



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

F-1

For the meeting of: July 18, 2017

Date: June 27, 2017
To: Board of Supervisors
From: Amy S. Nilsen, County Administrative Officer *AN*
Subject: Americans with Disabilities Act Consent Decree Presentation and Discussion

RECOMMENDATION(S):

Receive the presentation and discussion regarding the Americans with Disabilities Act (ADA) Consent Decree with the U.S. Department of Justice (DOJ) as of June 2017.

SOURCE OF FUNDING: ADA Compliance Internal Service Fund and ADA Trust Fund

DISCUSSION:

On September 13, 2016, your Board entered into a consent decree with the United States Department of Justice (DOJ), which mandates the County of Humboldt to comply with Title II of the Americans with Disabilities Act (ADA) of 1990. Title II applies to state and local government entities and the programs, services and activities provided by such entities by protecting qualified individuals with disabilities from discrimination on the basis of disability. The consent decree requires the county to modify facilities, where feasible, to ensure that programs, services and activities are accessible to and useable by individuals with disabilities. The county is subject to meeting multiple milestones, 3, 9, 12, 15, 18, 21, 27, 30, 33 and 36 month timelines, with the overall result of bringing all county-owned and leased facilities providing

Prepared by Christopher D. Shaver

CAO Approval *Cashia Heg*

REVIEW:

Auditor _____ County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:

☐ Consent
☒ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. C-7, C-11, C-16 _____

Meeting of: 5/23/2017, 6/27/2017, 7/11/2017 _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Wilson* Seconded by Supervisor *Sundberg*
Bass, Bohn, Wilson, Sundberg

Ayes _____
Nays _____
Abstain _____
Absent *Fennell*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *July 18, 2017*

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

programs, services and activities into compliance with the Americans with Disabilities Act (ADA) by September 13, 2019

The consent decree required the county to hire an Independent Licensed Architect (ILA) and for the ILA to certify alterations, additions or modifications to county facilities. Due to time constraints and the urgent need of selecting an ILA for DOJ approval, the county solicited interest from multiple firms with certified access specialist program credentials (CAsp). SZS Consulting Group, LLC (SZS) was deemed the most responsive firm in terms of experience, staff and availability. On March 16, 2017, the DOJ approved SZS as the county's ILA. Subsequently, a letter of intent was issued to SZS to begin its consulting services to assist the county in meeting the goals and objectives for the June 2017 deadline, as outlined in the consent decree. On April 20, 2017, SZS returned a fully executed agreement with a not to exceed amount of \$50,000 and a term until June 30, 2018. On May 23, 2017, your Board approved the first amendment to the agreement with SZS for an additional \$150,000. SZS is currently working with the county by providing ADA facility assessments and reports, policy surveys, transition plan updates, project work plans and database information to track ADA compliance progress for all county facilities (owned and leased), as required by the consent decree.

The consent decree specifically identifies over 50 facilities that contain barriers to accessibility pursuant to Title II. However, the consent decree also states the county and ILA will ensure compliance with the requirements of Title II for all of the county's facilities offering programs, services and activities. Thus, the ILA will need to assess an estimated 125 facilities offering approximately 221 public services deemed a program, service or activity.

Many of the facilities requiring modifications to remove barriers to accessibility also need architectural drawings and bid specifications, therefore, on May 23, 2017, your Board approved the recommended pre-qualification list for architectural design and project management services for Americans with Disabilities Act Compliance Projects. Your Board's acceptance of the recommended list of pre-qualified consultants affords staff the ability to contract with multiple pre-qualified architectural design and project management firms to effectively and efficiently address barriers to programs, services and activities as outlined in the consent decree for the next three (3) years.

If the remediation is not feasible, the county must provide a reasonable accommodation on a temporary basis, up to 6 months, until the program, service or activity has been relocated to an ADA accessible location. A temporary reasonable accommodation is to provide "in-home" or "curb-side" services for those programs, services and activities that cannot be relocated until a suitable and ADA compliant facility has been identified. In order to address the issue of facility locations that are not feasible to modify to meet ADA regulations, such as 3015 H Street in Eureka (Clark Complex), staff is currently preparing a request for proposal (RFP) to solicit for a suitable location for a one-stop permitting facility. The one-stop facility would co-locate permitting services offered by the departments of Planning and Building, Environmental Health and Public Works' Land Use division. Other locations deemed not feasible have also been identified, such as the leased facility for the Willow Creek Public Health office, and staff is currently identifying solutions.

On June 27, 2017, your Board adopted the fiscal year 2017-18 budget and allocated funds for staff, ILA, design firms and facility/asset management plans and software (\$1.77 million), and an allocation for capital projects (\$671,000). In addition, the ADA Coordinator position was moved from Risk Management to the County Administrative Office (CAO), and, on July 11, 2017, your Board approved the allocation of a full-time CAO Project Manager for Americans with Disabilities Act (ADA) Projects to the CAO's office with an annual ongoing cost in the amount of \$151,572. Other staffing needs are being reviewed, as there is a

requirement for the county to either have on staff or an on call CASp inspector. This position would not only provide a required internal service but also a service to the public as mandated by statute.

Facility modifications constitute a large part of the consent decree, nevertheless, other items within the consent decree must also be addressed, such as website accessibility and preparing and implementing adequate policies and procedures for accessibility requests and processes. The county's website was found to have a host of accessibility issues that prompted contracting with a DOJ approved vendor to identify the non-compliant accessibility components. Information Technology (IT) staff have been working with the contracted vendor and the website designer to identify and rectify ADA compliance issues. To date, 15% of the websites known ADA issues have been corrected. The county has until September 13, 2017, to ensure the website meets ADA compatibility standards, and, staff is currently on schedule to finish by the end of August.

ADA regulations also require the creation and implementation of policies regarding the steps to take for a person requesting accommodations and what measures to take in the event of an emergency. Staff has and continues to develop specific policies for programs, services and activities in order to ensure guidelines are in place and employees know how to respond regarding accessibility issues and requests for accommodations. An example of such a policy is regarding the steps to take in the event a person with a disability, such as a speech impediment, is on an elevator that stops working and is stuck between floors. Therefore, a policy has been developed for staff and the elevator call center for required actions when no audible response is received.

Full compliance with the DOJ's consent decree is a monumental task requiring adequate funding, training, future planning and cooperation and collaboration amongst departments, property owners and consultants. Preliminary initial costs are estimated at ILA up to \$750,000, design firms up to \$1,000,000, barrier removal and construction up to \$15,000,000, training \$25,000, staffing \$250,000, and signage \$35,000. The aforementioned estimated amounts are only preliminary numbers, as full assessments of all facilities providing programs, services and activities have yet to be completed. Initial assessments, however, of the 9-month and 15-month facilities on the consent decree have identified facilities that are feasible and not feasible in terms of barrier removal. The facilities identified as not feasible will require relocating those services to alternate locations deemed ADA compliant. Staff will bring relocation options and plans to your Board at a later date. Such issues further highlight the need to incorporate space-planning with a focus on co-locating county services in order to improve service levels, create efficiencies, address ageing buildings and to improve working environments to ensure they are ADA compliant, have a low-carbon footprint and cost less to maintain.

Today's presentation provides an overview of what has been accomplished to date and what still needs to be accomplished prior to September of 2019.

FINANCIAL IMPACT

Many of the costs associated with complying with the consent decree are still being developed, however, your Board approved \$1.6 million for the ADA Compliance budget unit 3552-152, with the adoption of the FY 2017-18 budget. The primary purpose of the ADA Compliance budget is to effectively manage ADA projects resulting from identified barriers in the consent decree via an internal service fund (ISF), which will allow the county a fair and reasonable method of charging and budgeting for future work in upcoming fiscal years. As previously mentioned, preliminary estimates, may actually be higher or lower depending on the ILA's findings, number of projects and extent of barrier removal for future consent decree items. Current cost estimates range upward of \$17 million for the course of the consent decree. The

estimated \$17 million does not include the costs for replacement and new construction of buildings, such as the Public Defender and Garberville Veterans

This action supports your Board's Strategic Framework, Priorities for New Initiatives, by providing our core services in ways that safeguard the public trust through managing our resources to ensure sustainability of services. In addition, this aligns with your Board's key goal for 2017-18 of continuing to examine streamlining the inventory of county properties (including through repurposing and/or sale where appropriate), using an asset management program for all current and future resources including financial and capital

OTHER AGENCY INVOLVEMENT None

ALTERNATIVES TO STAFF RECOMMENDATIONS Board's discretion

ATTACHMENTS None