

| PEARANCES             | Initial | Date   | Date Received in Council Office:   | Agenda date | Assigned to:    |
|-----------------------|---------|--------|--|-------------|-----------------|
| Originator: Executive | AP      | 7-7-92 | <b>RECEIVED</b><br><br><b>JUL 08 1992</b><br><br><b>WHATCOM COUNTY COUNCIL</b> | 7/14/92     | Council/Intro   |
| Division Head:        |         |        |  | 7/28/92     | Finance/Council |
| Dept. Head:           |         |        |  |             |                 |
| Prosecutor:           | RHW     | 7-8-92 |  |             |                 |
| Purchasing/Budget:    |         |        |  |             |                 |
| Executive:            |         |        |  |             |                 |

**SUBJECT:**

Establishment of Americans with Disabilities Act (ADA) grievance procedure and Compliance Committee

**ATTACHMENTS:**

Proposed Ordinance

**SUMMARY STATEMENT:**

*Please complete sections of box as appropriate & explain the item below.*

|   |   |
|---|---|
| Related County contract #:                  | Should Clerk schedule a hearing? PLEASE fill in Y/N, date - NO /X_/ YES /_/ Requested date: |
| Amount budgeted for this item/project: \$ 0 | Is it (or will it be) within budget? - YES / / NO / / (Please explain below)                |
| Budget line item number(s):                 | , Second line item #  |

The federal government has passed the new mandate entitled the Americans with Disabilities Act of 1990 and Subtitle A of Title II of the Act extends the prohibition of discrimination established under the Rehabilitation Act of 1973 (Section 504) to all local governments services, programs, or activities (including employment practices). This new mandate requires that the County ensure that all programs are accessible to those with a disability, sets up specific standards for what constitutes discrimination of the basis of mental or physical disability, and requires development of a complaint mechanism for resolving allegations of discrimination.

This proposed ordinance sets up the County's ADA Compliance Committee and provides due process for hearing discrimination complaints.

**ORIGINATOR'S RECOMMENDED ACTION:**

Pass the Ordinance

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

14/92: Intro  
 7/28/92: Council adopted the ordinance. 7-0

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

ORDINANCE NO. 92-048

**ESTABLISHMENT OF ADA,  
AMERICANS WITH DISABILITIES ACT  
GRIEVANCE PROCEDURE AND  
COMPLIANCE COMMITTEE**

WHEREAS, the federal government passed the new mandate entitled the Americans with Disabilities Act of 1990; and

WHEREAS, Subtitle A of Title II of the ADA extends the prohibition of discrimination established by the Rehabilitation Act of 1973 (Section 504) to all local government services, programs, or activities (including employment practices); and

WHEREAS, the new law and regulations require all local governments to make sure that programs are accessible, set specific standards for what constitutes discrimination on the basis of mental or physical disability, and institute a complaint mechanism for resolving allegations of discrimination; and

WHEREAS, Whatcom County must comply with this new federal mandate;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the ADA Compliance Committee and grievance procedure is hereby established as follows:

1. All complaints regarding access or alleged discrimination under the Americans with Disability Act of 1990 shall be submitted in writing to the County's ADA Coordinator in the County Executive Office. The Coordinator shall ensure a permanent record be made of all complaints and actions taken. The Coordinator shall make a decision regarding any complaint filed within fifteen (15) working days after submitted.
2. If the complainant is not satisfied with the actions and/or resolution recommended by the Coordinator, the grievance may be carried forward to the ADA Compliance Committee. The ADA Compliance Committee shall be comprised of seven (7) members, to be appointed by the County Executive and confirmed by the County Council. Two (2) members shall be elected officials from Whatcom County, three (3) members shall be from the disabled community, and two (2) members shall be from the general public residing in Whatcom County. The ADA Compliance Committee will establish rules and procedures for hearing complaints, requests or suggestions from any disabled person regarding access to and participation in public facilities, services, activities and functions. The Committee shall hear all complaints in a public forum and

1 shall give adequate public notice. The Committee shall issue a written decision within  
2 forty-five (45) days after receiving a complaint. All proceedings of the Committee will  
3 be recorded, transcribed and maintained in a permanent record.  
4

5 3. If the Complainant is still not satisfied with the ADA Compliance Committee's  
6 recommendations, the complaint may be filed with the County Council. The Council will  
7 convene an open public hearing with adequate notice and a final determination shall be  
8 rendered within thirty (30) days of the hearing. All decisions by the County Council are  
9 final with no further recourse through this process.

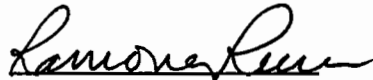
10  
11 4. Other remedies are available through the U.S. Department of Justice or other  
12 appropriate federal agency, or through the filing of a lawsuit in state or federal district  
13 court. These remedies may be independently pursued outside of this grievance  
14 procedure and are in no way linked to this process.  
15

16 5. A record of any action taken of each request or complaint must be maintained as a  
17 part of the records or minutes of each level in the grievance procedure.  
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21 ADOPTED this 28th day of July, 1992.

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24 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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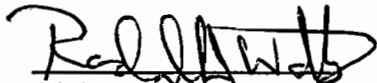
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28 Ramona Reeves, Council Clerk

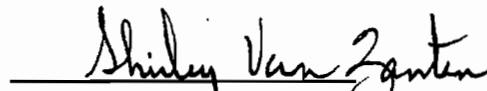


29 Daniel M. Warner, Chairman

30 APPROVED AS TO FORM:

() Approved ( ) Denied

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34 Civil Deputy Prosecutor

  
35 Shirley Van Zanten, Executive  
36 Date: 7-29-92  
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