

RESOLUTION NO. _____

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA
DESIGNATING THE AMERICANS WITH DISABILITIES ACT COORDINATOR AND ADOPTING PROCEDURES**

WHEREAS, the Federal Government enacted the Rehabilitation Act of 1973 (Section 504) and further 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 Americans with Disabilities Act, the City of Muncie shall name an ADA Coordinator; and

WHEREAS, there is a designated Title VI Coordinator for the City of Muncie and there is a desire to designate one person as both the Title VI Coordinator and the ADA Coordinator. and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, as follows:

Section 1. The Executive Director of the Human Rights Commission is designated as the ADA Coordinator for the City of Muncie, Indiana, and may designate an authorized representative (Designee) as needed.

Section 2. The Notice under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit "A", is hereby amended to reflect the new ADA Coordinator and contact information.

Section 3. The City of Muncie Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto as Exhibit "B", being 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 Muncie, is hereby amended to reflect the new ADA Coordinator and contact information.

Section 4. In compliance with federal laws as set forth above, the Common Council of the City of Muncie hereby resolves to post the required information regarding the Americans with Disabilities Act Coordinator, the Notice under the Americans with Disabilities Act, and the City of Muncie Grievance Procedure under the Americans with Disabilities Act on the city website and at such other locations as may be determined from time to time.

Section 5. That this Resolution shall be in full force and effect from and after its passage, and such publication as required by law.

	YEAS	NAYS	ABSTAINED	ABSENT
Julius J. Anderson				
Jerry Dishman				
Linda Gregory				
Doug Marshall				
Lynn Peters				
Brad Polk				
Nora Powell				
Alison Quirk				
Dan Ridenour				

Passed by the Common Council of the City of Muncie, Indiana, this _____ day of _____, 20____.

 President of the Common Council of
 Muncie, Indiana

Presented by me to the Mayor for his approval this _____ day of _____, 20____.

 Melissa Peckinpaugh, City Clerk of
 Muncie, Indiana

The above resolution approved (vetoed) by me this _____ day of _____, 20____.

 Dennis Tyler, Mayor of the
 City of Muncie, Indiana

ATTEST:

 Melissa Peckinpaugh, City Clerk of
 Muncie, Indiana

This resolution is proposed by: _____
 City Council Member

This resolution is approved in form by: _____
 Corporate Counsel

Exhibit "A"

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 Muncie will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Muncie 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: The City of Muncie 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 Muncie programs, services, and activities.

Modifications to Policies and Procedures: The City of Muncie 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.

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 Muncie, should contact the City of Muncie ADA Coordinator, Human Rights Commission, Muncie City Hall, 300 N. High Street, Muncie, Indiana 47305, (765) 747-4854, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Muncie 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 Muncie is not accessible to persons with disabilities should be directed to the City of Muncie ADA Coordinator, Human Rights Commission, Muncie City Hall, 300 N. High Street, Muncie, Indiana 47305, (765) 747-4854. See the City of Muncie's ADA Grievance Procedure.

The City of Muncie 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 modification of policies, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Exhibit "B"

CITY OF MUNCIE, INDIANA GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

This City of Muncie, in accordance with the Americans with Disabilities Act ("ADA"), has adopted this Grievance Procedure to insure prompt and equitable resolution of complaints alleging discrimination based on disability in the provision of programs, services, benefits, or activities provided by the City of Muncie, Indiana. Employment related claims of disability discrimination are governed by the City's Personnel Policies.

The steps in the City of Muncie's Grievance Procedure are as follows:

1. File a written complaint using the City's ADA Grievance Form (attached) no later than 60 days after the date of violation. Information must include:
 - Name, address, phone number, email (if applicable) of person filing the grievance.
 - Name, address, phone number, email (if applicable) of person alleging the grievance on behalf of someone else.
 - Date and approximate time violation occurred.
 - Narrative description of the violation.
 - Remedy or desired County corrective action.

The complaint should be submitted to:

ADA Coordinator
Human Rights Commission
300 N. High Street
Muncie, Indiana 47305

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.

2. The City of Muncie's ADA Coordinator will acknowledge the complaint within 21 days from the date of filing. The ADA Coordinator may meet with the complainant to discuss the complaint and explore informal resolution to the problem.
3. If informal resolution is not reached, then within 30 days after the initial response under Step 2, the ADA Coordinator or Designee will respond in writing, and where appropriate in a format accessible to the complainant such as large print or audio tape. The response will explain the City's position and offer options for resolution of the complaint.
4. If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal that response/decision. This appeal should be made to the President of the Board of Public Works & Safety or his/her designee within 15 days after receipt of the response of the ADA Coordinator, and this appeal request must be made in writing. The appeal should be submitted to:

President
Board of Public Works & Safety
5790 W. Kilgore Avenue
Muncie, Indiana 47304

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5. The President of the Board of Public Works & Safety or his/her designee shall meet with the complainant within 15 days after receipt of the appeal to discuss the complaint and possible resolutions.
6. Within 15 days after that meeting, the President of the Board of Public Works & Safety or his/her 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 the ADA Coordinator or his/her designee or appeals to the President of the Board of Public Works & Safety will be retained by the City of Muncie, in the office of the ADA Coordinator, for a period of three (3) years.

**ADA GRIEVANCE FORM
CITY OF MUNCIE, INDIANA**

Today's Date: _____

Complainant: _____

Address: _____

City/State/Zip: _____

Phone/email: _____

Individual Discriminated Against: _____

(if different from Complainant)

Address: _____

City/State/Zip: _____

Phone/email: _____

Alleged Violation – Date(s) & Approximate Time of Occurrence:

Detailed Description of Violation and County Department/Location Involved: _____

Requested Action by County to Correct Violation: _____

Has Complaint been filed with State or Federal Agency: _____ Yes _____ No

If yes, Name of Agency: _____

Contact Person: _____ Date Filed: _____

Complainant Signature

If there are witnesses, please list names and addresses separately below and/or on the back side of this form: