

RESOLUTION NO. 98- 17429

A RESOLUTION ESTABLISHING A GRIEVANCE PROCEDURE PROVIDING FOR PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS ALLEGING ANY ACTION PROHIBITED BY TITLE I AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990; APPOINTING AN ADA COORDINATOR AND ASSISTANT COORDINATOR; AND CREATING AN ADA COMPLIANCE COMMITTEE.

WHEREAS, the City of Billings Mayor and City Council is desirous of establishing grievance procedures to be followed by any person or persons who wish to submit a complaint regarding access or alleged discrimination relating to Title I and Title II of the Americans with Disabilities Act of 1990; and

WHEREAS, the City is desirous of providing for prompt and equitable resolution of complaints alleging any action prohibited by the Title I and Title II of the Americans with Disabilities Act of 1990, which provides comprehensive civil rights protection in the areas of employment, state and local government services and programs and telecommunications to individuals with disabilities; and

WHEREAS, it appears to be in the best interests of the City of Billings, Montana, and the inhabitants thereof to adopt a formal grievance procedure relating to compliance with Title I and Title II of the Americans with Disabilities Act of 1990.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. The City of Billings Mayor and City Council hereby designate the Purchasing Agent within the Finance and Administrative Services Department (the Coordinator) as the official ADA coordinator for the City of Billings and the Human Resource Manager as the assistant ADA coordinator to oversee the planning, training and implementation of compliance activities and to handle grievances.

Section 2. Complaints should be addressed to the City Administrator, in care of the ADA Coordinator, P.O. Box 1178, Billings, MT 59103 or telephone 406-657-8216.

Section 3. A complaint must be filed within 30 days after the complainant becomes aware of the alleged violation.

Section 4. An investigation, as deemed appropriate by the ADA coordinator, shall follow a filing of the complaint. The investigation shall be conducted by the City Administrator or designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Section 5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the City Administrator and a copy forwarded to the complainant no later than 30 business days after its filing.

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Section 6. The ADA coordinator shall maintain the files and records of the City of Billings relating to the complaints filed.

Section 7. The complainant may request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made in writing within 30 business days to the ADA Compliance Committee, in care of the City of Billings ADA Coordinator, P.O. Box 1178, Billings, MT 59103.

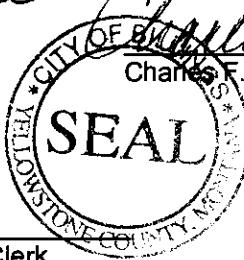
Section 8. The Mayor and City Council shall, by this Resolution, establish the ADA Compliance Committee. The Committee shall be comprised of: one City Council member; one person representing the disabled community; one business owner; one person with expertise in the field of architecture or construction; and one person in the health/medical field. The term of office shall be for a period of two years from date of appointment. However, the first appointments of the representative of the disabled community and the person with expertise in the field of architecture or construction shall be for a three year term. Persons may seek reappointment for an additional two terms.

Section 9. The ADA Compliance Committee shall act as an advisory committee to assist in the determination of reasonable accommodations; recommend priorities for making structural changes to public facilities; offer suggestions on how to achieve program accessibility; may review accommodations for compliance and make recommendations; review grievances forwarded by the ADA coordinator that are being appealed; and make a determination as to the validity of the complaint and provide a final written decision on those grievances that have been appealed by the complainant. The ADA coordinator shall maintain the records and file a final copy with the City Clerk.

Section 10. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

PASSED AND EFFECTIVE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILLINGS,
MONTANA, THIS 21 DAY OF NOVEMBER, 1998.

Dec



Charles F. Tooley
Mayor

ATTEST:

Manita Herold
Manita Herold, CMC/AAE City Clerk

APPROVED AS TO FORM:

Brent Brooks
Brent Brooks City Attorney