



COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**D-15**

For the meeting of: October 4, 2016

Date: September 19, 2016

To: Board of Supervisors

From: Daniel Fulks, Director of Human Resources *RA for DF*

Subject: RESOLUTION TO ADOPT THE COUNTY OF HUMBOLDT NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

RECOMMENDATION:

That the Board of Supervisors:

- 1. Adopt Resolution No. 16-113 (attached), a Resolution adopting the County of Humboldt Notice under the Americans with Disabilities Act (Attachment 1).

SOURCE OF FUNDING: N/A

DISCUSSION:

The Americans with Disabilities Act of 1990 (the "ADA") prohibits discrimination on the basis of disability in employment, programs, and services provided by local governments. On April 28, 1992, the Board of Supervisors adopted a policy setting forth the County's intention to fully comply with the ADA.

On or about July of 2008, the County entered into an agreement with the Department of Justice ("DOJ") to make needed improvements to its facilities to be in compliance with the ADA. The agreement signed in July 2008 provided for the County to complete a list of improvements by July 23, 2011. While the County did complete some of the needed improvements, many complicating factors prevented the County from completing all improvements required by the agreement.

Prepared by Daniel Fulks

CAO Approval *Cheryl Dillingham*

REVIEW:	Auditor	County Counsel <i>dm</i>	Personnel <i>RA</i>	Risk Manager	Other
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Sundberg*

Seconded by Supervisor *Bass*

And unanimously carried by those members present.

The Board hereby adopts the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. G-6

Meeting of: 4/28/1992

Dated: Oct. 4, 2016

By: *Kathy Hayes*  
Kathy Hayes, Clerk of the Board

Following a recent compliance review of Humboldt County by the DOJ, your Board approved and signed a Consent Decree on August 9, 2016, reaffirming the County's commitment to bringing the County's facilities, programs, services, and activities into compliance with the ADA and Title II regulations. The Consent Decree was approved by the court on September 13, 2016. As part of the requirements of the Consent Decree, the County must adopt and follow a pre-approved "Notice under the Americans with Disabilities Act" within thirty (30) days of the entry of the Consent Decree, or on or before October 13, 2016.

Therefore, the attached Resolution and County of Humboldt Notice under the Americans with Disabilities Act is being presented to your Board for approval and adoption, as required by the Consent Decree.

FINANCIAL IMPACT:

Undetermined at this time. The Consent Decree sets forth specific requirements for the County to meet its obligations under the ADA, and further analysis will be required by the County and affected departments to determine the scope of the financial impact.

OTHER AGENCY INVOLVEMENT: None.

ATTACHMENTS:

Resolution No. 16-113, a Resolution adopting the County of Humboldt Notice under the Americans with Disabilities Act.

Attachment 1 to the Resolution – The County of Humboldt Notice under the Americans with Disabilities Act

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of October 4, 2016

RESOLUTION NO. 16-113

**ADOPTION OF THE COUNTY OF HUMBOLDT NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

**WHEREAS**, on August 9, 2016, the Board of Supervisors approved and entered into a Consent Decree with the United States Department of Justice ("DOJ"), affirming its commitment to bringing the County's facilities, programs, services, and activities into compliance with the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§12131-12134, and the DOJ's regulation implementing Title II, 28 C.F.R. Part 35; and

**WHEREAS**, the terms of the Consent Decree require the County to adopt and follow the attached "County of Humboldt Notice under the Americans with Disabilities Act" within thirty (30) days of the entry of the Consent Decree; and

**WHEREAS**, the Consent Decree was entered by the court on or about September 13, 2016; and

**WHEREAS**, the Board of Supervisors desires to fully comply with the Consent Decree and with the ADA to eliminate physical, communication, and other barriers that prevent people with disabilities from participating fully in the County facilities, programs, services, and activities.

**NOW, THEREFORE**, the Board of Supervisors of the County of Humboldt resolves as follows:

1. The County of Humboldt Notice under the Americans with Disabilities Act is hereby adopted as official County Policy (see Attachment 1); and
2. This resolution shall become effective upon adoption by the Board of Supervisors.

Dated: October 4, 2016



MARK LOVELACE, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**


Certified copy of portion of proceedings, Meeting of October 4, 2016

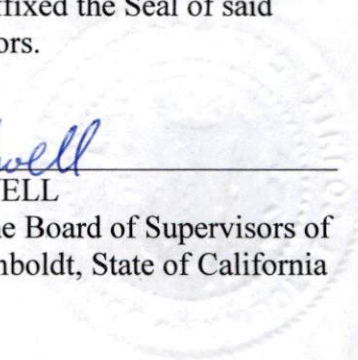
RESOLUTION NO. 16-113

STATE OF CALIFORNIA    )  
County of Humboldt     )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

  
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By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of  
the County of Humboldt, State of California





## COUNTY OF HUMBOLDT NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), **Humboldt County, California** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The **County** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The **County** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **County** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The **County** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all **County** programs, services, and activities. For example, individuals with service animals are welcomed in **County** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a **County** program, service, or activity, should contact the office of **Human Resources, Interim ADA Coordinator Daniel Fulks, 825 5<sup>th</sup> Street, Room 100, Eureka, CA 95501, telephone number 707-476-2349, email [dfulks@co.humboldt.ca.us](mailto:dfulks@co.humboldt.ca.us)**, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **County** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a **County** program, service, or activity is not accessible to persons with disabilities should be directed to **Human Resources, Interim ADA Coordinator Daniel Fulks, 825 5<sup>th</sup> Street, Room 100, Eureka, CA 95501, telephone number 707-476-2349, email [dfulks@co.humboldt.ca.us](mailto:dfulks@co.humboldt.ca.us)**.

The **County** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.