

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 052-2017**

**A RESOLUTION OF THE CITY OF CLOVERDALE CITY COUNCIL
ADOPTING AN AMERICAN WITH DISABILITY COMPLIANCE POLICY AND PROCEDURE**

WHEREAS, access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA); and

WHEREAS, to guarantee that this goal is met, Title II of the ADA requires State and local governments to make their programs and services accessible to persons with disabilities; and

WHEREAS, this requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments; and

WHEREAS, In accordance with the requirements of Title II of the ADA, the City has developed the attached ADA Policy and Procedure to ensure these requirements are met and persons with disabilities have access to all City facilities, programs and provide a procedure for filling a grievance should a person believe that he or she has been subjected to discrimination on the basis of a disability by the City.


NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLOVERDALE hereby adopts the Americans with Disability Act (ADA) Compliance Policy and Procedure for the City of Cloverdale attached as Exhibit "A" and made a part of this resolution.

Resolution No 052-2017 was duly adopted on this the 22nd day of August, 2017, by the following roll call vote: (Ayes- 5; Noes-0)

AYES: Councilmember Bagby, Vice Mayor Palla, Councilmember Russell, Councilmember Brigham, and Mayor Wolter
NOES: None
ABSENT: None
ABSTAIN: None

Approved:

Attested:



Gus Wolter, Mayor



Linda Moore, Deputy City Clerk



**CITY OF CLOVERDALE, CALIFORNIA
COUNCIL POLICY**

| SUBJECT | RESOLUTION NUMBER | EFFECTIVE DATE | PAGES |
|--|-------------------|----------------|-------|
| ADA - Title II Disabled Access to City Services and Programs; Americans with Disabilities Act (ADA) and Section 504 Rehabilitation Act Informal Grievance Procedure; and Designation of City Coordinators for Implementation of Americans with Disabilities Act Efforts | 052-2017 | 08-xx-17 | 4 |

BACKGROUND

The issue of accessibility, both architecturally and programmatically by people with disabilities to public and private entities has been addressed by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. This broad reaching legislation addresses the right of people with disabilities to obtain equal access to services, programs, buildings, facilities, and employment.

PURPOSE

- A) It is the intent of the City Council that the City of Cloverdale take a proactive leadership role in addressing ways of making Cloverdale an “Accessible City,” and to address the requirements of the Americans with Disabilities Act by calling on all businesses and industries to work together toward this goal. In addition, it is the intent of the Council to ensure that the City of Cloverdale provides equal employment opportunities to persons with disabilities.

- B) To ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 and to establish an informal grievance procedure for the resolution of complaints from disabled persons who believe that they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination under any program or activity of the City of Cloverdale, solely by reason of his or her disability.

- C) To designate the coordinators of the City’s efforts to comply with and carry out the requirements of the Americans with Disabilities Act of 1990 (ADA).

POLICY

It shall be the policy of the City Council to ensure that the City of Cloverdale provides accessible City services, programs, and buildings, and to maintain compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

The City of Cloverdale endorses the goals of the ADA of ensuring equal participation of individuals with disabilities in the "mainstream" of American society. The major principles of mainstreaming which the City of Cloverdale endorses are:

- 1) Individuals with disabilities shall be integrated to the maximum extent appropriate.

- 2) Separate programs shall be permitted where necessary to ensure equal opportunity.

- 3) Individuals with disabilities shall not be excluded from the regular programs of the City, or required to accept special services or benefits.
- 4) The City will not impose eligibility criteria for participation in its programs, services, or activities that either screen out or tend to screen out persons with disabilities, unless it can show that such requirements are necessary for the provision of the service, program, or activity.

POLICY IMPLEMENTATION AND ADA COORDINATOR DESIGNATIONS

Section 504 and the ADA require public entities to designate at least one employee to coordinate the investigation of grievances from persons with disabilities.

- 1) **Employees and Volunteers.** Each Department Director is responsible for ensuring that there is no discrimination against individuals based on disability by: 1) ensuring that all employees AND volunteers under their direction are informed of this City policy; and 2) ensuring that any instances or allegations of discrimination are immediately reported to the Human Resources Department. The Human Resources Department will ensure that each employee and volunteer receives a copy of this policy.

The Human Resources Department will ensure that all grievances are investigated and will attempt resolution of grievances filed in the Human Resources Department. Individuals are encouraged to immediately report any act of disability discrimination to their supervisor, department director, or the Human Resources Department. Staff receiving grievances should fully inform the individual of their rights, take appropriate and timely steps to investigate, and, when merited, take prompt and effective remedial action.

The ADA Coordinator for employment and hiring is as follows:

ADA Coordinator
Deputy City Clerk/HR Technician (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1712

- 2) **Public Services.** The ADA Coordinator for the public services provisions of the ADA (Title II), covering program accessibility, communications, architectural barriers, and transportation issues is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

- 3) **Housing.** The ADA Coordinator for Housing is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

- 4) **Public Grievance Procedure.** The ADA Coordinator shall be responsible for investigating any grievance or communication to the City alleging non-compliance with the ADA. The ADA Coordinator for the general public is as follows:

ADA Coordinator
Assistant City Manager (or his/her designee)
124 N. Cloverdale Blvd.
Cloverdale, CA 95425
(707) 894-1723

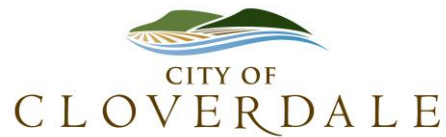
PROCEDURE

- 1) **Who May File a Grievance?** Any person who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may, on his/her own behalf or by an authorized representative, file a grievance under this procedure.
- 2) **Non-Retaliation.** No person who files a grievance, nor any person who cooperates in the investigation of a grievance, shall be subjected to retaliation, and the City shall take reasonable steps to protect such persons from retaliatory actions.
- 3) **Grievance.** Persons having a grievance are encouraged to first contact, by telephone or in person, the appropriate ADA Coordinator to attempt to informally resolve the grievance. If this does not yield a satisfactory resolution, a grievance form may be filed.
- 4) **Filing.** The grievance shall be filed with the appropriate ADA Coordinator. The grievance should be filed in writing using the ADA Grievance Form; however, it may be filed orally.
- 5) The grievance shall contain the following:
 - a) The name, address and telephone number of the person filing the grievance, and the name address and telephone number of the person affected by the alleged discrimination (if different).
 - b) A statement of the problem or action alleged to be discriminatory, as much background information (time, place, photographs, etc...) as possible, including witness names and contact information.
 - c) A recommended remedy or relief being requested to resolve the complaint.
- 6) The grievance should be filed within 60 calendar days after the person becomes aware of the alleged discriminatory action.
- 7) The ADA Coordinator shall investigate the validity of the complaint and shall, within 30 calendar days of receipt of the grievance, issue to the person filing the grievance, or his or her designated representative, a written determination as to its validity, and a description of the resolution of the complaint, if any. The 30-day period for making a determination regarding the grievance may be extended for an additional 30-day time period with written notice to the person filing the grievance or his or her designated representative.

- 8) Reconsideration of the determination of the ADA Coordinator may be made in instances where the person is dissatisfied with the resolution of the complaint, or if a written determination has not been issued within the initial or extended 30-day time period. The request for reconsideration must be made within 15 calendar days of the issuance of the written determination or the expiration of the initial or extended 30-day time period. The request shall be made in writing to the City Manager, who shall issue a final written determination within 30-days of receipt of the request for reconsideration.

GRIEVANCE FORM

A grievance form can be obtained from the ADA Coordinator or the Human Resources Department. A copy is attached to this policy.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Cloverdale** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **City of Cloverdale** 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 Cloverdale** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **City of Cloverdale's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **City of Cloverdale** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **City of Cloverdale** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Cloverdale**, should contact the **Human Resources Department at (707) 894-1712** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of Cloverdale** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **City of Cloverdale** is not accessible to persons with disabilities should be directed to appropriate ADA Coordinator.

The ADA Coordinators for the **City of Cloverdale** are as follows:

CITY OF CLOVERDALE ADA COORDINATORS

| | |
|--|---|
| <p>City of Cloverdale Employees and Volunteers</p> | <p>Human Resources Department 124 N. Cloverdale Blvd. Cloverdale, CA 95425 (707) 894-1712</p> |
| <p>Public The ADA Coordinator for the public services provisions of the ADA (Title II), covering program accessibility, communications, architectural barrier, and transportation issues:</p> | <p>ADA Coordinator Assistant City Manager (or his/her designee) 124 N. Cloverdale Blvd. Cloverdale, CA 95425 (707) 894-1723</p> |
| <p>Housing</p> | <p>ADA Coordinator Assistant City Manager (or his/her designee) 124 N. Cloverdale Blvd. Cloverdale, CA 95425 (707) 894-1723</p> |
| <p>Public Grievance Procedure. The ADA Coordinator shall be responsible for investigating any grievance or communication to the City alleging non-compliance with the ADA.</p> | <p>ADA Coordinator Assistant City Manager (or his/her designee) 124 N. Cloverdale Blvd. Cloverdale, CA 95425 (707) 894-1723</p> |

The City of Cloverdale will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



City of Cloverdale Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **City of Cloverdale**. The **City of Cloverdale City Council Policy** governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.


The complaint should be submitted by the grievant (and/or his/her designee) as soon as possible but no later than 60 calendar days after the alleged violation.

Within 15 calendar days after receipt of the complaint, the appropriate ADA Coordinator (or his/her designee) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator (or his/her designee) will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **City of Cloverdale** and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator (or his/her designee) does not satisfactorily resolve the issue, the complainant (and/or his/her designee) may appeal the decision within 15 calendar days after receipt of the response to the City Manager (or his/her designee).

Within 15 calendar days after receipt of the appeal, the City Manager (or his/her designee) will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager (or his/her designee) will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints and responses will be retained by the **City of Cloverdale** for at least three years.

| | | |
|--|---|------------------------------------|
| <p>File Grievance With:</p> <p>City of Cloverdale 124 N. Cloverdale Blvd. P.O. Box 217 Cloverdale, CA 95425</p> |  <p>CITY OF CLOVERDALE</p> <p>ADA GRIEVANCE FORM</p> | <p>Received Stamped City Clerk</p> |
|--|---|------------------------------------|

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered. For questions concerning this form or the information requested, please contact Linda Moore at either of the following:

(707) 894-1712 or lmoore@ci.cloverdale.ca.us

1. Name and contact information of the Complainant:

Name of Complainant: _____

Address: _____ Home Phone: _____

Cell Phone: _____

Email: _____

2. Representative of Complainant:

Name: _____ Organization: _____

Address: _____ Telephone: _____

Relationship: _____

Email: _____

3. The date, place and other circumstances which gave rise to the complaint asserted.

Date of Occurrence: _____ Time of Occurrence: _____

Location: _____

Circumstances giving rise to the complaint: _____

5. If known, the name of the public employee(s) who have information regarding the complaint.

6. Names and addresses of all witnesses, hospitals, doctors, or other individuals having knowledge relevant to the complaint:

8. If the complaint is for a physical location, please attach photographs or draw a diagram:

Signature:

Date:

Please Print Name:

Date:



City Council
Agenda Item Summary

Agenda Item: 3
Meeting Date: August 22, 2017

Agenda Section

Consent

Staff Contact

Linda Moore, Deputy City Clerk/HR Tech

Agenda Item Title

Resolution No. 052-2017, Approving the Americans with Disability Act (ADA) Compliance Policy and Procedure for the City of Cloverdale

Summary

Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA). To guarantee that this goal is met, Title II of the ADA requires State and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In accordance with the requirements of Title II of the ADA, the City has developed this ADA Policy and Procedure to ensure these requirements are met and persons with disabilities have access to all City facilities, programs, and events. The policy provides clear direction on implementation and a procedure for filing a grievance should a person believe that he or she has been subjected to discrimination by the City on the basis of a disability. The ADA Policy and Procedure was presented to the Council as a "first touch" discussion item on August 8, 2017. The next step in the process is to present the Americans with Disability Act (ADA) Compliance Policy and Procedure to the Council for formal adoption.

Options:

1. Adopt the attached resolution adopting the Americans with Disability Act (ADA) Policy and Procedure for the City of Cloverdale.
2. Direct staff to make edits to draft policy and/or procedure.

Budget/Financial Impact:

None.

Subcommittee Recommendation:

None.

Recommended Council Action:

Staff recommends Council adopt Resolution No. 052-2017, adopting the Americans with Disability Act (ADA) Compliance Policy and Procedure for the City of Cloverdale.

Attachments:

1. Draft Resolution No. 052-2017
2. Draft ADA Compliance Policy
3. Draft ADA Procedure

cc: