

Date February 14, 2011

APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF DES MOINES, IOWA UNDER THE AMERICANS WITH DISABILITIES ACT

WHEREAS, in 2006 the United States Department of Justice (“DOJ”) initiated a compliance review of City of Des Moines (“City”) facilities and programs under Title II of the Americans with Disabilities Act (“ADA”) as part of a program called Project Civic Access; and

WHEREAS, the City is among at least 186 cities and counties the subject of such DOJ compliance reviews; and

WHEREAS, after an on-site audit of the City’s facilities in 2007, the DOJ prepared a Settlement Agreement outlining measures that the DOJ deems necessary to bring the City’s facilities and programs into compliance under the ADA; and

WHEREAS, the Settlement Agreement will require performance of most of the corrections over a three (3) year period except for seven (7) years for the City’s compliance in its curb cut requirements; and

WHEREAS, it is estimated that fulfillment of the Settlement Agreement will cost \$8.7 million over the 7 years; and

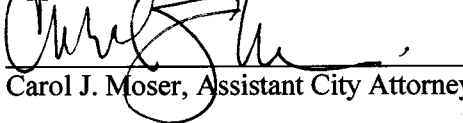
WHEREAS, voluntary compliance avoids potential future enforcement action and loss of federal financial assistance received by the City; and

WHEREAS, it is the opinion of the Legal Department that approval of the Settlement Agreement, a copy of which is on file with the Des Moines City Clerk, would be in the best interest of the City of Des Moines.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Settlement Agreement between the United States of America and the City of Des Moines, Iowa under the Americans with Disabilities Act is hereby approved and the Mayor is authorized and directed to execute the Settlement Agreement.

(Council Communication No. 11- 098)

Approved as to form:


 Carol J. Moser, Assistant City Attorney

Moved by _____ to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 Mayor

 City Clerk