

**RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

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JUN 1 2007 *Comm. Dev.*

RESOLUTION NO. 19473

City Comm. Dev. Dept.

A RESOLUTION AMENDING RESOLUTION NO. 10456 THAT ESTABLISHED A GRIEVANCE PROCEDURE PROVIDING FOR PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS ALLEGING ANY ACTION PROHIBITED BY TITLE I AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990; APPOINTING AN ADA COORDINATOR AND ASSISTANT COORDINATOR; AND CREATING AN ADA COMPLIANCE COMMITTEE.

WHEREAS, on July 20, 1992, the Helena City Commission passed Resolution No. 10456 that established grievance procedures to be followed by any person or persons wishing to submit a complaint regarding access or alleged discrimination relating to Title I and Title II of the Americans with Disabilities Act of 1990; and

WHEREAS, the City wishes to amend Resolution No. 10456 for prompt and equitable resolution of complaints alleging any action prohibited by Title I and Title II of the Americans with Disabilities Act of 1990, which provides comprehensive civil rights protection in the areas of employment, state and local government services programs, and telecommunications to individuals with disabilities; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof that Resolution No. 10456 be amended by deleting it in its entirety and adopting this resolution in lieu thereof.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

**Section 1.** The Helena City Commission hereby amends Resolution No. 10456 by deleting it in its entirety and adopting the following language in lieu thereof:

- A. The Community Development Director or the director's designee is designated as the official ADA Coordinator for the City of Helena, and the Human Resource Director or the director's designee is designated as the assistant ADA Coordinator to oversee the planning, training, and implementation of compliance activities and to handle grievances.
- B. Complaints should be addressed to the ADA Coordinator, 316 North Park Avenue, Helena, MT 59623.
- C. A complaint must be filed within 30 days after the complainant knows or should have known of the alleged violation.
- D. An investigation must follow the filing of a complaint, with the investigation being conducted by the ADA coordinator. The investigation may be informal, but must be thorough, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

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- E. The ADA Coordinator will issue a written determination as to the validity of the complaint and resolution of the complaint, if any, and a copy will be forwarded to the complainant no later than 30 days after the City's receipt of the complaint.
- F. The ADA Coordinator will maintain the files and records relating to the complaints filed.
- G. The complainant may request reconsideration of a case in instances where the complainant is dissatisfied with the resolution. The request for reconsideration must be made in writing within thirty (30) days of issuance of the original determination to the ADA Compliance Committee, in care of the ADA Coordinator, 316 North Park Avenue, Helena MT 59623.
- H. The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

**Section 2.** The City Commission hereby establishes the ADA Compliance Committee that shall be comprised of the following

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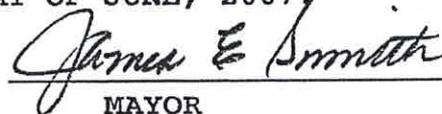
members:

one City Commissioner;  
two individuals representing the disabled community;  
one business owner;  
one person with expertise in the field of architecture or  
construction;  
one person in the health/medical field; and  
one member from the community at large.

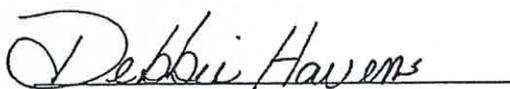
Priority consideration shall be given to persons with disabilities for all committee positions.

**Section 3.** The ADA Compliance Committee will act as an advisory committee to assist in determination of reasonable accommodations. The Committee may review requests for reconsideration of complaints forwarded by the ADA Coordinator, may make determinations as to the validity of complaints, and may provide descriptions of the resolution of those grievances that have been appealed. The Committee may recommend priorities for making structural changes to public facilities, offer suggestions on how to achieve program accessibility, and review and make recommendations on employment practices and accommodations for compliance.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF  
HELENA, MONTANA, THIS 4th DAY OF JUNE, 2007.

  
MAYOR

ATTEST:

  
CLERK OF THE COMMISSION