

CHARTER TOWNSHIP OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

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) 42 U.S.C §12101 et. seq. to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, the Charter Township of Kalamazoo is required to comply with Article II of the ADA as an employer and as a provide of public services; and

WHEREAS, Title II of the ADA the Charter Township of Kalamazoo requires the Township to name an ADA Coordinator; and to post his/her contact information on the Township's Website and at the Township Hall; and

WHEREAS, Title II of the ADA requires the Charter Township of Kalamazoo to adopt and post a grievance procedure for resolving complaints alleging violations of Title II of the ADA; and

WHEREAS, in accordance with the provisions of Title II of the ADA, the Charter Township of Kalamazoo is required to post a certain ADA notice on the Township's website.

NOW THEREFORE BE IT HEREBY RESOLVED that the David Becker, Township Assessor, is designated as the ADA Coordinator for the Charter Township of Kalamazoo; and

BE IT FURTHER RESOLVED that the Township Clerk shall post the notice identifying the name of the ADA coordinator, his address and contact information as shown on the attached Exhibit A on the Township's website and at the Township Hall, and to

provide the same to the Department heads of the Police, Fire and Administrative Departments of the Township; and

BE IT FURTHER RESOLVED that the Township Board hereby adopts the ADA notice, attached hereto as Exhibit B as the Township's ADA Notice and directs the Township Clerk to post it on the Township's Website and at the Township Hall; and to provide the same to the Department Heads of the Police, Fire and Administrative Departments of the Township; and

BE IT FURTHER RESOLVED that the Charter Township of Kalamazoo 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 Township of Kalamazoo; and

IT IS FURTHER RESOLVED that in compliance with Federal and State laws as set forth above, the Township Board resolves to post the required information regarding the ADA coordinator, notice under the Americans with Disabilities Act, and Charter Township of Kalamazoo Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Motion was made by Leuty and seconded by Mackie to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye":

Leuty, M. Miller, S. Miller, Glass, Mackie, Martin

The following voted "Nay":

The following were absent: *Robinson*

The Supervisor declared the motion carried and the resolution duly adopted.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Kalamazoo Charter Township Board held on May 13, 2024 that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Lisa Mackie

Lisa Mackie, Clerk
Charter Township of Kalamazoo
Kalamazoo County, Michigan

Attest:

Donald D. Martin

Donald D. Martin, Supervisor

ADA GRIEVANCE PROCEDURE – CHARTER TOWNSHIP OF KALAMAZOO

Purpose: The purpose of the ADA Grievance Procedure is to provide for the timely and fair resolution of grievances. For the purposes of this procedure, a grievance is defined as a complaint regarding access for the disabled or an alleged discrimination due to a disability.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA.

This Grievance Procedure is to be distributed to all Township Department Heads and it is to be posted in a conspicuous public location such as the Township's website.

Scope: This procedure 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 Charter Township of Kalamazoo. It shall be available to all individuals utilizing the services and facilities of the Township.

Complaint Timeliness: 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.

Grievance Submittal: The complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.

A grievance may be filed in any format including by mail, email, phone, fax, or using the Township's On-Line Grievance Submittal Form which is accessible on the Township's website.

In order to help ensure adequate initial information is gathered, a printed ADA Grievance Form is available from the Township Hall or on-line. Its use is optional, but is intended for use by either the Complainant or Township staff to document the initial filing of a grievance.

Other 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.

Complaints should be directed to: David Becker, ADA Coordinator. Phone: (269) 381-8909 ext. 118; email: Assessor@ktpw.org; Address: 1720 Riverview Drive, Kalamazoo, MI 49004.

In the event that the ADA Coordinator is not available, a complaint may be directed to Donald Martin, the Township Supervisor (Phone 269-381-8085). Or a complainant may ask the Township's receptionist to take the information and it shall be forwarded to the ADA Coordinator.

ADA GRIEVANCE PROCEDURE – CHARTER TOWNSHIP OF KALAMAZOO

Processing of a Grievance:

STEP 1 - INITIAL PROCESSING

A Complainant should make reasonable effort to direct their complaint to a responsible Township representative, and preferably the ADA Coordinator. However, it is recognized complaints may sometimes be directed to an available Township employee in an unusual location such as on a job site, so this procedure does provide for complaints that are not submitted in a traditional written format.

- A) The complainant should provide as much information as possible about the nature of the complaint including at a minimum their name and contact information. Information about the nature and location of the complaint should also be noted. The On-Line Form is recommended to assist the Complainant but is not required.
- B) All grievances, regardless of the type of grievant (public, applicant or employee), and regardless of who receives/records the grievance, shall be forwarded to the respective Department Head of the Township employee who takes the grievance within two business days.
- C) All grievances shall then be forwarded to the ADA Coordinator within two business days of receipt by the Department Head.
- D) The ADA Coordinator will record receipt of the grievance and contact the grievant within five business days to clarify the nature and to obtain additional details about the grievance.

STEP 2 - DETERMINATION

- A) Within 20 calendar days after receipt of the complaint, the ADA Coordinator or his designee will visit the site and/or meet with the complainant, in any practicable manner, to discuss the complaint and the possible resolutions. 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.
- B) If the ADA Coordinator believes that the complaint is justified, that the remedy is the Township's responsibility and is within his/her authority to direct the remedy, especially for small infrastructure repairs, then the ADA Coordinator may make a determination on the spot on behalf of the Township as to the appropriate remedy.

- C) 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 Township's Attorney.
- D) 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. This written response will be published within 10 business days of the site visit or meeting.

Typical Decisions may include:

- o Minor project/repair to be completed by Public Works
- o Project to be entered into prioritization for future work by Township Engineer
- o Project to be completed as part of other scheduled work
- o Complaint is to be assigned to a Department Head for further analysis
- o Complaint is not the Township's responsibility (state reason, e.g. not in Township's Right of Way, not an intended Public Use)
- o Complaint requires consideration of Township Attorney or to be submitted to Council

Determinations will be presented in writing, and, if appropriate, also in a format accessible to the complainant. The determination will state the position of the Township, offer potential options for the resolution of the complaint, and also inform the complainant of their rights to appeal the determination.

- E) 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. Determinations shall otherwise be handled as noted above.

STEP 3 - APPEAL (IF NEEDED)

- A) If the response by the ADA Coordinator 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 Township Board. Such appeal should be addressed to the attention of the current Township Supervisor.
- B) Within 15 calendar days after receipt of the appeal, a representative of the Township Board or the Township Attorney, on the Board's behalf, will contact the complainant to discuss the complaint and possible resolutions.

- C) The Township Board will enter an ADA Grievance Appeal as new business and will discuss it at the next available Board Meeting for which the agenda has not already been set, but no later than the second Board Meeting after the appeal is received by the Township Supervisor. The Board, in order to provide itself time to perform its own investigations, may defer the issue to a later Board Meeting, but no issue shall be left without preliminary action for more than 30 calendar days, and the Board shall hold a vote within 90 calendar days of the items first appearance on the Board's Agenda. In the event of an issue that cannot reasonably be addressed within 90 days, the Board will inform the Complainant in writing that the issue is still under consideration and will provide a date when the Board will render a decision.

- D) Appeals shall be voted on by the Township Board at an open public meeting. The Township Board will provide a written decision to the Complainant within 15 calendar days of the Board Meeting at which the decision was made. The determination made by the Township Board shall be considered final.

STEP 4 - DECISION, FINAL RECORD

All written complaints received by the ADA Coordinator, appeals to the Township Board, and responses from these two offices will be retained by the Township for at least three years from date of Determination. The ADA Coordinator shall be responsible for maintaining this file.

Applicability:

The Township is required to adopt and publish procedures for resolving grievances that arise under Title II of the ADA. The 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 Township 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.

ADA GRIEVANCE FORM – CHARTER TOWNSHIP OF KALAMAZOO

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 COORDINATOR USE ONLY	
Person preparing form (if other than complainant):	
Date Received by Dept Head (If Appl):	
Date Received by ADA Coordinator:	
Date of Initial Contact:	
Date of Meeting or Site Visit:	
Date Assigned to Dept Head/Who:	
Date Returned from Department:	
Date ADA Coordinator's Decision Mailed:	
Date Appeal Received by Board:	
Date First on Board Agenda:	
Date Township Board Decision:	
Date Council Decision Made:	