

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Adoption of Resolution No. 424 – Establishing an Americans with Disabilities Act (ADA) Grievance Procedure and Designating the City's ADA Coordinator

**DEPARTMENT:** City Manager's Office

**PRESENTED BY:** John Norris, Assistant City Manager

**ACTION:**        ☐ Ordinance    ☒ Resolution    ☐ Motion  
                 ☐ Discussion    ☐ Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Pursuant to 28 CFR Part 35, implementing regulations for Title II of the Americans with Disabilities Act (ADA), all public entities with 50 or more employees must designate an employee to coordinate its efforts to comply and carry out the ADA (the ADA Coordinator). These implementing regulations also require the City to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination in the provision of services, activities, programs, facilities, or benefits by the City of Shoreline in a prompt and equitable manner. These procedures do not apply to employment-related complaints of disability discrimination. While the City does have a process for addressing complaints of disability discrimination, this process was never formally established by Council resolution. Therefore a resolution and procedure have been prepared to be in compliance with the ADA.

Adoption of proposed Resolution No. 424 would establish the City's ADA Grievance Procedure and designate the City's ADA Coordinator. The City Council reviewed proposed Resolution No. 424 on July 30, 2018, and Council directed staff to bring back this proposed resolution for adoption. Tonight, Council is scheduled to adopt proposed Resolution No. 424.

**RESOURCE/FINANCIAL IMPACT:**

There are no financial impacts in establishing an ADA Grievance Procedure as proposed in Resolution No. 424. If a grievance is filed, staff time will be required to review and respond to the grievance and if the grievance requires resolution, the required corrective action or correction of a deficient system may have a financial impact.

**RECOMMENDATION**

Staff recommends that the Council adopt Resolution No. 424.

Approved By:        City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

Title II of the Americans with Disabilities Act (ADA) applies to State and local government entities and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. The ADA Title II regulations can be found at the following link: [https://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm](https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm).

Title II of ADA requires that all public entities with 50 or more employees must designate an employee to coordinate its efforts to comply and carry out the ADA (the ADA Coordinator). This law also requires the City to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and equitable manner. Therefore a resolution and procedure have been prepared to be in compliance with the ADA.

Adoption of proposed Resolution No. 424 would establish the City's ADA Grievance Procedure and designate the City's ADA Coordinator. The City Council reviewed proposed Resolution No. 424 on July 30, 2018. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport073018-9b.pdf>.

## **DISCUSSION**

The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons as per the ADA. Proposed Resolution No. 424 (Attachment A) would designate the Code Enforcement and Customer Response Team Supervisor as the City's ADA Coordinator. It will be the role of this position to coordinate all disability grievances and complaints and liaise with the complainant throughout the process.

Exhibit A to Proposed Resolution No. 424 provides the City's Grievance Procedures for the ADA. The Grievance Procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, facilities, or benefits by the City of Shoreline. These procedures do not apply to employment-related complaints of disability discrimination. The procedures outline that:

- Complainants have 60 days to file a complaint after the alleged violation;
- The complaint should be in writing and should contain the information identified in the Grievance Procedures (alternative means of filing complaints, such as personal interviews or audio/video recordings of the complainant, will be made available for persons with disabilities upon request);
- Included in the procedures are an ADA Grievance Form (Appendix 1 to the ADA Grievance Procedures) that can also be used to file a complaint;

- The ADA Coordinator or assigned designee will meet with the complainant within 15 days of the City receiving the complaint to further discuss the issue, and then within 15 days of the initial meeting, will respond in writing explaining the position of the City and options for resolution of the complaint.
- The complainant may seek reconsideration of the decision by the City Manager within 15 days of receipt of the resolution response. The City Manager would then meet with the complainant and also provide resolution in writing.

The City has also created Frequently Asked Questions and Answers (Attachment B) about this process. These FAQs and other information about the Grievance Process will be posted on the City's website. Specifically, this information will be added to the City's non-discrimination webpage (<http://www.shorelinewa.gov/government/departments/city-clerk-s-office/non-discrimination>) on the website. This webpage already provides information regarding Title VI of the Civil Rights Act, and how to file a formal complaint with the City if an individual feels that they have been discriminated against on the grounds of race, color or national origin. Thus, both grievance procedures and complaint processes will be located in one place on the City's website.

As noted earlier, the City Council discussed proposed Resolution No. 424 on July 30, 2018. At this meeting, Council directed staff to bring back this proposed resolution for adoption. Tonight, Council is scheduled to adopt proposed Resolution No. 424.

### **COUNCIL GOAL ADDRESSED**

The agenda item addresses City Council Goal #4: *Expand the City's focus on equity and inclusion to enhance opportunities for community engagement*, and specifically Action Step #3 under this goal: *"Ensure continued compliance with federal and state anti-discrimination laws, including Title VI of the Civil Rights Act, the Civil Rights Restoration Act, Title II of the Americans with Disabilities Act, and Washington's Law Against Discrimination, so as to ensure all Shoreline residents benefit from the City's programs and activities."*

### **RESOURCE/FINANCIAL IMPACT**

There are no financial impacts in establishing an ADA Grievance Procedure as proposed in Resolution No. 424. If a grievance is filed, staff time will be required to review and respond to the grievance and if the grievance requires resolution, the required corrective action or correction of a deficient system may have a financial impact.

### **RECOMMENDATION**

Staff recommends that the Council adopt Resolution No. 424.

## **ATTACHMENTS**

Attachment A – Proposed Resolution No. 424

Attachment A, Exhibit A – City of Shoreline ADA Grievance Procedure and ADA  
Grievance Form

Attachment B - City of Shoreline ADA Grievance Procedure FAQs

**RESOLUTION NO. 424**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING A GRIEVANCE PROCEDURE FOR COMPLAINTS ALLEGING A VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND DESIGNATING AN ADA COORDINATOR.**

WHEREAS, Title II of American's with Disabilities Act of 1990, 42 USC §12131-12134, as amended by the ADA Amendments Act of 2008 and other related statutes prohibits discrimination on the basis of disability in programs, services and activities provided or made available by public entities; and

WHEREAS, the U.S. Department of Justice promulgated rules which, pursuant to 28 CFR 35.107, require all public entities with 50 or more employees must designate at least one ADA Coordinator to coordinate the City's efforts to comply with and carry out the ADA;

WHEREAS, 28 CFR 35.107 further requires the City to adopt and publish grievance procedures providing prompt and equitable resolution of complaints; and

WHEREAS; the City of Shoreline is a public entity within the meaning of the ADA and desires to provide grievance procedures for prompt, equitable resolutions of complaints and to designate an ADA Coordinator to assist the City in compliance with the ADA;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. ADA Coordinator.** The City of Shoreline hereby appoints the Code Enforcement and Customer Response Team Supervisor as the City's ADA Coordinator.

**Section 2. ADA Grievance Procedure.** The Shoreline City Council adopts the City of Shoreline ADA Grievance Procedure, dated August 2018, and attached hereto as Exhibit A.

**Section 3. Directions to the City Clerk.** As soon as practicable after adoption of this Resolution, the City Clerk shall cause the ADA Grievance Procedure to be published on the City's website.

**Section 4. Corrections by City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

**Section 5.**      **Severability.** If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

**Section 6.**      **Effective Date.** This Resolution shall take effect and be in full force immediately upon passage by the City Council.

**ADOPTED BY THE CITY COUNCIL ON AUGUST 13, 2018.**

\_\_\_\_\_  
Mayor Will Hall

**ATTEST:**

\_\_\_\_\_  
Jessica Simulcik Smith, City Clerk-

## **City of Shoreline Grievance Procedure Under the Americans with Disabilities Act August 2018**

This Grievance Procedures is established to meet the requirements of the American with Disabilities Act of 1990 (ADA). This Grievance Procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, facilities, or benefits by the City of Shoreline. These procedures do not apply to employment-related complaints of disability discrimination. Use of these procedures is not a prerequisite to the pursuit of other remedies, such as filing a complaint with the U.S. Department of Justice.

If you believe you have been subject to unlawful discrimination based on a disability, submit a written complaint or fill out the ADA Grievance Form as soon as possible, but no later than 60 calendar days after the alleged violation. A copy of the ADA Grievance Form is attached as Appendix 1 to these procedures. The Complaint Form or written complaint may be submitted to the City Clerk's Office at Shoreline City Hall at:

City of Shoreline  
City Clerk's Office  
17500 Midvale Avenue N  
Shoreline, WA 98133  
Monday through Friday, 8:00 am to 5:00 pm

The ADA Complaint Form or written complaint may also be mailed to:

City of Shoreline  
ADA Coordinator – Code Enforcement and Customer Response Team Supervisor  
17500 Midvale Avenue N  
Shoreline, WA 98133  
206-801-2700  
TTY 206-546-0457

The written complaint should contain the following information, if applicable:

- Name, address, and contact information of the person alleging discrimination;
- Name and contact information of representative of complainant, if any;
- Description of the service, activity, program, facility, or benefit alleged to be inaccessible;
- Date and location of incident giving rise to this grievance; and
- City department and/or personnel involved.

Alternative means of filing complaints, such as personal interviews or audio/video recordings of the complainant, will be made available for persons with disabilities upon request to the ADA Coordinator.

Within 15 calendar days after receipt of the complaint, the City of Shoreline's ADA Coordinator and/or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the City's ADA Coordinator or designee will respond in writing, or where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Shoreline and offer options for substantive resolution of the complaint.

If the response by the City's ADA Coordinator or designee does not satisfactory resolve the issue, the complainant may seek reconsideration of the decision within 15 calendar days after receipt of the response to the City Manager. Any request for reconsideration by the City Manager should be in writing.

Within 15 calendar days after receipt of the request for reconsideration, the City Manager will meet with the complainant to discuss the complaint, the previously issued decision, and possible resolutions. Within 15 calendar days of the meeting, the City Manager will respond in writing, or where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received and responses given by the City ADA Coordinator and/or City Manager shall be retained by the City of Shoreline for at least six (6) years.



**COMPLAINT OF DISCRIMINATION ON THE BASIS OF DISABILITY  
AGAINST THE CITY OF SHORELINE, WASHINGTON  
Americans with Disability Act of 1990, 42 USC § 12101  
Washington's Law Against Discrimination, chapter 49.60 RCW**

**Complainant Contact Information:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street address/City/State/ Zip code

\_\_\_\_\_  
Work phone #/ Home/Cell phone #/ Message phone #

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Additional mailing address

**Aggrieved party contact information (if different from complainant):**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street address/City/State/ Zip code

\_\_\_\_\_  
Work phone #/ Home/Cell phone #/ Message phone #

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Relationship to aggrieved party

**Name of respondent:** City of Shoreline, Washington

**Department or agency (if known):** \_\_\_\_\_

**Address/location (if known):** \_\_\_\_\_

\_\_\_\_\_  
**Date(s) of Incident:** \_\_\_\_\_

**I believe the above actions were taken because of my disability. My primary type of disability is:**

\_\_\_\_\_ (e.g. mobility, vision, developmental)

**Statement of Complaint – How were you discriminated against?** Explain as clearly as possible what happened, who was involved, and where it happened. Include all facts upon which the complaint is based. Attach additional sheets if needed.

[illegible]

**Name, position, and department of City employees you have contacted regarding the incident(s).**

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**Witnesses or other involved – provide name, address, telephone number(s) and email addresses (if available). Attach additional sheets if needed.**

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**If you have filed a grievance, complaint or lawsuit regarding this matter anywhere else, give name and address of each place where you have filed. Attach additional sheets if needed.**

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**In the complainant's view, what would be the best way to resolve the grievance?**

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**I affirm that the foregoing information is true to the best of my knowledge and belief. I understand that all information becomes a matter of public record after the filing of this complaint.**

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**Complainant**

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**Date**

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**Aggrieved Party**

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**Date**

**Frequently Asked Question and Answers**

**GRIEVANCE PROCEDURE  
UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)  
AGAINST THE CITY OF SHORELINE, WASHINGTON**

**Who can file an ADA Grievance?**

- A person who believes he or she has been discriminated against, on the basis of disability in the provision of services, activities, programs, facilities, or benefits by the City of Shoreline may file an ADA Grievance.
- Someone may file on behalf of classes of individuals.

**How do I file a complaint?**

- Fill out the City's ADA Grievance Form completely to help the City process your complaint. Submit the completed form to the City Clerk's Office (in person) or the City's ADA Coordinator (by mail) within 60 calendar days of the alleged discriminatory act. You can also submit a written complaint if you do not want to use the City's ADA Grievance Form.

**What information needs to be in the written complaint?**

- The following information should be in a written complaint if you are not using the City's ADA Grievance Form:
  - Name, address, and contact information of the person alleging discrimination;
  - Name and contact information of representative of complainant, if any;
  - Statement of complaint. Description of the service, activity, program, facility, or benefit alleged to be inaccessible;
  - Date and location of incident giving rise to this grievance; and
  - City department and/or personnel involved.

**What happens when I file a complaint?**

- Once the complaint is received by the City, the City's ADA Coordinator will send you a written receipt of your grievance and will forward a copy of your complaint or ADA Grievance Form to the department named as a respondent in the complaint (if known). The City's ADA Coordinator will facilitate and coordinate responses to your ADA grievance, and this person will contact you for a meeting within 15 days.

**What if I don't agree with the ADA Coordinators letter of resolution?**

- A complainant who does not agree with the letter of resolution may submit a written request for a different resolution to the City Manager within 15 days of the date the complainant receives the City's response.

**Do I need an attorney to file or handle Grievance?**

- No. However, you may wish to seek legal advice regarding your rights under the law.

**Who should I return the ADA Grievance Form or written complaint to?**

- *In person:*  
City of Shoreline  
City Clerk's Office  
17500 Midvale Avenue N  
Shoreline, WA 98133
- *By mail:*  
City of Shoreline  
ADA Coordinator – Code  
Enforcement and Customer  
Response Team Supervisor  
17500 Midvale Avenue N  
Shoreline, WA 98133

**Who should I contact if I have questions about the ADA Grievance Procedure or ADA Grievance Form?**

- Please Contact the City's ADA Coordinator with questions on completing the ADA Grievance Form or about the Grievance Procedure. The ADA Coordinator can be reached at 206-801-2700.

These Frequently Asked Questions and the City's ADA Grievance Procedures and Grievance Form are available in alternate formats upon request. Please Contact the City's ADA Coordinator with questions on completing the ADA Grievance Form or about the Grievance Procedure.