

RESOLUTION 2024-05R

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, ADOPTING THE TOWN OF HAVANA NON-DISCRIMINATION POLICY AND POLICY NOTICE IN COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED (THE "ADA"), A COPY OF WHICH IS ATTACHED AS EXHIBIT A; REAFFIRMING THE TOWN OF HAVANA'S POLICY OF NON-DISCRIMINATION RELATED TO THE TOWN OF HAVANA'S SERVICES, PROGRAMS, AND ACTIVITIES; DEFINING "DISABILITY;" APPOINTING THE TOWN CLERK AS THE TOWN OF HAVANA ADA COORDINATOR; PROVIDING FOR FURTHER ACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Havana (the "Town") is firmly committed to ensuring that no person be excluded from participation in or denied the benefits of the Town's services, programs, or activities because of that individual's disability (as defined below), or otherwise be discriminated against on the basis of disability;

WHEREAS, part of the Town's commitment to equal access to its services, programs and activities is its compliance with Title II of the ADA;

WHEREAS, compliance with Title II of the ADA requires that the Town provide a public notice of ADA Compliance, designate an employee as ADA Coordinator, and implement an ADA grievance process; and

WHEREAS, the Town has, after careful review, approved the following attached notice of its non-discrimination policy and grievance procedures for ADA complaints, a copy of which is attached as Exhibit A to this resolution; and

WHEREAS, the Town Council hereby appoints the Town Clerk as its ADA Coordinator.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The foregoing facts and recitations provided in the preamble of this resolution are hereby adopted and incorporated as by reference as if fully set forth in the numbered sections of this resolution.

Section 2. **Disability.** As used in this resolution, the term "disability" refers to having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.

Section 3. **Adoption of Non-Discrimination Policy Notice.** The Mayor and Town Council of the Town of Havana, Florida, hereby adopt the attached notice of the Town's non-discrimination policy; reaffirm the Town's policy of non-discrimination regarding the Town's services, programs and activities; and appoint the Town Clerk as the Town's ADA Coordinator.


Section 4. **Further Action.** The ADA Coordinator shall publish the contact information for the ADA Coordinator in a newspaper of general circulation in the Town or on the home page of the Town's website. The ADA Coordinator shall also establish a system (spreadsheet) to log all ADA calls for the Town's records.

Section 5. **Effective Date.** This resolution shall take effect immediately upon its adoption.

ADOPTED, by an affirmative vote of a majority of a quorum present of the Town Council of the Town of Havana, Florida, at its meeting on this 14 day of May 2024.

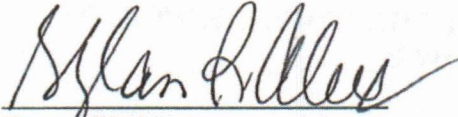
TOWN OF HAVANA, FLORIDA:

[SEAL]



Tim Loughmiller Jr., Mayor

Attest, By the Town Clerk of
the Town of Havana, Florida:



Town Clerk

Approved as to Form:



Town Attorney

Exhibit A

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

TOWN OF HAVANA, FLORIDA
DISABILITY NON-DISCRIMINATION POLICY

The Town of Havana, Florida (the "Town") is committed to complying with the Americans with Disabilities Act of 1990, as amended (the "ADA"). In accordance with the requirements of Title II of the ADA, it is the Town's policy that a qualified individual with a disability shall not be excluded from participation in or denied the benefits of the Town's services, programs, or activities because of that individual's disability, or otherwise be discriminated against on the basis of disability. As used herein, "disability" refers to having a physical or mental impairment which substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment.

The Town will provide reasonable modifications in its policies, practices, or procedures for a qualified individual with a disability, unless the modification would fundamentally alter the nature of the Town's service, program, or activity, or impose an undue financial or administrative burden.

The Town has appointed an ADA Coordinator to assist and provide information to individuals with disabilities:

Town Clerk
Town of Havana, Florida
Cecil G. Trippe Municipal Building
P.O. Box 1068
711 North Main Street
Havana, Florida 32333-1068
Telephone: (850) 539-2820
Facsimile: (850) 539-2830
E-Mail: clerk@townofhavana.com

PROCEDURE TO REQUEST A REASONABLE MODIFICATION

Request Related to a Public Meeting: A request for a sign language interpreter or other auxiliary aid or service to ensure effective communication for a qualified individual with a disability to attend or participate in a public meeting should be directed to the ADA Coordinator. The request must be submitted at least seven (7) business days in advance.

Request Related to a Service, Program, or Activity (other than a public meeting):

A request for a reasonable modification of a policy, practice, or procedure of the Town or for a sign language interpreter or other auxiliary aid or service in order to attend or participate in a service, program, or activity of the Town should be directed to the Town's ADA Coordinator. The request must be submitted to the ADA Coordinator at least seven (7) business days in advance of the scheduled service, program, or activity.

GRIEVANCE PROCEDURE

An individual may file a grievance under this policy if the individual believes that he or she: (i) has been discriminated against on the basis of disability by the Town; (ii) has been excluded from participation in or denied the benefits of a Town service, program, or activity on the basis of disability; or (iii) has been denied a reasonable modification to access a Town service, program, or activity.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. The form may be submitted by fax, mail or e-mail to the ADA Coordinator. Upon request, the ADA Coordinator or the ADA Coordinator's designee will assist an individual with a disability in completing the grievance form, or will provide an alternative format for filing a grievance, such as a personal interview or audio recording.

The grievance should be submitted by the complainant, or his or her designee, as soon as possible, but no later than six months or one hundred eighty (180) calendar days from the date of the alleged incident. The Town will only investigate grievances that are complete and that indicate a possible violation of this policy. The investigation may include interviews with the complainant and witnesses and review of the records or documents relevant to the grievance. The Town will endeavor to conclude the investigation within sixty (60) days of its receipt of the grievance, although a longer period may be necessary based on the circumstances of the alleged incident. If the investigation determines that a violation of this policy occurred, the Town will take corrective action to address the issue.

If more information is needed to investigate the grievance, the Town may contact the complainant, who will have fifteen (15) days to submit additional information. If the complainant does not submit the information, the Town may close the case. The Town may also close the case if the complainant indicates he or she no longer wishes to pursue the grievance.

After completion of the investigation, the Town will issue a notice of the investigation results and the corrective action, if applicable, to the complainant in

writing or, when appropriate, in an alternative format, such as large print, Braille or an audio file.

If the complainant wishes to appeal the decision to close a case, he or she has ten (10) days from the date the written decision is received. The appeal must be in writing and must be submitted to the ADA Coordinator. The Town will respond to the request for appeal in writing or, when appropriate, in an alternative format, such as large print, Braille, or an audio file. All appeals will be heard by the Town Council. Appeal hearings will be scheduled at a regular meeting of the Town Council.

All written grievances received by the ADA Coordinator or his designee, requests for determination review, and responses from the Town will be retained by the Town for at least three years.

If information is needed in another language, please contact the ADA Coordinator.