| | **Council Communication**<br>Office of the City Manager | **Date:** | February 14, 2011 |
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| | | **Agenda Item No.** | 77 |
| | | **Roll Call No.** | **11-0261** |
| | | **Communication No.** | **11-098** |
| | | **Submitted by:** | **Mark Godwin, City Attorney** |

**AGENDA HEADING:**

Approving the Americans with Disabilities Act (ADA) Settlement Agreement between the United States of America Department of Justice (DOJ) and the City of Des Moines.

**SYNOPSIS:**

Recommend approval of the Settlement Agreement between the DOJ and the City; as identified by DOJ compliance review of City facilities and programs under the ADA as part of a program entitled Project Civic Access.

**FISCAL IMPACT:**

Amount:   Estimated $8.7 million

Funding Source:  Multiple City funds from the Capital Improvement Program over the next seven years.

**ADDITIONAL INFORMATION:**

The City is among 186 cities and counties that were subject to a DOJ compliance review.  After the on-site audit of the City's facilities in 2007, the DOJ prepared a settlement agreement outlining measures they deemed necessary to bring the facilities into compliance under the ADA.  The Settlement Agreement will require performance of most of the corrections over a three year period, except for seven years for the City's compliance in its curb cut requirements.  Voluntary compliance with the Settlement Agreement avoids potential future enforcement action and loss of federal financial assistance received by the City.  Therefore, staff recommends approval and execution of the Settlement Agreement.

**PREVIOUS COUNCIL ACTION(S):  NONE**

**BOARD/COMMISSION ACTION(S):  NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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