

CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes
January 25, 2023

1. Call to Order

Acting Chair Brian Holloway welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:03 a.m. The meeting was on Zoom, via teleconference, and held at the California Commission on Disability Access Headquarters, located at 400 R Street, Suite 312, Sacramento, California 95811.

Housekeeping

Staff Member Ridge reviewed the meeting protocols.

Roll Call

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

Commissioners Present:

Chris Downey, Chair*¹
Brian Holloway, Vice Chair
Guy Leemhuis, Immediate Past Chair*
Rob Bonta, Attorney General,
by Deputy AG Ben Conway*
Ida Clair, State Architect
Drake Dillard*
Souraya Sue ElHessen*
Jacqueline Jackson
Ashley Leon-Vazquez
Hector Ramirez*

Commissioners Absent:

Melissa Hurtado, Senator
Brian Jones, Senator
Scott Lillibridge
Brian Maienschein, Assembly Member

Staff Present:

April Dawson, Executive Director
Kamran Qazi, Legal Counsel
Stephanie Groce, Data and Research
Analyst
Phil McPhaul, Operations Manager
Abigail Ridge, Administrative and
Legislative Analyst

*Participated remotely.

¹ p.m. only

Also Present:

Regina Brink, California Council of the Blind
Zeenat Hassan, Staff Attorney, Disability Rights California and CCDA Education and
Outreach Committee Member
Dan Okenfuss, Public Policy Manager, California Foundation for Independent Living
Centers and CCDA Legislative Committee Member

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Corrina Roy, Legislative Consultant, Office of Administrative Affairs, California
Department of General Services
Sarahann Shapiro

Pledge of Allegiance

Executive Director Dawson led the Commission in the Pledge of Allegiance.

2. Approval of Meeting Minutes (October 26, 2022) – Action

Motion: Commissioner Dillard moved to approve the October 26, 2022, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Clair seconded. Motion carried 5 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioners Dillard, ElHessen, Jackson, and Leemhuis, and Vice Chair Holloway.

The following Commissioner abstained: Commissioner Ramirez.

3. Comments from the Public on Issues Not on this Agenda – Discussion

No members of the public addressed the Commission.

4. CCDA’s New Vice Chair Brian Holloway – Update and Discussion

Executive Director Dawson welcomed Brian Holloway as the new Vice Chair of the CCDA.

5. CCDA’s New Attorney General Representative Deputy Attorney General Ben Conway – Update and Discussion

Executive Director Dawson led the swearing-in of office for new Commissioner Ben Conway.

Acting Chair Holloway and Commissioners welcomed Commissioner Conway to the CCDA.

6. CCDA’s New Checklist Committee Chair Drake Dillard – Update and Discussion

Acting Chair Holloway congratulated and thanked Commissioner Dillard for chairing the Checklist Committee.

7. Accessible Parking Campaign: Toolkit Review – Update and Discussion

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Executive Director Dawson provided a brief overview of the status of the Accessible Parking Campaign Toolkit Project. The Business Owners and Operators and Construction Industry Workgroups have been meeting for approximately one year to create drafts of two toolkits that will eventually be utilized by those industries to ensure that parking and exterior paths of travel are accessible to individuals with disabilities.

Executive Director Dawson stated draft toolkits were submitted to the Department of General Services (DGS) Office of Public Affairs and the Division of the State Architect (DSA) for review and feedback, which will be integrated into the toolkits. The Workgroups will meet in February to finalize the documents. The final drafts will be presented to the Commission for review and approval prior to dissemination.

There was no Commissioner discussion or public comment.

8. CCDA Strategic Goal – Update and Discussion

Staff Member McPhaul presented his report:

a. Data Migration

The Historical Submission Data Entry Project, which is part of the CCDA's 2022 Strategic Goal of Full Data Migration of Historical Complaints and Case Resolution Reports to the online Legal Portal, was completed in December of 2022.

b. Accessible Parking Campaign

DGS and DSA recommendations are currently being added into the toolkits for review by the Workgroups in February. The toolkits will then be presented to the Commission for approval and dissemination.

Discussion

Commissioner Ramirez stated there is significant work being done with housing units around the state. They asked about the requirements of those buildings to have less parking as an option to be able to build more. Individuals with disabilities are in need of accessible housing, but oftentimes accessible parking is an issue in those housing settings. They asked if this could have implications in the Accessible Parking Campaign and with the requirements that are set in statute.

Commissioner Clair stated the Code cannot effectuate a requirement to provide parking; this would need to be addressed by the Legislature. She stated a bill was passed that stated, when no parking is provided for these projects, a minimum of one accessible parking space must be provided. Other than that, the Code requires a minimum number of accessible parking spaces based on parking spaces provided.

Commissioner Dillard stated the Workgroups did not address that issue; however, it is a valid discussion. There are many developments going on, particularly with Taxi and Limousine Commission (TLC) requirements around metro and transit areas with commercial parking requirements but no residential parking. Discussion is required to address impacts.

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Acting Chair Holloway stated, from a development point of view, as jurisdictions impose fewer and fewer parking spots at residential and commercial buildings, the percentage of accessible parking spaces would decline as the total number of spaces are restricted for new developments. The Commission should monitor this issue.

Commissioner Clair stated parking allocation requirements are under individual city zoning code requirements. Addressing minimum numbers of accessible parking spaces would need to be addressed at the legislative level.

Public Comment

No public comment.

9. Committee Focus for 2023 – Update and Discussion

a. Discuss the focus of CCDA's standing committees.

Executive Director Dawson reviewed the purpose and proposed 2023 projects for the CCDA's standing committees as follows:

Executive Committee Members will review the CCDA Bylaws and recommend revisions to the full Commission.

Legislative Committee Members will track legislation related to the CCDA's mission, and explore mechanisms to provide technical assistance and subject matter expertise to the Legislature on issues related to disability access and compliance.

Checklist Committee Members will monitor the outreach phase of the Accessible Parking Campaign and make recommendations, develop a website accessibility toolkit for businesses, and recommend additional toolkits, one pagers, or technical documents targeted to stakeholders.

Education and Outreach Committee Members will monitor the effectiveness of the CCDA's outreach plans and make recommendations, and develop educational modules on disability access for use on social media.

Executive Director Dawson noted that the Research Committee is currently inactive.

Discussion

Commissioner ElHessen asked what it would take to reactivate the Research Committee.

Executive Director Dawson stated she will be meeting with Chair Downey to discuss the Committees, including discussing the reason the Research Committee is inactive.

Public Comment

Regina Brink stated the California Council of the Blind is very concerned about web accessibility. She thanked the Commission for tackling this overdue issue and stated concern about new technologies that tell businesses to subscribe to a service that adds a link that supposedly makes their websites accessible when it does not. Businesses erroneously think that subscribing to these technologies satisfies accessibility

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guidelines. Disability communities require that accessibility guidelines be adhered to for improved website accessibility.

10. Presentation: Bagley-Keene Open Meeting Act, Robert's Rules of Order, and CCDA Bylaws – Update and Discussion

Presenters:

- Ben Conway, Deputy Attorney General, Civil Rights Enforcement Section, California Department of Justice, CCDA Commissioner
- April Dawson, CCDA Executive Director

Commissioner Conway provided a summary of the types of meetings, purpose, notice, and other requirements of the Bagley-Keene Open Meeting Act, and basic definitions, role of presiding officer, motions, voting, and amending within the Robert's Rules of Order.

Discussion

Commissioners asked clarifying questions about the rules and procedures.

Public Comment

Sarahann Shapiro asked for more detail on the fact that Subcommittee meetings require a majority for it to be considered a meeting.

Commissioner Conway stated he will research this and follow up with Ms. Shapiro offline.

Executive Director Dawson stated members of the Executive Committee will work with staff on the Commission's biennial review of the CCDA Bylaws in 2023 to be submitted to the DGS for review. Proposed updated Bylaws will be presented at either the April or July Commission meetings for Commission approval.

Lunch Break

Roll Call

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

11. CCDA Executive Director Report – Update and Discussion

Executive Director Dawson presented her report:

a. Administrative and Operational

The next full Commission meeting will be held in Southern California on April 19th.

Staffing

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- Commissioner vacancies and Vice Chair Holloway and Commissioner Ramirez's reappointments are in progress.
- The CCDA received a budget approval for a promote-in-place Staff Services Analyst-Associate Governmental Program Analyst (SSA-AGPA) position.
- Staffing needs are currently being reassessed.
- Research has begun on ways to bring on a staff member with technical expertise related to the building code and construction accessibility guidelines.

Outreach

Executive Director Dawson participated in the following outreach opportunities:

- Attended the California Foundation for Independent Living Centers (CFILC) Statewide Conference for directors of independent living centers in California.
- Attended the Certified Access Specialist Institute (CASI) Conference, where Commissioner Clair was the keynote speaker.
- Held an introduction meeting with the management team at Raley's. They are interested in participating in Listening Forums as a CCDA business partner.
- Attended two Access Code Collaborative meetings.
- Presented to the management team at the Pacific ADA Center about the CCDA's work. They are interested in doing a webinar with the CCDA this spring.
- Held a meeting with representatives of the California Bar Association to discuss ways to educate attorneys and law firms about the requirement to submit alleged disability access violations to the CCDA's Legal Portal, as well as the new rules covered by Assembly Bill (AB) 2917 for attorneys and law firms to submit alleged website disability access violations to the CCDA's Legal Portal.
- Presented to the California Network of ADA Coordinators about the CCDA's work. They were excited to continue to collaborate with the CCDA.

There was no Commissioner discussion or public comment.

12. 2023 Projects – Update and Discussion

a. Current Projects

b. Future Projects

Executive Director Dawson gave a brief overview of how focus area project activities tie into the vision and four goals of the 2020-2024 Strategic Plan, which are to increase disability access awareness, continue to provide training programs and toolkits for targeted stakeholders, identify and promote revenue streams to fund physical access compliance, and maintain data on status of access compliance. She stated the implementation of each area of focus for 2023 will be coordinated by staff, and the Committees and full Commission will provide strategic direction and monitoring of the

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effectiveness of the activities. She noted that a more detailed cost projection will be presented for current and future project proposals at the April Commission meeting.

Discussion

Commissioner ElHessen suggested partnering with the Society for Human Resource Management (SHRM) to help increase awareness in hiring and working with people with disabilities and ensuring that businesses are accessible.

Commissioner Ramirez asked if, in light of the recent damages that continue to happen throughout the state of California, the Governor's Office of Emergency Services (Cal OES) has reached out to provide assistance or guidance as communities begin the process of recovery and rebuilding damages to infrastructure.

Executive Director Dawson stated she will check into that and report back. She agreed that it is important that businesses consider the disability community when rebuilding after natural disasters.

Public Comment

No public comment.

13. Revenue Reporting – Update and Discussion

a. Potential Uses of Funds

Staff Member McPhaul stated approximately \$152,000 is available from the High-Frequency Litigant Fund. Ideas on how to spend this funding will be presented at the April Commission meeting.

There was no Commissioner discussion or public comment.

14. Financial Review – Update and Discussion

a. Review Summary – Quarterly Review

Executive Director Dawson reviewed the Budget Authority chart, which was included in the meeting materials. She noted that the current year-to-date spending is still being finalized. This year's Budget Spending Reports should be available by the April Commission meeting. She stated she monitors the CCDA dashboard on a monthly basis and meets with the DGS budget team once a month. Indications are that the CCDA is spending within its budget authority.

Executive Director Dawson stated the current-year budget authority is \$1,534,000 in addition to \$152,000 from the High-Frequency Litigant Fund. The budget includes \$799,000 for personnel services and \$735,000 for operating expenses. She noted that the Governor's January preliminary budget allocated \$1,538,000 to the CCDA, but this can change at the May Revise.

There was no Commissioner discussion or public comment.

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15. Presentation: Overview of the CCDA Legal Portal – Update and Discussion

Presenter:

- Phil McPhaul, CCDA Operations Manager

Staff Member McPhaul provided an overview, with a slide presentation, of the Civil Code 55.32 and Government Code 14985.8 requirements, and the purpose, data collected, and what is done with the data collected in the CCDA Legal Portal.

Discussion

Commissioner Clair asked about the detail provided in Case Resolution Reports.

Staff Member McPhaul stated the report gives the results of the case.

Commissioner Clair asked if there is a method to identify whether all complaints are filed as mandated by statute and if they are both state and federal cases.

Staff Member McPhaul stated both state and federal cases must be submitted to the CCDA Legal Portal. One of the challenges is the CCDA does not have the enforcement authority to ensure compliance. The lack of complete information alters the data. Staff is working with the State Bar and other organizations to educate attorneys about their statutory obligations. Although improvement is being seen, it is still a work in progress.

Chair Downey addressed Commissioner Clair's question on the gaps between what is being reported in terms of cases coming in and what is actually being filed. He stated, in the past, the Commission relied on LexisNexis to verify the total volume of cases coming into the court to compare with what was submitted through the Legal Portal. The measure of this gap would be important data to track.

Chair Downey addressed Commissioner Clair's question about the number of complaints submitted to the Legal Portal versus the number of resolutions submitted and whether they match. He stated he does not know of a trigger to tell the CCDA that any particular case is closed. The CCDA is dependent upon the attorneys to close it out by submitting the Case Resolution Reports. This is a more difficult depth to quantify.

Commissioner Clair asked about the number of Case Resolution Reports submitted to the Legal Portal that litigated versus settled out of court.

Staff Member McPhaul stated he will look into that and report back.

Chair Downey stated the CCDA is most interested in corrective actions being taken, such as fixing the barriers and doing corrective work. Settling out of court only closes out that case; it does not make progress to barrier removal or web accessibility, which is most important.

Public Comment

No public comment.

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16. Future Agenda Items – Discussion

No future agenda items were offered.

17. Adjourn

Motion: Commissioner Clair moved to adjourn the January 25, 2023, California Commission on Disability Access Full Commission meeting. Chair Downey seconded. Motion carried unanimously. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Commissioners voted “Yes”: Commissioners Dillard, ElHessen, Jackson, Leon-Vazquez, and Ramirez, Vice Chair Holloway, and Chair Downey.

Acting Chair Holloway adjourned the meeting at 2:02 p.m.