

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes
October 27, 2021

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 10:03 a.m. Due to the ongoing health emergency, and consistent with Executive Order N-29-20, this meeting was conducted entirely by Zoom and teleconference.

Roll Call

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

Commissioners Present:

Chris Downey, Chair
Douglas Wiele, Vice Chair
Guy Leemhuis, Immediate Past Chair
Tiffany Allen
Drake Dillard
Brian Holloway
Jacqueline Jackson
Ashley Leon-Vazquez
Scott Lillibridge
Michael Paravagna
Senator Brian Jones
Assemblymember Janet Nguyen
State Architect Ida A. Clair

Commissioners Absent

Souraya Sue ElHessen
Anthony Seferian representing Attorney
General Rob Bonta

CCDA Staff Present

Angela Jemmott, Executive Director
Phil McPhaul, Operations Manager
Adam Barsanti, Outreach and Education
Coordinator
Theresa Brown, Data and Research Analyst
Stephanie Groce, Disability Access Technician

Kamran Qazi, Attorney,
DGS Office of Legal Services

Also Present:

Presenters: Thomas Bruder, Deputy
Attorney General, California
Department of Justice; Tim Prim,
Deputy Attorney General, California
Department of Justice
Presenter: Andi Mudryk, Chief
Deputy Director, California
Department of Rehabilitation
Michael Jamnetski, California
Contractor's State License Board,
Chief of Legislation
Sharlene Ornelas, San Diego
County
Dan Okenfuss, California
Foundation for Independent Living
Centers (CFILC)
Zeenat Hassan, Disability Rights
California, Attorney
Marisol Ibarra, representing Office of
Senator Melissa Hurtado
Preston Romero, Office of
Assemblymember Janet Nguyen
Shanna Ezell, Legislative Director,

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representing Office of
Assemblymember Brian
Maienschein
Nina Krishel, Office of Senator Brian
Jones
Maria Arias, public member
Maria Barabino, public member
Jessica Martinez, public member
Rita Loof, public member

Chair Downey welcomed Commissioners Maienschein and Nguyen to the CCDA on behalf of the Commission.

3. Approval of Meeting Minutes (July 28, 2021) – Action

Motion: Commissioner Dillard moved to approve the July 28, 2021, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Holloway seconded. Motion carried unanimously with no abstentions.

4. Comments from the Public on Issues Not on this Agenda

All public commentators including: Maria Arias, Maria Barabino, Rita Loof, and Jessica Martinez, asked the Commission to look into local school districts and agencies to allow public participation in a virtual format.

5. Subcommittee Commissioner Reports – Update and Discussion

a. Legislative Committee

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

- The Committee created a document for outreach to the members of the Legislature to inform them of the existence of the CCDA and its technical information that may assist them in responding to constituents or drafting legislation.
- The Committee provided feedback to the California Department of General Services (DGS) regarding the Administrative Order impacting how to communicate to the members of the Legislature and under what conditions.

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- The Committee provided input to the DGS on Assembly Bill (AB) 105 on recruitments to boards and commissions; however, AB 105 was vetoed by the Governor.

Education and Outreach

Executive Director Jemmott provided a brief update of the work of the Committee since the last Commission meeting:

- Chair Downey and Commissioner Paravagna were interviewed by Sacramento radio stations with national outreach.
- Committee Chair ElHessen was interviewed by a Southern California television station.
- The Committee continued to work on public service announcements (PSAs).
 - The Committee produced a PSA and Informational for radio stations, which was included in the meeting materials.

c. Checklist Committee

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

- The Committee has been focused on the Accessible Parking Campaign.
 - A working group was established earlier in the year to develop a toolkit.
 - The target audience was identified and staff sent out 20,000 questionnaires to American with Disabilities Act (ADA) Coordinators, local government, business owners and operators, and building construction specialists asking how they would like to receive information relative to parking lot design and construction.
 - More than half of the individuals surveyed asked to receive information in all the formats listed in the survey. Survey results were included in the meeting materials.
- The Committee will continue work on the marketing and distribution of the Open-air Dining and Curbside Pickup Disability Access program.

Public Comment

Rita Loof encouraged the Commission to consider the issues of access to special education, vexatious litigation that school districts are engaging in with public dollars, and how to work with the Office of Administrative Hearings to protect the rights of students.

Maria Arias advocated for access to education for special needs students.

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Action Items

- No action items.

6. CCDA Executive Director Report – Update and Discussion

Executive Director Jemmott presented her report:

a. Administrative and Operational

- The proposed 2022 CCDA Meeting Calendar, which was included in the meeting materials, was reviewed.
- An Executive Committee policy recommendation on public comment was submitted for approval and included in the meeting materials.
- Structural changes and updates to the website were reviewed.

b. Outreach and Partnerships

- Staff has contacted chambers of commerce and local cities to increase collaboration. The CCDA is partnering with the California Governor's Office of Economic Development (GO-Biz) and the Division of the State Architect (DSA) on a series of free webinars.
 - The first webinar is scheduled for tomorrow on the topic of ensuring equal access. Executive Director Jemmott will be included in the list of presenters.
- Executive Director Jemmott participated in the California Lawyer's Association webinar last month. She discussed the required attorney case submittal process to the CCDA.

Action Items

- Commissioners are to send conflicts with the proposed meeting calendar dates to staff.

7. Financial Review – Update and Discussion

a. Review Summary

Staff Member McPhaul reviewed the 4th Quarter Budget Highlights document, which was included in the meeting materials.

Action Items

- No action items.

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8. Legislative Bill Tracking – Update and Discussion

Executive Director Jemmott summarized the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting packet

a. Assembly Bill 29: State Bodies: Meetings

This bill is being held in the Appropriations Suspense File and will not be moving forward this year.

b. Assembly Bill 105: The Upward Mobility Act of 2021: Boards and Commissions: Civil Service: Examination: Classifications

This bill was vetoed by the Governor.

c. Assembly Bill 361: Open Meetings: State and Local Agencies: Teleconferences

This bill was signed by the Governor on September 16th and went into immediate effect due to its urgency status.

d. Assembly Bill 580: Emergency Services: Vulnerable Populations

This bill was signed by the Governor on October 9th.

e. Assembly Bill 1291: State Bodies: Open Meetings

This bill was signed by the Governor on July 9th and will go into effect in January of 2022.

f. Assembly Bill 1429: State Agency Records: Records Management Coordinator Duties: Personnel Training

This bill is being held in the Appropriations Suspense File and will not be moving forward as this was its last year.

Action Items

- No action items.

9. CCDA Bagley-Keene Training, California Department of Justice Attorneys – Update and Discussion

Presenters:

- Ted Prim, Deputy Attorney General
- Thomas Bruder, Deputy Attorney General

Chair Downey stated the Commission will hear a presentation of the Bagley-Keene Open Meeting Act and how it relates to the work of the CCDA. He asked the representatives from the California Department of Justice to present this agenda item.

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Ted Prim and Thomas Bruder, Deputy Attorney Generals, California Department of Justice, provided a summary of the types of meetings, purpose, notice, and other requirements of the Bagley-Keene Open Meeting Act.

Mr. Bruder stated he will provide a handout to staff with much of the information covered in today's presentation along with additional helpful information.

Commissioners asked clarifying questions about the rules and procedures.

Action Items

- Staff is to meet offline with Mr. Prim regarding items discussed in the Executive Director Report.

Lunch Break

10. Historical View to Now of Title III – Update and Discussion

Presenter:

- Andi Mudryk, Chief Deputy Director, California Department of Rehabilitation

Chair Downey asked the representative from the California Department of Rehabilitation to introduce herself and to give her presentation.

Andi Mudryk, Chief Deputy Director, California Department of Rehabilitation (DOR), provided an overview of the history of the ADA Title III Public Accommodations Regulations and how they relate to the work of the CCDA.

Questions and Discussion

Commissioner Paravagna asked about work being done regarding the aging of California and individuals living in segregated environments.

Ms. Mudryk stated seniors are the largest growing demographic in the country. The California Department of Aging (CDA) is focused on these issues. There is a significant crossover between access barriers faced by seniors and the disability community. A Master Plan on Aging is posted on the CDA website and contains a number of recommendations.

Action Items

- No action items.

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11. CCDA 2021 Strategic Goal and Year-End Accomplishments – Update and Discussion

a. Strategic Goal 2021

- Evaluate attorney compliance with the CCDA data collection mandate by researching Title III construction-related ADA court filings and submission practices within the California federal district and state superior court systems.

Executive Director Jemmott stated the 2021 Strategic Goal is on track for completion by the end of the year.

Staff Member Brown reviewed the steps taken to complete the 2021 Strategic Goal.

- Developed a research outline for data review for 62 court systems – 4 federal district courts and 58 state superior courts in California – to determine the attorney submission compliance with the five-day notification requirement to the CCDA for their 2020 ADA Title III construction-related filings.
- Collected the data.
- Analyzed the data.
- Created a draft letter to California licensed attorneys that will be included in the California State Bar Newsletter.
- Provide recommendations on how to reach out to unregistered law firms that are filing ADA Title III cases and introduce them to the Civil Code 55.32 mandate and the CCDA Legal Portal to submit their cases to the CCDA in compliance with the statute. This step is due on December 31st.

Staff Member Brown stated, as of September 30, 2021, there were over 3,000 documented case filings for 2020. Data has shown that, out of approximately 6,757 U.S. California Federal District Court Docket records and approximately 145 California State Superior Docket records, 13 attorneys or law firms were not registered in the CCDA Legal Portal. Approximately, over 2,079 records were missing from the CCDA Legal Portal from these 13 unregistered attorneys or law firms.

b. 2021 Year-End Highlight Accomplishments

Staff Member Brown highlighted the 2021 year-end accomplishments:

- Retained a dedicated consultant for the CCDA Legal Portal.
- Eliminated the need for CCDA's external database to manually enter in the ADA Title III case submission.
- Completed the 2020 historical data entry into the CCDA Legal Portal.
- Began the process for data migration for the 2019 historical data and troubleshooting the 2012 through 2018 historical data migration.

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Staff Member Barsanti continued to highlight the 2021 year-end accomplishments:

- Extended the marketing outreach for the Open-air Dining and Curbside Pickup Disability Access Considerations toolkit.
- Partnered with the DSA and GO-Biz to hold a series of webinars on accessibility.
- Launched the Accessible Parking Campaign in conjunction with the Open-Air Dining toolkit.

Executive Director Jemmott added that the Open-air Dining toolkit was published in the Summer of 2021 Public Economic Development Journal.

Action Items

- No action items.

12. CCDA 2022-23 Strategic Goal – Update, Discussion, and Action

a. Recommendations

Executive Director Jemmott reviewed the recommended goals for 2022-23:

- The CCDA Data Collection Project:
 - Continue to educate attorneys and law firms about the filing submittal mandate.
 - Ensure that the data collection system adequately supports the records being submitted.
 - Complete the historical data migration of records to the CCDA Legal Portal.
 - Make the CCDA Legal Portal data accessible to the public.
- The Open-Air Dining and Curbside Pickup Disability Access Considerations toolkit:
 - Create a series of webinars to educate and public and to gather feedback on improvements for the Open-Air Dining toolkit.

Chair Downey asked for a motion to approve the staff recommendations.

Motion: Commissioner Lillibridge moved to approve the recommended goals for 2022-23. Commissioner Paravagna seconded. Motion carried unanimously.

Action Items

- No action items.

13. Future Agenda Items

Commissioner Dillard asked to discuss the concerns brought up by members of the public regarding public access to meetings at certain school districts.

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14. Adjourn

Chair Downey stated the next CCDA full Commission meeting is scheduled for January 26, 2022.

Motion: Chair Downey moved to adjourn the October 27, 2021, California Commission on Disability Access Full Commission meeting.
Commissioner Jackson seconded. Motion carried unanimously.

There being no further business, the meeting was adjourned at 2:20 p.m.