

ORDINANCE NO. 40-18

AN ORDINANCE of the City of Richland amending Chapter 2.11 of the Richland Municipal Code related to the Americans with Disabilities Citizens Review Committee.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with current practices and to eliminate conflict and ambiguity; and

WHEREAS, over time, disparate regulations have been codified for the City's various boards, commissions and committees which make consistent and clear administration difficult; and

WHEREAS, on May 15, 2018, Council approved Ordinance No. 21-18, which amended RMC 2.04.110 to lend consistency to the overall administration of the City's boards, commissions and committees, and to bring the Richland Municipal Code into alignment with current practices; and

WHEREAS, in the process of adopting Ordinance No. 21-18, the City created temporary conflicts in existing individual board, commission and committee code sections that now require amendment; and

WHEREAS, an element of the City's strategic plan is to ensure that proper foundational authorities are in place to allow for successful government.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Chapter 2.11, entitled Americans with Disabilities Citizens Review Committee, as first enacted by Ordinance No. 49-93, and last amended by Ordinance No. 40-98, is hereby amended as follows:

**Chapter 2.11
AMERICANS WITH DISABILITIES CITIZENS REVIEW COMMITTEE**

Sections:

2.11.005 Purpose.

2.11.010 Americans with Disabilities Act citizens review committee created; membership.

~~**2.11.020 Removal—Vacancies.**~~

~~**2.11.030 Meetings, officers, records, and quorum.**~~

~~**2.11.040 Duties of the committee.**~~

~~**2.11.050 Severability. Expenditures—Budget.**~~

~~**2.11.060 Staff assistance.**~~

2.11.005 Purpose.

The purpose and intent of this chapter is to establish and make available a citizens committee to review those complaints pertaining to the Americans with Disabilities Act as implemented and administered by the city of Richland. The [Americans with Disabilities Act](#) citizens review committee will provide a hearing, listen to and formulate a decision based upon information provided in the hearing. The decision shall be made in writing with a copy of the decision provided to the complainant and a copy provided to the city's Americans with Disabilities Act coordinator. This decision, upon a written appeal by the complainant, will be forwarded to the Richland city council. The city council will be responsible to issue a final written decision [on appeal](#).

2.11.010 Americans with Disabilities Act citizens review committee created; [membership](#).

There is created within the city of Richland an Americans with Disabilities Act citizens review committee. The committee will be composed of five [\(5\)](#) members appointed by the city council [pursuant to RMC 2.04.110](#). Members shall serve staggered three-year terms and until their successors are appointed and confirmed. ~~Two of the five members shall be citizens of Richland. The other three members may be selected from outside of the city limits.~~

~~The members of the committee shall be selected without regard to political affiliation and shall serve without compensation.~~ Persons with disabilities or persons working with persons with disabilities will be encouraged to join the committee to provide a balanced perspective to decision-making concerning these issues. ~~Selection of members shall follow established procedures as set forth in RMC 2.04.120.~~ Elected officials, the disabled community, business or nonprofit sectors, education and the health/medical profession shall be considered for membership on this committee.

~~2.11.020 Removal—Vacancies.~~

~~The committee, by majority vote, may recommend to the city council removal of an appointed member upon such grounds as may be deemed appropriate by the committee. The city council, by majority vote, may remove any appointed member of the committee and declare the position vacant. Unexcused absences from any two consecutive meetings shall be grounds for removal. Vacancies shall be filled in the manner used for regular appointments to the committee.~~

2.11.030 Meetings, ~~officers, records, and quorum~~.

~~A. The committee shall elect its own chairperson and vice-chairperson and create and fill such other offices it may determine it requires. The committee shall meet initially for the purpose of establishing its operating procedures. It will then meet only at such time as an appeal is filed from a decision made by the Americans with Disabilities Act coordinator. A record shall be kept of its meetings, findings and determinations, which records shall be open to public inspection.~~

~~B. Three members of the committee shall constitute a quorum for the provision of a hearing. A member not present at the time of the hearing shall not participate in a decision unless the member reads and reviews all of the record made at such a hearing.~~

2.11.040 Duties of the committee.

The committee shall perform the following duties:

A. The committee shall serve as a hearing board for complaints regarding implementation and administration of the Americans with Disabilities Act for the city of Richland. All such hearings shall be open to the public following publication of a notice for such hearing in the legal newspaper for the city of Richland. Notice shall be given to the complainant at least five (5) business days prior to the hearing.

B. The committee shall hear only those complaints which pertain specifically to policies, equipment, property and responsibilities of the city of Richland and only those complaints that have been first addressed by and responded to by the Americans with Disabilities Act coordinator. No appeal for a hearing will proceed until the coordinator issues a written determination to a written and filed complaint.

C. The committee shall maintain a written log of activities in which it is involved and shall report upon invitation, to the city council in written format **annually** of its involvement on behalf of the city.

D. All hearings shall be recorded and a written transcript shall be maintained by ~~in the files of~~ the city's ~~coordinator of the~~ Americans with Disabilities Act coordinator.

E. A written decision shall be issued within thirty (30) calendar days from the date the committee ~~receives~~ holds a hearing on a complaint.

F. The complainant may appeal the committee's decision. Any such appeal must be submitted to the city clerk's office within thirty (30) calendar days of the date of mailing of the committee's decision to the complainant. If a timely appeal is filed, it will be placed on the next available regular or special city council agenda for council consideration. The committee will provide the city council with all records relevant to the matter on appeal. The city council's decision on the appeal shall be final and not subject to further appeal.
~~Within 30 days of the date of mailing of the decision of the committee to the complainant, an appeal of the committee's decision must be filed with the city clerk for placing the appeal on the next available regular or special city council agenda.~~

2.11.050 Severability. Expenditures — Budget.

~~The expenditures of the committee shall be limited to appropriations made to the budget line item for implementation and administration of the Americans with Disabilities Act. The services and facilities of the city of Richland shall be utilized by the committee in performing its duties unless specific services are authorized by the city council. If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional~~

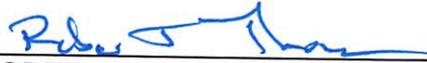
or invalid, such decision shall not affect the validity to the remaining portions of this chapter and the same shall remain in full force and effect.

2.11.060 Staff assistance.

~~The city's coordinator shall provide staff assistance to the committee and shall serve to facilitate communications by the committee to the city council.~~

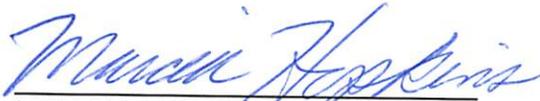
Section 2. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of August, 2018.



ROBERT J. THOMPSON
Mayor

ATTEST:



MARCIA HOPKINS, City Clerk

APPROVED AS TO FORM:



HEATHER KINTZLEY, City Attorney

Date Published: August 12, 2018