



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator , Acting

From: Melissa Lunas, Public and Government Relations Director

Date: February 4, 2026

Subject: ADA Title II Enactment Ordinance

Background

The City Administrator has designated the Public and Government Relations Director to serve as the City and Borough of Sitka's Americans with Disabilities Act (ADA) Coordinator. In this role, the ADA Coordinator is responsible for ensuring compliance with Title II of the ADA, developing and maintaining ADA-related policies and procedures, coordinating responses to requests for reasonable modifications and overseeing the complaint and hearing process.

The draft ordinance proposes adding a new permanent chapter (Chapter 1.41) to the Sitka General Code establishing uniform procedures and standards for compliance with Title II of the ADA. Title II governs access to state and local government programs, services, and facilities for individuals with disabilities.

CBS previously addressed ADA compliance through Ordinance No. 96-1373, adopted in July 1996. That ordinance adopted grievance procedures to meet federal requirements at the time but was expressly not of a permanent nature and was not codified in the Sitka General Code. Since its adoption, the ordinance has not been substantively updated.

Analysis

The proposed ordinance formalizes CBS's ADA framework by clearly defining rights, responsibilities, and procedures for reasonable modifications and fair hearings.

By codifying ADA Title II requirements and establishing clear and uniform procedures, the ordinance provides greater clarity for the public and CBS departments.

Fiscal Note

There is no direct fiscal impact associated at this time as the ordinance primarily codifies existing federal requirements and formalizes procedures already required under the ADA.

Any future costs associated with specific reasonable modifications would be evaluated on a case-by-case basis, consistent with Title II standards and applicable federal law.

Recommendation

Adopt this ordinance to permanently codify CBS's ADA Title II procedures and replace outdated, non-permanent measures adopted in 1996.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 1 OF THE SITKA GENERAL CODE BY ADDING CHAPTER 1.41 "AMERICANS WITH DISABILITIES ACT TITLE II ENACTMENT"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to establish uniform procedures and standards for individuals with disabilities to request modifications for and hearings regarding access to public facilities and services in accordance with Title II of the Americans with Disabilities Act of 1990.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 1, entitled "General Provisions", be amended by adding Chapter 1.41 , entitled "Americans with Disabilities Act Title II Enactment", to read as follows (deleted language stricken, new language underlined):

Title 1
GENERAL PROVISIONS

Chapters:

1.41 Americans with Disabilities Act Title II Enactment

Chapter 1.41
AMERICANS WITH DISABILITIES ACT TITLE II ENACTMENT

Sections:

- 01.41.010 Purpose.
01.41.020 Definitions.
01.41.030 Right to Non-Discrimination Generally.
01.41.040 Right to Reasonable Modifications.
01.41.050 Right to a Fair Hearing.

01.41.010 Purpose.

52 It is the policy of the City and Borough of Sitka that all individuals shall be treated with equal
53 respect and dignity and shall be free from discrimination on the basis of mental or physical
54 disabilities in all Public Places and Public Services operated by the City and Borough of Sitka in
55 accordance with Title II of the Americans with Disabilities Act.

56 **01.41.020 Definitions.**

57
58 “ADA” means the Americans with Disabilities Act.

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60 “ADA Coordinator” means the City Administrator or his or her designee, tasked with ensuring
61 compliance with the ADA and other state law, creating municipal policies and procedures in
62 accordance with this section, and resolving reasonable modifications requests and alleged
63 discrimination complaints.

64 “Disability” means a physical or mental impairment that substantially limits one or major life
65 activities, including such things as caring for oneself, performing manual tasks, walking, seeing,
66 hearing, speaking, breathing, learning, and working. To be substantially limited means that such
67 activities are restricted in the manner, condition, or duration in which they are performed in
68 comparison with most people, as defined for Title II of the ADA in 28 C.F.R. § 35.104.

69
70 “Qualified individual with a disability” means an individual with a disability who, with or without
71 reasonable modifications to rules, policies, or practices; the removal of architectural,
72 communication, or transportation barriers; or the provision of auxiliary aids and services, meets
73 the essential eligibility requirements for the receipt of services or the participation in programs or
74 activities provided by the City and Borough of Sitka.

75
76 “Discrimination” means any direct or indirect act or practice of exclusion, distinction, restriction,
77 segregation, limitation, refusal or denial or any other act or practice of differentiation or
78 preference in the treatment of a person because of actual or perceived disability.

79
80 “Mobility Device” means wheelchairs and other power or non-power-driven devices that are
81 specifically designed for individuals with a disability that includes mobility impairment.

82
83 “Other Power-Driven Mobility Devices” means devices not specifically designed for individuals
84 with disabilities but used by them as mobility aids, as defined in 28 C.F.R. § 35.104.

85
86 “Public Place” means any building, facility, municipal or park lands owned by or under the
87 control of the City and Borough of Sitka, including all interior and component spaces integral to
88 the whole.

89
90 “Public Service” means any program, service, activity, or event owned or operated by the
91 municipality.

92
93 “Service animal” is a dog that has been individually trained to do work or perform tasks for the
94 benefit of an individual with a disability. Other animals, whether wild or domestic, do not qualify
95 as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a
96 disability, including dogs that are used purely for emotional support, are not service animals.

97 “Reasonable Modifications” means a change or modification to a Public Place or Public Service
98 that permits an otherwise qualified person with a disability to access the Public Place or Public

99 Service, and that does not impose an undue financial or administrative burden or fundamentally
100 alter the nature of the service, program, or activity.

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102 **01.41.030 Right to Non-Discrimination Generally.**

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104 A. No qualified individual with a disability shall be excluded directly or indirectly, by reason of
105 such disability, from participation in or be denied the benefits of the services, programs, or
106 activities of the City and Borough of Sitka, or be subjected to discrimination by the City and
107 Borough of Sitka.

108 B. Each municipal department shall operate each of its services, programs, and activities so
109 that a service, program, or activity, when viewed in its entirety, is readily accessible to and
110 usable by individuals with disabilities, including the provision of reasonable modifications where
111 such modifications do not present an undue burden to the municipality.

112 C. The ADA Coordinator shall establish and maintain uniform modifications policies and
113 procedures ensuring that individuals with disabilities have reasonable access to municipal
114 facilities and services, and a clear, uniform, and fair process for requesting such modifications
115 or obtaining a fair hearing. The policies and procedures shall be reviewed annually for
116 compliance with Department of Justice regulations and applicable state law.

117 D. The ADA Coordinator shall establish and make available public informational resources
118 regarding the rights of individuals with disabilities and the procedures for requesting reasonable
119 modifications and filing a complaint.

120 E. The ADA Coordinator and Municipal Attorney shall ensure that all disability-related policies
121 and procedures comply with the ADA, state law implementing the ADA, and any Department of
122 Justice regulations or guidance related to implementation.

123 **01.41.40 Right to Reasonable Modifications.**

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125 A. Individuals who require reasonable modifications in order to access Public Places or Public
126 Services operated by the City and Borough of Sitka may request such modifications in writing at
127 the City Clerk's Office. The ADA Coordinator shall establish and keep updated written
128 procedures, informational materials, and forms for requesting such modifications. The written
129 procedures shall include the following:

130 1. Form(s) for requesting reasonable modifications.

131 2. Procedures for engaging in the interactive process consistent with 28 C.F.R. §
132 35.130(b)(7).

133 3. Form(s) for verification of disability-related need.

134 4. Informational materials regarding a citizen's right to seek administrative review following
135 a denial of reasonable modifications and to file a complaint with applicable state or
136 federal enforcement agencies.

137 5. Timelines for acknowledging, reviewing, and deciding a request for reasonable
138 modifications, including any interactive process or hearing required.

139 B. Service animals are permitted in all Public Places and at all Public Services without a
140 request for reasonable modifications.

141
142 C. Wheelchairs and other mobility devices specifically designed for use by individuals with
143 disabilities are permitted in all Public Places and at all Public Services without a request for
144 reasonable modifications.

145

146 D. The use of other power-driven mobility devices in Public Places or at Public Services shall
147 be requested through the reasonable modifications process and shall be granted unless it is
148 shown that the class of device cannot be operated in accordance with legitimate safety
149 standards at the Public Place or during the Public Service in question.

151 E. Assisted communication devices for the deaf or hard of hearing are permitted in all Public
152 Places and at all Public Services without a request for reasonable modifications.

154 **01.41.050 Right to Fair Hearing**

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156 Individuals with disabilities who believe they have been subject to a failure to provide
157 reasonable modifications, intentional discrimination, or a pattern or practice that disparately
158 impacts individuals with disabilities may file a complaint with the City's ADA Coordinator
159 requesting a fair hearing.

- 161 a. The ADA Coordinator shall establish and keep updated policies and procedures for
162 taking and resolving disability discrimination complaints. These materials shall include:
163 i. Form(s) for filing an ADA complaint.
164 ii. Information on the administrative hearing process for an ADA complaint.
165 iii. Timelines for scheduling a hearing and issuing a final determination.
166 iv. Right to seek administrative review and/or file a complaint with applicable state or
167 federal enforcement agencies.

168 * * *

171 **5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date
172 of its passage.

174 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
175 Sitka, Alaska, this 10th day of March, 2026.

178 _____
179 Steven Eisenbeisz, Mayor

180 ATTEST:

182 _____
183 Sara Peterson, MMC
184 Municipal Clerk

185
186 1st reading: 2/24/2026
187 2nd and final reading: 3/10/2026

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189 Sponsor: Administrator