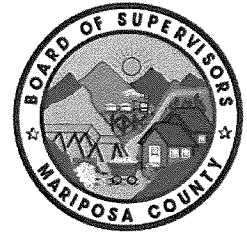


# MARIPOSA COUNTY

Administration • 966-3222



## RESOLUTION - ACTION REQUESTED 2021-448

MEETING: July 27, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: ADA Grievance Procedure

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### **RECOMMENDATION AND JUSTIFICATION:**

Adopt a Resolution Establishing a Title II, Americans with Disabilities Act (ADA) Grievance Procedure.

Mariposa County strives to be professional and compliant with all state and federal laws. While County staff frequently consider the Americans with Disabilities Act of 1990 (ADA) in projects implemented and completed throughout the County, a broader analysis of ADA regulations relative to County operations and facilities has identified additional, more general requirements requiring action at this time. Among these requirements are the need for an ADA Coordinator, and ADA Transition Plan and an ADA Grievance Procedure.

This action formally establishes a grievance procedure specific to ADA. Once established, this process will be appropriately advertised and incorporated into other policies and procedures.

Establishment of a grievance procedure is required by federal law and is consistent with stated County values including transparency and excellence. Accordingly, staff recommends approval at this time.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Congress enacted the Americans with Disabilities Act of 1990 to prevent discrimination of the physically and mentally disabled relating to employment, and access to programs and public facilities. Under Title II of the ADA, any employer with 50 or more employees is required to adopt a grievance procedure and designate an ADA coordinator.

The Board has taken other actions in the past to address compliance with ADA including allocating \$25,000 in Fiscal Year 1998-1999 for the creation of an ADA Transition Plan (reallocated during mid-year adjustments for improvement of the Darrah Road Schoolhouse property), adopting a policy implementing the ADA at all marked and unmarked crosswalks in the Community of Mariposa (Resolution 94-402),

approving funding to remodel the upstairs restroom in the Hall of Records to make it compliant with ADA standards (Resolution 02-055), submitting a grant application to assist with expenses of an ADA compliant, non-motorized trail along the Mariposa Creek Parkway (Resolution 09-95), and approval of funding to bring the Mariposa History Center's entrance and sanitary facilities into ADA compliance (Resolution 09-374.)

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Negative action will result in non-compliance with Title II of the ADA.

**FINANCIAL IMPACT:**

**There is no direct financial impact in establishing this procedure.**

**ATTACHMENTS:**

**ADA Grievance Procedure Resolution (DOCX)**

**ADA Grievance Procedure (DOCX)**

**Americans with Disabilities Act Title II Regulation (PDF)**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Tom Sweeney, District II Supervisors

**SECONDER:** Wayne Forsythe, District IV Supervisor

**AYES:** Smallcombe, Sweeney, Long, Forsythe, Menetrey

**Resolution 2021-448**  
**RESOLUTION ESTABLISHING A TITLE II, AMERICANS WITH DISABILITIES ACT (ADA) GRIEVANCE**  
**PROCEDURE**

**WHEREAS** the Federal government enacted the Americans with Disabilities Act (ADA) of 1990 to prevent discrimination of the physically and mentally disabled relating to employment, and access to programs and public facilities; and

**WHEREAS** Title II of the ADA mandates that employers with 50 or more employees shall designate an employee as the County's ADA Coordinator to serve as a contact person for the public, to coordinate all ADA responsibilities within the County, to oversee the County's compliance with ADA regulations, and to investigate complaints or grievances from the public; and

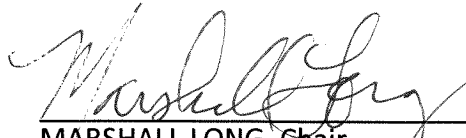
**WHEREAS** Title II of the ADA also requires the establishment of a grievance procedure which defines how complaints of ADA violations will be resolved in a prompt and equitable manner; and

**WHEREAS** it is in the best interest of the County of Mariposa and its citizens to adopt a grievance procedure for resolving complaints alleging violations of Title II of the ADA.

**NOW, THEREFORE, BE IT RESOLVED** that the Mariposa County Board of Supervisors, State of California, does hereby establish and adopt the attached Title II, Americans with Disabilities Act Grievance Procedure.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this 27th day of July, 2021 by the following vote:

AYES:           SMALLCOMBE, SWEENEY, LONG, FORSYTHE, MENETREY  
NOES:           NONE  
ABSENT:        NONE  
EXCUSED:       NONE

  
\_\_\_\_\_  
MARSHALL LONG, Chair  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
RENÉ LaROCHE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
STEVEN W. DAHLEM

STATE OF CALIFORNIA. }  
  } ss  
County of Mariposa.    }

I, René LaRoche, Clerk of the Board of Supervisors for the County of Mariposa, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the Board of Supervisors, affixed this 27th day of July, 2021.

(SEAL)



*René LaRoche*  
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RENÉ LaROCHE, Clerk of the Board of Supervisors