



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C5

For the meeting of: November 14, 2017

Date: November 1, 2017

To: Board of Supervisors

From: Amy S. Nilsen, County Administrative Officer *AN*

Subject: Service Animal Policy

RECOMMENDATION(S):

That the Board of Supervisors: Approve the county-wide Service Animal Policy (Attachment A) to provide standardization, uniformity, and ensure compliance with Americans with Disabilities Act (ADA) Title II Regulations.

SOURCE OF FUNDING: ADA Compliance 3552-152

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 develop and implement policies and procedures to ensure that programs, services and activities are accessible to and useable by individuals with disabilities. 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

Prepared by Christopher Shaver

CAO Approval *Eashen*

REVIEW:

Auditor _____ County Counsel *JN* Human Resources _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Fennell* Seconded by Supervisor *Wilson*

Ayes *Sundberg, Fennell, Bass, Bohn, Wilson*
Nays _____
Abstain _____
Absent _____

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

Dated: *11/14/17*

By: *[Signature]*
Kathy Hayes, Clerk of the Board

accessibility issues and requests for accommodations. Therefore, a policy has been developed for staff and volunteers regarding service animals and the ADA.

Pursuant to ADA Title II Regulations Part 35, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability. Therefore, the county recognizes that some patrons with disabilities may have service animals, which are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. As part of the county's effort to provide staff education and training and to implement policies in compliance with the consent decree and ADA Title II Regulations, the Service Animal Policy provides a compliant policy and provides uniformity and standardization across all county departments in regards to how to address and manage patrons and clients with service animals. The Service Animal Policy has been reviewed and approved by SZS Consulting, the county's independent licensed architect performing ADA assessments and policy review.

In addition, the county is required to provide annual training to all county staff on ADA regulations with a focus on Title II. Inasmuch, the county is sponsoring two web-based training classes about service animals and the ADA on November 17, 2017, at the Humboldt County Library, which will be presented by the Pacific ADA Center. The Pacific ADA Center is one of ten regional centers in the U.S. that provides information, training and consultation on the ADA. The web-based training sessions will focus solely on service animals in order to reinforce the recommended Service Animal Policy and provide staff with the knowledge and training on how to address service animal issues.

The Service Animal Policy states that no pets or animals, other than service animals or service animals in training, are allowed in county facilities. Individuals with disabilities will be permitted to be accompanied by their service animals in all areas of county facilities where members of the public, participants in services, programs, or activities, or invitees, are allowed to go. In addition, service animals must be under the handler's control at all times.

Adoption of the Service Animal Policy will allow the county to not only ensure standardization but also comply with the ADA and the consent decree; therefore, staff recommends that your Board adopt the policy.

FINANCIAL IMPACT:

The cost of sponsoring the Service Animal Training is \$2,400 and will be expensed to the ADA Compliance budget unit 3552-152. The primary purpose of the ADA Compliance budget is to effectively manage ADA projects, implement compliant policies and procedures and conduct the required training pursuant to the 2016 consent decree.

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.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board's discretion.

ATTACHMENTS:

Service Animal Policy

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REVISION DATE:	Service Animal Policy for Disabled Patrons

I. PURPOSE

The County of Humboldt recognizes that some patrons with disabilities may have service animals, which are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. The county recognizes legal rights of persons with disability under the Americans with Disabilities Act (ADA), and applicable California statutes regarding the use of service animals.

II. POLICY

No pets or animals, other than service animals or service animals in training, are allowed in county facilities.

Individuals with disabilities will be permitted to be accompanied by their service animals in all areas of county facilities where members of the public, participants in services, programs, or activities, or invitees, are allowed to go.

Service animals must be under the handler's control.

III. REASONABLE MODIFICATIONS

The county will make reasonable modifications to its policies, practices and procedures where necessary to avoid discrimination against a person with a disability who uses a service animal, unless the county can show that making the modifications would fundamentally alter the nature of the service, program or activity. Reasonable modifications in this context include, but are not limited to, providing assistance to a person with a disability in tethering or untethering the service animal, or escorting a person with a disability throughout the facility as he or she is accompanied by a service animal.

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IV. DEFINITIONS

A. Service Animal:

1. Any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, intellectual or other mental disability. Companionship does not constitute a work or task.
2. A miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, intellectual or other mental disability. Companionship does not constitute a work or task.
 - (i) Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.
 - (ii) Regulations have provided four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are:
 - (a) Whether the miniature horse is housebroken
 - (b) Whether the miniature horse is under the owner's control
 - (c) Whether the facility can accommodate the miniature horse's type, size and weight; and
 - (d) Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of the facility.

B. Work or Task:

The work or task must be directly related to the individual's disability. The work or task of the service animal need not be physical, as it may be responding to a behavioral, cognitive or brain-based disorder. Examples of work or tasks may include but are not limited to:

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- Navigation for individuals with low vision
- Alerting deaf/hard of hearing persons to other people and sounds
- Retrieval of items such as medicine or phone
- Support and assistance with balance and stability
- Assistance during a seizure
- Assistance to individuals with Diabetes
- Prevention/interruption of impulsive/destructive behavior or episodes
- Helping an individual with a dissociative disorder remain grounded

C. **Disability** is defined under the ADA as:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Being regarded as having such an impairment (i.e., being perceived as having an impairment).

V. SERVICE ANIMAL INDICATORS:

Users of service animals are not required to show papers or to prove a disability.

- A. Service animals are not required to be licensed or certified as a service animal by a state or local government or training program, or be identified by a special harness or collar. Handlers of service animals or service animals in training will indicate that they are working animals and not pets. Terms used may include "assistance", "service", "guide", "hearing" or "helping" animal. **Staff may not ask about the owner's disability.**

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1. Questions that **can** be asked of the individual or handler:
 - (i) Is this a service animal required because of a disability?
 - (ii) What specific tasks has the animal been trained to perform?
 2. Questions that **cannot** be asked of the individual or handler:
 - (i) The nature of the individual's disability.
 - (ii) Require a special identification card or training documentation for the service animal.
 - (iii) For proof of vaccination.
 - (iv) The individual or handler to have the animal perform its task.
- B. A person with a disability cannot be asked to remove his or her service animal or service animal in training from a county facility unless the presence, behavior or actions of the service animal constitutes an unreasonable risk of injury or harm to property or other persons. **In these cases, staff should give the person with the disability the option to obtain services without having the service animal or service animal in training on the premises.**

VI. SERVICE ANIMAL CONTROL

A service animal shall be under the control of its handler at all times:

- A. Service animals shall have a leash, harness or tether at all times unless the handler is unable to leash, harness or tether the animal because of a disability or use of a leash, harness or tether would interfere with the animal's safe, effective performance of work or tasks.
- B. If the service animal cannot be leashed, harnessed or tethered, it must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

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- C. The owner of the service animal is solely responsible for the supervision and care of the service animal. Therefore, service animal owners must keep the service animal directly with them at all times.

VII. SERVICE ANIMAL CONDUCT

County staff may ask an individual with a disability to remove the service animal from the premises if:

- A. The service animal is running loose, growling, barking or otherwise being disruptive and the handler does not take effective action to control it.
Note: The handler should be allowed an appropriate opportunity to bring the animal under control.
- B. The service animal is not housebroken.
- C. The service animal's behavior poses a direct threat to the health and safety of others (this must be a direct threat, NOT a perceived threat).

The individual has a right to access the program service or activity. The animal does not. If you have assessed the situation and determine that animal is disruptive or does not provide a "work" related task by the handler, you may ask that they remove the animal; moreover, the handler is welcome to obtain services without having the service animal or service animal in training on the premises.

VIII. LOCAL ORDINANCES

A handler may not be asked to show proof of rabies vaccination for the service animal in order to enter a county facility and or to access a program, service or activity. However, Humboldt County Code sections 542.7 and 542.10 do allow authorized agents to request proof of rabies vaccination.

A. Section 542.7 Certificate Evidence of Vaccination

Possession of a certificate of vaccination on a dully approved form signed by a duly licensed veterinarian shall be prima facie evidence of vaccination of the dog referred to thereon on the date indicate on said certificate.

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B. Section 542.10 Required to Exhibit Certificate

No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required herein upon demand of any peace officer, the Animal Control Officer or the Health Officer, or their authorized agents.

- Section 542.10 wherein it states authorized agents, for the purpose of this policy shall include security services for county facilities.

C. In the county, dogs are required to be licensed and as part of licensing, dogs are required to be current on their rabies vaccinations.

- Humboldt County Code section 541.32
- Humboldt County Code section 542.6

IX. MISCELLANEOUS INFORMATION

- ADA does not discuss service animals in training, but the State of California allows service animals in training.

Service animals are a reasonable accommodation for employees with a disability under both federal and California law.

X. ADDITIONAL RESOURCES

- https://www.ada.gov/regs2010/service_animal_qa.html
- https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35133
- California has additional regulations under Fair Employment Housing Act and they can be found at <http://www.nolo.com/legal-encyclopedia/california-laws-psychiatric-service-dogs-emotional-support-animals-public-places.html>
- National ADA Center fact sheet about service animals:
http://adagreatlakes.com/Publications/Factsheets/National_ADA_Center_Fact_Sheet_5_SERVICE_ANIMALS.pdf

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- Humboldt County code:
541.32 (a) Dog Tags
541.38 Fee Exempt Dog License
542.6 Certificate Required Before Licensing
542.10 Required to Exhibit Certificate
- City of Eureka code:
91.066 Registration Required: Exceptions
91.070 License Tags
91.071 Registration Records