

RESOLUTION NO. 2016-003

A RESOLUTION OF THE CITY OF BINGEN

**ADOPTING A POLICY AND NOTICE REGARDING THE AMERICANS WITH
DISABILITIES ACT**

WHEREAS, the Congress of the United States adopted the Americans with Disabilities Act of 1990 (ADA) to prohibit the discrimination against individuals with disabilities; and

WHEREAS, the City of Bingen is required to comply with the ADA;

**THE CITY COUNCIL OF THE CITY OF BINGEN, WASHINGTON DO
RESOLVE AS FOLLOWS:**

The policy and procedures and notice attached hereto as "Exhibit A" are hereby adopted as an official policy of the City of Bingen.

ADOPTED by the City Council of the City of Bingen, Washington, and APPROVED by its Mayor, at a regularly scheduled open public meeting thereof this 1st day of March, 2016.



Mayor

Attest:



City Clerk - Treasurer

Approved as to Form:



Attorney

Exhibit A

POLICY REGARDING NONDISCRIMINATION ON THE BASIS OF DISABILITY

Purpose

To establish a policy for ensuring reasonable access to services, programs and activities of the City of Bingen and a procedure with which a person with disabilities can identify and request resolution of accommodation within a service, program or activity of local government.

Organization Affected

This policy applies to all departments of the City of Bingen.

Policy

The City of Bingen does not discriminate on the basis of disability. It is the policy of the City to assure disabled persons the ability to participate in, or benefit from employment, services, activities and facilities, where possible. The City, upon request, will provide reasonable accommodation in compliance with the Americans with Disabilities Act and the Washington Law Against Discrimination.

Definitions

1. **Disabled Individual:** an individual (a) with a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (b) with a record of such impairment; or (c) who is regarded as having such an impairment.
2. **Reasonable Accommodation:** modifications or adjustments that enable an individual with a disability to enjoy equal benefits and privileges as are enjoyed by other individuals without disabilities, without placing an undue hardship on the operation of the City.

Reference

1. The Americans with Disabilities Act of 1990, Title II
2. Washington State Law Against Discrimination

Notice

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

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the city of Bingen does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City of Bingen, will, upon request, attempt to provide appropriate aid and services leading to effective communication for qualified persons with disabilities so they can participate equally in the city's programs, services, and activities. We strive to make information and communication accessible to people who have speech, hearing or vision

impairments. The City of Bingen has adopted a specific "Hearing Impaired Access to Services Policy" dated July 5, 2000.

Modifications to Policies and Procedures: The City of Bingen will make reasonable modifications to policies and programs to ensure that people with disabilities have equal opportunity to enjoy all City programs, services and activities.

Anyone who requires an auxiliary aid or service for effective communication or modification of policies or procedures to participate in a City program, service or activity, should contact the person or department who scheduled the event as soon as possible but no later than 72 hours before the scheduled event. If you are not sure who you should contact, you may contact the ADA Coordinator identified in this notice.

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.

The City will not place a surcharge on particular individual with a disability or group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

ADA Questions and Complaints: The City of Bingen has an ADA Coordinator and a grievance procedure. Those are intended to ensure that complaints are handled promptly. Equitable resolution is strived for through the review process. Please contact the ADA Coordinator with questions or complaints about ADA compliance efforts.

ADA Coordinator:
Jan Brending
PO Box 607
112 N. Ash St.
Bingen, WA 98605
Phone: 509-493-2122
E-mail: administrator@bingenwashington.org

Procedure

1. The City Administrator of the City of Bingen shall be the City's ADA Coordinator.
2. Requests for accommodation may first be directed to the individual responsible for the program, activity or service to which access is requested.
3. If access is not accommodated, a formal complaint must be submitted in writing to the ADA Coordinator within 30 working days after the complainant becomes aware of the alleged violation. Reasonable accommodation to assist in completing the form is available upon request.

4. The complaint must contain the name, address, and telephone number of the individual filing the complaint; briefly describe the alleged violation and the requested accommodation resolution. A form is available, but is not necessary.
5. The ADA Coordinator will conduct an informal, but thorough, review affording the complainant the affected department(s) an opportunity to submit information relevant to the complaint and potential accommodation/resolution.
6. A written response and description of the accommodations/resolutions, if any, will be issued by the ADA Coordinator and sent to the complainant within 30 calendar days after the complaint is received, unless the complexities of the complaint require additional time, in which case the complainant will be notified. The accommodation or resolution may not be the same as requested.
7. The complainant may request a reconsideration of the case determined by submitting a request for reconsideration within ten (10) working days following the date the complainant receives the City's response.
8. The Mayor will conduct his/her review of the complaint and issue his/her decision to the complainant within twenty (20) working days of receiving the request for reconsideration, unless complexities of the complaint require additional time. The Mayor's decision is final.
9. The City Administrator will maintain the files and records of the City of Bingen related to ADA complaints filed and keep a log of complaints. The log shall include:
 - The name and address of the person filing the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint
10. Use of this grievance process is an administrative remedy, the result of which may be appealed to an appropriate court of law or administrative agency. The individual's right to a prompt and equitable solution of the complaint will not be impaired by his/her pursuit of other remedies such as filing a grievance of an ADA complaint with the responsible federal department or agency.

**CITY OF BINGEN
PUBLIC ACCESS REQUEST FOR ACCOMMODATION FORM**

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| Name of Individual Requesting Accommodation: | |
| Mailing Address: | |
| Phone: | E-mail: |
| Explain what functional disability you have that limits your ability to participate in a City of Bingen program or service: (i.e. "I am confined to a wheelchair.") | |
| Describe the program, service or activity you cannot access due to your disability, and what you believe are the barriers to access or participation. | |
| Proposed Accommodation/Resolution: | |
| Signature: | Date: |
| Reserved for City of Bingen Use | |
| Date Received: | By: |
| Date Sent to ADA Coordinator: | |
| Date Response Sent: | |

**CITY OF BINGEN
PUBLIC ADA COMPLAINT FORM**

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| Name of Complainant: | |
| Mailing Address: | |
| Phone: | E-mail: |
| Issue (Identify the nature of disability and how it impairs a major life function): | |
| Proposed Accommodation/Resolution: | |
| Signature: | Date: |
| Reserved for City of Bingen Use | |
| Date Received: | By: |
| Date Sent to ADA Coordinator: | |
| Date Response Sent: | |