

**Sacramento County Disability Advisory Commission (DAC)
Annual Report to the Board of Supervisors 2021-22
April 26, 2022**

1. Highlights of Recent DAC Activities and Accomplishments

The complete list of DAC and its Subcommittee's activities and accomplishments are in Attachment 1 of this document. The following topics involved a significant amount of DAC's time and effort in 2020-to the present.

a. Accessibility in Sacramento County Covid-19 Testing and Vaccination Services

In early 2020, as Covid-19 response was being rolled out, DAC members began to hear anecdotally of access barriers for people with disabilities in Covid-19 testing facilities and service delivery. On local, state, and national levels, these barriers were particularly impactful for seniors, communities of color, people who are disabled and may be homebound, and those experiencing homelessness.

The Human Services Coordinating Council (HSCC) requested input from its six Member Advisory Boards regarding unmet needs in Covid-19 services for their respective communities. In May 2020, the DAC submitted to the HSCC extensive recommendations regarding potential or likely barriers in Covid-19 services, including communication and outreach (Attachment 2). They also shared the recommendations with the Board's Chiefs of Staff, who facilitated interaction with Public Health Officer Dr. Olivia Kasirye and her staff.

Public Health was responsive to the disability community's concerns and quickly implemented some of the recommendations, such as ensuring each testing site had a telephone contact for people who don't have access to or can't use computers, other smart tech, etc.

On the recommendations of the DAC Physical Access Subcommittee, Department of General Services (DGS) and Disability Compliance Office (DCO), staff performed site reviews of each of the 13 Covid-19 community based temporary testing facilities. They noted access barriers and implemented mitigating measures to address them. The Department of Voter Registration loaned temporary ramps, signage, traffic cones and other equipment formerly used to create accessibility in polling places. Barriers that could not be made ADA compliant through mitigation were reviewed by the DAC Physical Access Subcommittee.

De minimis departures were determined that allow for maximum safety and accessibility despite not being 100% compliant. Many barriers were addressed by staff providing curbside or other supportive services. Service providers and Public Health staff were trained on Americans with Disabilities Act (ADA) requirements and interacting effectively with people with disabilities by DCO staff and April Wick, the Executive Director of the regional Independent Living Center (ILC).

These collaborative efforts resulted in greater knowledge of access compliance requirements for County staff and our community partners. Additionally, several community partners committed to making permanent access and usability improvements at their facilities based on what they had learned about barrier removal during the review and training. This activity also strengthened the relationships between the County and our contracted community services partners.

Going forward, regarding accessibility of Covid-19 service delivery, the DAC recommends:

1. Direct increased funding and support for mobile in-home testing. Individuals with severe mobility limitations, or print and/or other communication disabilities who cannot read or understand the instructions to the self-test kits, need access to a mobile testing program in which providers travel to the home of the individual to administer and deliver the results of the test. For example, individuals who are blind or have low vision cannot drive and should not use public transportation, paratransit services, or rideshare to travel to and from a testing site when experiencing COVID-like symptoms. These individuals need a safe way to be tested.

2. Create a database of information regarding the access barriers identified and mitigated at the community partner facilities, for future use. DGS, DCO and other County staff should be able to use this information and add to the data as other facilities are similarly evaluated e.g. polling places, public events etc.) Additionally, develop a standardized assessment tool that could be used by staff or community partners to evaluate accessibility of their facilities for temporary use.

b. Accessibility in Planning and Design for Public Rights-of-Way and Parks

Members of the DAC Physical Access Subcommittee regularly and actively participated in public workshops, Community Advisory Committees and provided written comments for the Department of Planning and Environmental Review's (PER) Re-envision West Arden Arcade Plan, Department of Transportation (SacDOT) Active Transportation Plan, Arden Way Complete Streets Master Plan and Fair Oaks Blvd. Mobility Project Phase II. Staff coordinated robust efforts to

engage the whole community and solicited the disability community's feedback throughout these processes.

However, there were many access barriers in the public participation process, which included heavy reliance on internet-based processes and the use of electronic maps and graphics for surveying members of the community, and a lack of readily available alternative formats for these processes. DAC members and the DCO coordinated with SacDOT, PER, and the respective consultant teams that created the processes to enhance online accessibility and develop alternative accessible survey documents and formats.

The access barriers created by the exclusive or predominant reliance on maps and other graphics in community survey processes is a concerning trend. This was also evident in the recent Redistricting 2021 effort.

For future projects, the DAC strongly recommends building in accessibility needs at the outset, clearly communicating ADA access and usability requirements, including creating alternative formatted documents and accessible methods for surveying the public, to the prospective consultant teams submitting proposals. The DAC and DCO can assist with reviewing draft Requests for Proposals Begin new text (RFP) submissions, and other relevant documents, by identifying barriers and making recommendations for accessibility and inclusion.

While many of the disability community's access recommendations were incorporated into the Plans, the DAC remains concerned about a number of pedestrian features being introduced. These are:

- 1) Class IV separated bikeways or protected bike lanes (cycle tracks): their potential impact on pedestrians with vision disabilities locating and accessing bus stops in relationship to the public sidewalk, risks to users of SacRT Go Paratransit Services as to where they are dropped off or picked up, and pedestrians crossing the cycle track.
- 2) Shared use paths: They present an unacceptable safety risk to pedestrians who are blind or have low vision because there are no separations between these pedestrians and other motorized and non-motorized vehicles including bicyclists, all going at varying speeds in a two-way direction.
- 3) Rectangular Rapid Flashing Beacon: These are warning beacons to alert motorists and bicyclists that a pedestrian is attempting to cross a roadway or cycle track. These warning beacons are inaccessible visually and auditorily to pedestrians, including those with sensory disabilities (e.g. visual and auditory), thus not

providing these individuals any information as to when to make a crossing.

4) Roundabouts: The entrances and exits to these facilities are unsignalized so there are no clear auditory cues that pedestrians with vision disabilities can determine when to make a crossing or how to align with the opposite side of the crosswalk in order to make a straight crossing. The sounds of circulating traffic in the circular roadway in the roundabout mask sounds of vehicles approaching the crosswalk.

The DAC recommends any planned future construction project that propose to include any of the above pedestrian feature be vetted by the DAC Physical Access Subcommittee, the DCO, and other community stakeholders who may be disproportionately impacted such as people with disabilities and seniors.

The DAC was pleased to be invited by the Sacramento Parks Foundation to participate as a community partner and have input on the plans for Empowerment Park, a playground at the southeast corner of Bell Street and Irma Way, designed for people with disabilities and their families. The DAC and the project design team worked together to enhance the access features, including a site visit to evaluate the preliminary layout. The DAC initiated a working partnership between Sac Parks Foundation and SacDOT to design, fund and construct accessible sidewalks and pedestrian features at the adjacent intersection. From a recent update provided by Sacramento Parks Foundation project staff, the DAC learned of an approximate one million dollars of cost overruns due to the economic impacts of the Covid-19 pandemic, resulting in delays including the increased costs of construction and materials. The Foundation has had mixed success in raising additional funding and exploring the possibility with its specialized grant-making institutions for being awarded additional funds to be applied to the grants that have already been received. Unless additional funding is obtained, there is the possibility of having to reduce some of the scope of the playground area. We recommend allocating additional County funding to continue the development of this important community asset, which will be the county's first fully ADA accessible playground for children with disabilities. Additionally, the Director of Regional Parks requested input from the DAC on the initial plans for Gibson Ranch Sensory Trail. These projects are both in progress and more coordination is anticipated in the coming year.

2. Status of Implementation of the ADA Self Evaluation and Transition Plan (SETP)

Required by 28 CFR 35.105, the ADA Self-Evaluation is a complete examination of all programs, services and activities provided by the County, to ensure that, when viewed in their entirety, they are readily accessible to qualified people with disabilities. The purpose of the ADA Self-Evaluation is a compliance audit to identify areas where changes are needed to ensure access is in place for people with disabilities.

The ADA Transition Plan is required by 28 CFR 35.150 (d), and must include the following components: 1) A list of all physical barriers in sites at which the County provides programs, services or activities; 2) A statement regarding the method to be used to mitigate the barriers; 3) A schedule for barrier mitigation; and 4) The name of the County official who is responsible for the ADA Transition Plan administration.

In 2019, the County contracted with Sally Swanson Architects, Inc. (SSA) to assist with meeting these Americans with Disabilities Act (ADA) Title II mandates, and the County's updated ADA Self Evaluation and Transition Plan was adopted by the Board of Supervisors in April, 2020.

a. ADA Transition Plan Implementation

The Departments of General Service (DGS) and Transportation (SacDOT) staff provide quarterly updates to the DAC Physical Access Subcommittee on the status of accessibility projects, and hear input from the community on issues of usability and prioritization of projects. Both departments have made significant financial commitments to implementing the Transition Plan recommendations. SacDOT continues to give first priority to projects requested by people with disabilities, and DGS has now adopted that priority as well. A list of SacDOT and DGS ADA projects for 2020-21 are in Attachments 3 and 4.

The SETP requires public entities to evaluate existing policies, procedures and practices as they pertain to the County's programs, services and activities. We recommend in the coming year that these departments begin reviewing policies and procedures for potential access barriers. For example, SacDOT's policy for Accessible Pedestrian Signals (APS) was adopted in 1989, and has not been updated to reflect changes in the CA Manual on Uniform Traffic Control Devices (MUTCD). SacDOT has experienced and knowledgeable staff who are diligent about ensuring current standards are met. However, with the policy manual being outdated, there is a risk that current standards may not be implemented, and creates the appearance of possible non-compliance.

The DAC also recommends creating a Countywide database of the accessible features in County buildings and facilities usable by the Disability Compliance Office (DCO) and the designated ADA liaisons in the various departments. DGS has expressed support for this project.

b. Implementation of the ADA Self Evaluation Report Findings and Recommendations

The DAC Programs and Services Access Subcommittee has been working closely with the DCO, reviewing and advising on the development of updated forms, procedures and guideline documents. Although the DCO already had the required documents, such as the ADA Notice of Non-Discrimination and ADA Grievance Procedure, the Subcommittee has been instrumental in making recommendations to ensure they are not only accessible but usable by all. The DAC recommends as a priority in the coming year that steps be taken to make the ADA complaint process visible, well publicized and coordinated County-wide for a seamless response to ADA public access requests and complaints.

The DCO continues to provide significant staff support to the DAC in achieving its goals. However, the DAC is concerned that the DCO is insufficiently structured, staffed and resourced to achieve the mission of overseeing the implementation of the SETP and other disability civil rights laws. The DAC makes the following recommendations:

1. Hire an external independent firm to conduct a program and desk audit of the DCO. The audit is needed to assess its capacity and identify the staffing and resources needed to enable it to fulfill its mandate to address the Countywide Findings and Recommendations contained in the April 2020 Sacramento County ADA Self Evaluation Report. (See Section IIA: Self-Evaluation Results Findings and Recommendations for County-wide Programs, Services and Activities pages 12-21).
2. It is critical for the firm to have a specialty in the area of federal and state disability civil rights law compliance. (Note: As part of the program audit, the County Disability Advisory Commission should be involved so that the disability community perspective will be considered). The audit should include, but not be limited to:
 - Evaluating the management structure and organizational position of the Disability Compliance Office in terms of its ability to develop and oversee county-wide policies and procedures, track progress and measure results, support, train and provide technical assistance to departments, and coordinate training for County employees;

- Analyzing the duties and responsibilities of each staff person in order to determine their proper classification;
- Determining if additional positions are needed, and at what classifications; and
- Considering development of new disability compliance specific classifications both County-wide and in line departments.

3. Disability Access Issues Not Addressed in the SETP

Two major program areas were referenced, but not fully evaluated in the SETP. The DAC is concerned about potential access violations of the ADA due to the failure of there not being comprehensive compliance evaluations by qualified independent ADA consultants in their respective fields for the Sacramento County Airport Systems (SCAS) and Department of Technology (DTech).

a. Sacramento County Airport Systems (SCAS)

The SETP contains the following statement regarding Sacramento County Airports: "Department of Airports is in the process of project planning and scoping to complete their own ADA Self-Evaluation and Transition Plan complying with 28 CFR 35, sections 35.105 and 35.150, respectively, for all three airports: International, Mather, and Executive." It should be noted that Franklin Field was inadvertently omitted from this list and should also be included in any accessibility review.

Inspired by the potential opportunities presented by recent influx of Federal funds through the Infrastructure Investment and Jobs Act, the DAC reached out to SCAS for a progress report on planning and scoping for their SETP. In January 2022, staff provided an informative report to the DAC. They stated that they have been using the Federal Aviation Administration (FAA) accessibility checklist to address architectural barriers in existing facilities at Sacramento International. However, as having an ADA SETP is a specific legal requirement, this process will not bring them into full ADA compliance.

A consultant is needed to perform an independent evaluation of the Sacramento County Airport System (simultaneously Sacramento International, Executive, Mather airports, and Franklin Field) all current services, policies, practices, facilities, and the effects thereof, that do not or may not meet the requirements of Title II of the ADA, including sections 35.105 and 35.150. Also, to the extent modification of any such services, policies, practices, and facilities is required for all four airports, the Department of Airports is to proceed to make the

necessary modifications. The consultant is to have verifiable experience successfully completing a minimum of three comprehensive ADA self-evaluation and transition plans within the last five years for airports or comparable facilities.

Additionally, the Sacramento County Airport System and the consultant are to provide an opportunity to interested people, including individuals with disabilities or organizations representing individuals with disabilities, to participate throughout the self-evaluation and transition plan process, including but not limited to public hearings and submitting comments, in compliance with Title II of the ADA, sections 35.105 and 35.150.

b. County Web Pages and Other Electronic Processes

The accessibility and compliance of the County's web pages and kiosks did not receive an in-depth evaluation in the SETP. However, the SETP did include the following County-Wide Findings regarding Web Access:

"Most departments publish information about their programs, services, and activities on the County's website. Several departments also noted having social media pages. Based on survey responses and interviews, there appears to be a disconnect between some departments and the Department of Technology (DTech) on the responsibility of ensuring web content is accessible."

According to a recent article in the Wall Street Journal, the number of U.S. lawsuits alleging that websites, apps and digital videos were inaccessible to people with disabilities rose 64% in the first half of 2021 from a year earlier. Plaintiffs filed 1,661 lawsuits claiming digital violations of either the federal Americans with Disabilities Act or California's Unruh Civil Rights Act between Jan. 1 and June 30, up from 1,012 in the comparable period of 2020, according to the report by UsableNet Inc., a technology firm that offers accessibility-compliance technology and services. (Lawsuits Over Digital Accessibility for People With Disabilities Are Rising, July 15, 2021)

Given the public's increased reliance on internet-based processes to do business with the County, and lacking a comprehensive assessment for accessibility, the DAC strongly recommends as soon as possible that the County implement the Web Access findings and recommendations in the ADA Self Evaluation (pages 20-21), below:

- Hire an independent external web and internet access consultant team to work with the Department of Technology in evaluating the accessibility of the county's website, department webpages, and county kiosks, as well as assisting in the implementation of the access improvements which are needed for making them accessible to people with disabilities. Also, the consultant team is to provide comprehensive training for staff as to how to make the county's website, department webpages, county kiosks, and documents accessible to people with disabilities.
- Assign the Department of Technology to provide web access standards and oversight to all departments for posting their own documents on the county website and departmental webpages.
- Review website postings for access before being posted.
- Adopt Web Content Accessibility Guidelines (WCAG) 2.1 AA as the County standard.
- Obtain input from people with disabilities regarding the accessibility of the County website and all county kiosks.
- Seek information regarding how accessible the county website and department webpages are to people using screen reader, magnification, and other assistive software, as well as completing online forms.

Additionally, the DAC recommends the following:

1) Provide funding to the Department of Technology (DTech) to establish a permanent DTech Division of Web and information and Communication Technology (WICT).

2) Hire or appoint a permanent web accessibility coordinator and staff for the WICT who have verifiable knowledge and experience with the requirements of accessible website development, Title II of the ADA, Web Content Accessibility Guidelines (WCAG), Section 508 of the Rehabilitation Act, and Section 255 of the Telecommunications Act. The coordinator and/or staff shall be responsible for but not limited to:

- Coordinating the county's compliance with regulations and standards for information and communication technology (ICT) and web access.
- Providing ongoing oversight, support, and training for designated staff to be knowledgeable about accessible website development,

Title II of the ADA, WCAG, Section 508 of the Rehabilitation Act, and Section 255 of the Telecommunications Act.

- Providing ongoing oversight, support, and training for designated staff to be knowledgeable about the development, procurement, maintenance, and use of ICT that is accessible to people with disabilities.
- Creating a program or comprehensive guidance to evaluate any proposed online services or documents for compliance with the ADA/WCAG, and usability by people with disabilities.
- Performing any necessary document remediation to bring the County into compliance.
- Conducting an accessibility evaluation of all countywide and departmental proposed and existing projects (including the design and administration of survey instruments) for their accessibility and usability by people with disabilities.
- Conducting an annual website accessibility evaluation.
- Supervising independent external web, internet, and/or ICT access consultant team(s) to work with the WICTO and Department of Technology in evaluating the accessibility of the county's website, department webpages, ICT (including county kiosks), as well as assisting in the implementation of the access improvements which are needed for making them accessible to people with disabilities.

4. Recruitment and Retention of Qualified DAC Members

The DAC continues to maintain an ambitious scope of work in support of the County's commitment to providing seamless access to all its programs, services and activities for qualified individuals with disabilities. The current DAC and Subcommittee Work Plans are in Attachment 5.

In order to sustain this level of commitment and service, ongoing outreach to recruit qualified members is critical.

The DAC, in collaboration with the Disability Compliance Office (DCO), has been successful in recruiting new commissioners to fill some of the vacant voting positions on the commission. Some of the recruitment strategies that have been utilized are:

- Outreach to organizations of and for the disabled.
- Notices placed on disability listservs.
- Referrals from the DCO.
- Referrals from the Chiefs of Staff.
- Social media posts disseminated by the Public Information Office

- Word-of-mouth.

Nevertheless, despite our efforts, there continues to be few qualified applicants applying for the vacancies on the commission, and this is not a unique problem to the DAC. We have made inquiries with other national, state, and local disability advisory bodies and it appears the recruitment of qualified candidates is a common problem experienced by all groups.

Our inquiries to these groups have generated recommendations we would like to propose:

1. Direct the Sacramento County Public Information Office to regularly disseminate/post DAC recruitment notices to the media, general public, other governmental agencies, and the business community.
2. Request county newsletters, including those from district offices of the board of supervisors, to regularly post DAC recruitment notices.
3. Provide service compensation for commissioners, such as:
 - a. Per-meeting fee to cover attendance and participation at full DAC and subcommittee meetings. The fee also is to be applicable when a commissioner serves on another county advisory body on behalf of the DAC in substitution for service on one of the commission's subcommittees.
 - b. Per diem to cover reasonable meeting-related transportation expenses.

We believe compensation will:

- Promote economic diversity, giving commissioners an opportunity to serve who might otherwise be unable to do so.
- Promote professionalism.
- Attract the most qualified, knowledgeable, experienced, and able individuals who meet the "Qualifications for Membership" requirements found in Section 2, Article V, of the Sacramento County Disability Advisory Commission By-Laws.
- Award, in a tangible way, valuable personal time and contributions made for the cause.
- Promote more active, effective, and productive participation.
- Stimulate better attendance at commission and subcommittee meetings.
- Hold commissioners more accountable for performance.
- Provide continuing education for commissioners to further enhance the effectiveness and productivity of the commission. The county annually should cover attendance registration fees to third-party sponsored subject matter relevant conferences, educational seminars, training programs, and webinars to keep their expertise and knowledge current

with ever-changing developments in the disability field, as well as to earn continuing education units.

This incentive may also be of great value to a commissioner who can apply the in-service training and continuing education credits toward the maintenance of their professional license, certification, or credential.

5. DAC Recommendations for 2022-23

The recommendations presented in this Report have been compiled in a draft Action Plan in Attachment 6. We look forward to the Board of Supervisors' direction to the DAC and staff regarding next steps.