

RESOLUTION NO. R-051225-2

A RESOLUTION OF THE CITY OF PORT LAVACA, TEXAS ADOPTING THE TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA) NOTICE, COORDINATOR, AND GRIEVANCE PROCEDURE REGULATORY REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prohibit discrimination against qualified individuals with disabilities in all services, programs, or activities of public entities; and

WHEREAS, 28 C.F.R. Part 35 implements Title II of the ADA and outlines requirements for public entities; and

WHEREAS, 28 C.F.R. §35.106 requires a public entity to publish notice regarding the ADA requirements and its applicability to the services, programs, or activities of the public entity to applicants, participants, beneficiaries, and other interested persons; and

WHEREAS, 28 C.F.R. §35.107 (a) requires a public entity that employs 50 or more persons to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under 28 C.F.R. Part 35 and Title II of the ADA; and

WHEREAS, 28 C.F.R. §35.107 (b) requires a public entity that employs 50 or more persons to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging discrimination on the basis of disability in state and local government services; and

WHEREAS, the City of Port Lavaca has a longstanding commitment to provide access to all its services, programs, and activities to the public and recognizes that adoption of Title II of the ADA notice, Coordinator, and Grievance Procedure regulatory requirements further that goal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA, TEXAS:

Section 1: The above and foregoing recitals are true and correct and are incorporated herein.

Section 2: The City Council does hereby resolve to publish the required information regarding notice under Title II of the ADA, the ADA Coordinator, and the Title II of the ADA Grievance Procedure on the City's website and at such other locations as many as be determined from time to time.

Section 3: The Human Resources Coordinator is designated as the ADA Coordinator for the City of Port Lavaca.

Section 4: The City of Port Lavaca does hereby adopt and approve Title II of the ADA Grievance Procedure, a copy of which is attached for addressing complaints alleging discrimination on the basis of disability in the provision of services, programs, or activities by the City.

Section 5: This resolution shall be effective from and after its date of passage.

PASSED AND APPROVED on this 12th day of May, 2025.

ATTEST:

Mandy Grant, City Secretary

Jack Whitlow, Mayor



CITY OF PORT LAVACA
TEXAS



**AMERICANS WITH DISABILITY ACT AND SECTION 504 OF THE REHABILITATION
ACT OF 1973 NONDISCRIMINATION STATEMENT**

The City of Port Lavaca (the City) does not discriminate against any qualified disabled person solely by reason of his or her disability, exclude from participation in, deny the benefits of, or otherwise subject individuals to discrimination, including discrimination of employment, under any program or activity that receives or benefits from federal financial assistance.

Additionally, the City of Port Lavaca ensures its programs will be conducted, and its facilities operated, in compliance with all non-discriminatory parties and requirements imposed by or pursuant to 49 Code of Federal Regulations (CFR) Part 27, 28 CFR Part 35, and 42 USC §§12101-12213.

Jack Whitlow, Mayor

Date

**ADA COORDINATOR, NOTICE & GRIEVANCE PROCEDURE:
ADMINISTRATIVE REQUIREMENTS UNDER TITLE II OF THE ADA**

ADA/504 Coordinator (Title II)

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be readily available and publicly advertised to employees and the general public.

The ADA Coordinator is responsible for coordinating the efforts of the City to comply with Title II and investigating any complaints that the City has violated Title II.

The City of Port Lavaca has designated an ADA Coordinator to assist individuals with disabilities in addressing questions or concerns related to discrimination.

Rachel Garza
ADA Coordinator
202 N. Virginia St. Port Lavaca, Texas 77979
Phone: (361)552-9793 ext:221
Email: rgarza@portlavaca.org

ROLE AND RESPONSIBILITIES OF THE ADA/504 COORDINATOR

The following is a list of recommended qualifications for ADA Coordinators, as outlined by the U.S Department of Justice:

- Familiarity with the state or local government's structures, activities, and employees;
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 ;
- Experience with people with a broad range of disabilities;
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks;
- Ability to work cooperatively with local government and people with disabilities;
- Familiarity with any local disability advocacy groups or other disability groups;
- Skills and training in negotiation and mediation; and
- Organizational and analytical skills.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Port Lavaca will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Port Lavaca 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 Title I of the ADA.

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

Modifications to Policies and Procedures: The City of Port Lavaca will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Port Lavaca offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Port Lavaca, should contact the office of Rachel Garza (email: rgarza@portlavaca.org phone: (361) 552-9793 ext:221) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Port Lavaca to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Port Lavaca is not accessible to persons with disabilities should be directed to Rachel Garza (email: rgarza@portlavaca.org , phone: (361) 552-9793 ext. 221)

The City of Port Lavaca 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.

**CITY OF PORT LAVACA
GRIEVANCE PROCEDURE UNDER
THE AMERICANS WITH DISABILITIES ACT (ADA)**

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances promptly and fairly that may arise under Title II of the ADA. Neither Title II nor its implementing regulations describe what ADA grievance procedures must include; however, the U.S. Department of Justice suggests the following content:

A description of how and where a complaint under Title II may be filed with the government entity;

- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complaint files will be retained.

According to the Americans with Disabilities Act of 1990 (ADA), the City of Port Lavaca (“The City”) is providing this Grievance Procedure and associated forms to any persons wishing to file a complaint alleging discrimination by The City. Grievances may be filed on the basis of disability in the provision of services, activities, programs, or benefits by the City of Port Lavaca. The City of Port Lavaca accepts employment-related complaints through its Personnel Policy, under separate cover.

The complaint must be in writing and contain information about the alleged discrimination, including the name, address, phone number of the complainant, and location, date, and description of the problem. Alternative means of filing complaints for any person with disabilities that hinder with written submission will be made available upon request. Some alternate forms of documenting a complaint may include personal interviews or a tape recording of the complaint. City Staff will then transcribe the alternate form of documentation to record the concern. The attached form can also be used to file complaints.

The complainant and/or their designee, hereinafter referred to as Complainant, should submit the complaint as soon as possible, but no later than 60 calendar days after the alleged violation to:

Physical Address:

Rachel Garza
Email: rgarza@portlavaca.org
Phone: (361) 552-9793 ext.: 221
City of Port Lavaca ADA Coordinator
202 North Virginia St.
Port Lavaca, TX 77979

Within 15 business days after receipt of the complaint, the City of Port Lavaca ADA Coordinator or his/her designee, hereinafter referred to as ADA Coordinator, will contact the Complainant to discuss the complaint and the possible resolution. The discussion could take place by meeting in person, by phone, or by other means. **Within 15 business** days of that discussion, the ADA Coordinator will respond in writing, and as needed, in a format accessible to the Complainant, such as large print, braille, or audio recording. The response will explain the position of the City of Port Lavaca and offer any possible option(s) for substantive resolution of the complaint if they exist.

The Complainant may appeal the decision from the ADA Coordinator to the City Manager. The appeal shall be filed with the City Manager's Office within 15 business days after receipt of the response from the ADA Coordinator. The City Manager or designee, at his/her discretion, may meet with the Complainant in person to discuss reconsideration of the issue. In the absence of an appeal within this timeframe, the initial response from the ADA Coordinator will be deemed accepted.

Should the Complainant file an appeal to the City Manager, within 15 business days after receiving the appeal notification, the City Manager will respond in writing, and as needed, in a format accessible to the Complainant, with a final decision on the complaint.

The Complainant may appeal to the Department of Justice (DOJ) if the final decision from the City Manager is not deemed acceptable by the Complainant. The Complainant is then responsible for contacting, receiving, and providing any communications regarding the complaint to and from the DOJ.

All written complaints received by the City of Port Lavaca ADA Coordinator, appeals to the City Manager, and responses from these two offices will be retained by the City of Port Lavaca at least **for three (3) years** from the date of the final resolution or dismissal of the complaint.

ADA-COMPLIANT AND GRIEVANCE FORM

The City of Port Lavaca aspires to be an organization where every person feels safe, welcomed, supported, and included, and will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities.

Contact information for the person filing the complaint. Please provide a name, phone number, and email so we may document this complaint and follow up with you.

First Name:

Middle Name:

Last Name:

Address:

Phone Number:

Email:

Person(s) and/ or Parties discriminated against (if other than or in addition to the complainant)

List all names of individuals, groups, communities, and/or organizations you allege were discriminated against.

The date of the alleged act of discrimination or the date when the complainant became aware of the alleged discrimination.

MM/DD/YYYY:

Who did the discrimination?

To the best of your knowledge, please let us know who did the alleged discrimination. This may be the name of a department, a program, a project, an activity, a contractor, or an individual staff member who did the alleged discrimination.

Where did the discrimination occur?

Please provide an approximate address, if applicable, or tell us if the alleged discrimination was not in person but in some other form of communication such as an email, text, or phone call.

What happened?

Please describe the alleged discrimination as clearly as possible, in your own words. Take as much space as you need.

Witnesses:

If there were any additional witnesses, please provide their names and contact information.

Remedy or resolution desired:

Describe any action or resolution you would like to see taken.

Signature: _____

1. Upon receipt of the complaint, the ADA Coordinator will determine if the complaint information is complete, if additional information is needed, if the City has jurisdiction, and if the complaint is timely.
2. The ADA Coordinator's office will notify the complainant in writing within 15 business days to acknowledge receipt of the complaint. If the complaint information is incomplete, the complainant will be notified, requesting the additional information needed.
3. The ADA Coordinator will work with the involved department(s) and the complainant to attempt to resolve the complaint. The option for informal meetings (via phone, face-to-face, or virtual) may be used at any stage
4. The ADA Coordinator or designee will provide a response in writing, or in an alternative format if requested, to the complainant within 30 business days after the complaint is received.
5. In instances where the complainant is dissatisfied with the resolution, he/she may request a reconsideration of the case. The request for reconsideration should be made in writing, or in an alternative format upon request, to the City Manager within 30 business days of receiving the ADA Coordinator's decision.
6. The City Manager or designee will review the complaint, conduct an additional investigation if appropriate, and respond to the complainant in writing, or in an alternative format upon request, within 30 business days after receipt of the request for reconsideration, which shall be the final decision of the City. A copy of the City Manager's response will be forwarded to the ADA Coordinator.
7. The ADA Coordinator will maintain copies of all written ADA complaints, appeals to the City Manager, and responses from these two offices for at least 3 years.
8. Questions about this policy or its application may be directed to the City's ADA Coordinator office at rgarza@portlavaca.org, (361)552-9793 ext.: 221

ADA GRIEVANCES/COMPLAINT LOG

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