

RESOLUTION R-2023-05

A RESOLUTION ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) ADA COORDINATOR AND PROCEDURES

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

WHEREAS, in compliance with Title II of the ADA, the City of Fayetteville shall name an ADA coordinator; and

WHEREAS, in compliance with Title II of the ADA, the City of Fayetteville shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA, the City of Fayetteville shall publish notice to the public regarding the ADA; and

WHEREAS, in compliance with Title II of the ADA, the City of Fayetteville shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website;

NOW THEREFORE, BE IT RESOLVED by the Fayetteville Board of Mayor and Aldermen as follows:


The Planning and Codes Director Kristi Gentry is designated as the ADA Coordinator for the City of Fayetteville,

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the City of Fayetteville notice under the Americans with Disabilities Act.

The City of Fayetteville Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Fayetteville.

In compliance with Federal and State laws as set forth above, the Fayetteville Board of Mayor and Aldermen resolves to post the required information regarding the ADA coordinator, Notice under the Americans with Disabilities Act, and City of Fayetteville Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

RESOLVED THIS THE 14TH DAY OF FEBRUARY IN THE YEAR OF 2023.

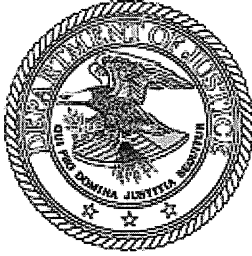


Mayor Donna Hartman

ATTEST:



City Administrator Kevin L. Owens



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 FAYETTEVILLE** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **THE CITY OF FAYETTEVILLE** 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 FAYETTEVILLE** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **CITY OF FAYETTEVILLE** 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 FAYETTEVILLE** 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 FAYETTEVILLE** 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 **CITY OF FAYETTEVILLE** should contact the office of **KRISTI GENTRY**, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **CITY OF FAYETTEVILLE** 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 **CITY OF FAYETTEVILLE** is not accessible to persons with disabilities should be directed to **KRISTI GENTRY**.

The CITY OF FAYETTEVILLE 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 FAYETTEVILLE
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 **CITY OF FAYETTEVILLE**. The city'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, phone 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:

Kristi Gentry
Planning and Codes Director, ADA Coordinator
110 Elk Avenue South, Fayetteville, TN 37334

(931) 433-6154

Email: kgentry@cof-tn.com

Within 15 calendar days after receipt of the complaint, ***Kristi Gentry***, or ***her*** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ***Kristi Gentry***, or ***her*** designee 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 **CITY OF FAYETTEVILLE** and offer options for substantive resolution of the complaint.

If the response by ***Kristi Gentry***, or ***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 **City Administrator, Kevin L. Owens** or ***his*** designee.