

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Meeting Minutes
March 20, 2024

[Note: Agenda Items 5, 7, and 9 were taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]

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 10:08 a.m. The meeting was on Zoom, via teleconference, and held at the CCDA Headquarters, located at 400 R Street, Suite 312, Sacramento, California 95811.

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
Drake Dillard
Dr. Souraya Sue ElHessen*
Jacqueline Jackson
Ashley Leon-Vazquez
Dr. Luciana Profaca
Hector Ramirez
Sarahann Shapiro

*Participated remotely

¹ a.m. only

Commissioners Absent:

Juan Alanis, Assembly Member
Matt Haney, Assembly Member
Melissa Hurtado, Senator
Scott Lillibridge

Staff Present:

April Dawson-Rawlings, Executive Director

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Viana Barbu, 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:

Mark Baker, Soft Lights Foundation
Mike Jamnetski, Contractors State License Board
Angela Jemmott, California Bureau of Real Estate Appraisers
Bill Zelmer, Sutter Health

Pledge of Allegiance

Chair Downey led the Commission in the Pledge of Allegiance.

2. Approval of Meeting Minutes (October 25, 2023) – Action

Motion: Vice Chair Holloway moved to approve the October 25, 2023, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Dillard seconded. There was no public comment on the motion. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

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

Mark Baker, Founder and President, Soft Lights Foundation (SLF), stated the widespread release of LED products has created a new type of discriminatory barrier that is not currently addressed by government regulations or standards. LEDs emit an intense, directed energy light that can overwhelm the nervous system of individuals with disabilities. The adverse impacts of LED lights can create a discriminatory barrier that prevents full and equal access to a business by blocking the path of travel. No education materials for businesses are available for how to provide accommodation related to LED lights. The SLF asked the CCDA to open an investigation into this issue. The SLF is available to assist the Commission.

Chair Downey asked for a motion to approve an adjustment to the agenda to hear Item 6 prior to Item 5.

Motion: Commissioner Shapiro moved to approve an adjustment to the agenda to hear Item 6 prior to Item 5. Commissioner Jackson seconded. There was no public comment on the motion. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

4. New Guidelines: Bagley-Keene Open Meeting Act – Update and Discussion
a. DGS Office of Legal Services (OLS)

Executive Director Dawson-Rawlings stated there have been recent changes to the Bagley-Keene Open Meeting Act that affect Commission meetings. She invited OLS Attorney Viana Barbu to present this agenda item.

Ms. Barbu provided an overview of key updates to the Bagley-Keene Open Meeting Act, effective January 1, 2024.

Discussion

Commissioner Conway highlighted the new requirement for Commissioners to remain on camera during Zoom meetings.

Commissioner Dr. ElHessen asked if this applies to individuals with a disability.

Ms. Barbu stated the code allows for Commissioners to explain why they are not on camera, whether because of technical difficulties or for personal reasons. She noted that a general explanation will suffice for personal reasons. Commissioners are required to personally disclose the reason they are not on camera at every meeting and whether there is anyone in the room with them who is over 18 years of age.

Commissioner Ramirez stated concern about privacy for individuals with disabilities who are unable to be on camera for a meeting. It creates a paper trail of health data in public records for individuals being required to disclose their disability. This is problematic.

Executive Director Dawson-Rawlings asked Commissioners to check in with her prior to meetings where Commissioners will not be on camera so she can help to implement this policy in a way that complies with transparency while being cognizant of privacy issues.

Vice Chair Holloway asked staff to provide a bullet-point summary of the new Bagley-Keene requirements at the next meeting.

Commissioners asked clarifying questions.

Public Comment

No public comment.

[Note: Agenda Item 5 was taken out of order and was heard after Agenda Item 6.]

5. Commission Tributes – Discussion
a. Past Commissioner Betty Wilson

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Executive Director Dawson-Rawlings stated former Commissioner Betty Wilson recently passed away. Commissioners and staff shared their memories and gratitude for Ms. Wilson's work and accomplishments for disability access.

Executive Director Dawson-Rawlings welcomed former Executive Director Angela Jemmott and asked her to say a few words in honor of former Commissioner Betty Wilson.

Angela Jemmott, Bureau Chief, California Bureau of Real Estate Appraisers, and former Executive Director of the CCDA, added her thoughts and memories of Ms. Wilson and how she impacted many lives with her tireless work for disability access for all.

Chair Downey asked for a motion to approve an adjustment to the agenda to hear Item 8 prior to Item 7.

Motion: Commissioner Dr. ElHessen moved to approve an adjustment to the agenda to hear Item 8 prior to Item 7. Commissioner Shapiro seconded. There was no public comment on the motion. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted "Yes": Commissioners Dillard, ElHessen, Jackson, Leon-Vazquez, Profaca, Ramirez, and Shapiro, Vice Chair Holloway, and Chair Downey.

6 CCDA Accessible Parking Campaign (APC) – Action

a. Educational Tool: Business Owners and Operators

b. Educational Tool: Construction Industry

Executive Director Dawson-Rawlings reviewed the Guide to Accessible Parking: Business Owners and Operators and the Guide to Accessible Parking: Construction Industry, which were included in the meeting materials. She stated the Business Owners and Operators and Construction Industry Workgroups have been meeting for approximately one year to create drafts of two APC Toolkits that will eventually be utilized by those industries to ensure that parking and exterior paths of travel are accessible to individuals with disabilities. The draft toolkits were submitted to the Department of General Services (DGS) Office of Public Affairs and the Division of the State Architect (DSA) for review and feedback, which was integrated into the toolkits. She stated the drafts are now being presented to the Commission for review and approval prior to dissemination.

Discussion

Commissioner Leon-Vazquez asked if the APC Toolkits will be published in multiple languages.

Executive Director Dawson-Rawlings stated they will be translated into at least the top 12 threshold languages from the state of California.

Commissioner Leon-Vazquez asked about the distribution plan.

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Executive Director Dawson-Rawlings stated staff will work directly with partners, trade organizations, and others to learn how best to distribute the toolkits to their partners. She asked Commissioners for suggestions on how to distribute the toolkits.

Commissioner Dillard suggested that the Workgroups meet once more to review the draft prior to finalization.

Commissioner Shapiro stated appreciation for the work of the Workgroups in producing these documents. She asked if the credits pages of the toolkits include everyone who has participated since the inception of the project.

Executive Director Dawson-Rawlings stated traditionally, when technical documents are produced, Commissioners who were involved in the project from its inception are included.

Public Comment

Mike Jamnetski, Chief Deputy Registrar, Contractors State License Board (CSLB), stated the CSLB thanked the Commission and staff for the opportunity to contribute to the APC Toolkit for the Construction Industry.

Bill Zellmer, Program Manager, Physical Access and Regulatory Affairs, Sutter Health, and CCDA Checklist Committee Member, stated he helped with the APC Toolkit for Business Owners and Operators. He stated he was pleased with the outcome, but noted that it was difficult to get the right balance between providing not enough and too much information. He stated he fears that some individuals will pick up the guide and be overwhelmed because of the amount of detailed information. It will be unfamiliar for those who do not work in accessibility compliance.

Action

Chair Downey asked for a motion to approve granting final review of the APC Toolkits by the Business Owners and Operators and Construction Industry Workgroups.

Motion: Commissioner Ramirez moved to approve granting final review of the Accessible Parking Campaign Toolkits by the Business Owners and Operators and Construction Industry Workgroups. Commissioner Dr. Profaca seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

[Note: Agenda Item 7 was taken out of order and was heard after Agenda Item 8.]

7. Data in Annual Report – Action

a. Law Firms

Executive Director Dawson-Rawlings reviewed the data in the CCDA Annual Report to the Legislature. She stated it was suggested for consistency and transparency that the Annual Reports specifically name the law firms that file the largest number of lawsuits

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beginning with the 2024 Annual Report, rather than continuing to list them by a numerical reference. She asked Commissioners for their feedback.

Discussion

Commissioner Dr. ElHessen agreed with specifically naming the law firms that file the largest number of lawsuits.

Commissioner Shapiro referred to the title above the percentages chart and suggested changing the word “by” to “from” so the title will read “Percentage of 2022 Filings Received from that Law Firm.” She agreed that the law firms that file the largest number of lawsuits should be specifically named. The listed filings should also have been filed with the Court; Court filings are public records. There is no expectation of privacy.

Commissioner Clair stated the importance of specifically naming the law firms. According to state law, individual business owners receive legal benefits if they receive a claim by a high frequency litigant. Naming the law firms is one method to let business owners know that they can have an early evaluation conference and a 90-day stay to determine the particulars of their case.

Commissioner Ramirez noted that the law firms and percentages are only representative of the filings that were submitted to the CCDA Legal Portal. This could give the wrong indication for the legal benefits to business owners.

Commissioner Dr. Profaca agreed with specifically naming the law firms that have been identified.

Commissioner Dillard asked why this is coming up now.

Executive Director Dawson-Rawlings stated she questioned it when she began her position with the CCDA but needed to learn more about the historical perspective. Also, it was brought up during the recent internal review at DGS and a legislative partner asked about it. Although staff is fully in support of specifically naming the law firms, she wanted to get Commissioner feedback prior to making that change.

Commissioner Leon-Vazquez agreed that the law firms should be named but asked if this would deter them from filing through the CCDA.

Executive Director Dawson-Rawlings stated high frequency litigants by law are required to submit copies of filings in federal and state courts to the CCDA Legal Portal, although there may be a gap in compliance. Resources have not yet been available to do a study on this issue to verify that there is a gap and, if so, to determine how large that gap is.

Action

Motion: Commissioner Dr. ElHessen move to direct staff to specifically name the law firms that file the largest number of lawsuits in the CCDA Annual Reports to the Legislature beginning with the 2024 Annual Report. Vice Chair Holloway seconded. There was no public comment on the motion. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

8. Presentation: Department of Rehabilitation (DOR) and Website Accessibility – Discussion

Presenter:

- Jake Johnson, Deputy Director of the Information Technology Services Division (ITSD) and Chief Information Officer (CIO), Department of Rehabilitation (DOR)

Staff Member McPhaul welcomed the guest speaker and read his biography, which was included in the meeting materials.

Jake Johnson, Deputy Director, ITSD, and CIO, DOR, stated digital equity is a larger topic that includes website accessibility. He provided an overview of digital equity and what it means to provide equitable services online, benefits, current law, policies, and standards, and resources. He stated the DOR has the design approach called Universal Design, which is ensuring full accessibility and useability by everyone, built in from inception.

Mr. Johnson stated there are two significant components to making a product or service accessible: the creative content and the hardware and software the user is working with. The creative content includes electronic documents, web pages, video, and audio, and needs to be usable by everyone. Different approaches can be taken for different populations to ensure it is usable. Language access and content delivery systems are also included here. The hardware and software the user is working with includes the iPhone, iPad, and computer to get to the content. These must support accessibility as well. Universal Design is being used to develop these devices so they are accessible from time of purchase.

Mr. Johnson stated it is useful to point out that, although many requirements are mandated in statutes, policies, and standards, accessibility and equity are often seen as compliance requirements. The reason accessibility and equity requirements exist is because society says they are important and should be done. He stated the need to shift the culture to one where everyone has the expectation that they can use anything they need to use. He noted that it is a business advantage to serve everyone.

Mr. Johnson suggested the Web Content Accessibility Guidelines (WCAG), version 2.0, which ensures that accessibility is required but does not get too involved in the details. It focuses on outcomes. He put a link in the Chat Section to the DOR Web Accessibility Toolkit, which includes current web accessibility resources. Classes are offered on document accessibility through the California Department of Human Resources (CalHR).

Mr. Johnson stated, although digital accessibility has improved, there are still barriers. Getting to the DOR’s online accessibility resources is still difficult for many individuals

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for many reasons. The biggest barrier is the need for individuals to learn how to use accessible technology.

Discussion

Commissioner Dr. Profaca stated her appreciation that the DOR continues to be the leader in ensuring accessibility. She acknowledged Mr. Johnson and the Department for their leadership. As the former Chief Deputy Director of the DOR, she asked that her warm regards be sent to DOR Director Joe Xavier and the team.

Chair Downey asked how this information can be disseminated to small business owners who have a digital component to their brick-and-mortar store or a fully online business and how they would know this is available or where to start.

Mr. Johnson stated the DOR has a Workforce Development Section that connects with businesses mostly around helping individuals become employed. Also, the DOR outreaches to businesses through workshops. He asked for suggestions on how to better reach small businesses with this information.

Chair Downey stated business lease requirements require a Certified Access Specialist (CASP) review of their site. This triggers awareness of accessibility requirements in the built environment. He stated the need for triggers in the digital space as well.

Commissioner Leon-Vazquez also had concerns about how to get this to small businesses. She stated most small businesses use a bigger platform such as Squarespace to host their websites, which do not address the need for accessibility. She stated the need for these host sites to include links, such as to the CCDA website, to help small businesses be compliant.

Mr. Johnson stated the larger platforms like WordPress and Squarespace include templates and tools that are accessible but he agreed that small businesses need to know that they are required to be accessible.

Commissioner Dr. ElHessen suggested a collaborative webinar for businesses to provide information needed to be accessible.

Executive Director Dawson-Rawlings agreed and stated she will be talking about this later in the agenda.

Commissioner Ramirez stated established website templates are good but they oftentimes do not deploy equitably. They asked if there is a technical resource available for the larger platforms to ensure they create accessible templates and ensure that the content is also accessible. More and more businesses are relying on AI for captioning or ASL, which is not always accurate or even appropriate. It is important for business partners to utilize certified communication interpreters for their audio or visual content material. They stated they are often asked where to find closed captioners, ASL interpreters, etc., that businesses can connect with at the local level to ensure their website is compliant so they can reach out to a broader audience.

Mr. Johnson agreed and stated the DOR employs sign language interpreters and live caption support for their meetings. He stated the need to ensure that individuals are

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aware of their responsibility to create accessible content and to know where the tools are.

Public Comment

No public comment.

Chair Downey asked for a motion to approve an adjustment to the agenda to hear Item 9 after the lunch break.

Motion: Vice Chair Holloway moved to approve an adjustment to the agenda to hear Item 9 after the lunch break. Commissioner Dillard seconded. There was no public comment on the motion. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

[Note: Agenda Item 9 was taken out of order and was heard after the lunch break.]

9. Bridging the Conversation: CCDA and Website Accessibility – Discussion

a. Methods to incorporate in CCDA’s project planning.

Executive Director Dawson-Rawlings stated Mr. Johnson’s presentation was the first part of today’s website accessibility discussion; it laid the foundation for some of the things the CCDA needs to consider about website accessibility. She shared activities that staff has been working on, based on prior feedback from the Commission. She stated Assembly Bill (AB) 2917 was signed into law in the 2022 legislative session, which mandated the Commission to expand the CCDA Annual Report to the Legislature and the CCDA Legal Portal to include alleged disability access violations related to websites, develop toolkits and educational modules that focus on alleged construction-related accessibility violations in parking lots and exterior paths of travel, develop toolkits or educational modules directed at businesses to help facilitate website accessibility compliance, and to partner with organizations such as the DOR, the DSA, and others.

Executive Director Dawson-Rawlings stated, in response to these statutory mandates, the CCDA will be partnering with the DOR and will host a webinar on disability access website compliance. As Mr. Johnson shared during his presentation, the DOR has an existing comprehensive toolkit about website accessibility. The DOR is the designated state agency that educates Title 2 entities, which are state and local governments, on website accessibility. Although businesses fall under Title 3 of the Americans with Disabilities Act (ADA), there are similarities between Title 2 and Title 3 groups. The DOR’s pre-existing toolkit is the statewide model to educate entities on website accessibility. She stated the DOR has given permission to utilize their toolkit to develop a CCDA website accessibility toolkit. She stated the need to use the right consumer voice and to direct it to the individuals who need to hear it the most.

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Executive Director Dawson-Rawlings stated staff has also been partnering with the Pacific ADA Center and will host several webinars this year; one of which will be on website accessibility compliance. More information on these webinars will be made available in the near future.

Discussion

Executive Director Dawson-Rawlings asked a series of questions to facilitate the conversation about improving CCDA's website accessibility. Commissioners provided feedback as follows:

- What information do you think would be valuable to business owners to understand the ins and outs of website accessibility?

Share the whole context of inclusion and expanding businesses based on having a larger population of consumers who would support their businesses. Give consumers more choice options in regards to businesses.

While a lot of the information is useful for business owners to know, many business owners do not know how to do web design. Partner with companies with a disclaimer that the CCDA is not liable for anything this company does or does not do for business owners. Including resource links is important.

Disclaimers are sometimes problematic. Even though the disclaimer states that business owners should not rely on the CCDA, depending on how it is phrased, it can be taken as reliance. It is important to get firm legal advice for wording.

Given that there are many toolkits, provide guidance on the statutory baseline expectation of compliance with links to further information, including how to resolve discrepancies.

- As an end-user, what would you think that businesses should know about website accessibility, enforcement, and consumers' legal rights?

Ensure that websites interface with accessible devices used by the disability community.

It might be useful to include a copy-and-paste feature. For example, copying and pasting a website that is inaccessible that will bring this issue to the business's attention by emailing the business directly.

Include the ability to add a website to a link that is provided that will automatically add the inaccessible business to an automatic newsletter or email saying "someone voted your website into the program. Here is more information."

Commissioner Leon-Vazquez stated there are businesses that make websites accessible. She asked if the toolkit will include links to help change websites.

Executive Director Dawson-Rawlings stated staff has talked to legal counsel and entities that have used those tools. She stated there are so many of those businesses out there that it is difficult to know which are legitimate. As Mr. Johnson mentioned in

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this presentation, although there are not yet regulations on this issue, the Department of Justice recently adopted the internationally recognized accessibility standard for web access, the WCAG, which was published in 2018, as the technical standard for web content and mobile app accessibility under Title 2 of the ADA. The CCDA trainings and toolkit will refer to the WCAG and will include practical examples on how to make websites accessible and more welcoming to customers with disabilities.

Chair Downey stated the need to educate small business owners about their responsibility for public accommodation in the digital space prior to discussing the mechanics of accessible websites.

Chair Downey stated many of the safeguards of permits and approvals in the physical space are not available in the digital space. He stated the need to identify and advise on how to procure an accessible website and the questions to ask on the approach to building an accessible website and how to maintain accessible website content over time.

Commissioner Dr. Profaca asked about available funding to assist small businesses in developing their websites to ensure that they are accessible.

Commissioner Dr. ElHessen stated she will look into this and report back.

Commissioner Dr. Profaca asked if High Frequency Litigant (HFL) Funds can be used for this purpose.

Executive Director Dawson-Rawlings stated the HFL Funds must be encumbered by June 30th of this year. Setting up a grant-making program is not feasible based on how the Fund is set up; however, the CCDA can play a part in convening conversations to consider how to leverage resources to get those dollars to businesses.

Chair Downey stated that is done in local jurisdictions in the physical world where they have funds to use for programs, etc. The digital environment is less location-specific. He stated he would like to explore less about what the CCDA can do and more about a tie-in for local jurisdictions that make those funds available for special programs towards increasing accessibility.

Commissioner Shapiro asked about resources for businesses on the steps to take with respect to their website above and beyond the accessibility packages currently being provided in cell phones, for example. It seems that there may be confusion on additional steps needed to be taken that are not covered. Educating in that area might be useful if there were resources about what technology does not cover to ensure that those things are looked at to dispel the myth that the features in technology will cover what businesses are required to do.

Public Comment

No public comment.

Lunch Break

The Commission took a lunch break.

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10. 2023-2024 Legislative Session – Update and Discussion

a. Technical Assistance

Executive Director Dawson-Rawlings stated the two bills staff is tracking are two-year bills that have already been discussed. She provided a brief overview of how the CCDA has fulfilled one of its statutory mandates to provide technical assistance to the Legislature. She stated staff increased its efforts in the last legislative session to let the Legislature know about the work of the CCDA and that the CCDA is available to provide nonpartisan technical assistance. In response, staff was asked to provide technical assistance on over a dozen bills and provided the DGS with technical analysis on legislation. Even though the CCDA cannot take positions on legislation, it can be a voice to help legislators understand the issues related to disability access. Also, the CCDA Annual Report to the Legislature is used by legislators, trade organizations, and small businesses as a tool to help educate on accessibility.

Discussion

Commissioner Dr. ElHessen thanked staff for increasing the CCDA's visibility and for their work in keeping Commissioners informed.

Public Comment

No public comment.

11. 2024 Overview: CCDA Projects and Meetings – Discussion

Executive Director Dawson-Rawlings stated there was a discussion at the October Commission meeting about what CCDA staff have been working on between meetings and the work plan for the year. She highlighted projects that staff has been working on and asked for feedback and comments:

- The Executive Committee will be working on beginning the strategic planning process and bylaws revision this year. Staff has been working between meetings for future meetings and revisions.
- The Education and Outreach Committee will be working on doing outreach for the CCDA's Social Media Pilot and Accessible Parking Campaign. Staff has been working between meetings for future meetings, creating content for the Social Media Pilot, and posting on Facebook and YouTube.
- The Legislative Committee will be meeting soon. Staff has been working between meetings for future meetings, having legislative conversations, and doing bill analyses.
- Staff is working on a mini-toolkit to educate businesses on some of the high-level alleged disability access violations and how to prevent them.
- Staff is working on CCDA Legal Portal upgrades.
- Staff is planning the four future Listening Forums to be held this year.

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- Staff is creating a hybrid training for a municipality and three quarterly online webinar trainings with the Pacific ADA Center.
- Staff is revising the toolkits for the Accessible Parking Campaign.

Discussion

Commissioner Conway thanked staff for all their hard and excellent work.

Commissioner Ramirez thanked staff particularly for making meetings accessible.

Chair Downey thanked staff for all they do.

Public Comment

No public comment.

12. CCDA Strategic Planning – Discussion

a. Timeline for Development

Executive Director Dawson-Rawlings provided a high-level summary of where the CCDA is in the strategic planning process. The current strategic plan expires at the end of 2024. She stated the Executive Committee has reviewed how to begin a new strategic planning process to guide the organization for the next three to five years. At the Executive Committee's direction, staff has begun the process of hiring a consultant to provide guidance. The Executive Committee also discussed creating a work group made up of Commissioners and stakeholders to guide the strategic planning process, along with the consultant. She stated Commissioner Dr. ElHessen has volunteered to lead the work group. She asked Commissioners for feedback.

Discussion

Commissioner Dr. ElHessen asked about the stakeholders who will be invited to participate in the work group, such as the DOR, the California State Independent Living Council (SILC), and Disability Rights California.

Executive Director Dawson-Rawlings stated the need for a diverse group of individuals to develop the strategic plan.

Commissioner Shapiro commented on the timing. She stated normally a successful strategic plan, even though they are done as five-year plans, is reviewed after two to three years and a new five-year plan is created, based on what has already been accomplished, what needs course correction, and what the next accomplishment will be. She stated her assumption that this review has not yet happened for the last strategic plan. She suggested, as the new plan is being put together, including that it will be reviewed every other year or at the three-year mark. This makes the strategic plan a living document that moves forward in time.

Commissioner Dr. Profaca asked how community members were engaged during the last strategic planning process.

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Executive Director Dawson-Rawlings stated the CCDA hosted community gatherings and conducted a stakeholder survey. She stated the importance of considering who is not at the table, why they are not there, and how to bring them to the table.

Public Comment

No public comment.

13. Equity and CCDA – Update and Discussion

Executive Director Dawson-Rawlings updated Commissioners on the work being done to move the CCDA towards the lens of equity. Governor Newsom issued an executive order in 2022 about equity and directing state departments to provide measurable and meaningful outcomes related to equity. In response, staff has made several commitments:

- Translate materials into at minimum the 12 top threshold languages in California and the threshold languages in any community being outreached, such as the Listening Forums.
- Enter a one-year contract with the option to extend for two additional years with a firm that provides language access.
- Offer language access as an accommodation at each of the Listening Forums and webinars.
- Include Listening Forums next year in other languages targeted to communities that are subpopulations of some of the places that the CCDA regularly reaches out to by using cultural brokers.

Executive Director Dawson-Rawlings stated CCDA is working to infuse equity in how it does business. She suggested having conversations about the CCDA's definition of equity and whether to have an equity mission statement, etc.

Discussion

Commissioner Ramirez stated appreciation for staff's work in this area. This is a great opportunity to strengthen the Commission. The intent of the executive order was to have measurable outcomes identified beforehand and including tracking and development rather than reporting at the end on the equity work done. They agreed that having an identifiable equity statement or goal of how that will be operationalized is paramount to this work. They stated the need to make equity work intentional and planned. They suggested looking to the Office of Health Equity (OHE) and the DOR that are doing similar work. Language access, threshold languages, and utilization of cultural brokers are measurable goals that can be planned. There are a variety of measurable goals that are beneficial for the business and disability communities.

Commissioner Dr. ElHessen stated equity and inclusion need to be active and fluid. As society changes and expands and individuals with disabilities move forward, equity evolves. She stated the need to consider how each step of the way is measurable.

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No public comment.

14. CCDA Executive Director Report – Discussion

a. Administrative and Operational

Executive Director Dawson-Rawlings provided a brief update of the work of the Commission since the last Commission meeting:

Program Highlights

The Commission partnered with the city of San Jose to conduct a webinar for small businesses and the disability community on accessibility in December.

Commissioner Vacancies

There is one vacancy on the Commission. This vacancy represents the disability community perspective.

Reappointments

Chair Downey and Commissioner Lillibridge were both reappointed by the Governor to new three-year terms. Their Senate confirmations are moving through the process.

The Senate confirmations of Commissioners Shapiro and Dr. Profaca, both Governor appointees, are moving through the process.

Staffing Updates

Interviews were conducted the week of March 5th for the open Office Technician position. The hope is to fill the position by the beginning of April.

The Staff Services Analyst/Associate Governmental Program Analyst (SSA/AGPA) open position was recently posted. The hope is to fill the position by the beginning of May.

Conferences and Meetings Attended

Executive Director Dawson-Rawlings reviewed her list of conferences and meetings attended since the last Commission meeting.

b. Financial Review

Executive Director Dawson-Rawlings reviewed the Fiscal Year (FY) 2023-24 Second Quarter Financial Report, which was included in the meeting materials. It was prepared by the DGS budget analyst team.

- The CCDA's Total Budget Spending Authority for FY 2023-24 ending June 30, 2024, was \$1,911,000.
- The total budget authority for Personal Services for FY 2023-24 ending June 30, 2024, was \$810,000.
 - Through the end of December of 2023, \$326,465 was spent.

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- The total budget authority for Operating Expenditures and Equipment for FY 2023-24 ending June 30, 2024, was \$752,000.
 - Year-to-date expenditures and encumbrances for Operating Expenditures and Equipment as of the end of December of 2023, was \$222,276.
- The CCDA has started to expend funds from the HFL Fund, which comes from court fees paid by those who are statutorily designated as high frequency litigants. The HFL Fund currently contained \$349,000 as of the end of December of 2023.
 - The total budget authority for Operating Expenditures and Equipment for FY 2023-24 ending June 30, 2024, including the HFL Fund, was 1,101,000.

Executive Director Dawson-Rawlings stated she has a meeting planned with the DGS Budget Analyst to discuss CCDA spending. She noted that more has been spent in Operating Expenditures and Equipment because there are encumbrances that have not yet been reported.

Executive Director Dawson-Rawlings stated cost savings have been due to staff vacancies and to virtual meetings over the past several years due to the COVID-19 pandemic.

Discussion

Commissioner Jackson stated concern that the CCDA funding is not being spent down. She stated contractors are negatively impacted when they do not spend their funding. She asked if funding will be lost if it is not spent.

Executive Director Dawson-Rawlings stated the CCDA cannot roll over funding or keep funds in a reserve. Funds that are not spent go back into the General Fund. To date, resources have not been taken away from the CCDA.

Public Comment

No public comment.

15. CCDA's Outreach – Discussion

a. Upcoming CCDA Listening Forum

Executive Director Dawson-Rawlings stated, as of March 1st, the CCDA has a six-month Social Media Pilot Program in partnership with the Office of Public Affairs (OPA) at DGS. Prior to the pilot, the CCDA has shared information about events and outreach efforts on the main page of the DGS website. The Social Media Pilot Program requires posts at least three times per week and 90 followers to be maintained on Facebook and YouTube for the next six months, after which the OPA will determine if other entities can benefit from a social media presence. She stated staff has been building a training library on YouTube starting with historical videos. As many meetings, listening forums, and webinar recordings as possible will be posted over time.

Executive Director Dawson-Rawlings stated the CCDA will be hosting a Listening Forum in Salinas on April 11th, co-sponsored by the County of Monterey Office of Civil

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Rights, the California Business Properties Association, and Building Business Back. She showed a flyer for the event that was sent out to stakeholders. There will be a moderated panel and Q&A portion, similar to the recent Listening Forum held in San Jose. A representative from the DSA will be in attendance to answer questions and a training will be provided by the local CASp who is on the County of Monterey's Disability Commission.

Executive Director Dawson-Rawlings stated a future Listening Forum is being planned with the city of Los Angeles and partners are being gathered to discuss a future Listening Forum in Orange County. The CCDA will host a Listening Forum in Sacramento towards the end of the year with a regional and statewide focus. On April 17th, the CCDA is partnering with the Pacific ADA Center on a mini-Listening Forum with an ADA Building Blocks training for businesses in the city of Sunnyvale.

b. Disability Access and Education Revolving Fund

Executive Director Dawson-Rawlings stated the CCDA has been developing a survey in partnership with the DSA to gauge the knowledge of municipalities on the Disability Access and Education Revolving (DAER) Fund and, over the past year, has developed a one-pager about the DAER Fund in partnership with the DSA. \$4.00 of every business license fee in the city or county, depending on how they set of the business license process, funds the DAER Fund that can be used by municipalities to increase knowledge and access through the hiring and retention of CASPs and to ensure that businesses have funding for accessibility improvements. The CCDA Social Medical Pilot Program will also uplift these types of programs.

Discussion

Commissioner Ramirez asked if staff will be working with Los Angeles County along with the city of Los Angeles.

Executive Director Dawson-Rawlings stated staff will work with both. Most recently, staff has had conversations with the city of Los Angeles.

Commissioner Ramirez stated working with Los Angeles County would be more inclusive. They suggested contacting the Los Angeles County Commission on Disabilities.

Executive Director Dawson-Rawlings stated the city of Los Angeles was just one example of a meeting staff has had in that area, but the plan is to outreach in sections of Los Angeles County's large geographic area.

Public Comment

No public comment.

16. CCDA's Legal Portal – Discussion

Executive Director Dawson-Rawlings provided an overview of the CCDA Legal Portal for the benefit of new Commissioners and public.

a. Prior and Upcoming Enhancements

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Executive Director Dawson-Rawlings stated updates to the CCDA Legal Portal are made regularly to help make it easier to use. Staff regularly talks and has trainings with law firms that have questions or issues with the Portal. She reviewed recent upgrades to the CCDA Legal Portal.

Executive Director Dawson-Rawlings stated staff is working on the key codes for violations and ensuring appropriate terms are used that match to the codes.

There were no questions from Commissioners and no public comment.

17. 2023 Annual Report – Update and Discussion

Executive Director Dawson-Rawlings stated staff is ahead of schedule as compared to past years in getting the Annual Report to the Legislature out. The Annual Report draft will be sent to entities in the approval process by the end of this week. Once it has gone through the approved process, the Annual Report will be sent to the Legislature and made available in various languages for Commissioners and the public.

There were no questions from Commissioners and no public comment.

18. Next Full Commission Meeting: Wednesday, June 26, 2024 – Update and Discussion

Executive Director Dawson-Rawlings stated the next Commission meeting will be held in Southern California on June 26, 2024. The location will be announced once it is finalized. Staff is discussing the possibility of the afternoon session being a Listening Forum, if the Orange County location is secured.

Executive Director Dawson-Rawlings reminded Commissioners to turn in their Form 700.

There were no questions from Commissioners and no public comment.

19. Future Agenda Items – Discussion

Chair Downey asked Commissioners for suggestions for the next agenda.

Commissioner Ramirez suggested an update on Section 504 website accessibility requirements by the Department of Justice.

20. Adjourn

Chair Downey congratulated Commissioner Clair on her American Institute of Architects (AIA) College of Fellows degree. He stated it is a tremendous achievement.

Chair Downey asked for a motion to adjourn.

Motion: Commissioner Shapiro moved to adjourn the March 20, 2024, California Commission on Disability Access Full Commission meeting. Commissioner Jackson seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

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

There being no further business, the meeting was adjourned at 3:18 p.m.