

TRANSPORTATION AND PUBLIC BUILDINGS

Americans with Disabilities Acts Compliance 2003-2004 Grand Jury Report

I. Reason For Investigation

The Grand Jury elected to review the progress of Solano County in implementing the Americans with Disabilities Acts (ADA) mandated requirements in County owned and leased facilities.

II. Procedure

The Grand Jury:

- Held a series of meetings and interviews with staff of the Solano County Division of Architectural Services, the Director of the Solano County Department of General Services, the Solano County Parks Manager and the ADA Compliance Coordinator (Department of Human Resources)
- Inspected several County buildings to observe progress toward bringing facilities into compliance with ADA
- Reviewed a series of reports and documents on ADA implementation supplied by the Division of Architectural Services

III. Background

1. The following background statement is excerpted from a report to the 2003-2004 Grand Jury by the County Architect:

The Americans with Disabilities Act (ADA) was signed into law in 1990, with the State of California passing similar legislation in 1992. In its essence, The Americans with Disabilities Act is civil rights legislation that is intended to provide persons with disabilities with accommodations and access equal to, or similar to, that available to the general public. The fundamental goal of ADA is to provide access to programs and services that are publicly available for persons living with disabilities. ADA defines an "individual with disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities (e.g. seeing, hearing, speaking, walking, breathing, performing manual tasks, learning caring for oneself or working).

Consistent with that goal, Title II of ADA requires that local governments including Counties, provide access for persons living with disabilities to all programs, services and activities provided by local governments. The County can either make reasonable modifications to policies, practices and procedures (such as providing assistance to persons with disabilities in completing forms to apply for services), remove architectural barriers (such as lowering a counter so the person with a disability can complete the form independently), or utilize a combination of programmatic and architectural adjustments in order to achieve ADA compliance.

2. Since the enactment of the ADA, new County structures must be built to ADA standards. Therefore, a great many existing deficiencies will be eliminated when County agencies move from older ADA substandard buildings into the new Solano County Government Center and the probation building, both of which are being built in conformity with ADA standards. Existing buildings still in use must be brought up to ADA standards if there is a use change. Individual fixtures must be brought up to standard if they are replaced. Currently, existing buildings are exempt from upgrades as long as they meet construction codes at the time of their construction and there have been no use changes.

3. County officials concede that too little headway was made for the first ten years following ADA's inception. There is a new County ADA Transition Plan, which began in July 2003 and spans five years, and which aims to demonstrate the County's recommitment. A summary version presented to the Grand Jury on April 2, 2004 shows 13 projects completed in 2003-2004. Most have to do with accessibility, movement, parking, rest rooms and signage, with a cost of \$558,065. A Year One Priority List is apparently more of a projection and is less precise than the summary version. Neither of them provides a Year One list of total approved planning projections together with the current status of each. Several requests by the Grand Jury for such an update on the progress of plan activities have been made to staff this year. However, two months before the end of Year One (June 30, 2004) of the Transition Plan, the requested comprehensive schedule of those improvements planned for, begun, and completed has not been provided.

4. Staff also reported that progress is discussed at regular quarterly ADA status meetings. However, no minutes are taken. Only notes of things to do are recorded by the affected staff.

IV. Findings And Recommendations

Each finding is referenced to the background paragraph numbers

Finding #1 – There are several facilities leased by the County that at present are not in full compliance with the ADA. The Grand Jury notes that County staff is in the process of negotiating with various landlords to bring these properties into full ADA compliance as leases expire. (1)(2)

Recommendation #1- Solano County require landlords to comply with ADA in order to continue to lease to the County. In addition, appropriate County legal authorities and subsequent Grand Juries conduct detailed review of the leasing process and appropriateness of leases. (It is not clear to this Grand Jury why leases for ADA non-compliant property have been negotiated and renegotiated for nearly fifteen years. We believe a six-month to one-year lead-time would be more than adequate to achieve conformity with ADA standards or for the County to find alternate properties.)

Finding #2 – Mandated signage indicating specific ADA accommodations are precisely set forth in the ADA regulations as to color, dimensions and location. The Grand Jury finds that proper signage is by no means universal in County facilities. This is an especially high priority in the oldest buildings where there is the greatest number of ADA deficiencies. Signage is relatively inexpensive. Officials report that funds have been identified, and that Board of Supervisors' approval will be sought in the near future. These officials stated that the work will be completed by July 2004. (1)(2)

Recommendation #2 – Solano County Board of Supervisors ensure that this important and very visible component of the ADA be accomplished as promised.

Finding #3 – Completion of 13 ADA projects costing \$558,065.00 during Year One seems to be a good-faith achievement. Quarterly update meetings which refine timelines, resources and which

assign personal responsibility are good management tools. However, many instances could arise where the presentation of precise documentation, more explicit than was shown to the Grand Jury, may well be needed. (3)(4)

Recommendation #3- The Department of General Services maintain and be prepared to submit to future Grand Juries and other interested parties, quarterly update reports of meetings indicating progress toward achieving the annual goals.

V. Comments

The 2003-2004 Grand Jury chose County-operated buildings for its ADA review. It was noted that other public facilities operated by municipalities, special districts and school districts are likewise mandated to meet State and Federal ADA requirements.

Cities, special districts and school districts located in Solano County should review all of their facilities to make certain that they meet ADA standards. Future Solano County Grand Juries, beginning with 2004-2005, should conduct ADA reviews of these facilities.

VI. Affected Agencies

- Solano County Board of Supervisors
- Solano County General Services
- Solano County Human Resources
- The cities of Solano County
- The special districts of Solano County (courtesy copy)
- The school districts of Solano County (courtesy copy)
- Solano County District Attorney
- Solano County County Counsel