

December 9, 2009

Citizens of Lewis and Clark County with disabilities have a right to access government services under the Americans with Disabilities Act and other state and federal laws.

Lewis and Clark County has designated the County Human Resources Director as its ADA Coordinator.

If citizens require access to County programs or materials or have comments or complaints related to access to government services based on a disability, they should contact the County's ADA Coordinator by phone at 447-8317 or by mail at the following address:

Lewis and Clark County ADA Coordinator
316 N Park, Room 345
Helena, Montana 59623

The County's ADA grievance procedure is contained in Resolution # 2009-121.

RESOLUTION 2009-121

A RESOLUTION ESTABLISHING GRIEVANCE POLICY AND PROCEDURE FOR RESOLUTION OF COMPLAINTS ALLEGING ACTS PROHIBITED BY SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, 42 U.S.C. SECTION 12131 ET SEQ., 28 CFR PART 35, AND THE AMERICANS WITH DISABILITIES ACT OF 1990 TITLE I AND II.

WHEREAS, the County wishes to effect prompt and equitable resolution of complaints alleging any action prohibited by Title I and Title II of the Americans with Disabilities Act of 1990 (ADA), which provides comprehensive civil rights protection in the areas of employment, state and local government services programs, and telecommunications to individuals with disabilities; and

WHEREAS, it is in the best interests of Lewis and Clark County, Montana, and inhabitants thereof to adopt a resolution complying with Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR Part 35, and the Americans with Disabilities Act of 1990 Title I and II.

NOW THEREFORE, BE IT RESOLVED THAT the Chief Administrative Officer of the County or his/her designee shall act as the ADA Coordinator. The ADA Coordinator shall oversee the planning, training and implementation of compliance activities and handle all grievance matters regarding the ADA.

BE IT FURTHER RESOLVED the Board of County Commissioners hereby establishes the following ADA grievance procedure:

- A.) Complaints should be addressed to the Lewis and Clark County ADA Coordinator, Room 345, 316 N Park, Helena, Montana 59623.
- B.) A written complaint must be filed within 30 days after complainant knows or should have known of the alleged violation.
- C.) Upon request by the complainant, arrangements shall be made for alternative means of filing complaints, such as personal interviews or tape recordings of the complaint.
- D.) Complaints may be filed by a representative authorized to do so. All complaints must be signed by the complainant or their representative. If a complaint is filed on behalf of a complainant or multiple complainants, it shall describe or identify (by name, if possible) the alleged victims of the discrimination.
- E.) An investigation shall follow the filing of a complaint, with the investigation being conducted by the ADA Coordinator. The investigation may be informal, but must be thorough, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
- F.) The ADA Coordinator will issue a written determination or findings of fact as to the validity of the complaint and the resolution of the complaint, if any, and a copy will be forwarded to the complainant no later than 30 days after the County's receipt of the complaint. Where appropriate, the response will be in a format accessible to the person or persons who filed the complaint.



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- G.) Within thirty (30) days of receiving the complaint, the ADA Coordinator will respond in writing. The response will be provided in a format that is accessible to the person or persons who filed the complaint.
- H.) Within ten (10) days of receiving the ADA Coordinator's written response, the complainant may appeal the decision of the ADA Coordinator to the ADA Review Committee. The complainant shall file the appeal with the ADA Coordinator.
- I.) The ADA Review Committee shall hold a hearing within thirty (30) days of receiving the appeal. The ADA Review Committee shall issue a written decision within ten (10) days of the hearing. The decision will be provided in a format that is accessible to the person or persons who filed the complaint.
- J.) The ADA Coordinator may attempt to resolve the grievance informally at any time within the time limits specified above.
- K.) The right of a complainant to a prompt and equitable resolution of a complaint filed hereunder does not prevent or prohibit the complainant's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- L.) The ADA Coordinator shall maintain all files and records relating to the complaints.

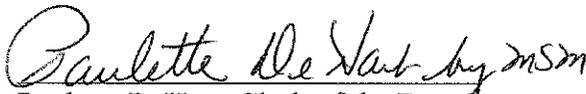
BE IT FURTHER RESOLVED that this Resolution is effective upon approval.

DATED this 8th day of December, 2009.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Munthausen, Chairman

ATTEST:


Paulette DeHart, Clerk of the Board



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