

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

October 11, 2017

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 10:34 a.m. at the LightHouse for the Blind and Visually Impaired, 1155 Market Street, 10th Floor, San Francisco, 94103.

ROLL CALL

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

Commissioners Present:

Douglas Wiele, Vice Chair
Attorney General, Xavier Becerra,
by Attorney General Anthony Seferian
Chris Downey
Brian Holloway
Michael Paravagna
Tiffany Potter
Chester "Chet" Widom, State Architect,
represented by Debbie Wong
Betty Wilson
Laurie Cohen Yoo

Commissioners Absent:

Laura Friedman
Walter Hughes
Tom Lackey
Guy Leemhuis, Chair
Celia McGuinness

CCDA Staff Present:

Angela Jemmott, Executive Director
Rhonda Valdry, Staff Services Manager
Dharon Grayson, AGPA
Matthew Wang, Staff Services Analyst

DGS Staff Present

Jonette Banzon, Legal Counsel

Invited Presenters Present:

Brian Bashin, CEO, LightHouse for the Blind and Visually Impaired
Nicole Bohn, Executive Director, City and County of San Francisco Mayor's Office on Disability
Richard Halloran, Certified Access Specialist (CAsp), Senior Building Inspector, ADA Coordinator, City and County of San Francisco

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PLEDGE OF ALLEGIANCE

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

HOUSEKEEPING ITEMS

Vice Chair Wiele reviewed the meeting protocols.

2. GREETINGS FROM SAN FRANCISCO

a. Brian Bashin, CEO

Brian Bashin, CEO, LightHouse for the Blind and Visually Impaired (LightHouse), welcomed everyone and provided a brief overview of the background and amenities of the LightHouse facility. He recognized Commissioner Downey for his contributions to the inventive access design features and invited Commissioners to tour the facility later in the day.

b. Nicole Bohn, Executive Director

Nicole Bohn, Executive Director, City and County of San Francisco Mayor's Office on Disability, welcomed everyone, introduced members of her team, and provided a brief overview of the role and activities of the Mayor's Office on Disability.

3. SWEARING IN OF NEWLY-APPOINTED COMMISSIONER – ACTION

Commissioner Seferian led the swearing in of office for Tiffany Potter.

4. INTRODUCTIONS BY NEWLY-APPOINTED COMMISSIONER

a. Tiffany Potter

Vice Chair Wiele welcomed Commissioner Potter to the CCDA on behalf of the Commission.

Executive Director Jemmott presented Commissioner Potter with a recently-created CCDA pin with the CCDA logo and banner, "creating an accessible and barrier free California."

5. APPROVAL OF MEETING MINUTES (July 18, 2017) – ACTION

MOTION: Commissioner Holloway moved to approve the July 18, 2017, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Downey seconded. Motion called unanimously.

6. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Ernestine Patterson stated her hope that the Commission would discuss the problems with "lumpy, bumpy, rutted, and pitted" street pavements in San Francisco, employment and high rent, and races and cultures that have never dealt with members of the disability community as independent, educated individuals. She encouraged educating them on what is possible.

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7. ANNUAL ELECTION OF CHAIR AND VICE CHAIR AND UPDATE OF BYLAWS – ACTION

a. Election of Chair and Vice Chair

MOTION: Commissioner Yoo moved to re-elect Guy Leemhuis as chair of the California Commission on Disability Access for 2018. Commissioner Downey seconded. Motion carried unanimously.

MOTION: Commissioner Paravagna moved to re-elect Douglas Wiele as vice chair of the California Commission on Disability Access for 2018. Commissioner Yoo seconded. Motion carried unanimously.

b. Review of Bylaws

Executive Director Jemmott reviewed Sections 3 and 4 of the Bylaws and asked to discuss how the governor and legislative nominations should be run in relation to Section 3.4. She introduced Jonette Banzon, Legal Counsel, who was provided by the Department of General Services (DGS).

Ms. Banzon stated the Bylaws cannot be amended today due to the Bagley Keene Open Meeting Act rules.

Vice Chair Wiele asked to put the Bylaws, including possible amendments, on the agenda for the next meeting.

Commissioner Paravagna suggested adding that sitting Commissioners should also serve on at least one subcommittee. Vice Chair Wiele agreed.

8. SUBCOMMITTEE – UPDATE BY CHAIR(S)

a. Research Committee

Commissioner Yoo, Chair of the Research and Analysis Data Collection Project Committee, stated the next Research Committee meeting will be held next week. The Committee will continue to discuss the intake process, the automation of cases, a searchable database, the statutory requirements that the CCDA expand or adjust certain forms, and getting word out to ensure that all members of the legal community are aware of their obligation for consistent reporting.

b. Checklist Committee

Commissioner Holloway, Chair of the Checklist Committee, stated the Checklist Committee determined that the checklist was overly long and not as organized as the readers and users of the checklist would like. One of the Committee members offered to reorganize the checklist and prioritize the items that users would want to see first.

Questions and Discussion

Commissioner Downey asked about the target audience of this versus the prior checklist that the CCDA put out. Executive Director Jemmott stated the Committee began by

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creating the Myths and Misconceptions document and now will begin creating the modules for individual industries. The first module will be for the restaurant industry model.

9. LEGISLATIVE/EDUCATION AND OUTREACH (E&O) LISTENING FORUMS

Facilitator:

Sue Woods, Center for Collaborative Policy

Sue Woods, Center for Collaborative Policy, provided an overview, accompanied by a slide presentation, of the panel and attendees, order of business, and outcomes from the Listening Forum on the DMV Disabled Parking Placard Program, which was held on July 18, 2017. She stated she looked forward to helping the Commission design and carry out the next discussion on the parking placard program.

Ms. Woods asked questions to help prepare for the next Listening Forum. She asked Commissioners to continue to send responses to these questions to staff.

1. What are the ways you would like to see the information used from the July Listening Forum?

Commissioner Wilson stated issues brought up were clustered around various parts of the state, which had varying perspectives on solutions. More research is required specific to parking placard issues in rural versus metropolitan areas in Northern, Central, and Southern California.

Commissioner Yoo suggested facilitating further interaction between some of the representatives who attended the forum, particularly the DMV and law enforcement representatives.

Vice Chair Wiele stated the purpose of the CCDA is to facilitate dialogue for disability access. He stated it would be a shame to collect this information and do nothing with it. He agreed that this is an issue where the CCDA can drive a discussion between the various parties of interest and report to the Legislature what needs to be done to alleviate the problem.

2. Do you see that the focus should be more collecting information from the general public and forwarding that to the Legislature or sitting down and coming to some kind of agreement on what policy should be between the different entities?

Vice Chair Wiele stated the need to listen to the general public, but emphasized that the CCDA should listen to all the parties and interests and help them come to some consensus on this issue or at least compile a list of hot points to address. He stated the need to include members of the city and county planning communities in the discussion.

Commissioner Paravagna suggested a multi-faceted approach. He agreed that the outcomes need to go into the report to the Legislature and be posted to the website, but stated Commissioners also need to speak out in their communities to call attention to these issues to create better awareness.

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3. What are additional discussion topics or themes, if any, that should be added to the next session?

Commissioner Paravagna stated suggestions he received from stakeholders were emergency management and individuals with disabilities, access to medical services and medical facilities, Internet access, issues around service animals, issues around accommodation of higher education, and voter access.

Vice Chair Wiele suggested the topic of technology and parking placard use.

4. Should there be a speakers' panel? If so, what topics should they address?

Vice Chair Wiele stated a speakers' panel from technology and law enforcement fields would be helpful. He suggested including speakers from out of the area from urban and rural communities both to educate and to help find solutions. He suggested a series of speakers' panels with three speakers at a time.

5. How would you like to build upon the outcomes from the last session?

Commissioner Holloway suggested a survey on pending legislation relative to this issue since the last session.

6. Is a three-hour forum a sufficient amount of time?

Commissioner Yoo stated it will depend on the number of participants expected at the next session, and how targeted the forum will be. Three hours was right for the size of the group in July.

Vice Chair Wiele agreed that the Commission did a good job of getting its business completed in the morning and leaving the afternoon open for a broader discussion of a pertinent issue. It made for an effective and compelling Commission meeting.

7. What is the best time of day to hold the next Listening Forum? Should it be a part of the full Commission meeting or its own standalone meeting?

Commissioner Wilson agreed that it depends on the issue.

Vice Chair Wiele suggesting asking the members of the public what time of day would best suit their calendars. An evening or weekend meeting may be necessary to reach the broader community.

Commissioner Paravagna agreed. He suggested working on Commission business in the afternoon and holding an evening forum.

Commissioner Wilson suggested holding multiple, shorter sessions during the day – perhaps morning, afternoon, and evening sessions.

Commissioner Downey reminded everyone that there was an issue at the last session about remote participation, especially during the break-out sessions. He stated the need to consider the technology of how to meaningfully engage and get participation remotely through whatever technology opportunities may exist.

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8. What role would Commissioners like to play at the next session? How can you be best served in the roles played? Would Commissioners like to lead the small group sessions?

Vice Chair Wiele stated every Commissioner can be persuaded to facilitate the discussion.

9. Is there anything you would like to see differently at the next session?

Commissioner Yoo suggested including a way for participants to leave contact information and indicate their interest in participating in follow-up sessions.

10. Are there voices that you feel were not heard or represented?

Commissioner Wilson suggested including various cultural segments of the community and including interpreters to reach out to communities.

Commissioner Paravagna stated it will vary depending on the topic, but city parking officials were missing from the discussion at the last session.

Vice Chair Wiele suggested including representatives from the city and county planning communities in the discussion.

- 11: What month should the next Listening Forum be held in?

Vice Chair Wiele stated the need to consider the legislative session.

- 12: What additional ways would you like to do outreach and publicity for the next session?

Commissioner Wilson suggested better contact with the media, such as PSA spots. She stated the need to locate a champion in the press to assist the Commission.

Vice Chair Wiele suggested organizing a list of contacts from the business and disability communities to reach out to. He also suggested community radio stations, such as KPFA, with public announcement forums.

Executive Director Jemmott stated the DGS has made their public relations department available to the CCDA. She noted that she received an email from Singapore in response to the last Listening Forum event asking for suggestions to improve access.

Public Comment

Bob Planthold, San Francisco Municipal Transportation Agency Accessible Parking Policy Advisory Committee, stated ten years ago he and Ernestine Patterson did a special report on placard use and misuse. In 2013, another study, done by a group of individuals from the disability community, compared placard misuse in San Francisco to other cities. He stated he will forward the reports and the resulting recommendations to staff.

Mr. Planthold suggested afternoon or Saturday dates for the next forum because individuals traveling to an evening meeting may be forced to stay overnight. He stated

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free meeting rooms are available in the state office building in San Francisco with a large auditorium and several break-out rooms, and all 12 or 13 Caltrans headquarter facilities have accessible video training conference facilities. In response to the police officer outreach question, he stated there is a statewide agency that develops the training standards for all police called Police Officers Standards of Training (POST). He suggested inviting POST to attend future forums. In response to the question on enforcement, he suggested that every placard have a barcode with drivers' licenses or identification cards linked to it.

Kate Breen, Director of Governmental Affairs, San Francisco Municipal Transportation Agency, stated the Los Angeles City Council is taking action on the recommendations of a recent study on this issue. Ms. Breen agreed with Vice Chair Wiele that the decline in parking availability is an incentive for misuse. She stated increased penalties for placard misuse do not work in San Francisco. There is well-documented evidence nationwide about what works that will ultimately be the solution to creating better access for all. She suggested including the California Public Parking Association in the discussion; their annual conference will be held in Monterey on November 15th, which includes accessible parking and disabled placard reform on the agenda. She stated the conference attendees are mostly parking professionals, but the disability community is generally not well-represented.

Ms. Bohn offered the assistance of the Mayor's Office on Disability in San Francisco to help get the word out.

10. PRESENTATION ON THE LIGHTHOUSE

Presenters:

**Brian Bashin, CEO, LightHouse for the Blind and Visually Impaired
Chris Downey, LightHouse Board Chair and CCDA Commissioner**

Mr. Bashin provided an overview of the programs and activities of the LightHouse. He stated accessibility in the United States is often taken for granted. He stated countries such as Russia do not take disability access into consideration in the built environment.

Mr. Bashin stated the LightHouse advocates for accessibility. He gave examples of negotiating with Redbox to convert all 34,000 Redbox machines in the United States so that all processes of renting and returning DVDs are now accessible, and current negotiations with Applebee's to include tablets at their tables that customers can use to contact waitstaff.

Commissioner Downey provided an overview, accompanied by a slide presentation, of the design process and key features of the LightHouse relevant to access.

Questions and Discussion

Commissioner Paravagna asked about the types of files that are preferable for individuals who use screen readers. Mr. Bashin recommended using Word where possible; Word, Outlook, and Excel work well. He stated there is nothing inherently

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wrong with PDF files if done properly, but Word is better because more can be manipulated in importing and exporting. He stated Microsoft is making an exceptionally strong effort now on accessibility.

11. FISCAL BUDGET REPORT– UPDATE

a. Financial Narrative Report

Staff Member Valdry reviewed the Fiscal Year (FY) 17-18 Budget Highlights as of October 3, 2017, which was included in the meeting packet. She stated the Commission is undergoing a budget exercise to better understand the true operating needs.

Commissioner Yoo asked about the timeline for the move. Executive Director Jemmott stated as soon as possible as the current facility does not have the space to accommodate the number of CCDA staff.

Commissioner Paravagna asked if the DGS will augment the CCDA budget only one time. Executive Director Jemmott stated the DGS will help the CCDA end the FY in the black. She stated it may take a couple of financial cycles to get the CCDA where it needs to be financially.

12. LEGISLATIVE BILL TRACKING – UPDATE

a. Local Ordinances update on 51-16

Presenter:

**Richard Halloran, CASp, Senior Building Inspector, ADA Coordinator,
City and County of San Francisco**

Richard Halloran, CASp, Senior Building Inspector, ADA Coordinator, City and County of San Francisco, read a statement from Regina Dick-Endrizzi, Executive Director, Office of Small Business, City and County of San Francisco, which shared her perspective on critical elements of the Mandatory Entry Access Ordinance:

- Elevate the local government's Title II obligation by mandating that the city and county of San Francisco assist property owners and businesses to make their entryways accessible.
- Mandating property owners to rectify impediments sends a message that the civil rights of individuals with disabilities are more important than lease agreements.
- Issues that arise during the implementation of this ordinance will likely identify the importance for government entities, not civil courts, to make final decisions on the level of access to be achieved and how it is ultimately paid for. The Access Appeals Commission role in this area has been elevated in the ordinance, but to the degree that it is needed has yet to be seen.

Mr. Halloran stated Ms. Dick-Endrizzi looks forward to keeping the Commission apprised and working together to fully implement this ordinance to ensure that the civil rights of individuals with disabilities are upheld.

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Mr. Halloran stated Ms. Dick-Endrizzi was the inspiration behind Ordinance number 51-16, which calls for mandatory disability access improvements. He summarized the background, purpose, requirements, and key features of the ordinance. Mr. Halloran stated reasons for this ordinance are to educate property owners and businesses on what the Americans with Disabilities Act (ADA) mandates, to thwart rumors and misunderstandings about the ADA, and to elevate the city's role in helping the disability community. He stated a task force compliance unit made up of different departmental personnel has been created, which has been working with the planning department on a pre-permitting checklist.

b. State Bills

Executive Director Jemmott updated the Commission on the following bills:

- AB 150 – (Mathis R) Disabled persons: rights: liability. This bill is currently dead.
- AB 913 – (Gray D) Construction-related accessibility claims: extremely high-frequency litigants. This bill is currently dead.
- AB 1148 – (Steinorth R) Commercial property: disclosures: disability access. This bill has been signed by the governor.
- AB 1379 – (Thurmond D) Certified access specialist program: funding. This bill is currently being reviewed by the governor.
- AB 1153 – (Gomez D) Economic development: Capital Access Loan Program. This bill has been signed by the governor.
- SB 611 – (Hill D) Vehicles. This bill has been signed by the governor.

13. EXECUTIVE REPORT

Executive Director Jemmott presented her report:

a. Operational and Administrative Updates

The interviewing process is underway to fill staff vacancies. Executive Director Jemmott introduced Matthew Wang, who started with the CCDA as a volunteer and has now been hired as a Staff Services Analyst.

A facility has been located as the possible future location of the CCDA offices.

The deadline to complete the draft report to the Legislature has been moved up to allow for the DGS multi-stepped review process. Committee reports and other documentation is required as soon as possible.

Jonette Banzon, Legal Counsel, introduced herself and provided a brief overview of the DGS Office of Legal Services.

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b. Review of Outreach Efforts

Commissioners Wilson, Downey, and Paravagna participated in ADA conferences in San Francisco and Los Angeles.

Executive Director Jemmott and Commissioner McGuinness will attend and Commissioner Downey will be a keynote speaker at the Certified Assess Specialist Institute (CASI) training in San Francisco on October 19th and 20th.

Executive Director Jemmott and Commissioner Paravagna will attend the National ADA Coordinators Conference in October.

The ADA survey was launched last Friday as part of the strategic plan.

Executive Director Jemmott thanked Commissioners Downey, McGuinness, and Wilson for their participation in the DSA Access Code Collaborative.

c. Approval of Proposed 2018 Commission Meeting Dates

Committee meetings have been reduced to three meetings per year.

Commissioner Yoo suggested having the option to attend meetings via videoconferencing.

MOTION: Commissioner Paravagna moved to adopt the 2018 CCDA Meeting Calendar with the provision that adjustments may need to be made during the years. Commissioner Yoo seconded. Motion carried unanimously.

14. COMMISSIONER COMMUNITY UPDATES

Commissioner Potter provided a brief overview of her current activities.

15. ADJOURN

There being no further business, the meeting was adjourned at 3:23 p.m.