

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes
October 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 10:01 a.m. The meeting was on Zoom, via teleconference, and held at the Division of the State Architect, Los Angeles Regional Office located at 355 South Grand Avenue, Suite 2100 in Los Angeles, California 90071.

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
Douglas Wiele, Vice Chair
Guy Leemhuis, Immediate Past Chair*
Rob Bonta, Attorney General,
by Deputy AG Anthony Seferian
Ida Clair, State Architect
Drake Dillard
Souraya Sue ElHessen*
Brian Holloway*
Melissa Hurtado, Senator,
by Aakash Vashee*
Jacqueline Jackson
Brian Jones, Senator
by Emily Miller*
Ashley Leon-Vazquez*
Scott Lillibridge
Janet Nguyen, Assembly Member
by Preston Romero*
Michael Paravagna

Commissioners Absent:

Brian Maienschein, Assembly Member
Hector Ramirez

Staff Present:

April Dawson, Executive Director
Kamran Qazi, Legal Counsel
Stephanie Groce, Disability Access
Technician
Phil McPhaul, Operations Manager
Abigail Ridge, Administrative and
Legislative Analyst
Presley Strother, Marketing and Outreach
Analyst

*Participated remotely.

Also Present:

Diana Pastora Carson

Pledge of Allegiance

Chair Downey led the Commission in the Pledge of Allegiance.

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

2. Approval of Meeting Minutes (July 27, 2022) – Action

Motion: Commissioner Dillard moved to approve the July 27, 2022, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Jackson seconded. Motion carried 7 yes, 0 no, and 2 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioner Dillard, ElHessen, Holloway, Jackson, Leemhuis, and Paravagna, and Vice Chair Wiele.

The following Commissioners abstained: Chair Downey and Commissioner Lillibridge.

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

No members of the public addressed the Commission.

4. CCDA’s New Executive Director April Marie Dawson – Update and Discussion

Staff Member McPhaul introduced the new Executive Director of the CCDA, April Dawson, and welcomed her on behalf of the Commission. Commissioners and members of the public welcomed Executive Director Dawson to the Commission.

5. Senate Resolution Acknowledgement – Update and Discussion

a. Immediate Past Chair Guy Leemhuis

Executive Director Dawson presented a resolution from the California State Senate to Commissioner Leemhuis commemorating his leadership and years of service with the Commission and disability community. Commissioners and members of the public congratulated him.

6. Commission Tributes – Update and Discussion

a. Vice Chair Doug Wiele

b. Commissioner Michael Paravagna

Chair Downey stated Vice Chair Wiele and Commissioner Paravagna will term out at the end of this year. He presented resolutions from the California State Senate to Vice Chair Wiele and Commissioner Paravagna commemorating their leadership and years of service with the Commission and disability community. Commissioners and members of the public congratulated them and wished them well in their future endeavors.

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

7. CCDA Elections – Action

a. Chair

Motion: Commissioner Leemhuis moved to re-elect Chris Downey as Chair of the California Commission on Disability Access for 2023. Commissioner Holloway seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioner Dillard, ElHessen, Holloway, Jackson, Leemhuis, Lillibridge, and Paravagna, and Vice Chair Wiele.

b. Vice Chair

Motion: Chair Downey moved to elect Brian Holloway as Vice Chair of the California Commission on Disability Access for 2023. Vice Chair Wiele seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioner Dillard, ElHessen, Jackson, Leemhuis, Lillibridge, and Paravagna, Vice Chair Wiele and Chair Downey.

Public Comment

There was no public comment.

8. 2023 CCDA Committee Meeting Calendar – Action

Motion: Commissioner Leemhuis moved to approve the 2023 CCDA Committee Meeting Calendar as presented. Commissioner Lillibridge seconded. Motion carried 9 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioner Dillard, Holloway, Jackson, Leemhuis, Leon-Vazquez, Lillibridge, and Paravagna, Vice Chair Wiele and Chair Downey.

Public Comment

There was no public comment.

9. CCDA Strategic Goal – Update and Discussion

Staff Member McPhaul presented his report:

a. Data Migration

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

The Historical Submission Data Entry Project, which is part of the CCDA's 2022 Strategic Goal of Full Data Migration of Historical Complaints and Case Resolution Reports to the online Legal Portal, has been completed.

b. Accessible Parking Campaign

The draft toolkit is close to being completed. Once completed, it will be sent to the Division of the State Architect (DSA) for feedback. The plan is to present the reviewed toolkit to the Commission in early 2023 for approval and dissemination.

Discussion

Chair Downey congratulated staff on completing the Data Migration Project.

Public Comment

There was no public comment.

10. Chaptered Legislation: Addressing CCDA's Role – Update and Discussion

Executive Director Dawson summarized the CCDA Legislative Status Report, which was included in the meeting materials, on two pieces of legislation that will impact CCDA's operations, as follows:

a. Assembly Bill 2164: Disability Access: Certified Access Specialist Program: Funding

Assembly Bill (AB) 2164 raises the collection of business license fees from \$1.00 to \$4.00, which goes toward the Disability Access and Education Revolving Fund, changes the name of the fund to the Accessibility Compliance Fund, and increases the amount of the fund that is retained by cities and counties from 70 percent to 90 percent.

b. Assembly Bill 2917: Disability Access: Internet Websites, Parking Lots, and Exterior Paths of Travel

AB 2917 mandates the CCDA to begin tracking alleged violations related to website accessibility. The CCDA will work with the DSA and the Department of Rehabilitation (DOR) to make a toolkit for businesses to help them understand their obligation to make websites accessible to individuals with disabilities. It also requires the CCDA to educate the business community on parking lot access, including exterior paths of travel.

The CCDA is already on track to completing the mandate for paths of travel with the Accessible Parking Campaign toolkit, as reported in the previous agenda item.

The CCDA's Legal Portal was preprogrammed with partners during its design phase and it is ready to accept alleged website violations. Staff is working with the State Bar on an outreach plan to help attorneys and legal firms understand their obligations to send copies of their documents to the CCDA within five days, has met with the DOR, and will meet with Commissioner Clair to discuss the collaboration between the CCDA and the DSA on the obligations under this bill. The DSA already has a toolkit much of which can be adapted to the business community.

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

Discussion

Commissioner Lillibridge asked if categories have already been created for possible website violations.

Staff Member McPhaul stated categories are currently in development.

Chair Downey asked how to keep track of in-state website users versus out-of-state users.

Staff Member Ridge stated that is one of the questions attorneys will be asked as part of the Legal Portal submittal process.

Public Comment

There was no public comment.

11. Electrical Vehicle Charging Stations (EVCS) – Update and Discussion

Presenter:

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

Staff Member McPhaul read Commissioner Clair's biography and asked her to present this agenda item.

Ida Clair, State Architect, DGS, DSA, CCDA Commissioner, provided an overview, with a slide presentation, of the federal accessibility requirements, regulatory development, facility planning, California Building Code (CBC) scoping, accessible EV spaces and chargers, and installing EVCS in existing facilities. She stated the regulations require new facilities charging infrastructure to be installed but do not require the installation of chargers. Once chargers are installed, access is required.

Discussion

Vice Chair Wiele stated concern that bringing power to new charging stations is a challenge in certain locations, such as in inner-cities. This is an enormous problem that must be addressed.

Commissioner Clair stated there is an exception for challenging issues in the code, which is addressed by the local jurisdiction.

Commissioner ElHessen stated concern that EVCS will take up disabled access parking spaces. She asked if there is discussion about locating EVCS in locations other than in front of businesses.

Commissioners Clair stated disabled parking and EVCS provide different services and cannot be combined. EVCS are not required to be near entrances; however, they must be accessible. Accessible parking is based on the number of parking spaces near the facility, while EVCS are based upon the number of charging spaces near a facility. Locations that have installed EVCS by taking over existing disabled parking spaces may have been installed prior to regulatory requirements. Concerns about these locations can be addressed at the local building department.

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

Commissioner Jackson stated concern that there were no disabled parking spaces but there were five charging stations next to the elevator at the community college with signs indicating these spaces were for electric vehicle charging only.

Commissioner Dillard agreed with Vice Chair Wiele's concern about the challenge of bringing new power to new charging stations.

Commissioner Lillibridge stated the Infrastructure Investment Jobs Act is supposed to help with existing infrastructure. He asked how much of that will help with the EVCS effort in California.

Commissioner Chair stated the DSA's role is to clarify accessibility requirements and to ensure that charging is provided in California schools. She stated the California Building Standards Commission (BSC) has their recommendations posted on the website.

Commissioner Lillibridge stated new developments are all-electric. He asked how California can also handle these charging stations.

Chair Downey stated the importance of tracking the litigation coming submitted through the Legal Portal to identify issues and challenges. He suggested looking at the education and outreach measures with regards to this new technology.

Commissioner Clair stated she will share DSA's educational video with staff on how to provide accessibility.

Public Comment

There was no public comment

LUNCH BREAK

12. Accessible Housing and CCDA's Role – Update and Discussion

Executive Director Dawson stated staff has been having listening sessions on the theme of the built environment with Commissioners, members of the public, and partners. She stated one of the roles of the Commission is to be a communication bridge between the business and disability communities. Even though accessible housing is not expressly mentioned in statute, she asked Commissioners to discuss how to address this issue within the Commission's purview.

Discussion

Commissioner ElHessen stated many access issues relate to housing. It is important to collaborate with local county commissions on housing as well as other nonprofit organizations that support housing for individuals with disabilities. Many businesses are now being built with housing above. Builders and contractors are important partners to collaborate with to make these facilities accessible. She suggested further discussions on this issue in the Education and Outreach Committee and in future listening forums.

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

Commissioner Paravagna agreed and suggested considering interested parties to invite to listening forums. He also suggested reaching out to the aging community. He stated the need to look at residential construction. He suggested looking at the cost of accessible construction when it is planned from the beginning. He suggested a listening forum on this issue and inviting the BSC, DSA, and various interested parties and legislators so that solutions can be brought to action.

Public Comment

There was no public comment.

13. CCDA Executive Director Report – Update and Discussion

a. Administrative and Operational

- **Current Projects**
- **Listening Forums**

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

- The Data and Research Analyst staff position is currently vacant. The position was posted and staff is collecting applications for review.
- Staff met with the accounting team to cost out a Promotion and Place Model to address the high turnover in CCDA staff. Staff of the CCDA have opportunities for training and learning unique skills not normally available in other areas of state service, but there is no opportunity for promotion. The accounting team is currently analyzing the possibility of allowing the CCDA to promote the Staff Services Analyst level to the Association Governmental Program Analyst level to decrease staff turnover.
- Staff has biweekly meetings with Deputy Director Brent Jamison, of the Department of General Services (DGS) Interagency Support Division, to uplift the CCDA's needs to the DGS. A meeting will be held later this week with DGS leadership to discuss how to increase CCDA's social media presence.
- Given the CCDA's unique lens of disability-related work, staff was asked to present at a meeting with the DGS Equal Employment Opportunity and Strategic Partnerships Offices to discuss how the DGS as a department can uplift equity using the CCDA as a model.
- Vice Chair Wiele and Commissioner Paravagna will term out at the end of the calendar year. The Governor will appoint replacements, including an individual from the California Business Properties Association.
- Commissioners Holloway and Ramirez will also soon be terming out but are interested in being reappointed.

Discussion

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

Commissioner ElHessen stated she looked forward to disseminating information as part of the Education and Outreach Committee. She stated concern about the low employment rate of individuals from the disability community in community colleges and other higher education. She asked for more information on this issue.

Public Comment

There was no public comment.

14. Revenue Reporting – Update and Discussion

a. Potential Uses of Funds

Staff Member McPhaul reviewed the Revenue Reporting document, which was included in the meeting materials. He noted that the high-frequency litigant funds have grown from \$120,000, as listed in the meeting materials, to \$152,000, although this number is not final. He asked for feedback on how this funding can be used. He noted that \$99,000 needs to be spent by December of 2024.

Discussion

Commissioner Paravagna asked what the listening forums will cost.

Staff Member McPhaul stated the cost varies. He stated staff will have a better idea about the cost during the next few months as the listening forums begin.

Commissioner ElHessen suggested using some of the funding for emergency preparedness for the disability community as part of education and outreach.

Commissioner Lillibridge agreed. He suggested also using some of the funding for activities that address the top-10 violations.

Commissioner Leon-Vazquez suggested using some of the funding to educate safety training companies such as ServSafe on how to better serve customers with disabilities.

Chair Downey suggested using some of the funding to educate small business associations in their service towards new businesses.

Vice Chair Wiele agreed and suggested including educating property owners along with business owners.

Public Comment

There was no public comment.

15. Financial Review – Update and Discussion

a. Review Summary – Quarterly Review

Executive Director Dawson provided an overview, with a slide presentation, of the Expenditure Report for Fiscal Year 2021-22. She noted that accounting has not yet closed and that these numbers were pulled on October 7th, representing the end of the

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

prior Fiscal Year. It is normal for financials for boards and commissions to be presented a few months in arrears.

Executive Director Dawson stated the CCDA has not overspent its budget and is properly using its funds. She stated the original Budget Act authority was \$1,571,000. Through the normal process that departments go through with the Budget Act, that amount was reduced, which made the CCDA's authority \$1,463,000. She stated the total spent budget was 84 percent of the total spending authority. Part of that cost savings was due to salary savings.

There was no Commissioner discussion or public comment.

16. Integrating Access into Business Resiliency/Adaptation Plans – Update and Discussion

Presenter:

- Jan Garrett, Program Manager, Pacific ADA Center

Staff Member McPhaul read the guest speaker's biography and asked her to present this agenda item.

Jan Garrett, Program Manager, Pacific ADA Center, provided an overview, with a slide presentation, of the work of the Pacific ADA Center, ADA overview for businesses, disasters and emergencies that businesses face, how businesses can retain their strength or resiliency during these times, and how businesses can create or maintain access at times of disaster/emergency. She asked Commissioners for feedback on materials the Commission can create for businesses to remain resilient.

Discussion

Commissioner Paravagna suggested partnering with entities that are doing training and preparation in this area, updating materials, and posting materials on a website for businesses, first responders, and government entities. Training is important; having a place that provides emergency plans, trainings, and resources is valuable.

Chair Downey stated the need to capture relevant, recent experiences with disasters and emergencies from members of the disability community to inform the trainings and educational materials.

Commissioner Lillibridge stated the CCDA spends a lot of time with checklists and toolkits getting the disability community into businesses. He suggested thinking about the reverse in the case of emergencies and disasters by creating education material for the business community.

Commissioner Jackson asked if the Commission is involved in emergency preparedness activities as an example to others.

Executive Director Dawson stated disaster preparedness is not specifically called out in legislation but business access, giving tools to businesses to ensure they are fully accessible to individuals with disabilities, and avoiding access violations is.

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

Commissioners have asked to discuss emergency preparedness within the context of business access to locate gaps in the Commission's work in developing toolkits, plans, and outreach to ensure that preparedness for a changing world event would be taken into account.

Public Comment

Diana Pastora Carson suggested keeping durable accommodations, as needed by some individuals, during times of disaster.

17. Future Agenda Items – Discussion

No future agenda items were offered.

18. Adjourn

Motion: Commissioner Paravagna moved to adjourn the October 26, 2022, 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:

The following Commissioners voted "Yes": Commissioner Dillard, ElHessen, Holloway, Jackson, Leon-Vazquez, Lillibridge, and Paravagna, Vice Chair Wiele and Chair Downey.

There being no further business, the meeting was adjourned at 2:37 p.m.