

CALIFORNIA COMMISSION ON DISABILITY ACCESS EXECUTIVE COMMITTEE MEETING

Teleconference Meeting Minutes
April 5, 2023

1. Call to Order

Chair Chris Downey welcomed everyone and called the teleconference meeting of the Executive Committee of the California Commission on Disability Access (CCDA) to order at approximately 1:30 p.m. at the CCDA Headquarters, 400 R Street, Suite 312, Sacramento, CA 95811.

Staff Member Groce reviewed the meeting protocols.

Roll Call

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

Commissioners Present:

Chris Downey, Chair*
Brian Holloway, Vice Chair
Drake Dillard*
Scott Lillibridge*
Souraya Sue ElHessen*

Commissioner Absent:

Guy Leemhuis, Immediate Past Chair

Other Commissioners Present:

Rob Bonta, Attorney General, by Deputy Attorney General Ben Conway*
Jacqueline Jackson*

*Participation via Zoom or teleconference

Also Present:

No members of the public addressed the Committee.

Staff Present:

April Dawson, Executive Director
Stephanie Groce, Data and Research Analyst
Phil McPhaul, Operations Manager
Abigail Ridge, Administrative and Legislative Analyst
Presley Strother, Marketing and Outreach Analyst

2. Approval of Meeting Minutes (January 11, 2023) – Action

Motion: Vice Chair Holloway moved to approve the January 11, 2023, California Commission on Disability Access Executive Meeting Minutes as presented. Commissioner ElHessen seconded. Motion carried 4 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioners Dillard and ElHessen, Vice Chair Holloway, and Chair Downey.

The following Commissioner abstained: Commissioner Lillibridge.

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

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No members of the public addressed the Committee.

4. Executive Director Report – Update and Discussion

Executive Director Dawson stated the CCDA honors Rex Hime, one of the founders of the CCDA and the former CEO of the California Business Properties Association (CBPA), who passed away recently. She stated appreciation and gratitude for Mr. Hime's work and accomplishments for disability access.

Executive Director Dawson welcomed new Commissioner Sarahann Shapiro who will represent the CBPA. She will officially be sworn in at the April 19th full Commission meeting.

Executive Director Dawson welcomed new Assembly Members Juan Alanis and Matt Haney and Senator Rosilicie Ochoa Bogh as legislative ex-officio members to the Commission.

Executive Director Dawson thanked Senator Brian Jones, Assembly Member Brian Maienschein, and former Assembly Member Stephanie Nguyen for their years of service on the Commission. She thanked Senator Melissa Hurtado for her continued work on the Commission.

Executive Director Dawson stated a candidate is moving through the appointment process for the vacant Governor appointee seat representing the disability community's interests.

Executive Director Dawson noted that Vice Chair Holloway and Commissioner Ramirez have been reappointed to three-year terms on the Commission.

Executive Director Dawson stated the California Department of Human Resources (CalHR) is reviewing the duty statement for an SSA/AGPA position. The CCDA is converting the open AGPA position to better fit the Commission's needs for administrative support and special projects support. This person will do more contract tracking, vendor relationships, and budget tracking, and will provide administrative support to management.

Executive Director Dawson thanked Commissioner Conway for sharing his intern from the Department of Justice with the CCDA. The intern is conducting cross-checking research between CCDA Legal Portal-submitted cases and state/federal filings, which will help determine the compliance rate of inputted alleged disability access violations, as well as give a more complete picture of the alleged disability access violations in California that may not include the CCDA Legal Portal.

Executive Director Dawson reviewed a list of conferences and meetings she attended since the last Committee meeting.

Discussion

Vice Chair Holloway thanked Executive Director Dawson for putting together the list of conferences and meetings attended since the last meeting. It is helpful to see where staff is representing the CCDA throughout the state.

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Commissioner ElHessen asked if the law firms that submit cases to the CCDA Legal Portal specialize in disability access.

Executive Director Dawson stated some may specialize in more than just disability access litigation. She stated she will see if they also specialize in other areas of the law and report back.

Commissioner ElHessen asked about educating and providing guidance to hotels to being more accessible for conferences. She asked if the California Hotel and Lodging Association Conference was responsive to Executive Director Dawson's presentation.

Executive Director Dawson stated they seemed receptive and wanted to work with the CCDA in the future. She received overwhelmingly positive comments about wanting to promote access and follow the law and, when taking over new locations, educating on the Americans with Disabilities Act (ADA). There seemed to be a theme about individuals reporting back to the association that hiring a Certified Access Specialist (CAsp) increases their liability and wondering if it is worth it. Executive Director Dawson shared with them that the CCDA would be happy to talk to anyone who expresses that fear about how hiring a CAsp can reduce liability.

Public Comment

No public comment.

5. Budget Report – Update and Discussion

Executive Director Dawson reviewed the Expenditure Authority Report for the 2nd quarter provided by the Accounting and Budget staff of the Department of General Services (DGS).

- The total expenditure authority for 2022-23 fiscal year is \$1,534,000.
- The budget authority for Salaries, Wages, and Benefits is \$799,000.
 - The year-to-date expenditures plus encumbrances is \$270,984.
- The budget authority for Operating Expenditures and Equipment is \$735,000.
 - The year-to-date expenditures plus encumbrances is \$221,621.
- The total year-to-date expenditures is \$492,605.

Executive Director Dawson stated the Accounting and Budget team stated the report is on par with where the CCDA was last year. They expect that the CCDA will not go over budget.

There was no Commissioner discussion or public comment.

6. Committee's Focus for 2023 – Update and Discussion

a. Bylaws

Executive Director Dawson stated one of the purviews of the Executive Committee is to review the CCDA Bylaws biennially to ensure they are up-to-date. She suggested

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convening an ad hoc committee to work with staff in reviewing the Bylaws and to present possible edits to the Executive Committee and then to the full Commission for review and approval.

Discussion

Chair Commissioner Downey concurred with Executive Director Dawson's proposed plan of action to review bylaws. Commissioner ElHessen agreed with Chair Downey. Vice Chair Holloway and Commissioners Lillibridge and Dillard volunteered to participate in the ad hoc committee to review the Bylaws.

Commissioner ElHessen volunteered as back-up, if needed.

Public Comment

No public comment.

7. CCDA Response to Assembly Bill 2917– Update and Discussion

a. Website Accessibility

Executive Director Dawson provided an overview of Assembly Bill (AB) 2917, Disability Access: Internet Websites, Parking Lots, and Exterior Paths of Travel. She highlighted that the bill mandates the CCDA to expand the data collected in the CCDA Legal Portal to include alleged access violation data related to websites for businesses.

b. Attorney Compliance

• **Upgrades to the CCDA Legal Portal**

Executive Director Dawson stated staff has contacted the Bar Association to discuss how this information can be shared with attorneys so they understand their obligation under law. Also, staff is in the process of upgrading the CCDA Legal Portal to add several subcategories with the completion goal of May of 2023.

c. Business Compliance

Executive Director Dawson stated staff has been working on how to create a toolkit for website accessibility for businesses. The Department of Rehabilitation (DOR) has an excellent website accessibility toolkit for state and local government. Some of the DOR materials can be adapted to target businesses.

d. Accessible Parking Campaign Toolkit

Executive Director Dawson provided a brief update on the progress on the Accessible Parking Campaign Toolkit to educate the business community on accessible parking and exterior paths of travel:

- The two workgroups convened over the better part of 2022 and into 2023 and produced a draft for the construction industry and a draft for ADA Coordinators and business owners and operators on accessible parking.

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- Staff submitted the draft toolkit to the Department of General Services (DGS) Office of Public Affairs (OPA) and Interagency Support Division (ISD) and the Division of the State Architect (DSA) for their review.
- Edits were received from these entities in late December/early January.
 - Staff is in the process of incorporating those edits.
 - The DSA and the Real Estate Services Division has offered interdepartmental assistance with incorporating technical edits.
- The state printer has given a quote on graphic design work.
- The goal is to finalize the edits just prior to summer, the workgroups will then review it to ensure the edits reflect the voice of the workgroups, and will submit the final draft to the Commission for approval at the July meeting.

There was no Commissioner discussion or public comment.

8. High Frequency Litigant Fund – Update and Discussion

Executive Director Dawson stated there is \$152,000 in the High Frequency Litigant (HFL) Fund. The purpose of the HFL Fund is to increase disability access compliance across California particularly to businesses and to prevent high-frequency litigation. The HFL Fund comes from fees paid related to high-frequency litigation. The funds need to be encumbered by June 30, 2024, and they need to be spent by June 30, 2026. She stated she will present a draft plan to spend down these funds at the upcoming full Commission meeting.

Discussion

Chair Downey asked if the data has been looked at in terms of industry groups that rank high as a hot spot of a particular industry to inform how and where the CCDA might use the HFL Fund.

Executive Director Dawson agreed with looking at industry trends and communities that need the most help. She stated one of the reasons San Jose was chosen as the location of the first CCDA Listening Forum of the year, which will be supported by the HFL Fund, is because most of the top ten alleged disability access violations that were reported in 2021 took place in retail or gas stations in the San Jose area or on the Peninsula. Those industries will be invited to the Listening Forum. Also, those areas will be targeted first when doing the toolkit outreach.

Public Comment

No public comment.

9. Listening Forums Update – Update and Discussion

Executive Director Dawson stated, now that some of the COVID-19 restrictions have been lifted, staff is planning to have several regional Listening Forums throughout the state in 2023 to bring the disability and business communities together to discuss ideas

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for meaningful change related to business access, to prevent litigation, to demystify assumptions, and to learn what was working in different communities.

Executive Director Dawson stated the first Listening Forum will be held on August 31st at the San Jose City Hall in the city of San Jose. Staff is working with the San Jose Disability Officer and other community members from the city of San Jose and Santa Clara County. She stated she was excited to provide an opportunity for local government and the disability and business communities to strengthen their relationships with each other through the Listening Forum, and that the CCDA will have the opportunity to listen and come up with ways to support those communities in the work that it does.

Executive Director Dawson stated time will be made during the Listening Forum to share information about the CCDA and its work and to share resources such as the Accessible Parking Toolkit, etc.

Discussion

Commissioner ElHessen asked if the Listening Forums will be on Zoom for members of the public who are unable to attend in person.

Executive Director Dawson stated the Listening Forums will be in a hybrid format for both in-person and remote participation.

Commissioner ElHessen asked if the Listening Forums can be recorded for posting on YouTube as ongoing information about the work of the CCDA.

Executive Director Dawson stated she will check into it but is concerned that participants may wish to share information that they would not share at a Bagley-Keene public meeting. It is important that participants feel safe to openly share during the Listening Forums.

Commissioner Lillibridge asked about the focus of the San Jose Listening Forum.

Executive Director Dawson stated the focus will be broader than the pre-COVID-19 Listening Forums. Preliminary discussion questions have been drafted in the planning sessions and registrants will be asked to send in their questions to be answered during the forum. The focus will be high-frequency litigation, strengths and challenges in the business community, particularly among small business owners, and challenges in the disability community in accessing businesses in that region, what is working, and what can be improved.

Chair Downey suggested sharing data from the CCDA reports specific to the San Jose community about their high-frequency areas of concern.

Executive Director Dawson stated that CCDA would include that and have a portion of the program that includes the data.

Public Comment

No public comment.

10. Annual Report – Update and Discussion

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Executive Director Dawson stated one of the legislative mandates is to present the top ten alleged disability access violations to the State Legislature annually technically by January 31st. The CCDA's dataset does not end until December 31st; one month does not give enough time to gather all the data into a report. The draft report is in the final stages of staff editing. It will next be submitted to the DGS Office of Legislative Affairs (OLA) for their review before officially sending it to the Legislature. The report will be shared at a future Commission meeting. She thanked Commissioners who contributed stories and staff for their hard work in completing this year's Annual Report to the Legislature.

There was no Commissioner discussion or public comment.

11. Full Commission Meeting – Update and Discussion

Executive Director Dawson stated the upcoming hybrid full Commission meeting will be held on Zoom and in-person at the DSA Regional Office in Los Angeles on April 19th from 10:00 a.m. to 4:00 p.m. She thanked Commissioner Clair and her team for allowing the Commission to use that space. She stated she will be contacting individual members of the Executive Committee by early next week since there will be an agenda item for the committee chairs to share about the work of their committees.

Executive Director Dawson stated she will be talking with each Commissioner about the agenda item on website accessibility and how the CCDA can help businesses comply with the law and bridge gaps to ensure a rich discussion.

Executive Director Dawson stated there will be a panel discussion in the afternoon with a representatives from the California Chamber of Commerce (CalChamber) and Disability Rights California (DRC) who will discuss statutory damages, the current landscape of high-frequency litigation, how that plays out on the ground with stakeholders, and how the Commission can proceed in a way that ensures that it maintains compliance, educates businesses, ensures access to individuals with disabilities, and does not pit communities against one another.

Executive Director Dawson stated there will be an action items around the use of the HFL Fund and the business listing the CCDA is required to create as part of the AB 2917 obligation.

There was no Commissioner discussion or public comment.

12. Future Agenda Items – Discussion

No future agenda items were offered.

13. Adjourn

Chair Downey asked for a motion to adjourn the meeting.

MOTION: Commissioner ElHessen moved to adjourn the April 5, 2023, California Commission on Disability Access Executive Committee meeting. Commissioner Lillibridge seconded. Motion carried 5 yes, 0 no, and 0 abstain, per roll call vote as follows:

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The following Commissioners voted "Yes": Commissioners Dillard, ElHessen, and Lillibridge, Vice Chair Holloway, and Chair Downey.

There being no further business, the meeting was adjourned at approximately 3:00 p.m.