



Legislation Text

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# CITY of ALBUQUERQUE

## TWENTY-FIRST COUNCIL

COUNCIL BILL NO. [F/S O-15-50](#) ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña

### ORDINANCE

F/S Repealing §2-6-5-1 Through §2-6-5-5, ROA 1994 Relating To The Joint Advisory Commission On Persons With Disabilities; Establishing And Defining The Roles And Responsibilities Of An Americans With Disabilities Act Advisory Council For The City Of Albuquerque (Peña)

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

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

#### Section 1. SHORT TITLE.

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

#### Section 2. FINDINGS.

1. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the City of Albuquerque will not discriminate against qualified individuals with disabilities in the provision of services, programs or activities; and
2. The City of Albuquerque does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title II of the Americans with Disabilities Act (ADA); and
3. The City of Albuquerque will make reasonable modifications to ensure that

people with disabilities have an equal opportunity to enjoy all City programs, services and activities; and

4. The City of Albuquerque seeks: to enhance the community by the contributions of persons with disabilities; to make a positive difference in their relationship with the community by working toward providing full access to facilities, programs, services, activities and employment; and to enable persons with disabilities to equally participate in the social and economic life of the city.

### Section 3. MEMBERSHIP AND ORGANIZATION.

The ADA Council shall be comprised of 10 members, at least six of whom shall be individuals with disabilities **who represent the six major life functions identified in the Americans with Disabilities Act..**

1. **All effort will be made to ensure cross-disability representation in the selection of members.**

1. These six members shall represent each of the six major life functions identified in the Americans with Disability Act. All efforts will be made to ensure cross-disability representation in the selection of ADA Council members.

1. The mayor shall appoint the ADA Council members subject to the advice and consent of the City Council. Both the Mayor and individual City Councilors may recommend potential Board members to the Mayor.

2. ADA Council members shall serve without compensation.

3. The ADA Council shall select, by majority vote, **two** of the appointees as the chairperson **and vice-chairperson** of the **Council**commission.

1. The ADA Council shall meet monthly.

### Section 4. MEETINGS .

1. **The ADA Council shall meet monthly.**

2. **Because of the special considerations of persons with disabilities due to health or logistical problems the following shall apply:**

a. A quorum shall consist of five members of the Council; and

b. A member of the Council may participate in the meeting by means of a conference telephone, web based broadcast such as skype or other similar communications equipment and/or software when it is otherwise difficult or impossible for the member to attend in person, provided that each member participating by such methods can be identified when

speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Council who speaks during the meeting.

3. The Council shall comply with all applicable policies, ordinances, resolutions, rules and regulations of the City.

#### **Section 5.4. DUTIES, RESPONSIBILITIES AND POWERS.**

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

1. Advise the Mayor and City Council on issues affecting people with disabilities.
2. Provide a public forum to identify, discuss, and address issues relevant to people with disabilities.
3. Report on accessibility problems around the City.
4. Provide information to the city's ADA Coordinator about disability concerns expressed by the public.
5. Provide information, educational opportunities and networking opportunities to all citizens with disabilities.
6. Establish criteria for prioritizing the remedial steps to address access needs within the community.
7. Develop operating procedures for the ADA Council.
8. Review City government program services and activity access for physical, sensory, or other impediments.
9. Review City codes with the City's Office of Diversity & Human Rights relating to disability rights and access.
10. Make recommendations to the Mayor and City Council regarding a community transition plan that addresses: barriers (non-structural) to city programs, services and activities and barriers (structural) to city facilities including parks and trails.

#### **Section 6.5. TRAINING AND TECHNICAL ASSISTANCE.**

The ADA Council will receive effective and ongoing training and technical assistance from the City's Office of Diversity and Human Rights to ensure that they understand the information they receive and are able to provide effective oversight of and make appropriate decisions regarding the City of Albuquerque's compliance with Title II of the

**Americans with Disabilities Act of 1990.**

Section 76. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 87. **COMPILATION.** This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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