



## MEMORANDUM CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Sherilyn Lombos, City Manager

**DATE:** November 23, 2015

**SUBJECT:** Work Session for November 23, 2015

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**6:00 p.m. (15 min) – Record Holiday Greeting for Government Channel.** TVCTV will be present to record the Council’s annual holiday greeting.

**6:15 p.m. (20 min) – ADA Policy Update.** The City Attorney will present background information about current disability laws, brief the Council on the City’s current ADA policy and provide information about proposed changes to the policy.

**6:35 p.m. (20 min) – Tualatin River Greenway Trail Project Update.** Staff will present an update on the construction of the Tualatin River Greenway Gap Trail Completion Project, including a discussion of the scope, schedule, budget and related issues.

**6:55 p.m. (5 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the November 23<sup>rd</sup> City Council meeting and brief the Council on issues of mutual interest.



# STAFF REPORT

## CITY OF TUALATIN

### **City Council Work Session**

**Meeting Date:** 11/23/2015

**Subject:** Discussion of ADA Policy Update

**Through:** Sherilyn Lombos, Administration

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ADA Powerpoint

Draft ADA Policy and Notice

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*City of Tualatin*

# ADA Policy Update

CITY COUNCIL WORK SESSION  
November 23, 2015

Sean Brady  
City Attorney

# Overview

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- Disability Laws
- Current ADA Policy
- Discussion of Changes in Proposed Draft
- Next Steps



# Disability Laws

- ❑ Americans with Disabilities Act
  - ❑ Title I - Employment
  - ❑ **Title II – Public Entity Programs, Services, and Activities**
  - ❑ Title III – Private entities that provide public accommodations (hotels, theaters, offices, shops, etc).
  - ❑ Title IV – Telecommunications
- ❑ **Section 504 of the Rehabilitation Act of 1973**  
(Federal Funds)
- ❑ ORS 659A

# ADA Policy Requirements

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- Adopt an ADA Policy
  - ▣ Designate an ADA Coordinator to coordinate ADA compliance
  - ▣ Provide Public Notice of the ADA Requirements
  - ▣ Provide Information on Making Accommodation Requests
  - ▣ Establish and Publish Grievance Procedures for ADA Complaints

# Current ADA Policy

- ❑ Originally Adopted in 1992
  - ❑ Ordinance No. 858-92 (codified in TMC 1-27)
    - ❑ Created the City's ADA Policy
    - ❑ ADA Coordinator –City Manager's Designee
    - ❑ Disability Advisory Board
      - ❑ Comment on City Projects
      - ❑ Hear Complaints
  - ❑ Separate Administrative ADA Policy
- ❑ Ordinance No. 1084-01 – Amended TMC 1-27 in 2001
  - ❑ Repealed substantive provisions
  - ❑ Council hears complaints through a public hearing process

# Updated ADA Policy

- General Notice Section
- Statement on Employment
- Statement on Effective Communication
- Statement on Modification of Policies and Procedures
- Information on how to Make an Accommodation Request
- in all of the City's services, programs, and activities.
- Complaint Process
  - Informal
  - No hearings
  - Resolve at earliest stage

# Updated ADA Policy Benefits

- ❑ Legal compliance
- ❑ Clear policy that is easier to administer
- ❑ City will Post Information
  - ❑ Update website
  - ❑ Public documents
- ❑ Provide online forms to request accommodations
- ❑ Provide online forms to file complaints
- ❑ Personal and informal complaint resolution process instead of contentious public hearing process

# Next Steps

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- Bring back a resolution adopting the new ADA Policy
- Bring back an ordinance repealing TMC 1-27
- remove Council as the hearings body for ADA complaints

# QUESTIONS AND DISCUSSION



## CITY OF TUALATIN

### AMERICAN'S WITH DISABILITIES ACT POLICY AND NOTICE

#### **Notice Under the Americans with Disabilities Act.**

In accordance with Title II of the Americans with Disabilities Act of 1990, as amended, the City of Tualatin affirms its support of equal access for persons with disabilities. The City of Tualatin will not discriminate against individuals with disabilities in providing City services, programs, or activities and seeks to make its services, programs, and activities as accessible as reasonably possible.

#### **Employment**

The City of Tualatin does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

#### **Effective Communication**

The City of Tualatin will generally, upon request, provide appropriate aids and services to enable effective communication with individuals with disabilities and enable participation in the City's services, programs, and activities. Such aids and services include, but are not limited to qualified sign language interpreters, documents in alternative formats, and making information and communication accessible to people with speech, hearing, vision, and other impairments.

#### **Modification to Policies and Procedures**

The City will make all reasonable modifications to its policies and procedures to ensure that persons with disabilities have an equal opportunity to participate in all of the City's services, programs, and activities.

#### **Requesting an Accommodation**

ADA accommodation or modification is available upon request to participate in any City service, program, or activity, including City meetings or events. Accommodations include auxiliary aids or services such as sign language interpretation. To request an accommodation, contact Debra Bullard by email at [dbullard@ci.tualatin.or.us](mailto:dbullard@ci.tualatin.or.us) or by telephone at 503.691.3022 as soon as possible, but not less than 48 hours in advance. If contacted less than 48 hours in advance, the City will still make all reasonable efforts to make the accommodation.

The City of Tualatin will not place a surcharge on any person with a disability to cover the cost of providing the reasonable accommodation or modification.

Neither the ADA, nor Oregon state law requires the City to take an action that would fundamentally alter the nature of its services, programs, or activities or impose an undue financial or administrative burden.



### **Complaints About Accessibility**

Any person who believes any City service, program, or activity is not accessible to disabled persons or that a person has been subjected to unequal treatment or discrimination in the receipt of a City service, program, or activity because of a person's disability may file a Complaint with the ADA Coordinator, Debra Bullard by email at [dbullard@ci.tualatin.or.us](mailto:dbullard@ci.tualatin.or.us) or by telephone at 503.691.3022.

### **Informal Resolution**

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal meeting(s) between the ADA Coordinator, City staff, or other affected persons may be utilized for resolution. If informal resolution is not successful or the complainant wishes to proceed with a formal investigation, then the complainant may appeal the matter to the ADA Coordinator who will proceed with a formal investigation.

### **Formal Resolution**

Upon receipt of an ADA complaint, the ADA Coordinator will review the complaint and determine whether the City has jurisdiction over the complaint, whether the complaint contains the necessary information, and whether further investigation is needed. Within seven (7) calendar days of receipt of the complaint, the ADA Coordinator will notify the complainant and respondent department of the determination of whether the City has jurisdiction and whether an investigation will be conducted.

The ADA Coordinator will provide the respondent department with the opportunity to respond in writing to the allegations in the complaint. The respondent department will have fourteen (14) calendar days from receipt of notification to furnish a response to the allegations in the complaint. Upon receipt of the written response from the respondent department, the ADA Coordinator will then determine if further investigation is warranted. If further investigation is warranted, the ADA Coordinator will conduct an investigation of the complaint, which may include, but is not limited to interviews with the complainant, departments, program recipients, or any other persons with information relevant to the complaint.

Within thirty (30) calendar days of the receipt of the complaint, the ADA Coordinator will cause to be prepared a written investigative report. The investigative report must include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. The written report will be reviewed and finalized by the ADA Coordinator and sent to the City Manager to determine the appropriate action.

Once the investigative report has been completed and appropriate action determined, the complainant and respondent department will receive a copy of the investigative report, a statement of appropriate action, and notification of appeal rights.

Within seven (7) calendar days of the complainant and respondent department receiving a copy of the investigate report and determination of appropriate action, the ADA Coordinator will offer to meet with the complainant to discuss the determination of appropriate action along with the findings and conclusions in the investigative report. A complainant may seek reconsideration of the determination of appropriate action if the complainant produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.

Complaints and resolutions of complaints will be kept by the City in accordance with Oregon Public Records laws, but for not less than two years.

### **Outside Agencies**

If a complainant is not satisfied with the results of the investigation or the disposition of the complaint, the complainant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of the City's procedure is not a prerequisite to the pursuit of other remedies.

### **Resolution or Accommodation Not Precedent**

The resolution of any specific accommodation request or complaint requires consideration and balancing of circumstances, such as: the specific nature of the disability; the nature of the access to services; programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility or cause an undue hardship to the City. Accordingly, the resolution by the City of any one accommodation request or complaint does not constitute a precedent upon which the City is bound, or upon which other parties may rely.



# MEMORANDUM

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Paul Hennon, Community Services Director  
Rich Mueller, Parks and Recreation Manager

**DATE:** 11/23/2015

**SUBJECT:** Tualatin River Greenway Trail Project Update

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### **ISSUE BEFORE THE COUNCIL:**

The staff will present an update on the construction of the Tualatin River Greenway Gap Trail Completion Project, including a discussion of the scope, schedule, budget and related issues.

The Tualatin River Greenway Gap Completion Project will provide a new bicycle and pedestrian trail connecting people with nature while enabling easy and safe exercise, recreation and wildlife viewing, and commuting between residential and commercial areas and public facilities.

The new segment of trail will be located between the new Barngrover Street (near the Tualatin Public Library) and the existing Tualatin River Greenway path located north of Nyberg Lane (between the old RV of Portland site and the Stone's Throw Apartments). The trail will provide a safe and convenient bicycle and pedestrian alternative to crossing Interstate 5 at the Nyberg Street overpass.

There will be connections to adjoining residential and commercial developments, river overlooks, nature and cultural interpretive elements, and benches spread throughout the project.

The new trail will be about three quarters of a mile in length with an undercrossing of Interstate 5 at the Tualatin River. The trail will vary from 10 to 16 feet wide and be constructed of a mix of concrete and boardwalk with a plastic lumber deck.

The project is on schedule and project costs are within available funding. A grant from the Washington County Visitors Association in the amount of \$50,000 has been received to assist with the cost of nature and cultural interpretive elements that will be integrated into the trail.

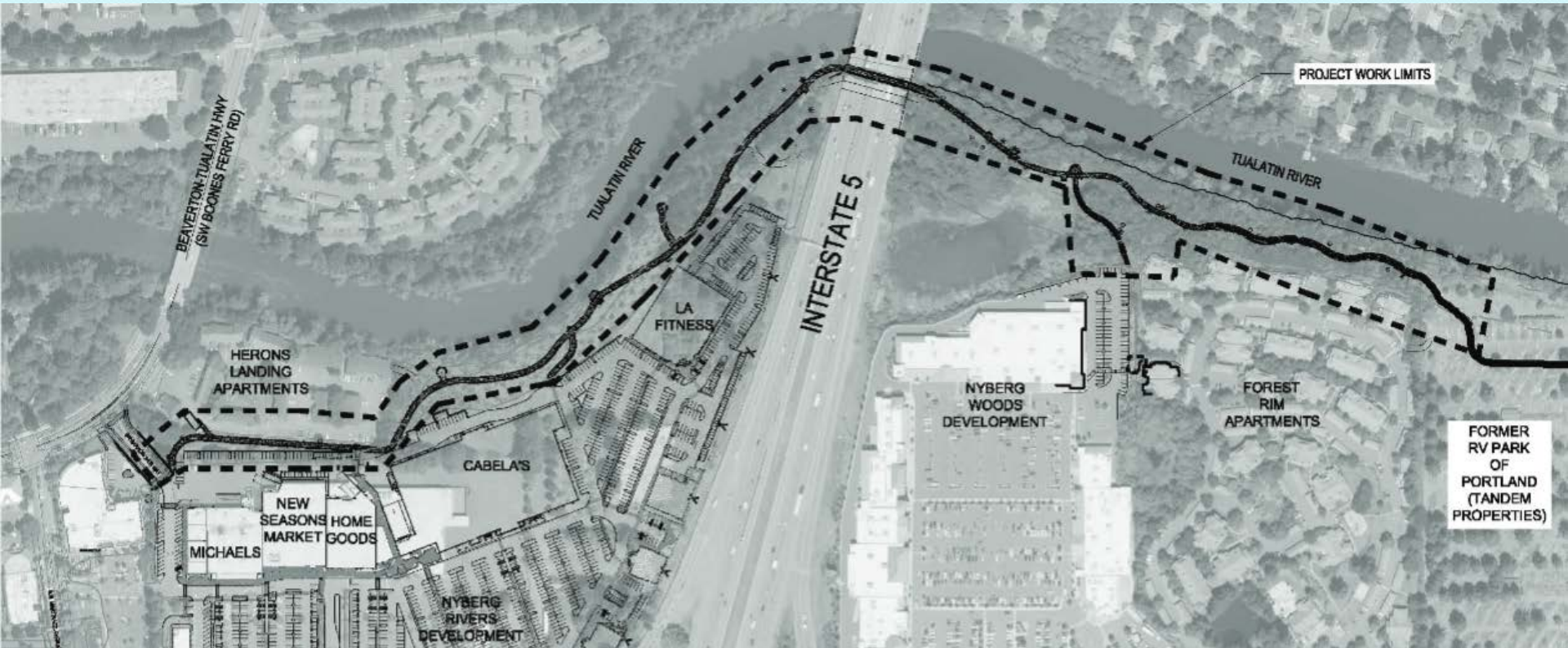
The trail is now under construction and is about 70 percent complete. The trail will be finished and open for public use in the Winter of 2016. Grand opening activities are being planned for the month of April with a ribbon cutting ceremony scheduled for April 9, 2016.

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**Attachments:** [A - PowerPoint of Tualatin River Greenway Trail Project Update](#)

# Tualatin River Greenway Gap Completion Project

Council Update November 23, 2015



# Schedule

## Construction

Summer, Fall 2015, Winter 2016

## Open

Winter 2016

Grand Opening Activities – Month of April  
*Ribbon Cutting - April 9, 2016*

# Budget

## Funding Sources

• CenterCal Properties Donation	\$600,000
• <i>Connect</i> Oregon V Grant	\$1,585,800
• Metro Natural Areas Bond Measure Local Share Funds	\$88,860
• Park System Development Charges	\$686,770
• Washington County MSTIP Opportunity Fund Grant	\$750,000
• Washington County Visitors Association	\$50,000
• Oregon Public Health Institute (HEAL Cities)	\$3,200
<b>Total Funding</b>	<b><u>\$3,764,630</u></b>

## Costs

• Construction	\$3,063,000
• Professional Services, Permits, Contingency	<u>\$701,630</u>
<b>Total Costs</b>	<b><u>\$3,764,630</u></b>

Note: Metro directly funding Wayfinding Signs (\$30,000)



# Construction Progress











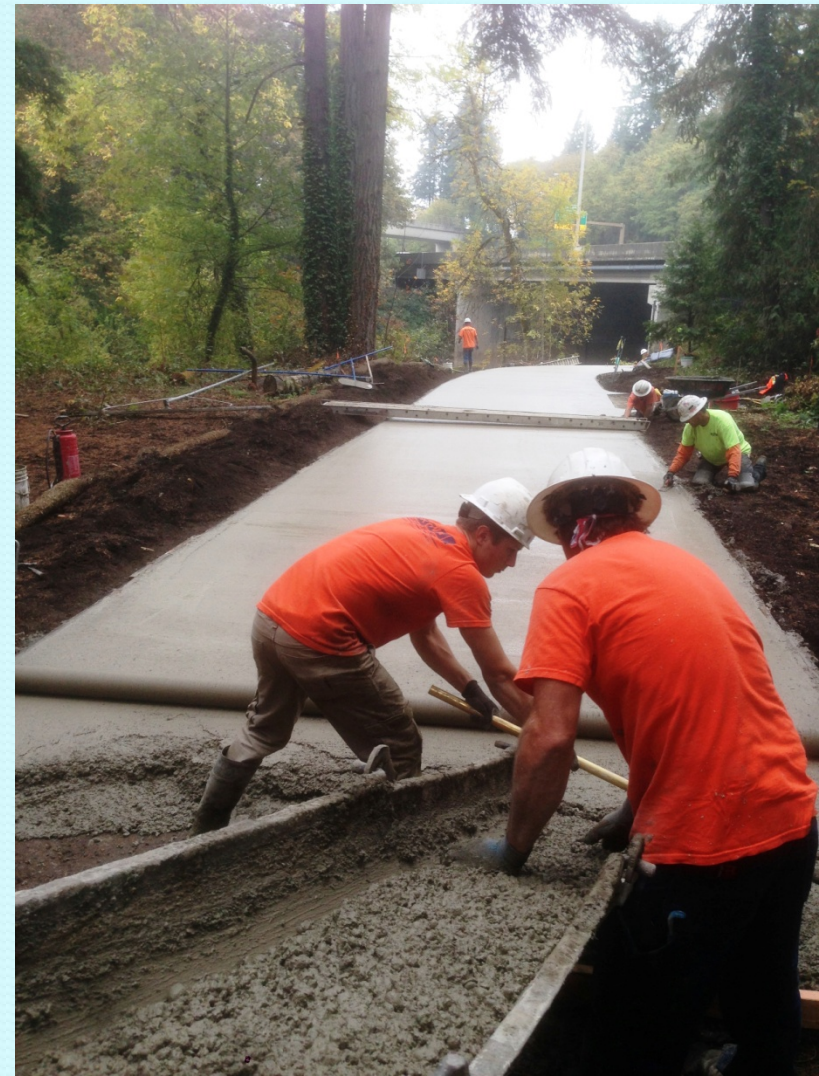
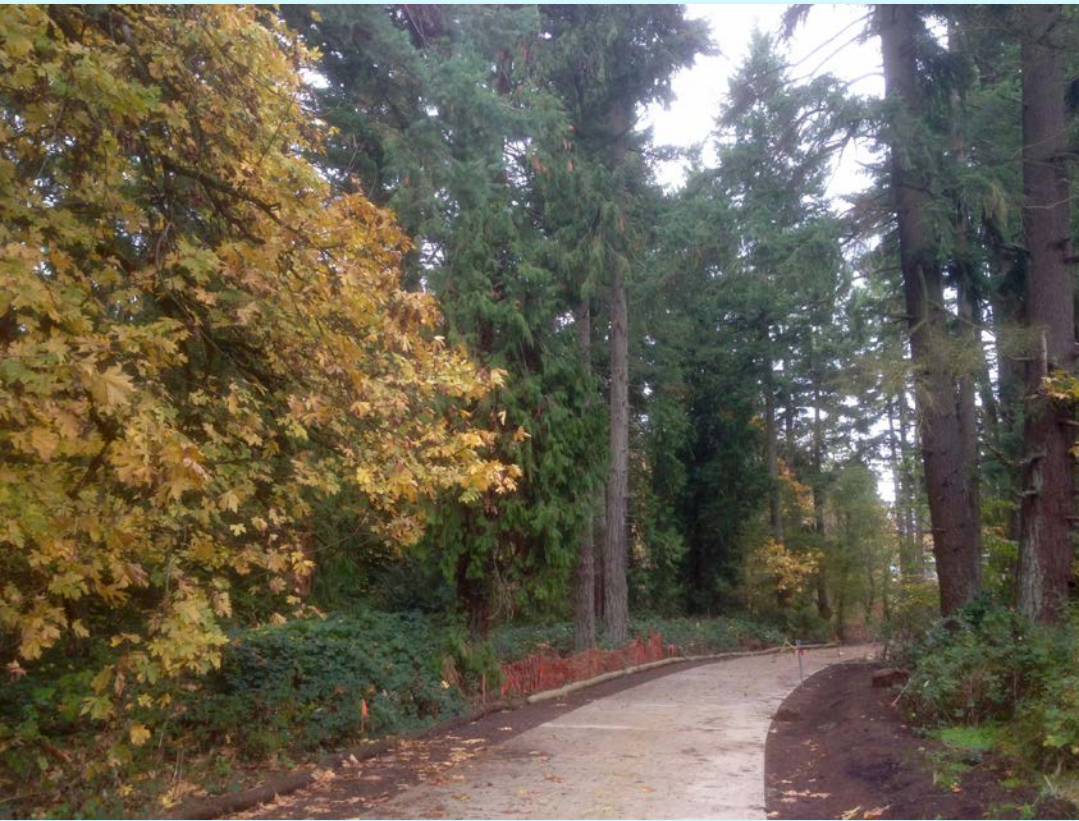














































# Gateways & Wayfinding Signs



Tualatin River  
Greenway Trail



Nyberg Rivers  
Shopping  
Center



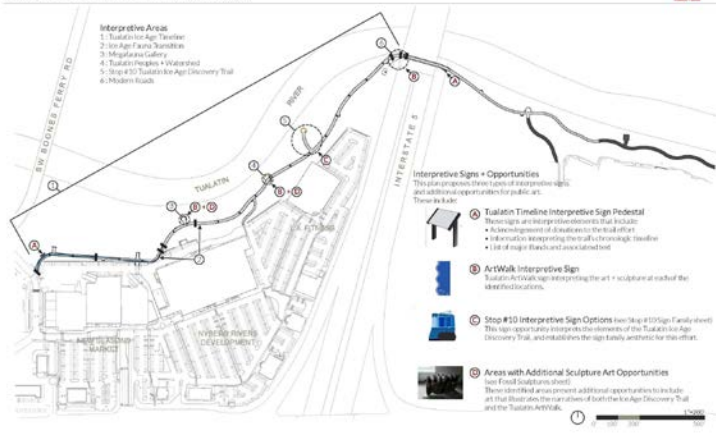
Browns Ferry  
Park





# Interpretive Elements

Tualatin River Greenway Trail Interpretive Overview

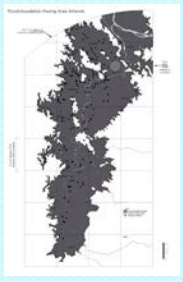
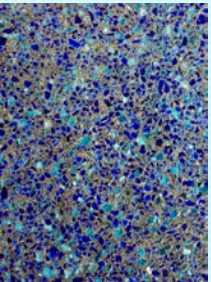


**before you take another step...**

The content of the signs has been reviewed and approved by the Tualatin River Greenway Trail Authority. The signs will be installed along the trail and will be visible to the public. The signs will be installed in a way that is safe and secure. The signs will be installed in a way that is safe and secure.

**discover the ice age trail**

Imagine thousands of years ago, a massive glacier covered the entire region. The glacier was so thick that it pushed the mountains and hills to the east. The glacier was so thick that it pushed the mountains and hills to the east. The glacier was so thick that it pushed the mountains and hills to the east.





# Questions?

