

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Meeting Minutes
July 26, 2023

1. Call to Order

Chair Chris Downey welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:00 a.m. The meeting was on Zoom, via teleconference, and held at the California Commission on Disability Access Headquarters, located at 400 R Street, Suite 312, Sacramento, California 95811.

Additional public locations included the Division of the State Architect, Los Angeles Regional Office, 355 South Grand Avenue, Suite 2100, Los Angeles, CA 90071, and 9433 Ives Street, Bellflower, CA 90706.

Housekeeping

Staff Member Strother reviewed the meeting protocols.

Roll Call

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

Commissioners Present:

Chris Downey, Chair

Brian Holloway, Vice Chair

Rosilicie Ochoa Bogh, Senator, by Nicki Taylor*¹

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

Ida Clair, State Architect, by Eric Driever¹ and Michelle Davis²

Drake Dillard

Souraya Sue ElHessen*

Jacqueline Jackson

Scott Lillibridge

Hector Ramirez

Sarahann Shapiro

*Participated remotely.

¹ a.m. only

² p.m. only

Commissioners Absent:

Guy Leemhuis, Immediate Past Chair

Juan Alanis, Assembly Member

Matt Haney, Assembly Member

Melissa Hurtado, Senator

Ashley Leon-Vazquez

Staff Present:

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

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

Also Present:

Corrina Roy, California Department of General Services (DGS)
Mehdi Shadyab, City of San Diego and CCDA Checklist Committee Member
Andrew Smothers, Division of the State Architect (DSA)
Bill Zellmer, Sutter Health and CCDA Checklist Committee Member

Pledge of Allegiance

Chair Downey led the Commission in the Pledge of Allegiance.

2. Approval of Meeting Minutes (April 19, 2023) – Action

Motion: Vice Chair Holloway moved to approve the April 19, 2023, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Dillard seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

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

No members of the public addressed the Commission.

4. 33rd Anniversary of the Americans with Disabilities Act – Discussion

Chair Downey stated it is important to remember the hard work that was done for the passage of the Americans with Disabilities Act (ADA) 33 years ago today. He asked especially to remember leading advocate Judy Heumann, who was instrumental in advocating for this landmark legislation, who passed away earlier this year.

Chair Downey stated the passage of the ADA was not a means to an end. It is an end that the disability community is still in pursuit of and that the Commission is committed to working to see the promise of the ADA fulfilled to its fullest potential.

Executive Director Dawson and Commissioners shared experiences of how the passage of the ADA has impacted their lives and careers.

Public Comment

No public comment.

5. Response to Expiration of Senate Bill 189 (Bagley-Keene Open Meeting Act Teleconference Provisions) – Update and Discussion

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

a. Path Forward

Executive Director Dawson shared recent changes to the Bagley-Keene Open Meeting Act teleconference provisions. She stated Senate Bill (SB) 544, which is currently moving through the Legislature, proposes to bring back some of the flexibility related to teleconferencing. Because the CCDA is an advisory body, it has flexibility in teleconferencing requirements.

Executive Director Dawson stated, starting with the August meeting, Commissioners can attend virtually without having to list their remote location or invite members of the public into that space. Commission meetings will continue to be hybrid with members of the public invited to attend in person at the CCDA main public locations in Sacramento or Los Angeles. The Commission must have a quorum in person at the main physical location listed on the agenda.

Discussion

Chair Downey asked about the requirements for Committee meetings.

Kamran Qazi, Legal Counsel, stated Committees do not require the same quorum at a physical location to be established at a primary location. Committee meetings continue to follow the pre-COVID requirements.

Commissioner ElHessen asked if counties have different requirements for members who participate remotely.

Mr. Qazi stated counties are governed by different rules for establishing a quorum.

Public Comment

No public comment.

6. CCDA Subcommittee Reports – Discussion

a. Executive Committee

Chair Downey, Chair of the Executive Committee, stated he was unable to attend the last Committee meeting and invited Vice Chair Holloway to present this agenda item.

Vice Chair Holloway provided a brief update of the work of the Committee since the last Commission meeting:

- The Committee was updated on and discussed upcoming social media opportunities, the CCDA Bylaws, Assembly Bill (AB) 2917, website accessibility, the Accessible Parking Campaign Toolkit, and upcoming CCDA listening forums to be conducted later this year.

b. Education and Outreach Committee

Commissioner ElHessen, Chair of the Education and Outreach (E&O) Committee, provided a brief update of the work of the Committee since the last Commission meeting:

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

- The Committee discussed the CCDA's participation with the DGS Office of Public Affairs in a social media pilot program, where the CCDA will be given Facebook and Instagram accounts with the possibility of adding a YouTube channel in the future. The Committee will give suggestions at the August meeting and the pilot will roll out in the fall.
- The Committee discussed education and outreach and the Committee's role in regard to the High-Frequency Litigant (HFL) Fund, the Business Checklist, the CCDA's response to AB 2917, and upcoming CCDA listening forums.

c. Checklist Committee

Commissioner Dillard, Chair of the Checklist Committee, stated the June Committee meeting was cancelled. In the upcoming September meeting, the Committee will review the latest draft of the Accessible Parking Toolkit and make recommendations to the full Commission.

d. Legislative Committee

Commissioner Lillibridge, Chair of the Legislative Committee, provided a brief update of the work of the Committee since the last Commission meeting:

- Committee Members welcomed Commissioner Shapiro as the newest member at the June Committee meeting.
- The Committee was updated on and discussed upcoming legislation, a new Administrative Order on how to communicate with the DGS Office of Legislative Affairs on all upcoming legislation. Training on the Legislative Order will be announced at the next Commission meeting.

There was no Commissioner discussion or public comment.

7. CCDA Executive Director Report – Discussion

a. Administrative and Operational

Chair Executive Director Dawson presented her report:

Administrative Updates

Commissioner onboarding and outboarding procedures have been updated in collaboration with the DGS to ensure that paperwork is complete. Staff is working with Commissioners with paperwork needs and the CCDA should be fully compliant with the tracking of required trainings and Form 700 filings by the end of the month. Staff is also working on a policy and procedure handbook to avoid this issue in the future.

Commissioner Vacancies

A candidate is moving through the appointments process for the vacant Governor-appointed seat representing the disability community's interests.

Reappointments

All reappointments are current.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

Staffing Updates

CCDA has two unfilled positions for an office technician and an AGPA. These positions will soon be posted.

Conference Meetings Attended

Executive Director Dawson highlighted meetings and conferences she attended since the last Committee meeting.

There was no Commissioner discussion or public comment.

8. CCDA's Bylaw Review – Update and Discussion

a. Path Forward

Executive Director Dawson stated the Executive Committee is tasked with reviewing the Bylaws in collaboration with staff every two years. The Committee determines what needs to be revised and makes recommendations to the full Commission.

Executive Director Dawson stated staff presented a high-level summary of proposed changes to the bylaws at the July Executive Committee meeting. Feedback will be incorporated and the updated draft will be presented at the October full Commission meeting for review and feedback. The final draft is expected to be presented for review and approval at the January 2024 full Commission meeting. She reviewed the changes recommended by staff.

Discussion

Commissioner ElHessen asked if the scope of each Committee and its members will be clarified in the Bylaws.

Executive Director Dawson stated the Committee sections will be expanded to include this information.

Public Comment

No public comment.

9. Presentation: Accessibility for California Healthcare Facilities – Discussion

Presenter:

- Bill Zellmer, AIA, CASp, Program Manager, Physical Access Compliance and Regulatory Affairs, Sutter Health

Bill Zellmer, AIA, CASp, Program Manager, Physical Access Compliance and Regulatory Affairs, Sutter Health, and CCDA Checklist Committee Member, stated Sutter Health, which has 24 hospitals and over 300 outpatient clinics, was sued approximately 15 years ago for lack of ADA compliance. It took approximately 12 years for Sutter Health to update all its facilities. Kaiser and Dignity Health were also sued in class-action lawsuits around the same timeframe. Three of the major healthcare providers in California have gone through these class-action lawsuits. He provided an overview, with a slide presentation, of the steps taken to improve compliance with the

California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes

ADA at Sutter Health and stated the hope that other organizations will use this information to improve accessibility.

Mr. Zellmer's slide presentation reviewed why healthcare is different, lessons learned, best practices of medical design, and special situations in healthcare to improve accessibility for California healthcare facilities. He showed videos of patient transfer to medical equipment in a healthcare environment. He highlighted the amount of space required for staff patient transfer and self-transfer and noted that shrinking the space for economical reasons will not work for either of these.

Mr. Zellmer showed a YouTube video titled "People with Disabilities Speak Out on Healthcare Disparities – Communication" that addressed disparities such as medical personnel speaking to the assistant or family member rather than the patient, or medical personnel filling out a form verbally with patients in public areas, which is a serious lack of privacy.

Mr. Zellmer stated a member of the public shared concern at a Commission meeting about the difficulties of communication with medical personnel and how a sign language interpreter may not capture all of what a doctor is saying or information about prescribed medications. He agreed that communicating about highly technical issues is difficult.

Discussion

Commissioner ElHessen shared her experience of visiting a new medical facility that works with seniors and members of the disability community. Although it was inaccessible, the staff stated the building was up to code and that they went through a checklist and the city approved the building. The building had huge double doors and no signage. She stated concern that cities think their building codes are ADA compliant for healthcare facilities.

Mr. Zellmer stated this should not have occurred. A brand-new building should have gone through all the steps so that does not happen.

Commissioner ElHessen stated this happens frequently. Just getting into a building should not be a challenge. She suggested that the Commission help bring awareness to these issues so healthcare professionals will also know accessible standards so they can be assured that the office spaces they rent are accessible to all individuals with disabilities.

Commissioner Lillibridge stated he was struck in Mr. Zellmer's presentation about going that extra step and thinking about the end user instead of checking a box. Individuals who go to medical facilities may not be disabled but they are often in a state where they are not at their utmost physical capability. Therefore, considering design constraints based on the end user is important. For example, there are ways to separate pedestrians from vehicular traffic other than by curbs, such as with the use of bollards, etc.

Commissioner Dillard stated the importance of considering the curb height for the wheel stop for cars. Cars today are designed lower than in the past and are being damaged from the height of curbs.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

Commissioner Shapiro stated she appreciated the difficulties with conflicting codes that come together when trying to maximize two variables that mathematically cannot be done. She noted that an individual does not have to have a disability to not want their weight taken in the hallway. It would be nice for that to be in private.

Commissioner Shapiro asked if there is a ratio or thought process on how to space out rooms with the accessible medical exam tables to ensure that there is sufficient space.

Mr. Zellmer stated accessibility standards are defined in the code for 24-hour care hospitals, long-term care facilities, and rehabilitation facilities. This is defined in code and mirrors the National ADA Standards. Where the code is silent, the assumption is 100 percent of the architecture, but not the medical equipment. Sutter set up a percentage internally on the percentages of its facilities to bring up to code over time.

Commissioner Shapiro asked, regarding the accessible parking space and the difficulty with the curb, if some of those standards were created in the time when it was presumed that the disabled person would be a passenger, and if the current standards fail to consider the need for room or access in society today where more and more modifications are being made to vehicles that let disabled individuals drive themselves, and have failed to move standards forward.

Mr. Zellmer agreed that the codes and laws were set up prior to better understanding the individuals with disabilities may be the driver but noted that the same thing frequently occurs on the passenger side.

Commissioner Ramirez stated appreciation for the insight into making Sutter's emergency behavioral psychiatric spaces accessible. He asked about accommodations that are built-in to help individuals who experience hearing loss.

Mr. Zellmer stated, from an architectural standpoint, elevators have a bell so individuals can hear the elevator and the floor it is on. It is more about staff communicating effectively with people with hearing disabilities.

Public Comment

No public comment.

Lunch Break

10. Legislative Bill Reporting – 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 materials.

a. Assembly Bill 222: Civil Rights Department: Californians with disabilities workgroup.

This bill is now a two-year bill and will not be moving forward this year.

b. Assembly Bill 410: Shared mobility devices.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

This bill was signed into law by Governor Newsom and will go into effect on January 1, 2024.

c. Senate Bill 544: Bagley-Keene Open Meeting Act: teleconferencing.

This bill is pending in the Assembly Appropriations Committee.

d. Senate Bill 585: Disability access: construction-related accessibility claims: statutory damages: attorney's fees and costs.

This bill is now a two-year bill and will not be moving forward this year.

e. Senate Bill 748: Disability access and information: local government: notice.

This bill was signed into law by Governor Newsom and will go into effect on January 1, 2024.

f. Assembly Bill 950: Accessibility: internet websites.

This bill is now a two-year bill and will not be moving forward this year.

g. Assembly Bill 1163: Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act.

The DGS will no longer be tracking this bill as the CCDA was amended out of the bill on June 28, 2023. It is currently pending in the Senate Appropriations Committee.

h. Assembly Bill 1404: Disability access: internet website-related accessibility claims.

This bill is pending in the Senate Appropriations Committee.

i. Assembly Bill 1757: Accessibility: internet websites.

This bill is pending in the Senate Appropriations Committee.

Discussion

Commissioner ElHessen referred to SB 748 and asked if the CCDA should be educating public works regarding working with local businesses identifying access issues.

Ms. Roy stated there is not a specific mandate for the CCDA.

Commissioner Dillard asked if there is overlap between AB 950, 1404, and 1757.

Ms. Roy stated overlap is common among different pieces of legislation with the same subject matter.

Commissioner Ramirez asked if legislators will continue to pursue legislation on website accessibility, given that it is a popular way to access goods and services.

Commissioner Ramirez referred to AB 1163, and stated surprise to hear that the Commission does collect sexual orientation and gender identity (SOGI) data, which seems to be more representative of the people of California.

California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes

Ms. Roy stated the CCDA was amended out of the bill because collecting demographic data is not part of its mandate.

Executive Director Dawson stated the data collected is from attorneys and law firms in the form of complaints, demand letters, and complaint resolutions. These contain no demographic data.

Chair Downey referred to AB 950 regarding web accessibility regulations and stated the bill requires the CCDA to comment on the most relevant and up-to-date standards that web applications need to comply with. He asked if this is within the CCDA's mandate because it sounds like a change in the type of work the CCDA has historically done.

Ms. Roy stated AB 950 is not moving forward this year but the author's office has been made aware that the mandates in the bill are not in the CCDA's purview.

Public Comment

No public comment.

11. Financial Review – Discussion

a. Review Summary – Quarterly Report

Executive Director Dawson reviewed the Expenditure Authority Summary Report for the 3rd quarter ending June 29, 2023, provided by the Accounting and Budget staff of the DGS.

- The total expenditure authority for the 2022-23 fiscal year is \$1,731,000.
- The budget authority for Salaries, Wages, and Benefits is \$799,000.
 - The year-to-date expenditures plus encumbrances is \$415,368.
- The budget authority for Operating Expenditures and Equipment is \$932,000.
 - The year-to-date expenditures plus encumbrances is \$265,954.
- The total year-to-date expenditures is \$681,323.

Executive Director Dawson noted that the total expenditure authority increased from \$1,571,000 to \$1,731,000 since the last meeting because the HFL Fund monies increased by \$197,000. In addition to the \$152,000 in HFL Funds, there is an additional \$197,000 that needs to be spent by June 30, 2026.

Executive Director Dawson noted that salary spending and general expenses particularly around external contracts looks lower than expected at the end of the 3rd quarter. This is under review by the Accounting and Budget team to ensure that all invoices have been processed. She stated the lower figures may also be because of salary savings and consulting contracts that ended early.

Executive Director Dawson stated she talked with the DGS about getting assistance with budgeting and forecasting. She stated she met with Mark Doty (phonetic), a consultant with the DGS Interagency Support Division (ISD), who will be working one-on-one with the CCDA on the financials.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

Discussion

Commissioners asked clarifying questions.

Public Comment

No public comment.

12. Revenue Reporting: Use of HFL – Update and Discussion

a. Spending Report

Executive Director Dawson stated, in addition to the \$152,000 in HFL Funds, there is an additional \$197,000 that needs to be spent by June 30, 2026. 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 proposed applying the additional \$197,000 to the categories that were previously approved in the two-year work plan at the April full Commission meeting, including listening forums, website accessibility online modules for small business owners, projects, advertising to businesses, general Bar Association outreach, and tool kits.

Executive Director Dawson stated she will provide regular updates on how the HFL Fund is being spent and, if there are additional projects that were not previously approved, she will come back to the Commission with a new spending plan and funding request. She stated she will work with accounting and vendors to encumber the funds by the June 30, 2024, deadline, and will provide a progress report at the October full Commission meeting.

Discussion

Commissioners asked clarifying questions.

Public Comment

No public comment.

13. Equity and CCDA – Update and Discussion

Executive Director Dawson stated Executive Order N-16-22 directs state departments to ensure that they track their equity measures and that they think about how to infuse equity into their programs and services. One of the groups specifically called out was the disability community. The DGS was directed to look at their equity goals and think about how people with disabilities fit into those goals. The CCDA was brought into those conversations early on.

Executive Director Dawson stated CCDA staff has had internal conversations about how to infuse equity and intersectionality into the work. It is important to approach programming through an equity lens and a language access lens. She stated the CCDA has put out a bid for a language access contract to translate CCDA materials into languages other than English, and a translation service for simultaneous translation at

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

listening forums and one-on-one meetings with business owners in languages other than English. She stated the next CCDA hiring notice will try to attract more bilingual staff.

Discussion

Chair Downey agreed with Commissioner Ramirez that the CCDA Data Collection Project should include demographic representation. He suggested being proactive in the language used when advertising for bilingual staff and working with DGS HR to ensure the most appropriate language for broad appeal.

Commissioner Ramirez stated he is on Governor Newsom's Health Equity Task Force and has worked to implement equity as a new standard. One of the things discovered is that "equity," like the word "justice," means different things to different people. He asked staff and the Commission to discuss what the word "equity" means for this Commission.

Commissioner Ramirez stated one of the things seen in the equity space that has not been seen in the disability community is the tackling of code language, particularly the California Code around the disability community. The current language tends to be disparaging. He suggested that the Commission educate and highlight what equity means to the disability community, particularly in the work sector, and what is disparaging in the codes to help bring the codes up to date.

Public Comment

No public comment.

14. Listening Forums – Discussion

a. Timeline

Executive Director Dawson stated, now that some of the COVID-19 restrictions have been lifted, staff is planning to resume holding regional Listening Forums throughout the state in 2023. The first Listening Forum will be in-person only and held on August 31st in the city of San Jose from 3:00 p.m. to 5:00 p.m. at the San Jose City Hall in collaboration with the city of San Jose. Members of the panel representing the disability community, the business community, and local leaders will discuss challenges in the Silicon Valley Region related to access to businesses, solutions, and what the city and regional partners are doing to increase access, bridge gaps, and support local businesses. Commissioner Shapiro will moderate the meeting.

Executive Director Dawson stated staff has received questions of concern from individuals outside of the San Jose area asking if this will be the only forum they can attend. The CCDA is taking a regional approach to these forums and will be hosting at least 15 forums in different parts of the state over the next three years using the HFL Funding. Captioning, American Sign Language, and language translation in Spanish, Mandarin, Vietnamese, and other languages that are requested will be available.

Executive Director Dawson stated she will provide updates and information on the next few Listening Forums at the next full Commission meeting.

Discussion

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

Chair Downey applauded staff for being guided by the data collection information to identify prime locations for Listening Forums and the languages and communities served in those locations for more robust community engagement.

Commissioner ElHessen asked if there is a way for Commissioners to join the meeting remotely.

Executive Director Dawson stated the San Jose forum is in-person only because staff could not guarantee full accessibility of the Zoom function at the location. Future forums will be held in a hybrid model to increase participation statewide.

Commissioner Jackson asked that San Diego be included as a location for a future Listening Forum.

Commissioner Dillard asked staff to provide a report about the findings from the San Jose Listening Forum.

Public Comment

No public comment.

15. CCDA's Current Projects – Update and Discussion

Executive Director Dawson provided an overview of some of the projects not discussed in other parts of today's agenda:

- The Accessible Parking Campaign. AB 2917 went into effect in January and requires the CCDA to educate the public about accessible parking, paths of travel, and website accessibility guidelines. The CCDA created two workgroups: the Construction Industry Workgroup and the ADA Coordinator, Business Owner, and Operator Workgroup.
 - These groups developed two toolkits that would educate their stakeholders about the importance of ensuring accessible parking and educating them on their responsibilities of maintaining accessible parking. Edits have been received from the DGS Office of Public Affairs (OPA) and the DSA. The toolkits are still being finalized. The goal is to present the revised draft of these toolkits at the October full Commission meeting for a final review and approval at the January full Commission meeting.
- Website Accessibility Modules. Staff is in the process of contracting with vendors to help with the website accessibility modules. A progress update will be provided at the October full Commission meeting.
- Accurate Key Codes.
 - Staff is working with the DSA and others on updating key codes for the CCDA Legal Portal to ensure that the most accurate data is being collected and the most accurate definitions of “accessible paths of travel” and “interior paths of travel” are being used to capture the data most accurately.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

- Accurate key codes affect other projects, such as the business listing two-page toolkit geared toward business owners on ways to increase access to businesses.
- Website Upgrades. Upgrades are being made to the website to ensure that it is a one-stop shop for accessibility information that is created by other partners and groups.

There was no Commissioner discussion or public comment.

16. 2022 Annual Report – Update and Discussion

Executive Director Dawson stated the CCDA 2022 Annual Report to the Legislature has been submitted to the DGS for approval. Technical edits have been received and are currently being incorporated.

There was no Commissioner discussion or public comment.

17. Presentation: Disability Access and Education Revolving Fund –Discussion

Presenters:

- Ida Clair, State Architect, DGS, DSA, CCDA Commissioner
- Andrew Smothers, Communications and Policy Analyst, DSA
- Mehdi Shadyab, P.E., CASp, J.D., Senior Structural Engineer, City of San Diego, Development Services Department / Building Construction Safety

Staff Member McPhaul welcomed the Panel Members and read their biographies, which were included in the meeting materials.

Andrew Smothers, Communications and Policy Analyst, DSA, provided an overview, with a slide presentation, of the goals, functions, methodology, number of CASps, education and outreach, and revenue of the Disability Access and Education Revolving Fund (DAERF). He stated 436 cities and counties pay into this fund. The 2022 Annual Report has been posted on the DGS website.

Mehdi Shadyab, P.E., Certified Access Specialist (CASp), J.D., Senior Structural Engineer, City of San Diego, Development Services Department / Building Construction Safety, and CCDA Checklist Committee Member, stated he will present on what the city of San Diego does with the DAERF. The city of San Diego employs six, soon to be seven, CASps citywide through its departments to help with accessibility regulation enforcement.

Mr. Shadyab stated part of the DAERF goes to education and training, which can go a long way. Continuous in-house training is provided to the 30 structural plan review engineers and staff attend webinars, trainings, and ADA symposiums. Education and training is paying off in improved and more detailed plan review to get accessibility requirements and regulations incorporated on the plans.

Mr. Shadyab stated, on the 30th anniversary of the ADA, he proposed launching a program called Ask a CASp. There is a tab on the website for individuals to ask

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

questions and provide photos, illustrations, or videos of their properties for review and discussion at no cost. A CASp responds within 24 hours. Individuals can ask limitless follow-up questions. This program has proved to be a great success. He stated there have been calls from other counties statewide and from other states since they have no one to answer their questions.

Mr. Shadyab stated the San Diego Development Services Department launched a call center in 2022 staffed live by CASp-certified senior engineers Monday through Friday from 8:00 a.m. to 2:00 p.m. who are available to chat with individuals on any topic code related to help them reach the goal they want to reach, including removing barriers for accessibility. Many times, individuals do not know the questions to ask – the CASp asks them questions to learn what it is they want to do or what they are looking for. CASp-certified senior engineers are also available in person by teams to have virtual meetings with individuals for no more 30 minutes to give guidance on how to resolve and how to remove barriers.

Mr. Shadyab stated the cost of covering these services comes from DAERF but the services are free of charge for citizens.

Mr. Shadyab stated his department also has established a small business liaison to assist small business owners in whatever they want to achieve.

Mr. Shadyab stated his department also creates publications and bulletins for general public use on a variety of topics including accessibility.

Mr. Shadyab stated his department is working to see if it can provide financial assistance to small business owners to cover the cost of CASp reports and removing barriers. He stated the city of San Diego believes that the built environment is not accessible until it is accessible to all.

Discussion

Commissioner ElHessen asked how to best support local cities in educating about this process.

Mr. Smothers stated there are good materials for local jurisdictions posted on the CCDA's website such as the Quick Reference Guide.

Chair Downey asked about tracking on the effectiveness of the CASp Program through CASp reports completed for property owners, based on litigation and whether following the findings in a CASp report kept businesses from litigation. This would be good data to publicize.

Mr. Smothers stated the DSA gathers data as mandated in legislation and does not track the effectiveness of the CASp program.

Commissioner Dillard suggested tracking the geographical locations of CASp members across the state and who are using them. He suggested attending other conventions such as the National Organization of Minority Architects (NOMA).

Commissioner ElHessen stated she loved hearing how San Diego uses the DAERF. She asked which departments use the funding.

California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes

Mr. Shadyab stated his department, the Development Services Department, and other departments such as the ADA Compliance and Accessibility Department use the funding.

Commissioner ElHessen asked to contact Mr. Shadyab offline to learn how to follow this model in her city.

Commissioner Dillard asked if Los Angeles is following this model yet.

Mr. Shadyab stated he was not sure if any other jurisdictions are following this model but many are doing something.

Commissioner Dillard suggested some communication between the cities of San Diego and Los Angeles since they are in proximity with each other.

Mr. Shadyab agreed. He stated the building officials of San Diego and Los Angeles meet monthly. Also, this program has been discussed but he stated he does not know the result of that conversation.

Chair Downey suggested hosting case studies of how different jurisdictions around the state are taking advantage of the DAERF and putting it to effective use. He suggested having a clearinghouse or portal that showcases effective case studies of how the different jurisdictions are making good use of those funds and serving those communities.

Commissioner Shapiro agreed with scaling these programs across more cities. She asked how to get the knowledge out into the public and how the Commission can scale up the ability to let people know about these resources so that the people who can use them and small business communities can get them. She asked if there has been an opportunity to engage with language accessibilities.

Mr. Shadyab stated architects and engineers are not licensed professionals. The target audience is small businesses who do not have construction knowledge and do not know what the laws and regulations state. By now, everyone knows about the ADA and that they must do something to remove barriers. The city of San Diego tries to help individuals with their venture and guide them in what they need to do to become compliant. Bulletins are printed in English. They can be printed in other languages upon request but that request has not yet been made. The city has translators in-house for almost every language to assist with language barriers.

Chair Downey asked if data is kept on the Ask a CASp calls, such as the frequently asked questions that might suggest areas the Commission can help clarify or areas to focus outreach and education efforts.

Mr. Shadyab stated recordings are kept of questions asked and the answers to those questions. He noted that approximately 50 percent of the calls come from licensed design professionals on issues they are unable to solve, approximately 25 percent come from the elderly regarding places that cater to older adults about their living environment, such as parking, paths of travel, and elevators, and approximately 25 percent come from small business owners.

**California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes**

Michelle Davis, Supervising Architect, DSA, stated the DSA has a technical assistance line and gets similar types of calls as the city of San Diego.

Public Comment

No public comment.

18. Future Agenda Items – Discussion

Commissioner ElHessen stated she loved Chair Downey’s idea of the CCDA website being a clearinghouse of information to support business owners.

Commissioner Shapiro suggested looking at industry issues that come up in litigation that would benefit from education or checklists. She suggested creating a list of the top ten things for building inspectors to check so buildings are not signed off when they are still noncompliant.

Chair Downey stated years ago the CCDA Checklist Committee developed the Accessibility Construction Inspection Checklist for trained building code officials and building inspectors to assist with on-site inspection of accessibility features and construction elements affecting accessibility compliance. The checklist was the first of its kind in the country. It attempted to anticipate the appropriate times to check that certain things had been completed throughout the construction period to guide inspectors. He gave the example of an inspector noting the day before a business is set to open that the ramp is too steep; this should have been addressed when the ramp framing was inspected during the construction process.

Chair Downey asked for an update on the Inspection Checklist at the next Commission meeting – whether it is still current, if it is being used by inspectors in the field, and if feedback has been given for improvement. During the development of the checklist, it was thought to be ideal not only for inspectors but for building owners to give to their contractors. This important tool should not be left on the shelf.

Commissioner Ramirez agreed with Commissioner Shapiro about the intersectionality of mental health and health settings. As the issue of technology, particularly webpage infrastructures and accessibility, develops, it is important to note where this Commission can advance or provide additional guidance and information.

Commissioner Lillibridge stated stories are powerful, especially stories that are well told. He suggested incorporating success stories in future agendas where barriers were removed in efficient, effective ways to inspire business owners who feel their problems are insurmountable.

19. Adjourn

Motion: Commissioner Shapiro moved to adjourn the July 26, 2023, California Commission on Disability Access Full Commission meeting. Commissioner Lillibridge seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

California Commission on Disability Access
Full Commission
July 26, 2023, Meeting Minutes

The following Commissioners voted “Yes”: Commissioners Dillard, ElHessen, Jackson, Lillibridge, Ramirez, and Shapiro, and Chair Downey.

Chair Downey wished Executive Director Dawson a near one-year anniversary with the Commission. He thanked her for her service and leadership on behalf of the Commission.

There being no further business, the meeting was adjourned at 3:27 p.m.