

**ORDINANCE NO. 5048**

**AN ORDINANCE ADOPTING A CITY OF MCMINNVILLE NOTICE OF NONDISCRIMINATION AND GRIEVANCE PROCEDURE FOR COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND APPOINTING AN ADA COORDINATOR.**

RECITALS:

The City of McMinnville does not discriminate on the basis of disability in the admission or access to, treatment in, or employment in, its programs or activities and strives to make all of our programs and services available to every McMinnville citizen.

The Americans with Disabilities Act (ADA) of 1990 provides guidelines to comply with accessible programs, services and building construction.

Title II of the Americans with Disabilities Act addresses the right of access to public services by individuals with disabilities. According to the *Americans with Disabilities Act Handbook* (U.S. Department of Justice, 1991), the purpose of Title II is to prohibit discrimination on the basis of disability in all services, programs and activities provided or made available by local or state governments and their affiliate agencies. This is regardless of whether they receive federal funding or how many employees they have.

The City of McMinnville assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. In addition, the City of McMinnville also incorporates other State and Federal classes such as disability, religion, age, sex, sexual orientation, gender identity, marital status, or source of income.

The City of McMinnville assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not

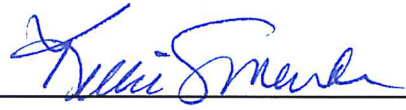
**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts Exhibit A, the City of McMinnville Notice of Non Discrimination Under the Americans with Disabilities Act; and
2. That the Council adopts Exhibit B, the City of McMinnville Grievance Procedure Under the Americans with Disabilities Act; and
3. That the Council appoints the Planning Director or his/her designee to be the ADA Coordinator for the City of McMinnville.

Passed by the Council this 13<sup>th</sup> day of March 2018, by the following votes:

Ayes: Drabkin, Garvin, Menke, Peralta, Ruden, Stassens

Nays: \_\_\_\_\_



COUNCIL PRESIDENT

Attest:

Approved as to form:



CITY ATTORNEY



CITY RECORDER

## EXHIBIT A

# CITY OF McMinnville, OREGON



## NOTICE OF NON DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities.

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the ADA Coordinator at **503-434-7311**, or **Access@mcminnvilleoregon.gov**, as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator at **503-434-7311**, or **Access@mcminnvilleoregon.gov**.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



## EXHIBIT B

# CITY OF McMinnville, OREGON



## GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It 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, or benefits by the City. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

City of McMinnville  
Attn: ADA Coordinator  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128  
Phone: (503-434-7311)  
Email: [Access@mcminnvilleoregon.gov](mailto:Access@mcminnvilleoregon.gov)

Within 15 calendar days after receipt of the complaint, the ADA Coordinator (or an authorized management designee) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator (or an authorized management designee) will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator (or an authorized management designee) does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his designee.