

## **City of Mission Viejo—ADA Statement**

The Americans with Disabilities Act (ADA) prohibits all state and local governmental agencies from discriminating against persons with disabilities and from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities.

The City of Mission Viejo prohibits discrimination against persons with disabilities, ensuring that such people can fully participate in and benefit from the public services offered by the City. The City of Mission Viejo Compliance Officer, who is located within the City's Risk Management Division, coordinates the City's ADA compliance with ADA representatives designated by each City department.

Complaints, grievances, concerns, or recommendations regarding public access to any of the City programs, services, or activities should be reported to the ADA Compliance Officer, who will immediately begin to resolve the matter.

Heather Campbell  
ADA Title II and Section 504 Compliance Officer  
200 Civic Center  
Mission Viejo, CA 92691  
(949) 470-8437  
[hcampbell@cityofmissionviejo.org](mailto:hcampbell@cityofmissionviejo.org)

In the event that a disabled person (or an advocate for a disabled person) believes that the City has not complied with the ADA, the City has adopted and follows this internal **ADA Grievance Procedure** in accordance with 28 CFR §35.107(b). This procedure's intent is to provide for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services or activities sponsored by a public entity."

## **City of Mission Viejo—ADA Grievance Procedure**

A complaint must be communicated in writing on the **ADA Grievance Form** and submitted to the City's ADA Compliance Officer. An alternate means of filing a grievance, such as personal interview or audio recording of the grievance, will be made available for people with disabilities upon request of the ADA Compliance Officer.

A complaint should be filed as soon as possible, but not more than sixty (60) days after the complaining party becomes aware of the alleged violation. Written confirmation (written may also mean email) of the receipt of the complaint shall be issued by the ADA Compliance Officer, or their designee, within ten (10) business days.

Following the filing of the complaint, the ADA Compliance Officer shall determine whether, and to what extent, an investigation of the complaint is warranted. Any resulting investigation shall be conducted by the ADA Compliance Officer or their designee. These rules contemplate an informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Written description of the resolution, if any, shall be issued by the ADA Compliance Officer, or their designee, and a copy forwarded to the complaining party. It is the City's intent to attempt to provide said written response to the complaining party within thirty (30) business days of receipt of any complaint.

The complaining party can request reconsideration of the complaint in instances where the complaining party is dissatisfied with the ADA Compliance Officer's response or proposed resolution. The request for reconsideration should be made in writing (or through alternate means described above) within ten (10) business days to:

City of Mission Viejo  
Attn: City Manager  
200 Civic Center  
Mission Viejo, CA. 92691

Within twenty (20) business days after receipt of the appeal, the City Manager, or their designee, will meet with the grievant to discuss a resolution. Within twenty (20) business days after the meeting, the City Manager, or their designee, will respond with a final resolution.

If the complaining party is not satisfied with the results of the appeal, they may file a complaint with the appropriate agency or department of the Federal government. Contact the U.S. Department of Justice for information about how to file a complaint with the agency.

**U.S. Department of Justice**  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section-1425 NYAV  
Washington, D.C. 20530  
Rebecca Bond, Chief  
(202) 307-0663  
(202) 307-1197 FAX

To speak with an ADA Specialist, call:  
(800) 514-0301 (Voice)  
(800) 514-0383 (TTY)

[http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm)

The ADA Compliance Officer shall maintain the files and records relating to complaints filed under this procedure for at least three (3) years.

These rules shall be construed to protect the substantive rights of the interested persons to provide timely notice of any impediment to access City programs, services or activities, and to assure that the City of Mission Viejo complies with the ADA.

### **Frequently Asked Questions:**

#### **1. Who may file a grievance?**

You or your authorized representative may file an ADA grievance if you believe that:

- The City is not in compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities, land, or right-of-ways, or
- You or a specific class of individuals have been denied access to participate in City programs, services, or activities on the basis of disability, or
- You or a specific class of individuals have been otherwise subjected to discrimination on the

- basis of disability by the City, or
- The City has otherwise violated the ADA.

**2. When should a grievance be filed?**

Before filing a grievance, you may seek informal resolution by emailing the City's designated ADA Coordinator, Heather Campbell, at [hcampbell@cityofmissionviejo.org](mailto:hcampbell@cityofmissionviejo.org). If your informal concern is not resolved in a timely fashion, you may file a formal grievance under this procedure. You are encouraged to file your grievance as soon as possible, but within sixty (60) days after the complaining party becomes aware of the alleged violation.

**3. What should the grievance include?**

The grievance should be in writing and contain information about the grievance, submission date, name, address, telephone or cell phone number of grievant, location, date and description of the problem. A grievance form is available at the City for your convenience, but is not required to be used.

Grievances should be submitted by emailing ADA Coordinator, Heather Campbell, at [hcampbell@cityofmissionviejo.org](mailto:hcampbell@cityofmissionviejo.org).

**4. What if I need assistance filling out my grievance form?**

An alternate means of filing grievances, such as personal interviews or audio recording of the grievance or other reasonable accommodations, will be made available for people with disabilities upon request.

**5. What happens after I file my grievance?**

Written confirmation (written may also mean email) of the receipt of the complaint shall be issued by the ADA Compliance Officer, or their designee, within ten (10) business days. Following the filing of the complaint, the ADA Compliance Officer shall determine whether, and to what extent, an investigation of the complaint is warranted. Any resulting investigation shall be conducted by the ADA Compliance Officer or their designee. These rules contemplate an informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Written description of the resolution, if any, shall be issued by the ADA Compliance Officer, or their designee, and a copy forwarded to the complaining party. It is the City's intent to attempt to provide said written response to the complaining party within thirty (30) business days of receipt of any complaint.

**6. Should I be concerned that a City office of employee might retaliate against me if I file a grievance?**

The City does not retaliate against you for filing a grievance and does not permit retaliation by its officers or employees. Please notify the ADA Coordinator of any retaliation.

**7. What can I do if I am not satisfied with the initial investigation?**

If you are not satisfied with the response you may request reconsideration of the complaint in instances where the complaining party is dissatisfied with the ADA Compliance Officer's response or proposed resolution. The request for reconsideration should be made in writing (or through alternate means described above) within ten (10) business days to:

City of Mission Viejo  
Attn: City Manager  
200 Civic Center  
Mission Viejo, CA. 92691

Within twenty (20) business days after receipt of the appeal, the City Manager, or their designee, will meet with the grievant to discuss a resolution. Within twenty (20) business days after the meeting, the City Manager, or their designee, will respond with a final resolution.

If you are not satisfied with the results of the appeal, they may file a complaint with the appropriate agency or department of the Federal government. Contact the U.S. Department of Justice for information about how to file a complaint with the agency.

U.S. Department of Justice  
950 Pennsylvania Avenue, NW Civil Rights Division  
Disability Rights Section-1425 NYAV Washington, D.C. 20530  
Rebecca Bond, Chief (202) 307-0663  
(202) 307-1197 FAX To speak with an ADA Specialist, call:  
(800) 514-0301 (Voice)  
(800) 514-0383 (TTY)

[http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm)

Using this grievance procedure is not a prerequisite to pursuing any of your other remedies. However, in the interest of a prompt resolution of the grievance, the City encourages you to use this procedure in addition to any other available alternatives you may choose.

**8. How long are grievances kept?**

All grievances received by the ADA Coordinator and appeals to the City Manager will be kept by the City for at least three years.

ADA Grievance form (PDF) must be completed and submitted to Heather Campbell.