

**CITY OF WAUKESHA****Administration**

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Source: City Attorney	Date: 2/2/2017
Common Council Item Number: 17-0189	Date: 2/7/2017
Submitted By: Brian Running, City Attorney	City Administrator Approval: Kevin Lahner, City Administrator Click here to enter text.
Finance Department Review: Rich Abbott, Finance Director Click here to enter text.	City Attorney's Office Review: Brian Running, City Attorney Click here to enter text.
Subject: Settlement of ADA Polling-Place Compliance Investigation.	

Details:

Last year, the Department of Justice conducted an investigation of polling places in the City of Waukesha during the spring election. They found numerous violations, and notified the City. A settlement agreement was presented to the City, by which the City would agree to rectify all ADA issues within a certain period of time. Because most of our polling places are not City-owned, we are dependent on the owners to comply with the ADA. The City negotiated with the DOJ to clarify that we cannot control polling places that we do not own, that finding replacement sites is very difficult, and to clarify exactly what remedial steps needed to be taken in each location. The DOJ was extremely understanding and cooperative. We have arrived at an agreement that the DOJ will accept, which accomplishes several things: One, it acknowledges the steps we've already taken to remedy ADA violations; two, it specifies what temporary, election-day-only measures we can take to be in compliance; and it gives us time to find new locations in case the polling-place owners don't come into compliance with the ADA.

Options & Alternatives:

The Americans with Disabilities Act is a federal law, we have no option but to be in compliance with it. We will have to bring City-owned properties into compliance, and if non-City-owned properties are not brought into compliance, we will have to search for alternative locations. Failure to do so will result in federal enforcement action and penalties against the City.

Financial Remarks:

There is no cost associated with the execution of the settlement agreement. There will be costs to bring City-owned properties into compliance, which are not fully known at this time.

Staff Recommendation:

City Attorney recommends approval of the settlement agreement, and authorization for the Mayor to execute it.