

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Hybrid Meeting Minutes
April 20, 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 10:15 a.m. The meeting was on Zoom, via teleconference, and held at the California Department of Public Health, located at 1500 Capitol Avenue, First Floor Auditorium, Sacramento, California, 95814.

Additional public locations included 7121 Magnolia Ave, Suite #G, Riverside, California, 92504; 1121 White Rock Road, Suite 205, El Dorado Hills, California, 95762; 9433 Ives Street, Bellflower, California, 90706; and 15500 Downey Avenue, Paramount, California, 90723.

Housekeeping

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
Rob Bonta, Attorney General,
represented by Deputy Attorney
General Anthony Seferian
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 Emily Miller
Ashley Leon-Vazquez
Janet Nguyen, Assembly Member
Michael Paravagna

Commissioners Absent:

Guy Leemhuis, Immediate Past Chair
Scott Lillibridge
Brian Maienschein, Assembly Member

Staff Present:

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

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Also Present:

Maria Arias

Terra M. Curtis, California Public Utilities Commission (CPUC)

John Kirkham, California Department of Rehabilitation (DOR)

Sharlene Ornelas

Corrina Roy, California Department of General Services (DGS)

Karen Taylor, DOR

Heather Xiong

Pledge of Allegiance

Chair Downey led the Commission in the Pledge of Allegiance.

2. Approval of Meeting Minutes (January 26, 2022) – Action

Motion: Commissioner Jackson moved to approve the January 26, 2022; California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner ElHessen seconded. Motion carried unanimously with no abstentions.

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

Sharlene Ornelas stated the California Department of Aging and the California Commission on Aging and Access are also meeting today. It would be helpful to coordinate meeting dates and times so members of the public can fully participate.

4. Acknowledgment State Resolution in Honor of the Retirement of Rex Hime, President and CEO of California Business Properties Association – Update and Discussion

Vice Chair Wiele stated he presented a resolution to Rex Hime, President and CEO of the California Business Properties Association, at his retirement celebration in Newport Beach last month. Former Executive Director Angela Jemmott initiated the resolution from the state of California in recognition of Mr. Hime's remarkable work for the broader community and in appreciation for his years of service.

a. Video from CCDA's Past Executive Director Angela Jemmott

Vice Chair Wiele stated Former Executive Director Jemmott put together a video thanking Mr. Hime on behalf of the Commission for his work in the creation of the CCDA, establishment of the Certified Access Specialist (CAsp) Program, and the improvement of disability access. The video is posted on the California Business Properties Association website.

Chair Downey asked staff to post the video on the CCDA's website.

5. Title II of the Americans with Disabilities Act (ADA): Architectural Barrier Removal – Update and Discussion

a. CCDA's Scope and Boundaries

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Staff Member McPhaul stated, at the last Executive Committee meeting, the Committee discussed the CCDA's scope and role under Title II of the ADA. The Commission's focus is on architectural barrier removal, not program access.

Chair Downey noted that the Commission's focus is part of its legislative mandate.

Commissioner Paravagna stated the Commission primarily works to be an information exchange between the business and disability communities. It is important that the Commission stay within the scope of authority it was granted by legislation. Staff can provide resources and entities that have the role of dealing with the issues brought by members of the public that are outside the scope of the Commission.

Public Comment

Maria Arias thanked the CCDA for keeping the meetings in a virtual format. This is the only way that some members of the public can participate. The speaker asked the Commission to consider ADA access not only ensuring that buildings are ADA compliant but also that meetings are held in a virtual format. The speaker shared their experience of being denied physical and virtual access at their school district. This does not allow the public to participate.

Chair Downey asked staff to follow-up with Maria Arias offline to share resources.

6. Revenue Reporting – Update and Discussion

a. Potential Uses of Funds?

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

Commissioner Paravagna 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. He stated the Executive Committee recommends possibly using these funds by doing PSAs, developing an application, and holding community meetings around the state to facilitate better access.

Discussion

Commissioner Clair stated apps already exist that provide either a self-assessment or the opportunity to perform a check on compliance. She cautioned that Commission resources are limited and cannot compete with large apps.

Commissioner Holloway stated what he liked about an app is that it can be modified, updated, and users of the app can be surveyed to help improve the tool.

Commissioner Jackson stated the need to take into consideration the expensive needs of blind and visually impaired individuals to be able to access apps.

Commissioner ElHessen stated funds in relation to the Education and Outreach (E&O) Committee would be an asset as far as making information more accessible in different modalities.

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Commissioner ElHessen stated an app can be used to educate the future generation about the history of the ADA. Also, an app can help businesses prioritize access issues.

Commissioner Clair stated the development of an app requires education and outreach to encourage individuals to download and use. The cost for development and outreach versus information already available on the internet need to be weighed with the limited resources available and to ensure against redundant work.

Commissioner Clair stated, if there is a need for the E&O Committee to educate about downloading an app in order for it to be used, those funds could be provided for education and outreach in the form of PSAs, billboards, and increased engagement with building departments and chambers of commerce.

Public Comment

Sharlene Ornelas stated the app needs to be usable by screen readers and adaptive equipment. The ADA is complicated, extensive, and changing and may be difficult to put on an app. Also, not all individuals with disabilities are able to access electronics and the internet. The speaker stated the need for PSAs to be both visual and auditory.

Maria Arias echoed the comments of the previous speaker in that ADA accessibility is complex. There is always room for improvement. Another area that can be improved is, during the COVID-19 closures, special education children's rights were violated. Some families do not have access to the internet and did not have access to education.

7. CCDA Commissioner Assistance: Member Selection for Vacancies on Department of General Services (DGS), Division of the State Architect (DSA) Access Code Collaborative (ACC) – Update and Discussion

a. Request for CCDA Commissioner Assistance

Guest Speaker:

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

Commissioner Clair stated the ACC is a representative group of stakeholders who advise the 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 term out and need to be replaced. At the initial establishment of the ACC, the CCDA and the DOR assisted the DSA in selecting the members to ensure a fair process. She asked for volunteers to assist in the selection process for new ACC members.

Discussion

Chair Downey and Commissioners ElHessen and Holloway volunteered to assist in the selection process.

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Public Comment

Maria Arias asked if members of the public can volunteer.

Commissioner Clair stated each member of the ACC represents a constituency group. There are positions for individuals with disabilities who are interested in participating in the process as members of the public. Information on the ACC and the application process can be found on the DSA website.

8. California Department of Rehabilitation Information Technology Services Division, Independent Living & Community Access Division – Discussion

a. Website Accessibility Requirements and Technical Assistance

Guest Speakers:

- Jon Kirkham, Deputy Director and Chief Information Officer, California Department of Rehabilitation, Information Technology Services Division
- Karen Taylor, California Department of Rehabilitation, Independent Living & Community Access Division, Disability Access Services

Website Accessibility Toolkit, California Code Sections, Web Content Accessibility Guidelines (WCAG)

Jon Kirkham, Deputy Director and Chief Information Officer, DOR, Information Technology Services Division, stated part of his role is to raise awareness within the state about assistive technology and digital accessibility. He provided an overview of the definition of web accessibility, why it is important, federal and state laws related to web accessibility, and Web Content Accessibility Guidelines (WCAG), and gave a demonstration of the DOR's Web Accessibility Toolkit.

Mr. Kirkham agreed that website accessibility is complex. It depends on the method of presenting the information, the assistive technology that is being used, and the content. These three pieces work together and can add to the complexity of website accessibility. He suggested the World Wide Web Consortium (W3C) as a resource and noted that W3C created the WCAG. The WCAG is regularly updated; the most recent update is scheduled to be finalized in September. He noted that updated versions are additive, meaning that all the success criteria in previous versions are included in the new update. It is helpful to know that, even as technology changes, previous versions are consistent.

Accessible Documents Training

Karen Taylor, Training Officer, DOR, Independent Living & Community Access Division, Disability Access Services, provided an overview of her role in training and awareness for physical accessibility, employment law, and digital accessibility. She stated she provides training and awareness within the state, county, and private businesses seeking information, training, and disability awareness. She stated she also provides training in all three areas.

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Ms. Taylor provided an overview, with a slide presentation, of Accessible PDF Documents 2.1 Trainings and how the DOR's Disability Access Services Section supports local businesses, internal DOR staff, and private agencies on getting more skilled at website accessibility. She shared helpful resources such as the DOR's Web Accessibility Toolkit, which was demonstrated by Mr. Kirkham.

Public Comment

Heather Xiong asked if school districts are implementing the screen-reading PDF.

Mr. Kirkham stated there are screen readers that are available to be used. There is one that is free called NVDA, which can be used to read a variety of content on a computer, including PDF documents. This is technology that can be installed on a device to read what is displayed on the device. Apple devices have a built-in screen reader called VoiceOver.

Maria Arias thanked the DOR for this training. It is helpful for parents of children with disabilities and is important to everyone. She asked if this information, along with the presentation slides, can be posted on the website. She asked for contact information for the presenters. She noted that there is a need for information to be provided in Spanish.

Lunch Break

9. 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 is awaiting hearing in Assembly Appropriations.

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 is awaiting hearing in Assembly Appropriations.

e. **AB 2917 State Law: Disability Access**

This bill will next be heard in Appropriations Committee.

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

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This bill will next be heard in Appropriations Committee.

Discussion

Commissioner Paravagna referred to AB 2917 and stated the DOR is currently developing and implementing classes and information on web access. He stated the concern that AB 2917 might require the CCDA to duplicate their efforts.

Ms. Roy stated an approved position has not yet been received from the Administration so no advice or suggestion can be given to amend any bill. The bill does not prohibit the CCDA from working with the DOR to assuage duplication.

Commissioner ElHessen referred to AB 2164 and asked if some of the funds are being given to the CCDA for education and outreach.

Ms. Roy stated the funds have always gone to the Disability Access Education Revolving Fund. CCDA, however, does use those funds.

Public Comment

There was no public comment.

10. 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.

Staff Member McPhaul asked for possible meeting locations in Southern California for the October full Commission meeting. Chair Downey and Commissioner Clair offered names of possible venues.

CCDA Committee Meeting Calendar Correction

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

Disability Access and Education Revolving Fund

Staff Member Barsanti provided an update on the Disability Access and Education Revolving Fund. The goal of the staff project is to create a series of resources and toolkits. He provided an update on the project to date. All cities that staff has met with are interested in a physical as well as a digital toolkit explaining the purposes and benefit of the fund and how it will help improve accessibility in each city. The cities are interested in learning more to push this project forward. The projected timeline is to launch the project by the Full Commission meeting in October of 2022.

Commissioner ElHessen suggested reaching out to Public Works in Bellflower.

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Commissioner Paravagna stated the city of Bellflower also has an ADA Coordinator and a Transition Plan, Self-Evaluation, and Training Plan in place. He suggested contacting the ADA Coordinator.

Commissioner ElHessen asked for materials she can disseminate while visiting other cities.

Commissioner Clair stated the importance of cities understanding that their first priority is to employ and retain CASps with the funds and make them available to the public. She stated the need to ensure that this happens. She cautioned that in no way should these funds be used to improve public facilities.

Commissioner Leon-Vazquez asked if there are funds available for business owners to take responsibility for work being done in their businesses such as doing physical repairs or hiring additional inspections.

Staff Member Barsanti stated those are things the funds can be used for.

Commissioner Clair stated there are also tax credits offered by the state and federal governments on physical accessibility improvements as well as a program by the state treasurer's office.

Executive Director Recruitment

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

Interim Executive Director Report

Commissioner Paravagna, Interim Executive Director, presented his report:

- Staff will be working on areas within ADA Title II access 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.
- He stated the need to clarify the Commission's role in the development of a toolkit, should AB 2017 become law.

11. Financial Review – Update and Discussion

a. Review Summary – Quarterly Review

b. High Frequency Litigant (HFL) Fund

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.

12. CCDA Strategic Goal – Update and Discussion

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a. Data Migration

Staff Member Brown provided an update on Strategic Goal #1 for 2022-23, Full Migration of Historical Data in the Legal Portal. The two locations where the case submittals were being housed were the Electronic Database Management System (EDMS) and the CCDA Legal Portal Database in partnership with Service Now ETS. The goal in shifting the historical cases into the new portal is to standardize the data fields and put the historical and current complaints into the legal database. In addition, the goal is to link the PDFs, which are copies of the original complaints into the legal portal for attorneys to access. After the Data Migration Project is complete, the next step is the portal enhancement of these data fields that attorneys are using to file their documents. The ultimate goal is to make this a real-time reporting accessible tool to the public. The Data Migration Project is expected to be completed by June 30, 2023.

b. Accessible Parking Campaign

Staff Member McPhaul provided an update on Strategic Goal #2 for 2022-23, Accessible Parking Campaign. Staff is in the process of developing a toolkit through work groups of ADA Coordinators, business owners and operators, and construction specialists. The work groups are in discussion about how these toolkits will be distributed. One of the challenges has been workgroup membership. The Accessible Parking Campaign is expected to be completed by December 31, 2023.

Discussion

Commissioner ElHessen asked for a copy of the staff report. She asked if the databases are shared for distribution, particularly the Open-Air Dining database.

Commissioner Clair suggested that business owners who are interested in the ACC may also be interested in being a part of the work group.

Vice Chair Wiele stated landlords, especially small property owners, need to be part of this discussion. Tenants in multi-tenant buildings have no right to make changes to parking lots because the parking lots belong to the landlords.

Vice Chair Wiele volunteered the staff of the California Business Properties Association to be a part of the work group.

13. California Public Utilities Commission – Discussion

a. Efforts to Increase Wheelchair Accessible Vehicle (WAV) Transportation.

Guest Speaker:

- Terra M. Curtis, Transportation Policy & Analysis Supervisor, California Public Utilities Commission, Consumer Protection and Enforcement Division

Terra M. Curtis, Transportation Policy & Analysis Supervisor, California Public Utilities Commission (CPUC), Consumer Protection and Enforcement Division, provided an overview, with a slide presentation, of the Transportation Network Company (TNC) Access for All Program, which the CPUC has been implementing since 2019, policy

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decisions to date, key program goals, and next steps. She stated the most common TNCs are Uber and Lyft.

Ms. Curtis stated customer feedback indicates that the program fills gaps but there is room for improvement. The CPUC continues to set the parameters of program implementation. TNCs must meet minimum performance standards, such as response times, trip completion, and WAV awareness, to be granted Access Funding. The CPUC continues to learn, adjust, and maintain focus on the SB 1376 vision to become a national leader in the deployment and adoption of on-demand transportation options for persons with disabilities.

Discussion

Commissioner Paravagna asked how the CCDA can assist in the implementation of this program.

Ms. Curtis suggested helping to identify a statewide entity that can administer the funding program for counties that do not have the capacity or interest to administer the funding. She suggested that the CCDA provide input and feedback in the preparation of the CPUC's 2024 progress report to the Legislature.

Commissioner ElHessen suggested contacting local senior jurisdictions, senior centers, local regional centers, and private drivers. She shared her shared-ride experience and stated concern that they use a type of database, so it is not person-driven. A computer prioritizes the stops inappropriately so customers cannot be assured of timely arrival at their places of work or other destinations.

Ms. Curtis stated the CPUC has set performance standards related to response times and completion rates in an effort to address this issue.

Commissioner Paravagna asked if holding public forums to bring individuals together to share experiences to better understand issues would be helpful to the CPUC.

Ms. Curtis stated her response is partly dependent upon the CPUC decision related to how the CPUC will engage with the disability community directly. Facilitating joint workshop-type events between the TNCs and the disability community will provide the opportunity to hear from the community on what is really needed.

Commissioner Paravagna suggested putting together a small work group from the CPUC and the CCDA to help flesh out how to work together, how the CCDA can help, and what the deliverables of such an arrangement might be. Then come back to the Commission with recommendations.

Public Comment

Sharlene Ornelas stated concern that it is common for people who are blind and have guide dogs to have drivers not show up, their rides canceled, being charged for canceled rides, and being overcharged due to the guide dog. She suggested, in order to receive this funding, that entities prove that their drivers are being properly trained.

Ms. Curtis stated the CPUC is aware of and has been tracking these issues. The CPUC has set a driver training requirement in this program.

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14. Future Agenda Items

No future agenda items were offered.

15. Adjourn

Motion: Chair Downey moved to adjourn the April 20, 2022, California Commission on Disability Access Full Commission meeting. Commissioner ElHessen seconded. Motion carried unanimously.

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