



**OFFICE of EQUITY
and HUMAN RIGHTS
CITY OF PORTLAND**

Realizing Equity. Enhancing the City of Portland.

186277

Commissioner in Charge:
Charlie Hales, Mayor

Bureau Director:
Dante J. James, Esq.

September 15, 2013

**Portland Commission
On Disability**

Executive Committee

Joe VanderVeer
Chair

Nicholas Johnson
Vice Chair

Jan Campbell
Chair Emeritus

Nyla McCarthy
Chair Emeritus

Travis Wall

Lavaun Heaster

Alan DeLaTorre

Dear Mayor and Commissioners,

AUDITOR 10/07/13 04:11:33

The Commission on Disability wishes to express our support for the proposed administrative rule for Title II ADA complaint procedures under consideration.

On September 4, 2013, Shoshanah Oppenheim, OMF ADA Title II program manager, presented the draft rule to our executive committee and we provided feedback and requested clarification on the complaint procedure timeline as expressed in the rule. Ms. Oppenheim subsequently updated the draft and provided additional detail regarding the timeline that satisfactorily answered our concerns on that issue.

We feel that it is both necessary and appropriate for the City to adopt this proposed rule as part of its policies and efforts to ensure compliance with the ADA in the provision of its programs and services.

Sincerely,

Joe VanderVeer, Chair
Portland Commission on Disability

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Shoshanah Oppenheim, Program Manager		2. Telephone No. 503-823-2559	3. Bureau/Office/Dept. OMF-Internal Business Services-Facilities Services
4a. To be filed (date): October 4, 2013		4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

* Reaffirm City of Portland's American's With Disabilities Title II Non-Discrimination Policy and Establish Rules, Procedures and Forms to Implement Program. (Ordinance)

2) Purpose of the Proposed Legislation:

Ensures compliance with Title II of the ADA and reaffirms previous policies that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Provides authority to adopt rules, procedures and forms to assist in the implementation of the City of Portland's ADA Title II policy and program.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 Central City
 Internal City Government Services

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No, the proposed legislation has no impact on current or future revenues.

5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

This legislation will not increase expenditures in the current or future years.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions are being created, eliminated or re-classified in the current year as a result of this legislation.

- **Will positions be created or eliminated in *future years* as a result of this legislation?**

No future positions are being created or eliminated as a result of this legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

N/A – no change in appropriation is necessary

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES: Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

Because the goal of this ordinance is to direct the authority to adopt rules and procedures that have informally been created and followed for years public involvement was not necessary. The goal is to improve the complaint filing system and provide a uniform complaint process with an opportunity to appeal. Input was sought from several blind persons using readers to determine if the forms were accessible. The proposed administrative rules provide a longer timeline for filing complaints and will provide a formal review and appeal process.

The Program Manager reached out to the Commission on Disability who agreed to write a letter in support of this ordinance. The Office of Equity and Human Rights reviewed the ordinance and had not commented on the substance.

9) If "YES," please answer the following questions:

- a) What impacts are anticipated in the community from this proposed Council item?
- b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?
- c) How did public involvement shape the outcome of this Council item?
- d) Who designed and implemented the public involvement related to this Council item?
- e) Primary contact for more information on this public involvement process (name, title, phone, email):

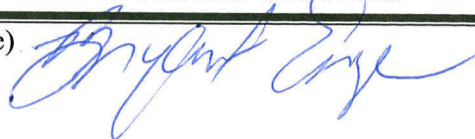
Shoshanah Oppenheim, ADA Title II and Civil Rights Title VI Program Manager 503-823-2559,
shoshanah.oppenheim@portlandoregon.gov

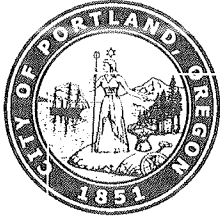
10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

This ordinance is a restatement of current city policy and business practices.

BRYANT ENGE, DIRECTOR, BUREAU OF INTERNAL BUSINESS SERVICES

BUREAU DIRECTOR (Typed name and signature)





CITY OF PORTLAND
OFFICE OF MANAGEMENT AND FINANCE

Charlie Hales, Mayor
Jack D. Graham, Chief Administrative Officer
Bryant Enge, Director, Bureau of Internal Business Services

186277
Robert F. Kieta, Manager
Facilities Services
1120 S.W. Fifth Avenue, Rm. 1204
Portland, Oregon 97204-1912
(503) 823-5288
FAX (503) 823-6924
TTY (503) 823-6868

DATE: September 11, 2013

TO: Mayor Charlie Hales

VIA: Bryant Enge, Director of Internal Business Services
Bob Kieta, Facilities Services Manager

FROM: Shoshanah Oppenheim, Program Manager

RE: * Reaffirm City of Portland's American's With Disabilities Act Title II Non-Discrimination Policy and Establish Rules, Procedures and Forms to Implement Program. (Ordinance)

**FOR MAYOR'S OFFICE USE
ONLY**

Reviewed by Bureau Liaison

1. **INTENDED THURSDAY FILING DATE:** September 26, 2013
2. **REQUESTED COUNCIL AGENDA DATE:** October 9, 2013
3. **CONTACT NAME & NUMBER:** Shoshanah Oppenheim, 3-2559
4. **PLACE ON:** **CONSENT** **REGULAR**
5. **BUDGET IMPACT STATEMENT ATTACHED:** **Y** **N** **N/A**
6. **(2) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** **Yes** **No** **N/A**

7. BACKGROUND/ANALYSIS

Attached is an ordinance to reaffirm the City of Portland's American's With Disabilities Act Title II non-discrimination policy and establish rules, procedures and forms to implement program. The ordinance allows the Chief Administrative Officer (CAO) authority to establish rules for an ADA complaint procedure and affirm the commitment that all of the City's programs, services and activities are accessible to persons with disabilities.

This is an administrative ordinance. For many years there has been an ADA complaint procedure housed in OMF. While the complaint process has resolved many complaints over the years, there has been no formal administrative rule outlining how complaints are managed, investigated, resolved, or appealed. This ordinance establishes authority to adopt administrative rules and forms to implement the program housed in OMF.

In preparation of filing this ordinance, staff reviewed the contents and purpose with the Disability Specialist in the Office of Neighborhood Involvement and the Commission on Disability and the Office of Equity and Human Rights.

8. FINANCIAL IMPACT

The proposed legislation has no impact on current or future revenues.

This legislation will not increase expenditures in the current or future years. This work is in the current fiscal year 2013-2014 budget and has been performed in OMF for many years.

9. RECOMMENDATION/ACTION REQUESTED

* Reaffirm City of Portland's American's With Disabilities Act Title II Non-Discrimination Policy and Establish Rules, Procedures and Forms to Implement Program. (Ordinance)

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.