

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Meeting Minutes
June 26, 2024

1. Call to Order

Vice Chair Brian Holloway welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:01 a.m. The meeting was on Zoom, via teleconference, and held at the Hilton Irvine Orange County Airport Hotel (Catalina Ballroom), 18800 Macarthur Blvd., Irvine, California 92612.

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:

Brian Holloway, Vice Chair

Ida Clair, State Architect

Drake Dillard

Dr. Souraya Sue ElHessen*

Jacqueline Jackson

Scott Lillibridge

Dr. Luciana Profaca

Hector Ramirez

Sarahann Shapiro*

*Participated remotely

Commissioners Absent:

Juan Alanis, Assembly Member

Rosilicie Ochoa Bogh, Senator

Rob Bonta, Attorney General

Chris Downey, Chair

Matt Haney, Assembly Member

Melissa Hurtado, Senator

Ashley Leon-Vazquez

Staff Present:

April Dawson-Rawlings, Executive Director

Kamran Qazi, Legal Counsel

Stephanie Groce, Data and Research Analyst

Phil McPhaul, Operations Manager

Sabina Nakarmi, Program Technician

Abigail Ridge, Administrative and Legislative Analyst

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Presley Strother, Marketing and Outreach Analyst
Amber Thomas, Education and Outreach Specialist

Also Present:

Stubby Barr, Advocate
Angela Jemmott, former Executive Director, CCDA
Guy Leemhuis, former Chair, CCDA
Beth Maynard, California Building Standards Commission
Douglas Wiele, former Vice Chair, CCDA
Melerie Michael, Legislative Consultant, Office of Legislative Affairs, California
Department of General Services

Pledge of Allegiance

Commissioner Lillibridge led the Commission in the Pledge of Allegiance.

2. Approval of Meeting Minutes (March 20 2024) – Action

Motion: Commissioner Dillard moved to approve the March 20, 2024, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Dr. Profaca seconded. There was no public comment on the motion. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

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

Stubby Barr, Disability Advocate, thanked the Commission and its efficient staff for their work.

4. Commission Tributes – Discussion

a. Immediate Past Chair Commissioner Guy Leemhuis

Vice Chair Holloway thanked Immediate Past Chair Commissioner Guy Leemhuis for his dedication and contributions to the work of the Commission. A video tribute with current and former colleagues was played in recognition of Immediate Past Chair Leemhuis’s accomplishments. Vice Chair Holloway stated a resolution in appreciation for Immediate Past Chair Leemhuis’s years of service with the Commission will be presented offline.

Commissioners and members of the public expressed their thanks, appreciation, and gratitude for Immediate Past Chair Leemhuis and his work over the years.

5. Disability Access and Education Revolving (DAER) Fund – Update and Discussion

a. Accessibility Compliance Fund

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Executive Director Dawson-Rawlings stated the DAER Fund was established by the Legislature to increase disability access and compliance with construction-related accessibility standards. She stated \$4.00 from every business license fee goes into the Fund – 10 percent is administrative and is managed by the Division of the State Architect (DSA) and 90 percent is to be maintained locally. She stated the main purpose of the Fund is for the education and retention of Certified Access Specialists (CASps) by local jurisdictions, but recent legislation allowed for an increase in the use of the Fund so municipalities can set up programs to assist businesses in achieving compliance.

Executive Director Dawson-Rawlings stated the CCDA has hired a full-time Education and Outreach Specialist, Amber Thomas, who will share information about the Fund and resources with municipalities, businesses, chambers, and others.

In response to Commissioner Dr. Profaca's request at a previous meeting, Executive Director Dawson-Rawlings shared additional information from the 2023 DSA report to the Legislature about how these funds are collected and used. She stated \$984,938 in fees were collected in 2022 from local governments, which made up the 10 percent administrative fees, and 302 reports were submitted to the DSA from jurisdictions that reported a collection of \$9,849,380, which made up the 90 percent that is maintained locally. She noted that the state of California has 539 local governments, but not all of them submit reports or collect fees. Approximately 83 percent participate in this process. It is important to contact the other 17 percent to educate them about this opportunity.

Executive Director Dawson-Rawlings shared an example of how the Fund is being used by municipalities to help businesses with disability access remediation. She noted that Staff Member Thomas will be creating case-study examples that will be shared at future meetings and posted on the website. She stated the city of San Jose is using the DAER Fund for a Disability Improvement Grant for small businesses.

Discussion

Commissioner Dr. ElHessen stated outreach is greatly needed because municipalities are unaware of this Fund. She stated she looks forward to working with Staff Member Thomas to help get the word out and educate local municipalities.

Commissioner Dr. Profaca thanked staff for their thoroughness in their response to her questions she posed at the last meeting. This is important information. She stated she is excited about the direction that the CCDA is going in ensuring that those funds are accessed by the business community for people with disabilities.

Commissioner Ramirez stated these resources are greatly needed. They stated the Los Angeles Commission on Disabilities looks forward to engaging with CCDA staff to help municipalities and other disability commissions to become more aware of the opportunities of the Fund.

Public Comment

Stubby Barr stated it is excellent that the Commission now has dedicated outreach staff since municipalities are often unaware that they should be collecting these fees. The

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San Jose program needs to be made available to municipalities as an example of what can be done with this much-needed Fund.

6. CCDA's Outreach – Update and Discussion

a. Upcoming CCDA Listening Forum

Executive Director Dawson-Rawlings stated an in-person Listening Forum will be held in the Catalina Ballroom at the Hilton Irvine Orange County Airport Hotel after today's Commission meeting, from 3:00 p.m. to 5:00 p.m. Commissioner Clair will be sharing disability access tips for businesses and answering questions about accessibility that were submitted in advance. There will also be a panel of representatives from the Dayle McIntosh Center, the President of the Newport Beach Chamber of Commerce, a local CASp, and others who will speak about barriers to access to businesses in Orange County and how businesses, local government, the state, the disability community, and access professionals can work together to overcome those challenges to ensure equal access in Orange County. Although a virtual component is unavailable for this event, an equivalent online Listening Forum will be held in the next couple of weeks.

b. Webinar Partnerships

Executive Director Dawson-Rawlings stated the CCDA has been hosting Lunch-and-Learn sessions and business webinars. The second of three business webinars, in partnership with the Pacific ADA Center, will be held on July 18th on Zoom from 3:00 p.m. to 4:30 p.m. It will be a celebration of the Americans with Disabilities Act (ADA) as well as a review of the last 34 years since the ADA was signed into law. There will be a panel of CCDA stakeholders who will discuss how the ADA and the Olmstead Act impacted their lives.

There were no questions from Commissioners and no public comment.

7. Legislative Bill Tracking – Update and Discussion

Melerie Michael, 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 1757: Accessibility: internet websites

This bill was heard in the Senate Appropriations Committee two days ago and was sent to the Suspense File.

b. Assembly Bill 3279: State Bar of California

This bill will be heard in the Senate Judiciary Committee on July 2, 2024.

Discussion

Commissioner Lillibridge asked about the annual report for Assembly Bill (AB) 3279.

Ms. Michael stated the bill requires the State Bar to annually report to the Legislature on the number of complaints regarding access issues related to the biannual state bar exam.

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Commissioner Ramirez stated the hope that, while AB 1757 is in the Suspense File, there can be further analysis of the new federal regulations regarding internal website accessibility. They stated members of the disability committee often experience significant disability access barriers with state health care agency remote-, web-, or app-based services. Because these problems increased during the COVID-19 pandemic, members of the disability community must reach out to federal partners at the Department of Justice to seek remedies and new regulations.

Commissioner Ramirez stated the hope that this bill will be further developed in the Suspense File to reconcile issues that the disability community is currently experiencing in accessing websites and apps that are funded by both state government and federal funding sources to access health and education services. They stated they look forward to updates on this bill.

Public Comment

No public comment.

8. CCDA Projects and Meetings – Update and Discussion

Executive Director Dawson-Rawlings presented her report:

a. Project Docket

Social Media Pilot and Video Project

Since March 1, 2024, staff has been collaborating with the DGS Office of Public Affairs (OPA) on a social media pilot that allows greater access to stakeholders. It still goes through OPA for approval of the social media content, but it allows the Commission to use its own logo and have its own YouTube and Facebook channels to more directly brand itself and identify stakeholder communities. There are over 160 followers on Facebook. Historical and current Listening Forums, webinars, trainings, and meetings will be posted on the YouTube channel.

Training Video Series

The CCDA will partner with the OPA on a series of training videos that will build on each other. The initial ten videos will be on the topics of effective communication, accessible parking, maintaining accessible features, the CCDA, and others. The CCDA will also work with local businesses and stakeholders to appear in the videos. The videos will be in multiple languages and fully accessible.

Accessible Parking Campaign

The Accessible Parking Campaign toolkits for business owners and the construction industry are posted on the website. They have been shared with Commissioners and the stakeholder groups that helped create the toolkits. Meetings will be held with organizations in the future to learn how to best utilize the content for their stakeholders. The toolkits are in the process of being printed and they are being translated into multiple languages.

Listening Forums

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There is an in-person Listening Forum following today's Commission meeting from 3:00 p.m. to 5:00 p.m. in the Catalina Ballroom at the Hilton Irvine Orange County Airport Hotel.

Staff has been meeting with the city of Los Angeles about hosting a Greater Los Angeles Listening Forum with a webinar in the fall of 2024 and an in-person session in early 2025.

Staff will spend more time in 2025 and 2026 setting up Listening Forums around the state following the trends of where the data is showing that businesses need the information the most.

Staff plans to engage each of the Commissioners to play a role at each of the forums.

b. Upcoming Meetings

The next Education and Outreach Committee meeting will be held on July 24, 2024. All Committee meetings are held both in-person and on Zoom.

There were no questions from Commissioners and no public comment.

9. CCDA Executive Director Report – Discussion

a. Administrative and Operational

Staff Member McPhaul provided a brief update on the work of the Commission since the last Commission meeting:

Program Highlights

The Commission partnered with the County of Monterey Office of Civil Rights to conduct a Listening Forum for small businesses and the disability community in April.

The Commission partnered with the Pacific ADA Center and the city of Sunnyvale to conduct an ADA Title II/Title III training webinar for city staff and area businesses in April.

The Commission partnered with the Pacific ADA Center for the first of the three-part webinar series for small businesses in May.

Commissioner Vacancies

There is one vacancy on the Commission representing the interest of people with disabilities. The appointing authority is the Senate Rules Committee.

Reappointments

Chair Downey, Commissioner Lillibridge, and Commissioner Dr. Profaca, Governor appointees, were confirmed by the Senate in May.

Commissioner Shapiro, a Governor appointee, was confirmed by the Senate in February.

Commissioner Leon-Vazquez, a Speaker of the Assembly appointee, is awaiting reappointment.

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Staffing Updates

Executive Director Dawson-Rawlings successfully completed the ADA Coordinator Training Certification through the Great Plains ADA Center in May.

A Program Technician and a Staff Services Analyst have been hired. The Commission is now fully staffed.

Conferences and Meetings Attended

Staff Member McPhaul reviewed the list of conferences and meetings attended since the last Commission meeting.

b. Financial Review

Staff Member McPhaul reviewed the Fiscal Year (FY) 2023-24 Third Quarter Financial Report, which was included in the meeting materials. It was prepared by the DGS budget analyst team.

CCDA management continues to meet with the DGS Budgets and Contracts monthly.

The May Revision of the Governor's budget was released. There is trailer bill language shifting funding for the CCDA from the General Fund to the Disability Access Account. No change is proposed to the High Frequency Litigant Fund.

CCDA management initiated the CCDA lease renewal with the Real Estate Services Division. The current lease expires in two years.

There were no questions from Commissioners and no public comment.

10. Presentation: Division of the State Architect (DSA) Access Program – Discussion

Presenter:

- Ida Clair, FAIA, State Architect, DGS, DSA, and CCDA Commissioner

Staff Member McPhaul read the biography for the speaker, which was included in the meeting materials.

Ida Clair, FAIA, State Architect, DGS, DSA, and CCDA Commissioner, provided an overview, with a slide presentation, of the DSA leadership, regions, authority, and rulemaking process. She stated the four DSA offices administer the public schools and community colleges plan review and design and construction oversight. The DSA is only an enforcement entity for public schools, community colleges, state buildings, CSUs, and UCs. All other buildings and facilities are enforced by other entities, usually the local building department. The DSA develops accessibility regulations based on executive action, legislative mandate, or a demonstrated need identified by the DSA or proposed by others. The DSA submits proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption. The CBSC administers the 18-month rulemaking cycle. All proposed building standards must meet nine-point criteria as mandated by building standards law.

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Commissioner Clair continued her slide presentation and discussed the DSA's pre-cycle and formal rulemaking activities that are a part of the rulemaking process for accessibility building standards, such as creating task forces that focus on one topic and public outreach. The rulemaking activities in response to code change proposals are based on "demonstrated need," such as the need for clarity, scoping, or enforceability. The Access Compliance Code Development website lists regulations currently in the process, and the Access Code Collaborative (ACC) members offer feedback on the DSA's proposed new and amended accessibility regulations for the California Building Code Title 24, Chapter 11B, Accessibility to Public Buildings, Public Accommodations, Commercial Buildings, and Public Housing.

Commissioner Clair stated the DSA website provides access compliance resources and materials on its website under "Access Compliance Reference Materials," including the Guide to Public Housing and the Access Compliance Advisory Reference Manual.

Commissioner Clair stated the DSA does test development, training, and certification for CASps in the DSA Certified Access Specialist Program. The DSA website includes a CASp Business Outreach section for business owners to find information on the CASp Property Inspection.

Commissioner Clair stated the DSA website includes information on the DAER Fund for jurisdictions on how to submit their information to the DSA, encouragement of the use of CASps, and ideas from the annual report on how they can use the funds that they collect.

Commissioner Clair stated the DSA website includes information on the free DSA Academy, which offers accessibility training and continuing education for design professionals on access compliance.

Discussion

Commissioner Ramiez asked if there is capacity within the DSA Academy for non-English speakers.

Commissioner Clair stated the DSA Academy training is accessible; however, it is currently only offered in English.

Commissioner Shapiro thanked Commissioner Clair for her informative presentation.

Commissioner Dillard asked if the DSA is in sync with federal programs.

Commissioner Clair stated the Attorney General of California has made it clear that enforcement entities can only enforce the Building Code, not the ADA. Local jurisdictions ensure that submitted projects comply with the Building Code. Design professionals and building owners are responsible for ensuring compliance to the ADA.

Commissioner Dr. Profaca asked for a copy of Commissioner Clair's slide presentation.

Public Comment

Beth Maynard, CBSC, stated the 45-day public comment period is July 26th through September 9th.

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Stubby Barr stated the Access Compliance Manual is easier to present than the dry code. It is nice to have the official argument of the state.

11. Next Full Commission Meeting: Wednesday, October 23, 2024 – Update and Discussion

Executive Director Dawson-Rawlings stated the next full Commission meeting will be held in person and on Zoom on Wednesday, October 23, 2024, from 10:00 a.m. to 4:00 p.m. The location is still being finalized.

There were no questions from Commissioners and no public comment.

12. Future Agenda Items

Vice Chair Holloway asked Commissioners for suggestions for the next agenda.

Commissioner Ramirez suggested discussions on new regulatory changes to disability laws and opportunities for businesses and potential concerns and limitations of generative AI.

13. Adjourn

Vice Chair Holloway thanked everyone for participating and asked for a motion to adjourn the meeting.

Motion: Commissioner Lillibridge moved to adjourn the June 26, 2024, California Commission on Disability Access Full Commission Meeting. Commissioner Dr. ElHessen seconded. There was no public comment on the motion. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

There being no further business, the meeting was adjourned at 12:31 p.m.