

ORDINANCE No. 186277

* Reaffirm the City American's With Disabilities Act Title II Non-discrimination Policy and establish rules, procedures and forms to implement the program (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On July 26, 1990, The American's with Disability 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.
2. On February 5, 1992, City Council unanimously adopted Resolution 34945, which affirmed that all programs services and activities provided by the City are accessible to people with disabilities. The resolution affirmed that persons with disabilities should not be discriminated against when pursuing employment with the City. The Council designated the City-County Affirmative Action Office to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities and employment.
3. On May 5, 1993, City Council adopted Resolution 35135, which affirmed the policy to provide access to City's programs, activities and services by approving a transition plan.
4. In October 2000, City of Portland and Multnomah County by mutual agreement terminated the intergovernmental agreement establishing a joint City-County Affirmative Action Office.
5. On October 17, 2001, City Council adopted resolution 36035, which established the City's Diversity Development/Affirmative Action Guiding Principles and Strategic Development Plan. The Strategic Development Plan called for an ADA Coordinating Committee to establish a citywide committee to coordinate the ADA initiative and training. Presently, the ADA Title II Program Manager manages a citywide group of representatives of all City bureaus. Title II of the ADA is an external facing requirement, assessing how the City of Portland is providing services to the public, rather than an internal review for purposes of employment. Each bureau has appointed an ADA Coordinator, who is charged with working with the Program Manager to increase access and remove barriers for persons with disabilities, assist with accommodation requests and resolve ADA complaints under Title II.
6. On May 25, 2006, Mayor Potter drafted a letter to all Bureau Directors outlining a Program Accessibility Policy to ensure compliance with Title II of the ADA and provide a system to provide accommodations requested by persons with disabilities.

7. On June 19, 2013, the City of Portland adopted the Civil Rights Title VI plan with the commitment to ensure that the City's programs, services and activities are accessible to all persons.

NOW THEREFORE, the Council directs:

- a. The City Council hereby reaffirms the previous policies to comply with Title II of the ADA and that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- b. The Chief Administrative Officer is authorized to adopt rules, procedures and forms to assist in the implementation of the City of Portland's ADA Title II policy and program.
- c. The ADA Title II Program Manager in the Office of Management and Finance will manage the ADA Title II program, work with the bureaus to ensure that the City of Portland is in compliance with this policy, manage the citywide ADA Coordinator Program and manage the citywide Transition Plan.
- d. The ADA Title II Program Manager will provide a triennial report to City Council on citywide compliance with Title II.
- e. The ordinance is binding City Policy.

Section 2. The Council declares that an emergency exists because delay in the creation of rules, procedures and forms to implement the program could unreasonably burden the community of persons with disabilities; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

OCT 09 2013

Commissioner: Mayor Charlie Hales
Prepared by: Shoshanah Oppenheim:dseaton
Date Prepared: September 11, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By *Gayla Jennings*
Deputy

Agenda No.
ORDINANCE NO.

186277

Title

the
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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>OCT 04 2013</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: OMF Bureau of Business Internal Services <i>[Signature]</i></p> <p>OMF CAO: Jack D. Graham <i>[Signature]</i></p> <p>Bureau Head: Bryant M. Enge <i>[Signature]</i></p> <p>Prepared by: Shoshanah Oppenheim:dseaton Date Prepared: September 11, 2013</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date October 9, 2013</p>	<p>ACTION TAKEN:</p>

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	