



TOWN OF CORTE MADERA

ADA ACCESSIBILITY GRIEVANCE POLICY

POLICY ON REPORTING AND RESOLVING AMERICANS WITH DISABILITIES ACT (ADA)-RELATED GRIEVANCES AND ACCESSIBILITY COMPLAINTS

I. PURPOSE

The purpose of the ADA Accessibility Grievance Policy is to adopt and publish procedures for resolution of complaints alleging any action which discriminates on the basis of disability in any service, program, or activity made available by the Town, and accessibility within the Town right-of-way. The objectives of this policy are:

- To comply with the Americans with Disabilities Act of 1990 (“ADA”), which states: *A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.* (28 Code of Federal Regulations Section 35.107 (b));
- To assure that grievances and complaints of alleged discriminatory acts are promptly and properly acknowledged, received, and equitably resolved; and
- To establish uniform procedures for handling those grievances and complaints throughout the entire Town organization.

II. POLICY

To enable any person who believes that a Town service, program, or activity discriminates against him or her, or against any other person, because of a disability, to report the discriminatory act by using the procedures contained in this policy, so that an equitable resolution may be reached. This policy and procedure shall specifically apply to any grievance or complaint related to accessibility within any Town right-of-way.

III. PROCEDURE

A. To register a grievance or complaint within the Town right-of-way under this Policy, an individual, association/group, or proxy can complete the attached ADA Accessibility Grievance Complaint Form, and hand-deliver or mail to:

Department of Planning and Building
Attn: ADA Coordinator
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

- B. Upon receipt of a properly completed ADA Accessibility Grievance Complaint Form (“grievance and complaint”), or of a notification from the Town website, the ADA Coordinator will notify the complainant (person or entity making the grievance and complaint) of the opening of an investigation and begin a preliminary investigation of the grievance and complaint within five (5) business days. Within sixty (60) calendar days of the date of notification, the ADA Coordinator will prepare a recommendation to resolve the grievance and complaint, and contact the complainant regarding a resolution of the grievance and complaint. A written record of the investigation of the grievance and complaint shall be maintained with records of investigations into claims made against the Town and shall not be open to the public. Nothing in this policy shall excuse or exempt any person or entity from compliance with the claims filing requirements contained within the California Government Code or the Municipal Code.
- C. If the grievance and complaint remains unresolved or the complainant is not satisfied with the reconciliation and notifies the Town in writing at the end of Step B above, the grievance and complaint shall be submitted to the Accessibility Advisory Commission for review. The Commission shall make one of two choices:
1. The Commission may make a recommendation on the resolution of the grievance and complaint to the Town Council through the Town Manager. The recommendation of the Accessibility Advisory Commission will be considered by the Town Council at its first available regularly scheduled meeting for a final decision on the resolution of the grievance and complaint. Notice of this decision will be transmitted to the complainant. The Town Council will make a final determination on the grievance and complaint within ninety (90) calendar days after the Commission makes a recommendation on the grievance and complaint; or
 2. The Commission may make a recommendation to the ADA Coordinator for a resolution on the grievance and complaint. Notice of the Coordinator’s decision will be transmitted to the complainant. The Coordinator shall consider the Commission’s recommendation within sixty (60) calendar days after the

grievance and complaint is referred to the Coordinator by the Commission.

D. The following provisions apply when the ADA Coordinator makes a decision under Section III (2) (C) (2). The complainant can appeal the Coordinator's decision within ten (10) calendar days of the date of the decision by providing notice in writing to the Town Clerk that the complainant wishes to appeal the decision to the Town Council and stating the grounds for the appeal. The Town Clerk shall place the appeal on the first available agenda of a Town Council regular meeting. The determination of the appeal by the Town Council shall be final.

IV. PUBLICATION

This policy and the information and forms for making an ADA Accessibility Grievance and Complaint shall be made available to the public in the Department of Planning and Building, or on the Town website, and can be made upon request made available on cassette tape or Braille).

V. ADA COORDINATOR

The ADA Coordinator shall be designated by the Town Manager. As of the date of this policy, the Town Manager has designated the Town Building Official, Brian Fenty, as the ADA Coordinator.

A written record of the action taken on each grievance or complaint shall be maintained with the ADA Coordinator's records.

VI. REMEDIES AND SPECIAL ASSISTANCE

The complainant's right to a prompt and equitable resolution of the grievance and complaint will not be affected by the complainant's pursuit of other remedies, such as the filing of a grievance or complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in state or federal court.

In compliance with the Americans with Disabilities Act, if you need special assistance to complete the ADA Grievance and Accessibility Complaint Form, please contact the Department of Planning and Building at (415) 927-5064. If you need auxiliary aids in filling out the form, please allow the Department at least three (3) business days to provide them.

Dated: 2/01/2019

Todd Cusimano, Town Manager