

# CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes  
January 26, 2022

## 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 10:06 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  
Ida Clair, State Architect  
Drake Dillard  
Souraya Sue ElHessen  
Brian Holloway  
Melissa Hurtado, Senator  
represented by Aakash Vashee  
Jacqueline Jackson  
Brian Jones, Senator  
represented by Nina Krishel  
Ashley Leon-Vazquez  
  
Scott Lillibrige  
Janet Nguyen, Assembly Member  
Michael Paravagna

#### Commissioners Absent:

Tiffany Allen  
Rob Bonta, Attorney General  
Brian Maienschein, Assembly Member

#### Staff Present:

Angela Jemmott, Executive Director  
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

#### Also Present:

Juan Borrelli, City of San Jose  
Christina Fitzgerald, Silicon Valley Independent Living Center  
Xuan Ha, City of San Jose  
Vice Mayor Charles "Chappie" Jones, City of San Jose  
Michele Mashburn  
Molly McLeod  
Sharlene Ornelas  
Corrina Roy, Office of Administrative Affairs, California Department of General Services  
(DGS)  
Stuart Seaborn, Disability Rights Advocates (DRA)

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

**Pledge of Allegiance**

Chair Downey led the Commission in the Pledge of Allegiance.

**Housekeeping**

Staff Member Brown reviewed the meeting protocols.

**2. Approval of Meeting Minutes (October 27, 2021) – Action**

**Motion:** Commissioner Holloway moved to approve the October 27, 2021, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner ElHessen seconded. Motion carried unanimously with no abstentions.

**3. CCDA Service Commemoration**

Executive Director Jemmott stated Rex Hime, who has been a champion for the CCDA, is retiring from his longstanding role as President and CEO of the California Business Properties Association (CBPA). The CCDA will present him with a resolution for his years of service at his upcoming retirement reception.

Vice Chair Wiele stated Mr. Hime recognized the need for a forum for communication between the small business and disability communities and approached the California Centers for Independent Living with the suggestion of what is now the CCDA, a forum for dialogue and for understanding of each other's needs and interests.

Vice Chair Wiele stated a retirement reception will be held at the Sacramento Hyatt Regency on Wednesday, February 16<sup>th</sup>, from 4:30 p.m. to 6:30 p.m., and a 50<sup>th</sup> Anniversary celebration for the CBPA and a Rex Hime retirement event will be held in late March at the Renaissance Hotel in Newport Beach. Commissioners are invited to attend these events.

Executive Director Jemmott stated a resolution will be presented at a later date in appreciation for Guy Leemhuis's leadership and years of service with the Commission.

Executive Director Jemmott stated a Certificate of Appreciation will be sent to Commissioner Seferian in appreciation for his years of service with the Commission. He has been a leader and member of the Commission since its inception in 2009 and has greatly assisted the Commission in setting up its data collection processes.

Executive Director Jemmott stated Commissioner Allen will be stepping off the Commission soon as she will be moving to another state. She stated a Letter of Appreciation will be sent to Commissioner Allen for her years of service on the Commission and in the state of California.

Executive Director Jemmott stated Chair Downey has been appointed to serve as the inaugural Lifchez Professor of Practice in Social Justice at the Department of Architecture in the College of Environmental Design.

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

Chair Downey spoke in appreciation for Professor Emeritus Ray Lifchez for his leadership and his decision to endow a visiting Professor in Social Justice in the areas of social justice and the disability community to rotate every semester between the various departments of architecture.

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

Christine Fitzgerald, Community Advocate, Silicon Valley Independent Living Center, suggested simplifying the process for members of the public to speak on virtual meeting platforms.

Mollie McLeod, advocate, suggested that each speaker say their name as a way not only to learn the respectful pronunciation or people's names but for tracking conversations. The level of access practices at local, regional, and state government is low with things like using the accessibility checker on all documents and PowerPoints, remembering to turn on the automated captioning at Zoom meetings, and to be responsive.

Mollie McLeod stated she sent an email to Santa Clara County and 15 cities and towns asking for the contact information of the ADA coordinator, something that should be routinely made available and yet is not evident on all of the websites. Two responses were received. The city of San Jose, which will be making a presentation later today, is one of only two of the largest 20 cities that does not have an office of disability affairs. Through the work of residents such as Christine Fitzgerald and Michele Mashburn, the city and county are looking at creating an office of disability affairs.

Mollie McLeod stated day-to-day ableism and access barriers are huge. The speaker suggested ways to improve access on social media are to capitalize each word of the hashtag, such as #AccessIsLove, ensure that included links are live, and provide ways to get feedback.

Sharlene Ornelas spoke about the issue of fake service dogs. California is one of the first states that defined the crime of service dog fraud. Fake service dogs cause problems for individuals who do have service dogs. Individuals' lives may be put in danger if their service dog is attacked by these fake service dogs and is unable to perform its function. She noted that this can be a 9-1-1 call to the police department because an individual's life is put at risk.

Michele Mashburn, activist and advocate, stated ableism is the core barrier that prevents equity and inclusion of disabled individuals because policies, practices, and procedures fail to meet or consider the needs of disabled individuals. The speaker asked the Commission to begin to look at internalized ableism and to create solutions to bridge between the business and disability communities. Equity is not just about physical barriers; attitudinal barriers need to be included.

**5. Addressing Americans with Disabilities Act (ADA) Title III Alleged Violations by Local Cities**

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

**Presenters:**

- Vice Mayor Charles “Chappie” Jones, City of San Jose, District 1 Councilmember
- Xuan Ha, Executive Analyst, Small Business Ally, Disabled Access Improvement Grant Program, Certified Access Specialist (CAsp), Department of Planning, Building, and Code Enforcement, City of San Jose

Executive Director Jemmott stated the CCDA continues to work with various cities throughout California and has met with the city of San Jose to engage in a number of conversations about the work they are doing. She introduced the speakers and asked them to give their presentations.

Vice Mayor Charles “Chappie” Jones, City of San Jose, District 1 Councilmember, stated for three years the City of San Jose Small Business Advisory Task Force (SBATF) prioritized the issue of predatory “drive-by” lawsuits against small, minority-owned businesses and increasing cases of disability access violations. The CCDA 2020 Annual Report identified San Jose as the city with the highest number of reported alleged Title III disability access violations across the state. As a result of that report, the SGATF members recognized the urgent need to increase education and resources.

Xuan Ha, Executive Analyst, Small Business Ally, Disabled Access Improvement Grant Program, CAsp, Department of Planning, Building, and Code Enforcement, City of San Jose, provided an overview, with a slide presentation, of the Disabled Access Improvement Grant Program, the city’s program facilitating ADA compliance, and the Disability Access and Education Revolving Fund (DAERF). The Grant Program provides assistance in making businesses accessible by providing up to \$8,000 to small businesses for CAsp and city permit and inspection fees and reports.

Ms. Ha summarized a legislative proposal by the City Manager’s Office in collaboration with Assembly Member Alex Lee to remove the \$4.00 fee that is scheduled to sunset on January 1, 2024, which will allow local governments to continue to collect the DAERF fee indefinitely and to expand local jurisdictions’ ability to use DAERF funds to create and implement more programs and services to facilitate accessibility compliance.

Vice Mayor Jones stated Commission staff helped the city go from dealing with the increase in lawsuits to working with agencies and individuals to provide resources and collaborate with small businesses to address barriers to access. He continued the slide presentation and discussed a policy proposal in response to the CCDA 2020 Annual Report with a multipronged strategy of increasing education, outreach, and promotion, creating a new grant program to cover construction-related ADA violation corrections, and advocacy at the state and federal levels. He noted that the city of San Jose is considering establishing an Office of Disability.

Discussion

Commissioner Paravagna stated Vice Mayor Jones touched on what has been a major obstacle – the lack of available information to direct individuals to resources. He suggested incorporating a process to disseminate information about training programs

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

into the proposed legislation to extend the \$4.00 fee. He asked if the presenters were aware of a program by the State Treasurer to provide small business loans to improve access.

Commissioner ElHessen asked if individuals who apply for business licenses are provided information on access issues so they have a checklist to go through as they open their business.

Juan Borrelli, Small Business Ally Program Manager, City of San Jose, stated there is a disabled access building handout that has been given out in the past and was made available on the counter in the permit center. This handout is currently being updated with the CASp grant information and additional resources and it is available online. He stated he was unsure if the Finance Department has that link to their website.

Commissioner Leemhuis stated perhaps one of the disconnects is that giving individuals resources is volitional rather than an obligation as part of the licensing package. He suggested including, as part of the county's checklist, a line that states the individual has read the following brochure and understands the obligations under the ADA. This is not just a resource but is instruction that needs to be followed. Signing that they have read and understand it gives weight to the issue.

Mr. Borrelli stated his team will take that recommendation into account in terms of something more formal to be signed and dated. The brochure does note that these are state and federal accessibility requirements.

Commissioner Leemhuis stated the first thing often stated by small business owners is that they did not know about these obligations. The obvious place to inform small businesses is when they renew their business license or get a new business license. Having business owners sign that they have read and understand ADA access requirements will be helpful to all involved.

Vice Chair Wiele stated the purpose of the CCDA is to be a venue for dialogue between the disability and business communities, the intent of which is to reduce the incidence of litigation in that arena. This does not minimize the place of litigation but it is better to sit and reason with each other and resolve problems. He thanked Vice Chair Jones and his team for their work.

Commissioner Clair thanked the representatives of the city of San Jose for their work and stated the hope that it will serve as a model to other jurisdictions in its thoroughness of addressing many issues. She asked if the information included in the meeting packet addresses the requirements of lease agreements in statute indicating whether or not a CASp report has been performed, which is meant to initiate the discussion between landlord and tenant. If individuals do not own the facility, making some of those improvements are difficult. Understanding and informing that landlords have a responsibility in signing their lease with the tenants will disclose much of this information. She asked if that information is part of the city's package in order to facilitate or effectuate greater compliance.

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

Mr. Borrelli wrote in the Chat Section that this is the handout that he spoke about that is distributed in person at the Finance Department Business Registration counters and on the city's website.

Mollie McLeod wrote in the Chat Section that the title of the handout is the City of San Jose Disabled Access Requirements Handout.

Ms. Ha stated the city speaks with landlords and tenants about lease agreements to ensure that the site is accessible, if it has been inspected by a CASp, and if there are any access issues that need to be addressed before they can move in and start their business operation.

Public Comment

Christine Fitzgerald stated there are many other barriers besides physical barriers, which also need to be addressed. The speaker suggested hosting a series of educational community events as a statewide process to educate existing and upcoming business owners on the importance of accessibility in all formats.

Mollie McLeod noted that disability expertise needs to be improved. The city of San Jose used to have liaisons in every department and two staff persons who worked on access-related issues. Current conditions internally in terms of capacity are low. This is significant because it affects the effectiveness of the organization to help small businesses and residents. For example, the ADA Coordinator's manual is from 2008-2009. This needs to be updated. The speaker asked what it will take to raise capacity organizationally to better support businesses and residents.

Michele Mashburn agreed with Commissioner Leemhuis that it is 31 years beyond the time to "not know" ADA law and ADA accessibility. The reason individuals do not know about ADA accessibility is because of ableism. A focus on businesses that fails to include the disability community technically also fails the businesses. People with disabilities experience barriers on a daily basis that are largely due to a lack of understanding of their needs. It is time to be inclusive of all people.

**Action Items**

- No action items.

**6. CCDA Executive Director Report – Update and Discussion**

Executive Director Jemmott presented her report:

**a. Administrative and Operational**

- The Governor's Executive Order enabling public agencies to meet remotely during the COVID-19 pandemic has been extended through March 31, 2022. Staff has been developing a strategy for hybrid meeting locations for the full Commission and Executive Committee meetings.
- DGS is working with staff on a Team Smartphone system to help staff in their rotational telework during the COVID-19 pandemic. Extra work is being done

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

to ensure the system is accessible. New phone numbers are expected soon, although the main CCDA number will remain the same.

**b. Outreach and Partnerships**

- Staff has been meeting with cities to discuss access improvements.
- Staff held a webinar in partnership with the Division of the State Architect (DSA) and the Governor's Office of Business and Economic Development (GO-Biz) on open-air dining opportunities.

**Action Items**

- No action items.

**7. Financial Review – Update and Discussion**

**a. Review Summary/Quarterly Review**

**b. High Frequency Litigant (HFL) Fund**

Staff Member McPhaul reviewed the Year End Budget Highlights and the Financial Review Revenue Reporting documents, which were included in the meeting materials. The year-end budget totals are currently being calculated and will be reported upon completion. The CCDA has approximately \$120,000 in revenue collected to date. Commissioners had requested using this revenue for something special, such as the CCDA Accessibility Checklist application to provide users of the checklist with the most updated version at their fingertips.

**Action Items**

- No action items.

**Lunch Break**

Vice Chair Douglas Wiele reconvened the meeting and welcomed everyone to the afternoon session.

**Roll Call**

Staff Member Brown called the roll and announced that a quorum was not present. The meeting proceeded as there were no action items for the remainder of the agenda.

Commissioners Present:

Douglas Wiele, Vice Chair  
Ida Clair, State Architect  
Drake Dillard  
Souraya Sue ElHessen  
Melissa Hurtado, Senator  
represented by Aakash Vashee

Commissioners Absent:

Tiffany Allen  
Rob Bonta, Attorney General  
Chris Downey, Chair  
Brian Holloway  
Guy Leemhuis, Immediate Past Chair  
Brian Maienschein, Assembly Member

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

Jacqueline Jackson  
Brian Jones, Senator  
represented by Nina Krishel  
Ashley Leon-Vazquez  
Scott Lillibridge  
Michael Paravagna

Janet Nguyen, Assembly Member

Staff Present:

Angela Jemmott, Executive Director  
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

Also Present:

Christina Fitzgerald, Silicon Valley Independent Living Center  
Molly McLeod

**8. Legal Presentation from Disability Rights Advocates (DRA)**

**Presenter:**

- Stuart Seaborn, Managing Director of Litigation, DRA

Stuart Seaborn, Managing Director of Litigation, DRA, provided an overview of the background, goals, objectives, and business model of the DRA. He provided examples of DRA's system change litigation in terms of expanding the coverage of disability rights law such as accessible sidewalks and curb ramps and that the same types of accommodations that apply to physical disabilities should apply to individuals experiencing a mental health crisis.

Discussion

Commissioner ElHessen asked if the DRA considers academia a public entity.

Mr. Seaborn stated it does. The DRA has done a mixture of work over the years with both public and private universities and has also done some K-12 work.

Executive Director Jemmott stated the CCDA creates opportunities for discussion so everyone can feel their voice is heard in the business and disability communities and in local government. The disability legal community is often put into one bucket. She thanked Mr. Seaborn for his presentation explaining that there are various aspects of the disability legal community.

Ms. Seaborn stated DRA wished more organizations throughout the county would do this because this voice is often not expressed. The DRA is part of the Disability Rights Bar Association that includes many individuals who are doing good work. The DRA works with partners across the country who have made this kind of systemic change primarily through litigation. Litigation gets a bad wrap partially because of the recent history of serial litigants, but most individuals do exactly what the DRA is doing – bringing system change.



**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

Public Comment

Molly McLeod asked for information on model disaster plans for the disability community.

Mr. Seaborn stated he will send that information to staff.

Christine Fitzgerald stated they liked the idea of working with schools and communities. Independent Living Centers have benefited from having communities being involved in commissions, committees, city, state, and local processes. The speaker stated concern about the sunset coming up on the Assembly bill and asked what is being done or can be done to have indefinite extensions.

Mr. Seaborn stated there are coalitions that are looking at this kind of extension. He suggested reaching out to the Disability Rights California (DRC), which is looking at this issue and how to address advocacy community extensions that make sense to ensure participation on commissions to become for us/by us disability rights groups, and it also looking at things like notice requirements and other aspects. DRC is doing needs assessments on this issue in terms of what will happen with the extension of disability rights particularly physical access litigation issues that have come up since around 2010.

Molly McLeod stated they looked forward to seeing the model disaster plans. The speaker cited examples of the lack of disability disaster plans in Santa Clara County and asked that the topic of disability disaster plans be placed on a future agenda. There is a huge opportunity to collaborate with businesses and nonprofits in finding solutions.

Mr. Seaborn agreed with sharing examples and model plans. He asked Mollie McLeod to contact the DRA offline to continue the conversation about sharing model plans.

**Action Items**

- No action items.

**9. 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 materials.

**a. Assembly Bill 29: State Bodies: Meetings**

This bill is dead.

**b. Assembly Bill 361: Open meetings: state and local agencies: teleconferences**

This bill has been passed and chaptered.

**c. Assembly Bill 1604: The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications**

This bill is in the Assembly Public Employment and Retirement Committee.

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

**Action Items**

- No action items.

**10. Database Migration and Portal Enhancement, Department of General Services (DGS) Database Technology Solutions Team**

**Presenters:**

- Andre Gardiner, Information Technology Supervisor, Enterprise Technology Solutions, DGS
- Weston Jones, ServiceNow Developer, Enterprise Technology Solutions, DGS

Weston Jones, ServiceNow Developer, Enterprise Technology Solutions, DGS, provided an overview, with a slide presentation, of the CCDA portal, challenges, roles, accomplishments, and next steps of the CCDA Portal Improvements and Enhanced Reporting Project. He showed a slide of CCDA cases by Zip Code. He stated ServiceNow has helped streamline the reporting process, remedied inconsistencies, and is continuing to increase and improve the automated processes.

Public Comment

No members of the public addressed the Commission.

**Action Items**

- No action items.

**11. CCDA Strategic Goal – Update and Discussion**

**a. Strategic Goal 2021 – Summary of Completion**

Executive Director Jemmott reminded Committee Members of the CCDA Strategic Goals for 2021. She deferred to Staff Member Brown to summarize the CCDA's research findings.

Staff Member Brown reviewed the CCDA Strategic Goals: 5-Year Strategic Plan 2021 Completion Review document, including research findings and a recommended Action Plan to Address Non-Compliant Submissions, which was included in the meeting materials.

**b. Strategic Goal 2022-23 – Projected Goals #1 and #2**

Staff Member Brown reviewed the 2022-23 Strategic Goals document, which was included in the meeting materials. She noted that Strategic Goal #1 for 2022-23, Full Migration of Historical Data in the Legal Portal, is a continuation from last year, as it was a two-year goal.

Staff Member Barsanti reviewed Strategic Goal #2 for 2022-23, Accessible Parking Campaign, which was included in the meeting materials.

**California Commission on Disability Access  
Full Commission  
January 26, 2022, Teleconference Meeting Minutes**

Discussion

Commissioner ElHessen stated the need to define the strategic goal scope of work for the Committees.

Vice Chair Wiele stated he again was reminded of how far the Commission has come under the leadership of Executive Director Jemmott. He publicly congratulated Executive Director Jemmott and her team for their remarkable work.

Public Comment

No members of the public addressed the Commission.

**12. Future Agenda Items**

Commissioner ElHessen stated many items worked on last year for education and outreach and ensuring that the Commission is known for what it does in the communities served will continue in this next year. Specific tasks need to be identified to implement this going forward.

Commissioner Paravagna suggested a discussion at the next full Commission meeting or at the next Executive Committee meeting on how to be strategic in investing the additional funds that have been made available to the Commission. Early discussion is warranted.

Vice Chair Wiele agreed and stated there are ways to invest those funds in software/hardware and social media in order to enhance the Commission's presence and effectiveness. There are many other ideas that should be considered on how to invest these funds.

**13. Adjourn**

Vice Chair Wiele stated the next Legislative Committee meeting is scheduled for February 9<sup>th</sup>.

**Motion:** Commissioner Paravagna moved to adjourn the January 26, 2022, California Commission on Disability Access Full Commission meeting. Commissioner ElHessen seconded. Motion carried unanimously.

The meeting was adjourned at 2:19 p.m.