

## AMERICANS WITH DISABILITIES ACT:

### HUMBOLDT COUNTY LEADERSHIP AND A TRAIL OF BROKEN PROMISES

#### **Humboldt County is not in compliance with the Americans with Disabilities Act**

#### **SUMMARY**

National statistics indicate that 18% of Americans are classified as physically or mentally handicapped. Humboldt County has approximately 28,300 disabled residents with seniors and veterans making up a substantial segment of that number. Of the 10,000 veterans living in Humboldt County, some 1,774 have a “service connected disability.” According to United States Census data, approximately 13% of the population of Humboldt County is 65 and over. There are 7,000 disabled seniors in Humboldt County.

The percentage of disabled people in Humboldt County, 21%, is higher than the national average. When caregivers, family and friends, on whom many persons with disabilities depend for their “major life activities” are added the number of county residents affected increases significantly.

The Americans with Disabilities Act (ADA) of 1990 is a federal civil rights law that prohibits discrimination against people with disabilities. Under this law, people with disabilities are entitled to all of the rights, privileges, advantages and opportunities that others have when participating in civic activities.

Humboldt County’s failure to be in compliance with the ADA has a significant impact on a substantial portion of the population of Humboldt County.

In 2008, the Humboldt County Board of Supervisors signed a Settlement Agreement with the United States Department of Justice (DOJ). Humboldt County agreed it would complete, in a timely manner, ADA projects that the DOJ deemed necessary to successfully meet the needs of the County’s disabled community. **Humboldt County is not in compliance with that 2008 Settlement Agreement.**

The California Department of Transportation (Caltrans) is required to conduct ADA compliance of local government entities who are sub-recipients of Federal Highway funding. A 2013 Caltrans Review of Humboldt County required the County to complete non-compliant items by March of 2014. The Humboldt County Civil Grand Jury could find no evidence that the County has responded to any of the suggestions or recommendations of this report.

The Humboldt County Civil Grand Jury also finds that:

- The Humboldt County Board of Supervisors is ultimately responsible for making sure that the County of Humboldt is ADA compliant
- There are no long term budget plans submitted or approved by the Humboldt Board of Supervisors that cover the cost of bringing Humboldt County into ADA compliance
- Neither the Humboldt County Human Resources Department, the Humboldt County Public Works Department nor the Humboldt County Board of Supervisors currently demonstrate the ability to coordinate and oversee the keeping of ADA compliance records, timely ADA communications, or the development of the ADA guidelines necessary to bring Humboldt County into compliance with the 2008 U.S. Department of Justice Settlement Agreement
- While Humboldt County does have an ADA Coordinator, the existence of and contact information regarding that position are not shared among County Departments, not posted within County buildings, and inaccurately described and not easily accessible on the County website

The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors renegotiate the 2008 Settlement Agreement with the U.S. Department of Justice and build and create a formal dialogue with local ADA advocacy groups to better serve the people of Humboldt County. The litigation cost to Humboldt County as a result of not doing so could be enormous.

## **BACKGROUND**

The 2015-2016 Humboldt County Civil Grand Jury began its work on the 25th anniversary of the Americans with Disabilities Act (ADA). The Grand Jury deemed it appropriate to look back over the past 25 years and to determine what effect the enactment of the ADA had on Humboldt County and particularly the population it sought to protect—persons with disabilities.

The ADA prohibits discrimination on the basis of disability in:

- Employment
- State and local government
- Public accommodations
- Commercial facilities
- Public transportation
- Telecommunications

It ensures equal opportunities for people with disabilities, which include physical or mental impairment that substantially limit one or more life activities.

The U.S. Department of Justice (DOJ) enforces the ADA through complaints, lawsuits, consent decrees, settlement agreements and mediation. In most instances, compliance reviews are undertaken at the Department's initiative. Through its Project Civic Access initiative, the DOJ has entered into over 200 formal written settlement agreements with state and local governments in all 50 states to bring them into compliance with the ADA. If the DOJ finds state and local governments have not complied with the settlement agreements, large monetary penalties can be levied. In addition to the costs of compliance, non-compliant entities can also be held responsible for plaintiff's attorney fees that may approach or even exceed one million dollars. This holds true not only if the plaintiff wins, but also if they settle the case.

Several public entities in California have incurred substantial financial obligations because they were not in compliance with the ADA. For example, under a 2010 Settlement Agreement which resulted from a lawsuit brought by a disability advocacy group, the City of Sacramento must allocate 20% of its Transportation Fund annually for the next 30 years to ensure disabled access to pedestrian rights of way. In addition, Sacramento must pay \$800,000 in attorney fees to the plaintiffs.

In a similar 2014 case in Los Angeles, the City was obligated to spend \$1.4 billion over the next 30 years on sidewalk repairs and other pedestrian improvements. In addition, the City will pay the plaintiffs \$6 million to monitor compliance over this period and pay plaintiffs' attorney fees and costs of \$15 million.

Cities and counties are not only subject to DOJ penalties. The State of California also incurred similar financial obligations when the California Department of Transportation (Caltrans) settled a suit in 2010 over claimed violations of the ADA for the inaccessibility of 2500 miles of state controlled sidewalks, crosswalks, ramps, and 300 park and ride facilities throughout California. Caltrans agreed to spend \$1.1 billion over the next 30 years to address these non-ADA compliant conditions. Plaintiffs were awarded \$8.7 million for attorney fees.

### **2008 Department of Justice Settlement Agreement**

As part of Project Civic Access on July 23, 2008, the Humboldt County Board of Supervisors (BOS) entered into a settlement agreement with the DOJ. An investigation of County facilities and services by the DOJ revealed numerous violations of the ADA. The DOJ's agreement with the County specified that the County would:

- Identify the County's ADA Coordinator
- Send a copy of the Transition Plan to the DOJ
- Provide ADA training to county employees that have direct contact with the public
- Develop a grievance process
- Make physical modifications to its facilities so that parking, routes into buildings, entrances, public telephones, restrooms, service counters, and drinking fountains would be accessible to persons with disabilities

- Post, publish and distribute a notice to inform members of the public of ADA provisions and their applicability to county programs, services and activities
- Ensure all appropriate employees are trained and practiced in using the California telephone relay service and train staff to make and receive calls to ensure effective communication for people who are deaf or hard of hearing
- Continue to ensure that 9-1-1 emergency service calls placed by persons with disabilities who use text telephones (TTYs) are answered as quickly as other calls, that such calls are monitored for timing and accuracy, and that employees are trained and practiced in using a TTY to make and receive calls
- Ensure that the county's official website is accessible to persons with disabilities
- Develop a method for ensuring that voters with disabilities can vote independently
- Make auxiliary aids and services available to the public upon request, including ballots in alternate formats
- Ensure access to emergency management services for persons with disabilities
- Develop a method for providing information for interested persons with disabilities concerning the existence and location of county accessible services, activities and programs

The Settlement Agreement was to remain in effect for three years. There were no fines levied against Humboldt County. The County did request an extension to complete the mandated Settlement Agreement projects which was granted. The deadline for completing the non-ADA compliant projects was extended to 2012. The Settlement Agreement cited numerous Humboldt County buildings that house various departments and covers dozens of facilities throughout the County including:

- County Courthouse
- Humboldt County Correctional Facility
- Numerous County libraries
- Humboldt County Fairgrounds
- Several parks
- Humboldt County Animal Shelter

### **The 2013 California Department of Transportation Review**

Caltrans is mandated to conduct ADA compliance reviews of local government entities who are sub-recipients of Federal Highway Administration funding. These Caltrans reviews are limited to administrative programs and policies, rather than physical facilities. Caltrans did such a review of Humboldt County ADA compliance on June 25-27, 2013. From their Final Report:

The Caltrans ADA Program review team (Team) conducted a document analysis and on-site review of Humboldt County's Section 504/ADA administrative policies, procedures and processes and its official web site. County responses to an ADA Program questionnaire were analyzed prior to a site visit. The Team

interviewed selected County staff to assess whether established policies and practices were consistently meeting standards set forth in Title II of ADA regulations. A brief visual assessment was conducted of the County's Administrative and Public Works offices.

The Humboldt County Review contained nine Assessments, which were essentially restatements of the administrative flaws found by the Department of Justice and noted in the 2008 Settlement Agreement. The Caltrans Review also included the needed actions with recommendations of how to bring the County into administrative compliance with ADA, and a timeline in which the County would inform Caltrans of its progress by means of status updates.

## **METHODOLOGY**

The Humboldt County Civil Grand Jury:

- Interviewed various elected Humboldt County government officials, representatives of Humboldt County disability advocacy groups, relevant Humboldt County department Staff and department heads
- Read, reviewed and studied documents pertaining to ADA guidelines, minutes pertaining to relevant local ADA advocacy groups and Grand Jury Reports from other California Counties
- Examined and studied County, State and Federal government websites and various other relevant websites
- Reviewed and studied ADA laws and regulations
- Studied other California counties and their relationships to ADA compliance and ADA coordinators
- Consulted with disability advocacy groups and persons with disabilities

## **DISCUSSION**

### **INTRODUCTION**

Humboldt County has approximately 28,300 disabled residents with seniors and veterans making up a substantial segment of that number. The percentage of disabled people in Humboldt County, 21%, is higher than the national average (18%). When the caregivers, family, and friends on whom many persons with disabilities depend for their "major life activities" is added, the number of County residents affected increases significantly. Humboldt County's failure to be in compliance with the Americans with Disabilities Act (ADA) has an impact on a substantial number of Humboldt County residents.

According to the American Community Survey, 40% of seniors (65 and over) in Humboldt County are disabled. Disabilities range from hearing and vision loss, cognitive impairments, ambulatory difficulties, to challenges with independent living. According to United States

Census data, approximately 13% of the population in Humboldt County is 65 and over. There are over 7,000 disabled seniors in Humboldt County.

According to the U.S. Department of Veterans Affairs, there are approximately 10,000 veterans living in Humboldt County. Of that number 1,774 have a “service connected disability.”

### **2008 Department of Justice Settlement Agreement**

In 2008, the Humboldt County Board of Supervisors signed a Settlement Agreement with the United States Department of Justice (DOJ). By signing, the County agreed it would complete, in a timely manner, the ADA projects the DOJ deemed necessary to successfully meet the needs of Humboldt County’s disabled community. One source has stated that of 208 nationwide Project Civic Access Settlement Agreements with the DOJ, 204 had been successfully completed by 2014. Humboldt County is one of four jurisdictions that have not completed the mandated provisions of the 2008 DOJ Settlement Agreement.

The current Humboldt County Board of Supervisors inherited a challenging legacy. Their predecessors negotiated the terms of the 2008 ADA Settlement Agreement. During the negotiations of that Settlement Agreement, no determination was made regarding what the cost would be to bring the County into compliance. The 2008 Board of Supervisors agreed to complete all provisions of the Agreement within three years. As of May, 2016, there are many provisions of the Agreement that are not being addressed by the current Humboldt County Board of Supervisors.

The Humboldt County Civil Grand Jury investigation was made difficult in that no single document could be found within Humboldt County government listing the DOJ mandated projects which have been completed and those that have not. This information should be compiled and documented. Senior staff with both the Human Resources Department and the Public Works Department acknowledge this shortcoming.

One provision of the agreement stipulated that if Humboldt County did not become ADA compliant as outlined in the agreement, the DOJ could take legal action. This provision has not proved to be an idle threat as several California cities and counties have had to pay millions of dollars for their non-compliance. There exists a justifiable concern regarding the County’s liability for its failure to comply with the 2008 Settlement Agreement.

During the course of its research in 2008, the Department of Justice investigated the Clark Complex which, as of April 2016, continues to house many Humboldt County public services. In 2008, the DOJ indicated there was inadequate parking reserved for people with disabilities, and specified that 3 standard ADA accessible spaces and one van accessible space should be created as close as practical to the Mental Health Center contained within the Clark Complex.

As part of an April 2016, inspection of the off-street parking lot which serves the Clark Complex, the Humboldt County Civil Grand Jury determined that not a single parking space was

properly designated as ADA accessible. While there are two reserved standard ADA spaces on the streets around the perimeter of the Clark Complex, both require parallel parking, and are placed on the left side of one-way streets. Neither of these can be considered van accessible, as any passengers who exit from the right side of the vehicle would do so at considerable peril, within a few feet of traffic.

Another office in the Clark Complex the Planning and Building Department, has a single entrance up a flight of exterior stairs. It is clearly inaccessible to people with mobility issues.

### **2013 CALIFORNIA DEPARTMENT OF TRANSPORTATION REVIEW**

The June 25-27, 2013 Caltrans Review of Humboldt County contains recommendations concerning County ADA compliance concerns. The County was to submit their first required report in the Fall of 2013 and to complete non-compliant items by March, 2014. The Humboldt County Civil Grand Jury could find no evidence that the County has responded to any of the suggestions or recommendations of this Review.

#### **The Caltrans Review found Humboldt County not in compliance with:**

- 1) The required website accessibility to persons with hearing or visual impairment
- 2) A required self-evaluation of current services, policies, and practices and effects thereof; a system for its periodic review and updates, and participation by interested persons, including persons with disabilities
- 3) A required Transition Plan outlining structural modifications needed to programs and services not accessible; participation in transition plan process by persons with disabilities; and availability for public inspection
- 4) The required hotlines and phone services accessible by TDD/ TTY to persons with hearing impairments
- 5) The maintenance of records for at least one year of all complaints received on ADA/504 noncompliance
- 6) The required Policy Statement of Non-Discrimination on the Basis of Disability with notification to County employees, applicants, contractors, unions, consultants and program participants
- 7) The internal ADA Grievance Procedures to allow for prompt solutions of complaints based on alleged noncompliance with Section 504/ADA
- 8) The required notification and provision of auxiliary aids to program participants with disabilities

#### **The Caltrans Review found Humboldt County in compliance with only one assessment:**

- 1) The requirement for the designation of a responsible employee as ADA/504 Coordinator.

Of the nine issues Caltrans reviewed, the County of Humboldt was in compliance with only one and did not comply with the other eight. Caltrans, through a series of emails after the review, repeatedly asked the Human Resources and Public Works Departments to send them further information, including the Self-Evaluation Survey and Transition Plan the County claimed existed. However, neither department responded to the Caltrans requests. These are the same issues that were part of the 2008 DOJ Settlement Agreement. Again, the County of Humboldt failed to respond. Once again, the Disabled community, their families and friends did not receive the justice that was promised to them when President George H.W. Bush signed the Americans with Disabilities Act in 1990.

## **ADA COORDINATOR**

The Caltrans Review did find one item that Humboldt County had been completed, the designation of an ADA Coordinator. The Director of the Human Resources Department serves in this position. However, when various elected county officials and advocates for the disabled community were questioned as to who held this position, they had difficulty naming who it might be. The Caltrans Review also indicates that a significant number of county employees could not tell them the name of the ADA Coordinator.

In addition, most were not sure how to contact the County concerning ADA issues. The official Humboldt County website posted over 20 years ago, states that one should contact the County Administrative Office instead of the Human Resources Department and it does not name the ADA Coordinator. The Courthouse and other County-owned facilities display no contact information.

Posting the name and contact information of the Humboldt County ADA Coordinator is critical in assisting the public with their ADA concerns. When the public does not know whom to contact, it can lead to unnecessary difficulties for people with disabilities. An article in the *Chico News & Review* (August 9, 2012) details how a woman in a wheelchair repeatedly tried to identify to whom, in Chico, she should address her concerns. There were no notices to direct her to the ADA Coordinator. That situation is nearly identical to what exists in Humboldt County.

## **ADA RECORD KEEPING**

The Human Resources Department and the Public Works Department, the two County entities most actively involved with ADA issues, currently lack the capacity to administer, track and keep the volume of records necessary to meet federal guidelines.

When requested, neither department could produce a list of completed and not completed ADA Projects. Neither entity was able to produce an accurate and updated accounting of County ADA projects expenditures.

County staff offered significantly different accounts on whether the ADA mandated Self-Evaluation Survey and Transition Plan existed. Incomplete records and written documentation were kept regarding the few communications that were held between the County and the DOJ.

There is currently no specific employee in either the Human Resources Department or the Public Works Department charged with the day to day administrative work of ADA record keeping.

## **ADA ADVISORY COMMITTEE**

ADA guidelines are clear that local jurisdictions are required to reach out to interested persons, including individuals with disabilities and organizations representing individuals with disabilities, to participate in the development of a Transition Plan. To fulfill the mandate of that requirement, many California counties have formed ADA advisory boards.

Both the Humboldt County Human Resources Department and the Public Works Department informally rely on a single dedicated member of the public for community input regarding ADA non-compliance advice. It should be noted that individual was, for a short period of time, under contract with Tri-County Independent Living, a local ADA advocacy group.

When Tri-County independent living center and other ADA advocacy groups were contacted, however, most did not know the name of the County ADA Coordinator. While both the Human Resources Department and the Public Works Department indicated they had an ongoing and active association with a local ADA Advocacy group, when that group was interviewed they indicated the opposite to be true. The Advocacy group further suggested that little, if any, communication had occurred between them and the County for almost six years.

While the nature and frequency of communications between local ADA advocacy groups and Humboldt County may be in question, what is certain is that the relationship is informal. No formal structure exists for Humboldt County people with disabilities to provide ADA compliance input to the Humboldt County ADA Coordinator.

The Caltrans Review also recommends:

Resumption of the County's Task Force, which includes persons with disabilities, to organize and develop the County's Transition Plan to correct accessibility deficiencies within its programs, services, and facilities, as identified in an updated self-evaluation survey.

Persons with disabilities in Humboldt County would be well served with a Board of Supervisors ADA Advisory Board. The Humboldt County Civil Grand Jury recommends that any such board be composed of individuals and groups representing a wide variety of disabilities.

Among the many responsibilities of this Board:

- Helping to establish priorities for the Transition Plan
- Advising the BOS on policies and issues relating to accessibility
- Advising the BOS regarding County compliance with federal, state, and local ADA guidelines
- Making recommendations to the BOS for improving communications between the disabled community and County government
- Performing accessibility studies and surveys as requested by the BOS
- Providing an annual report to the BOS detailing the activities and recommendations of the Board.

### **ADA ANNUAL REPORT**

Both the DOJ Settlement Agreement and the Caltrans Review emphasize the importance of keeping the public informed as to the County's obligations under the ADA Settlement Agreement.

Not only are the citizens of Humboldt County non-informed regarding the County's non-compliance, but many County elected officials are unaware of the county's obligations under the 2008 Settlement Agreement. An annual ADA Report prepared by an ADA Advisory Committee would inform both the BOS and the public. This report could include:

- Basic information such as the name and contact information of the ADA Coordinator
- The grievance process
- Completed ADA projects during the preceding year and their cost
- Information on how to get a copy of the Transition Plan (once the County has prepared the Transition Plan required by the ADA)

### **ADA GRIEVANCE PROCESS**

Although the County does have a grievance form, it is not easily accessible on the County website. The website should also indicate what the grievance process entails, including a timeline for adjudication of the grievance.

Regarding grievances, the Caltrans Review determined the following actions were needed:

Amend and disseminate to the public a grievance procedure available in alternate formats, to include specific ADA provisions and protections as listed:

1. A description of how and where to file an ADA-Title II complaint
2. If a written complaint is required, a statement to notify potential complainants that alternative means to file are available
3. A description of time frames and processes to be followed by complainant and County
4. Information to appeal an adverse decision; and a statement of how long complaint files will be retained.

## **ADA SELF-EVALUATION SURVEY AND TRANSITION PLAN**

The Humboldt County Civil Grand Jury could find no evidence that a Self-Evaluation Survey exists. Several County staff members made varying and contradictory statements regarding its existence. There is evidence to suggest Caltrans auditors were told there was a self-evaluation survey but that the County failed to submit it to them after repeated requests. The Caltrans Review states:

If no survey records are found, a top priority must be placed on the development of a work plan and timeline for a new survey of the County's programs, services and facilities. The Self-Evaluation survey must include:

- A description of areas examined and any problems identified
- A description of any modifications made
- A list of interested persons consulted and public comments received.

The Humboldt County Civil Grand Jury found no evidence that the County submitted a Self-Evaluation Survey to Caltrans. The Grand Jury supports the Caltrans Review when it suggests "a top priority must be placed on the development of a work plan and timeline for a new survey."

The Caltrans Review also states:

The compliance review questionnaire concerning Humboldt County's Transition Plan was returned with insufficient information. The County did not provide a copy of a Transition Plan or indicate how or where a copy could be viewed by any interested individual. No Transition Plan was found on the County's web site.

The Civil Grand Jury concurs with the Caltrans Review suggesting the County develop a Transition Plan.

## **ADA TRAINING**

The need for ADA training is cited several times in the Caltrans Review. Its value would be not only to inform County personnel in ways to better assist members of the disabled community, but to maintain awareness of ADA in general. The Caltrans Review recommended annual ADA

training seminars that would include vendors, contractors as well as the general public, and bi-annual training to apprise County personnel of any new ADA policies.

In addition, the DOJ has opined:

A critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise. It is important that staff -- especially front line staff who routinely interact with the public -- understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through the relay system, and identifying alternate ways to provide access to programs and services when necessary to accommodate individuals with a mobility disability. (“ADA Update: A Primer for State and Local Governments,” U. S. Department of Justice, last updated: June 8, 2015).

## **THE HUMBOLDT COUNTY BOARD OF SUPERVISORS AND AN ADA BUDGET**

No one knows the total economic cost to Humboldt County of the 2008 ADA Settlement Agreement negotiated by the 2008 Board of Supervisors. There is no evidence that any ADA budget regarding that Settlement Agreement was proposed between 2008 and 2014. The BOS did not appropriate any funds to address the costs of complying with the 2008 Settlement until 2014, when they approved an appropriation of \$150,000 and made an additional appropriation in 2015 of \$750,000. There has been no explanation of how these funds were or are, to be spent.

There is no evidence to suggest that any long term budget plan exists to bring Humboldt County into ADA compliance. The Humboldt County Civil Grand Jury recognizes the difficulties inherent in the budget allocation work required of the Board of Supervisors. Both the possible financial liabilities and the difficulties imposed on persons with disabilities if this work continues undone, mandates that the Board of Supervisors do that hard work.

During the Grand Jury’s investigation, several public officials and senior staff noted the substantial costs that would be incurred in order for the County to comply with the 2008 Settlement Agreement and the Caltrans Review. While the costs of making some public facilities ADA compliant may be substantial, there are many issues the County has repeatedly ignored that do not involve large financial burdens. For example, both the 2008 Settlement Agreement and the Caltrans Review emphasized the importance of informing the public, particularly persons with disabilities, of their rights under the ADA, posting information how to contact the County ADA Coordinator, and providing information to the public regarding what the grievance process entails. These items would be of minimal cost to the County but represent basic principles of justice found in our Declaration of Independence and the U. S. Constitution. It is long overdue

for the Humboldt County Board of Supervisors to begin to address the struggles faced on a daily basis by persons with disabilities.

The Humboldt County Board of Supervisors passed a resolution on July 21, 2015, observing July 26, 2015, as Americans with Disabilities Act Awareness Day in Humboldt County. Part of that resolution states: “The County of Humboldt, in the State of California affirms the principles of equality and inclusion for persons with disabilities as set forth for the State of California and as embodied in the ADA.”

A long-term budget allocation commitment on the part of the Humboldt County Board of Supervisors would significantly help affirm “the principles of equality and inclusion” for persons with disabilities within Humboldt County.

## **FINDINGS**

F1. Humboldt County is not in compliance with the *2008 Settlement Agreement between the United States of America and Humboldt County, California* under *The Americans with Disabilities Act*, DJ 204-11-275.

F2. In 2013 Caltrans conducted a formal review of Humboldt County’s program compliance with the ADA. In the nine assessments listed of the Review, Caltrans found only one to be compliant. The Caltrans Review also disclosed that the County was entirely unresponsive in providing the required update status reports.

F3. The Humboldt County Board of Supervisors is ultimately responsible for making sure that the County of Humboldt is ADA compliant.

F4. The Humboldt County Board of Supervisors, the Humboldt County Human Resources Department and the Humboldt County Public Works Department have no formal system in place through which to solicit and receive input from persons with disabilities and ADA advocacy groups regarding ADA compliance.

F5. The Humboldt County Board of Supervisors has not established a Self-Evaluation survey of current services nor developed a system for its periodic review and update, as required by the 2008 Settlement Agreement with the U.S. Department of Justice and the 2013 California Department of Transportation ADA Compliance Review.

F6. The Humboldt County Board of Supervisors has not established a Transition Plan, as required by the 2008 Settlement Agreement with the U.S. Department of Justice and the 2013 California Department of Transportation ADA Compliance Review.

F7. While Humboldt County does have an ADA Coordinator, the existence of and contact information regarding that position are not shared among County Departments, not posted within County buildings, inaccurately described and not easily accessible on the County website.

F8. Neither the Humboldt County Human Resources Department, the Humboldt County Public Works Department nor the Humboldt County Board of Supervisors currently demonstrate the ability to coordinate and oversee the keeping of ADA compliance records, timely ADA communications, or the development of the ADA guidelines necessary to bring Humboldt County into compliance with the 2008 U.S. Department of Justice Settlement Agreement.

F9. There are no budgetary plans submitted or approved by the Humboldt County Board of Supervisors that cover the cost of bringing Humboldt County into ADA compliance.

F10. The Humboldt County Civil Grand Jury could find no evidence of a coordinated training program within the County of Humboldt for the purpose of instructing County personnel on how to assist members of the disabled community as well as the community as a whole.

## **RECOMMENDATIONS**

R1. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors renegotiate the 2008 ADA Settlement Agreement with the U. S. Department of Justice. **(F1, F3, F5, F6, F8)**

R2. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors establish an ADA Advisory Committee which would include persons with disabilities and local disability advocacy groups. **(F3, F4)**

R3. The Humboldt County Civil Grand Jury recommends that the Humboldt County Human Resources Department hire a full-time ADA analyst not in lieu of, but in addition to, the existing ADA Coordinator. **(F8)**

R4. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors release an annual "State of ADA Compliance and Accessibility Report" to the public. **(F3, F4, F5, F8)**

R5. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that the Humboldt County ADA Coordinator's office number, phone number and email address be visibly represented in all County buildings. **(F7, F8)**

R6. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator ensure that ADA grievance processes and grievance forms are easily accessible on County websites. **(F2, F4, F7)**

R7. The Humboldt County Civil Grand Jury recommends that the Humboldt County ADA Coordinator develop a time-specific action plan to organize the record keeping of ADA activities and send such report to the Board of Supervisors for their review and approval. (**F2, F3, F8**)

R8. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors develop a long-term budget plan to bring Humboldt County into ADA compliance. (**F1, F2, F3, F9**)

R9. The Humboldt County Civil Grand Jury recommends that the Humboldt County Board of Supervisors direct the heads of all pertinent departments to conduct routine ADA training workshops for County personnel to better assist the public. (**F3, F10**)

## **REQUESTED RESPONSES**

Pursuant to Penal Code section 933.05, the Humboldt County Civil Grand Jury requests responses as follows:

From the following governing bodies:

- Humboldt County Board of Supervisors **R1, R2, R4, R8, R9.**
- Humboldt County Human Resources Department **R3, R5, R6, R7, R9.**
- Humboldt County Public Works Department **R1, R5, R7.**

## **INVITED RESPONSES**

- Tri-County Independent Living. **R2, R4, R5, R6, R9.**
- State of California Department of Transportation **R1.**
- United States of America Department of Justice **R1.**

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Americans with Disabilities Act: [www.ada.gov/regs2010/titleII\\_2010/title\\_ii\\_primer.html](http://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html)

City of Sacramento ADA lawsuit: [www.cityofsacramento.org/HR/Divisions/Office-of-Civil-Rights/ADA/Barden-Lawsuit-Settlement](http://www.cityofsacramento.org/HR/Divisions/Office-of-Civil-Rights/ADA/Barden-Lawsuit-Settlement)

City of San Diego ADA Compliance Page: [www.sandiego.gov/adacompliance/about/](http://www.sandiego.gov/adacompliance/about/)

Humboldt County: [www.humboldt.gov.org](http://www.humboldt.gov.org)

TriCounty Independent Living: [www.tilnet.org](http://www.tilnet.org)

Los Angeles: Willits V, City of LA Sidewalk Settlement Announced: [www.lamayor.org/willits-v-city-la-sidewalk-settlement-announced](http://www.lamayor.org/willits-v-city-la-sidewalk-settlement-announced)