

RESOLUTION NO. 6198

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, APPROVING THE CITY OF GARDENA GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

WHEREAS, in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Gardena does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities; and

WHEREAS, the City wishes to adopt and publish grievance procedures specifically designed to provide for a fair and prompt resolution of complaints under Title II of the ADA at the City level.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

SECTION 1. The City of Gardena Grievance Procedure under the Americans with Disabilities Act attached hereto as Exhibit A is hereby adopted.

SECTION 2. The ADA Coordinator shall cause the Grievance Procedure to be posted on the City's Web Site.

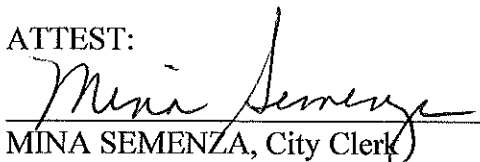
SECTION 3. This resolution shall be effective immediately.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of the City; and shall make a minute of the passage and adoption thereof on the records of the proceedings of the City Council for the meeting at which the same is passed and adopted.


Passed, approved, and adopted this 13th day of October, 2015.


PAUL K. TANAKA, Mayor

ATTEST:


MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


PETER L. WALLIN, City Attorney

City of Gardena 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 Gardena. 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 the 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:

Mitchell G. Lansdell
ADA Coordinator and City Manager
1700 W. 162nd Street
Gardena, CA 90247-3778

Within fifteen (15) calendar days after receipt of the complaint, City Manager Mitchell G. Lansdell or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, Mitchell G. Lansdell or his 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 Gardena and offer options for substantive resolution of the complaint.

If the response by Mitchell G. Lansdell or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within thirty (30) calendar days to the City Council. The proceedings before the City Council shall be conducted in accordance with Chapter 1.12 of the Gardena Municipal Code attached hereto as an Exhibit. The decision of the City Council shall be in a format accessible to the complainant, such as large print, Braille, or audio tape.

All written complaints received by ADA Coordinator Mitchell Lansdell or his designee and the record of proceedings thereon will be retained by the City of Gardena for at least three (3) years.

Chapter 1.12 APPEALS

Sections:

- 1.12.010 Right to appeal.
- 1.12.020 Time within which appeals shall be filed.
- 1.12.030 Hearings – Notices.
- 1.12.040 Time limits for judicial reviews of administrative orders or decisions.

1.12.010 Right to appeal.

Except as otherwise specifically provided in this code as to the finality of a decision, any person excepting to the denial, suspension, or revocation of a permit applied for or held by him pursuant to any provision of this code, or to any administrative decision made by any official of the city pursuant to any provision of this code, may appeal in writing to the council by filing with the city clerk a written notice of such appeal, setting forth the specific grounds thereof. (Ord. 1744 § 1 (part), 2013: prior code § 1-4.01)

1.12.020 Time within which appeals shall be filed.

The written notice of appeal shall be filed with the city clerk within fourteen days after the receipt of a written notice of such action appealed from, but in no event later than thirty days after the date of such action. (Prior code § 1-4.02)

1.12.030 Hearings – Notices.

The city clerk shall forthwith set such matter for a hearing before the council at a subsequent regular meeting and shall cause notice thereof to be given to the applicant not less than five days prior to such hearing, unless such notice is waived in writing by the applicant. At such hearing the appellant shall show cause on the grounds specified in the notice of appeal why the action excepted to should not be approved. The council may continue the hearing from time to time and its findings on the appeal shall be final and conclusive in the matter. (Prior code § 1-4.03)

1.12.040 Time limits for judicial reviews of administrative orders or decisions.

Unless otherwise specified, Section 1094.6 of the Code of Civil Procedure of the state, pertaining to the time limits for the judicial review of administrative orders or decisions, is incorporated in this section as if fully set forth in this section and shall be applicable to any person aggrieved by any decision of the city, or of any commission, board, officer, or agent of the city, who seeks the judicial review of such decision pursuant to Section 1094.5 of the Code of Civil Procedure of the state. No further action for declaratory relief may be brought to review an administrative order or decision of the city. (Ord. 1744 § 1 (part), 2013: prior code § 1-4.04)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being **Resolution No. 6198** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **13th** day of **October, 2015**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR PRO TEM TERAUCHI, COUNCIL MEMBERS MEDINA, CERDA, AND
 HENDERSON, AND MAYOR TANAKA

NOES: NONE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)