

RESOLUTION NO. 897

**A RESOLUTION ESTABLISHING A DISABILITY REVIEW BOARD, DEFINING THE AUTHORITY AND DUTIES OF THE BOARD, ESTABLISHING ORGANIZATION OF THE BOARD, AND COORDINATOR TO IMPLEMENT DISABILITY LAWS, ESTABLISHING A PROCEDURE FOR COMPLAINTS TO BE ADDRESSED AND OTHER MATTERS PERTAINING THERETO.**

The City of Wilsonville resolves as follows:

Section 1. Title. This resolution shall be known and may be cited herein as the City of Wilsonville Disability Review Board Resolution or the Disability Resolution.

Section 2. Purpose. The Council intends to establish a process whereby complaints concerning alleged violations of applicable state or federal disabilities laws by the City may be brought, heard, considered and decided. This resolution is not intended to expand the rights of qualified individuals with disabilities beyond the rights provided by applicable state and federal disability laws.

Section 3. Definitions. As used in this resolution, the following terms and their definitions shall apply:

(1) Americans With Disabilities Act (ADA). The Americans With Disabilities Act of 1990, 42 USC §12101, also regulations issued by a federal agency as directed by the ADA, including but not limited to regulations issued by the Equal Employment Opportunity Commission (EEOC) 29 CFR Part 1630, and by the Department of Justice (DOJ) 28 CFR Part 35. The ADA and any regulations issued by a federal agency as directed by the ADA as now or hereafter constituted are hereby adopted and incorporated by reference.

(2) Coordinator. The Coordinator shall be the City Manager or her designee, and shall be responsible for coordinating the City's efforts to comply with and carry out the City's responsibilities under rules governing nondiscrimination on the basis of disability in City services, programs, activities and facilities. The Coordinator responsibilities include, but are not limited to, designating qualified persons to investigate complaints received and designating qualified persons to sit as members of an internal Review Board to review, after investigation and in the event any complaint of noncompliance is not resolved, the City's compliance with the ADA and state disabilities laws.

(3) Disability. With respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual.

Section 4. Establishment of Internal Review Board.

(1) The Wilsonville Disability Review Board, hereinafter referred to as "Board" is hereby established and created for the purposes stated in Section 2 above and subsection (2) of this section. The Board shall consist of three members, designated by the Coordinator, who have expertise or experience in problems encountered by people of disabilities. Two members shall constitute a quorum.

(2) The Board shall be responsible for reviewing alleged violations of noncompliance with the ADA and/or applicable state laws by the City in its services, programs, activities and facilities, that are not resolved by the Coordinator as set forth in Section 5.

Section 5. Complaint Procedure.

(1) Any person who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may by himself or herself or by an authorized representative, file a complaint in accordance with this section.

(2) Complaints filed under this section shall be in writing and filed with the Coordinator. The Coordinator shall maintain a record of complaints and any action taken in response thereto.

(3) Within thirty (30) City business days, the Coordinator shall appoint and cause a designated investigator(s) to prepare a written response. A copy of the response shall be sent to the complainant or his/her representative by regular mail.

(4) If the complaint is not resolved to the satisfaction of the complainant after the time for the aforementioned response, and the complainant so requests in writing, the complaint shall be forwarded to the Board for consideration and decision. If no request is made within 30 days from the date of the written response, the matter will be considered satisfactorily resolved and no further action on the complaint is required.

(5) The Board shall conduct a hearing on complaints which are forwarded to it under this section in accordance with the following procedures:

(a) Notice of hearing by the Board shall be published at least once prior to the hearing in either The Oregonian or the Wilsonville Spokesman. In addition, written notice by regular mail shall be sent to the complainant at least seven (7) days in advance. The notice shall give the time and location of the hearing and invite the testimony of interested persons.

(b) Employment by the City shall not be deemed a conflict of interest.

(c) There shall first be presentation of the City staff report, then

(d) Presentation by the complainant or his/her representative; and then

(e) Other testimony or evidence in support of or against the complainant.

(f) In its discretion, the Board may alter the above order if it finds circumstances warrant same.

(g) Close of the hearing and deliberation. The Board's deliberations may include questions directed to City staff, or inquiries directed to any person. If new evidence, conditions or modifications not presented in the staff report or raised during the hearing are raised after the close of the hearing, the hearing may be reopened and an opportunity presented for any person to comment on or rebut that evidence or information. After the close of the hearing and at any time prior to adoption of the Board's written decision, the Board may reopen the hearing to solicit additional evidence and information, provided however, that if such action occurs at a different session of the Board then notice of the hearing shall be given by regular mail to those who participated in the hearing at least even (7) days in advance. Rebuttal to such new evidence of information shall also be provided.

(h) Except as otherwise provided, the Board shall, within a reasonable time after the hearing is finally closed, but not more than thirty (30) days, adopt a written decision which sets forth with particularity the basis for that decision. A copy of the decision shall be sent to the complainant or his/her representative by regular mail.

(i) Unless a written request for City Council review is received by the City within ten (10) days from the date of the Board decision, then such written decision is the final decision on the complaint and the date of the decision is the date it is signed by or on behalf of the chairperson signifying its approval by the Board.

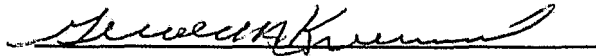
(6) Upon timely receipt of a written request for review of the board's decision, the City Council shall schedule the matter for public hearing in accordance with the same

procedures applicable to the Board, except that the date on which the Council's written decision is signed by the Mayor or chairperson of the Council is the date the decision is final.

(7) A written record of minutes shall be kept and maintained of Board and Council proceedings under this section.

(8) Prompt and equitable resolution of the complaint shall not be impaired by the complainant's or another's pursuit of other remedies.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 18th day of February, 1992 and filed with the Wilsonville City Recorder this same date.



GERALD A. KRUMMEL, Mayor

ATTEST:

  
VERA A. ROJAS, CMC/AE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>