

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
MEETING MINUTES**

October 23, 2019

1. Call to Order

Chair Guy Leemhuis welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:07 a.m. at CalChamber, 1215 K Street, Suite 1400, Sacramento, 95814.

The off-site meeting location for teleconference was 300 S. Spring Street, 13th Floor, North Tower, Los Angeles, 90013.

Roll Call

Staff Member Morrell called the roll and confirmed the presence of a quorum.

Commissioners Present:

Guy Leemhuis, Chair
Douglas Wiele, Vice Chair
Chris Downey
Brian Holloway
Scott Lillibridge
Michael Paravagna
Tiffany A. Potter (NAPL)
Betty Wilson
Xavier Becerra, Attorney General,
represented by Anthony Seferian
(via teleconference)
Ida Clair, Acting State Architect
Jim Frazier, Assembly Member
represented by Charles Dulac

Jeff Stone, Senator
represented by Christopher Wysocki

Commissioners Absent:

Melissa Hurtado, Senator
Tom Lackey, Assembly Member
Karla Prieto

Staff Present:

Angela Jemmott, Executive Director
Jonette Banzon, Legal Counsel
Dave Chung, Data and Research Analyst
Josh Morrell, Staff Services Analyst
LaCandice Ochoa, Operations Manager
Taylor St. Mary, Marketing and Outreach
Analyst

Also Present:

Corrina Roy, DGS, Office of Legislative Affairs (via teleconference)
Renee Taylor, PMP, Renee Taylor Consulting, Inc.
Sid Voorakkara, Ten Page Memo

[Note: Agenda Items 11 and 12 were taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]

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Pledge of Allegiance

Chair Leemhuis led the Commission in the Pledge of Allegiance.

Housekeeping Items

Chair Leemhuis reviewed the meeting protocols.

Vice Chair Wiele acknowledged the California Chamber of Commerce (CalChamber) for providing the meeting rooms for today's Commission meetings.

2. Approval of Meeting Minutes (April 17, 2019) – Action

Motion: Commissioner Downey moved to approve the April 17, 2019, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with no abstentions.

3. Comments from the Public on Issues Not on this Agenda

No members of the public addressed the Commission.

4. Legislative Bill Tracking – Update and Discussion

Corrina Roy, Legislative Consultant, Office of Legislative Affairs, Department of General Services (DGS), summarized the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting packet.

a. AB 1351 (Lackey) – Transit operators: paratransit and dial-a-ride services.

This bill was signed into law by Governor Newsome on October 8, 2019, and will go into effect on January 1, 2020.

b. SB 53 (Wilk) – Open meetings.

This bill was held in the Assembly Appropriations Committee as of August 30, 2019. The bill may be revised in 2020. Staff will continue to watch this bill.

Action Items

- Staff is to continue to watch SB 53.

5. 2020 Full Commission and Executive Committee Meeting Calendar – Discussion and Action

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Chair Leemhuis reviewed the Proposed 2020 Full Commission and Executive Committee Meeting Dates document, which was included in the meeting packet, and asked Commissioners for feedback.

Executive Director Jemmott stated staff will meet with the chairs of the subcommittees to put together the subcommittee meeting calendars later in the strategic planning process.

Motion: Vice Chair Wiele moved to approve the 2020 California Commission on Disability Access Full Commission and Executive Committee Meeting Dates as presented. Commissioner Lillibridge seconded. Motion carried unanimously.

6. 2020 CCDA Elections (Chair and Vice Chair) – Discussion and Action

Chair Leemhuis asked for nominations for Chair and Vice Chair of the California Commission on Disability Access for 2020.

Commissioner Downey nominated Guy Leemhuis as Chair of the California Commission on Disability Access for 2020.

Commissioner Lillibridge nominated Doug Wiele as Vice Chair of the California Commission on Disability Access for 2020.

Motion: Commissioner Paravagna moved to approve the nomination to re-elect Guy Leemhuis as Chair and Doug Wiele as Vice Chair of the California Commission on Disability Access for 2020. Commissioner Downey seconded. Motion carried unanimously.

Chair Leemhuis and Vice Chair Wiele thanked the Commission for their continued support. They offered an opportunity for Commissioners to provide leadership on the Commission by shadowing the Chair and Vice Chair as they serve out this term. Chair Leemhuis is to contact Commissioners within the next month to discuss shadowing opportunities.

Action Items

- Chair Leemhuis is to contact Commissioners within the next month to discuss shadowing opportunities.

7. CCDA Executive Director Report – Update, Discussion, and Action

a. Customer Service Inquiries

Executive Director Jemmott deferred to LaCandice Ochoa to present this agenda item.

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LaCandice Ochoa, CCDA Operations Manager, reviewed the Public Inquiries Received by CCDA document, which was included in the meeting packet.

Executive Director Jemmott stated Dave Chung, CCDA Data and Research Analyst, is creating a database list to be managed in-house for consistency in responses given to the public.

b. Administrative and Operational

Executive Director Jemmott stated the year-end report from the Financial Information System for California (FI\$Cal) was received on October 21, 2019. She shared preliminary numbers with the Commission and stated she will provide a full report with documentation at the next Executive Committee meeting. She stated, with the support of the California Department of General Services (DGS), the Division of the State Architect (DSA), and the Interagency Support Division (ISD), the Commission ended the fiscal year approximately \$4,000 in the black.

Executive Director Jemmott stated the CCDA offices remain in a state of remodeling. To date, the doors have been closed off and two walls have been half-painted.

c. Partnering and Outreach Efforts

Executive Director Jemmott stated CCDA has been successful in partnering with outside entities and has been invited to participate in a number of outreach events through the City of Oakland, the California State Legislature Center Design Workgroup, and the Small Business Development Center (SBDC).

Action Items

- Staff is to provide a full FI\$Cal budget report with documentation at the next Executive Committee meeting.

8. SBDC Partnership Presentation – Representative of Mentorship Program

Executive Director Jemmott stated the CCDA has been developing partners through the Mentorship Program. She stated SBDC is one of the partners that is working with the CCDA. She introduced Sid Voorakkara and invited him to share more about his program.

Sid Voorakkara, Principal, Ten Page Memo, LLC, highlighted stories exemplifying the work done to date. He stated the purpose of the partnership with CCDA is to offer free mentorship to as many small businesses as possible on improving access for all customers. The program is unique in that it is at no cost to the businesses and is in partnership with the CCDA and the SBDC of Northern California. The SBDC has hosted multiple small business forums and town hall meetings throughout the state.

Questions and Discussion

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Chair Leemhuis stated this partnership and this type of activity needs to be highlighted in the next Annual Report to the Legislature. Identifying resources, helping to inspire new resources, and having a systemic impact is the heart of what he hoped the Commission would be about.

Action Items

- Staff is to highlight this partnership and this type of activity in the next Annual Report to the Legislature.

9. 2019 CCDA Strategic Goal Updates – Update and Discussion

a. Goal 1: Implement Phase 2 of the Electronic Data Collection Project: Create a Database for Data Collection

b. Goal 2: Conduct a Research Study on the State Accessibility Compliance and Coordination Efforts (Year One of a Two-Year Goal)

Executive Director Jemmott deferred to Ms. Ochoa to present this agenda item.

Ms. Ochoa summarized the 2019 CCDA Strategic Goal Updates document, which was included in the meeting packet.

Action Items

- No action items.

10. Committee Updates – Update and Discussion

a. Checklist Committee

Commissioner Lillibridge provided the Committee report for Commissioner Holloway, Chair of the Checklist Committee, who was shortly expected to join the meeting. Commissioner Lillibridge summarized the Draft Accessibility for Small Businesses – a Path to Compliance flowchart tool, which was included in the meeting packet.

Commissioner Lillibridge commended staff on the great community event held in Riverside. He suggested charging a small fee in the future for individuals to participate in community events to help motivate attendance from individuals who RSVP.

Questions and Discussion

Commissioner Lillibridge suggested, after the Certified Access Specialist (CAsp) has provided a report and evaluation, asking “is my business in compliance or is there a need for remediation” and, if so, if there is no remediation or if they are in compliance, pointing the arrow to “we are ready to open our business.” If not, it needs to take the decision path where a work plan budget is put together. If the repair or maintenance is small, it can be completed by the business owner. If not, the business owner needs to

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consult an architect or contractor. Once that process is done and all the boxes are checked as reported by the CASp, then they are ready to open for business.

Commissioner Clair stated this will be a valuable tool. She suggested considering the contrast of the text for visibility. Light on dark is important for reading accessibility. She provided suggestions to page 2 to add clarity as follows:

- CASp icon – there is a typo on the 2nd CASp acronym. Also, use the term “identify” rather than “shed light on” so the phrase will read “...offer legal benefits as well as identify accessibility issues.”
- Architect or Design Professional icon – use the term “remediation solutions” rather than “design solutions” and remove the last part of the sentence so it would read “remediation solutions may require professional services.” A CASp cannot provide design solutions unless they are an architect.
- Contractor icon – change “contractors play a major role in ensuring” to “contractors are responsible for ensuring” so it would read “contractors are responsible for ensuring the design solution is constructed per plans.”
- Work Plan and Budgeting icon – CASps do not work on budgets. The current language may cause confusion. Clarify that the budget is the owner’s responsibility.
- Owner/Operator Repairs/Maintenance/Policies icon – with respect to the first sentence, clarify that signs are not necessarily a do-it-yourself (DIY) thing. While installing them might be easy, there are requirements.

Chair Leemhuis agreed with removing the DIY term because it means more than it should in this context. He suggested something other than the “closed” and “open” icons at the top of page 1 because the businesses are open but inaccessible. He suggested “barrier” with a roadblock icon and “barrier free” to be consistent with the CCDA mission statement. He suggested including those icons on page 2; every icon should be defined.

Chair Leemhuis suggested making the CASp icon a larger, central icon so it will become a focal point because a CASp will always be a part of the process.

Chair Leemhuis asked staff to ensure that the DSA supports the next iteration of the flowchart before presenting it to the Commission for approval at the next meeting.

Chair Leemhuis asked Jonette Banzon, Legal Counsel, to review the next iteration of the flowchart and provide input from a legal standpoint before the next meeting.

Commissioner Paravagna suggested beginning with an “open for some” icon and ending with an “open for all” icon, which better reflects the intent of the flowchart. Chair Leemhuis agreed and stated the Commission can write about what that means.

Commissioner Downey thanked the Checklist Committee for putting the flowchart together. He stated he liked the simplification. Even if a business has not received a

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notice, it is required to be accessible. Most business owners are unaware that they are in a place of public accommodation.

Commissioner Downey stated it is oftentimes determined that there is nothing that can be done to make the business accessible so the business owner thinks they are done. He stated just because a business cannot provide physical access, there are other opportunities and things that they are still required to do that can be included in the flowchart.

Chair Leemhuis stated that can be discussed in the section on what is meant by "open for some" and "open for all." He stated the need to define accessibility. Architectural accessibility and program accessibility may require separate checklists.

Executive Director Jemmott stated the vision of the icons is that they are limited in their definition on the flowchart, but that a support document would be created with greater detail on each icon. The flowchart is meant to stimulate thought to ask questions about what businesses are doing and have yet to do to increase access.

b. Legislative Committee

Commissioner Paravagna, Chair of the Legislative Committee, stated the Legislative Committee has been shepherding Goal 2 through the steps of implementation. He noted that Goal 2 was formerly Goal 6 in the old strategic plan. The Committee has strengthened the relationship with the California Department of Rehabilitation (DOR), which provides services to state government, and sent out a ten-item survey taking the pulse of state government to eventually address the question of what would be needed to more appropriately implement disability civil rights laws. Results to the survey are expected within the next 30 days, which will give the students until the end of the year to write a report. He stated the hope that the responses to the survey will show trends for improvement. With the creation of the new strategic plan, the Committee will update their tasks for the next cycle.

c. Education and Outreach Committee

Commissioners Downey and Wilson, Co-Chairs of the Education and Outreach (E&O) Committee, stated the Commission has been working on the public service announcement (PSA) project in collaboration with the California Institute of Art in San Francisco since early last year. The PSAs have been completed, including adding audio description and closed captioning. He showed the completed PSAs titled "Restaurant" and "Harmony."

Questions and Discussion

Commissioner Clair suggested acknowledging the university in the PSAs. Commissioner Downey agreed.

Mr. Dulac, from Commission Frasier's office, stated he would like to show the PSAs to the communications director in his office to see about putting them on social media and

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to offer it to district staff to take to outreach events with the chambers of commerce. He stated his appreciation that the Commission put the PSAs together.

Chair Leemhuis thanked Commissioners Downey and Wilson for their leadership. He stated these PSAs are usable, give hope, and should whet the Commission's appetite for more. He stated he would like to work with Commissioner Downey to identify, if the university would be willing to do more videos, how much funding they would need and to get that funding. He suggested speaking with Commissioners Frasier and Stone's offices to obtain additional resources and working with the DSA to identify resources.

Chair Leemhuis stated he would have liked to have seen a complete follow-through in the Restaurant PSA with the barista setting the plate on the appropriate counter and the customer entering the restroom, which no longer had supplies blocking the door.

Chair Leemhuis stated the Harmony PSA was a picture of living in a barrier-free world. Although this was wonderful, the PSA was too short and could have used more details.

Chair Leemhuis stated the PSAs lacked diversity. He suggested making more PSAs. He stated he would like to see a video of a location that is not accessible, the owner meeting with a CASp, and ending with an accessible location.

Action Items

- Staff is to ensure that the DSA supports the next iteration of the flowchart before presenting it to the Commission for approval at the next meeting.
- Ms. Banzon is to review the next iteration of the flowchart and provide input from a legal standpoint before the next meeting.

[Note: Agenda Items 11 and 12 were taken out of order. Agenda Item 11 was heard after the lunch break and after Agenda Item 12.]

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11. Commissioner Community Updates – Comments from Commission Members

Commissioner Paravagna stated he was part of yesterday's team that provided a draft self-evaluation and transition plan to the Sacramento County Board of Supervisors. That material is available for public comment for the next 30 days. The input will be considered and the documents will be updated and adopted by the Board early next year.

Vice Chair Wiele stated he attended the Burning Man 2019 event in Nevada's Black Rock Desert and joined the annual effort to build a temporary metropolis of theme camps dedicated to art and community. He stated this year's event included a "Mobility Camp," a camp designed by and for members of the disability community.

Chair Leemhuis suggested that Vice Chair Wiele post a synopsis of his experience on the CCDA website.

Lunch Break

[Note: Agenda Item 12 was heard immediately following the lunch break.]

12. Facilitated Discussion on Final Draft 2020 – 2024 Goals and Objectives – Update, Discussion, and Action

Presenter:

- Renee Taylor, PMP, Consultant, Renee Taylor Consulting, Inc.

a. Presentation and Review of Proposed Goals and Objectives for 2020-2024.

Executive Director Jemmott provided an overview, with a slide presentation, of the CCDA's mission and vision for Commissioners to use as a frame of reference while they provide feedback on the proposed goals and objectives for the next iteration of the CCDA Strategic Plan.

Renee Taylor, PMP, Consultant, Renee Taylor Consulting, Inc., continued the slide presentation and discussed the Strengths, Opportunities, Aspirations, and Results (SOAR) methodology to further develop the proposed goals and objectives for the next five years, and the proposed changes made to five of the goals and objectives from the 2014 Strategic Plan that will become the new goals and objectives for the 2020-2024 Strategic Plan, which were included in the meeting packet.

Questions and Discussion

Commissioners provided feedback to the proposed changes to the goals and objectives for the 2020-2024 Strategic Plan as follows:

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Goal 1: Increase Disability Access Awareness

- Change “stakeholders” to “entities” so it would read “accessibility compliance is sometimes viewed as unnecessary and applicable to a very small minority of entities.”
- Strike the entire sentence “many small business owners view access compliance as either an unfunded mandate or a nuisance,” as it is factually incorrect.
- List the definition of “CCDA stakeholders” before the listing of the goals and objectives. This is a substantive identification of who the CCDA perceives as its community and who this plan is being written for.
 - The definition of stakeholders should include “and individuals or organizations within the disability community” so it would read “CCDA stakeholders are defined as entities in the planning, design, property, and construction sectors, and those maintaining places of public accommodation, and individuals or organizations within the disability community.”
- Change “changes to” to “accessibility in” so it would read “this goal seeks to raise awareness of access issues and the availability of tools to support accessibility in the built environment.”

Objectives and Strategies for Goal 1

Objective 1

- Include “government agencies” and “elected officials” in the CCDA Stakeholders definition list. There is a remarkable lack of awareness among government staff, yet they have been taken out of the proposed language for Goal 1, Objective 1.
- Change “for urban, suburban, and rural markets” to “throughout California” so it would read “develop culturally appropriate media/social awareness campaigns to increase awareness among stakeholders on ADA access issues throughout California.” There are parts of the state that are neither urban, suburban nor rural, such as ex-urban, and none of these words have been defined. Also, the federal and California Building Codes do not treat them separately.
- Add a footnote defining “culturally appropriate.” Chair Leemhuis will meet with Ms. Taylor offline to help define “culturally appropriate.”
- Define all acronyms the first time they are used, such as the Americans with Disabilities Act (ADA) in Objective 1.

Objective 2

- Change “foster” to “create” so it would read “create dialogue opportunities on ADA access...”

Objective 3

- Strike “seek to” at the beginning of the sentence and change “among cities and counties, the disability community, and the business community” to

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“stakeholders” so it would read “raise awareness of the Certified Access Specialist (CASp) Program among stakeholders.”

Goal 2: Create Training Programs

- Strike the last sentence that states “the whole community will also benefit from training and conversation on rights and remediation efforts locally, statewide, and nationally.” It dilutes the goal by including this afterthought of justification.
- Add a footnote defining “public accommodation” the first time it is used. The definition should be taken from the more restrictive definition in the California Building Code because it is more inclusive of California properties than the ADA. Staff is to contact Commissioner Clair for the language.
- Staff is to put the issue of the e-commerce aspect of accessibility in a “parking lot” for later discussion. This is an important conversation and a possible additional goal area.

Objectives and Strategies for Goal 2

Objective 1

- Strike “within the state” and change “uphold current applicable laws” to “comply with access laws” so it would read “collaborate and coordinate with stakeholders to provide education on how to comply with access laws.”

Objective 2

- Change “cities and counties” to “stakeholder” and change “and for their local usage through encouraged collaboration” to “throughout the state” so it would read “develop educational materials for the CCDA website for stakeholder use.”

Objective 3

- Clearinghouse is one word in this context.
- Strike “targeting our outreach events, as needed.”
- Strike “program and” and insert “to goods and services” after “physical access” so it would read “serve as a clearinghouse to enhance physical access to goods and services by maintaining current resources on the CCDA website and industry.”

Objective 4

- Strike the proposed language in its entirety and replace it with “identify where and with whom to collaborate with to do trainings.”

Objectives 5, 6, and 7

- Strike these objectives in their entirety – they are measurable deliverables under Objective 1.

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Goal 3: Create and Identify Revenue Streams

- Change the goal from “fund access needs” to “fund physical access compliance” so it would read “identify and promote revenue streams to fund physical access compliance.”
- Change, in the goal narrative, “identify and secure the under-utilized funds to” to “identify under-utilized programs that” so it would read “this goal speaks to the need to identify available programs that support efforts to mitigate accommodation costs and incentivize access compliance.”

Objectives and Strategies for Goal 3

Objective 1

- Strike “for small businesses and other organizations that have validated funding needs” so it would read “identify funding sources for access compliance support.”

Objective 2

- Strike “sample cost/benefit analyses for business owners on ADA access compliance” and insert “a public service announcement flyer that makes the case for why being accessible is good business” so it would read “develop and disseminate a public service announcement flyer that makes the case for why being accessible is good business.”

Objective 3

- Strike this objective in its entirety – it is redundant.

Goal 4: Explore Development of ADA Office

- This goal was due to feedback from the community. There is no single clearinghouse for individuals and state and local governments to go to as a one-stop-shop for answers to their access questions.
- Strike the second sentence in the goal narrative in its entirety that states “California code regarding ADA has no single statewide compliance reference center/guide.” “California code regarding ADA” makes no sense – if the sentence is specific to code, the DSA is the authority; if it is on the ADA, there could be additional resources provided. The DSA has many resources on their website.
- The reference center/guide cannot give specific advice but can only direct individuals to resources.
- Two visions among Commissioners:
 1. The clearinghouse should be for members of the disability community as a single source to find answers to access questions and solutions to grievances, rather than being directed to multiple entities.

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2. The clearinghouse should be for state and local governments to get their own houses in order regarding the broad spectrum of tasks that need to be addressed to become compliant with state and federal disability civil rights mandates in order to consistently and efficiently help point individuals to resources. This would also include a consistent grievance tracking system to make a profile on where problems are coming up in state government.
 - Vision 1 more aligns with what the CCDA can do within its statutory authority to help Title III entities. Prove that the CCDA can address the Title III need so that, when the Title II need is brought, the CCDA can be repurposed to pursue Vision 2 in the future.
- Create a resource page on the CCDA website to direct callers where to go for answers, based on the nature of their question.
 - Individuals must go to different locations to get answers to questions because that is the construct of the authorities given.
 - The DSA has a list to direct callers to resources. It is important that the CCDA also have this list and post it on their website.
- The resource center/guide will be similar to an ombudsman's office. It will help walk individuals through the process with more technical assistance than a simple referral service.
 - This is one of the areas where the CCDA is trying to identify an alternative to lawsuits.
- Be specific that the CCDA will not be the reference center/guide, but will begin to identify cracks in the system so that individuals do not continue to get lost in the system.
 - The CCDA will explore the possibility of a reference center/guide at a basic level by learning what is currently available in the state in terms of a singular place, what would be helpful to have, and what that could look like.
 - The CCDA will develop a learned paper on the results of the exploration for the Legislature to consider.
- Goal 4 needs to be written better as to the problem, the anticipated solution, and who will do it. If this goal is published as written and the CCDA does not achieve it because it is unclear, the CCDA will seem to have fallen short.

Chair Leemhuis stated there is not consensus on the goal narrative. He asked staff to put Goal 4 in a "parking lot." He asked to include Ms. Banzon in the conversations exploring the legislative mandate to add clarity.

Objectives and Strategies for Goal 4

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The objectives and strategies were included in the discussion for Goal 4, above.

Goal 5: Maintaining Data

No feedback was offered.

Objectives and Strategies for Goal 5

Objective 1

No feedback was offered

Objective 2

- Change the two references to “our” to “the authority of the CCDA” and “its,” respectively, so it would read “explore the authority of the CCDA to enforce compliance to its data collection mandate through legislation.”

Objective 3

No feedback was offered.

Objective 4

- Clarify that the “legal experts” are civil rights experts so it would read “bolster research and analysis for data collection defining what to collect and why through the creation of a workgroup of legal civil rights experts.”
- Objective 5
- Suspend Objective 5 until Objective 2 is addressed. These Objectives demand a legislative fix.
 - Objectives 1, 6, and 7 are flawed as to the accuracy of the information that is supposed to be submitted to the CCDA. The Top-10 is a qualified Top-10. It is the Top-10 of what was submitted to the CCDA – not the Top-10 of what actually happened in the state.

Objective 6

No feedback was offered.

Objective 7

No feedback was offered.

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Action Items

- Chair Leemhuis is to meet with Ms. Taylor offline to define “culturally appropriate” as a footnote in Goal 1, Objective 1.
- Staff is to contact Commissioner Clair for the language from the California Building Code to be used in a footnote to define “public accommodation.”
- Staff is to put the issue of the e-commerce aspect of accessibility in Goal 2 in a “parking lot” for later discussion.
- Staff to put Goal 4 in a “parking lot” for later discussion.
- Ms. Banzon is to be included in the conversations exploring the legislative mandate to add clarity.
- Staff is to work with Ms. Banzon on Goal 5, Objectives 2 and 5.

13. Adjourn

Chair Leemhuis invited everyone to join the Commission for the CCDA 10-year anniversary program at 5:30 p.m. He adjourned the meeting at 3:51 p.m.