

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

October 10, 2018

1. Call to Order

Executive Director Jemmott welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:07 a.m. at the Ed Roberts Campus, Koret Foundation Boardroom, 3075 Adeline Street, Berkeley, 94703. She stated there was unresolved technical difficulties that will not yet allow a teleconference connection. She stated captioning will be unavailable for today's meeting due to illness. She stated the minutes for this meeting will be made available at the next Commission meeting. Staff is currently trying to secure another captioner.

Chair Leemhuis welcomed everyone and stated he would be chairing the meeting via teleconference. He asked staff to call roll.

Roll Call

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

Commissioners Present:

Guy Leemhuis, Chair (via teleconference)
Douglas Wiele, Vice Chair
Xavier Becerra, Attorney General, represented by Anthony Seferian (via teleconference)
Chris Downey
Brian Holloway
Scott Lillibridge
Celia McGuinness
Michael Paravagna
Tiffany Potter

Karla Prieto

Chester "Chet" Widom, State Architect
Laurie Cohen Yoo

Commissioners Absent:

Jim Frazier
Tom Lackey
Betty Wilson

Staff Present:

Angela Jemmott, Executive Director
LaCandice Ochoa, Operations Manager
Taylor St. Mary, Staff Services Analyst

Also Present:

Ann Thomas, Hearing Loss Association of America, Diablo Valley Chapter

Pledge of Allegiance

Chair Leemhuis led the Commission in the Pledge of Allegiance.

Housekeeping

Chair Leemhuis reviewed the meeting protocols.

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2. Approval of Meeting Minutes (January 10, 2018; April 11, 2018; and July 11, 2018) – Action Item

Motion: Commissioner Holloway moved to approve the January 10, 2018, April 11, 2018, and July 11, 2018, California Commission on Disability Access Full Commission meeting minutes as presented. Commissioner Lillibridge seconded. Motion carried unanimously with no abstentions.

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

Ann Thomas, Hearing Loss Association of America (HLAA), Diablo Valley Chapter, stated she represents the largest disability group in the United States. She asked for the Commission's help because needs continue to be ignored at the federal, state, and local governmental levels and in employment, transportation, and businesses. She stated the HLAA has received very little notice from the Commission. She stated she has read the five-year plan and is trying to keep up with the things going on with the Commission but does not understand why the Commission has not been in communication with the HLAA. She stated the Commission appears to be focused on individuals with mobility issues but stated that is not the only disability. She stated she was in attendance to raise the Commission's awareness about the HLAA. She asked what she could do to help the Commission do a better job on her behalf and for the other Californian's who have her disorder.

Commissioner Holloway thanked Ms. Thomas for her attendance and for her reminder to the Commission. He asked for her contact information and invited her to be a part of the subcommittee he is chairing.

Chair Leemhuis stated the Commission would love to have the opportunity to speak with Ms. Thomas. The Commission continues to work on its scope of work. That work presently is primarily on architectural access. It is not that the Commission chooses one community over another, but it is the nature of the statutory scheme of things. The Commission feels very strongly that it should be working for access for all individuals with disabilities. This is something addressed in the five-year plan but there are also things that need to be addressed legislatively to ensure that the Commission has resources and a clear mandate to allow it to look at issues that attack disability communities. He stated he was glad Ms. Thomas was in attendance. He thanked her for her work.

Commissioner McGuinness stated her appreciation for Ms. Thomas's attendance today. She stated the issues Ms. Thomas raised are very important. There are regulations about construction requirements for individuals with hearing loss that need to be built to code. There are things the Checklist Committee can do as well as other effective community issues that are more of a policy nature. Part of the problem is the hearing loss community is not considered even though there are regulations for buildings to be

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inclusive of individuals with hearing loss. She stated she is looking forward to working with Ms. Thomas and seeing what the Commission can do.

Ms. Thomas stated her intent was to attend today's meeting but she is unable to hear what the chair is saying via the teleconference. She stated it is a sad state of affairs.

Chair Leemhuis stated there should always be a backup captioner available in case of illness. He stated he feels very badly that the Commission has failed to provide access to a person who wanted to be a part of the Commission meeting today. He stated he felt that the meeting should not proceed without a captioner. He stated the Commission has never been without a captioner and he did not feel comfortable with someone feeling like they were denied access to the meeting. He asked Commissioners for their thoughts on this issue.

Commissioner Paravagna agreed. One of the tenets of the civil rights law is effective communication. He stated that is not what was seen here today.

Commissioner McGuinness agreed. She suggested recessing while a captioner is located.

Motion: Commissioner Paravagna moved to recess the meeting until effective communication was available. Commissioner Downey seconded. Motion carried unanimously.

Chair Leemhuis asked staff to reach out to Ms. Thomas to ask her to please stay while a captioner was located. He recessed the meeting.

Executive Director announced that a captioner had been located. She stated Chair Leemhuis asked Vice Chair Wiele to chair the remainder of the meeting since he was physically in the room.

Vice Chair Doug Wiele reconvened the meeting at 12:30 p.m. and asked for another roll call.

Second Roll Call

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

Commissioners Present:

Guy Leemhuis, Chair (via teleconference)

Douglas Wiele, Vice Chair

Jim Frazier, Assembly Member,

Represented by Amber Garcia (via teleconference)

represented by Anthony Seferian (via teleconference)

Chris Downey

Brian Holloway

Scott Lillibridge

Celia McGuinness

Commissioners Present (contd.)

Michael Paravagna

Tiffany Potter

Karla Prieto

Commissioners Present (contd.)

Xavier Becerra, Attorney General,

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Chester "Chet" Widom, State Architect
Laurie Cohen Yoo

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Staff Present:

Angela Jemmott, Executive Director
LaCandice Ochoa, Operations Manager
Taylor St. Mary, Staff Services Analyst

Commissioners Absent:

Tom Lackey

4. Committee Updates – Update and Discussion

a. Legislative: ADA Coordination Power Breakfast Meeting

Commissioner Paravagna, Chair of the Legislative Committee, stated the Legislative Committee had an interesting meeting last month with stakeholders from state government involved with Title II compliance with the Americans with Disabilities Act (ADA). This meeting was a follow-up on the survey sent out a few months ago. Commissioner Paravagna summarized the outcomes of the meeting:

- There was a lack of essential understanding of the ADA civil rights obligations for state government.
- There was a lack of continuity of procedures in place.
- There was a lack of direction in terms of what needs to happen next.
- There was a call for a centralized source of information for departments in state government attempting to implement ADA requirements.
- There was a call for authorities in state government to say this is a necessary task to take on.
- There was a desire for more communication to come out.
- There was a recognition that the Division of the State Architect, the Department of Fair Employment and Housing, and the Department of Rehabilitation Disability Services are resources.
- There was a need to look at how existing resources could be used more effectively for better continuity in state government.
- Another organization in state government is looked to as a leader in this area that believe in such things as self-evaluations are not something that state government is held to. This is an example of the misinformation seen out there.

Commissioner Paravagna stated the next steps are for the Legislative Committee to pull together recommendations to bring back to the Commission and for the Education and Outreach Committee to follow up on additional sessions that can be held to provide information to interested departments regarding their obligations under federal and state law.

b. Research: Presentation of Draft CCDA Data Collection Template

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Commissioner Yoo, Chair of the Research Committee, stated the Research Committee has not met since the last full Commission meeting. She presented the draft of the Committee's CCDA Data Collection Template for Commission approval, which was included in the meeting packet. She stated the goal of the template is to improve the efficiency, consistency, and reliability of the data collected for the mandated CCDA Data Collection project. The form applies to all attorneys who have sent out a demand letter or filed a civil complaint for construction-related accessibility claims.

Commissioner Lillibridge asked if the court provides a checklist to attorneys so they would know to use this form. Commissioner Yoo stated the court does not provide a reminder to attorneys to submit this form; it is a legal requirement and most plaintiff's attorneys should be familiar with that requirement. The Commission will need to consider how best to inform attorneys about the availability of this new form. It would be ideal to go through the Bar Association.

Motion: Commissioner McGuinness moved approval of the draft CCDA Data Collection Template. Commissioner Paravagna seconded. Motion carried unanimously.

b. Checklist

Presentation of Draft ADA Access Toolkit

Commissioner Holloway, Chair of the Checklist Committee, stated the Checklist Committee met three times since the last full Commission meeting and focused on the draft Restaurant Industry Toolkit, which was included in the meeting packet. The Committee has also revised the CCDA ADA Myths and Misconceptions document, which is posted on the website.

Commissioner Holloway stated the Checklist Committee is scheduled for the first outreach presentation of the toolkit on November 14th in Fresno.

Membership Updates

Commissioner Holloway stated Afseneh Ahmadi will be cycling off of the Checklist Committee. He thanked her for her work. Commissioner Holloway stated Ike Nnaji, Ph.D., Certified Access Specialist (CASP), Disability Access Specialists, Inc., and Mehdi Shadyab, CASp, City of San Diego, will be joining the Checklist Committee.

Commissioner McGuinness asked if the toolkit document is complete. Commissioner Holloway stated it is the draft final because the language continues to be revised and it still requires the state architect's approval.

Commissioner Widom stated the toolkit will be sent to the Department of General Services (DGS) Office of Public Affairs for final editing and then it will go to the Division of the State Architect (DSA) to ensure that the technical issues are correctly covered.

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5. Executive Director Report – Update and Discussion

Executive Director Jemmott provided her report:

a. Administrative and Operational

Staff has been working with partners within the Department of Rehabilitation Workability Program to bring in volunteers and has secured another volunteer to support the manual process of collecting and management the CCDA Data Collection Project.

The Fi\$Cal system is currently challenged with the available reporting tools. The budget office is not as confident in the numbers because of the technical issues that have been discovered. Staff chose not to report on finances because of potential inaccuracies.

Public phone calls and emails to the Commission have increased. Staff needs to do a better job of maintaining that information. Typically, staff receives approximately nineteen inquiries per month. The Commission is short-staffed and the increased contact with detailed questions is a challenge.

b. Outreach Efforts and Partnering Events

Staff attended the outreach event through the Legislative Committee in Sacramento at the Sierra Health Foundation. 30 individuals participated.

Staff attended the Youth Leadership Forum Luncheon at the Sacramento Convention Center.

Staff participated in a Small Business Compliance ADA Workshop in Discovery Bay for Commissioner Frazier.

Staff attended a Self-Advocacy Network presentation at the State Council on Developmental Disabilities.

Staff participated in an ADA Workshop in Riverside for Senator Roth.

A community gathering is scheduled for November 14th to present the CCDA Restaurant Industry Toolkit. Sponsorships have been secured from the City of Fresno, the California Restaurant Association, the Central Valley CASp, the California Council of the Blind, the Downtown Fresno Business Hub, the American Finance Center, the California Building Officials (CALBO), several chambers of commerce, and the League of Cities.

c. ADA Mentorship Program

Executive Director Jemmott reviewed the CCDA ADA Mentorship Pilot Program, which was included in the meeting packet. She stated the CCDA plans to partner with the City of Fresno to mentor two businesses for two years. The City of Fresno's responsibility is to select the businesses and to pay for CASp certifications. The CCDA's responsibility is to engage professionals to review the CASp reports and ensure that the businesses consistently maintain accessible facilities by following the guidelines in the toolkit.

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Commissioner McGuinness asked if the City of Fresno already has a mentorship program. Executive Director Jemmott stated Fresno has the Accessible Fresno Small Business Initiative in place. It is a proactive program to encourage businesses to take steps toward construction-related accessibility compliance. The city provides compliance workshops and free CASp inspections. A goal of the Mentorship Program is long-term compliance. The Mentorship Program will be offered to at least two businesses in all regions of California using the Accessible Fresno Small Business Initiative model.

Commissioner McGuinness stated the businesses that have been awarded this mentorship and received a CASp inspection will be invited to remediate their properties. Executive Director Jemmott agreed.

Commissioner McGuinness asked about the source of funding to remediate the properties. Executive Director Jemmott stated there would be a cost for business owners. She stated Commissioner Frazier stated, if the Commission will secure funding, he would create a matching fund. She asked Commissioners for help in asking individuals and organizations for their assistance.

Commissioner McGuinness asked if staff will provide administrative services for this program. Executive Director Jemmott stated staff will meet quarterly with the mentees.

Commissioner McGuinness referred to page five of the CCDA Mentorship Pilot Program document and asked if staff estimated the amount of time and resources it would take the CCDA to provide those services to the Mentorship Program. Executive Director Jemmott stated the mentors will be responsible for the forms; staff will just collect the information.

Commissioner McGuinness suggested that the cities could provide a report to CCDA. She suggested limiting the time so the CCDA could support getting the program off the ground but not make a long-term commitment. She stated her concern about the CCDA providing services to individual business where there are government resources being provided to businesses for capital improvements to their sites.

Commissioner Lillibridge asked about the length of time Accessible Fresno has been in place and about its track record. Executive Director Jemmott stated Accessible Fresno is just beginning. To date, they have identified two restaurants in their mentee pool.

Commissioner Lillibridge asked how many applications the city of Fresno received and how well received the initiative was. He stated the importance of anonymity so restaurants are not made a target. All businesses pay into this fund when paying for their business license. He questioned the selection process and if it was legal.

Executive Director Jemmott stated this concept is not new. The city of San Francisco provided CASp services years ago and a nonprofit managed the process.

Commissioner Downey stated the value to the Commission for improving access one restaurant at a time with this mentor program is to feature that, get visibility, and demonstrate the process of a small business restaurateur making and keeping their

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business accessible. The value to the Commission is spreading the word of how achievable accessibility can be and to demonstrate the steps in the process for others to follow.

Commissioner Downey stated the irony is the importance of anonymity and the importance of making the accessibility process visible. Demonstrating the process and leveraging that experience is its greatest value. He stated the need to find a way to do both.

Commissioner Paravagna agreed. He asked how much thought has gone into either partnering with the Restaurant Association to do a summary and presentation of this that can be posted on websites or some other form of communication that can be accessed by parties interested in replicating it.

Commissioner McGuinness stated the privacy concerns are appropriate, especially for the first half of the program. She asked, for the second half of the program, if the business is receiving donations and grants, if it is appropriate or even possible to keep that confidential. She stated maybe the business gives up anonymity in order to receive the value of assistance in creating access. At the end, they will be accessible and no longer a target.

Commissioner Paravagna stated the business is demonstrating a good-faith effort, which should also help.

Executive Director Jemmott stated the businesses would be funded for their mentorship, not their projects.

6. Board Approval of the 2019 Strategic Plan Goals – Update, Discussion, and Action

Executive Director Jemmott stated the CCDA must produce annual goals and objectives under the DGS process. She reviewed the 2019 Strategic Plan Goals, which was provided in the meeting packet, and stated these goals fall in line with the CCDA five-year strategic plan goals.

Commissioner McGuinness stated Goal 1, create an electronic database, is a carryover goal from 2018. She asked if the goal will be met in 2019. Executive Director Jemmott stated staff will meet with the CIO to confirm that.

Commissioner McGuinness asked if Goal 3, conduct regional listening forums, arises out of the Checklist Committee's work in promulgating its helpful checklists and toolkits toward various targeted industries to encourage them to adopt the educational tools. Executive Director Jemmott stated the Checklist Committee has the technical information for how the Education and Outreach Committee will format and distribute the educational tools.

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Commissioner McGuinness stated the Checklist Committee has been one of the hardest-working Committees since the beginning of the CCDA. It has done great work that is central to the CCDA mission. She stated the listening forums over the long-term should not devolve into just listening to industry – CCDA is here for disability access. She stated the need to focus long-term on listening to the disability community and to ensure that equal participation with individuals with disabilities is not lost.

Commissioner Paravagna agreed. He stated there have been listening forums on parking and other forums for the future will be on service animals and emergency management. These are topics suggested by members of the disability community. He agreed that the current shift to the business community should not be permanent.

Executive Director Jemmott stated every event has time set aside for members of the disability community and advocates to provide input.

Motion: Commissioner Holloway moved approval of the 2019 Strategic Plan Goals. Commissioner Downey seconded. Motion carried unanimously.

7. 2019 CCDA Elections (Chair and Vice Chair) – Discussion, and Action

Motion: Commissioner Holloway moved to re-elect Guy Leemhuis as Chair of the California Commission on Disability Access for 2019. Commissioner Downey seconded. Motion carried unanimously.

Motion: Commissioner Holloway moved to re-elect Douglas Wiele as Vice Chair of the California Commission on Disability Access for 2019. Commissioner Downey seconded. Motion carried unanimously.

8. 2019 Commission Meeting Locations – Discussion and Action

Executive Director Jemmott reviewed the proposed 2019 Commission Meeting Locations, which was provided in the meeting packet. She asked for Commissioner input on a city in Northern California for the April 2019 meeting and a city in Central California for the October 2019 meeting.

Vice Chair Wiele suggested the April 2019 meeting be held in the San Francisco Bay Area. He noted that it is a challenge to fly to Central California from Southern California.

Commissioner Downey agreed but stated his concern that the Commission does not seem to hold meetings farther north than San Francisco.

Commissioner McGuinness agreed and stated it is difficult not to include Los Angeles on the meeting location list.

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Vice Chair Wiele stated he just arrived from the Western Division International Council of Shopping Centers Conference in Los Angeles. The conference contains the greatest collection of retail property owners and small business owners that would assemble in the state. He suggested piggy-backing next door when that meeting is held next year and invite members from the Regional Property Industry to participation in the Commission meeting.

Commissioner Potter suggested holding a meeting south of Los Angeles. She agreed that it is a challenge to get to Central California but stated it is an important area for the state.

Ms. McGuinness asked for travel budget numbers for next year and if that should inform the location decision.

Vice Chair Wiele suggested committing to the January 2019 meeting in Sacramento and, between now and that meeting, developing an agenda for other locations. Commissioners agreed.

9. Legislative Bill Tracking – Update and Discussion

Jordan Aquino from the DGS Legislative Affairs Office stated the legislative session has ended. Everything that went to the Governor's office has been signed or vetoed. He summarized the status of the bills currently being tracked by staff as follows:

- a. AB 1547 (Quirk-Silva) – California Americans with Disabilities Act Small Business Capital Access Loan Program.**
This bill was signed by the governor.
- b. AB 2263 (Friedman) – State historical buildings: parking spaces.**
This bill was signed by the governor.
- c. AB 2531 (Gallagher) – Access to judicial and non-judicial proceedings: hearing impaired.**
This bill was vetoed by the governor.
- d. AB 2806 (Oberholte) – Vehicles: disabled parking.**
This bill did not make it out of the Senate Transportation and Housing Committee.
- e. AB 2958 (Quirk) – State bodies: meetings: teleconference.**
This bill was signed by the governor.
- f. AB 2994 (Holden) – Building standards: public restrooms: grab bars.**
This bill was vetoed by the governor.

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g. AB 3002 (Grayson) – Commercial property leases.

This bill was signed by the governor.

h. AB 3158 (Mathis) – Disability access: construction-related access barrier: civil actions.

This bill did not make it out of the Judiciary Committee.

i. SB 984 (Skinner) – State boards and commissions: representation: women.

This bill did not make it out of the Appropriations Committee.

j. SB 1038 (Leyva) – California Fair Employment and Housing Act: violations: personal liability.

This bill was moved to the inactive file in August.

k. SB 1376 (Hill) – Transportation network companies: accessibility for persons with disabilities.

This bill was signed by the governor.

l. H.R.620 (Poe) – ADA Education and Reform Act of 2017.

This bill has been stalled in the Senate.

Lunch Break

The lunch break was taken earlier in the day.

10. Tour of Ed Roberts Campus

The tour of the Ed Roberts Campus was taken earlier in the day.

11. Commissioner Community Updates

No community updates were given.

12. Adjourn

Vice Chair Wiele asked for a motion to adjourn the meeting.

Motion: Commissioner Paravagna moved to adjourn the October 10, 2018, California Commission on Disability Access Full Commission meeting. Commissioner Potter. seconded. Motion carried unanimously.

There being no further business, the meeting was adjourned at 2:03 p.m.