

RESOLUTION NO. 5263-15

A RESOLUTION ADOPTING THE CITY OF TUALATIN AMERICANS WITH DISABILITIES ACT POLICY AND NOTICE.

WHEREAS, the City of Tualatin is committed to providing accessible programs and services; and

WHEREAS, the City previously adopted an Americans with Disabilities Act (ADA) policy and transition plan; and

WHEREAS, the City wishes to reaffirm its commitment to compliance with the ADA and Section 504 of the Rehabilitation Act and modify the City's ADA Policy and Notice.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

Section 1. The Council adopts the *City of Tualatin Americans with Disabilities Act Policy and Notice*, as set forth in Exhibit A, and which is incorporated by reference.

Section 2. The City Manager is authorized to modify the City's ADA Policy as appropriate to comply with legal requirements and business needs, as well as designate persons responsible for carrying out the City's ADA Policy.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 14th day of December, 2015.

CITY OF TUALATIN, OREGON

BY _____

Mayor

APPROVED AS TO FORM

BY _____

City Attorney

ATTEST:

BY _____

City Recorder

EXHIBIT A

CITY OF TUALATIN

AMERICANS 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, upon request, provide reasonable and 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 persons with disabilities have 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 ADA Coordinator Debra Bullard by email at 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 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, and 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 right to file a complaint with outside agencies.

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.