

✓Comm De  
File

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19473

RECEIVED

JUL 18 2007

A RESOLUTION AMENDING RESOLUTION NO. 19473  
TO ESTABLISH TERM LIMITS FOR THE MEMBERS City Comm. Dev. Dept.  
OF THE ADA COMPLIANCE COMMITTEE

**WHEREAS**, on June 4, 2007, the Helena City Commission passed Resolution No. 19473 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

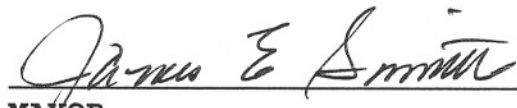
**WHEREAS**, it appears to be in the best interests of the City of Helena and its inhabitants that Resolution No. 19473 be amended to provide term limits for the members of the ADA Compliance Committee.

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

**Section 1.** The Helena City Commission hereby amends Resolution No. 19473 by adding the following language:

**"Section 4:** The term of office shall be for a period of three (3) years from the date of appointment except that the first appointments of a City Commissioner and member from the community at large shall be for two (2) years. Committee members may seek reappointment for an additional two terms."

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 2nd DAY OF JULY, 2007.**

  
MAYOR

**ATTEST:**

  
CLERK OF THE COMMISSION

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

RECEIVED

JUN 18 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.

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

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.

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

- 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

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

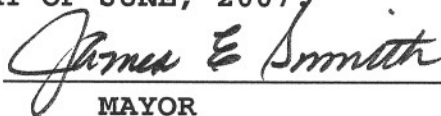
members:

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.

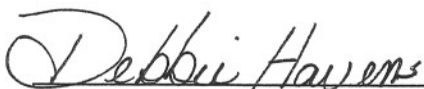
Priority consideration shall be given to persons with disabilities for all committee positions.

**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