

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-3

Urgent Routine

AGENDA DATE February 4, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Stanislaus County Americans with Disabilities Act Title II and Civil Rights Title VI Statement Policies and Approval of the Appointment of the Countywide Coordinator

STAFF RECOMMENDATIONS:

1. Approve the Stanislaus County Americans with Disabilities Act Title II and Civil Rights Title VI Statement Policies.
2. Appoint Christine Ferraro Tallman as the Americans with Disabilities Act Title II and Civil Rights Title VI Coordinator for Stanislaus County.

FISCAL IMPACT:

Funds are set aside in the Chief Executive Office County Facilities budget to assist with the implementation of the Stanislaus County Americans with Disabilities Act Title II and Civil Rights Title VI program which will be phased in over a period of time.

BOARD ACTION AS FOLLOWS:

No. 2014-42

On motion of Supervisor Withdraw, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withdraw, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

In April of 2012, Stanislaus County underwent assessments and site visits by the State of California Department of Transportation (Caltrans) for compliance with the American with Disabilities Act Title II, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act. As a recipient of Federal financial assistance, Caltrans must ensure nondiscrimination and equal access in the delivery of its programs, services, and activities. Therefore, they conduct compliance reviews of their subrecipients. The County is a subrecipient and as such was subject to the review. The purpose of the assessment was to produce a tool to identify the strength and weaknesses of the County's compliance with the ADA Title II and Civil Rights Title VI regulations. The County reviewed and responded to the Caltrans assessments and in January 2013 submitted their final response.

While the County has adhered to the American with Disabilities Act Title II, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act requirements, it did not have a formalized Countywide program. Many County Departments such as Community Services Agency; AllianceNet; Public Works; Child Support Services; and, Health Services Agency's Women, Infants, and Children are directly responsible for the implementation of Federal and State programs. These Departments have robust Title VI Civil Rights Act programs which includes ADA accessibility. Staff members from these departments have served as a resource in the development of the County's policies and programs. In order to address the findings of the Caltrans assessment, the County is in the process of developing a more formalized and uniform approach to our American with Disabilities Act Title II, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act program.

The Caltrans assessment requires the County to have American with Disabilities Act and Title VI of the Civil Rights Act policy statements. These statements incorporate the Federal and State regulations regarding the ADA and Civil Rights. Staff has worked with various County Departments, including County Counsel, in the development of our policy statements (see attached). Once adopted, these statements will be posted in every County Department.

Another requirement of the assessment was for Stanislaus County to identify and name an American with Disabilities Act (ADA) Title II and Civil Rights Title VI Coordinator. This position will ensure the establishment, coordination, notification to the general public, and monitoring of compliance with the ADA and Title VI regulations for Stanislaus County. The Coordinator will be responsible for the development and adoption of an ADA Title II and Title VI Grievance Procedure and a Countywide tracking process. An ADA/Civil Rights Committee has been formed with a member from each County Department. These Department members will be responsible for the

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implementation of the County's policies in their department. The Coordinator will lead this committee.

Counties are required to create Self-Evaluation and Transition Plans to comply with the provisions of the Americans with Disabilities Act. This position will coordinate the development of the County's Self-Evaluation and Transition Plans in compliance with Federal and State law. A Self Evaluation Team and External Disability Advisory Committee will be formed to evaluate the Self-Evaluation reports and recommend priorities for making physical and operational improvements to County services to meet ADA requirements.

Stanislaus County will comply with the State of California Department of Transportation (Caltrans) assessment review regarding the American with Disabilities Act Title II, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act. The adoption of the ADA and Civil Rights policy statements and the appointment of a Countywide Coordinator will begin the process of the implementing a more uniform program that meets the requirements of the Federal and State regulations.

POLICY ISSUE:

By approval of the policy statements and the appointment of a Coordinator, Stanislaus County will be in compliance with this portion of the American with Disabilities Act Title II, Section 504 of the Rehabilitation Act and Title VI of the Civil Rights Act. This action supports the Board's priorities of A Safe Community, A Healthy Community, and Efficient Delivery of Public Services.

STAFFING IMPACTS:

Existing staff will be utilized in the Clerk of the Board office for the Administration of the program. Each County Department will participate in the implementation of this program. It is anticipated that staff from other Departments, including Capital Projects Division and Public Works will be needed as the Self Evaluation process progresses.

CONTACT PERSON:

Christine Ferraro Tallman, Clerk of the Board

Phone Number: 209-525-4494



**STANISLAUS COUNTY
AMERICANS WITH DISABILITIES ACT TITLE II
PUBLIC ACCESS TO PROGRAMS AND ACTIVITIES
DISABILITY DISCRIMINATION POLICY STATEMENT**

POLICY

Stanislaus County is committed to complying with the provisions outlined in the Americans with Disabilities Act regarding barrier free access to all County programs, services and activities.

Title II of the Americans with Disabilities Act ("ADA") prohibits discrimination against qualified individuals with disabilities by public entities in the operation of all services and programs offered by the entity. It is the policy of Stanislaus County that all facilities, programs and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the County or causes a fundamental alteration of the programs or services. It is also the County's policy that members of the public not experience discrimination or harassment based upon disability.

All complaints of discrimination on the basis of disability will be promptly investigated. When appropriate, effective remedial action will be taken to address and remedy any complaints.

YOUR RIGHTS UNDER TITLE II OF THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act ("ADA") was signed into law on July 26, 1990 and became effective July 26, 1992. The purpose of the ADA is to ensure that people with disabilities are afforded the same rights and privileges as non-disabled people.

The ADA prohibits discrimination on the basis of disability in employment, state and local government services and public accommodation and commercial facilities.

REQUESTS FOR REASONABLE ACCOMMODATION

Individuals who are disabled may request reasonable accommodation to assist the individual in accessing County facilities, programs or services. An individual is considered a person with a disability if he or she has: 1) a physical or mental impairment that substantially limits one or more major life activities; or 2) having a record of such impairment; or 3) being regarded as having such impairment. Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Examples of auxiliary aids or services which may be provided as a reasonable accommodation include, but are not limited to: extra staff assistance, interpreters, assistive listening devices, electronic documents, paper and pen.

Individuals who require reasonable accommodation to access facilities, programs or services should either: 1) submit a request through the County website at www.stancounty.com/accessibility; 2) contact the County department providing the facility, program or service and advise the department's designated ADA Title II/Civil Rights Title VI Liaison of the individual's needs; or 3) contact the Stanislaus County ADA Title II/Civil Rights Title VI Coordinator located in the Clerk of the Board Office at (209) 525-4494, fax (209) 525-4420 who will direct you to the appropriate department representative.

Stanislaus County employees who require reasonable accommodation should refer to the Stanislaus County Employment Discrimination Policy and Complaint Procedure.

COMPLAINTS

Complaints against Stanislaus County regarding a program, service or activity not accessible to persons with disabilities should be directed to the Stanislaus County ADA Title II/Civil Rights Title VI Coordinator located in the Clerk of the Board Office at (209) 525-4494 or www.stancounty.com/accessibility.



STANISLAUS COUNTY CIVIL RIGHTS TITLE VI POLICY STATEMENT

The County of Stanislaus (County), under Title VI of the Civil Rights Act of 1965 and related statutes, ensures that no person on the grounds of race, color, age, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The County further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event the County distributes federal aid funds to another entity, the County will include Title VI language in all written agreements and will monitor compliance.

The Stanislaus County Civil Rights Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other County responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 Code of Federal Regulations 21.

LIMITED ENGLISH PROFICIENCY POLICY STATEMENT AND AVAILABLE RESOURCES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. Title VI and its implementing regulations require that recipients of Federal financial assistance take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals with Limited English Proficiency (LEP).

If you need this information in an alternate format, such as in a language other than English, please either: 1) submit a request at www.stancounty.com/accessibility; 2) contact the County department providing the facility, program or service and advise the department's designated ADA Title II/Civil Rights Title VI Liaison of the individual's needs; or 3) contact the Stanislaus County ADA Title II/Civil Rights Title VI Coordinator located in the Clerk of the Board Office at (209) 525-4494, fax (209) 525-4420 who will direct you to the appropriate department representative.

COMPLAINTS

Complaints against a Stanislaus County program, service, or activity involving discrimination on the basis of race, color, age, disability or national origin should be directed to the Stanislaus County ADA Title II/Civil Rights Title VI Coordinator located in the Clerk of the Board Office at (209) 525-4494, fax (209) 525-4420 or www.stancounty.com/accessibility.