

City of Burien, Washington City Hall Contract Routing Sheet

Name of Contracting Party: US Department of Justice/US Attorney
 Project Name/Description: Letter agreement to resolve findings of the US Dept. of Justice
 Contract Amount: \$ -0-

Type of Contract: (Includes Agreements, Grants, Interlocals, Leases, MOUs, etc.)

<input type="checkbox"/> Architectural/Engineering <input type="checkbox"/> From MSRC Engineering Roster <input type="checkbox"/> RFQ Process Done <input type="checkbox"/> Consulting/Services (Non-Engineering) <input type="checkbox"/> Human Svcs/Arts&Culture	<input type="checkbox"/> Construction/Public Works <input type="checkbox"/> Informal Bidding Process Done-3 bids (less than \$35,000) <input type="checkbox"/> From MRSC Small Works Roster (\$35,000 to \$300,000) <input type="checkbox"/> Competitive/Advertised Bidding Done (Over \$300,000) <input type="checkbox"/> Other: <u>Sole Source - Emergency</u>	<input type="checkbox"/> Grant <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Other: _____ <input type="checkbox"/> Contract Amendment to Contract No.
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Is this contract authorized in the current year's budget? Yes No
 If budgeted, list Fund/Dept.: N/A
 Page # in Budget: N/A Budget line item amount: N/A
 BARS Account Number: N/A

CONTRACT ROUTING INSTRUCTIONS:

Contract Manager Directions/Review: _____ Date: _____ Approved by council
6/16/16
 Draft contract, get contract file checklist items
 Prepare Contract Package (Contract Routing Sheet, contract, and checklist items)
 Obtain Dept. Director Approval _____ Date: _____

Legal Dept. Directions/Review: Cynthia Seleaf Date: 6/18/16
 Review insurance N/A
 Review of City Attorney (non-routine contracts)

Finance Dept. Directions/Review: J. Fleming Date: 6-8-16
 Review contract budget/administrative review.

City Manager Review if over \$25,000: _____ Date: 6/9/16
 Return Contract Package to Finance Dept.

Contract Manager Directions:
 Obtain signatures on contract.
 Provide fully signed copy of contract to other party.
 Make copy of contract for own files, if desired.
 Return original Contract Package to Finance Dept.

Finance Dept. Directions:
 Assign contract number.
 Provide contract number to Contract Manager.
 Provide Contract Package to Scanner.

Contract File Checklist:

W-9 Taxpayer ID Form N/A

Burien Business License # _____

Insurance Certificate

Bids, if applicable N/A

Contract Fully Signed
Letter



U. S. Department of Justice

United States Attorney
Western District of Washington

Please reply to:
J. Michael Diaz
Assistant United States Attorney

700 Stewart St., Suite 5220
Seattle, WA 98101-1271
www.usdoj.gov/usao/waw

Tel: (206) 553-7970
Fax: (206) 553-0882

June 2, 2016

City of Burien
Attn: Soojin E. Kim, City Attorney
400 SW 152nd St. Ste. 300
Burien, WA 98166

RE: Investigation of ADA Complaint Against Burien City Hall
DOJ# 204-82-275; USAO# 2013v00776

Dear Ms. Kim:

This letter constitutes an offer to close an investigation of a complaint identified as DJ# 204-82-275. If this letter is signed by the City, it will become a letter agreement to resolve the findings of the United States Department of Justice. Prompted by that complaint, the United States Department of Justice has been investigating whether the City of Burien violated Title II of the Americans with Disabilities Act of 1990 (“ADA”), and its implementing regulation at 28 C.F.R. Part 35, by failing to ensure that Burien City Hall is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. 28 C.F.R. § 35.149-151. The United States Department of Justice (“Department”) investigated this complaint under the authority granted by Section 203(b) of the ADA, 42 U.S.C. § 12133(b).

After evaluating the documentation obtained during our on-site reviews on September 29, 2015 and May 19, 2016, we have determined that there are two discrete areas within the Burien City Hall and King County Library building and its surrounding offsite parking area that are not in compliance with Title II and its implementing regulation, including the ADA Standards for Accessible Design’s (“ADA Standards” or “Standards”) architectural requirements for newly constructed and altered facilities.¹

¹ The ADA Standards for Accessible Design consist of the 1991 Standards, 28 C.F.R. Pt. 36, App. D, and the 2010 Standards, which consist of the 2004 ADAAG, Appendices B and D to 36 C.F.R. Pt. 1191 (2009), and the requirement contained in subpart D of 28 C.F.R. Pt. 36. 28 C.F.R. § 36.104. The ADA also applies to the public rights-of-way.

The following is a list of the features and elements of the facilities which, based upon our on-site review and evaluation of the facilities, do not comply with the Standards and a discussion of how we believe the City may be brought into compliance with the requirements of the Standards.

I. On-street parking along building's block perimeter

1. There are between 25-50 on-street parallel parking spaces provided along the block perimeter of Burien City Hall. Therefore, accessible on-street parking must also be provided. The City would need to provide a total of two accessible parking spaces along the perimeter to be in compliance with the ADA. PROW §§ R214, R309.

II. Common Use Elevator

2. The emergency two-way communication device located within the common use elevator in the building shared by Burien City Hall and the King County Library currently requires voice communication. To be in compliance with the ADA, the communication device must be modified so that it can be accessed without voice communication. Standards §§206.3, 206.6, 407.1, 105.2.2, ASME A17.1.

III. Third Floor

3. There is only one drinking fountain spout located on the third floor constituting Burien City Hall. No fewer than two drinking fountains shall be provided. One drinking fountain shall have a spout outlet no higher than 36" above the finish floor. The second drinking fountain, for standing persons, shall have a spout outlet mounted between 38" and 43" above the finish floor. Standards §§ 211.2, 602.7.

We are offering to close our investigation and issue a Letter of Resolution if, within nine months of the effective date of this Agreement, you provide us with evidence that you have completed the following modifications pursuant to the ADA Standards.

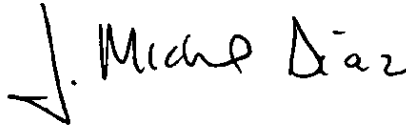
If the City wishes to accept the Department's offer of letter of resolution, please provide written confirmation that the City will undertake the actions outlined in this letter by signing this letter in the space provided below and return it to us within ten (10) business days of the date of this letter. If you have any questions or would like to discuss this matter further, please call me within that same time frame.

This offer of resolution is limited to the allegations of complaint DJ# 204-82-275 as described above and does not address the resolution of any other alleged violations of the ADA or other federal laws that may exist or arise, including any that may exist or arise in connection with the Complainant in ADA Complaint DJ# 204-82-275.

Thank you for your continued cooperation. You may contact me at (206) 557-4358 or by e-mail at Michael.Diaz@usdoj.gov.

Sincerely,

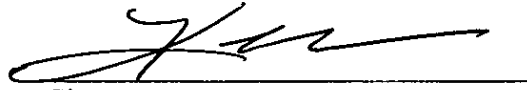
ANNETTE L. HAYES
United States Attorney



J. MICHAEL DIAZ
Assistant United States Attorney

The City of Burien of King County, Washington will take the actions outlined in this letter to achieve compliance with the requirements of Title II of the ADA in order to resolve the allegations in DOJ #204-82-275. The person signing below represents that he/she is authorized to bind the City of Burien, WA to this letter.

6/9/16
Date


Signature

KAMRON GUROL
Name and Title
CITY
MANAGER