

RESOLUTION NO. 94-R-583

**A RESOLUTION OF THE CITY OF BROOKINGS, CURRY COUNTY,
OREGON ADOPTING DISABILITY ACCESS GRIEVANCE PROCEDURES.**

WHEREAS, the Americans With Disabilities Act requires that grievance procedures be adopted for those who feel they were denied access to a program or service based on their disability; and

WHEREAS, the City of Brookings is desirous of affording an opportunity for anyone who, because of their disability, is unable to obtain information about, or gain access to, any program, service or activity to file a complaint and receive resolution in a timely and fair manner,

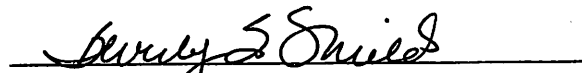
NOW, THEREFORE, the City of Brookings does hereby adopt Disability Access Grievance Procedures as set forth in the attached document.

PASSED by the Council and signed by the Mayor this 14th day of November, 1994.



**Tom Davis
Mayor**

ATTEST:



**Beverly S. Shields
City Recorder**

CITY OF BROOKINGS

Disability Access Grievance Procedures

A. Any person who, because of a disability, is unable to obtain information about, or gain access to, any City of Brookings program, service or activity, may file a written request for an administrative review. The complaint must be filed with the City's ADA Coordinator within twenty (20) calendar days of the incident. The ADA Coordinator will acknowledge receipt of the complaint within ten (10) calendar days and attempt an informal resolution of the complaint.

B. If the complaint is not resolved informally, the ADA Coordinator shall coordinate and conduct an administrative review hearing within thirty (30) calendar days after the complaint is filed. Attending the review hearing shall be the complainant, the Coordinator, and any other interested persons.

C. The administrative review hearing shall be held at a time and in a location accessible and convenient to the complainant and other parties. Interpreter or reader services and other auxiliary equipment shall be arranged by the City as needed to allow the complainant to fully participate in the review process.

D. The ADA Coordinator shall base a decision on compliance with guidelines set forth in the Department of Justice Rules 28 CFR Part 35, (Nondiscrimination on the Basis of Disability in State and Local Government Services).

E. At any time during the administrative review hearing new evidence may be introduced by either party.

F. The ADA Coordinator's decision shall contain findings and other documentation used in reaching the decision.

G. The administrative review decision shall be mailed to the appropriate parties within thirty (30) calendar days from the date the review hearing is conducted. Phone notification shall also be made in cases involving visually impaired individuals. The mailing of the administrative review decision shall be done by certified mail, return receipt requested.

H. All administrative review decisions shall be permanently retained by the City.

I. If the complainant is dissatisfied with the results of the initial administrative review, he/she shall have thirty (30) calendar days from receipt of the decision to appeal in writing to the City Recorder.

Appeal Process

J. The appeal shall be scheduled by the City Recorder no later than thirty (30) calendar days after receipt of written notice of appeal.

K. The appeal shall be conducted and a determination made by a two person committee consisting of the City Attorney and the Community Development Director, neither of whom shall have previously participated in making the determination in the initial administrative review or taken part in the consideration thereof.

L. Interpreter, reader services or other auxiliary devices shall be arranged by the City, as needed, to allow the complainant to fully participate in the appeal.

M. The basis for making the determination shall be the same as that of the administrative review hearing. The determination shall be based solely upon the evidence presented at the initial hearing. New evidence may not be presented.

N. The appeal committee shall issue its determination in writing, setting forth the principal issues, the facts presented at the hearing, and the reasoning that led to the decision.

O. All decisions shall be sent by certified mail to the appropriate parties within thirty (30) calendar days of the date of the hearing and shall be permanently retained. Phone notification shall also be made in cases involving visually impaired individuals.

Additional Guidelines for Grievances and Appeals

P. Nothing in this process shall be construed as limiting or otherwise prohibiting a complainant from filing a formal complaint with applicable state or federal agencies. However, the process described herein may be suspended if a formal complaint is pending.

Q. At any stage of the ADA grievance process, a complainant may choose to be represented by an attorney or other representative, but the complainant shall bear all costs and fees of such representation.

R. The timelines referred to in Sections "B" and "J" above concerning the scheduling of hearings may be extended if, after reasonable effort and justification, the hearing cannot be conducted within the thirty (30) day period.

S. The ADA disability access grievance procedures may be modified by the ADA Coordinator in order to assure equal access to programs, services and activities for people with disabilities.

T. Nothing in this process shall be used for any personnel, EEO or labor agreement grievance procedure in effect for the City of Brookings.

**CITY OF BROOKINGS
DISABILITY ACCESS GRIEVANCE PROCESS**

INITIAL COMPLAINT

ADMINISTRATIVE REVIEW HEARING

APPEAL PROCESS

<ol style="list-style-type: none"> 1. Disabled person files written complaint with ADA Coordinator within twenty (20) calendar days of incident. 2. ADA Coordinator acknowledges complaint within ten (10) calendar days and attempts informal resolution. 3. If complaint is not informally resolved, ADA Coordinator shall schedule an Administrative Review Hearing. 	<ol style="list-style-type: none"> 1. ADA Coordinator shall coordinate and conduct an Administrative Review Hearing within thirty (30) calendar days after receipt of complaint. 2. All evidence shall be introduced at this time. 3. ADA Coordinator shall review all evidence at the time and decide the merits of the complaint. 4. The decision shall be mailed (phone notification for visually impaired) within thirty (30) calendar days after filing. 5. Decisions are permanently filed with the City. 6. If the complainant is dissatisfied with results, he/she shall have thirty (30) calendar days to appeal. 	<ol style="list-style-type: none"> 1. Appeals shall be scheduled by the City Recorder within thirty (30) calendar days of receipt. 2. The hearing shall be conducted by the City Attorney and Community Development Director. 3. Determination shall be based solely upon the evidence presented at the initial hearing. 4. All decisions shall be mailed (phone notification for visually impaired) within thirty (30) calendar days of the hearing.
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NOTE: Interpreter, reader service, or other auxiliary devices shall be arranged by the agency as needed to allow the complainant to fully participate in the process.