



City Council Policy: CP004 - ADA Compliance Committee

Effective Date: August 3, 1998

Amends:

Approved By: City Council

I. SCOPE

II. PURPOSE

- A. To ensure that the City is accessible to all residents and visitors, and that all city programs are inclusive.
- B. To provide prompt and equitable compliance with and the resolution of recommendation/complaint alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act (ADA).

III. RESPONSIBILITY

IV. DEFINITIONS

V. POLICY

- A. The City of Prairie Village intends to comply with the provisions of the Title II, and has adopted an internal grievance procedure for prompt and equitable resolution of a recommendation/complaint alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of, the services, programs, or activities of a public entity, or be subject to discrimination by any such public entity.
- B. The Compliance Committee will be composed of the City Administrator, Personnel Director, Police Chief, Public Works Director, and the ADA Coordinator.
 - 1. The City Administrator will be the chair.
 - 2. The ADA Coordinator will be a non-voting member of the Committee.
 - 3. The Compliance Committee shall be responsible for responding to appeals of the decisions by the ADA Coordinator regarding the City's compliance with Title II requirements, making decisions regarding such appeals, and reporting these decisions to the Governing Body.
- C. Compliance
The City of Prairie Village intends to ensure that discrimination on the basis of disability does not exist in any programs, activities or services provided by the City or contracted by the City in accordance with Title II. To be protected under ADA, a disabled person must be "qualified". The Title II rules define "qualified" as a disabled person who, with or without reasonable accommodations, auxiliary aids or removal of barriers, can meet the essential eligibility requirements to participate in programs or receive services offered by the City.

VI. PROCEDURES

- A. The City encourages all people to freely advise and inform the City of any potential shortcomings or recommend creative solutions to increase the accessibility for City facilities and programs.
 - 1. Complaints should be filed with the ADA Coordinator, 3535 Somerset Drive, Prairie Village, KS, 66208, (913) 385-4640, or TDD at 800-766-3777, FAX 642-0117, who has been designated to coordinate ADA compliance efforts.
 - 2. A recommendation/complaint filed in writing or verbally, should contain:
 - a.) The name and address of the person filing it;
 - b.) A description of the alleged violation; and
 - c.) A recommendation for reasonable accommodation or solution should be provided.
 - 3. A complaint should be filed within 30 calendar days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case by case basis.)
 - 4. An investigation, as may be appropriate, shall follow the filing of complaint. The investigation will be conducted by the ADA Coordinator.
 - a.) These rules contemplate informal but thorough investigations, affording all interested parties and their representatives, if any, the opportunity to submit evidence relevant to the complaint.

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- b.) A period of 30 calendar days is permitted for the investigation, but may be extended for reasonable cause after advising the complainants.
5. A written determination of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complaint/s by certified mail with receipt requested and the City ADA Compliance Committee no later than 15 calendar days after the completion of the investigation.
6. The complainants can request an appeal of the decision by the ADA Coordinator. The appeal should be made within 30 calendar days after receipt of the decision to the ADA Coordinator, 3535 Somerset Drive, Prairie Village, KS, 66208, (913) 385-4640, or TDD at 800-766-3777, FAX 642-0117, who has been designated to coordinate ADA compliance efforts.
 - a.) The ADA Compliance Committee shall meet with the complainant/s to hear the appeal. This hearing shall be within 30 calendar days of receipt of the appeal.
 - b.) The Committee shall issue a written decision within 30 calendar days of the hearing date.
 - c.) A copy of the decision will be sent to the complainant/s by certified mail with receipt requested, no later than 35 calendar days after completion of the hearing.
 - d.) A record of action taken on each appeal must be maintained as a part of the records or minutes at each level of the grievance process by the City Clerk.
7. If the Committee has not resolved the recommendation/complaint to the satisfaction of the complainant/s, the complainant/s may request, within 30 calendar days of the written decision by the ADA Compliance Committee, a hearing by the City Council.
 - a.) The City Council will hear the recommendation/complaint no later than the third regularly scheduled City Council meeting after receipt of the complainant's hearing request.
 - b.) A decision shall be made no later than the conclusion of the fourth regularly scheduled City Council meeting after receipt of the complainant's hearing request.
 - c.) A copy of the decision will be sent to the complainant/s by certified mail with receipt requested no later than 15 calendar days after the fourth regularly scheduled City Council meeting after receipt of the complainant's hearing request.
- B.** The right of a person to a prompt and equitable resolution of the recommendation/complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA recommendation/complaint with the appropriate federal department or agency. Use of this procedure is not a prerequisite to the pursuit of other remedies.
- C.** These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City of Prairie Village complies with the ADA and its implementing regulations.