

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes
October 21, 2020

1. Call to Order

Chair Guy Leemhuis welcomed everyone and called the teleconference meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:05 a.m. Due to the ongoing health emergency, and consistent with Executive Order N-25-20 and Executive Order N-29-20, this meeting was conducted entirely by Zoom Webinar or teleconference.

Roll Call

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

Commissioners Present:

Guy Leemhuis, Chair
Tiffany Allen
Xavier Becerra, Attorney General,
represented by Deputy Attorney
General Anthony Seferian
Ida Clair, Acting State Architect
Chris Downey
Souraya Sue ElHessen
Jim Frazier, Assembly Member
represented by Trevor Nelson
Brian Holloway
Jacqueline Jackson
Brian Jones, Senator, represented by
Danielle Parsons
Tom Lackey, Assembly Member
represented by Andrew Mendoza
Scott Lillibridge
Michael Paravagna

Commissioners Absent:

Douglas Wiele, Vice Chair
Melissa Hurtado, Senator
Karla Prieto

Staff Present:

Angela Jemmott, Executive Director
Richard Goldberg, Legal Counsel
Theresa Brown, Data and Research Analyst
Stephanie Groce, Disability Access
Technician
Davina Saenz, Marketing and Outreach
Analyst

Also Present:

Rhea Aldonado, San Francisco Office of Small Business
Regina Brink, California Council of the Blind
Christine Fitzgerald
Michele Mashburn
Elizabeth Sorgman, Santa Barbara Building Department

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Brooke Whitehead-Tolles

Pledge of Allegiance

Chair Leemhuis led the Commission in the Pledge of Allegiance.

Housekeeping Items

Chair Leemhuis reviewed the meeting protocols.

2. Meeting Dedication, Terry McLean, Architect, CASp

Executive Director Jemmott dedicated today's meeting to Terry McLean, Architect, Certified Access Specialist (CASp), who recently passed away, for her work and accomplishments in the disability access field. She authored of the Open-Air Dining and Curbside Pickup Disability Access Considerations informational tool, which will be discussed later in the agenda.

3. Introduction / Swearing-In / Pinning Ceremony of Newly-Appointed Commissioners

Commissioner Seferian led the swearing in of office for Jacqueline Jackson and Senator Brian Jones.

Executive Director Jemmott presented Commissioners Jackson and Jones with a CCDA pin with the CCDA logo and banner, "creating an accessible and barrier-free California."

4. New Commissioners Welcome and Introduction

Chair Leemhuis welcomed Commissioners Jackson and Jones to the CCDA on behalf of the Commission.

5. Approval of Meeting Minutes (July 15, 2020) – Action

Motion: Commissioner Holloway moved to approve the July 15, 2020, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Allen seconded. Motion carried unanimously with Commissioners Jackson and Jones abstaining.

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

Regina Brink, President, ACB Capital Chapter of the California Council of the Blind, stated they have worked with individuals with disabilities from all walks of life including marginalized communities. Due to COVID-19 and recent social injustices, policies are being changed quickly at every level of the government without consulting the disability

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community on the implicit and explicit bias training that needs to be implemented. The speaker stated the need for the Commission to provide an appropriate vehicle to allow the disability community to be consulted at every level of this process.

7. 2020 CCDA Elections (Chair and Vice Chair) – Discussion and Action

- a. CCDA is required to annually elect from its membership a Chairperson who shall be a representative from the disability community and a Vice-Chairperson who shall be a representative from the business community per Government Code section 14985.2**

Motion: Commissioner Lillibridge moved to elect Chris Downey as Chair and to re-elect Douglas Wiele as Vice Chair of the California Commission on Disability Access for 2021. Commissioner Lillibridge moved to approve and Commissioner Clair seconded. Motion carried unanimously.

8. Recognition of Outgoing Chair, Commissioner Guy Leemhuis – Discussion

Executive Director Jemmott recognized Chair Leemhuis's contribution and leadership during his years as Chair. She presented Chair Leemhuis with an Excellence in Board Leadership Award.

9. CCDA Executive Director Report– Update and Discussion

a. Customer Service Inquiries

Executive Director Jemmott reviewed the Public Inquiries Received by CCDA document, which was included in the meeting packet.

b. Administrative and Operational

Budget information is expected next week from the Budget Office and will be available at the January meeting.

Open staff positions continue to be filled.

The bylaws will be reviewed and updated in January.

The 75-year anniversary of the National Disability Employment Awareness Month is being recognized on the website.

c. Partnering and Outreach Efforts

The Open-Air Dining tool has been introduced to stakeholders and is being translated into multiple languages. More details about the tool will be shared later today.

d. Commissioner and Committee Calendar

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Motion: Commissioner Paravagna moved to approve the 2021 Calendar as presented. Commissioner Holloway seconded. Motion carried unanimously.

Action Items

- No action items.

10. CCDA Strategic Goals Updates – Update, Discussion, and Action

a. 2020 Strategic Goals

i. Strategy: Develop educational tools for small businesses to promote and facilitate disability access compliance. (Goal 2 of five-year plan: Continue to provide training programs and toolkits for targeted stakeholders.)

Staff Member Saenz reviewed Goal Statement #1 of the 2020 CCDA Strategic Goal Updates document, which was included in the meeting packet.

ii. Strategy: Implement phase 3 of the Electronic Data Collection Project: Increase electronic submissions to 40 percent. (Goal 4 of five-year plan: Maintain data on status of access compliance.)

Staff Member Brown reviewed Goal Statement #2 of the 2020 CCDA Strategic Goal Updates document, which was included in the meeting packet.

b. 2021 Strategic Goal Review and Approval

Executive Director Jemmott reviewed the 2021 Strategic Goal document, which was included in the meeting packet.

Motion: Commissioner Downey moved to approve the 2021 Strategic Goal as presented. Commissioner Holloway seconded. Motion carried unanimously.

Questions and Discussion

Commissioner Downey asked if the Myths and Misconceptions document translations will be available in print and digital form.

Staff Member Saenz stated it is available as a Word document and pdf and is posted on the website for downloading or printing.

Action Items

- No action items.

11. Committee Updates – Update and Discussion

a. Legislative Committee

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Commissioner Paravagna, Chair of the Legislative Committee, stated a discussion was held in the Executive Committee to refine and get buy-in on the direction of the Legislative Committee. It was determined that the Legislative Committee will support the data collection efforts and evaluation and will outreach to legislators to demonstrate the Commission's value. He stated the need for at least one new Committee Member. He asked for a one-page document to be distributed to legislators outlining the work of the Commission and how it can help legislators.

b. Education and Outreach

Commissioner Downey, Chair of the Education and Outreach (E&O) Committee, stated the Committee has not met since the last full Commission meeting. Committee Members have worked offline on the Open-Air Dining brochure. He stated the need for a new Chair to be appointed to the E&O Committee due to his new role as Commission Chair.

Executive Director Jemmott stated Commissioner ElHessen has agreed to step into the position as Chair of the E&O Committee at the beginning of the year.

c. Checklist Committee

Commissioner Holloway, Chair of the Checklist Committee, stated the Committee established a working group to update the Accessibility Construction Inspection Checklist. It is currently ready to be posted on the website. The Committee continues to work on a toolkit for Americans with Disabilities Act (ADA) parking regulations and best management practice concepts.

Questions and Discussion

Commissioner Downey suggested coordinating the Checklist and E&O Committees to ensure awareness of the updated Checklist and the new html format.

Commissioner Paravagna suggested working with the Division of the State Architect (DSA) to get the updated checklist out to school districts and community colleges.

Commissioner ElHessen asked if the checklist can include an app format for easy use in the field.

Executive Director Jemmott stated staff is looking into presenting the checklist in various formats.

Action Items

- No action items.

12. Roundtable Commissioner Updates – Comments from Commission Members

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Commissioner Lillibridge expressed excitement about working with Commissioner Paravagna and the Legislative Committee but also was distressed at the possibility of not all data being collected since it is vital to our mission.

Commissioner Paravagna stated he and Commissioner ElHessen will be speaking at a meeting on the 27th with the California Office of Emergency Services (Cal OES) on employment and disability.

Commissioner ElHessen stated she spoke on the ADA for Employment Disability Awareness Month.

Commissioner Clair stated the DSA has almost completed clarifying accessibility amendments and will proceed on November 5th with improvements to the detectable warning provision for the July 1st supplement, which will become effective next year.

Commissioner Allen stated the COVID-19 pandemic and fire season have been real exercises in how to plan, prepare, and respond to vulnerable populations.

Lunch Break

13. Legislative Bill Tracking – Update and Discussion

a. AB 3364 (Committee on Judiciary) – Judiciary omnibus.

Executive Director Jemmott reviewed the CCDA Legislative Status Report on the bill staff is tracking, which was included in the meeting packet.

Action Items

- No action items.

14. Collaborative Discussion of Open-Air Dining and Curbside Pickup Disability Access Considerations – Update and Discussion

a. Stakeholders Discuss Implementation of this Tool for their Constituents.

Executive Director Jemmott again stated appreciation for Terry McLean's work on this tool. She reviewed the Open-Air Dining and Curbside Pickup Disability Access Considerations document, which was included in the meeting packet. She asked Committee Members and stakeholders to share their thoughts on this tool.

Questions and Discussion

Commissioner Downey asked if the data collection includes legal complaints in response to the issue of curbside dining and pickup in terms of accessibility noncompliance.

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Executive Director Jemmott stated she will report on that issue at the next Executive Committee meeting.

Public Comment

Michele Mashburn, disability advocate and activist, thanked the Commission for the guidelines, which set the bar for inclusion. The speaker noted that some curbside dining locations, while in compliance with the guidelines, are unsafe to travel through. Reality and applicable life experience are missing from these guidelines such as customers waiting in line, which impact space availability. An added layer may be needed to better inform curbside dining locations. There is also a lack of awareness of the availability of these guidelines and they are slow to implement.

Elizabeth Sorgman, Santa Barbara Building Department, stated the city has used the flyer to pass out to business owners. The only issue is the city did not require business owners to obtain permits for curbside dining and now it must go back and try to encourage compliance. The speaker stated concern that businesses believe that ADA requirements have been set aside for COVID-19 response. The speaker suggested sending the brochure to business owners to increase its effectiveness.

Brooke Whitehead-Tolles suggested explicitly listing accessible table heights along with counter heights. The speaker noted that some open-air dining facilities have plenty of tables that could be rolled up to but they are so high that they could not be used for food or drink.

Elizabeth Sorgman stated Terry McLean's original version of the brochure included details such as table heights. The speaker asked why those details were removed.

Executive Director Jemmott stated stakeholder feedback indicated that the original version was more technical than necessary and that it might deter businesses from full engagement.

Rhea Aldonado, San Francisco Office of Small Business, stated their office has shared this document through social media and with leaders in the city. The speaker offered to send the city's detailed design guidelines for businesses that receive permits for open-air dining to staff. The speaker stated they are interested in learning about other related documents or informational materials that the Commission is planning to put out. The speaker suggested referring businesses directly to the Pacific ADA Center hotline.

Commissioner Paravagna suggested posting a resources and lessons learned section on the website.

Christine Fitzgerald, resident of San Jose, stated businesses should also learn soft skills to better communicate with the disability community.

Regina Brink stated there are gaps in dealing with individuals with low vision or who are blind. Individuals with sensory disabilities are often forgotten. The speaker stated concern around guide dogs or service animals, access to menus, and access to delivery

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options. The speaker volunteered to help further develop specific resources around those kinds of access issues.

Commissioner Downey suggested that this type of guidance could be used for outdoor curbside vaccine programs.

Commissioner Paravagna suggested requesting that pharmacies make policy modifications to bring vaccines to the curbside.

Action Items

- No action items.

15. Future Agenda Items

No future agenda items were offered.

16. Adjourn

Chair Leemhuis adjourned the meeting at 1:55 p.m.