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### CITY OF ALBUQUERQUE **CITY COUNCIL**

#### INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Jon K. Zaman, Director of Council Services

**SUBJECT: Transmittal of Legislation** 

Transmitted herewith is Bill No. F/S O-15-50 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), which was passed at the Council meeting of May 4, 2015 by a vote of 8 FOR AND 0 AGAINST.

**Excused: Benton** 

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh Attachment

## **CITY of ALBUQUERQUE** TWENTY-FIRST COUNCIL

ENACTMENT NO. 0.2015-018 COUNCIL BILL NO. F/S O-15-50 **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
- WITH DISABILITIES ACT ADVISORY COUNCIL FOR THE CITY OF 5
- 6 ALBUQUERQUE.
- BE IT ORDAINED BY THE COUNCIL. THE GOVERNING BODY OF THE CITY OF 7
- 8 **ALBUQUERQUE:**
- 9 Section 1. SHORT TITLE.
- This ordinance may be cited as "Americans with Disabilities Act Advisory 10
- 11 Council Ordinance.".
- 12 Section 2. FINDINGS.
  - 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
  - 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
  - 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
  - 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

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- persons with disabilities to equally participate in the social and economic life
  of the city.
- 3 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.
- 7 1. The mayor shall appoint the ADA Council members subject to the 8 advice and consent of the City Council. Both the Mayor and individual City 9 Councilors may recommend potential Board members to the Mayor.
- 10 2. ADA Council members shall serve without compensation.
- 11 3. The ADA Council shall select, by majority vote, two of the appointees 12 as the chairperson and vice-chairperson of the Council.
- 13 Section 4. MEETINGS.
- 14 1. The ADA Council shall meet monthly.
- 152. Because of the special considerations of persons with disabilities16 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. 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:
- 32 1. Advise the Mayor and City Council on issues affecting people with 33 disabilities.

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- 2. Provide a public forum to identify, discuss, and address issues
   relevant to people with disabilities.
- 3 3. Report on accessibility problems around the City.
- 4 4. Provide information to the city's ADA Coordinator about disability concerns expressed by the public.
- 5. Provide information, educational opportunities and networking
  7 opportunities to all citizens with disabilities.
- 8 6. Establish criteria for prioritizing the remedial steps to address9 access needs within the community.
- 10 7. Develop operating procedures for the ADA Council.
- 11 8. Review City government program services and activity access for physical, sensory, or other impediments.
- 13 9. Review City codes with the City's Office of Diversity & Human Rights14 relating to disability rights and access.
- 15 10. Make recommendations to the Mayor and City Council regarding a 16 community transition plan that addresses: barriers (non-structural) to city 17 programs, services and activities and barriers (structural) to city facilities 18 including parks and trails.
- 19 Section 6. 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
  - Albuquerque's compliance with Title II of the Americans with Disabilities Act of 1990.
    - Section 7. 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
- 32 provision being declared unconstitutional or otherwise invalid.

	1	Section 8. COMPILATION. This ordinance shall be incorporated in and					
	2	made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.					
	3	Section 9. EFFECTIVE DATE. This ordinance shall take effect five days after					
	4	publication by title and general summary.					
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	1	PASSED AND ADOPTED THIS4	th	DAY OF _	<u>May</u> , 2015	
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	4	Excused: Benton				
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	8	Rey Garduño, President				
	9	City Co	uncil			
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	13	APPROVED THIS 19th DAY OF_	7	lay	, 2015	
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# Health City Sun AFFIDAVIT OF PUBLICATION

CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL COUNCIL BILL NO. F/S O-15-50

**ENACTMENT NO. 0-2015-018** SPONSORED BY: Klarissa J. Peña

ORDINANCE

\$2-6-5-1 REPEALING THROUGH §2-6-5-5, ROA 1994 RELATING TO THE JOINT COMMISSION **ADVISORY** WITH **PERSONS** ON DISABILITIES; ESTABLISHING AND DEFINING THE ROLES RESPONSIBILITIES AND OF AN AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL FOR THE CITY ALBUQUERQUE. OF -BY **ORDAINED** IT BE THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE: HCS Pub. May 22, 2015

State of New Mexico ) ss County of Bernalillo

David Rivord, being duly sworn declares and says he is the Publisher of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 22nd day of May, 2015, and the last publication being in the issue of the 22nd day of May, 2015.

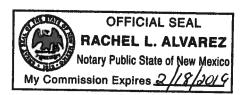
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 22nd day of May, 2015.

Rald Alex Notary Public

My Commission Expires 2/18/2019



# Health City Sun AFFIDAVIT OF PUBLICATION

**CIUDAD de ALBUQUERQUE VIGÉSIMO PRIMER CONCEJO** PROYECTO DE LEY MUNICIPAL NÚM. F/S O-15-50 **PROMULGACIÓN** NÚM.O-2015-018 PATROCINADO POR: Klarissa J. Peña ORDENANZA REVOCAR 5-1 A §2-6-5-5 DE ROA (ORDENANZAS REVISADAS DF ALBUQUERQUE) 1994 RELATIVAS LA COMISIÓN **CONJUNTA** DE **ASESORAMIENTO** SOBRE **PERSONAS** CON DISCAPACIDADES; PARA **ESTABLECER DEFINIR** Y LAS FUNCIONES Y LAS RESPONSABILIDADES DE UN COMITÉ ASESOR DE LA LEY **ESTADOUNIDENSES** PARA CON DISCAPACIDADES DE LA CIUDAD DE ALBUQUERQUE. ASÍ LO RESUELVE CONCEJO. ÓRGANO GOBERNANTE DE LA CIUDAD DE ALBUQUERQUE: HCS Pub. May 22, 2015

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	) ss
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Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 22nd day of May, 2015.

Keulul Muy Notary Public

My Commission Expires 2/18/2019

