

ORDINANCE NO. 2011- 30 -CM
AMENDING TIPPECANOE COUNTY CODE
ADDING NEW CHAPTER 31.400

AMERICANS WITH DISABILITIES ACT IMPLEMENTATION

WHEREAS, the Board of Commissioners desires to establish an Americans with Disabilities Act Project Team and Coordinator to advise and assist with implementation of the Americans with Disabilities Act of 1990 “ADA” and to establish procedures for responding to greivances with respect thereto.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to add a new Chapter 30.400 reading as follows:

§ 31.400 AMERICANS WITH DISABILITIES ACT IMPLEMENTATION.

Facilities that are constructed or altered by, on behalf of, or for the use of Tippecanoe County shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities, in accordance with the Americans with Disabilities Act , the United States Department of Justice ADA Accessibility Guidelines (ADAAG) and the Unites States Department of Transportation Public Rights-of-way Accessibility Guidelines (PROWAG) as they apply to the county.

§ 31.401 ADA PROJECT TEAM; ESTABLISHMENT; MEMBERS.

(A) There is hereby created an Americans with Disabilities Act Project Team which shall consist of the following persons appointed by the Board of Commissioners:

1. One member of the Board of County Commissioners;
2. One member of the County Council;
3. The Executive Director of the Tippecanoe County Highway Department
4. The Tippecanoe County Human Resources Director
5. The Commissioners Assistant appointed pursuant to County Code Section 30.05

(B) Each member shall be appointed for a term of one year commencing on January 1 of each year and shall serve until his or her successor is appointed and qualified.

(C) The Americans with Disabilities Act Project Team shall be an advisory body that will meet as required and make written recommendations to the Board of County Commissioners regarding the design, construction, alteration or operation of Tippecanoe County facilities and their accessibility and usability by individuals with disabilities, in accordance with the Americans with Disabilities Act of 1990 "ADA" and such other duties as may be assigned by the Board of Commissioners.

(D) The Board of Commissioners shall annually appoint one member of the ADA Project Team to serve as the ADA Coordinator for the county.

§ 31.402 GRIEVANCE PROCEDURE

(A) 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 County of Tippecanoe. The County's Personnel Policy governs employment-related complaints of disability discrimination.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date and description of the problem. Alternatives 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 complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator
County Commissioners Office
20 North Third Street
Lafayette, IN 47901

3. Within 15 calendar days after receipt of the complaint, the ADA Coordinator and two other ADA Project Team members will meet with the complainant to discuss the complaint and the possible solutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 County and offer options for substantive resolution of the complaint.

4. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the entire ADA Project Team.
5. Within 15 calendar days after receipt of the complaint, the ADA Project Team will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Project Team will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the ADA Project Team and offer options for substantive resolution of the complaint if different from those indicated by the sub-ADA Project Team in the first step.
6. If the response by the ADA Project Team does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Board of Commissioners.
7. Within 15 calendar days after receipt of the appeal, the Board of Commissioners will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Commissioners will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
8. All written complaints received by the ADA Coordinator, appeals to the ADA Project Team, appeals to the Board of Commissioners, and responses from these groups will be retained by Tippecanoe County for at least three years.

This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 21st day of November, 2011, by the following vote:


BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE


YES

YES

YES



David S. Byers, President

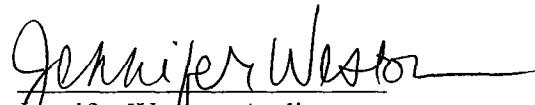


Thomas P. Murtaugh, Vice President



John Knochel, Member

ATTEST:



Jennifer Weston, Auditor
Tippecanoe County, Indiana

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 21st day of November, 2011, by the following vote:

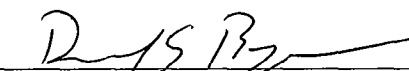
BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE


YES

YES

YES



David S. Byers, President

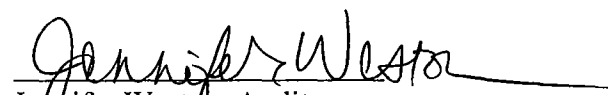


Thomas P. Murtaugh, Vice President



John Knochel, Member

ATTEST:



Jennifer Weston, Auditor
Tippecanoe County, Indiana

ADA Notice

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of the Americans with Disabilities Act of 1990, Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in the County's employment, services, programs or activities.

Employment: The County 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 the Americans with Disabilities Act (ADA).

Effective Communication: The County will generally, upon request, provide appropriate auxiliary aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, documents in alternative formats, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The County will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited. The County will not impose unnecessary eligibility standards or rules that deny individuals with disabilities the opportunity to participate in service, programs or activities.

Surcharges: The County 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.

Architectural Barriers: The County will take all required action to provide access to its building and facilities to individuals with disabilities.

Fundamental Alterations/Undue Burden: The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Requesting an Accommodation: Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service or activity, should contact the ADA Coordinator, at 765-423-9772 as soon as possible but not later than 48 hours before the scheduled event.

Complaints: Complaints that a County program, service, activity, or facility is not accessible to persons with disabilities should be directed to:

ADA Coordinator
%Tippecanoe County Commissioners Office
20 N 3rd St
Lafayette, IN 47901

TIPPECANOE COUNTY
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 County of Tippecanoe. The County'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, telephone 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 60 calendar days after the alleged violation to:

ADA Coordinator
County Commissioners Office
20 North Third Street
Lafayette, IN 47901

Within 15 calendar days after receipt of the complaint, the ADA Coordinator and two other ADA Project Team members will meet with the complainant to discuss the complaint and the possible solutions. Within 15 calendar days of the meeting, the ADA Coordinator 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 County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the entire ADA Project Team.

Within 15 calendar days after receipt of the complaint, the ADA Project Team will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Project Team will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the ADA Project Team and offer options for

substantive resolution of the complaint if different from those indicated by the sub-ADA Project Team in the first step.

If the response by the ADA Project Team does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Board of Commissioners.

Within 15 calendar days after receipt of the appeal, the Board of Commissioners will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Commissioners 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, appeals to the ADA Project Team, appeals to the Board of Commissioners, and responses from these groups will be retained by Tippecanoe County for at least three years.

Tippecanoe County
Complaint Form
Americans with Disabilities Act (ADA)

Section 1:

Please fill in completely and legibly. If the information is incomplete or it cannot be read, the complaint will not be investigated.

Last Name	Middle Initial	Last name	
Street Address	City	State	Zip Code
Telephone Number (including area code)	Best time to call this number		
Alternate Telephone Number (including area code)	Best time to call this number		
Email Address			

Section 2:

Please provide a complete description of the specific issue(s) you believe are inconsistent with Title II of the Americans with Disabilities Act (use additional pages as necessary and provide documentation supporting the allegation).

Section 3:

Please provide the specific location(s) of the ADA issues prompting this complaint.

Section 4:

Please provide the date when the ADA non-compliance occurred/was noted.

Section 5:

Please state as specifically as possible what you think should be done to resolve the complaint.

Please sign and date this form.

Signature

Date

Mail completed complaint form to:

Board of Commissioners
Attn: ADA Compliance Officer
20 N 3rd St
Lafayette, IN 47901

For Office Use Only:

Date Received

Date Investigated

Results (with supporting documentation or photographs):

Date Complainant Contacted

Method of Contact

Phone

Letter

Email

Complaint Resolved?

Yes

No

08/22/11