

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
MEETING MINUTES**

April 17, 2019

1. Call to Order

Vice Chair Douglas Wiele welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:05 a.m. at the Independent Living Resource Center San Francisco, Conference Center, 825 Howard Street, San Francisco, 94103.

The off-site meeting locations were 9601 Ridgehaven Road, San Diego, 92123; 45-125 Smurr Street, Suite B, Indio, 92201; California State Capitol, Room 2174, Sacramento, 95814; and 300 S. Spring Street, 13th Floor, North Tower, Los Angeles, 90013.

Roll Call

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

Commissioners Present:

Guy Leemhuis, Chair (teleconference)
Douglas Wiele, Vice Chair
Xavier Becerra, Attorney General,
represented by Anthony Seferian
(teleconference)
Ida Clair, Acting State Architect
Chris Downey
Brian Holloway
Scott Lillibridge
Michael Paravagna
Tiffany Potter (teleconference)
Karla Prieto
Jeff Stone (teleconference)

Commissioners Absent:

Jim Frazier
Melissa Hurtado
Tom Lackey
Celia McGuinness
Betty Wilson

Staff Present:

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

Also Present:

Nicole Bohn, Director, San Francisco Mayor's Office on Disability
Regina Dick-Endrizzi, Executive Director, San Francisco Office of Small Business
Sonny Le, Partnership Specialist, U.S. Census Bureau, Los Angeles Regional Census
Center
Arnie Lerner, FAIA, Certified Access Specialist (CASp), President, San Francisco Access
Appeals Commission

**California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes**

Lana Nieves, Executive Director, Independent Living Resource Center San Francisco
Yumi Sera, Program Manager, Northern California Region

Pledge of Allegiance

Vice Chair Wiele led the Commission in the Pledge of Allegiance.

Housekeeping Items

Vice Chair Wiele invited Lana Nieves to review the meeting and safety protocols.

Lana Nieves, Executive Director, Independent Living Resource Center San Francisco, reviewed the meeting and safety protocols.

2. Approval of Meeting Minutes (January 23, 2019) – Action

Motion: Commissioner Downey moved to approve the January 23, 2019, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with no abstentions.

3. Introduction of Newly-Appointed Commissioners

a. Senator Melissa Hurtado

b. Senator Jeff Stone

Executive Director Jemmott welcomed Senators Melissa Hurtado and Jeff Stone to the CCDA on behalf of the Commission.

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

No members of the public addressed the Commission.

5. Welcome from Independent Living Resource Center San Francisco – Update

(Item withdrawn.)

6. California Complete Count: Census 2020 Outreach Efforts – Update and Discussion

a. Yumi Sera, Program Manager, Northern California Region

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

Yumi Sera, Northern California Lead Regional Program Manager for the Statewide California Census Office, provided information on the best ways to engage with the California Complete Count (CCC) to support the outreach of individuals with disabilities. She invited everyone to join in a webinar on April 30th to educate stakeholders about the importance of outreach to individuals with disabilities and how to encourage their participation in Census 2020.

Questions and Discussion

Commissioner Paravagna asked if the CCC will connect with organizations such as the Independent Living Center and the Department of Rehabilitation (DOR) that regularly interact with individuals with disabilities in large numbers.

Ms. Sera stated the CCC is working closely with the California Foundation for Independent Living Centers to organize the webinar on April 30th. Several disability advocates will be joining the webinar and have been asked to stay and provide feedback afterward. The CCC has not yet contacted the DOR.

Commissioner Paravagna stated the DOR has offices around the state helping individuals with disabilities enter the labor market. They have a large client base. Making DOR staff members aware of the webinar or placing posters in the offices may help spread the word.

Commissioner Downey asked if CCC has reached out to blindness organizations statewide such as the California Council for the Blind or the National Federation of the Blind. Those two organizations tend to represent groups that are not always counted. He suggested questions about accessible formats and ensuring that forms and other materials are available to individuals who use screen readers and other aids.

Ms. Sera stated she has not yet reached out to them but they are on her list.

Sonny Le, Partnership Specialist, U.S. Census Bureau, Los Angeles Regional Census Center, described the services and programs available to the disability community at the Census Bureau. He stated the Census Bureau has been planning for the 2020 Census since 2011 and has gone through many process tests and put out a test census in 2018. The Census Bureau is currently working with counties to access all organizations and groups within jurisdictions.

Commissioner Downey asked if the Census will be available to be completed online. Mr. Le stated the 2020 Census will be an online census; there is a Telecommunications Device for the Deaf (TDD) telephone line available. Along with the TDD line, kiosks will be set up in libraries, post offices, and where services are provided and individuals can access the census website and fill out the form online.

Commissioner Lillibridge asked for a comparison of the response rate from the disability community and the rest of the population. Mr. Le stated he will send that information to staff.

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

Executive Director Jemmott asked if questions will be included on the Census about types of disabilities. Mr. Le stated it will not be on the 2020 Census form. He stated those questions are included on the annual American Community Survey, which is a longer form that allows the needs of the community to be evaluated and assessed in a timely manner rather than every ten years.

7. Local Disability Access Issues and Initiatives – Update and Discussion

Executive Director Jemmott stated the Commission has asked three San Francisco organizations to present the work they are doing in the area of disability access.

a. San Francisco Mayor’s Office on Disability: Nicole Bohn, Director

Nicole Bohn, Director, San Francisco Mayor’s Office on Disability (MOD), provided an overview, with a slide presentation, of the background, mission, and primary programs of the MOD, the 2019-2020 Resiliency and Emergency Preparedness Recommendations, and current legislation and initiatives impacting disability access.

Questions and Discussion

Commissioner Prieto asked if Senate Bill (SB) 1376 will apply to Uber and Lyft. Ms. Bohn stated it applies specifically to Uber and Lyft and other transportation network companies across the state.

Commissioner Downey asked if SB 1376 has a guidance requirement that deals with the amount of service available through accessible vehicles and the impacts on the taxi service and their requirements. Ms. Bohn stated the intent of the legislation is to get as close to equal service as possible.

Commissioner Downey asked how individuals with disabilities, particularly the blind, will find an autonomous vehicle when there is no driver to have that direct interface. Ms. Bohn stated there is a working group that is looking at the implementation and disability access has been part of that discussion. It is happening in pockets but is not yet statewide.

Executive Director Jemmott asked what study the Litter and Waste Reduction “Plastic Straw” Ordinance Amendment was based upon and how straws became a concern over other types of litter. Ms. Bohn stated plastic straws are nearly impossible to biodegrade and are one of the most common items found on the streets and in water supplies. The MOD found, through stakeholder engagement, that there is not an equivalent to plastic straws that is compostable or recyclable that works for individuals with disabilities.

Commissioner Potter stated she has requested straws at restaurants and has been told that they do not have any. She stated the need for the language in the bill that states that all restaurants must have straws available for customers who need them.

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

b. San Francisco Office of Small Business: Regina Dick-Endrizzi, Executive Director

Regina Dick-Endrizzi, Executive Director, San Francisco Office of Small Business (OSB), provided an overview, with a slide presentation, of the background, outreach, and programs of the OSB.

c. San Francisco Access Appeals Commission: Arnie Lerner, FAIA, CASp, President

Arnie Lerner, FAIA, Certified Access Specialist (CASp), President, San Francisco Access Appeals Commission (AAC), provided an overview of the purpose and activities of the AAC. Individuals who do not agree with the decision made by the building department can file a written complaint with the AAC or, for unreasonable hardship cases, the AAC can either ratify the property as-is or request that it be modified.

Questions and Discussion

Commissioner Clair stated it is great that, when approving unreasonable hardship cases, the AAC works with individuals to find alternative means of access. That is a key component that is often missed – if physical access cannot be provided, goods and services must be provided in an alternate manner.

Commissioner Clair asked how extensive sidewalk improvements are and if the city works with business owners in correcting elements in the public way in order to enter the business and if there is an ordinance that requires the business owner to pay for sidewalk improvements.

Ms. Dick-Endrizzi stated, at a certain sidewalk width, public works may consider a sidewalk encroachment in terms of adding a ramp for accessibility to a business. There are also certain stipulations that a business may need to have such as, in the case of sidewalk tables and chairs, that it does not interfere with visually-impaired individuals' ability to walk down the sidewalk. She offered to send the Public Works Now guidelines and direction for remediating entryway barriers and sidewalks to staff.

Executive Director Jemmott stated businesses are asking how financial hardship is determined. Mr. Lerner stated the AAC tries to find alternative ways to operate without putting individuals out of business.

Ms. Dick-Endrizzi stated this has been a unique discussion. The OSB is working with AAC staff to develop financial metrics for property owners to provide the ACC in cases where the property owner requests a consideration of financial hardship.

Commissioner Downey stated the Education and Outreach Committee has been trying to build checklists and toolkits for different interest groups. He suggested that the Committee create toolkits for cities by collecting descriptions of successful programs such as San Francisco's Access Appeals Commission and sharing that as a resource through the website. Partnering with cities and providing that shared knowledge of

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

things that are working effectively and the steps to do it would be useful and would change more than one business at a time. He asked the presenters if they would be willing to work with the Commission in pursuing that.

Ms. Dick-Endrizzi stated she is excited about the restaurant toolkit that the Commission has created. It not only addresses the front end for businesses but also addresses what businesses need to do to ensure that they maintain accessibility. She stated the OSB has not yet extensively utilized Commission resources. She stated the need for the OSB to strengthen its connection with the CCDA to better link state resources.

Ms. Dick-Endrizzi stated the toolkits produced by the Commission are invaluable to local organizations and municipalities because of the lack of staff time for them to put something like these together.

Ms. Dick-Endrizzi stated she would like to see the Commission provide more input on legislative implications especially in the application world. The responsibility is put on businesses to ensure that they are making their businesses accessible; the same needs to be done for businesses that are applications.

Commissioner Paravagna agreed with Commissioner Downey about looking at the structure of this program and trying to determine if it could be publicized to other cities through the CCDA website or through the National League of Cities webpage. He stated, with the unique structure of this program, it would be nice to share the lessons that the three presenters must have learned doing it together with other entities so they do not have to reinvent the wheel or feel the same pain the presenters felt when putting it together.

Ms. Bohn stated the MOD would be happy to share what she has learned. The interagency group is still working out some of the coordination details, especially around jurisdictional questions. She stated the MOD will be in a better position to share as those details are worked out.

Commissioner Clair stated the Division of the State Architect (DSA) requires local jurisdictions to report how they are using the SB 1186 funds. San Francisco has informed the DSA of the Accessible Business Entrance (ABE) program. The DSA compiles that information and posts it on the DSA website so other jurisdictions can access it to see how other jurisdictions are using their funds. It does not contain in-depth information, but it includes who they can call for more details.

Commissioner Clair asked if there was a way to give the responsibility to the property owners rather than the business owners when it comes to making physical business entry improvements because, once the business owner improves it, it is improved for the property owner in perpetuity.

Lunch Break

**California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes**

Afternoon Roll Call

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

Commissioners Present:

Guy Leemhuis, Chair (teleconference)

Douglas Wiele, Vice Chair

Xavier Becerra, Attorney General,
represented by Anthony Seferian
(teleconference)

Ida Clair, Acting State Architect

Chris Downey

Brian Holloway

Scott Lillibridge

Michael Paravagna

Tiffany Potter (teleconference)

Karla Prieto

Jeff Stone (teleconference)

Commissioners Absent:

Jim Frazier

Melissa Hurtado

Tom Lackey

Celia McGuinness

Betty Wilson

Staff Present:

Angela Jemmott, Executive Director

Jonette Banzon, Legal Counsel

LaCandice Ochoa, Operations Manager

Taylor St. Mary, Marketing and Outreach
Analyst

8. Legislative Bill Tracking – Update and Discussion

Corrina Roy, Legislative Consultant, Office of Administrative Affairs, Department of General Services (DGS), summarized the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting packet.

a. AB 63 (Fong) – State government.

This bill was amended April 3rd and now requires any agency who furnishes information or renders services to the public to utilize in their plain-language form available on the Internet an A-F grading system that individuals can use to rate their experience with the agency. Any comments, complaints, and grades received by the agency shall be made publicly available on the agency's website.

This bill is currently pending hearing in the Assembly Appropriations Committee.

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

This bill has not moved forward since the beginning of the year. It was assigned to the Senate Judiciary Committee but that hearing was canceled at the request of the author.

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

c. AB 1351 (Lackey) – Transit operators: paratransit and dial-a-ride services.

This bill was amended April 10th and now requires the transportation agency to conduct an assessment of the procedures that public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting new territories but are already certified to use another in-state public transit operator's similar dial-a-ride and paratransit services. The bill would require the transportation agency to publish the assessment on its website by October 1, 2020, and this bill would authorize the agency to adopt guidelines in order to develop a statewide reciprocity program so that individuals with disabilities who use a public transit operation and have been certified to use one transit operation in one area of the state can then use a similar paratransit system in another area of the state, creating a reciprocity agreement.

This bill is set for hearing in the Assembly Transportation Committee on April 22nd, when the Legislature reconvenes from spring break.

d. SB 53 (Wilk) – Open meetings.

This bill extends the definition of "state body" to include an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 2 or more individuals with limited exception. It lowers the threshold from 3 or more to 2 or more individuals.

This bill has passed the Senate Government Organization Committee and Senate Appropriations Committee and is now awaiting passage out of the Senate, where it will likely move on to the Assembly.

Questions and Discussion

Executive Director Jemmott highlighted SB 53 and how that impacts the CCDA, particularly conversations on the phone and subcommittees that consist of two Commissioners.

Commissioner Downey asked if there is an organized argument against SB 53 because it does have a profound effect on the Commission's operations and efficiency. Ms. Roy stated the DGS does not have an approved position in order to state publicly, but there are a number of agencies that are in a similar circumstance with the CCDA.

Chair Leemhuis asked why the DGS is not authorized to take a position on the bill. Ms. Roy stated it has to go through internal processes before she can speak out.

9. Committee Updates – Update, Discussion, and Action

a. Checklist

1. CCDA Southern California Community Gathering Event – June 12, 2019

**California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes**

Commissioner Holloway, Chair of the Checklist Committee, stated the next community gathering will be in San Diego on June 12, 2019, at the Mission Valley Library from 9:00 a.m. to noon. He encouraged Commissioners to attend.

Questions and Discussion

Vice Chair Wiele stated the next Executive Committee meeting is also scheduled for June 12th. He asked to discuss this issue at the next Executive Committee meeting.

2. Recommendation of adding new committee member: Melissa Barton, American Institute of Architects, California

Vice Chair Wiele asked to discuss this item at the next Executive Committee meeting.

b. Education and Outreach

1. Public Service Announcement Project

Commissioner Downey, Co-Chair of the Education and Outreach (E&O) Committee, stated the Committee's public service announcement (PSA) project is moving forward. It is being produced at the Academy of Art in San Francisco. Commissioner Downey and Executive Director Jemmott met with the class and described the work of the Commission and the types of things the Commission is interested in. The student groups put together and presented 10 to 12 proposals to create PSAs for the CCDA. These have been narrowed down to two, which are moving on to production. One is more general about physical access to space and the other is about bringing a café into compliance and maintaining accessibility.

Questions and Discussion

Commissioner Potter asked if the PSAs will be added to the CCDA website or if they will only be used as part of speaking engagements. Commissioner Downey stated they will be used anywhere and everywhere possible, such as at events, town halls, or on the website, but also will be made available for Commissioners to share.

2. 10-Year Milestone Celebration in partnership with Office of Assembly Member Frazier

Commissioner Prieto stated she met with Executive Director Jemmott and Commissioner Frazier to discuss the possibility of hosting a CCDA 10th anniversary celebration. She stated Commissioner Frazier was kind enough to provide appetizers and drinks at his cost. The next step is to secure a venue in Sacramento at no cost, as well. Commissioner Prieto asked Commissioners to volunteer to help with the guest list, sponsors, and small private auctions. Once the venue is secured, a date will be chosen, and the subcommittee can proceed from there.

Questions and Discussion

**California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes**

Vice Chair Wiele asked about the timeframe and how many individuals may be in attendance. Commissioner Prieto stated she is looking at August or September. The number of individuals in attendance depends upon the venue secured.

Vice Chair Wiele asked how many individuals staff would like to have in attendance. Executive Director Jemmott stated the space she was looking at holds 50 to 100 individuals.

c. Legislative

1. ADA Coordination Research Project

Commissioner Paravagna, Chair of the Legislative Committee, stated CCDA Strategic Goal 6 is to explore the development of a state-level Americans with Disabilities Act (ADA) access office. The Committee has done some background work on that. It put out a survey that did not receive a good response.

Commissioner Paravagna stated the Committee also hosted an event to provide information to state agencies that need help with the ADA. The response was significant.

Commissioner Paravagna stated the next step is to work with researchers in the academic world to come up with a research plan to create an empirical study that would show what the needs are and how many agencies are in compliance with federal law or state law with the notion that that could be something the Legislature could use to plan next steps.

10. Executive Director Report – Update and Discussion

a. Administrative and Operational

Executive Director Jemmott stated staff continues in the process of trying to keep track of funding opportunities through Fi\$Cal. Funding account and budget information will be not available until Thursday; Executive Director Jemmott stated she will introduce that information at the upcoming Executive Committee meeting on the 24th.

Recruitment for a staff vacancy has been posted and will close in May.

She introduced a new volunteer staff person who is a graduate of UC Berkeley, is bilingual, and has translated the Myths and Misconceptions document into Spanish.

b. 2018 Annual Report

Executive Director Jemmott stated the Annual Report is still at the DGS Executive Office.

c. Customer Service Inquiries

Executive Director Jemmott reviewed the Public Inquiries Received by CCDA January through March of 2019 document, which was included in the meeting packet, and noted

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

that there has been a steady increase in public inquiries. She noted that, although there have been 50 inquiries since January, each inquiry could be asking about several hundred cases.

Questions and Discussion

Commissioner Paravagna asked how it is communicated that the guidance and assistance that the CCDA staff is giving is not legal assistance.

Executive Director Jemmott stated they direct individuals to their counties.

d. Outreach Efforts and Partnering Events

Executive Director Jemmott stated she spoke on a panel yesterday at the California Golden Gate Restaurant Association on the topic of access.

Executive Director Jemmott stated she spoke at an Inland Empire Conference.

e. ADA Mentorship Program Update

Executive Director Jemmott stated the Small Business Development Center is willing to help support the program financially and is interested in developing and funding the tools and supporting the mentors with staffing and workshops.

Questions and Discussion

Commissioner Clair stated the Building Standards Commission is required to approve local ordinances that are changes to the Building Code. They would be a good place to contact to learn what has changed.

11. Preparation for New CCDA Strategic Plan Development – Update and Discussion

- a. Review of Legislative Mandates and Structure**
- b. Identification of Business Communities to Participate in Strategic Planning**
- c. Commission and Staff Self-Assessment Review During July Full Commission Meeting**

Executive Director Jemmott stated the original strategic plan was from 2014. The CCDA did not look at the Legislative code and mandates during the 2014 strategic planning process. Much has been learned since then.

Executive Director Jemmott suggested first looking at each of the nine goals to determine if they should carry over to the next strategic plan and determining how to measure them. She read Goal 1 and objectives from the CCDA Five-Year Strategic Plan Goal Progress towards Completion document, which was included in the meeting packet.

California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes

Questions and Discussion

Vice Chair Wiele asked staff to present this agenda item with staff recommendations for the Commission to consider rather than leaving it open-ended.

Commissioner Paravagna stated the way Goal 1 is written is massive. He stated the need to select specific programs to try to impact.

Commissioner Holloway stated this would take a lot of work. He asked if the Commission has the resources to fully implement this goal and, if not, if it should be Goal 1. He asked if there were other goals that were more reachable and more impactful to renumber and if the Commission really wants to put the resources it would take to implement it in this particular goal.

Commissioner Clair agreed that Goal 1 is massive and also very difficult to achieve without technical staff and support. She suggested moving Goal 1 off the strategic goal list.

Jonette Banzon, Legal Counsel, stated the need to review the statutes prior to selecting the goals to bring forward. The statutes mandate the authority as to what the Commission can do. The goals must be within the parameters of what is allowed by the Legislature.

Executive Director Jemmott agreed with Commissioner Clair that this Goal 1 should be removed from the list.

Commissioner Paravagna stated the need to review the legislative mandate prior to looking at the goals.

Chair Leemhuis agreed with Commissioner Paravagna. He asked what Commissioners thought about reviewing these goals. He stated staff is doing an analysis for the Executive Committee that will make firm recommendations for Commissioners to respond to. He stated the Commission has the bandwidth to pursue three goals at the most, not nine. He stated there will be another opportunity for the full Commission to review this material again.

Commissioner Paravagna stated the need for measurable objectives for better analyses of where the Commission is in the future. Chair Leemhuis and Vice Chair Wiele agreed.

Commissioner Holloway asked if there was a deadline for this item.

Executive Director Jemmott stated the purpose of looking at the goals and mandates today is because there is a goal parameter of 2014 to 2019.

Commissioner Clair asked about the interface of having the annual DGS goals the CCDA is required to have as being a part of the DGS and then having other goals.

Executive Director Jemmott stated staff had decided to continue with the long-term planning. The goal for today was to give the opportunity to the full Commission to weigh in prior to the Executive Committee planning out the strategy of how to pull this together.

**California Commission on Disability Access
Full Commission
April 17, 2019, Meeting Minutes**

Commissioner Prieto suggested focusing on the Goals 2, 3, 7, and 8 – the goals that are 80 percent complete.

Vice Chair Wiele stated he was unsure of the accuracy of the completion percentages listed and was unsure that the goals are consistent with the legislative mandate.

Commissioner Paravagna stated the need to revisit what the Commission has the authority to do perhaps at the next Executive Committee meeting. After clarifying the Commission's authority, Commissioner Paravagna suggested looking at the strategic goals in terms of the authority and sources and prioritizing the goals.

12. Commissioner Community Updates – Comments from Commission Members

Commissioner Paravagna stated he has encountered projects from several public higher education institutions around the state over the past several months and there seems to be a general interest in information, clarity, and understanding of the built environment, construction, employment, and disability etiquette. It is alarming in the sense that higher education is a doorway to many individuals to reach a conclusion.

13. Adjourn

Motion: Commissioner Prieto moved to adjourn the April 17, 2019, California Commission on Disability Access Full Commission meeting. Commissioner Paravagna seconded. Motion carried unanimously.

There being no further business, the meeting was adjourned at 2:50 p.m.