

RESOLUTION 18 - 2012

CITY OF BRAZIL, INDIANA COMMON COUNCIL

A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT IN THE CITY OF BRAZIL, INDIANA

WHEREAS, the City of Brazil receives Federal funds for many uses and projects; and
WHEREAS, the receipt of such funds requires compliance with Federal laws and policies; and

WHEREAS, it is the wish of the U.S. Equal Employment Opportunity Commission that Municipal entities such as the City of Brazil formally enact and adopt policies and procedures demonstrating compliance with the Americans With Disabilities Act (ADA); and

WHEREAS, the City of Brazil, by its Common Council wishes to formally adopt and implement the following policy and procedure for the benefit of all of the Citizens of the City of Brazil.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Brazil that the following declaration become a written policy of the City of Brazil and be posted in all Municipal Buildings upon passage:

CITY OF BRAZIL
Notice Under the Americans
With Disabilities Act (ADA)

The City of Brazil adopts the 2010 American with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Rights-of-Way. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Brazil, Indiana will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Brazil, 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: the City of Brazil, 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 the City of Brazil's 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.

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Modifications to Policies and Procedures: the City of Brazil 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 Brazil 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 Brazil should contact the Brazil ADA Coordinator at (812) 448-6960, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Brazil 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 Brazil is not accessible to persons with disabilities should be directed to the Brazil ADA Coordinator at (812) 448-6960.

The City of Brazil 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.

CITY OF BRAZIL 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 Brazil. 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 sixty (60) calendar days after the alleged violation to:

ADA Coordinator, City of Brazil
Brazil City Hall
203 East National Avenue
Brazil, IN 47834

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Within ten (10) calendar days after receipt of the complaint, ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within ten (10) calendar days of the meeting, ADA Coordinator or his/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 Brazil and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within ten (10) calendar days after receipt of the response to the ADA Coordinator or his/her designee.

Within ten (10) calendar days after receipt of the appeal, the ADA Coordinator or his/her designee will meet again with the complainant to discuss the appeal and possible resolutions. Within ten (10) calendar days after the meeting, the ADA Coordinator or his/her designee will respond in writing, and, where appropriate, in a format described above that are accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the ADA Coordinator or his/her designee, and responses from ADA office will be retained by the City of Brazil for at least three (3) years.

RESOLVED this 12th day of December, 2012.

BRAZIL COMMON COUNCIL
OF THE CITY OF BRAZIL, INDIANA

By: Brian L. Wyrnham
(Signature)

Brian L. Wyrnham
(Printed Name) Presiding Officer

ATTEST:

Karen McQueen
Karen McQueen, Clerk-Treasurer
City of Brazil, Indiana

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CITY OF BRAZIL, INDIANA COMMON COUNCIL

MEMBERS OF THE COMMON COUNCIL

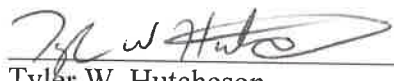
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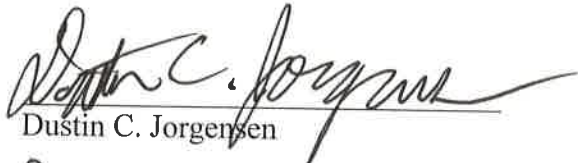
Sam Glover



A. Ann Bradshaw



Tyler W. Hutcheson



Dustin C. Jorgensen



Brad Deal

NAYS:

Sam Glover


A. Ann Bradshaw

Tyler W. Hutcheson

Dustin C. Jorgensen

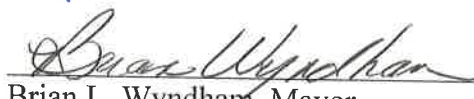
Brad Deal

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and signature on the 12th day of December, 2012.



Karen McQueen, Clerk-Treasurer
City of Brazil, Indiana

APPROVED and signed by me on the 12th day of December, 2012, at the hour of 7:18 o'clock P.m.



Brian L. Wyndham, Mayor
City of Brazil, Indiana