

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY
RESOLUTION NO. 2018 - 51

A RESOLUTION ADOPTING THE COMPLETE SANTA FE COUNTY AMERICANS WITH DISABILITIES ACT TRANSITION PLAN AND AUTHORIZING THE COUNTY MANAGER TO SUBMIT THE PLAN TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, Title II of the American Disabilities Act (ADA) of 1990 states that “No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, program, or activities of a public entity, or be subjected to discrimination by any such entity.”

WHEREAS, the Federal Department of Transportation (USDOT), which provides transportation funding to state and local governments, implements Title II through 49 CFR Part 21 (Nondiscrimination in Federally-Assisted Programs of the USDOT); and

WHEREAS, there are other nondiscrimination statutes that afford legal protection from unlawful discrimination, including Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (prohibiting discrimination on the basis of sex), the Age Discrimination Act of 1975 (prohibiting discrimination on the basis of age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (prohibiting discrimination on the basis of disability); and

WHEREAS, the New Mexico Department of Transportation (NMDOT) has notified the County that all subrecipients of USDOT funds must implement a Title II Program through adoption of a Title II ADA Transition Plan demonstrating how unlawful discrimination will be prevented in accordance with all applicable federal law; and

WHEREAS, the County’s ability to receive USDOT funding will be jeopardized unless the County submits the Santa Fe County ADA Transition Plan to NMDOT; and

WHEREAS, the County approved Resolution 2017-139 which approved the Roads element of the Santa Fe County ADA Transition Plan along with the Santa Fe County Americans with Disabilities Act, Title II Statement of Policy and Grievance Procedure and authorized the County Manager to submit both documents to NMDOT by December 29, 2017; and

WHEREAS, the current draft of the Santa Fe County ADA Transition Plan includes the previously approved Road element along with the Parks and Open Space Element and the Buildings and Facilities Element; and

WHEREAS, regardless of the source of funding, it is the County's policy to fully comply with all nondiscrimination laws and to implement the policies and procedures outlined in the Santa Fe County ADA Transition Plan and Santa Fe County Americans with Disabilities Act, Title II Statement of Policy and Grievance Procedure in order to assure such compliance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners as follows:

1. The County Manager is authorized to finalize and submit to the NMDOT the Santa Fe County ADA Transition Plan in substantially the same form as Exhibit A to this Resolution along with the Santa Fe County Americans with Disabilities Act, Title II Statement of Policy and Grievance Procedure, and this more complete plan will replace the previously approved plan.
2. The County Manager may make such corrections and additions to the Santa Fe County ADA Transition Plan and the Santa Fe County Americans with Disabilities Act, Title II Statement of Policy and Grievance Procedure as the NMDOT may require for the County to receive USDOT funding.
3. The County Manager shall be responsible for implementing the Santa Fe County ADA Transition Plan and the Santa Fe County Americans with Disabilities Act, Title II Statement of Policy and Grievance Procedure.

PASSED, APPROVED, AND ADOPTED THIS 29 DAY OF May, 2018.

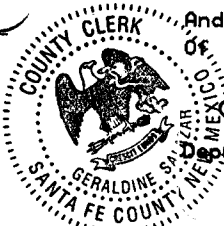
BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna Hansen
Chair Anna Hansen

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

I Hereby Certify That This Instrument Was Filed or
Record On The 1ST Day Of June, 2018 at 08:58:51 AM
And Was Duly Recorded as Instrument # 1859077
Of The Records Of Santa Fe County



Witness My Hand And Seal _____ Office
Geraldine Salazar
County Clerk, Santa Fe, N

ATTESTATION:

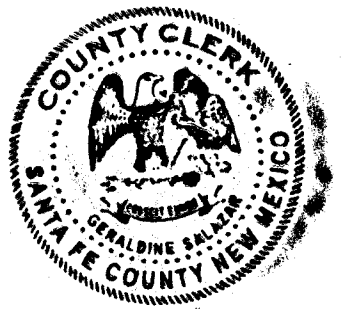
Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk

Date: 5/29/2018

APPROVED AS TO FORM:

R. Bruce Frederick
R. Bruce Frederick, Santa Fe County Attorney

Date: 5-10-18



SFC CLERK RECORDED 06/01/2018