaukee Public Schools indoor recreation facilities and 44 outdoor recreation playfields. The scope of work included:

1. Completion of a comprehensive audit of identified locations.
2. Development of a transition plan for each location which includes a description of each access deficit (at each site), a solution for each access deficit, application of program access test (determines if necessary to make site accessible), recommendations for who should remove access deficits, recommended timelines for access deficit removal and cost references for the removal of access deficits.
3. Recommendations for Milwaukee Recreation website accessibility.
4. Assistance with the creation of a Milwaukee Recreation ADA Policy.
5. Conducting public feedback sessions to seek public preferences and priorities for access at Department sites.
6. Conducting a 3-hour training for Milwaukee Recreation staff on how the ADA applies to recreation programs.

Results of this work is available at [www.milwaukeeerecreation.net/rec/plans](http://www.milwaukeeerecreation.net/rec/plans). The following pages provide a summary of the work.

## **Conclusions and Recommendations**

### **Phase 1: Indoor**

Audit completed: September 14, 2018

### **Phase 2: Outdoor**

Audit completed: October 15, 2019

# Background

The Milwaukee Public Schools (MPS) Department of Recreation and Community Services retained our firm to conduct the required access audit, under the Americans with Disabilities Act (ADA), and develop a transition plan. A transition plan is a phased retrofit schedule. In our work we evaluated 22 Department school sites and 44 outdoor playfield locations.

The scope of our work at the school sites was limited to the portions of those sites used by the Department. There are many other spaces at those 22 sites, and many other sites operated by the Department and MPS. The Department should only consider our work as the first of several phases to assure that Department sites and other MPS sites are accessible.

The most effective way to review our recommendations is to start with this Conclusion Report. This facilitates greater understanding of our advice by the Department and prepares the Department to address the deficits in the individual site reports. Doing so will result in making sites more accessible to people with disabilities.

## A Guide to the Section

There are approximately 2,400 access deficits identified in the site reports. That is what is required by the ADA, the identification of every access deficit at every site and facility. For every deficit, a solution must be identified.

This section is all about the big picture. As discussed in the cover letter with this report, the Department does not necessarily have to make every site accessible. It does have to make every program it conducts within its sites accessible.

We have attempted to identify some broad solutions, such as the refreshing of all accessible parking, as a way to address issues identified in the site reports, and as a way for the Department to better manage compliance. This approach also gives the Department flexibility within its compliance efforts to apply its resources with optimal impact. Consider these systemic changes as a complement to a site-by-site approach.

However, the scope of our work does not include the design of a solution. Rather, it is performance based. For example, if a restroom must be made accessible we will make that recommendation. We will not design a solution that includes walls to be removed or plumbing solutions. Those are tasks for Department staff or contractors.

**This is also about accountability.** The adjustments to door closers, eliminating changes in level, and other recommended actions are ineffective if not maintained over time by Department employees. We recommend the following to facilitate review:

**First, read the final report cover letter.** It describes the concepts and requirements invoked throughout the report.

**Second, read this Conclusion section.** This is a review of the deficits we observed, and our suggested solutions and retrofits.

**Third, read the 66 site reports.** Use your computer and you will have instant access to the report for that site, the photos.

**Fourth, use your knowledge of the sites and of your staffs' expertise.** You know the Department sites better than we do, and you know the staff better than we do. Blend in what you know with what we recommend. There is always another way to solve an access problem...perhaps you will be the one to see that solution.

# COMMON ISSUES

In our evaluation, some common issues arose. The common issues are also “big picture” items for the Department and incorporate many of the specific site recommendations.

## Maintenance

The Department uses a conscientious staff to maintain its facilities. However, over time, every facility yields to wear and tear. There is a correlation between maintenance and accessibility, in areas such as parking lots and doors. The recommendations below describe ways in which strong maintenance can address some access deficits.

1. **Provide training** to maintenance staffs regarding the features of an accessible route (AR) and how to ensure that it remains unobstructed. The result of this training is that staffs will place assets such as garbage cans or signs so they are adjacent to the AR.
2. **Purchase some new tools.** The Department should have enough battery-powered digital levels, and tools to measure pounds of force for doors, to equip some staff for occasional spot-checks. A great website for gauges is:

<http://www.technologylk.com/crl-door-pressure-gauge-lk-HMC035.htm?src=froogle>.

## Changes in Level and Gaps

The routes that make up the Department network of accessible routes are in fair condition. Wear and tear, settling, weather, and other factors combine to cause changes in level and gaps along portions of those accessible routes, making that portion non-compliant and a barrier to many visitors with physical and sensory disabilities.

Removing changes in level and gaps has a significant universal design benefit. More people with all types of conditions can more easily use Department routes, such as staff pushing carts of supplies, parents with kids in strollers, and people using an assistive device such as a wheelchair, Segway, or walker.

3. **Eliminate changes in level** by the end of 2022. Using the rationale that the most severe changes in level are the greatest barriers to access, make changes in level of greater than .75" the highest priority. Make changes in level of between .5" and .75" the second priority. Make beveling of changes in level of .25" to .5" the third priority.
4. **Add** change in level of more than .25" to maintenance safety checklists in 2018. This will help identify and correct these problems before they expand. Make or buy premeasured shims and distribute to employees for their use and ease of measurement.
5. **Add inspections for gaps** of greater than .5" to maintenance safety checklists in 2018. Identify and fill these gaps before they expand. In the alternative, consider resurfacing segments of deteriorated asphalt routes.



## Employee Work Areas

The Department employs skilled full time staff, making Department services available to residents. The Department employs many more on a part-time or seasonal basis. The Department likely already has employees with disabilities and in the future, will have more employees with disabilities, in all categories...full time, seasonal, and regular part time.

It is important to address access to work areas, and the title II regulation and the work of the Access Board do so. Section 203.9 of the 2010 Standards for Accessible Design clearly describes the requirements for the treatment of employee areas.

Generally, a person with a disability should be able to approach, enter, and exit the work area. This is addressed in the Standards by requirements for accessible routes, maneuvering clearance, and accessible means of egress. Other factors are door width, and threshold changes in level.

This approach is effective so long as when the Department hires an employee with a disability, or a current employee acquires a disability, the Department will remove architectural barriers in work areas or make other title I reasonable accommodations. Title I is the portion of the ADA that applies to employer-employee relationships.

Excluded from this exception are some common spaces in employee areas. These must meet the technical requirements for access, and cannot meet only the approach, enter, and exit test:

- Corridors
- Toilet rooms
- Kitchenettes for employee dining use
- Break rooms

The two recommendations below are important for all employees at all Department sites.

6. **Address accessibility in MPS personnel policies**, and note that, upon request by an employee, the Department will make reasonable accommodations, which may include the removal of architectural barriers in workspaces.
7. **Require new construction, and alterations or additions** that include employee work areas, to be designed and constructed so they are compliant with the 2010 Standards for Accessible Design and the Wisconsin ADA Accessibility Guidelines.

## Accessible Parking

The Department uses and maintains approximately 965 standard parking spaces at sites, and 58 more that it designates as accessible parking stalls. In correcting or refreshing accessible stalls, the Department could address all of them at once to eliminate inconsistencies.

8. **Create a parking stall template.** A suggested template is below.

### Parking Stall Dimensions

Stalls are a minimum of 8' wide. An adjacent access aisle must also be a minimum of 5' wide. The access aisle must be diagonally striped with high quality paint. The access aisle can be shared with another accessible stall.

The collection of signs must include the US Department of Transportation R7-8 standard sign (the blue icon in a wheelchair). Below that must be the statewide fine sign. Unless the City of Milwaukee has adopted a higher fine by ordinance, the sign must note the statewide fine.

Federal settlement agreements require a third sign, on at least one stall, that says VAN ACCESSIBLE. This stall must be 11' wide with a 5' access aisle. An acceptable alternate is 8' and 8'.

Finally, the bottom edge of the R7-8 sign is a minimum of 60" above the finished grade. We suggest that the signpost be centered at the head of the accessible stall and we suggest that the curb cut and detectable warning run the distance of the access aisle.

The most common deficit in accessible parking stalls and access aisles is the slope. Standards limit the slope to not more than 2.08% in any direction. This is a challenging requirement that can take considerable effort to meet.

## Connection to the Accessible Route

The access aisles should connect to an AR. The maximum running slope for the AR is 5%, and to account for heaving and settling, we recommend 4%. The maximum cross slope is 2%.

## Passenger Loading Zone

The loading zone must have an access aisle adjacent and parallel to vehicle pull-up space. The loading zone access aisle must be a minimum of 60" wide and 20' long. Confirm this template to ensure compliant stalls.

9. In 2019, **implement a plan to correct or refresh every accessible stall** at every Department facility. Incorporate this task into other plans that require parking lot repair, restriping, or resurfacing. This is an alternative to a site-by-site approach and may be more cost-effective for the Department.

## Running Slope and Cross Slope

We saw running slopes steeper than permitted. At some sites, this was a minimal issue, but at other sites, it was a significant variance. This condition naturally occurs when concrete settles, or when connections between new and old routes are off by fractions of an inch. Cross slope is equally important, as it serves drainage as well as access purposes.

10. **Adopt a policy** that in new construction and alterations the AR slope shall not exceed 1:21, or 4.7%, as opposed to 1:20, or 5%. This allows for field error.
11. **Adopt a policy** that in new construction and alterations the ramp slope shall not exceed 1:13, or 7.7%, as opposed to 1:12, or 8.33%. This allows for field error. It also makes ramps easier to use for everyone, not just people with disabilities. This universal design approach is also a risk management tool.
12. **Adopt a policy** that in new construction or alterations the cross slope shall be an integral part of the project and shall not exceed 2% or 1:50.

## Detectable Warnings

The US Access Board suspended the detectable warning requirement in the late 90's, for a period of several years. It was restored in 2002. However, it is not required in as many locations in the 2010 Standards.

**We still, however, as a smart practice, recommend the use of detectable warnings.** It is typical to see non-compliant detectable warnings in every community. The detectable warnings at curbs that are not compliant are often a crosscut of concrete, or a grid laid on wet concrete to create a diamond-shaped indentation. Over time, the Department should replace these.

13. As with parking, **develop a template for detectable warnings.**

14. In the same year that parking is refreshed, **implement a plan to correct or refresh every detectable warning** at every curb or crossing at Department facilities. If necessary, phase this out over a period of two or three years.

## Door Opening Force Requirements

In Department buildings we audited, there are approximately 500 doors that are used by Department users. Many have closer mechanisms. Some of these need adjustment to bring the pounds of force (lbf) necessary to open the door into compliance (5 lbf for interior doors and 8.5 lbf for exterior doors).

However, some of the closers are just old. The wear and tear of 20 or more years erodes the closer effectiveness.

15. **Evaluate and determine the age of door closers.**

16. **Add door closer maintenance checks** to safety checklists in 2019 and for closers with 10 years of service or less, aggressively maintain them for effectiveness.

17. **Purchase and install new door closers** for all exterior doors (with closers 20 years old or more) and 50% of interior doors in 2020 or as soon as is possible.

18. **Purchase and install** new door closers for all remaining interior doors (with closers 20 years old or more) in 2021 or as soon as is possible.

## Signage

Department signs serve several purposes. First, signs assist wayfinding in buildings, such as the Oasis.

Second, signs identify important permanent elements of facilities, such as restrooms. Third, signs facilitate access by people with vision and physical limitations. We did not note a signage template at the sites we evaluated.

The 2010 Standards treats two types of signs differently. Signs for permanent spaces, such as a bathroom, must be in both Grade 2 Braille and raised lettering. Signs that are directional or informational only require visual lettering of a certain size. Be certain to incorporate these approaches into signs in buildings and sites operated by the Department.

19. **Develop a sign template** in 2018 that describes where and in what facilities signs will be used. The template could include size of sign, mounting height, mounting location, size of characters, space between characters, contrast between characters and background, icons or symbols used in the signs, MPS information in the signs (name of facility? phone number?), and more.
20. **Implement signage template and refresh** Department site signage in 2020.

## Bathrooms

Bathrooms are an essential part of a visit to a MPS Department of Recreation and Community Services site. Exercise, food and beverage, social activities, and more all rely on one of the oldest designs known to us. Making those facilities accessible is tremendously important.

Additionally, portable toilets placed temporarily at sports fields and event venues **must** be accessible and **must be served by an accessible route**.

21. **Develop a bathroom template in 2019.** Confirm it with the State of Wisconsin Plumbing Code. Be sure to include temporary facilities such as portable toilets in the template. The template should address the toilet, grab bars, items in the stall such as toilet paper and hooks, the stall itself, operating mechanisms, mirrors, sinks, hand towels, and more.
22. **Include bathroom renovations** in the MPS Capital Improvement Plan.
23. **Consider the use of automatic flush controls.** These have environmental benefits and are also a great way to eliminate some accessibility problems.
24. **In the interim, implement non-structural modifications recommended in each section of this report**, such as lowering mirrors, remounting grab bars, changing the height of toilets and urinals, installing compliant stall hardware, and so forth. These less costly changes on a site-by-site basis serve City residents well until resources to renovate restrooms on a comprehensive scale.
25. **Make one portable toilet**, if made available at a site, accessible. This includes a portable toilet placed at a picnic shelter or adjacent to sports fields. These must be accessible and must be served by an **accessible route**. **If the Department has sites with portable toilets, this must be addressed. Use our single-user toilet checklist, and require compliance by MPS vendors.**

## Alarms

In existing facilities where an aural or audible fire alarm system is provided, a visual alarm is not required unless the building was constructed after January 26, 1992 or has been upgraded since that same date. If an alarm in an existing facility is audible only, it need not be modified with a visual alarm unless it is replaced or upgraded in the future.

26. **Determine in 2019** if systems have been upgraded or replaced since 1992.
27. **Develop a plan in 2020** for the installation of aural and visual alarms in renovations.
28. **Retrofit construction that occurred since 1992** to include aural and visual alarms by the end of 2024.

## Brochures and Website

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The use of a facility grid in Department brochures, and an online Map of Parks and Facilities, is a great tool for residents and can now be used to communicate about accessibility. Create icons to note access work the Department staff completes and indicate in your grid where, for example, the accessible picnic areas are, or where the accessible pools are.

29. **Update the parks and facilities** information on the website to reflect Department plans regarding our recommended retrofits, to note which sites are accessible or will be made accessible.

## Website

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The title II regulation requires that all public communication used by the Department be available to people with disabilities. Many people with vision impairments use websites every day with the aid of technical equipment.

The Department is required to evaluate its website and make it compliant with the Website Content Accessibility Guidelines (WCAG) 2.0. We addressed this issue in a separate report. A link at the US Department of Justice website offers guidance on this. The Department IT staff should become familiar with this issue. Go to <http://www.ada.gov/websites2.htm>. The Department can also check the accessibility of its website at a free service. Link to Cynthia Says at [http://www.icdri.org/test\\_your\\_site\\_now.htm](http://www.icdri.org/test_your_site_now.htm) and test your website.

30. **Evaluate the Department website** and make changes so that the information on the site is accessible to people with disabilities.

## Gymnasiums

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The minimum required of the Department by title II of the ADA is that the “program” of gymnasiums be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing gyms should be accessible. We recommend that at least one of every three be accessible. There are 29 gymnasiums and there is access to 13.

All gyms are accessible once inside, but many of the schools have interior route issues due to the door designated as the MPS entry. We recommend no new access.

31. **Make corrections** cited in report so the gymnasiums below remain accessible:

- Alcott
- Bradley Tech
- Cooper
- Gaenslen
- Hamilton
- Madison (2)
- Milwaukee School of Languages
- Milwaukee Marshall (2)
- Obama
- Riverside (main gym)
- Vincent (main gym)



32. **Leave as is**, the gymnasiums at the following schools, until these are next altered or replaced:

- 81st Street
- Bay View
- Beulah Brinton
- MacDowell (2)
- North Division (2)
- Parkside (2)
- Pulaski (2)
- Riverside (aux gym)
- South Division
- Vincent (aux gym)
- Washington (2)

33. **Advertise the accessible gymnasiums** in Department website and publications.

## Swimming Pools

The **minimum required** of the Department by title II of the ADA is that the “program” of athletic fields be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing pools must be accessible. We recommend that at least one of every three be accessible.

There are 12 pools and none are accessible. **We recommend access to four.**

34. **Make corrections** cited in reports so the pools below become accessible:

- Gaenslen School
- Hamilton School
- Milwaukee Marshall
- Vincent

35. **Leave as is** the pools at the following sites until these are next altered or replaced:

- Bay View (2 of 2)
- MacDowell
- Madison
- North Division
- Riverside
- South Division
- Washington

36. **Advertise the accessible pools** in Department website and publications.

## Weight Room / Fitness

The **minimum required** of the Department by title II of the ADA is that the “program” of fitness be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing weight room/fitness areas

must be accessible. We recommend that at least one of every three be accessible.

There are two weight rooms and one fitness center. The fitness center is accessible at Oasis and the weight room at Obama. **We recommend no new access.**

37. **Make corrections** cited in reports so the weight room/fitness centers below remain accessible:

- Oasis Fitness
- Obama Weight Room

38. **Leave as is** the fitness area at the following site until these are next altered or replaced:

- South Division

39. **Advertise the accessible fitness facilities** in Department website and publications.

## Auditorium / Stage Access

The **minimum required** of the Department by title II of the ADA is that the “program” of auditoriums be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing auditoriums must be accessible. We recommend that at least one of every three be accessible.

There are 3 auditoriums where the stage is used for yoga classes and none are accessible. We recommend access to one.

40. **Make corrections** cited in reports so the auditorium stage below becomes accessible:

- Vincent

41. **Leave as is** the auditorium at the following sites:

- MacDowell
- Parkside

42. **Advertise the accessible auditorium/stage** in Department website and publications

## Playgrounds

The minimum required of the Department by title II of the ADA is that the “program” of playgrounds be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing playgrounds should be accessible. We recommend that at least one of every three be accessible. There are 25 playgrounds and one is accessible. We recommend access to 14 more.

43. **Make corrections** cited in report so the playgrounds below **remain or become** accessible:

- Auer Ave. Playfield (2)
- Carmen Playfield
- Cass St. Playfield (2)
- Emigh Playfield
- Fairview Playfield
- Gra-ram Playfield
- Holt Playfield
- Lewis Playfield
- Merrill Playfield
- Ohio Playfield
- 78th St. Playfield
- Stark Playfield
- Uncas Playfield

44. **Leave as is**, the playgrounds at the following sites, until these are next altered or replaced:

- Brinton Playfield
- Dyer Playfield
- Enderis Playfield
- Hawthorn Glen Playfield (2)
- Jewell Playfield
- Juneau Playfield
- Pulaski Playfield
- Sijan Playfield
- Wick Field

45. **Advertise the accessible playgrounds** in Department website and publications.

## Wading Pools

The **minimum required** of the Department by title II of the ADA is that the “program” of wading pools be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing pools must be accessible.

We recommend that at least one of every three be accessible. There are five wading pools and three are accessible. **We recommend access to one more.**

46. **Make corrections** cited in reports so the pools below **remain** accessible:

- Burbank Playfield
- Holt Playfield
- Ohio Playfield

47. **Make corrections** cited in reports so the pool below **becomes** accessible:

- Merrill Playfield

48. **Leave as is** the pool at the following site until this is next altered or replaced:

- Enderis Playfield

49. **Advertise the accessible wading pools** in Department website and publications.

## Ballfields - Softball

The **minimum required** of the Department by title II of the ADA is that the “program” of softball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing softball fields must be accessible. We recommend that at least one of every three be accessible.

There are 59 softball fields and five are accessible. **We recommend access to 27 more.**

50. **Make corrections** cited in reports so the softball fields below **remain** accessible:

- Garden Homes Playfield (1 of 2)
- Merrill Playfield (2)
- 78th St. Playfield (1 of 2)
- Sijan Playfield (1 of 3)

51. **Make corrections** cited in reports so the softball fields below **become** accessible:

- Brinton Playfield
- Browning Playfield
- Bryant Playfield
- Burbank Playfield (2)
- Carmen Playfield
- Cooper Playfield
- Emigh Playfield (2)
- Fairview Playfield (1 of 2)
- 53rd St. Playfield
- Gra-ram Playfield (2)
- Hampton Playfield
- Holt Playfield
- Lincoln Playfield
- Lowell Playfield
- N. 65th St. Playfield
- Ohio Playfield
- Parkview Playfield
- Pumping Station Playfield
- Rogers Playfield
- Stark Playfield (2)
- Uncas Playfield
- Vincent Playfield (1 of 4)
- Warnimont Playfield

52. **Leave as is** the softball fields at the following sites until next altered or replaced:

- Dyer Playfield (2)
- S. 88th St. Playfield
- Enderis Playfield
- Fairview Playfield (1 of 2)
- Garden Homes Playfield (1 of 2)
- Hamilton Playfield
- Jewell Playfield
- Juneau Playfield
- Lewis Playfield (2)
- Pulaski Playfield
- Riverside Playfield
- 78th St. Playfield (1 of 2)
- Sijan Playfield (2 of 3)
- Vincent Playfield (3 of 4)
- Whitman (2)
- Wick Field (6)

53. **Advertise the accessible softball fields** in Department website and publications.

## Ballfields - Baseball

The **minimum required** of the Department by title II of the ADA is that the “program” of baseball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar recurring sites, no guidance is given as to how many existing baseball fields must be accessible. We recommend that at least one of every three be accessible.

There are 12 baseball fields and one is accessible. **We recommend access to seven more.**

54. **Make corrections** cited in reports so the baseball field below **remains** accessible:

- Wick Field

55. **Make corrections** cited in reports so the baseball fields below **become** accessible:

- Bryant Playfield
- Emigh Playfield
- Garden Homes Playfield
- Hampton Playfield
- Pumping Station Playfield
- Rogers Playfield
- Vincent Playfield

56. **Leave as is** the baseball fields at the following sites until next altered or replaced:

- Dyer Playfield
- Hamilton Playfield
- Merrill Playfield
- Sijan Playfield

57. **Advertise the accessible baseball fields** in Department website and publications.

## Tennis

The **minimum required** of the Department by title II of the ADA is that the “program” of tennis be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing tennis courts must be accessible.

We recommend that at least one of every three be accessible. There are 99 tennis courts and 22 are accessible. **We recommend access to 45 more.**

58. **Make corrections** cited in reports so the tennis courts below **remain** accessible:

- Emigh Playfield (2)
- Enderis Playfield (2)
- Pulaski Playfield (2)
- Pumping Station (2)
- Sijan Playfield (6)
- Wick Field (8)



59. **Make corrections** cited in reports so the tennis courts below **become** accessible:

- Bryant Playfield (4)
- Cass St. Playfield (2)
- Gra-ram Playfield (3)
- Holt Playfield (2)
- Lincoln Playfield (5)
- Lowell Playfield (2)
- Merrill Playfield (8)
- Ohio Playfield (2)
- 78th St. Playfield (6)
- Stark Playfield (2)
- Uncas Playfield
- Vincent Playfield (6)
- ☐ Warnimont Playfield (2)

60. **Leave as is** the courts at the following sites:

- Alcott Playfield (4)
- Cooper Playfield (3)
- Dyer Playfield (3)
- Jewell Playfield (2)
- Juneau Playfield (6)
- Riverside Playfield (6)
- Wedgewood Playfield (8)

61. **Advertise the accessible tennis courts** in Department website and publications.

## Volleyball

The **minimum required** of the Department by title II of the ADA is that the “program” of volleyball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many volleyball courts must be accessible.

We recommend that at least one of every three be accessible. There are seven volleyball courts and none are accessible. **We recommend access to one.**

62. **Make corrections** cited in reports so volleyball court below **becomes** accessible:

- Carmen Playfield

63. **Leave as is** the volleyball courts at the following sites until next altered or replaced:

- Brinton Playfield (4)
- Enderis Playfield (2)

64. **Advertise the accessible volleyball courts** in Department website and publications.

## Basketball

The **minimum required** of the Department by title II of the ADA is that the “program” of basketball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing basketball courts must be accessible.

We recommend that at least one of every three be accessible. There are 17 basketball courts, and eight are accessible. **We recommend access to six more.**

65. **Make corrections** cited in reports so the basketball courts below **remain** accessible:

- Cass St. Playfield
- Jewell Playfield
- Juneau Playfield
- Lewis Playfield
- Lincoln Playfield
- Merrill Playfield
- Pumping Station Playfield
- Stark Playfield

66. **Make corrections** cited in reports so the basketball courts below **become** accessible:

- Carmen Playfield
- Gra-ram Playfield
- Holt Playfield
- Ohio Playfield
- Uncas Playfield
- Warnimont Playfield

67. **Leave as is** the basketball courts at the following sites until next altered or replaced

- Brinton Playfield
- Dyer Playfield
- Sijan Playfield

68. **Advertise the accessible basketball courts** in Department website and publications.

## Athletic Fields

The **minimum required** of the Department by title II of the ADA is that the “program” of athletic fields be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing athletic fields must be accessible.

We recommend that at least one of every three be accessible. There are 23 athletic fields and none are accessible. **We recommend access to four.**

69. **Make corrections** cited in reports so the athletic fields below **become** accessible:

- Hampton Playfield
- Vincent Playfield (3)

70. **Leave as is** the athletic fields at the following sites until next altered or replaced:

- Brinton Playfield
- Browning Playfield
- Dyer Playfield
- S. 88th St. Playfield
- Emigh Playfield
- Enderis Playfield (2)
- Garden Homes Playfield (2)
- Hawthorne Glen Playfield
- Juneau Playfield
- Lincoln Playfield
- Pumping Station Playfield
- Rogers Playfield (2)
- 78th St. Playfield
- Sijan Playfield (3)

71. **Advertise the accessible athletic fields** in Department website and publications.

## Picnic Areas

The **minimum required** of the Department by title II of the ADA is that the “program” of picnicking be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing picnic areas must be accessible.

We recommend that at least one of every three be accessible. There are seven picnic areas and none are accessible. **We recommend access to three.**

72. **Make corrections** cited in reports so the picnic areas below **become** accessible:

- Cass St. Playfield
- Hawthorn Glen Playfield (1 of 2)
- Merrill Playfield

73. **Leave as is** the picnic areas at the following site until next altered or replaced:

- Enderis Playfield
- Hawthorn Glen Playfield (1 of 2)
- Ohio Playfield
- Wick Field

74. **Advertise the accessible picnic areas** in Department website and publications.

## Fieldhouses

The **minimum required** of the Department by title II of the ADA is that the “program” of fieldhouses be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar recurring sites, no guidance is given as to how many existing fieldhouses must be accessible.

We recommend that at least one of every three be accessible. There are 25 fieldhouses, and all have issues. **We recommend access work at 16.**

75. **Make corrections** cited in reports so the fieldhouses below **become** accessible:

- Auer Ave. Playfield
- Bryant Playfield
- Carmen Playfield
- Cass Playfield
- Cooper Playfield
- Emigh Playfield
- Fairview Playfield
- Hampton Playfield
- Hawthorn Glen Playfield
- Holt Playfield
- Lincoln Playfield
- Merrill Playfield
- Ohio Playfield
- Pumping Station Playfield
- 78th St. Playfield
- Stark Playfield

76. **Leave as is** the fieldhouses at the following sites until these are next altered or replaced:

- Burbank Playfield
- Dyer Playfield
- Enderis Playfield
- Jewell Playfield
- Juneau Playfield
- Lewis Playfield
- Pulaski Playfield
- Sijan Playfield
- Wick Field

77. **Advertise the accessible fieldhouses** in Department website and publications.

## Public Feedback

An integral part of the self-evaluation of sites and facilities, and the development of a transition plan, is the involvement of the public.

These can be very positive events. The community typically appreciates what steps have been taken by the Department and provide valuable feedback regarding priorities and preferences.

Four public feedback sessions were held. The community center sessions were held on the morning of November 10, 2018 and the afternoon of November 14, 2018. The playfield sessions were held the evening of September 17, 2019 and the afternoon of September 18, 2019. There was no attendance at the September 17th event, but nine individuals attended the event on September 18th. Information shared is available in the Community Engagement Report.

# FUNDING ACCESS RETROFITS

We have developed this section of the report to discuss some of the funding sources other government entities have used for accessibility compliance. This is not a comprehensive list, but is a good primer. These have proven to be effective for other jurisdictions and may or may not be applicable in Milwaukee.

## **No Dedicated Federal Source**

There is no dedicated source of federal funds for accessibility renovations to existing sites. This will not likely change in the future. As an example of the unpredictability of federal funding, we look to the Land and Water Conservation Fund (LAWCON). The LAWCON stateside portion, even with a dedicated funding source, is typically underfunded by as much as 80%. There is no US Department of Education retrofit program that we are aware of.

## **Earmarks or Federal Discretionary Funds**

Some of our local government clients, in years past, have pursued Congressional earmarks for access work. Earmarks are not in practice today in Washington. However, we cannot predict whether that will remain the case. We recommend that the Department ask its Members of Congress for help in identifying federal funds that could be used for access.

## **Community Development Block Grant Funds**

Several of our clients acquired Community Development Block Grant (CDBG) funds for access renovations at existing sites. CDBG funds often have a scale of priority. It would be important to establish accessibility as a priority for CDBG applications, which tend to be very competitive.

## **State Grants Programs**

Several states, and several of our clients, have successfully pursued state legislation to set aside dedicated state funds that can be used for specific purposes, including access retrofits. To name a few, Illinois, New Jersey, Colorado, Ohio, Florida, and Texas all have sources of revenue funded in various ways, such as a real estate transfer tax. While the various states have all at times not fully funded these grant programs, they remain an effective tool for Cities regarding site acquisition and development.

## **State Discretionary Funds**

Most state legislatures provide some type of discretionary funding for members of the legislature. In some states, these are relatively small grants of under \$50,000. In other states, it is common to see legislative grants of \$500,000 or more. As with earmarks these have become less popular in recent years, but still exist in many states.



## Private Giving

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Some of our clients have successfully sought private gifts for accessibility purposes. The private giving area is subject to fluctuations depending on the economy, political issues, and related fiscal impacts. In our experience, pursuing private giving works best when an agency such as MPS has an employee dedicated to this purpose.

## Corporate Giving

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Some of our clients have successfully sought grants from corporations. These may, for corporate purposes, come from marketing (such as naming rights to a Department facility) or from community giving. Many corporations have a related foundation that manages corporate giving. A good example is the Mitsubishi Foundation. In our experience, pursuing corporate giving works best when an agency such as MPS has an employee dedicated to this purpose.

## Community Foundations and Other Foundations

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Community foundations, which operate on a regional basis, have also been involved in accessibility giving. Perhaps the greatest example here is the multi-million dollar Kellogg Foundation project that improved accessibility in Michigan, Ohio, Indiana, Illinois, and other states that bordered the Kellogg headquarters in Michigan.

## Other Methods

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There are other methods to offset access costs. These worked in that community, and may or may not work in Milwaukee.

A New Jersey community takes 100% of accessible parking fines and applies those towards recreation for people with disabilities. Eugene, Oregon is currently considering such a program.

Several Illinois park districts have added a \$1 to \$10 surcharge to every registration. Those Districts earmark the fees generated for access and inclusion expenses.

Several communities have successfully sought budget increases to address accessibility backlogs, just as they have with maintenance backlogs. Those increases may be general fund allocations, proceeds from successful referenda, or reallocations of under expended funds originally budgeted for other municipal purposes.

## Risk Management

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Investing in safety saves money for a Department by avoiding legal expenses related to injuries on Department properties. The same concept applies here. Investing in access retrofits saves MPS the cost of staff time and attorneys to defend against ADA lawsuits or complaints.

While we do not believe a decision about access should hinge solely on risk management factors, we do recommend that the Department be aware of this factor going forward. ADA enforcement continues to grow and touch more communities.

# IMPLEMENTATION

Title II of the ADA is relatively straightforward. That said, we offer some suggestions below regarding implementation of several mandates in the regulation.

1. **Maintain a strong relationship with disability groups.** Make it a point to continue to seek out and work with these groups, and seek their feedback on future initiatives.
2. **Acquire and maintain the Certified ADA Coordinator credential.** There is no nationwide credential required for ADA implementation. However, a Certified ADA Coordinator will benefit the Department, keeping it current on implementation strategies and smart practices from school districts, special purpose districts, counties, and cities throughout the United States.
3. **Identify available sign language interpreters and enter into agreements** before situations arise where the Department needs such services. Negotiate rates, availability, environments where the work will occur, and so forth.
4. One of the title II requirements for communications produced by the Department requires the Department to respond to inquiries in the form in which the inquiry is made. We also believe that this is the courteous way to respond. Here, if an inquiry to the Department comes in the form of a Braille document, the response from the Department should also be in Braille.

**We recommend that the Department either locate the nearest Braille printer and enter into an arrangement for use, or simply acquire one and have employees learn how to use it.** For a review of this topic by the American Foundation for the Blind, visit this site.

5. **Acquire assistive listening systems.** There are three principal types: inductive loop systems, infrared systems, and FM systems. These devices are helpful for persons with some residual hearing. These devices separate speech from ambient noise and amplify speech. People who are deaf or hard of hearing may prefer, for various reasons, one type of device. The National Association of the Deaf has a brief review of the topic here.
6. **Monitor the development of the website accessibility requirements.** The Department of Justice suspended the website accessibility guideline in 2016 because technology had advanced so much that the old guideline, developed in 2011, was obsolete. The plan was that the Department of Justice would reevaluate the guidance and issue a final and enforceable Standard in 2018.

That plan has been discarded. The website standard development has been suspended by the current Administration. Additionally, a 2017 Presidential directive requires that for every new regulation issued, two are rescinded. That has created significant turmoil in the world of accessibility, where there are only three regulations (title II, title III, and the 2010 Standards).

To rescind one of the three would have disastrous consequences for Wisconsin residents with disabilities. We believe it likely that no new standards related to accessibility will be issued in the immediate future.

Here, the nonprofit technology community has stepped in to fill the void. The most current version of the Website Content Accessibility Guideline (WCAG) is recognized as the standard to follow.

7. **Develop an ongoing series of disability training for employees.** Every day, new products appear on the market, agencies issue new enforcement decisions, and cities and counties perfect new

strategies for inclusion and access. Keep current on these developments and share this news with Department staffs.

8. **Require employees to add access and inclusion subject matter to their “diet” of continuing education.** It is important to seek out and attend training events that relate to the work of the employee, and focus on access and inclusion.

## Conclusion

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The MPS Department of Recreation and Community Services has a variety of recreation facilities and sites. The skilled staff operates facilities and sites the community wants and enjoys. This report identifies some issues that are typical in a Department infrastructure. The Department takes steps towards accessibility every year and that undoubtedly helped.

The Department should determine to what extent it will act on our recommendations and any staff recommendations. Access work should occur every year during the transition plan. While no one can say with certainty how long the Department can stretch these projects, we urge the Department to make access retrofits an ongoing part of its annual budgets. Department of Justice officials have said work must be completed as soon as is possible.

**Be certain to understand that the Department could be forced to accelerate its pace. Making access work a high priority is critical.**

Your strategy should definitely address the common issues identified in this report. It is also important to audit and schedule retrofits for other Department sites such as parks. Eventually, MPS itself should undertake this task for all MPS schools and other facilities.

The Department should be commended for undertaking this task. Although this access audit and the transition plan are both mandated tasks, many of your neighbors have not completed these steps. In closing, thanks again to the staff in the Department for their cooperation and spirit. All of the team at our firm enjoyed working with them.

Call me at the WT Group, LLC Accessibility Practice at 224-293-6451 if there are any questions. Thanks again for inviting us to work with the Milwaukee Public Schools.

Submitted by:



**John N. McGovern, J.D.**  
**Partner Principal in Charge**  
**WT Group Accessibility Practice**

JNM/MPS RECREATION AND COMMUNITY SERVICES CONCLUSION 202001

# ADA TRANSITION PLAN

The Department must have a transition plan per 35.150(d) of the DOJ title II regulation. The plan should identify the barrier, the corrective work, the date by which the work will occur (in our reports, the Phase), and the person responsible for barrier removal.

Barriers should be removed as soon as is possible. No Department can remove all barriers at the same time. Phasing the work to be done allows for access to occur and makes the best use of the resources of the Department.

We recommend that retrofit work occur in three phases. We also note the work we recommend need not occur in a category titled Department Option. Should Department plans change, or should other resources become available, the corrective work needed at these sites is known.

We have made cost references for the corrective work recommended. We note that these are not estimates and should be used only for planning purposes. The final design, the year in which the work will occur, the relationship with the contractor, and many other factors must be considered before a cost estimate is made.

## Indoor Sites

The total of corrective work we recommend is \$2,595,406.70 and we believe it can be implemented over a period of 13 years. We emphasize that the Department has some flexibility here, but that work should be completed as soon as is possible.

In Phase One, we recommend work in the amount of \$1,305,163.70. Generally, the work in this Phase falls into two categories: easy to do with existing staff and resources (low-hanging fruit), and old requirements (such as parking) at sites otherwise accessible. The Department should decide how many years are within a phase. **Here we would suggest that Phase One is a six-year process.**

In Phase Two, we recommend work in the amount of \$810,302.00. Generally, the work in this Phase includes changes to recreation amenities, such as playground surfaces, ball fields, and athletic fields. The Department should decide how many years are within a phase. **Here we would suggest that Phase Two is a four-year process.**

In Phase Three, we recommend work in the amount of \$479,941.00. Generally, the work in this Phase falls into two categories: elements not yet addressed by a final Standard, and elements where correction is complex or costly. The Department should decide how many years are within a phase. **Here we would suggest that Phase Three can be accomplished in three years.**

We identified work in the amount of \$2,730.00 in Phase Four, or Department Option. Generally, this is an element or site with access deficits where we believe the Department already meets the program access test and need not make these sites accessible, until later altered for another purpose.

## Outdoor Sites

Our first year of work project addressed Department facilities. This second year of work addresses parks and park assets. The total of corrective work we recommend in this second year of work for parks is \$5,713,225.51. We believe it can be implemented over a period of 13 years. We emphasize that the Department has some flexibility here, but that work should be completed as soon as is possible. We urge the Department to blend retrofits with other CIP activity related to equity.

In Phase One, we recommend work in the amount of \$44,385.00. Generally, the work in this Phase falls into two categories: easy to do with existing staff and resources (low-hanging fruit), and old requirements (such as parking) at sites otherwise accessible. The Department should decide how many years are within a phase. **We suggest Phase One is a one-year process.**

In Phase Two, we recommend work in the amount of \$948,821.65. Generally, the work in this Phase includes changes to recreation amenities, such as playground surfaces, ball fields, and athletic fields. The Department should decide how many years are within a phase. **We suggest that Phase Two is a six-year process.**

In Phase Three, we recommend work in the amount of \$1,066,098.93. Generally, the work in this Phase falls into two categories: elements not yet addressed by a final Standard, and elements where correction is complex or costly. The Department should decide how many years are within a phase. **We suggest that Phase Three is accomplished in seven years.**

We identified work in the amount of \$2,022,946.78 in Phase Four, or Department Option. Generally, this is an element or site with access deficits where we believe the Department already meets the program access test and need not make these sites accessible, until later altered for another purpose.

We show a 5th phase that highlights areas where there is no final and enforceable standard yet. These are noted as "smart practice", and are recommended as it makes an element more usable by individuals with disabilities. The work in this phase is in the amount of \$1,630,973.15.

The table on pages 28 and 29 highlight the financial summary/obligation as a result of the site access audits.

The comprehensive ADA Transition Plan can be found [here](#).



Summary	Phase					
Site Name	1	2	3	4	5	Grand Total
81st St.	\$26,545.00	\$96.25	\$43,631.00			\$70,272.25
Alcott Playfield				\$26,152.00		\$26,152.00
Alcott School	\$16,779.00	\$5,598.25				\$22,377.25
Auer Avenue Playfield		\$51,239.75		\$0.00		\$51,239.75
Bay View School	\$56,781.00	\$67,756.50	\$43,631.00			\$168,168.50
Beulah Brinton Community Center	\$41,876.50	\$62,252.75		\$0.00	\$0.00	\$104,129.25
Bradley Tech High School	\$36,303.75				\$0.00	\$36,303.75
Brinton Playfield				\$28,421.25		\$28,421.25
Browning Playfield	\$9,452.00					\$9,452.00
Bryant Playfield		\$238,963.85	\$420.00	\$2,730.00	\$2,960.00	\$245,073.85
Burbank Playfield	\$514.50			\$167,376.75		\$167,891.25
Carmen Playfield			\$84,403.00	\$700.00		\$85,103.00
Cass Street Playfield			\$163,519.25	\$5,484.50		\$169,003.75
Central Services	\$75,512.05	\$10,752.00		\$2,380.00	\$0.00	\$88,644.05
Cooper Playfield				\$56,414.00		\$56,414.00
Cooper School	\$16,347.00	\$1,470.00			\$0.00	\$17,817.00
Dyer Playfield				\$100,996.90		\$100,996.90
Eighty-Eighth St. Playfield	\$1,092.00	\$4,440.00		\$7,084.13		\$12,616.13
Emigh Playfield			\$113,608.88	\$0.00	\$350,227.20	\$463,836.08
Enderis Playfield	\$6,510.00			\$189,062.18		\$195,572.18
Fairview Playfield			\$143,108.70	\$2,380.00		\$145,488.70
Fifty-Third St Playfield			\$6,324.00			\$6,324.00
Gaenslen School	\$67,913.65	\$62,996.50				\$130,910.15
Garden Homes Playfield	\$13,429.00			\$2,960.00		\$16,389.00
Gra-Ram Playfield		\$39,488.00			\$350,227.20	\$389,715.20
Hamilton H.S. Playfield				\$22,740.50		\$22,740.50
Hamilton School	\$65,955.00	\$97,400.75		\$0.00		\$163,355.75
Hampton Playfield		\$84,937.50		\$1,750.00		\$86,687.50
Hawthorn Glen Playfield	\$12,295.50			\$258,981.65		\$271,277.15
Holt Playfield			\$65,390.13	\$0.00	\$351,347.20	\$416,737.33
Jewell Playfield				\$42,670.00		\$42,670.00
Juneau Playfield			\$59,200.00	\$236,093.63		\$295,293.63
Lewis Playfield				\$71,422.65	\$183,993.60	\$255,416.25
Lincoln Playfield		\$84,760.75		\$2,380.00	\$183,993.60	\$271,134.35
Lowell Playfield		\$30,493.75				\$30,493.75

MacDowell School	\$54,657.25	\$18,336.50	\$87,262.00			\$160,255.75
Madison School	\$55,569.15	\$84,812.00				\$140,381.15
McDowell School	\$5,860.75					\$5,860.75
Merrill Playfield			\$183,648.38	\$3,080.00	\$7,440.00	\$194,168.38
Milwaukee Marshall	\$103,737.00	\$80,491.25				\$184,228.25
Milwaukee School of Language	\$38,057.90	\$11,196.50		\$350.00		\$49,604.40
N. Sixty-fifth Playfield		\$18,938.75				\$18,938.75
North Division	\$71,249.50	\$74,518.50	\$43,631.00	\$0.00		\$189,399.00
OASIS	\$145,324.40	\$13,473.25		\$0.00		\$158,797.65
Obama School	\$38,931.50	\$6,079.50				\$45,011.00
Ohio Playfield			\$102,558.75	\$700.00	\$2,661.75	\$105,920.50
Parkside School	\$50,417.75	\$11,196.50	\$43,631.00			\$105,245.25
Parkview Playfield		\$5,920.00				\$5,920.00
Pulaski Playfield				\$236,489.35		\$236,489.35
Pulaski School	\$34,051.50	\$5,598.25	\$87,262.00		\$0.00	\$126,911.75
Pumping Station Playfield			\$68,595.00	\$0.00	\$329.00	\$68,924.00
Riverside Playfield				\$36,179.00		\$36,179.00
Riverside School	\$109,316.15	\$60,767.25	\$87,262.00			\$257,345.40
Rogers Playfield		\$28,199.25				\$28,199.25
Seventy-eight St. Playfield			\$75,322.85	\$2,730.00	\$167,073.60	\$245,126.45
Sijan Playfield	\$0.00	\$888.00		\$155,565.75		\$156,453.75
South Division	\$58,172.50	\$43,230.25	\$43,631.00			\$145,033.75
Stark Playfield		\$88,452.50		\$350.00	\$1,120.00	\$89,922.50
Uncas Playfield		\$124,345.00				\$124,345.00
Vincent Playfield		\$84,955.80		\$0.00	\$29,600.00	\$114,555.80
Vincent School	\$49,905.15	\$45,244.50			\$0.00	\$95,149.65
Warnimont Playfield		\$62,798.75				\$62,798.75
Washington School	\$85,900.25	\$47,034.75				\$132,935.00
Wedgewood Playfield				\$275,252.75		\$275,252.75
Whitman Playfield				\$11,259.75		\$11,259.75
Wick Field	\$1,092.00			\$75,540.05		\$76,632.05
Grand Total	\$1,349,548.70	\$1,759,123.65	\$1,546,039.93	\$2,025,676.78	\$1,630,973.15	\$8,311,362.21





A department of **MPS**