



Legislation Details (With Text)

File #: REPORT 20-0103 **Version:** 1 **Name:**
Type: Action Item **Status:** Municipal Matter
File created: 2/18/2020 **In control:** City Council
On agenda: 3/24/2020 **Final action:**
Title: CONSIDERATION OF ADOPTION OF GRIEVANCE PROCEDURE
TO RESOLVE GRIEVANCES ARISING UNDER TITLE II OF THE
AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")
(Human Resources Manager Vanessa Godinez)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Resolution 20-7226 Adopting ADA Grievance Procedure, 2. 2. City of Hermosa Beach ADA Grievance Procedure, 3. 3. City of Hermosa Beach ADA Grievance Form

Date	Ver.	Action By	Action	Result
3/24/2020	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of March 24, 2020**

**CONSIDERATION OF ADOPTION OF GRIEVANCE PROCEDURE
TO RESOLVE GRIEVANCES ARISING UNDER TITLE II OF THE
AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")
(Human Resources Manager Vanessa Godinez)**

Recommended Action:

Staff recommends the City Council:

1. Adopt a resolution approving an ADA Grievance Procedure for the fair and prompt resolution of grievances arising under Title II of the Americans with Disabilities Act of 1990 ("ADA"); and
2. Authorize the City Manager to designate a City employee responsible for coordinator compliance with the ADA and investigating ADA complaints.

Executive Summary:

The City of Hermosa Beach is committed to ensuring people with disabilities can access the facilities, programs, policies, services, and activities offered by the City and compliance with Title II of the Americans with Disabilities Act of 1990 ("ADA"), ADA Amendments Act of 2008, and other applicable laws. The proposed resolution (**Attachment 1**) would adopt a Hermosa Beach ADA Grievance Procedure (**Attachment 2**), Hermosa Beach ADA Grievance Form (**Attachment 3**), and authorize the City Manager to designate a City employee to be an ADA coordinator.

Background:

The City has been working with Access Hermosa in reviewing the draft ADA Transition Plan. Through the City's efforts to further develop and adopt an ADA Transition Plan, we are taking this action to identify an ADA Coordinator.

If a city has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance and adopt and publish a grievance procedure. Such an employee is known as the "ADA Coordinator."

The ADA Coordinator is responsible for coordinating the efforts of the City to comply with Title II and investigating any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons. For members of the public, having an ADA Coordinator makes it easy to identify someone to help them with questions and concerns about disability discrimination. For cities, having a specific contact person with knowledge and information about the ADA may be beneficial so that questions by staff can be answered efficiently and consistently. In addition, an ADA Coordinator coordinates compliance measures and can be instrumental in ensuring that ADA compliance plans move forward.

If a city has 50 or more employees, it is also required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

Neither Title II nor its implementing regulations describe what ADA grievance procedures must include. However, the Department of Justice developed a model grievance procedure for use by cities. Staff has developed an ADA Grievance Procedure based on the model grievance procedure and grievance procedures from other cities.

As the City of Hermosa Beach has more than 50 employees, staff is proposing that the City Council adopt the attached resolution approving and adopting an ADA Grievance Procedure for the City, and authorize the City Manager to designate the City's Human Resources Manager as the City's ADA Coordinator. This would ensure compliance with the ADA and maintain the City's commitment to ensuring equal access for people with disabilities. The City Manager proposes to designate the City's Human Resources Manager, Vanessa Godinez, as the City's ADA coordinator.

General Plan Consistency:

This report and associated recommendations have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Mobility Element

Goal 3. Public right-of-ways supporting a multimodal and people-oriented transportation system that provides diversity and flexibility on how users choose to be mobile.

Policies:

- **3.2 Complete pedestrian network.** Prioritize investment in designated priority sidewalks to ensure a complete network of sidewalks and pedestrian-friendly amenities that enhances pedestrian safety, access opportunities and connectivity to destinations.
- **3.10 Require ADA standards.** Require that all public right-of-ways be designed per Americans with Disabilities Act (ADA) standards by incorporating crosswalks, curb ramps, pedestrian signals, and other components to provide ease of access for disabled persons.

Parks + Open Space Element

Policies:

- **4.4 ADA accessible park access.** Install ADA and universally accessible amenities and equipment so that all parks, beach, and trail networks are accessible to all persons.
- **6.6 Universal access.** Provide resources that improve accessibility to the beach for all visitors.

Infrastructure Element

Policies:

- **2.4 Sidewalk improvements.** Consider innovative funding strategies, such as cost-sharing, ADA accessibility grants, or sidewalk dedications, to improve the overall condition, safety, and accessibility of sidewalks.

Fiscal Impact:

There is no fiscal impact to the City associated with this action.

Attachments:

1. Resolution 20-7226 A Resolution of The City Council of The City of Hermosa Beach, California, Adopting a Procedure to Resolve Grievances Arising Under Title II of The ADA
2. City of Hermosa Beach Americans with Disabilities Act Grievance Procedure
3. City of Hermosa Beach Americans with Disabilities Act Grievance Form

Respectfully Submitted by: Vanessa Godinez, Human Resources Manager

Concur: Marnell Gibson, Public Works Director

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager