

RESPONSE TO GRAND JURY REPORT

Report Title: Here We Go Again

Report Date: 7/2/19

Response by: Humboldt County Board of Supervisors

FINDINGS

1. The county agrees with the findings numbered F2 and F3.
2. The county partially agrees with the findings numbered F1.
3. The county disagrees with the findings numbered F4.

RECOMMENDATIONS

1. Recommendations numbered R1 and R3 have been implemented.
2. Recommendation numbered R4 will not be implemented.

Date: _____ Signed: _____

Number of pages attached: _____



COUNTY OF HUMBOLDT
COUNTY ADMINISTRATIVE OFFICE
MANAGEMENT & BUDGET TEAM

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INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: AMY S. NILSEN, COUNTY ADMINISTRATIVE OFFICER
SUBJECT: RESPONSE TO 2018-19 GRAND JURY REPORT "HERE WE GO AGAIN"
DATE: 10/1/2019

In the Grand Jury Report, Here We Go Again, the Grand Jury has requested that your Board respond to Findings 1 through 4 and Recommendations 1 through 3. I am proposing the following response as detailed below.

FINDINGS

Finding 1: *Humboldt County is again not on course to meet its contractual obligations to make identified public facilities accessible to people with disabilities.*

Response: Partially agree

The County of Humboldt continues to actively address elements contained within the September 7, 2016 Consent Decree between the United States Department of Justice (DOJ) and the County of Humboldt (County). As of this report, the County has made significant progress in many of its facilities, including the removal of all Consent Decree barriers in 28 county facilities. In addition to those 28 facilities, there are nine additional facilities that either no longer belong to the county, have been closed, and/or programmatic access or technically infeasible reasoning has been applied. There are another ten additional facilities in varying stages of design or construction. The County is also making progress in its effort to successfully remove barriers identified to its curb ramps and has succeeded in closing 28 curb ramps to date. The County continues to make significant progress removing barriers, despite the extremely tight timelines defined in the Consent Decree and time needed for the County and Independent Licensed Architect (ILA) to come to agreements on facility and curb ramp construction details and tolerances, solicit consultant services, develop project plans and specifications, and bid and retain contractors. Additional delays have been due to defaults and breaches of contract by contractors, the intricate nature of barrier removal within a fully operational correctional facility, and the need to continue providing services to the public during barrier removal.

Finding 2: *Humboldt County is not on course to remediate all public facilities identified in the Consent Decree by the deadline of June 7, 2019.*

Response: Agree

The County continues to make significant progress removing barriers, despite the extremely tight timelines defined in the Consent Decree and time needed for the County and Independent Licensed Architect (ILA) to come to agreements on facility construction details and tolerances, solicit consultant services, develop project plans and specifications, and bid and retain contractors. Additional delays have been due to defaults and breaches of contract by contractors, the intricate nature of barrier removal within a fully operational correctional facility, and the need to continue providing services to the public during barrier removal.

Finding 3: *Humboldt County is not on course to remediate all curb ramps identified in the Consent Decree by the deadline of September 7, 2019.*

Response: Agree

The County continues to make significant progress removing barriers, despite the extremely tight timelines defined in the Consent Decree and time needed for the County and Independent Licensed Architect (ILA) to come to agreements on curb ramp construction details and tolerances, solicit consultant services, develop project plans and specifications, and bid and retain contractors. Additional delays have been due to defaults and breaches of contract by contractors, the intricate nature of barrier removal within a fully operational correctional facility, and the need to continue providing services to the public during barrier removal.

Finding 4: *Information that the progress of the remediation was behind Department of Justice contractual deadlines was never provided by the County Administrative Office staff in a transparent and timely manner in any open Board of Supervisors meeting.*

Response: Disagree

The County Administrative Office has provided updates to the Board of Supervisors in relation to the ADA compliance project on more than 53 occasions, detailed below in the response to recommendation numbered R1.

Recommendation 1: *The Humboldt County Civil Grand Jury recommends the Board of Supervisors direct County Administrative Office staff to present transparent and complete quarterly status reports on all Americans with Disabilities Act projects in open meeting of the Board of Supervisors. This action should be completed by October 15, 2019. (F4)*

Response: This recommendation has been implemented.

The Humboldt County Administrative Office (CAO) has provided updates to the Board of Supervisors' ADA Ad Hoc Committee (members are Mike Wilson and Estelle Fennell) through monthly and quarterly ADA meetings, and the County Administrative Officer frequently provides updates in the CAO Monthly Update to the Board. In addition, the CAO has provided the full Board with updates on ADA compliant projects and progress on more than 53 occasions:

- 5/24/16 Conference with Legal Counsel pursuant to Government Code Section 54956.9, subd. (b)(1); relating to the Department of Justice (DOJ) ADA Compliance. Item # I-2
- 6/7/16 Conference with Legal Counsel pursuant to Government Code Section 54956.9, subd. (b)(1); relating to the Department of Justice (DOJ) ADA Compliance. Item # I-1
- 7/12/16 Conference with Legal Counsel - pursuant to Government Code Section 54956.9, subd. (d)(2); relating to the Department of Justice (DOJ) ADA Compliance. Item # J-1
- 8/9/16 Americans with Disabilities Act of 1990 Compliance and Supplemental Budget for Human Resources - Risk Management (4/5 vote required). Item # C-12
- 9/6/16 Adoption of the New Job Classes of Environmental Permitting and Compliance Manager and Manager-Clerk/Recorder's office and Amendment to the Compensation Plans for Management and Confidential Employees and Elected and Appointed Department Heads for Fiscal Years 2015-16 and 2016-17. Item # C-10
- 10/4/16 Resolution to Adopt the County of Humboldt Notice Under the Americans with Disabilities Act. Item # C-15
- 11/1/16 Resolution to Adopt the Humboldt County Grievance Procedure under the Americans with Disabilities Act. Item # C-7
- 11/8/16 Adoption of Information Technology Website Accessibility Policy. Item # C-5
- 2/27/18 Annual Adoption of Information Technology Website Accessibility Policy. Item # C-8
- **3/28/17 Appoint Board Members to American with Disabilities Act (ADA) Ad Hoc Group. Item # I-1**
- 5/23/17 First Amendment to Professional Service Agreement with SZS Consulting Group, LLC and Supplemental Budget (4/5 vote required). Item # C-7
- 5/23/17 Pre-Qualification List for Architectural Design and Project Management Services for ADA Projects. Item # C-6
- **6/6/17 Proposed Fiscal Year (FY) 2017-18 Budget. Item # I-1**

- 7/11/17 Allocation of a CAO Project Manager for Americans with Disabilities Act (ADA) Projects and Supplemental Budget (4/5 Vote Required). Item # C-16
- **7/18/17 Americans with Disabilities Act Consent Decree Presentation and Discussion. Item # F-1**
- 10/3/17 Third Amendment to Professional Service Agreement with SZS Consulting Group, LLC and Supplemental Budget (4/5 vote required). Item # C-7
- 11/14/17 Service Animal Policy. Item # C-5
- 1/16/18 Advanced Step Increase for William Britt, Extra Help ADA Coordinator (4/5th Vote Required). Item # C-6
- 2/13/18 Allocation of an ADA Coordinator for Americans with Disabilities Act (ADA) Compliance and Supplemental Budget (4/5 vote required). Item # C-8
- 3/6/18 Americans with Disabilities Act (ADA) Compliance Effective Communication Policy. Item # C-7
- 3/20/18 Fourth Amendment to Professional Service Agreement with SZS Consulting Group, LLC and Supplemental Budget (4/5 vote required). Item # C-10
- 4/10/18 Humboldt County Jail Change Out Room and Jail Exterior Ramp Change Orders. Item # C-5
- 5/8/18 Bid Authorization for the Case Management Building Located at 2933 H Street, Eureka, CA. Item # C-11
- 5/8/18 Allocation of a CAO Project Manager for Americans with Disabilities Act (ADA). Item # C-12
- 6/12/18 OTIS United Technologies Agreements for Americans with Disabilities Act (ADA) Elevator Modifications. Item # C-10
- 8/21/18 Cancellation of Case Management Building ADA Project Bid Located at 2933 H Street, Eureka, CA. Item # C-11
- 8/28/18 Contract Amendment for Architectural Design and Project Management Services for Americans with Disabilities Act (ADA) Projects. Item # C-6
- 9/25/18 Space for the Rio Dell Branch Library. Item # I-1
- 10/9/18 Rio Dell Branch Library. Item # I-2
- 10/16/18 Bid Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at Freshwater Park, 3100 Freshwater Road, Eureka (4/5 Vote Required). Item # C-7
- 10/16/18 Accessibility Upgrades at Fortuna Veterans Hall located at 1426 Main Street, Fortuna and Supplemental Budget (4/5 Vote Required). Item # C-6
- 10/16/18 Revised Information Technology Website Accessibility Policy. Item # C-8

- 10/16/18 Bid Authorization for the Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at the Humboldt County Correctional Facility Medical Unit. Item # C-9
- 11/6/18 Accessibility Upgrades at Clam Beach County Park located at Clam Beach Drive, McKinleyville and Supplemental Budget (4/5 Vote Required). Item # C-9
- 11/6/18 Professional Service Agreement with SZS Engineering Access, Inc. Item # C-12
- **11/13/18 First Quarter ADA Update. Item # I-1**
- 11/13/18 Authorization for Request for Qualifications (RFQ) to solicit firms for professional design and construction management services for the construction of the Garberville Mini-Complex Project. Item # C-5
- 12/4/18 Bid Award Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at Freshwater Park, 3100 Freshwater Road, Eureka. Project Number 2017-203. Item # C-20
- 12/18/18 Barrier Removal or Relocation of Rio Dell Branch Library Site. Item # I-3
- 12/18/18 Bid Award Authorization for the Fortuna Veterans Hall Americans with Disabilities Act (ADA) Project located at 1426 Main Street, Fortuna, CA. Project Number 2017-402. Item # C-7
- 1/8/19 Bid Award Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at Humboldt County Correctional Facility Medical Unit, 901 5th Street, Eureka, CA. Project Number 2017-103. Item # C-11
- 1/8/19 Bid Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at A.W. Way Park, 36588 Mattole Road, Petrolia, California 95558. Item # C-10
- 2/5/19 Rio Dell Branch Library and Americans with Disabilities Act (ADA) Compliance. Item # I-1
- 2/19/19 Bid Award Authorization for Clam Beach Park Americans with Disabilities Act (ADA) Project. Project Number 2017-204. Item # C-11
- 2/19/19 Award Authorization for Professional Design and Construction Management Services for the Garberville Mini-Complex Project. Item # C-9
- 2/26/19 Bid Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at the Coroner's Office, 3012 I Street, Eureka, California 95501. Item # C-7
- 3/26/19 Bid Award Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at A.W. Way Park, 36588 Mattole Road, Petrolia, California 95558 Project Number 2018-201. Item # C-8

- 4/2/19 Bid Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at the Mental Health Facility, 720 Wood Street, Eureka, California 95501. Item # C-10
- 4/9/19 Humboldt County Eureka Veteran’s Memorial Building Seismic Repair Project, Change Order Number. 6.0, Project Number 210502, Disaster Survey Report 2987, 2946, 3401, 3724 (4/5 Vote Required). Item # C-11
- 4/16/19 First Amendment to the Professional Services Agreement with The KPA Group for Master Planning Services and Americans with Disabilities Act (ADA) Transition Planning Services. Item # C-12
- 4/16/19 Bid Award Authorization for Coroner’s Office Americans with Disabilities Act (ADA) Project - Project Number 2018-403. Item # C-13
- 7/9/19 Bid Award Authorization for Americans with Disabilities Act (ADA) Department of Justice (DOJ) Consent Decree Barrier Removal at the Mental Health Facility, 720 Wood Street, Eureka, California 95501; Project Number 2018-402 and Supplemental Budget (4/5 Vote Required). Item # C-5
- 7/9/19 Change Order Authorization for Fortuna Veterans Hall Americans with Disabilities Act (ADA) Project located at 1426 Main Street, Fortuna, CA; Project Number 2017-402. Item # C-10
- 7/9/19 Bid Authorization for the Construction of the Courthouse Fifth Floor Remodel Project; County Project Number 2018-102. Item # C-12
- 7/23/19 Proclaim the Week of July 21st, 2019 as “Americans with Disabilities Act 29th Anniversary Week”. Item # C-1

Recommendation 2: *The Humboldt County Civil Grand Jury recommends these reports in RI be prepared by a certified Project Management Professional. This action should be completed by October 15, 2019. (F4)*

Response: This recommendation will not be implemented because it is not warranted.

The county disagrees with this finding as the county has experienced project management professionals on staff who have intimate knowledge of this project. In addition, to contract with a certified Project Management Professional would be an expense that could be better used to perform ADA barrier removal, and the amount of time it would take to bring this this individual up to speed on ADA projects would further delay ADA projects and barrier removal.

Recommendation 3: *The Humboldt County Civil Grand Jury recommends the Board of Supervisors direct staff to conduct a review of the County’s compliance with the Americans with Disabilities Act Decree to better understand the problems encountered so they may be avoided in the future. This review and report should be*

completed by December 1, 2019.

Response: This recommendation has been implemented.

The County of Humboldt continues to actively address elements contained within the September 7, 2016 Consent Decree between the United States Department of Justice (DOJ) and the County of Humboldt (County). The county has conducted a review of access barriers contained in the Department of Justice Consent Decree and the county's subsequent ADA Access inspections. From this information the county has implemented several policies, provided mandatory staff training and other educational opportunities, and provided trainings and workshops to local building officials, contractors and property owners in an effort to change the culture around the ADA in Humboldt County.

Beginning October 10, 2016, and annually thereafter, the county provides a mandatory four-hour Individuals with Disabilities training approved by the Department of Justice for county staff. County staff also have the option to meet this requirement through online training.

Beginning October 10, 2016, the county provided all staff with California Relay Service training, a mandatory training requirement, for all employees who interact with the public. Following the adoption of the county's Americans with Disabilities Act (ADA) Compliance Effective Communication Policy on March 6, 2018, the county contracted with the Pacific ADA Center to design a prerecorded Effective Communication Training. This training incorporated the Effective Communication Policy allowing employees to satisfy their California Relay Service Training more timely and providing additional information about Effective Communication and the ADA.

On July 26, 2017, in an effort to help local contractors, engineers, property managers and other businesses comply with the ADA, the County of Humboldt provided a workshop led by Sally Swanson Architects, Inc., that focused on ADA Title II and III regulations related to facilities and construction. The workshop was designed to help these professionals understand ADA issues, identify ADA barriers and actions to mitigate against future costs.

On November 17, 2017, the county contracted with the Pacific ADA Center to provide select county staff with Service Animal training. It was decided that such a training would be useful in conjunction with the November 14, 2017, adoption of the Humboldt County Service Animal Policy. An additional Service Animal training lead by the county's ADA coordinator was conducted for Library Staff on December 4, 2018.

On February 26, 2018, due to a need to better understand accessible public rights-of-way, a training titled ADA Access Compliance in the Public Rights-of-Way was designed. This training was designed for Public Works staff and the county's consultant for the curb ramp projects.

On June 5, 2018, the county provided a second workshop. This workshop titled ADA Access Compliance Requirements was targeted towards plan checkers, design firms, inspectors and building owners. This workshop, provided by the County of Humboldt and led by SZS Consulting, focused on ADA Title II access compliance requirements.

Through the adoption of the Humboldt County Website Accessibility Policy, on November 8, 2016, the county instituted mandatory training for web authors and web managers to ensure documents and other information contained on the county's website are accessible for individuals with disabilities. Annually county web authors and web managers are required to take website accessibility training to maintain their permissions.

A voluntary online training specific to Title II of the ADA has been made available to staff, and since the signing of the Consent Decree, five county employees have received their ADA Coordinator's certification and two county employees have received their Certified Access Specialist program (CASp) certification. Additionally, the county no longer enters into new leases for buildings that are not fully compliant and/or without project timelines to bring buildings into compliance with the ADA.