

September 5, 2018

Ame Eduardo
3841
c/o Disability Rights Section
1425 New York Avenue, NW, Suite 4039
Washington, DC 20005

via Fedex # 8033 8476

Re: Settlement Agreement, Project Civic Access, DJ # 204-74-348
Request for Concessions

Dear Ms. Eduardo:

As suggested in the telephone conference with you, Kristen Talamantez and Tyner Little on July 25, 2018, and in our annual report for July 2018, Nueces County hereby formally requests some concessions related to our settlement agreement referenced above, with the U.S. Department of Justice.

This letter was unanimously approved by the Nueces County Commissioners Court today, September 5, 2018.

We appreciate you taking the time on the afternoon of July 25, 2018, to go over the Powerpoint presentation also provided in our July 2018 report, showing the current status of Nueces County ADA modification projects. To touch on the high points of our annual report and our current status we show the following:

- One full time employee is continually monitoring the Nueces County website for Web Content Accessibility Guidelines (WCAG) 2.0. We have been able to provide closed captioning of the Commissioners Court meetings on the County website and public access television as well.
- We have established Countywide Voting Centers with permission of the Texas Secretary of State. This has enabled the County to eliminate less accessible polling locations from 127 Voting Precincts to 84 Voting Centers for the November 2018 General Election. Curbside Voting is always being offered at all Polling Locations.
- Since the beginning of the settlement, we have secured \$11.23 million under our ADA Modification Budget. Currently there is \$4.2 million in the Courthouse Modification Budget; we plan to

reallocate funds to complete the Courthouse Project; the latest estimates for Courthouse ADA Modifications are approximately \$5.4 million.

- We have spent over \$1.3 million in architectural fees to date.
- We have spent over \$500,000 in Independent Licensed Architect (ILA) costs to date (including travel).
- We have prioritized the renovation of ten (10) facilities that are also polling locations. We plan to push all these architectural plans to full completion.
- We have completed the Calderon Building (\$538,000 cost). Attachment “O” Accessibility received from Independent Licensed Architect (ILA) per Settlement Agreement.
- Hilltop Community Center is currently under ADA Modifications (\$1.6 million cost) – will be complete by January 2019.
- Courthouse plans 99% complete – under review by department level; bidding alternatives being explored to minimize disruption of County employees and public services.
- Various grant projects and Commissioner projects from other funding sources have all been reviewed by Independent Licensed Architect for ADA accessibility.

Hurricane Harvey (Category 4) made landfall in north-eastern Nueces County on August 25, 2017, causing devastating damages to the City of Port Aransas and Nueces County infrastructure. It is estimated that reconstruction of Nueces County infrastructure and parks will exceed \$3 million. All reconstruction will be ADA compliant. Expected loss in annual revenue to County Coastal Parks due to the closing of IB Magee Park and Horace Caldwell Pier exceeds \$900,000.00. Delay is expected in Insurance and Federal Emergency Management Association (FEMA) proceeds for the rebuilding process. The County’s Law Enforcement Center in Port Aransas was destroyed. Replacement costs are expected to exceed insurance proceeds. The net insurance proceeds for roof repairs at the Richard M. Borchard Fairgrounds complex are approximately \$200,000.00 less than estimated cost. The net insurance proceeds for the I.B. Magee Park Office and Bathhouse are approximately \$430,000.00 less than engineer’s estimates.

In addition to the above, Nueces County’s General Fund Balance has been declining since 2015 and if the trend continues, this could negatively impact the County’s bond rating, costs, and capacity to issue debt. From 2014 to 2017 there has been \$6 million of General Fund transfers to cover excess employee health insurance claims. Nueces County has also suffered loss of Refinery Reevaluations for a loss of \$3.7 million over the last three (3) fiscal years. In anticipation of additional tax reevaluations, the County has \$2.75 million in contingency reserves in the proposed Fiscal Year 2018-2019 Budget.

We plan to finish the Courthouse and Hilltop Community Center ADA Modification Projects, but need to put the other seven (7) facilities on hold until the County is in an adequate fiscal position to continue the projects.

We appreciate the Department of Justice granting Nueces County an extension of the original settlement agreement to September 30, 2021. We, however, under the current circumstances respectfully request the following:

- 1. An extension of the settlement agreement to September 30, 2026.**

Nueces County chose to train all Nueces County employees (not just those with access to the public), the half day ADA training approved by the Department of Justice. We now respectfully request:

2. One-half day training of all new employees only.

The architects and Independent Licensed Architect (ILA) have been unable to configure a plan to make the twelve courtrooms in the Courthouse Tower accessible. As part of the Courthouse plans, there are three (3) courtrooms on the 4th and 5th floors of the Courthouse that will be ADA accessible. We hereby respectfully request:

3. The Department of Justice allow Nueces County to adopt an Alternative Accessible Courtroom Policy (please see the attached sample).

Nueces County has identified a challenge with the Courthouse architectural plans. There are over 1,000 courthouse doors that are too narrow and/or lack accessible hardware. This could cost as much as \$2,000.00 per door or a total of \$2 million. This money could go a long way in making other facilities and parks accessible. Tyner Little has been ADA Coordinator since 2012 and no employee or citizen has formally complained about a door or doorway. We hereby request:

4. To omit doorway reconstruction from the Courthouse architectural plans and commit to renovate individual doors and doorways upon reasonable request by County employees or the general public. This excludes plans for the main entrances and exits of the Courthouse.

Nueces County has also identified accessibility issues with the inmate holding cells in the Courthouse tower. One solution was to convert the existing six (6) holding cells into three (3) larger accessible cells. This would cause the inability to separate men from women on each floor. A poll of the Sheriff's Office, Judges and Bailiffs in the Courts was done and under no circumstance was there an indication that a holding cell would ever be used for an individual in a wheel chair. In fact, one Judge suggested this would be unsafe because if the individual fell, nobody could hear calls for help or assistance. The current practice is for jail transport officers to bring the individual in the wheel chair directly to the courtroom where they remain until their court matter is disposed. We therefore request:

5. To omit renovation plans for the inmate holding cells in the Courthouse Tower for the time being.

We continue to plan on adhering to the principles of the settlement agreement as funding becomes available in the future. However, at this time, it appears to be a long arduous recovery for Nueces County. We respectfully request the five (5) concessions herein presented.

We look forward to continuing to work with you over the coming years to make Nueces County as accessible as possible for the employees, citizens, and visitors of Nueces County.

Please let us know if you have any questions or require additional information.

Sincerely,

Samuel L. Neal, Jr.
Nueces County Judge