

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-15-50 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

1 **ORDINANCE**

2 **REPEALING §2-6-5-1 THROUGH §2-6-5-5, ROA 1994 RELATING TO THE JOINT**
3 **ADVISORY COMMISSION ON PERSONS WITH DISABILITIES; ESTABLISHING**
4 **AND DEFINING THE ROLES AND RESPONSIBILITIES OF AN AMERICANS**
5 **WITH DISABILITIES ACT ADVISORY COUNCIL FOR THE CITY OF**
6 **ALBUQUERQUE.**

7 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
8 **ALBUQUERQUE:**

9 **Section 1. SHORT TITLE.**

10 **This ordinance may be cited as “Americans with Disabilities Act Advisory**
11 **Council Ordinance.”.**

12 **Section 2. FINDINGS**

- 13 **1. In accordance with the requirements of Title II of the Americans with**
14 **Disabilities Act of 1990 (“ADA”), the City of Albuquerque will not**
15 **discriminate against qualified individuals with disabilities in the**
16 **provision of services, programs or activities; and**
17 **2. The City of Albuquerque does not discriminate on the basis of disability**
18 **in its hiring or employment practices and complies with all regulations**
19 **promulgated by the U.S. Equal Employment Opportunity Commission**
20 **under Title I of the Americans with Disabilities Act (ADA); and**
21 **3. The City of Albuquerque will make reasonable modifications to ensure**
22 **that people with disabilities have an equal opportunity to enjoy all City**
23 **programs, services and activities, and**
24 **4. The City of Albuquerque seeks: to enhance the community by the**
25 **contributions of persons with disabilities; to make a positive difference**
26 **in their relationship with the community by working toward providing**
27 **full access to facilities, programs, services, activities and employment;**

1 and to enable persons with disabilities to equally participate in the
2 social and economic life of the city.

3 **Section 3. MEMBERSHIP AND ORGANIZATION:**

- 4 1. The ADA Council shall be comprised of 10 members, at least six of
5 whom shall be individuals with disabilities.
- 6 2. These six members shall represent each of the six major life functions
7 identified in the Americans with Disability Act. All efforts will be made to
8 ensure cross-disability representation in the selection of ADA Council
9 members.
- 10 3. The mayor shall appoint the ADA Council members subject to the
11 advice and consent of the City Council. Both the Mayor and individual
12 City Councilors may recommend potential Board members to the Mayor.
- 13 4. ADA Council members shall serve without compensation.
- 14 5. The ADA Council shall select, by majority vote, one of the appointees as
15 the chairperson of the commission.
- 16 6. The ADA Council shall meet monthly.

17 **Section 4. DUTIES, RESPONSIBILITIES AND POWERS**

18 The mission of the ADA Advisory Council is to support the civil rights of, and
19 full integration into, Albuquerque community life for all people with
20 disabilities. The ADA Advisory Council shall:

- 21 1. Advise the Mayor and City Council on issues affecting people with
22 disabilities.
- 23 2. Provide a public forum to identify, discuss, and address issues relevant
24 to people with disabilities.
- 25 3. Report on accessibility problems around the City
- 26 4. Provide information to the city's ADA Coordinator about disability
27 concerns expressed by the public.
- 28 5. Provide information, educational opportunities and networking
29 opportunities to all citizens with disabilities.
- 30 6. Establish criteria for prioritizing the remedial steps to address access
31 needs within the community
- 32 7. Develop operating procedures for the ADA Council.

- 1 8. Review City government program services and activity access for
- 2 physical, sensory, or other impediments.
- 3 9. Review City codes with the City's Office of Diversity & Human Rights
- 4 relating to disability rights and access.
- 5 10. Make recommendations to the Mayor and City Council regarding a
- 6 community transition plan that addresses: barriers (non-structural) to
- 7 city programs, services and activities and barriers (structural) to city
- 8 facilities including parks and trails.

9 Section 5. TRAINING AND TECHNICAL ASSISTANCE. The ADA Council will
10 receive effective and ongoing training and technical assistance from the City's
11 Office of Diversity and Human Rights to ensure that they understand the
12 information they receive and are able to provide effective oversight of and
13 make appropriate decisions regarding the City of Albuquerque's compliance
14 with Title II of the Americans with Disabilities Act of 1990.

15 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
16 clause, word or phrase of this ordinance is for any reason held to be invalid
17 or unenforceable by any court of competent jurisdiction, such decision shall
18 not affect the validity of the remaining provisions of this ordinance. The
19 Council hereby declares that it would have passed this ordinance and each
20 section, paragraph, sentence, clause, word or phrase thereof irrespective of
21 any provision being declared unconstitutional or otherwise invalid.

22 Section 7. COMPILATION. This ordinance shall be incorporated in and
23 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

24 Section 9. EFFECTIVE DATE. This ordinance shall take effect five days after
25 publication by title and general summary.

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