

COMPLAINT PROCEDURES TO RESOLVE
GRIEVANCES UNDER ADA

The procedure for processing complaints by individuals who believe that he or she has been discriminated against on the basis of disability by Lee County is as follows:

A. The complainant should submit his or her complaint in writing to the Ada Coordinator within 30 days of the date of occurrence of the incident which gave rise to the complaint. A record of the complaint and the action taken will be maintained in the office of the ADA Coordinator. A written decision by the ADA Coordinator will be rendered within 15 working days of the filing of the complaint. A copy of the decision shall be mailed by the ADA Coordinator to the complainant at his or her address as set forth in the complaint by registered or certified mail, return receipt requested.

If the complainant is not satisfied with the decision of the ADA Coordinator, he or she may file in the office of the ADA Coordinator a written statement to that effect and request a hearing before the ADA Compliance Committee provided he or she does so within 10 days of the receipt of the ADA Coordinator's decision.

B. If the complainant perfects his or her appeal in the manner set forth above, then the ADA Coordinator shall within 3 working days transmit copies of all documents pertaining to the matter to the ADA Compliance Committee. The chairman of the committee will set a hearing date and give the complainant and the County Manager 10 days notice of said hearing. The County Manager will be responsible to notify any county agency or personnel involved in the matter of the date of the hearing. The hearing shall be in public and all proceedings shall be recorded. The committee will issue a written decision within 20 days of the conclusion of the hearing. The decision shall be mailed to the complainant at the address set forth in the complaint by registered or certified mail, return receipt requested.

If the complainant is not satisfied with the decision of the ADA Compliance Committee, he or she may file in the office of the County Manager a written statement to that effect and request a hearing before the Board of Commissioners provided he or she does so within 10 days of the receipt of the decision of the ADA Compliance Committee.

C. If the complainant perfects his or her appeal in the manner set forth above, then the ADA Compliance Committee shall within 3 working days transmit copies of all documents and recordings pertaining to this matter to the County Manager for the use and benefit of the Board of Commissioners. The Chairman of the Board shall set a hearing date and shall give to the complainant and to the County Manager 10 days notice of the hearing. The County Manager will be responsible to notify any county agencies or personnel involved in the matter of the date of the hearing. The hearing will be conducted in public and all proceedings

shall be recorded. A written determination must be made within 30 days of the conclusion of the hearing. The decision of the Board of Commissioners is final.

D. The complainant may be, but it is not required to be represented by counsel. Likewise, any person whose alleged conduct is the cause of the complaint may be, but it is not required to be represented by counsel.

E. The County Attorney shall serve as legal adviser to the ADA Coordinator, the ADA Compliance Committee and the Board of Commissioners.

F. The burden of proof shall be upon the complainant at each state of the proceedings and the complainant shall present his or her evidence first. The person or agency whose alleged conduct or action is the cause of the complaint shall then present their evidence in defense after which each party may present evidence in rebuttal. The tribunal hearing the matter, the complainant and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross examine witnesses and offer other evidence.

G. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies. The filing of a complaint with any appropriate agency or the pursuit of other remedies shall not impair an individuals right to a prompt and equitable resolution of his or her complaint under this grievance procedure. Furthermore, the filing of a lawsuit in state or federal court can occur at any time.

Americans With Disabilities Act

RESOLUTION TO ESTABLISH AN
ADA COMPLIANCE COMMITTEE

BE IT RESOLVED BY THE BOARD OF COMMISSIONS AS FOLLOWS:

Section I. There is hereby created an ADA Compliance Committee to consist of five members. Membership of this committee shall consist of one elected official, one private citizen from the disabled community, one private citizen from business or non-profit sector, one private citizen from the field of education, and one private citizen from the health care/medical profession. Three of the initial appointees shall hold office until June 30, 1993, and two initial appointees shall hold office until June 30, 1994. Thereafter, all appointments shall be for two years, or until their successors are appointed and qualified.

Section II. The ADA Compliance Committee shall convene after its appointment and select a chairman. Thereafter, at its first meeting following January 1st of each year it shall select a member to serve as chairman. The chairman shall preside at all meetings and shall be responsible for calling all meetings of the committee. Meetings shall be held from time to time as necessary and three members of the committee shall constitute a quorum. Members of the committee shall serve without compensation. The County shall provide clerical support to the committee to perform such duties as the committee shall direct.

Section III. The ADA Compliance Committee shall conduct hearings at the request of disabled persons who feel Lee County has discriminated against him or her in providing access to and participation in public facilities, services, activities, and functions.

Section IV. The three initial appointees who shall hold office until June 30, 1993, are Commissioner Ed Paschal, Bob Hales, and Rusty Hodges.

Section V. The two initial appointees who shall hold office until June 30, 1994, are Mrs. Linda Marsal and Norman "Butch" Saunders.

Section VI. This resolution shall be effective from and after its adoption.

Committee is to be made up of 5 members, including an elected official

Effective 7/1/92