

ORDINANCE NO. 15,017

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by adding and enacting a new Article VIII, Grievance Procedure under the Americans with Disabilities Act, to Chapter 2, Administration, relating to the Americans with Disabilities Act.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by adding and enacting a new Article VIII, Grievance Procedure under the Americans with Disabilities Act, to Chapter 2, Administration, relating to the Americans with Disabilities Act, as follows:

**ARTICLE VIII. GRIEVANCE PROCEDURE  
UNDER THE AMERICANS WITH DISABILITIES ACT**

**Secs. 2-1238-1250. Reserved.**

**Sec. 2-1251. Purpose and policy.**

- (a) This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Des Moines.
- (b) This grievance procedure does not apply to employment related complaints of disability discrimination.
- (c) Nothing in this procedure shall require an individual to follow this procedure before seeking redress which may be available pursuant to state and federal law.

**Sec. 2-1252. Complaint.**

A complaint may be submitted to the City's ADA Coordinator by filing a written notice, or by other accessible format upon request, by mail or in person at the Office of the City Clerk, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 or online at [www.dmgov.org](http://www.dmgov.org). The complaint shall include:

- (1) The name, address, phone number and if available, the email address of the complainant; and
- (2) The basic facts and circumstances of the alleged violation including the location, date and a brief statement of the problem.

**Sec. 2-1253. Complaint timely.**

A complaint shall be deemed timely if filed with the city no later than 60 calendar days after the alleged discriminatory violation.

**Sec. 2-1254. Investigation.**

- (a) Within 15 days of the city's receipt of a complaint, the ADA Coordinator or his or her designee shall meet with the complainant to discuss the complaint and possible resolutions.
- (b) Within 15 days of meeting with the complainant, the ADA Coordinator or his or her designee shall respond in writing or if appropriate, in an alternative accessible format, to the complainant to explain the position of the city including proposed corrective actions if deemed available.
- (c) In the event the complainant is not satisfied with the response of the ADA Coordinator or his or designee, the complainant may file an appeal within 15 days of the date of the city's response to the complainant in the same manner as section 2-1252 of this code.

**Sec. 2-1255. Appeal.**

- (a) The city clerk shall forward such appeal to the city manager or his or her designee who within 15 days of the city's receipt of the appeal, shall meet with the complainant to discuss the complaint and possible resolutions.
- (b) Within 15 days of that meeting, the city manager or his or her designee shall respond in writing or if appropriate, in an alternative accessible format, to the complainant with an explanation of the city's final resolution of the matter.

**Sec. 2-1256. Records.**

- (a) All complaints and their responses received pursuant to this article shall be retained by the city clerk for at least three years from the latest date of the individual complaint.
- (b) The City of Des Moines Access Advisory Board may be provided copies of all complaints and asked to advise on the resolution of a complaint consistent with their authority under 2-1149 of this code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Carol J. Moser, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 11-0916), passed by the City Council of said City at a meeting held May 23, 2011 signed by the Mayor on May 23, 2011 and published as provided by law in the Business Record on June 10, 2011. Authorized by Publication Order No. 7478.

Diane Rauh, City Clerk