

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Americans with Disabilities Act: Accessible Programs and Facilities

**Policy
Number**

F-49

Page

1 of 2

Purpose

To establish Board policy for compliance with the Americans with Disabilities Act (ADA) Title II, subtitle A, regarding access for persons with disabilities to County of San Diego services, programs and activities in County facilities.

Background

The ADA was signed into law on July 26, 1990. This legislation, together with provisions of the Rehabilitation Act of 1973, prohibits discrimination on the basis of disability by public entities in the provision of services, programs and activities.

The County is obligated under the ADA to remove physical barriers to accessibility when program changes cannot ensure access to services, programs and activities provided in existing facilities. The County is also required to construct new facilities and alterations and additions to existing facilities to be accessible to persons with disabilities. Failure to comply with ADA requirements places the County at risk of liability and at risk of loss of federal and state funding. Failure to comply also limits equality of opportunity, full participation, independence and self-sufficiency of County residents and visitors with disabilities.

Policy

The Board is committed to eliminating discrimination on the basis of disability in providing public services, programs and activities, and to making County facilities accessible. It is the policy of the County of San Diego to:

Provide County services, programs and activities in locations and facilities which are accessible.

Ensure that new construction, and alterations and additions to existing facilities are designed in compliance with the standards promulgated under the ADA and with California Code of Regulations, Title 24.

Ensure that new acquisition lease facilities are accessible or can be made accessible.

Make a good faith effort to comply with the administrative requirements of the ADA to prepare a transition plan which identifies, details and schedules physical changes which must be made to facilities, in order to provide access for individuals with disabilities to County services, programs and activities.

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Page

2 of 2

Make a good faith effort to implement the physical changes identified in the transition plan.

Consult with the disabled community in making decisions regarding the priority of physical changes, and decisions regarding program access and equivalent facilitation.

Ensure that program changes made in lieu of physical changes achieve an equivalent level or greater level of access.

Direct that nothing contained in this policy requires the County to take any action which would threaten or destroy the historic significance of an historic property.

Direct that nothing contained in this policy requires the County to take any action which would result in an undue fiscal or administrative burden as defined by the ADA. In determining whether financial or administrative burdens are undue, all County resources available for use in the funding, and operations of the service, program or activity will be considered.

Establish a complaint procedure whereby individuals with disabilities who believe that they have been discriminated against, may make known their grievances and seek relief.

Ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others.

Responsibilities

The Chief Administrative Officer shall include in the Administrative Manual those procedures required for implementation of this Policy. Each Department Head shall establish the necessary internal procedures to ensure compliance with the provisions of this Policy and the Administrative Manual.

Sunset Review Date

This policy will be reviewed for continuance by 12-31-2013.

Board Action

1-30-96(14)

3-14-06 (11)

12-09-08 (33)

CAO Reference

Department of Human Resources