

## RESOLUTION No. 37450

Declare support for a robust standard of Civil Rights Title VI and ADA Title II compliance throughout City Bureaus and Offices and direct the Office of Equity and Human Rights to lead coordination by setting Citywide policies and accountability measures (Resolution)

WHEREAS, in 1964 the federal government enacted the landmark Civil Rights Act of 1964. Included among the Civil Rights Act's eleven titles is Title VI, codified at 42 U.S.C. § 2000d et seq, which provides ground breaking protection from discrimination based on race, color, or national origin, in federally funded programs, services, and activities. The City of Portland receives federal funding and is subject to Title VI of the 1964 Civil Rights Act.

WHEREAS, on July 26, 1990 the Americans with Disabilities Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services, programs, or activities; and

WHEREAS, on January 29, 1991 the City Council unanimously adopted Resolution No. 34945, which affirmed that all City programs, services, and activities are accessible to people with disabilities. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with Titles I and II of the Americans with Disabilities Act (ADA), including programs, services, activities, and employment; and

WHEREAS, on September 21, 2011 by Ordinance No. 184880, City Council created the Office of Equity and Human Rights to coordinate the work of City bureaus in helping the City become a leader in defining and achieving equitable outcomes and eliminating disparities among Portlanders; and

WHEREAS, on April 25, 2012, by Resolution No. 36918, the City adopted the Portland Plan as a strategic plan to guide future City decisions. As a core priority, the Portland Plan is organized around *A Framework for Equity* that calls for the City of Portland to comply with Civil Rights Title VI and Americans with Disabilities Act Title II as a foundation for equity. Building on this work, the 2035 Comprehensive Plan, adopted on June 15, 2016, is Portland's primary tool to implement the Portland Plan, providing a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development; and

WHEREAS, as obligated by Title VI of the Civil Rights Act, the City of Portland adopted the Civil Rights Title VI Plan on June 19, 2013 by Ordinance No. 186101 with the commitment to ensure that the City's programs, services, and activities do not exclude from participation in, deny the benefits of, or subject to discrimination (including both disparate treatment or disparate impact) on the basis of race, color, or national origin; and

WHEREAS, on October 9, 2013 by Ordinance No. 186277, City Council adopted the City of Portland American's with Disabilities Act (ADA) Title II Non-discrimination Policy which reaffirmed the City's commitment to nondiscrimination on the basis of disability and to compliance with Title II of the ADA; and

WHEREAS, City Code Chapter 3.128.030 authorizes the Director of the Office of Equity and Human Rights to implement the policy directives of the City Council and the Commissioner-in-Charge, and to adopt and administer rules, policies, and practices to achieve the purpose of the Office; and

WHEREAS, on December 13, 2016 an Audit report: "Americans with Disabilities Act: Coordination gaps complicate City response" (Report #476) recommended clarifying roles and responsibilities between the Office of Equity and Human Rights and City bureaus in responding to requests and complaints, as well as in identifying, collecting, and analyzing data to improve access and services; and

WHEREAS, the City of Portland and its bureaus are committed to upholding the rights of all its people, and especially those most impacted by discrimination on the basis of race, color, national origin and disabilities; and

WHEREAS, the City acknowledges the role of government in addressing the pervasive disparities faced by people of color and people with disabilities, and acknowledges its responsibility in addressing the inequitable and adverse impacts of discriminatory policies on marginalized communities; and

WHEREAS, the City is committed to ensuring that all public plans, policies, programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality of life, and reduces disparities.

NOW, THEREFORE BE IT RESOLVED that the City Council and City Bureaus recommit to the principles, assurances, administration and implementation of Civil Rights compliance laid out through the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1991; and

BE IT FURTHER RESOLVED, the City Council directs the Office of Equity and Human Rights to establish overall City policies, plans, and strategies; and

BE IT FURTHER RESOLVED that all City Bureaus and Offices will implement plans, policies, and procedures based on these Citywide standards and rules to achieve ADA Title II and Civil Rights Title VI compliance; and

BE IT FURTHER RESOLVED, the Council directs the Office of Equity and Human Rights to establish overall City tracking and accountability measures for Civil Rights compliance; and

BE IT FURTHER RESOLVED the City Council directs the Office of Equity and Human Rights to assist with, facilitate, monitor, and evaluate implementation of Civil Rights Title VI and ADA Title II compliance by City bureaus; and

BE IT FURTHER RESOLVED that Civil Rights Title VI and ADA Title II compliance is integral to the mission of Office of Equity and Human Rights, and the Office will report annually to City Council on progress in achieving Citywide Civil Rights Title VI and ADA Title II compliance as part of its annual report; and

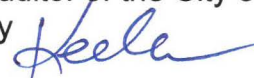
BE IT FURTHER RESOLVED, that this Resolution is binding City policy.

Passed by the Council: OCT 02 2019

Commissioner Amanda Fritz  
Prepared by: Danielle Brooks and Nickole Cheron  
Date Prepared: September 17, 2019

**Mary Hull Caballero**  
Auditor of the City of Portland

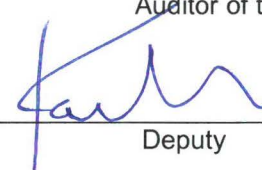
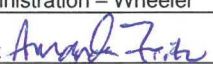

By



Deputy

Agenda No.  
**RESOLUTION NO. 37450**  
 Title

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|--|---|
| <p style="text-align: center;"><b>INTRODUCED BY</b><br/>                 Commissioner/Auditor:<br/> <b>Commissioner Fritz</b></p>                              | CLERK USE: DATE FILED <u>SEP 24 2019</u>  |
| <p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>  | <p style="text-align: center;">Mary Hull Caballero<br/>                 Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> |
| Mayor—Finance & Administration – Wheeler   |   |
| Position 1/Utilities - Fritz    |   |
| Position 2/Works - Fish  |   |
| Position 3/Affairs - Hardesty  |   |
| Position 4/Safety - Eudaly   |   |
| <p style="text-align: center;"><b>BUREAU APPROVAL</b></p>  |   |
| Bureau: OEHR<br>Bureau Head: Markisha Smith                                   |   |
| Prepared by: Nickole Cheron;<br>Danielle Brooks<br>Date Prepared: 09/17/2019   |   |
| Impact Statement<br>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>   |   |
| Portland Policy Document<br>If "Yes" requires City Policy paragraph stated in document.<br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |   |
| <b>City Auditor Office Approval:</b><br>required for Code Ordinances   |   |
| <b>City Attorney Approval:</b><br>required for contract, code, easement, franchise, charter, Comp Plan   |   |
| Council Meeting Date<br>10/2/2019  |   |

**AGENDA**

**TIME CERTAIN**   
**Start time: 10:15 AM**

**Total amount of time needed: 30Min**  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**   
**Total amount of time needed: \_\_\_\_\_**  
 (for presentation, testimony and discussion)

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: |       |      |
|--------------------|---------------------------------|-------|------|
|                    |                                 | YEAS  | NAYS |
| 1. Fritz           | → 1. Fritz                      | ✓     |      |
| 2. Fish            | 2. Fish                         | ✓     |      |
| 3. Hardesty        | 3. Hardesty                     | ✓     |      |
| 4. Eudaly          | 4. Eudaly                       | _____ |      |
| Wheeler            | Wheeler                         | ✓     |      |