

ORDINANCE NO. 2010-28-236

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING THE PEOPLE WITH DISABILITIES ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR TERMS OF OFFICE; PROVIDING FOR ORGANIZATION; PROVIDING FOR RESPONSIBILITIES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Americans With Disabilities Act (“ADA”) was signed into law to prohibit discrimination and ensure equal opportunity and access to persons with disabilities, and

WHEREAS, on July 23, 2010, United States Attorney General Eric Holder signed final revisions to the ADA regulations, and

WHEREAS, there are over three million people with disabilities residing in the State of Florida, many of whom reside in the City of Miami Gardens, and

WHEREAS, the ADA is the most comprehensive federal civil rights law ever adopted by Congress, and

WHEREAS, the ADA covers all of the businesses in the City of Miami Gardens regardless of size and number of employees, as well as all programs and services provided by the City, and

WHEREAS, it is important that the City promote the inclusion and full participation of people with disabilities in all facets of economic, social and community life in Miami Gardens, and

WHEREAS, Councilwoman Pritchett is recommending that the City Council establish a Committee to address the concerns of citizens with disabilities, within the City of Miami Gardens ("Committee"), and

WHEREAS, the Committee will serve in an advisory capacity and will make recommendations to the City Council to improve the quality of life for the City's residents with disabilities, and

WHEREAS, it is envisioned that the Committee will work to remove barriers that impede the full participation of persons with disabilities in all aspects of life in the City, realizing that the ADA is far more comprehensive and addresses more than just architectural barriers; but it also addresses communication barriers, effective communication obligations, such as language, sign language interpreters and Braille, as well as policy barriers (reasonable policy modifications such as requiring the admission of service dogs), and

WHEREAS, the Americans With Disabilities Committee will work to remove architectural, communication, policy and attitudinal barriers for full participation of the City's residents with disabilities and will create and foster alliances with individual and organizations enhancing the lives of persons with disabilities,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. ESTABLISHMENT OF COMMITTEE: The City Council of the City of Miami Gardens hereby establishes the People with Disabilities Advisory Committee as follows:

- a. Creation/Composition. The Committee shall consist of seven (7) members all of whom have demonstrated their dedication to issues affecting persons with disabilities. Each Committee member shall commit to meet no less than once per month.
- b. Appointment and Terms of Members. The Mayor and each member of the City Council shall appoint one (1) member to the Committee.
- c. Terms of Office. To ensure that the terms of office of all members of the Committee shall not expire at the same time, the initial appointment of the Mayor and the Council members serving at large seats shall serve a three (3) year term. The appointment of Council members serving in seats 1, 2, 3, and 4 shall serve a two (2) year term. Thereafter, all Committee members shall serve for a period of three (3) years, or until a successor is appointed, whichever occurs first.
- d. Duties of the Committee. The Committee shall:
 - 1) Serve in an advisory capacity with respect to all matters pertaining to the status of persons with disabilities, including but not limited to discrimination against persons with disabilities, employment of persons with disabilities, vocational training for persons with disabilities, establishment of residential facilities in the community for persons with disabilities, transportation needs of persons with disabilities, perceptions towards persons with disabilities within the City of Miami Gardens, and to make reports and recommendations to the City Council with respect to such matters;
 - 2) Adopt Bylaws as guiding principles of nondiscrimination, barrier removal and full community inclusion for persons with disabilities and/or as it deems best to govern its actions; and
 - 5) Perform any other duties assigned to it by the City Council.

- e. All provisions of Ordinance No. 2005-02-40 ("Boards and Committees Ordinance") as amended, and which are not in conflict herewith, shall apply.

Section 3. CONFLICT: All ordinances or code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 8th DAY OF SEPTEMBER, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 22nd DAY OF SEPTEMBER, 2010.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN SHARON PRITCHETT

Moved by: Councilwoman Pritchett
Second by: Councilman Gilbert

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	<u> </u> (No)