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SHARON E. SHILTZ
LAGRANGE COUNTY RECORDER
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COUNTY OF LAGRANGE

RESOLUTION NO. 2011-12-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA ADOPTING THE AMERICANS WITH DISABILITIES ACT (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 County of LaGrange (the "County") 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 County has previously published notice to the public regarding the ADA and now desires to update and republish said notice;

WHEREAS, in compliance with Title II of the ADA the County shall name an ADA Coordinator; and

WHEREAS, the County has previously named an ADA Coordinator but desires to update and revise the named ADA Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of LaGrange, Indiana:

SECTION I

The IT Director, Bob Murphy, is designated as the ADA Coordinator for the County.

SECTION II

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the County of LaGrange Notice under the Americans with Disabilities Act.

SECTION III

The County of LaGrange ADA 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 County of LaGrange.

SECTION IV

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

SECTION IV

The express or implied repeal or amendment by this Resolution of any other Resolution or part of any other Resolution does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Resolution as if this Resolution had not been adopted.

SECTION V

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

SECTION VI

This Resolution shall become effective upon promulgation according to law.

Adopted and Resolved this 5th day of December, 2011.

BOARD OF COMMISSIONERS OF
LAGRANGE COUNTY, INDIANA

George R. Bachman, President

Larry N. Miller

Garry Heller

ATTEST:

Kay Myers, Auditor

62570

The County of LaGrange, Indiana
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 County of LaGrange, Indiana (the "County"). The County's Personnel Policy governs employment-related complaints of disability discrimination.

Submitting a Complaint:

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. To ensure adequate background information is obtained, the complaint may be filed on the County Grievance Form, available on the County's website or from the office of the ADA Coordinator located at 114 W. Michigan Street, LaGrange, IN 46761, but the use of the Grievance Form is not required to file a complaint.

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. A complaint may be filed in any format including by mail, email, phone, or fax.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

Bob Murphy
ADA Coordinator
114 W. Michigan Street
LaGrange, IN 46761

Phone: (260) 499-6388
Fax: (260) 499-6401
E-mail: bmurphy@lagrangecounty.org

In the event that the ADA Coordinator is not available, a complaint may be directed to the LaGrange County Auditor (Phone (260) 499-6310) who will forward the information to the ADA Coordinator. In the event any other official or employee of the County receives a complaint, regardless of form, the same shall be noted in writing and submitted to the ADA Coordinator as soon as reasonably possible.

The ADA Coordinator or his designee will record receipt of the grievance and, if necessary, contact the complainant within five (5) business days to clarify the nature and to obtain additional details about the grievance.

Meeting with ADA Coordinator:

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his designee will visit the site and/or meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or site visit, the ADA Coordinator 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 County and further information if required as set forth below.

For complaints about an apparent defect in public infrastructure, the site visit is required But the meeting may not be necessary. The ADA Coordinator shall either schedule a meeting or inform the complainant of their intent to visit the site, leaving the complainant the option of requesting a meeting if they so desire.

If the ADA Coordinator believes that the complaint is justified, that the remedy is the County's responsibility and is within his/her authority to direct the remedy, then the ADA Coordinator may make a determination on the spot on behalf of the County as to the appropriate remedy.

If the situation is of a more complex nature and the ADA Coordinator cannot make a determination on the proper resolution at the site visit/meeting, then the ADA Coordinator will determine which Department is appropriate to investigate and determine the appropriate course of action, for example: Public Works, Engineering, Utilities, Emergency Services or the County Attorney.

The ADA Coordinator will, in writing, inform the Complainant of their decision, or that the complaint was been assigned to one of the Department Heads and shall identify that Department Head and shall outline the procedure to be followed in the future.

Issues assigned to a Department Head shall generally be reviewed and a recommendation returned to the ADA Coordinator, if practicable, within 20 calendar days of assignment.

The ADA Coordinator will consider the information from the respective Department(s), make a determination, and inform the Complainant of the determination within 10 days of the Department's recommendations.

Appeal to President of the Board of Commissioners:

If the response by the ADA Coordinator or his 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 President of the Board of Commissioners of the County, or his designee.

Within 15 calendar days after receipt of the appeal, the President of the Commissioners or his designee will meet, if determined necessary by the President of the Commissioners,

with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting or the complaint appeal, as applicable, the President of the Commissioners or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

General Information Regarding These Procedures:

All timeframes herein are suggested timeframes and are not to be construed as required timeframes. The timeframes herein may be subject to meeting schedules, as necessary, and/or other procedures determined by state statute.

All written complaints received by the ADA Coordinator or his designee, appeals to the President of the Commissioners or his designee, and responses from these two offices will be retained by the County for at least three (3) years.

The County is required to adopt and publish procedures for resolving grievances that arise under Title II of the ADA. These procedures are intended to set out a system for resolving complaints of disability discrimination in a prompt and fair manner. It is generally thought that filing a complaint with the County is an appropriate first step to resolving a local issue at a local level. However, adherence to or exhaustion of the Grievance Procedure is not a prerequisite to filing a complaint with a federal agency or court.

GRIEVANCE FORM

COMPLAINANT INFORMATION	
Name:	
Address:	
Daytime Phone:	
Email:	
LOCATION INFORMATION	
Address (If Known):	
Location Description:	
NATURE OF GRIEVANCE	
Sidewalk, Ramp	
Crosswalk, Pedestrian Signal	
Building Access:	
Programming:	
Other:	
Describe the Grievance/Complaint/Problem:	
Date of Incident, If Applicable	
FOR LOCAL/ADA COORDINATORS USE ONLY	
County Representative Preparing the Form if not by Complainant and Date Complaint Received:	
Date Received by Department Head, If Appl.:	
Date Received by ADA Coordinator:	
Date of Initial Contact:	
Date of Meeting or Site Visit:	
Date Assigned to Department Head/Who:	
Date Returned from Department:	
Date ADA Coordinator's Decision Mailed:	
Date Appeal Received by President of Board of Commissioners:	
Date of Meeting or Site Visit by President of Board of Commissioners	
Date of Decision/Correspondence on appeal Mailed to Complainant:	

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

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

Employment: LaGrange County 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: LaGrange County 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 County'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: LaGrange County 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 LaGrange County 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 LaGrange County, should contact the office of **Bob Murphy, ADA Coordinator:**

114 W. Michigan Street
LaGrange, IN 46761
Phone: (260) 499-6388
Fax: (260) 499-6401
E-mail: bmurphy@lagrangecounty.org

as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require LaGrange County 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 LaGrange County is not accessible to persons with disabilities should be directed to **Bob Murphy, ADA Coordinator:**

114 W. Michigan Street
LaGrange, IN 46761
Phone: (260) 499-6388
Fax: (260) 499-6401
E-mail: bmurphy@lagrangecounty.org

LaGrange County 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.