



## City Council Agenda Memo

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**DATE:** August 4, 2010

**TO:** Mayor Henry L. Kuspa and City Council

**FROM:** City Clerk Scott Burkhardt

**SUBJECT:** Americans with Disabilities Act Complaint Procedure  
Resolution No. 2010-08-0127R

The City's Legal Counsel has brought to my attention the need to have an approved procedure available for complaints regarding the Americans with Disabilities Act (ADA). State statute requires such procedures be put in place as detailed in the preface of the attached resolution. As such, Legal Counsel has recommended two actions be taken; namely, 1) that the Council puts in place such a procedure, and 2) naming an ADA Coordinator who will be responsible for reviewing any complaints which are brought to the City's attention.

The attached resolution provides such a complaint procedure, and same will be followed (including the requirement of placing this resolution and other information on the City's website). As to naming the ADA Coordinator, the recommendation is to have the Building Commissioner act in this capacity.

The proposed resolution is attached for your review and information.

I recommend council concurrence on Resolution No. 2010-08-0127R.

Thank you for your consideration of this matter.

**RESOLUTION NO. 2010-08-0127R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK FOREST ENTITLED  
“AMERICANS WITH DISABILITIES ACT COMPLAINT PROCEDURE”.**

**WHEREAS**, the Illinois General Assembly has enacted Public Act 96- 650, which Act requires each municipality which maintains a website to publish the identity of and contact information for the Complaint Coordinator for the City of Oak Forest for complaints of alleged violations of the Americans with Disabilities Act (ADA) and the City’s procedures for the filing and processing of such a complaint; and

**BE IT RESOLVED** by the City Council of the City of Oak Forest, Cook County, Illinois, as follows:

**SECTION 1:** That the ‘Americans with Disabilities Act Complaint Procedure shall consist of four (4) components; namely, 1) Americans with Disabilities Act Coordinator; 2) Complaint Procedure; 3) Appeal Procedure; and 4) Maintenance of Records, which is detailed as follows:

**1) Americans with Disabilities Act Coordinator**

The Building Commissioner shall be the City’s Americans with Disabilities Act Coordinator (“ADA Coordinator”).

**2) Complaint Procedure**

An employee or community member should notify the ADA Coordinator if s/he believes that the City, its employees, officials or agents have engaged in unlawful discrimination on the basis of disability in the provision of services, activities, programs or benefits.

The complaint should be in writing, should be sent to the ADA Coordinator/Building Commissioner at the City of Oak Forest, 15440 South Central Avenue, Oak Forest, Illinois, 60452 and should 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 made as soon as possible, but not later than sixty (60) calendar days after the alleged violation. This procedure shall not affect, nor be affected by, other remedies such person may have under the law.

The ADA Coordinator will meet with the complainant within fifteen (15) calendar days after receipt of the complaint to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after that meeting, the ADA Coordinator will respond to the complaint in writing, and where appropriate, in a format accessible to the complainant, such as large print or audio tape. The response will explain the City's position and offer options for substantive resolution of the complaint.

### **3) Appeal Procedure**

If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Administrator or his/her designee.

Within fifteen (15) calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after that meeting, the City Administrator will respond to the complaint in writing, and where appropriate, in a format accessible to the complainant. The response will explain the City's position and offer options for substantive resolution of the complaint.

### **4) Maintenance of Records**

All written complaints received by the ADA Coordinator, appeals to the City Administrator, and responses from these two offices will be retained by the City for at least three (3) years.

**SECTION 2:** This Resolution shall be published on the City's website, and City staff is hereby directed to establish a link to the text of this Resolution along with the notice required by the Americans with Disabilities Act on the website.

**SECTION 3:** This Resolution shall be in full force and effect from and after its passage, approval and publication according to law.

**SECTION 4:** The City Clerk is hereby authorized and directed to publish said Resolution in pamphlet form according to law.

Adopted by the City Council of the City of Oak Forest, Illinois this 10<sup>TH</sup> day of AUGUST, 2010.

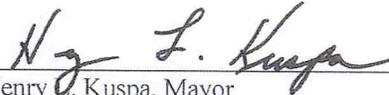
VOTE:

AYES: 6

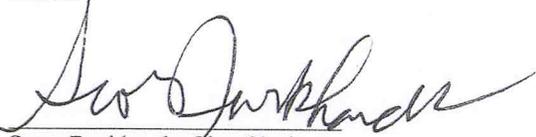
NAYS: 0

ABSENT: 1

Approved by me this 10<sup>TH</sup> day of AUGUST, 2010.

  
Henry J. Kuspa, Mayor

Attest:

  
Scott Burkhardt, City Clerk