

ORDINANCE NO. 2784

AN ORDINANCE CREATING THE IDAHO FALLS ACCESSIBILITY COMMISSION; DECLARING ITS PURPOSE; PROVIDING DEFINITIONS; DESCRIBING THE COMMISSION; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR RULES, OFFICERS, AND MEETINGS; PROVIDING FOR ITS POWERS, DUTIES, AND RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

Section 1. Chapter 13, Title 2. Accessibility Commission is enacted as follows:

2-13-1: PURPOSE: The purpose of this Chapter is to promote the general welfare of the residents of the City of Idaho Falls through the identification, evaluation, designation, priorities and modification of accessibility to the City of Idaho Falls facilities and programs.

2-13-2: DEFINITIONS: The following words and phrases, when used in this Chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

ACCESSIBILITY: The physical or communication access to the City's facilities, programs, services and meetings.

ADA: The Americans with Disability Act of 1990, as the same currently exists or as may be amended from time to time.

CITY: The City of Idaho Falls, Idaho.

COMMISSION: The Accessibility Commission of the City of Idaho Falls, as established under this Chapter.

FISCAL YEAR: The Fiscal Year of the City.

2-13-3: ACCESSIBILITY COMMISSION:

(A) An Accessibility Commission is hereby created consisting of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council.

(B) All members of the Commission shall be a person with a disability or have a demonstrated interest, competence or knowledge of disabilities.

(C) Initial appointments to the Commission shall be made as follows: One (1) one-year term; three (3) two-year terms; three (3) three-year terms. All subsequent appointments shall be made for terms of three (3) years each. Commission members may be re-appointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term of his or her predecessor.

(D) The members of the Commission may be reimbursed by the City for reasonable and necessary expenses incurred in connection with their duties.

(E) The members of the Accessibility Commission shall be citizens of the United States, and four members shall be residents of the City at the time of their appointment.

(F) The Commission may invite other persons with expertise and/or experience to be ex officio members of the Commission.

2-13-4: ORGANIZATION, OFFICERS, RULES, MEETINGS:

(A) The Commission may make all rules necessary for the execution of its duties, provided such rules are consistent with the provisions as set forth in this Chapter. Rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during normal working hours.

(B) The Commission shall elect officers from among its members, including a Chair, Vice-Chair and Secretary. The Chair shall preside at meetings of the Commission. The Vice-Chair shall, in the temporary absence of the Chairman, perform the duties of the Chair.

(C) The Secretary of the Commission shall be the City's ADA Coordinator. The Secretary shall keep the records of the Commission; keep custody of the books and records; and, perform other services for the Commission. The City shall provide suitable accommodations and equipment for the Commission to attend to its business. The Secretary is a non-voting ex-officio member of the Commission.

(D) The Commission shall hold regular meetings once a month on a date fixed by its rules and regulations and may hold special meetings at the call of the Chair.

(E) All meetings of the Commission shall be open to the public and shall follow the requirements of the Idaho Open Meeting Law. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings and actions.

(F) The Commission may, with the approval of the City Council, employ or contract with other persons or entities for the services of technical or professional experts or other consulting services it deems necessary to carry on the functions of the Commission.

2-13-5: POWERS, DUTIES AND RESPONSIBILITIES:

(A) The Commission shall have the following powers, duties and responsibilities:

1. Advise the Mayor and Council regarding the identification, evaluation, designation, priority and modification of accessibility to the City of Idaho Falls facilities and programs;
2. Conduct and maintain an accessibility survey of all city facilities and properties;
3. Create a method and set criteria for determining priorities for modifications;

4. Recommend prioritized modifications to facilities, programs, services and communications to the Mayor and Council, Municipal Services Director and Division Directors;

5. Recommend methods and procedures and costs necessary to provide accessibility to all facilities, programs, services and communications;

6. Cooperate with the federal, state and local government agencies in promoting ADA Accessibility;

7. Recommend the adoption of ordinances or amendments or specifications and standards to the City that will promote ADA Accessibility; and,

8. Promote and conduct educational programs for city staff regarding ADA Accessibility.

(B) Nothing herein shall convey or otherwise delegate authority to the Commission to incur any obligation or indebtedness of the City, without the express authorization of the City Council.

2-13-6: REPORTS TO COUNCIL: The Accessibility Commission shall submit an annual report to the City Council in January of each year on its activities and accomplishments for the preceding Fiscal Year and recommendations for the upcoming Fiscal Year. The Mayor and/or Council may also require special reports as they deem necessary.

Section 2. Severability. The provisions of this Ordinance are severable. In the event any provision shall be determined to be void or unenforceable for any reason, such determination shall not affect the enforceability of the remaining provisions.

Section 3. Effective Date. This Ordinance shall be effective upon its passage, execution and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 23rd day of October, 2008.

s/ Jared D. Fuhriman
Jared D. Fuhriman
Mayor

ATTEST:

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, ROSEMARIE ANDERSON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE CREATING THE IDAHO FALLS ACCESSIBILITY COMMISSION; DECLARING ITS PURPOSE; PROVIDING DEFINITIONS; DESCRIBING THE COMMISSION; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR RULES, OFFICERS, AND MEETINGS; PROVIDING FOR ITS POWERS, DUTIES, AND RESPONSIBILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."

s/ Rosemarie Anderson
Rosemarie Anderson
City Clerk

(SEAL)