

**RESOLUTION NO. 2-2012**

**CITY OF CLARK FORK, IDAHO  
A RESOLUTION OF THE CITY OF CLARK FORK, BONNER COUNTY,  
IDAHO ESTABLISHING A GRIEVANCE PROCEDURE TO MEET THE  
REQUIREMENTS OF SECTION 504 OF THE AMENDED REHABILITATION  
ACT AS AMENDED AND THE AMERICANS WITH DISABILITIES ACT (ADA)  
OF 1990**

WHEREAS, the City of Clark Fork being a recipient of an Idaho Community Development Block Grant (ICDBG) and,

WHEREAS, it is the desire of the Mayor and City Council to establish guidelines for the grievance procedure of Section 504 of the amended Rehabilitation Act and the Americans with Disabilities Act (ADA) of 1990,

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Clark Fork as follows:

**City of Clark Fork  
Section 504 Grievance Procedure**

The following grievance procedure is established to meet the requirements of Section 504 of the Amended Rehabilitation Act as amended and the Americans with Disabilities Act (ADA) of 1990.

Accordingly, the City of Clark Fork, as a recipient of Idaho Community Development Block Grant (ICDBG) Funds, certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by the City of Clark Fork.

When filling a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem. The grievance should be in writing and should include the name, address, and telephone number of the complainant. Alternative means of filing complaint, such as personal interview or tape recording, will be made available for individuals with disabilities upon request. The complaint should be submitted by the complainant or designee as soon as possible, but no later than 60 days after the alleged violation. Complaints must be signed and sent to:

City Clerk  
P.O. Box 10  
Clark Fork, Idaho, 83811  
(208) 266 1315

Within 15 calendar days after receiving the complaint, the city clerk will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting, the city clerk will respond in writing. Where appropriate, the response shall be in a format accessible to the complainant (such as large print or audio tape.) The response will explain the position of the City of Clark Fork and offer options for resolving the complaint. If the response by the city clerk does not satisfactorily resolve

the issue, the complainant or designee may appeal the decision of the ADA coordinator to the highest elected official or designee. Appeals must be made within 15 calendar days after receipt of the response.

Within 15 calendar days after receiving the appeal, the elected official or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days after the meeting, the elected official or designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. This response shall be accompanied by a final resolution of complaint. The 504/ADA Coordinator shall maintain the files and records pertaining to the complaints filed for a period of three years after the grant is closed out.

Under Title 11, of the ADA, individuals or classes of individuals who believe they have been subjected to discrimination based on disability may seek redress by using the grievance procedure provided by the public entity (see procedure above), file a complaint with any agency that provides funding by entity, file a complaint with one of the eight federal agencies designated in the Title 11 regulations or file a lawsuit. Lawsuits may be filed at anytime. Individuals are not required to file either a grievance or complaint to file a lawsuit. Below are four of the eight agencies where a Title 11 complaint can be filed.

Department of Justice (DOJ)  
Civil Rights Division  
Public Access Section  
P.O. Box 66738  
Washington, D.C. 20035-9998

Department of Housing and Urban Development (HUD)  
Community Planning and Development  
451 7<sup>th</sup> Street  
Washington, D.C. 29410-1111

Architectural and Transportation Barrier Compliance Board (ATBCB)  
1331 F Street NW Suite 1000  
Washington, D.C., 20004-1111

Equal Employment Opportunity Commission (DDEOC)  
1801 L Street NW  
Washington, D.C. 20507

### **Section 504/ADA Self Evaluation**

#### **1. Program Policy and Procedures**

**Resolution # 2-2011** was adopted on January 10<sup>th</sup> 2011, stating that the City of Clark Fork does not discriminate against people with disabilities. The city clerk is the 504 coordinator and understands the council's commitment to ADA. As a small city, Clark Fork does not have public programs or services so 504 training sessions are not needed. If, however, training sessions become necessary we would seek help from ADA consultants.

The City of Clark Fork City Hall is fully accessible as is the Clark Fork Senior Center. These are the only buildings where programs or services would be provided. Consequently, public services and programs are accessible and qualified individuals with disabilities have the opportunity to participate in or benefit from these functions.

## **2. Employment**

The City of Clark Fork has 3 full time regular employees and one part time regular employee. Should it become necessary to advertise for a city position, no part of the employment process would discriminate based on disabilities. All interview and orientations or prospective applications are held in city hall, which is fully accessible. Policies pertaining to promotions, demotions, layoffs or reinstatements are explained in the Personnel Policy Handbook.

## **3. Effective Communication**

Audiotapes and large print copies are available upon request. If requested in sufficient time, an interpreter can be obtained. Meeting notices and agendas have the addendum that the meeting if being held in a facility that is accessible and alternative formats will be available to individuals with disabilities where practicable with advance notice to the city clerk. The State relay system (800-3773529) will be used to communicate with the hearing and/or speech impaired. Our city does have the 911 emergency service. The public may use the office telephone, but there is no designated telephone that is hearing aid compatible.

## **4. Notice of Nondiscrimination**

A notice of nondiscrimination will be posted stating that section 504 of the amended Rehabilitation Act and the Americans with Disabilities Act will be fully implemented and the 504 coordinator is the city clerk, P.O. Box 10, Clark Fork, Idaho 83811 (208) 266 1315. Individuals are asked to give three to five days notice when requesting auxiliary aids or other services. The notice will also state that the city complies with Section 504/ADA and that accommodations for individuals with disabilities will be made. This notice will be posted on the city bulletin board and will be published in the local newspaper once per year.

## **5. Grievance Procedure**

Individuals with disabilities use our facilities and service and we have received no complaints. Grievance procedures covering specific complaints or problems and/or what to do if we cannot accommodate a person with a specific disability has been adopted. The public will be notified on an ongoing basis about the grievance procedure including a statement allowing an individual to submit a grievance in alternative formats. However, there is a time limit of sixty (60) days to file a grievance.

Section 504 Transition Plan

1. Physical obstacles

A. Bathrooms did not have room for wheel chairs to turn around, sinks were too high for wheel chairs, and no grab bars and doors were swing out. Stalls did not give room for wheel chairs.

As of March 30, 2012, the bathrooms have been totally redone, new stalls, lower sinks, toilet paper holders recessed, doors now swing in and lots of room to turn around.

The Clark Fork City Clerk is the Section 504 Coordinator and is responsible for carrying out the plan.

There are no physical obstacles remaining.

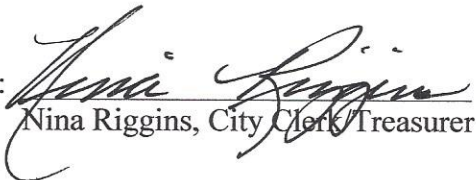
BE IT FURTHER RESOLVED THAT this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED this 14th day of May 2012.

CITY OF CLARK FORK

  
Jeffrey E. Jeffers  
Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Russell W. Schenck	√	—	—	—
Roger S. Anderson	√	—	—	—
Donald Smith	√	—	—	—
Harold Hilton	√	—	—	—

ATTEST:   
Nina Riggins, City Clerk/Treasurer