



Legislation Details (With Text)

File #: RES-19:211 **Version:** 1 **Name:** SETTLEMENT ON THE JIMMY ASHLEY VS. CITY OF JONESBORO LAWSUIT

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File created: 12/5/2019 **In control:** Finance & Administration Council Committee

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Title: A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON THE JIMMY ASHLEY VS. CITY OF JONESBORO LAWSUIT

Sponsors: City Attorney's Office, Mayor's Office

Indexes:

Code sections:

Attachments: 1. Ashley Settlement on ADA, 2. Ashley Settlement on ADA, signed page

Date	Ver.	Action By	Action	Result
12/17/2019	1	City Council	Passed	Pass
12/10/2019	1	Finance & Administration Council Committee	Recommended to Council	Pass

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON THE JIMMY ASHLEY VS. CITY OF JONESBORO LAWSUIT

WHEREAS, the City of Jonesboro, was sued by Jimmy Ashley (Plaintiff) in a lawsuit alleging violations of Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. Section 12131, et seq.; and,

WHEREAS, the parties have participated in extensive review and negotiations; and,

WHEREAS, the City of Jonesboro admits no wrongdoing, denies any intentional violation of the ADA, and denies discriminating against people with disabilities; and,

WHEREAS, a proposed settlement was reached, subject to the approval of the Jonesboro City Council.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

- The City of Jonesboro shall settle the pending litigation referenced above which requires the City of Jonesboro to spend no less than \$250,000 annually for the removal of barriers to access, including the improvement of existing sidewalks and curb ramps in the subject area until such barriers have been removed that can be removed without undue burden or fundamental alteration of any program, service, or activity of the city. The 2020 budget of the City of Jonesboro shall include the amount of \$250,000 for sidewalks for this purpose.
- The City of Jonesboro shall pay the Plaintiff's counsel \$12,500 for attorney's fees, including costs of litigation and expert fee's incurred by the Plaintiff. The funds will be payed from the city's Lawsuit Settlement account, and no monies need to be transferred to effectuate this agreement.
- All other terms are listed in the attached Stipulation for Settlement.

4. The Mayor, Harold Perrin and City Clerk, Donna Jackson, or legal counsel are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.