

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST COMMITTEE
MEETING MINUTES**

March 28, 2018

1. Call to Order

Executive Director Jemmott welcomed everyone and called the meeting of the Checklist Committee of the California Commission on Disability Access (CCDA) to order at 1:35 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 242, 2nd Floor, Sacramento, 95814.

Roll Call

Commissioners Present:

Brian Holloway, Chair

Scott Lillibridge, Vice Chair

Committee Members Present:

Afsaneh Ahmadi, Chief Building Official, City of San Diego, and Deputy Director, Building Construction and Safety Division, represented by Mehdi Shadyab, Structural Engineering Senior, City of San Diego (via teleconference)

Erika Frank, Executive Vice President, Legal Affairs, and General Counsel, California Chamber of Commerce (via teleconference)

Gary Layman, California Building Officials, (via teleconference)

Michael Nearman, Deputy Executive Director, California Building Standards Commission (CBSC), represented by Brandon Estes, Associate Construction Analyst, CBSC

Debbie Wong, Senior Architect, Division of the State Architect

Committee Members Absent:

Stoyan Bumbalov

Danny Friedman

Tony Goldsmith

Richard Halloran

Matthew Sutton

Irene Walela

Bill Zellmer

Staff Present:

Angela Jemmott, Executive Director

LaCandice Ochoa, Operations Manager

Dave Chung, Staff Services Analyst

Taylor St. Mary, Staff Services Analyst

Matthew Wang, Staff Services Analyst

2. Approval of Meeting Minutes (September 13, 2017) – Action

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A quorum was not present so the Minutes could not be approved. The item was tabled. Chair Holloway stated that without a quorum, business could be done but action could not be taken.

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

No members of the public addressed the Committee.

4. Introduction of New Checklist Committee Vice Chair – Update

Chair Holloway introduced new Vice Chair Scott Lillibridge.

5. Annual Review of Myths and Misconception Resource Guide – Review, Discussion

Chair Holloway requested to hear concerns, questions, or recommended additions to the document.

Vice Chair Lillibridge noted that a couple of dates seem to conflict: Myth #1 for addressing alterations lists January 26, 1992 while Myth #5 lists 1993. The committee agreed that it is a typo and 1992 is the correct year. Ms. Wong said she would look into whether there should be a difference – 1993 was the trigger date for compliance to the ADA of 1991.

Executive Director Jemmott emphasized that staff had intended for this committee to have the annual responsibility of indicating any necessary changes and additions to the document.

Chair Holloway asked if anything has happened in the last year – in terms of legislative, courts of law, and issues – that would necessitate changes to the checklist.

Executive Director Jemmott did not think Motions were required in order for the committee to make changes.

6. Industry Focus Incubator Sessions – Update, Discussion & Action

a. Scope of Work

Executive Director Jemmott shared about the shift in the move forward of some of the projects with which the committee will be involved. The committee had wanted to create a specific consumer tool that the industry could use for providing information on making facilities accessible; the incubator technique would allow people in the industry to share what they have found that could be added to the tool.

The first subject for the sessions would be the restaurant industry, followed by the hotel industry and the retail industry.

As the CCDA has been somewhat challenged in terms of funding for the listening forums, staff was now proposing to combine the listening forum concept with the incubator project. The first session would begin with a topic suggested by the

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Legislative Committee: service animals within businesses. The topic would then move to restaurants – myths and misconceptions, rights, CASP services, and so on.

Another discussion point is how to get the right people involved in creating the tool.

Vice Chair Lillibridge asked about the choice of having the restaurant industry topic first. Looking at the stats, sales and rental establishments as well as service establishments account for three quarters of complaints in pre-litigation. Should these be the initial focus?

Executive Director Jemmott appreciated the observation. Currently the CCDA is looking at relationships: we do not have a working association with the sales and retail industry, and want to develop relationships as we go.

Ms. Frank agreed; we are hitting the industries that are targeted more than others. The majority of Chamber of Commerce membership does not tend to be restaurants. As the CCDA formulates the toolkit, the restaurant trade organizations can be a resource to get the word out.

Dierdre Dillon from Whole Foods stated that since the laws changed in 2016 and people are allowed to bring animals to outside areas within a facility, there has been increased pressure of people attempting to bring their pets within a facility. This has caused a lot of aggravation. When people bring legitimate service animals into a facility, customers may berate them. Ms. Dillon stated that the industry would welcome tools to contend with this kind of issue. Currently she provides ADA information at the federal level to her stores for people attempting to bring in their pets.

Regarding Agenda Item #5, Mr. Layman explained the difference between the 1992 date and the 1993 date; a note should be included in parentheses for the 1993 date clarifying first occupancy.

The committee discussed the industry order of topics for the incubator sessions. With the committee's connections to the restaurant industry, it makes sense to start with that industry. Vice Chair Lillibridge observed that data on the types of violations is available; does the data indicate the industry concerned so we can target the highest number of occurrences of complaints and litigation? Chair Holloway affirmed that it did.

Ms. Frank clarified that local Chambers of Commerce are not affiliated with the California Chamber of Commerce, although some are members. The local Chambers would require a separate outreach.

7. Future Agenda Items

Executive Director Jemmott stated that this committee's strength will depend on networking with the industries. For example, the facility industry has not been a part of our networking although there is a facility association. To build a useful toolkit,

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everyone needs to be engaged. Executive Director Jemmott stated that we need to get closer to business districts because they do include all industries.

Chair Holloway asked if the Facility Association represents public or private facilities. Executive Director Jemmott replied that she would look into it. She added that the maintenance side of the build community is where people are getting into trouble. We need to figure out how to get the facility people to be aware and to affect employee consciousness.

Chair Holloway identified the industry organization's name as the International Facility Management Association. If there is a state chapter, we could start there in engaging those people.

Chair Holloway encouraged the committee members to submit ideas for future agenda items at any time.

Mr. Layman referred to the Myths and Misconceptions document: item #5 would be a good place to indicate that even if employees are under Title I, there are still requirements and obligations for buildings to meet accessibility in the employee areas.

Ms. Wong commented that the date in item #11 may need to be amended. She will email Chair Holloway.

8. Adjourn

There being no further business, Chair Holloway adjourned the meeting at approximately 2:16 p.m.