

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

July 11, 2018

1. Call to Order

Chair Guy Leemhuis 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 California Department of Transportation, 100 S. Main Street, Room 01.040B, Los Angeles, 90012.

Roll Call

Staff Member St. Mary called the roll and announced a quorum was not present.

Commissioners Present:

Guy Leemhuis, Chair (NAPL)
Xavier Becerra, Attorney General,
represented by Anthony Seferian
(teleconference)
Chris Downey
Brian Holloway
Scott Lillibridge
Michael Paravagna
Karla Prieto
Betty Wilson
Laurie Cohen Yoo

Commissioners Absent:

Jim Frazier
Tom Lackey
Celia McGuinness

Tiffany Potter
Chester "Chet" Widom, State Architect
Douglas Wiele, Vice Chair

Staff Present:

Angela Jemmott, Executive Director
LaCandice Ochoa, Operations Manager
Dave Chung, Staff Services Analyst
Taylor St. Mary, Staff Services Analyst

Also Present:

Lauren Amos, Law Intern, City of Los Angeles Department on Disability
Geoffrey Straniere, ADA Compliance Officer, City of Los Angeles Department on Disability
Jonette Banzon, DGS, Legal Services
Corrina Roy, DGS, Office of Legislative Affairs (via teleconference)

Pledge of Allegiance

Chair Leemhuis tabled the Pledge of Allegiance due to the lack of a flag.

Housekeeping

Chair Leemhuis reviewed the meeting protocols.

2. Swearing in/Pinning Ceremony of Newly-Appointed Commissioner

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Executive Director Jemmott led the swearing in of office for Karla Prieto and presented her with a CCDA pin with the CCDA logo and banner: "Creating an accessible and barrier-free California."

3. Introduction by New Commissioner

Commissioner Prieto introduced herself. Chair Leemhuis welcomed Commissioner Prieto to the CCDA on behalf of the Commission.

4. Approval of Meeting Minutes (January 10, 2018, and April 11, 2018) – Action

This item was tabled until the next full Commission meeting.

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

No members of the public addressed the Commission.

6. Review CCDA's 1- and 5-Year Strategic Plan Goals – Update and Discussion

Executive Director Jemmott provided an overview, with a slide presentation, of the 1 and 5-year strategic plan goals. She stated the CCDA 5-Year Strategic Plan was created four years ago. The three CCDA 1-Year Strategic Goals were created as a requirement of the Department of General Services (DGS).

Questions and Discussion

Commissioner Lillibridge referred to Goal 5 and stated he is an advocate for incentives to help businesses come into compliance. He stated the need for this process to be confidential due to the fact that there will be limited matching funds.

Commissioner Lillibridge asked when the process for the new strategic plan will begin. Executive Director Jemmott stated staff will begin looking at new one-year goals in a month or two and will consider reconvening the Strategic Planning Retreat and validation meeting.

Commissioner Lillibridge recommended that goal-setting be achievable and measurable. He stated the current strategic goals are great individually but he questioned the way to measure success. He suggested considering how goals can be measured when looking at the new goals at the retreat.

Commissioner Wilson suggested enlisting the help of universities to develop a survey or other research instrument model that is quantitatively measurable. Executive Director Jemmott stated Azusa Pacific has volunteered graduate students who would like to work with the Commission.

7. Committee Updates – Update and Discussion

a. Research

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Commissioner Yoo, Chair of the Research Committee, stated the focus in recent months has been working on the CCDA Data Collection Template, which was included in the meeting packet. She reviewed the changes made to the template and stated the form is meant to maximize the Commission's ability to collect consistent information under the statute but does not go too far beyond it such that individuals will object or challenge the collection of the information.

b. Education and Outreach

Commissioner Downey, Vice Chair of the Education and Outreach (E&O) Committee, stated the committee has been focused on putting together Listening Forums. The next Listening Forums are scheduled for the Central Valley in November of 2018, Northern California in February of 2019, and Southern California in June of 2019. He reviewed the goals and format in the Draft ADA Community Dialogue/Listening Forum Sessions overview document, which was provided in the meeting packet. He stated a toolkit for restaurants will be rolled out at the upcoming Listening Forum in November.

Executive Director Jemmott asked Commissioners for suggestions for possible panel members at the Listening Forums.

c. Legislative

Commissioner Paravagna, Chair of the Legislative Committee, stated the committee is working to survey state agencies within the state of California to determine the degree of compliance they have with Title II of the ADA and to open a dialogue in terms of what resources they may need to enhance their compliance in the spirit of continuous improvement. He stated a robust response was not received from the questionnaire sent out. He stated there have been discussions with the State Disability Advisory Committee, which is hosted by CalHR, and CalHR's Civil Rights office. The next step is to meet with that office to ensure everyone is on the same page about the work the Commission is doing. Some of the members of the Advisory Committee say every state agency does an annual self-evaluation they submit to CalHR. He stated that would be amazing if it is true. It will be interesting to see what they have.

Commissioner Paravagna stated the Commission is working on the Listening Forums because disability issues touch a vast and diverse group of individuals who do not come to a consensus very often on sensitive issues and, as a result of that, there have been occasions where they talk over each other rather than with each other. The notion is to tackle sensitive topics in a forum that is facilitated professionally and has the involvement of legislators to hear common ground so that material might be used to construct successful legislation, which would address some of these more sensitive issues.

d. Checklist

Commissioner Holloway, Chair of the Checklist Committee, stated the committee met last week and continues to work on the checklist and an ADA toolkit focused on restaurants. A member of the Lafayette Chamber of Commerce brought a thorough,

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useful document that could be used by businesses to ensure they continue to be ADA compliant. An ADA consultant was in attendance and provided good input. The committee is working on paring down the checklist to make it more readable and double-checking that the legal citations are accurate. Commissioner Holloway stated he and Commissioner Lillibridge will meet with staff to discuss recommended details on the toolkit.

Executive Director Jemmott stated Ike Nnaji, Ph.D., CASp, Disability Access Specialists, Inc., asked to be considered as a potential member of the Checklist Committee.

8. Executive Director Report – Update and Discussion

a. Administration, Operational, and Fiscal

Executive Director Jemmott stated Matthew Wang moved to another company, leaving one staff vacancy, and the volunteer staff is out on medical leave. CCDA has completed its move to the new facility. Staff plans to move the cubicles and to make other changes soon.

The transition to FI\$Cal has been a challenge and continues to affect the items usually reported during the Executive Director Report. A Budget Change Proposal has been submitted to help keep the financial statement in the black.

b. Outreach Efforts and Partnering Events

Executive Director Jemmott stated staff has been meeting with strategic partners and working hard on outreach events and Listening Forums.

Lunch Break

Commissioner Paravagna reconvened the meeting after lunch and stated he would be facilitating the rest of the Commission meeting due to technical difficulties in hearing Chair Leemhuis over the teleconference line.

9. Presentation on ADA Title III

Presenters:

Lauren Amos, Law Intern, City of Los Angeles Department on Disability

Geoffrey Straniere, ADA Compliance Officer, City of Los Angeles Department on Disability

Geoffrey Straniere, ADA Compliance Officer, City of Los Angeles Department on Disability, summarized the requirements of ADA Title III, which prohibits discrimination on the basis of disability in the activities of places of public accommodations, commercial facilities, and web-based electronic storefronts for goods and services.

Lauren Amos, Law Intern, City of Los Angeles Department on Disability, discussed ADA Title III concerns, particularly the emerging conflict of Title III accessibility and websites. She stated most websites that are sued are linked to physical stores and banks. The need for websites to be accessible is not being debated but rather whether

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a physical connection is necessary to be covered under Title III. She provided examples of lawsuits and the debate over whether Title III covers tangible versus intangible services. She stated the Department of Justice is at the point where they are saying fully online websites must comply with the ADA, but it will only be certain when the Supreme Court steps in to settle the conflicting case findings between states.

Questions and Discussion

Commissioner Holloway asked about the different ways businesses can make their websites fully compliant. Mr. Straniere gave examples such as screen reading capability, recitation of the written word, images that can be broad for individuals with low sight, images that can be enhanced, and ways to remove keystroke requirements to allow speaking commands.

Commissioner Lillibridge asked if this is only an issue for websites that have a product to sell – commerce versus public information. Mr. Straniere and Ms. Amos did not know the answer to that question. Ms. Amos stated edX, an online information-sharing website with thousands of college courses, was recently sued. It was determined that they must comply with the Web Content Accessibility Guidelines, the WCAG 2.0.

Commissioner Downey stated an interesting place where the digital and physical world intersect is in-store kiosks or terminals. He asked if there is any information on that. Mr. Straniere stated there is not a set of standards or code available but is as each state or developer sees it. This is something that needs to be focused on just like in the built environment.

Executive Director Jemmott asked about private clubs. Mr. Straniere stated private clubs do not fall under Title III. Once a member invites a guest to the club, the facility is now considered public and is subject to the requirements of Title III.

Commissioner Wilson asked if Mr. Straniere has seen a chasm between architectural and program access in his consultation role. Mr. Straniere stated there is a chasm but it is getting better all the time.

10. Legislative Bill Tracking – Update Item

Corrina Roy, DGS, Office of Legislative Affairs, summarized the CCDA Legislative Status Report on the bills being tracked by staff, which was included in the meeting packet as follows:

a. AB 1547 (Quirk-Silva) – California Americans with Disabilities Act Small Business Capital Access Loan Program

This bill was last amended on June 18th. It is currently in Senate Appropriations and will likely go on the Suspense File to be heard in early August when the Legislature reconvenes after summer recess.

b. AB 2263 (Friedman) – State historical buildings: parking spaces

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This bill was last amended on June 11th. It is currently awaiting hearing in Senate Appropriations. This bill is not fee simple so will likely pass on the Consent Calendar. It should be heard in early August.

c. AB 2531 (Gallagher) – Access to judicial and non-judicial proceedings: hearing impaired

This bill was last amended on June 4th. It is currently on the Senate Appropriations Suspense File and will likely be heard in early August.

d. AB 2806 (Oberholte) – Vehicles: disabled parking

Ms. Roy stated she just got word from the author's office that this bill was pulled from its last policy hearing on June 28th. It will not be moving forward.

e. AB 2958 (Quirk) – State bodies: meetings: teleconference

This bill was last amended on June 18th. It is currently set for hearing in Senate Appropriations on August 6th.

f. AB 2994 (Holden) – Building standards: public restrooms: grab bars

This bill was last amended on June 21st. It now requires the Division of the State Architect (DSA) to review accessibility standards for public restrooms and develop a proposed updated standard on the number of required ambulatory stalls in public restrooms. It is currently set for hearing in Senate Appropriations on August 6th.

g. AB 3002 (Grayson) – Commercial property leases

This bill was last amended on June 14th. If the bill will go through further amendments, it should be amended and heard in early August.

h. AB 3158 (Mathis) – Disability access: construction-related access barrier: civil actions

This bill is dead.

i. SB 984 (Skinner) – State boards and commissions: representation: women

This bill was last amended on July 3rd. It is currently awaiting hearing in Assembly Appropriations.

j. SB 1038 (Leyva) – California Fair Employment and Housing Act: violations: personal liability

This bill was last amended on June 25th. It is currently on the Assembly floor and will be heard after August 6th.

k. SB 1376 (Hill) – Transportation network companies: accessibility for persons with disabilities

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This bill was last amended on June 12th. It is currently slated to be heard by the Assembly Appropriations in early August.

I. H.R.620 (Poe) – ADA Education and Reform Act of 2017

Proponents of the bill say it aims to reduce frivolous ADA-based lawsuits by requiring a notice and cure period. This bill seems to have stalled.

11. Commissioner Community Updates

Commissioner Paravagna stated he was invited to Bloomington, Illinois last month to the Prairie States Animal Conference because of their interest in service animals. The audience was largely law enforcement and operators of animal shelters.

Commissioner Downey stated he was interviewed on 60 Minutes about his work as an architect without sight and his transition into the blind community. He stated he also had an opportunity in April to give the keynote address at the 5th International Conference for Disability and Rehabilitation in Riyadh, Saudi Arabia. He also had the opportunity to speak about the challenges and expectations of disabilities in education, at the workplace, and in the environment at the largest school of architecture in Saudi Arabia.

Chair Leemhuis congratulated Vice Chair Wiele on behalf of the Commission on his recent election as Chair of the California Business Property Association.

12. Adjourn

Chair Leemhuis adjourned the meeting at 1:53 p.m.