

| <i>CLEARANCES</i>  | <i>Initial</i> | <i>Date</i> | <i>Date Received in Council Office</i>   | <i>Agenda Date</i> | <i>Assigned to:</i> |
|--------------------|----------------|-------------|--|--------------------|---------------------|
| Originator:        | GD             | 8/4         | <b>RECEIVED</b><br><br><b>SEP 14 1999</b><br><br><b>WHATCOM COUNTY COUNCIL</b> | 9/21               | Intro               |
| Division Head:     |                |             |  | 10/12/99           | Hearing             |
| Dept. Head:        |                |             |  |                    |                     |
| Prosecutor         | KF             | 8/11        |  |                    |                     |
| Purchasing/Budget: | DL             | 9/14/99     |  |                    |                     |
| Executive:         | PR             | 9-14        |  |                    |                     |

**SUBJECT:** Ordinance to amend Whatcom County Code, 2.86 American's with Disabilities Act Grievance Procedure and Compliance Committee.

**ATTACHMENTS:** Ordinance.

Related County Contract #: Should Clerk schedule a hearing: NO // YES / X/ Requested Date: 9/28

**BRIEF SUMMARY STATEMENT:** This proposed ordinance to amend Whatcom County Code 2.86, ADA Grievance Procedure and Compliance Committee, will allow for the staggering of three of the seven member's terms by increasing their current terms by one year to ensure continuity during the reappointment process. Currently, all terms expire on the same date.

***Ordinance & Resolution Distribution Request***

To keep down our copying costs, indicate only those who must receive a copy after Council action. List names to the right.

|                           |  |
|---------------------------|--|
| ADS Facilities Management |  |
| ADS Finance               |  |
| ADS Human Resources       |  |
| ADS Info Services         |  |
| Assessor                  |  |
| Auditor                   |  |
| Cooperative Extension     |  |
| District Court            |  |
| Executive                 |  |
| Health                    |  |
| Hearing Examiner          |  |
| Jail                      |  |
| Juvenile                  |  |
| Parks                     |  |
| Planning                  |  |
| Prosecutor                |  |
| Public Works              |  |
| Sheriff                   |  |
| Superior Court            |  |
| Treasurer                 |  |
| Other                     |  |

**RECOMMENDED ACTION:** Approval of ordinance to amend Whatcom County Code, 2.86 ADA Grievance Procedure and Compliance Committee.

**COUNCIL ACTION TAKEN:**

1999 - 362 9/21/99: Introduced  
 10/12/99: Amended and adopted 7-0, Ord. #99-052

Relat Ordinance or Resolution Number (this item): **ORD. # 99-052**

ORDINANCE NO. 99-052

AMENDING WHATCOM COUNTY CODE 2.86, AMERICAN'S WITH DISABILITIES ACT GRIEVANCE PROCEDURE AND COMPLIANCE COMMITTEE

WHEREAS, on July 26, 1990, the federal government signed into law a mandate entitled the Americans with Disabilities Act (ADA); and

WHEREAS, Whatcom County complied with the ADA by adopting Ordinance 92-048 and establishing Whatcom County Code 2.86, Americans with Disabilities Act Grievance Procedure and Compliance Committee; and

WHEREAS, upon adoption of Ordinance 92-048, the initial terms of the ADA Compliance Committee members were not staggered to ensure continuity during the reappointment process; and

WHEREAS, it is necessary to establish membership terms, as well as clarify existing code language; and,

WHEREAS, the efficiency of the ADA Compliance Committee, as championed by Kurt Dessauer who valiantly fought for ADA Compliance, is vital to our community;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.86 is hereby amended as outlined in Exhibit A to this ordinance.

ADOPTED this 12 day of October, 1999.

ATTEST:



Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,



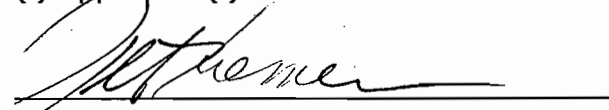
Marlene Dawson, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

Approved ( ) Denied



Pete Kremen, County Executive  
Date: 10-25-99 -  Approved

# **EXHIBIT A**

## Chapter 2.86

### AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE PROCEDURE AND COMPLIANCE COMMITTEE

#### Sections:

- 2.86.020 ADA Coordinator appointment.
- 2.86.050 ADA Compliance Committee established – Appointment of members.
- 2.86.080 Terms of membership.
- 2.86.010 Complaints – ADA Coordinator.
- 2.86.020 Complaints – ADA Compliance Committee.
- 2.86.030 Complaints – County Council.
- 2.86.040 Alternative remedies.
- 2.86.050 Records.
- 2.86.060 Moneys – Budgeting.

#### **2.86.020 ADA Coordinator appointment.**

The Whatcom County Executive shall appoint the county's ADA Coordinator.

#### **2.86.050 ADA Compliance Committee established – Appointment of members.**

The Whatcom County American with Disabilities Act Compliance Committee, hereinafter referred to as the "ADA Compliance Committee" is established. The ADA Compliance Committee shall be comprised of seven members, to be appointed by the County Executive and confirmed by the County Council. Two members shall be elected officials from Whatcom County, three members shall be from the disabled community, and two 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 persons regarding access to and participation in public facilities, services, activities and functions.

#### **2.86.080 Terms of membership.**

Four of the current members shall serve a term ending May 31, 2003. The remaining three members shall serve a term ending May 31, 2004, or until their successor is appointed and confirmed as provided in this chapter. Thereafter, all terms shall be for three years.

**2.86.010 Complaints – ADA Coordinator.**

All complaints regarding access or alleged discrimination under the Americans with Disabilities Act of 1990 shall be submitted in writing to the county's ADA Coordinator in the County Executive's 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 15 working days after submittal. (Ord. 92-048 § 1).

**2.86.020 Complaints – ADA Compliance Committee.**

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 members, to be appointed by the County Executive and confirmed by the County Council. Two members shall be elected officials from Whatcom County, three members shall be from the disabled community, and two 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 shall give adequate public notice. The Committee shall issue a written decision within 45 days after receiving a complaint. All proceedings of the Committee will be recorded, transcribed and maintained in a permanent record. (Ord. 92-048 § 2).~~

**2.86.030 Complaints – County Council.**

If the complainant is still not satisfied with the ADA Compliance Committee's recommendations, the complaint may be filed with the County Council. The Council will convene an open public hearing with adequate notice and a final determination shall be rendered within 30 days of the hearing. All decisions by the County Council are final with no further recourse through this process. (Ord. 92-048 § 3).

**2.86.040 Alternative remedies.**

Other remedies are available through the U.S. Department of Justice or other appropriate federal agency, or through the filing of a lawsuit in state or federal district court. These remedies may be independently pursued outside of this grievance procedure and are in no way linked to this process. (Ord. 92-048 § 4).

**2.86.050 Records.**

A record of any action taken of each request or complaint must be maintained as a part of the records or minutes of each level in the grievance procedure. (Ord. 92-048 § 5).

**2.86.060 Moneys – Budgeting.**

A. The Executive shall direct each department and division to appoint an ADA liaison who will provide annually to the ADA Coordinator a list of accessibility problems to be considered for budgetary needs.

B. The Executive shall direct the ADA Coordinator to work with the ADA Compliance Committee to determine the priority of ADA projects and submit them to the Executive for budgetary consideration.

C. The scope of the ADA Compliance Committee's role shall be broadened to act as an advisory council to the Executive regarding ADA compliance issues.

D. Moneys identified by the Council to be used for accessibility purposes shall not be diverted to other purposes. (Ord. 96-010).