

**CITY OF HOMER
HOMER, ALASKA**

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ORDINANCE 22-53(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE CHAPTER 2.58, BOARDS AND COMMISSIONS SECTION 2.58.020 CREATION OF CITY BOARDS AND COMMISSIONS, AND ADOPTING CHAPTER 2.70 AMERICANS WITH DISABILITY ACT ADVISORY BOARD.

WHEREAS, The American with Disabilities Act (ADA) Compliance Committee was created by Resolution 16-019 to fulfill the requirements of Title II of the ADA regulations; and

WHEREAS, The ADA Compliance Committee was established as a Standing Committee due to the continuing nature of their prescribed duties by adoption of Resolution 19-055; and

WHEREAS, The duties and work of the ADA Compliance Committee is ongoing and continuous, it is believed that it would be prudent to establish the ADA Compliance Committee as a Board with all the applicable standards, processes, policies and regulations that apply to the other Boards and Commissions; and

WHEREAS, It's in the City's interest to rename the ADA Compliance Committee to the Americans with Disabilities Act (ADA) Advisory Board and codify the body to reflect the City's commitment to Title II of the ADA Regulations and efforts towards accessibility for all; and

WHEREAS, Amendments in this ordinance provide clarification on the changes to Chapter 2.58 Boards and Commissions, Section 2.58.020 Creation of City boards and commissions and Adopting Chapter 2.70 ADA Advisory Board encapsulating their powers and duties in Homer City Code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 2.58.020 entitled, "Creation of City boards and commissions" is hereby amended as follows:

The following boards and commissions have been created by City Council and are subject to this chapter unless otherwise provided in this title:

- a. Library Advisory Board;
- b. Parks, Art, Recreation, and Culture Advisory Commission;
- c. Port and Harbor Advisory Commission;
- d. Planning Commission;

e. Economic Development Advisory Commission.

f. Americans with Disabilities Act Advisory Board

Section 2. Homer City Code Chapter 2.70, entitled “Americans with Disabilities Act Advisory Board” is hereby adopted to read as follows:

Chapter 2.70

AMERICANS WITH DISABILITIES ACT ADVISORY BOARD

Sections:

2.70.010 Board – Creation and membership.

2.70.020 Terms of members.

2.70.030 Proceedings of the Board.

2.70.040 Duties and responsibilities of the Board.

2.70.010 Board – Creation and membership.

a. There is created the City of Homer Americans with Disabilities Act Advisory Board referred to in this chapter as the ADA Board. Such ADA Board will be made up of six members of the public and one City Council member who shall be nominated by the Mayor and confirmed by the City Council. Not more than three public members may be from outside the City limits.

b. A Chairperson and Vice-Chairperson of the ADA Board shall be selected annually and shall be appointed from and by the appointive members.

c. The City of Homer Americans with Disabilities Act (ADA) Coordinator will act as the staff liaison to the ADA Board.

2.70.020 Terms of members.

a. Voting members of the ADA Board shall be appointed for three year terms. Terms shall be staggered.

1. Three members shall be appointed for three-year terms.

2. Two members shall be appointed for two-year terms.

3. One member shall be appointed for a one-year term.

4. Council member seat will be for the length of the term elected, until they submit their resignation from the Board and a replacement is appointed.

85 **b. At the end of the respective terms set forth in subsection (a) of this section, members**
86 **shall be appointed for full three year terms.**

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88 **c. Any member who shall have two successive unexcused absences shall be subject to**
89 **removal by the ADA Board by a majority vote of the members present.**

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91 **2.70.030 Proceedings of the ADA Board.**

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93 **The ADA Board shall hold one regular meeting in each of the months April through July,**
94 **October and November on the day of the month that the Board shall select and otherwise**
95 **at the call of the Chair or a majority of the Board. Permanent records or minutes shall be**
96 **kept of the vote of each member upon every question. The recording or minutes shall be**
97 **filed in the Office of the City Clerk and shall be a public record open to inspection by any**
98 **person. Every decision or finding shall immediately be filed in the office of the City Clerk,**
99 **and directed to the City Council at the earliest possible date.**

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101 **2.70.040 Duties and responsibilities of the ADA Board.**

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103 **It shall be the duty of the ADA Board to act in an advisory capacity to the City Manager**
104 **and the City Council on the Title II regulations of Americans with Disabilities Act, within**
105 **the borders of the City of Homer, which covers programs, activities, and services of public**
106 **entities. Further duties shall include but not be limited to:**

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108 **a. Develop a grievance procedure to outline the process of providing for prompt**
109 **and equitable resolution of complaints alleging any action that would be**
110 **prohibited by Title II of the ADA regulations.**

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112 **b. Develop and perform annual updates to maintain transition plan(s) for city**
113 **facilities, programs, parks, trails, play areas and campgrounds listing any barriers**
114 **that would limit accessibility of its programs, activities or services to individuals;**
115 **the methods to be utilized to remove those barriers and schedules for taking**
116 **necessary steps to achieve compliance.**

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118 **c. Perform reviews of any new programs, activities, and services offered by the**
119 **City of Homer and incorporate into existing transition plans.**

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121 **d. Annually review the City of Homer Comprehensive Plan and make**
122 **recommendations prioritizing accessibility.**

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124 **e. The ADA Board shall consider any specific proposal, problem, or project as**
125 **directed by the City Council or the City Manager and report or submit**
126 **recommendations thereon directly to the City Council through the City Manager.**

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f. City Council may at a future date and/or as required by Title II of the ADA regulations expand modify the duties and responsibilities of the ADA Board.

Section 3. This ordinance is of a permanent and general character and shall be included in city code.

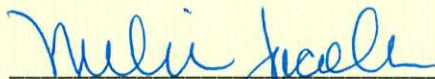
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26th day of September, 2022.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6
NO: 0
ABSENT: 0
ABSTAIN: 0

Introduction: 9.12.22
Public Hearing: 9.26.22
Second Reading: 9.26.22
Effective Date: 9.27.22

