

RESOLUTION R-2010-41

A RESOLUTION APPROVING THE RESOLUTION OF A CHARGE BROUGHT BY TRI-COUNTY INDEPENDENT LIVING CENTER, INC. AGAINST THE VILLAGE OF WINDHAM LIBRARY AND COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE A CONCILIATION AGREEMENT AND DECLARING AN EMERGENCY

WHEREAS, Tri-County Independent Living Center, Inc., an advocacy agency for people with disabilities, has filed an Affidavit with the Ohio Civil Rights Commission alleging that people with disabilities have been denied equal access as to the Windham Public Library due to designated parking and exterior accessible routes that are not in compliance with statutory requirements; and

WHEREAS, the Village of Windham has denied the allegations contained in the Charging Affidavit but in an effort to resolve the matter agreed to attend a mediation on August 10, 2010; and

WHEREAS, as a result of the mediation, a Conciliation Agreement has been drafted which is acceptable to the Village of Windham Council.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Windham, Portage County, Ohio, two thirds (2/3rds) or more of the members thereto concurring that:

SECTION 1: The Village Council hereby accepts and approves the Conciliation Agreement in substantial conformity with the attached Exhibit "A".

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

SECTION 3: This Resolution is declared to be an emergency measure becoming immediately effective upon passage by Council and approval by the Mayor, necessary to advance the health, safety and welfare of the community and also so that the ramp which the Village has agreed to construct to connect the entrance of the public library located at 9647 East Center Street, Windham, Ohio, to the sidewalk which leads to the library can be completed by the agreed upon deadline of October 1, 2010.

Passed in council as an emergency on August 25, 2010

Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger Nays: None.

ATTEST:

APPROVED:

Fiscal Officer, Lloyd Billman

Mayor Robert Donham, II

Approved as to form:

Solicitor, Thomas Reitz

EXHIBIT "A"

THE OHIO CIVIL RIGHTS COMMISSION

CENTRAL OFFICE

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Columbus, Ohio 43215-3414
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Toll Free: 1-888-278-7101
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CONCILIATION AGREEMENT

Charge Number: (ADR) G3 (35101) 06012010; 22A-2010-03692F

Charging Party: Tri-County Independent Living Center, Inc.

Respondent: Village of Windham Library and Community Center

1. This Conciliation Agreement is made between the Ohio Civil Rights Commission (hereinafter the "Commission"); and Tri-County Independent Living Center, Inc. (hereinafter "Charging Party"); and Village of Windham Library and Community Center (hereinafter "Respondent") and Respondent's heirs, representatives, officers, agents, employees, successors, or assignees.
2. This Conciliation Agreement is designed to ensure voluntary compliance with the provisions of the Ohio Laws Against Discrimination – Ohio Revised Code Chapter 4112.
3. This Conciliation Agreement is a final order of the Commission.
4. This Conciliation Agreement does not constitute an admission by Respondent of any violation of Chapter 4112.
5. Respondent agrees that there shall be no discrimination of any kind as prohibited by Ohio Revised Code Chapter 4112, and that there shall be no retaliation against any person because he/she has opposed a practice deemed illegal under that chapter or because he/she has filed a charge, testified, assisted, or participated in an investigation, proceeding, or hearing.
6. The Charging Party hereby waives, releases, and agrees not to sue Respondent for any claims arising under Ohio Revised Code Chapter 4112 that were the subject of the above-referenced charge.
7. The Commission may investigate whether Respondent has complied (or is complying) with the terms of this Conciliation Agreement. To that end, the Commission may require written reports and/or conduct inspections, examine witnesses, and review and copy pertinent records to determine compliance with this Conciliation Agreement.

8. Respondent agrees that upon its failure to fully comply with the provisions of this Conciliation Agreement, the Commission may initiate further action including, but not limited to, the filing of a complaint in an appropriate Court of Common Pleas to seek enforcement of the terms and provisions of this Conciliation Agreement and reimbursement for any legal fees and costs incurred in filing such enforcement action.

9. As evidence of a good faith effort to resolve the above-referenced charge, the parties agree:
 - a. Respondent agrees to construct a ramp to the porch at the south entrance of the public library located at 9647 East Center Street, Windham, Ohio. The ramp shall connect the south library entrance with the sidewalk that leads from the public sidewalk on East Center Street to the public library. The ramp shall be constructed in compliance with the Americans with Disabilities Act Accessibility Guidelines. In addition, Respondent agrees to repair any areas of the sidewalk which connects the ramp to the public side walk on the north side of East Center Street so that the connecting sidewalk is no more than 1/4" out of level. This Conciliation Agreement does not require leveling of the public sidewalk on the north side of East Center Street.
 - b. Respondent agrees to complete the items in paragraph 9a by October 1, 2010.
 - c. Upon completion of the construction set forth in 9a, the Charging Party agrees that it has no pending or contemplated additional charges against the Village of Windham with respect to the site and building of the public library located at 9647 East Center Street, Windham Ohio.

RESPONDENT-Village of Windham Library and Community Center

_____ DATE _____
 Title _____

CHARGING PARTY-Tri-County Independent Living Center, Inc,

_____ DATE _____
 Title _____

OHIO CIVIL RIGHTS COMMISSION

_____ DATE _____
 Title _____