

**RESOLUTION NO. R-50-11**

**A RESOLUTION OF THE COMMON COUNCIL  
OF THE CITY OF ELKHART, INDIANA  
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)  
ADA COORDINATOR AND PROCEDURES**

**WHEREAS**, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

**WHEREAS**, in compliance with Title II of the ADA the City of Elkhart, Indiana, shall name an ADA Coordinator; and

**WHEREAS**, in compliance with Title II of the ADA the City of Elkhart, Indiana, shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

**WHEREAS**, in compliance with Title II of the ADA the City of Elkhart, Indiana, shall publish notice to the public regarding the ADA;

**WHEREAS**, in compliance with Title II of the ADA the City of Elkhart, Indiana, shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Elkhart, Indiana:

The Right-of-Way Engineer, or the City Engineer's designee, is designated as the ADA Coordinator for the City of Elkhart, Indiana.

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto and as revised from time to time, is adopted as the City of Elkhart, Indiana, Notice under the Americans with Disabilities Act.

The City of Elkhart, Indiana, Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto and as revised from time to time, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Elkhart, Indiana.

In compliance with Federal and State laws as set forth above, the Common Council resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and City of Elkhart, Indiana, Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of December, 2011.

Brent Curry  
Brent Curry  
President of the Common Council

ATTEST:

Sue M. Beadle  
Sue M. Beadle, City Clerk

PRESENTED to the Mayor by me this 21<sup>st</sup> day of December, 20 11.

Sue M. Beadle  
Sue M. Beadle, City Clerk

APPROVED by me this 22<sup>nd</sup> day of December, 20 11.

Dick Moore  
Dick Moore, Mayor

ATTEST:

Sue M. Beadle  
Sue M. Beadle, City Clerk

## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Elkhart, Indiana**, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** **City of Elkhart, Indiana**, does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** **City of Elkhart, Indiana**, will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **City of Elkhart, Indiana**, programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** **City of Elkhart, Indiana**, will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **City of Elkhart, Indiana**, offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Elkhart, Indiana**, should contact the office of **the Right-of-Way Engineer, Leslie Miller, at (574) 293-2572**, as soon as possible but no later than one week before the scheduled event.

The ADA does not require the **City of Elkhart, Indiana**, to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **City of Elkhart, Indiana**, is not accessible to persons with disabilities should be directed to **the Right-of-Way Engineer, Leslie Miller, at (574) 293-2572**.

**The City of Elkhart, Indiana**, will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

# **The City of Elkhart, Indiana Grievance Procedure under the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **City of Elkhart, Indiana**. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Ms. Leslie Miller  
ADA Coordinator and Right-of-Way Engineer  
1201 S. Nappanee St., Elkhart, IN 46516**

Within 15 calendar days after receipt of the complaint, **Leslie Miller** or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **Leslie Miller** or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **City of Elkhart, Indiana**, and offer options for substantive resolution of the complaint.

If the response by **Leslie Miller** or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **Board of Public Works** or its designee.

Within 30 calendar days after receipt of the appeal, the **Board of Public Works** or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the **Board of Public Works** or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by **Leslie Miller** or her designee, appeals to the **Board of Public Works** or its designee, and responses from these two offices will be retained by the **City of Elkhart, Indiana**, for at least three years.