



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of November 1 – 5, 2021

1b
11/5/21

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, November 1, 2021. Present were Commissioners Ozias, Johnson and Peach and Administrator Sill. All appeared by video.

Items of discussion per the agenda published October 28 were:

- Calendar/Correspondence
- Contract amendment A with the Port Angeles School District for mental health school support services
- Discussion and call for hearing to be held Tuesday, November 23, 2021 at 10:30 a.m. regarding a proposed Clallam County Ordinance titled Farm Waste Line Facility Franchise
- Resolution reappointing Steve Gray to the Tails Advisory Committee
- Resolution appointing Jennifer Garcelon to the Permit Advisory Board
- Letter of Support for Sequim Valley Airport for Clallam County PUD
- Letter of Support for Sequim Valley Airport for Department of Commerce
- Letter of Support for a County representative for Continuum of Care Balance of State Steering Committee

Meeting adjourned at 9:22 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, November 2, 2021. Also present were Commissioner Johnson and Administrator Sill. All appeared by video. Commissioner Peach was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CMOs, mc

CONSENT AGENDA

- 1a Approval of vouchers for the week of October 25
- 1b Approval of payroll for the period ending October 15
- 1c Approval of minutes for the week of October 25

ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

REPORTS AND PRESENTATIONS

- CRJ commented on trust land transfer meeting and junior taxing districts.
- CMO commented on Dungeness Off-Channel Reservoir project, National Home Care and Hospice Month and RV Ordinance.

CONTRACTS AND AGREEMENTS

- 2a Contract renewal with the Administrative office of the Courts for the Becca Program

ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

- 3a Notice of hearing to be held Tuesday, November 23, 2021 at 10:30 a.m. regarding Policy 503 – Travel and Travel Reimbursement

ACTION TAKEN: CRJm to issue, CMOs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of November 1 – 5, 2021
Page 2

- 3b Notice of hearing to be held Tuesday, November 23, 2021 at 10:30 a.m. regarding amending Clallam County Code section relating to 5.100 Consolidated Fee Schedule – Administrative Services 111-A

ACTION TAKEN: CRJm to issue, CMOs, mc

BUDGET

- 4a Resolution creating a new Health and Human Services – Foundational Public Health Services Special Revenue Fund

ACTION TAKEN: CRJm to adopt, CMOs, mc

Board recessed at 10:10 a.m. and reconvened at 10:30 a.m.

HEARING(S)

- H1 Policy 959 – ADA Accommodation Policy

- ARS, provided a staff report.
- Elizabeth Stanley, Prosecuting Attorney's Office, provided a staff report.

ACTION TAKEN: CRJm to open the public hearing, CMOs, mc

- CMO noted no one spoke.
- The following sent in written testimony: Joel Winborn (see attached).

ACTION TAKEN: CRJm to close the public hearing and adopt, CMOs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on Clallam Bay/Sekiu emergency management, Highway 112.

Meeting concluded at 10:37 a.m. and continued to 9 a.m., Monday, November 8, 2021.

There are no Zoom chat logs for the week of November 1.

The Board of Commissioners attended WSAC Virtual COVID Update, National Home Care and Hospice Month Breakfast and declaration presentation and a COVID-19 Briefing during the week of November 1.

PASSED AND ADOPTED this ninth day of November 2021.

ATTEST:


Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CBP Commissioner Bill Peach

m moved
mc motion carried
s seconded

Public Hearing H1
ADA Accommodation Policy
Written comments received

Gores, Alanna

From: Winborn, Joel
Sent: Friday, October 08, 2021 9:04 AM
To: Gores, Alanna
Cc: Winborn, Joel
Subject: RE: New Policy - ADA Accommodations
Attachments: 20211008090830.pdf

Hi Loni-

My few comments and questions attached.

Joel

From: Gores, Alanna
Sent: Wednesday, October 06, 2021 4:30 PM
To: @County Employees
Subject: New Policy - ADA Accommodations

County Staff,

The BOCC will be holding a hearing on Tuesday, November 2, 2021 at 10:30 a.m. to consider adopting of a new Policy titled: 959 - ADA Accommodations Policy.

A copy of the draft Policy can be found here: <http://www.clallam.net/bocc/drafts.html>

Please submit any recommended changes to agores@co.clallam.wa.us no later than Tuesday, October 26, 2021 at 12 p.m.

Loni

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256*

amended comments 10/09/2021

ADA ACCOMMODATION POLICY Policy 959

TABLE OF CONTENTS

.1	APPLICATION:	1
.2	PURPOSE	1
.3	RESPONSIBILITIES	1
.4	DEFINITIONS	2
4.1	ACCOMMODATION	2
4.2	APPLICANT	2
4.3	PERSON WITH A DISABILITY	2
.5	PROCEDURAL REQUIREMENTS.....	2
5.1	NOTIFICATION	2
5.2	ASSESSMENT	3
5.3	ACCOMMODATION OR DENIAL.....	4
5.4	COMPLAINT PROCEDURE.....	5
5.5	APPEAL PROCEDURE	5
5.6	RECORD KEEPING	6

ADA Accommodation Policy

Access to governmental services for all persons is a fundamental right. It is the policy of Clallam County to ensure that persons with disabilities have equal and meaningful access to County services and public facilities.

.1 APPLICATION:

This policy shall apply to all employees of Clallam County and members of the public who seek accommodations due to a disability or disabilities as defined under the Americans with Disabilities Act and its amendments. All County offices and departments subject to the rulemaking authority of the Board of County Commissioners will be required to follow the procedural requirements set forth in this policy, when receiving or addressing requests made to Clallam County for accommodation of persons with a disability. If a County office or department has developed their own policy for accommodations of persons with a disability they are not required to follow the procedural requirements set forth in this policy.

.2 PURPOSE

The purpose of this policy is to create a uniform process by which persons with disabilities can obtain reasonable accommodations in order to access or participate in County services, programs and facilities. Specifically, this policy outlines how Clallam County will carry out this purpose and sets forth a process by which requests for accommodation will be handled.

.3 RESPONSIBILITIES

This policy will define who is eligible to apply for an accommodation and will set forth a process for applicants to present accommodation requests.

Clallam County must assess whether or not to provide a requested accommodation under the definitions and rules contained in the Americans with Disabilities Act.

Clallam County will provide a reasonable accommodation unless the applicant has failed to meet the substantive requirements of this policy, or the requested accommodation would create an undue burden; fundamentally alter the nature of the County service, program or activity; or the accommodation would create a direct threat to the safety or well-being of the applicant or others.

4 DEFINITIONS

4.1 Accommodation

Means measures to make each County service, program or activity, when viewed in its entirety, readily accessible to and usable by an individual who is a person with a disability, and may include, but is not limited to:

- A) Making reasonable modifications in policies, practices and procedures.
- B) Furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, certified or qualified interpreters or readers.

← ARE THESE FOLKS ON STAFF? DIFFICULT TO HAVE AN INTERPRETER IF SOMEONE SHOWS UP AT A PUBLIC MEETING TO SPEAK W/ NO NOTICE?

4.2 Applicant

Means any person with a disability who has a specific interest in, desires access to, or is participating in any County service or program.

4.3 Person with a disability

Means a person covered by the Americans with Disabilities Act of 1990 (& 42 U.S.C. 12101 et seq.), the Washington Law against Discrimination (RCW 49.60 et seq.), or other similar local, state or federal laws which govern Clallam County. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such impairment or is regarded as having such impairment.

A COPY OF THESE DOCUMENTS SHOULD BE READILY AVAILABLE IN CASE THEY ARE NEEDED.

5 PROCEDURAL REQUIREMENTS

5.1 Notification

All requests for accommodation shall be made using the approved "**Clallam County Request for Accommodation**" form available on www.clallam.net

- A) If a request for reasonable accommodation is made directly by an applicant to an employee of Clallam County, the employee shall be responsible for ensuring that the Request for Reasonable Accommodation form is completed, either by having the applicant, or a person on their behalf, complete the form, or by the employee taking the information orally, completing the form and forwarding the request to the **Clallam County ADA Coordinator**.

↑ BETTER LOCATION WOULD BE HELPFUL. THIS IS VERY BROAD.

- B) If a non-County agency or body (e.g. other state or local governmental agency, advocacy group, etc.) makes a request for reasonable

WHO IS THIS, AND WHAT ADA TRAINING? DO THEY HAVE?

accommodation on behalf of a disabled individual to Clallam County, then that agency or body is responsible for completing and forwarding the Request for Reasonable Accommodation form to Clallam County's ADA Coordinator.

- C) The Request for Reasonable Accommodation form shall include a description of the accommodation sought, along with a statement of the impairment necessitating the accommodation.
- D) Clallam County may require the applicant to provide additional information about the qualifying impairment to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet designated "Confidential Medical and Health Information". Such information is confidential and shall only be used by the person(s) responsible for evaluating and arranging for the accommodation, or as required by law.
- E) An application for accommodation should be made as far in advance as practical of the event/date for which the accommodation is sought, but not less than five (5) business days prior to the event/service date, except in the case of an emergency. *(SOME WILL STILL SHOW UP WITH NO NOTICE!)*

5.2 Assessment

- A) In determining whether to grant an accommodation, Clallam County will:
 - i) Consider the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and its amendments, and the Washington Law Against Discrimination (RCW 49.60), and other similar local, state and federal laws which govern Clallam County. ✓
 - ii) Give primary consideration to the accommodation requested by the applicant.
 - iii) Make the decision on an individual and case specific basis with due regard to the nature of the applicant's disability and feasibility of the requested accommodation.
- B) If an application for accommodation is presented to Clallam County five (5) or more business days prior to the event/service date for which the accommodation is sought, an accommodation shall be provided unless:
 - i) The requested accommodation is not available, and no alternative accommodation would enable the applicant to participate in the event or service requested.

C) If an application for accommodation is presented to Clallam County fewer than five (5) business days prior to the scheduled date of the event or service for which the accommodation is requested, and if the applicant would otherwise be entitled to an accommodation, it shall be provided unless:

i) It is impossible for the County to provide a reasonable accommodation on the date specified due to insufficient advance notice.

D) An application for accommodation may be denied if Clallam County finds one or more of the following:

i) The applicant has failed to satisfy the substantive requirements of this policy.

ii) The requested accommodation would create an undue financial or administrative burden.

iii) The requested accommodation would fundamentally alter the nature of the County service, program or activity.

iv) The requested accommodation would create a direct threat to the safety or well-being of the applicant or others.

V) THE APPLICANT IS FOUND TO HAVE NO ACTUAL DISABILITY.

5.3 Accommodation or Denial

A) Clallam County will render a decision in writing regarding the requested accommodation. This written decision shall be prepared by the County ADA Coordinator within 3 business days of receipt of the "Request for Reasonable Accommodation Form".

B) If the request is granted the ADA Coordinator, or his/her designee, shall notify the applicant that the request has been approved and describe the reasonable accommodation that will be made. The ADA Coordinator, or his/her designee, AS POSSIBLE, shall also notify any other County employee(s) responsible for implementing the accommodation regarding the nature of the accommodation to be provided. AS SOON

C) If Clallam County denies an accommodation, the written decision shall be provided to the applicant, including the reasons for denial. (ASSURE THIS WILL BE DONE BY THE ADA COORDINATOR - ?)

5.4 Complaint Procedure

- A) A complaint should be in writing and contain information about the alleged discrimination such as name, address, email, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be available for persons with disabilities upon request. *SHOULD THERE BE AN ACTUAL FORM FOR THIS SO THE INFORMATION WE RECEIVE IS CONSISTENT AND WHAT WE NEED?*
- B) A complaint should be submitted by the grievant and/or his/her designee to the office of the ADA Coordinator as soon as possible but no later than 60 business days after the alleged violation.
- C) Within 30 business days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) business days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of Clallam County and offer options for substantive resolution of the complaint.

5.5 Appeal Procedure

- A) If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within fifteen (15) business days after receipt of the response to the County Administrator or their designee.
- B) The appeal shall be in writing.
- C) The County Administrator shall confirm in writing to the complainant the date of receipt of the appeal or confirm via an alternative means if requested.
- D) After receiving the appeal, the County Administrator will review it and respond in writing or a format accessible to the complainant as a final resolution of the complaint within twenty (20) business days.
- E) The appeal to the County Administrator shall be the final administrative appeal process provided by the County.

5.6 Record Keeping

The ADA Coordinator shall be responsible for maintaining copies of all Requests for Reasonable Accommodations made to Clallam County and copies of all written decisions. All employees of Clallam County are responsible for forwarding copies of the Request for Reasonable Accommodation Forms to the ADA Coordinator within one business day of receipt.

DRAFT