

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

March 13, 2019

1. Call to Order

Chair Guy Leemhuis welcomed everyone and called the meeting of the Executive Committee of the California Commission on Disability Access (CCDA) to order at approximately 1:30 p.m. at the CCDA Hearing Room, 400 R Street, 3rd Floor, Conference Room 300, Sacramento, 95811.

Chair Leemhuis reviewed the meeting protocols.

Roll Call

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

Commissioners Present

Guy Leemhuis, Chair
Douglas Wiele, Vice Chair
Chris Downey (teleconference)
Brian Holloway
Michael Paravagna

Staff Present

Angela Jemmott, Executive Director
LaCandice Ochoa, Operations Manager
Taylor St. Mary, Marketing and Outreach Analyst

Commissioners Absent

Betty Wilson

Also Present:

Kurk Cooknick, Deputy to the State Architect, Division of the State Architect
Brent Jamison, Deputy Director, Department of General Services
Jeff Newman, California Governor's Office of Emergency Services
Thomas Ruelas, Health and Safety Officer, Department of General Services

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

[Note: Agenda Item 5 was taken out of order. These minutes reflect this Agenda Item as listed on the agenda and not as taken in chronological order.]

2. Approval of Meeting Minutes (March 14, 2018, and July 11, 2018) – Action

Motion: Commissioner Holloway moved to approve the March 14, 2018, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with one abstention.

Motion: Commissioner Holloway moved to approve the July 11, 2018, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with two abstentions.

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

No members of the public addressed the Committee.

4. Finalization of 2019 Commission Meeting Calendar and Locations – Update, Discussion, and Action

Executive Director Jemmott suggested as a model to hold the first and last Full Commission meetings of the year in Sacramento. The April 17th Full Commission meeting will be held at the Independent Living Resource Center of San Francisco on April 17th. A location has yet to be secured for the Full Commission meeting in Los Angeles on July 10th.

Executive Director Jemmott noted that the meeting dates on the proposed calendar under the Research Committee will now be Executive Committee meetings as per the Agenda 5 discussion and vote. (See below.)

Motion: Commissioner Paravagna moved to approve the proposed 2019 CCDA Meeting Calendar and Locations. Vice Chair Wiele seconded. Motion carried unanimously. Commissioner Downey abstained since he was not in a publicly-noticed location.

[Note: Agenda Item 5 was taken out of order and was heard prior to Agenda Item 4.]

5. Committee Updates – Discussion and Action
a. Checklist Committee

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

Commissioner Holloway, Chair of the Checklist Committee, stated the committee's second Community Gathering event was recently held Elk Grove, which was well-attended. One more Community Gathering event will be held later this year.

b. Education and Outreach Committee

Commissioner Downey, Co-Chair of the Education and Outreach (E&O) Committee, stated the E&O Committee joined with the Checklist Committee to hold the Community Gathering Event in Elk Grove. The E&O Committee is also working on public service announcements (PSAs) and has met with students of the Academy of Arts in San Francisco last month to discuss the CCDA PSA project. Since then, the students have created eight to ten proposals, which were shared with the Full Commission for feedback. Three proposals were selected. The students are expected to contact the Committee for additional guidance within the next couple of weeks as the process continues.

c. Legislative Committee

Commissioner Paravagna, Chair of the Legislative Committee, stated the committee is working on Strategic Goal number six, the creation of a statewide office in California for Americans with Disabilities Act (ADA) compliance. The committee has surveyed and interviewed departments and has partnered with the university to use graduate students to develop something with more credibility to present to the Legislature. The committee has set up meetings with the research designers to discuss the complexities of ADA compliance and what a statewide ADA office would be called upon to do to give them a better understanding of what to build into their research model.

a. Research Committee

Executive Director Jemmott stated the Department of General Services IT Department has made progress in developing the database for the CCDA automation program. She asked that the Research Committee be put on hold for this year since the project is at a stage that will require increased work with the IT Department and their consultant and the Research Committee currently does not have a Chair. She suggested that the calendar dates held for the Research Committee be used for additional Executive Committee meetings to take over the oversight of the automation project.

Commissioner Holloway moved to suspend the Research Committee until 2020.

Commissioner Paravagna seconded and suggested a friendly amendment to include that the meeting dates held for the Research Committee be used to augment the work of the Executive Committee.

Commissioner Holloway accepted Commissioner Paravagna's friendly amendment.

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

Motion: Commissioner Holloway moved to suspend the Research Committee until 2020 and to use the meeting dates held for the Research Committee to augment the work of the Executive Committee. Commissioner Paravagna seconded. Motion carried unanimously with one abstention.

6. CCDA Executive Director Report – Update and Discussion

a. 2018 Annual Report

Executive Director Jemmott stated staff typically completes the Annual Report to the Legislature in January but has requested that the due date hereinafter be changed to March. She stated discrepancies have been found in the new scanned data that will take time to correct prior to publication. She stated there were questions regarding the research methodology at the January Full Commission meeting. That has been reviewed and notations will be made in the report.

b. Budget Report

Staff member Ochoa reviewed the CCDA Fiscal Year (FY) 2018-19 1st Quarter Budget Report, which was included in the meeting packet. She stated the DGS Interagency Support Division (ISD) will provide \$122,000 in supplemental funding for CCDA's data collection project. The Division of the State Architect (DSA) will support up to \$75,000 in expenses for the three restaurant-industry-focused outreach events.

Vice Chair Wiele stated the 1st quarter ended in September of 2018. He asked about the report for the 2nd quarter. Staff member Ochoa stated the 2nd quarter report is expected soon. There are limitations with the Fi\$Cal system. Corrections need to be made to that system so the CCDA can receive timely budget reports. Staff received guidance to only present information that has been verified and validated by the Fi\$Cal system.

Executive Director Jemmott stated the DGS ISD will provide additional support to ensure that the CCDA ends the fiscal year in the black. She asked Mr. Jamison to provide additional details.

Brent Jamison, Deputy Director, DGS, stated DGS went through a zero-based budgeting exercise when the CCDA came on board. It was determined that, with present staffing and facilities costs, the annual budget should be approximately \$865,000 to \$867,000. The DGS agreed that the ISD would backfill any differential budget needs. There is still an expectation to staff within that zero-based budget amount that was decided upon. He noted that he signed off on a one-time funding expenditure yesterday of approximately \$135,000 to get the IT project underway.

Chair Leemhuis stated one thing that needs to be done is to go back to having more in-person meetings at the Committee level.

Chair Leemhuis stated much time, energy, and money was spent to create a strategic plan. The Commission has yet to assess it. He asked to devote most of the next

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

Executive Committee meeting to reviewing the strategic plan. He asked staff to do a self-assessment as to what has and has not been accomplished with reasons given for items on the strategic plan that the CCDA will be unable to accomplish. This will help define what the CCDA program work should look like going forward.

Chair Leemhuis also asked to review the statutes that created the CCDA: Senate Bill (SB) 1186 and Government Code revisions. Commissioners feel strongly that there is language missing. There is a need to ensure that the statutes match what the CCDA is doing because budget flows from statutory requirements. The CCDA will soon be celebrating its 10-year anniversary; it is time for Commissioners to look at the statutes together to ensure they have everything in there to help the CCDA go forward and to be responsive to the input received from the business and disability communities as to what they hope the CCDA will accomplish.

c. Northern California Community Gathering Event

Executive Director Jemmott stated the February Community Gathering event was successful. She reviewed the Community Gathering summary documents, which were included in the meeting packet.

Chair Leemhuis suggested noting the number of restaurants each participating business represents and if the attendee was only representing one restaurant or the whole chain. He stated the Commission has discussed presenting awards to individuals whose businesses are ADA compliant. There are a number of restaurants that are accessible, especially the new open-table sites. He suggested that the E&O Committee develop a strategy to acknowledge businesses and give them media attention for their accessibility. This will also give the CCDA more visibility. The next Community Gathering event will be in the San Diego/Riverside area. He suggested creating goals to aim for such as having a minimum of 20 restaurants represented.

d. Continuity of Operations Planning

Presenters:

- Thomas Ruelas, Health and Safety Officer, DGS
- Jeff Newman, California Governor's Office of Emergency Services (Cal OES)

Thomas Ruelas, Health and Safety Officer, DGS, stated the DGS is in a review process of its continuity plan, which is typically tasked through Cal OES. Since the CCDA is now a part of the DGS family, they need to be made aware of the requirements and importance of having a continuity plan. He provided an overview, with a slide presentation of Executive Order S-04-06, the importance of continuity, continuity plan elements and aids, and the DGS 2019 business continuity planning timeline.

Questions and Discussion

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

Commissioner Paravagna stated the need for continuity plan information to be stored in multiple locations. He asked how many locations are recommended.

Mr. Ruelas suggested storing information on the Cloud and having a contact in the DGS Residential Department who can find the CCDA a new building. It takes the partnership of all DGS offices and letting them know of the CCDA's needs so they can build a plan on how to provide assistance.

Jeff Newman, Cal OES, stated he oversees the continuity plan order, stated order of succession is one of the higher things to have involved in a continuity plan for smaller agencies like the CCDA because contact with the decision-makers must be maintained, even if the building is inaccessible. Also, it is important to note agency interdependencies – state agencies that depend on the CCDA for them to perform their essential functions and agencies that the CCDA is dependent upon to perform their essential functions.

Vice Chair Wiele stated, although he understands the importance for staff to have a continuity plan, this agenda item was not a good use of the Executive Committee's time. He suggested that Commissioners receive information like this as a memo rather than a presentation. Chair Leemhuis agreed it would have been better used for staff in-service training.

7. Outline for New CCDA Strategic Plan – Discussion and Action

a. Timeframe (Three-Year versus Five-Year)

Executive Director Jemmott stated the need to reassess the strategic plan. The strategic plan's five-year goals end in 2019. Staff is also working with the DGS on one-year strategic goals. She asked whether the strategic plan should have a three- or five-year plan.

Commissioner Paravagna suggested a three-year plan but to include a 12- to 18-month review so there is a formal process in the middle of the plan to measure successes and failures and adjust.

Vice Chair Wiele suggested the Trader Joes model – have a five-year plan updated annually.

Commissioner Holloway agreed with having a five-year plan with annual or 18-month reviews.

Commissioner Downey agreed with having a five-year plan with an interim review.

Chair Leemhuis stated maybe it is not about three years versus five years, but it is about how often the plan is reviewed and adjusted. Also, the Commission now has more staff to focus on different goals. He stated he is interested in staff recommendations that are informed by the communities that the Commission is

California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes

working with. He asked Commissioner Paravagna if he would agree with a five-year plan, as long as there were annual reviews.

Commissioner Paravagna stated the three versus five is not as important as the quality of the reviews that occur at intervals. Then it becomes a perpetual planning process.

Vice Chair Wiele suggested thinking seven to ten years ahead with an annual review. It is the constant adjustment that is the key.

Chair Leemhuis asked Vice Chair Wiele and Commissioner Paravagna to share their thoughts on this issue with staff.

b. Strategic Partners

Executive Director Jemmott stated the Commission was mindful of who its partners were with the current strategic plan and how the strategic plan was designed through those partners. She asked if the Commission is still thinking the same or differently. She agreed with Chair Leemhuis' point that the Commission has grown beyond where it was before.

Chair Leemhuis stated, if he had to be critical of that last strategic planning process, it would be that it did not include enough members of the business community, and the members of the business community that were at the table were not the business people who were accountable to the SB 1186 issue. He suggested speaking with individuals with different perspectives. This helps to inform the Commission of what is out there. He stated the need to better define the bottom line of what a small business is. He suggested reaching out to some of the businesses that were sued to ask them what they did, how they responded, and what their concerns were.

Commissioner Paravagna stated that was the concept behind the Listening Forums originally – to pick a topic that is thorny and relevant to a variety of individuals across the state to have a facilitated conversation with diverse parties and members of the Legislature so the facilitator can come up with solutions that everyone in the room can live with for the most part. That is a process that would lead to systems change and significantly improve the issues.

Mr. Jamison stated the DGS has a unique strategic planning process with annual goals, transparency, and accountability. Many of the more successful programs in DGS do not just treat them as one-year goals. The one-year goals are more like milestones that are built upon larger three-, five-, or seven-year plans. There is a current process that many programs use successfully toward their larger strategic plans that the CCDA may want to consider using. There are also transparent, user-friendly tools used for strategic planning, which outlines the goals down to various deliverables and who is responsible for them. He offered to provide information on the DGS process and tools.

Chair Leemhuis asked staff to include a report-out on this topic at the next Executive Committee meeting.

c. Review of Legislative Mandates and Structure

**California Commission on Disability Access
Executive Committee
March 13, 2019, Meeting Minutes**

Chair Leemhuis tabled this item to the next Executive Committee meeting.

8. Legislative Bill Tracking – Update and Discussion

Corrina Roy, Legislative Consultant, Office of Administrative Affairs, DGS, provided a summary of the following bills:

a. AB 63 (Fong) – State government.

This bill has not yet been amended, referred to a Committee, or had a hearing set.

b. AB 999 (Patterson) – Disability access: statutory damages: small businesses: technical violations.

This bill has been referred to the Assembly Judiciary Committee; no hearing has been set.

c. AB 1351 (Lackey) – Transit Operators.

This bill has not yet been assigned to a committee or had a hearing set.

d. SB 53 (Wilk) – Open meetings.

This bill has been referred to Appropriations.

9. Future Agenda Items

Vice Chair Wiele stated a newspaper article in January included the story of an attorney who, in the period of one week, filed 21 lawsuits against various inns and hotels in Carmel over web accessibility. These lawsuits were not reported to the CCDA. This is a big problem that needs to be discussed.

Chair Leemhuis agreed and stated the problem is there are no consequences to disobeying the statute. That is why he asked to review the statutes that created the CCDA and to discuss creative ways to ensure compliance. He asked staff to write proposed legislation to ensure consequences for noncompliance. He suggested that staff partner with the State Bar because they would be the appropriate body to administer fines and they already have a disciplinary body in place. This issue will be discussed at the next meeting.

10. Adjourn

Chair Leemhuis adjourned the meeting at approximately 3:30 p.m.