

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 18-58 AC CMS

AN ORDINANCE AMENDING ORDINANCE NO. 99-1 AC CMS TO DESIGNATE AN AMERICANS WITH DISABILITIES ACT COORDINATOR FOR THE CITY OF OBERLIN AND ESTABLISHING A GRIEVANCE PROCEDURE

WHEREAS, subtitle A of title II of the Americans with Disabilities Act of 1990, (“ADA”) as amended by the ADA Amendment Act of 2008, (“ADAAA”) provides for certain administrative requirements applicable to the City of Oberlin pertaining to nondiscrimination on the basis of disability in the provision of State and local governmental services and making is easier for people with disabilities to obtain protection.

THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1: That the City Manager is hereby designated as ADA Coordinator for the City of Oberlin as is provided under 28 CFR §35.107(a). The City Manager may designate another City Employee to act as the ADA Coordinator from time to time as he or she deems to be appropriate. The ADA Coordinator shall have the responsibility to coordinate the efforts of the City to comply with subtitle A of title II of the ADA and the ADAAA and to investigate and attempt to resolve any complaints of discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Oberlin.

SECTION 2: That the following procedure shall be applicable to the resolution of grievances involving any alleged violation of the ADA by the City of Oberlin:

(a) All complaints of the City’s violation of the requirements the ADA and the ADAAA shall be submitted in writing to the designated ADA Coordinator, (“Complaint”). Form Complaints shall be made available through the ADA Coordinator. Upon request alternative means of submitting a Complaint shall be made available for persons who, due to a disability have difficulty in submitting a written Complaint.

(b) Within 10 business days of the filing of the Complaint, the ADA Coordinator shall meet with the complainant to discuss the Complaint and resolution of the violations alleged in the Complaint. Within 10 business days of the meeting, the ADA Coordinator shall provide a written response to the complainant which shall set forth the position of the City with regard to the Complaint and any proposed resolution of the violations alleged in the Complaint.

(c) Should the ADA Coordinator be unable to resolve the Complaint to the satisfaction of the complainant the Complaint shall be forwarded to the Oberlin Human Relations Commission.

(d) The Human Relations Commission shall set a hearing date within fifteen (15) business days of its receipt of the Complaint. Prior to the hearing date, the Commission may designate two of its members to meet with the complainant to discuss the Complaint, any resolutions proposed by the ADA Coordinator and any other means of resolution. The Commission shall issue a written recommendation setting forth a final resolution of the Complaint within 15 business of the meeting or the hearing as the case may be.

(e) A record of all proceedings relating to the ADA review will be maintained for not less than 3 years.

(f) The use of this grievance procedure is not a prerequisite to the pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency or the commencement of other legal action.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: August 20, 2018  
2<sup>nd</sup> Reading: September 4, 2018 (A) (S)  
3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
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BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 09/05/2018

EFFECTIVE DATE: 10/04/2018