

CALIFORNIA COMMISSION ON DISABILITY ACCESS

EXECUTIVE COMMITTEE MEETING

Teleconference Meeting Minutes
April 6, 2022

1. Call to Order

Chair Chris Downey welcomed everyone and called the teleconference meeting of the Executive Committee of the California Commission on Disability Access (CCDA) to order at approximately 1:30 p.m. Due to the ongoing health emergency, and consistent with Executive Order N-29-20, this meeting was conducted entirely by Zoom and teleconference. Vice Chair Wiele and Commissioner Clair stated they were in attendance but were not in a position to vote today.

Staff Member Brown reviewed the meeting protocols.

Roll Call

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

Commissioners Present:

Chris Downey, Chair
Douglas Wiele, Vice Chair
Souraya Sue ElHessen
Brian Holloway

Guy Leemhuis
Michael Paravagna

Other Commissioners Present:

Ida Clair
Drake Dillard
Jacqueline Jackson
Brian Jones, Senator,
represented by Emily Miller

Staff Present:

Kamran Qazi, Legal Counsel
Adam Barsanti, Associate Governmental
Program Analyst
Theresa Brown, Data and Research
Analyst
Stephanie Groce, Disability Access
Technician
Phil McPhaul, Operations Manager
Abigail Ridge, Administrative and
Legislative Analyst

Also Present:

Sharlene Ornelas
Corrina Roy, Legislative Consultant, Department of General Services (DGS), Office of
Legislative Affairs

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2. Approval of Meeting Minutes (January 12, 2022) – Action

Motion: Commissioner Paravagna moved to approve the January 12, 2022; California Commission on Disability Access Executive Committee Meeting Minutes as presented. Commissioner ElHessen seconded. Motion carried unanimously with no abstentions.

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

No members of the public addressed the Committee.

4. Legislative Bill Tracking – Update and Discussion

Corrina Roy, Legislative Consultant, Office of Legislative Affairs, DGS, reviewed the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting materials.

a. AB 1604 The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

This bill has been heard in Assembly Appropriations and will likely be moving on.

b. AB 1733 State Bodies: Open Meetings

This bill has been referred to the Assembly Governmental Organization Committee and the Business and Professions Committee. No hearings have been set.

c. AB 1795 Open Meetings: Remote Participation

This bill has been referred to the Assembly Governmental Organization Committee. No hearing has been set.

d. AB 2164 Disability Access: Funding

This bill was heard in Assembly Appropriations today.

e. AB 2917 State Law: Disability Access

This bill was heard in the Assembly Judiciary Committee yesterday. It will head to the Appropriations Committee next.

f. AB 2962 (Committee on Judiciary) Disability Access: Construction-Related Accessibility Claims

This bill has been referred to the Assembly Judiciary Committee.

Action Items

- No action items.

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5. Equal Program Access in Public Schools Under Title II of the Americans with Disabilities Act (ADA) – Update and Discussion

a. Commissioners' History and Input

b. CCDA's Scope and Boundaries

Commissioner ElHessen stated this issue was raised by the public attending an Education and Outreach Committee meeting. Members of the public requested the Commission's assistance and guidance about public meeting accessibility to parents and students with special needs.

Commissioner Leemhuis stated this issue is outside the Commission's purview of architectural barrier removal and is not an ADA issue but is a related issue that does not match with the current scope of protections in the state. He suggested contacting advocacy organizations such as Disability Rights California to see if they would be willing to talk with the parents and to ultimately set up a Zoom call to provide further recommendations.

Chair Downey noted that the Commission is not an enforcement entity but is involved in education and outreach.

Action Items:

- Staff is to contact advocacy organizations such as Disability Rights California to see if they would be willing to set up a Zoom call with the parents to provide further recommendations.

6. Revenue Reporting

a. Potential Uses of Funds?

- **2015-2019 Fiscal Year: \$99,000**
- **2020-2021 Fiscal Year: Approximately \$20,000**
- **Total Amount: Approximately \$120,000**

Staff Member McPhaul reviewed the Financial Review Revenue Reporting document, which was included in the meeting materials. He noted that these funds need to be used by June 30, 2024.

Discussion

Commissioner Paravagna stated there is a reasonable assumption that these funds will continue at approximately \$20,000 per year. He suggested that this Committee consider how these funds should best be spent.

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Commissioner ElHessen suggested doing public service announcements (PSAs) and getting more focused on messaging and publishing handouts on the Commission's work. She suggested using the funds to further the Commission's strategic goals.

Commissioner Paravagna stated there have been discussions in the past about putting guidance documents and supports on an application. He stated the California Public Utilities Commission (CPUC) is starting rulemaking on Uber- and Lyft-types of services accessible to wheelchair users and is hoping that the Commission can assist them.

Commissioner Holloway asked staff for suggestions on how these funds can be used.

Staff Member McPhaul suggested using the funds to create toolkits for businesses. He agreed with the suggestion to put guidance documents and supports on an application.

Chair Downey stated the creation of an app is compelling. It will require guidance on feasibility and the kind of assistance that would be needed. He suggested focusing the app on one area such as putting the Inspector Checklist on an app to make it a dynamic, web-based tool that can work on an iPad or tablet so that all references to regulations would have a dynamic link but also the ability to complete an inspection on a tablet. The same thing could be done with the documents required for Certified Access Specialist (CAsp) inspections. These could be used not only by professionals but by individuals to track their own progress and find resources.

Chair Downey liked the idea of developing PSAs. The Commission had the experience of working with a donated effort towards the development of two PSAs, ultimately of which the Commission had very little control over and was not set up internally to advise properly. This might be an appropriate time to use the lessons learned from that experience to improve the process and to create more PSAs. He stated the need to research what it would take to have that done either professionally or to be better supported internally so that, when working with a college or university, the Commission will be better positioned to get a more usable and properly-guided PSA.

Chair Downey noted that, in further conversations with Sacramento State University, they would be in a much better position to make more PSAs having a better grounding in accessibility and disability culture and rights. There are good avenues for knowledgeable partners who are willing to donate services so long as it can be supported internally.

Commissioner ElHessen stated youth have very little knowledge or understanding of the ADA and its impact. PSAs can be used as an education tool for youth. She suggested looking at art and animation schools that would be more current in what this generation looks for. PSAs can be a cross-generational tool.

Chair Downey agreed that celebrating the history of the ADA, sharing it, and making it part of the dialogue is important. So much of this Commission is about the art of persuasion and reducing litigation by means of increased compliance. It is important when looking at options that these things are targeted to effect change and increase

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compliance through the art of persuasion and how to get those persuasive arguments out there to change attitudes and have greater effect.

Commissioner Paravagna stated the need to consider where the Commission make the most impact. The next step is to ask staff to research both of these alternatives and present relative factors at the next meeting.

Staff Member McPhaul stated his understanding that staff will look into the cost of a PSA and into colleges and universities. He asked about the length of time and venue for the PSA that Commissioners are thinking about.

Chair Downey asked the Education and Outreach (E&O) Committee to provide guidance on the PSA and the Checklist Committee provide guidance on the app and identifying which CCDA tools might be considered to be put on an app. He asked each Committee to provide a maximum of three options that can be explored relative to complexity and what it would take to get those operationalized.

Commissioner Holloway stated he is leaning more towards the app because it can be updated or completely changed, as necessary. A PSA can become outdated over time.

Chair Downey suggested doing both the PSA and the app.

Vice Chair Wiele stated the Commission is very effective when meeting with constituencies in person. He suggested getting back to being more active in moving Commission meetings around the state and holding community meetings, which were a great success prior to the COVID-19 pandemic.

Public Comment

Sharlene Ornelas stated doing PSAs are important. She agreed that many young people do not know where the disability community came from or how the ADA was formed. Also, the ADA, unlike most laws, is individually complaint-driven with notices given out ahead of time. Most individuals do not know about that. It is important to educate how the ADA benefits both the disability and business communities. This is important to bring forward in the PSAs.

Action Items

- Staff is to research creating PSAs and apps and bring recommendations to the Committee.
- The E&O Committee is to provide guidance on the PSA. The Committee is to provide a maximum of three options that can be explored relative to complexity and what it would take to get those operationalized.
- The Checklist Committee is to provide guidance on the app and identifying which CCDA tools might be considered to be put on an app. The Committee is to provide a maximum of three options that can be explored relative to complexity and what it would take to get those operationalized.

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7. Commissioner Subcommittee Reports – Update and Discussion

a. Legislative Committee

Commissioner Paravagna, Chair of the Legislative Committee, provided an overview of the Committee activities since the last Executive Committee meeting. He stated, as his role in the Commission has temporarily changed, Commissioner Lillibridge has agreed to chair the Legislative Committee. The date for the next Committee meeting will be set soon.

b. Education and Outreach Committee

Commissioner ElHessen, Chair of the Education and Outreach Committee, provided an overview of the Committee activities since the last Executive Committee meeting. Committee Members discussed the dissemination of education and outreach material, staff outreach and engagement with the Governor's Office on Business and Economic Development (GO-Biz), and a successful webinar. The Committee looked at educational outreach of the data portal to legal offices. CCDA research shows that many individuals do not know about their responsibility to submit legal documents to the CCDA. The CCDA has written information letters to the State Bar to distribute to their database and legal associations to target various legal groups. The Committee will follow up on this.

c. Checklist Committee

Commissioner Holloway, Chair of the Checklist Committee, provided an overview of the Committee activities since the last Executive Committee meeting. The Committee has secured Ron Tov, CASp, a consultant to assist with the Accessible Parking Campaign. Recruitment efforts are underway for members of the Accessible Parking Campaign Work Group.

Action Items

- No action items.

8. Financial Review – Update and Discussion

a. Review Summary – Quarterly Review

Staff Member McPhaul stated the Office of Financial Services is in a catch-up phase and was unable to provide an update on the budget.

Action Items

- No action items.

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9. CCDA Operations Manager Report – Update and Discussion

a. Administrative and Operational

CCDA Hybrid Meetings

Staff Member McPhaul stated the CCDA will hold hybrid meetings going forward. For in-person meeting attendance, Commissioners are to alert staff as soon as possible so staff can make travel arrangements. Commissioners hosting additional public locations are to keep staff updated.

CCDA Committee Meeting Calendar Correction

Staff Member McPhaul noted that the E&O Committee meeting date is on Wednesday, August 24th, not 25th as it is listed in the CCDA Meeting Calendar.

CCDA Commissioner Assistance: Member Selection for Vacancies on DSA's Access Code Collaborative (ACC)

Commission Clair stated the Access Code Collaborative (ACC) is a representative group of stakeholders who advise the Division of the State Architect (DSA) on accessibility rulemaking. The ACC was developed through engagement with stakeholders to determine a better representative process in advance of presenting DSA Regulations for public comment to ensure a respectful process to air concerns about proposed amendments.

Commissioner Clair stated the ACC charter limits member terms to three years. The three-year terms for members have been divided in half for continuity. Six members have now termed out and need to be replaced. At the initial establishment of the ACC, the CCDA and the Department of Rehabilitation (DOR) assisted the DSA in selecting the members to ensure a fair process. She asked for volunteers to assist in the selection process.

Discussion

Commissioner Holloway asked about the stakeholder categories that the DSA is trying to fill.

Chair Downey asked Commissioner Clair to provide staff with the categories and other necessary information to be included in the full Committee meeting packet.

Accessible Parking Campaign

Staff Member McPhaul reviewed the CCDA Accessible Parking Campaign Summary, which was included in the meeting materials.

Executive Director Recruitment

Staff is in the process of reviewing the 22 applicants for the executive director position. Interviews are being scheduled over the upcoming weeks.

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Interim Executive Director Report

Commissioner Paravagna presented his report:

- Staff will be working on three areas within ADA compliance that need to be strengthened.
- To address the concern of turnover among staff, budget adjustments will be made to create an analyst position that starts at an SSA level and can be promoted in place to an AGPA level, which provides the opportunity for individuals to grow within the organization rather than finding work elsewhere.
- Staff exit interviews should be conducted.

Action Items:

- For in-person meeting attendance, Commissioners are to alert staff as soon as possible so staff can make travel arrangements.
- Commissioners hosting additional public locations are to keep staff updated.

10. Future Agenda Items

Commissioner Paravagna suggested putting fundraising on a future agenda to look at alternatives and how such an effort will be structured to enhance the budget.

11. Adjourn

Chair Downey stated the next full Commission meeting will be an in-person meeting on April 20th. The next Executive Committee meeting is scheduled for July 13th.

MOTION: Chair Downey moved to adjourn the April 6, 2022, California Commission on Disability Access Executive Committee meeting.
Commissioner Paravagna seconded. Motion carried unanimously.

There being no further business, the meeting was adjourned at 3:03 p.m.