

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
ACCESSIBILITY ENHANCEMENT COMMITTEE  
MEETING MINUTES**

**March 19, 2012**

**1. CALL TO ORDER**

Chair Navarro called the meeting to order at 12:30 p.m. at the California Actively Living Independent and Free, 634 South Spring Street, 2nd Floor, Los Angeles, California 90014.

The off-site meeting location for teleconference was the Department of Rehabilitation, 721 Capitol Mall, Room 244, Sacramento, California 95814.

**ROLL CALL**

Staff Member Jemmott called the roll.

*Commissioners Present:* Lillibeth Navarro, Chair (Teleconference)  
Rocky Burks  
Mark Martinez

*Staff Present:* James V. Vitale, Executive Director  
Angela Jemmott, Program Analyst  
Lavonia Wade, Office Administrator

*Also Present:* Donald Parks, Applied Technology,  
Incorporated (Teleconference)  
David Peters, Lawyers Against Lawsuit Abuse  
(Teleconference)  
Kevin Scott, International Code Council  
(Teleconference)

Staff Member Jemmott announced a quorum was present.

**2. APPROVAL OF MEETING MINUTES (DECEMBER 20, 2011) - ACTION**

Chair Navarro stated the approval of the December 20, 2011, minutes will be postponed until the next meeting.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

- Donald Parks, Applied Technology, Incorporated, published a public accessibility update newsletter and emailed it to the Commissioners. He has also made a public records request to the Department of Rehabilitation. He shared his disappointment that the Department of

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Rehabilitation did not appear to have ever done an Americans with Disabilities Act (ADA) self-evaluation.

Chair Navarro asked Mr. Parks if he would like to be a part of the CCDA Accessibility Enhancement Committee and asked that he begin the process.

- Kevin Scott stated International Code Council (ICC) is a nonprofit organization that facilitates Code adoption and development and publishes a model Code, which is then used across the country as the Building Code with state adoption and state amendments. ICC publishes the California Building Code and the California Residential Code that is currently adopted by the State of California. ICC also publishes the American National Standards Institute (ANSI) 117.1 Accessibility Design Standards, which are referenced in the California Building Code.
- David Peters stated Lawyers Against Lawsuit Abuse is a private law firm that defends ADA lawsuits and has an interest in accelerating accessibility improvements and reducing the potential for lawsuit abuse.

**4. GENERAL BUSINESS ITEMS**

**a. Discussion of Accessibility Enhancement Mission Statement (review of state mandate and outcomes expected)**

Mission Statement Draft as discussed in this meeting: The Accessibility Enhancement Committee aims to assist the California Commission on Disability Access to create a more accessible environment for people with disabilities by initiating a statewide inventory of compliance plans and implementation programs in both public and private sectors. This shall be accomplished by Sections 8299.5(a), 8299.05(b)(1), 8299.05(b)(2), 8299.05(c), and 8299.05(d) of the Government Code.

Commissioner Burks recommended asking staff to prepare a draft of the Mission Statement for review at the next Accessibility Enhancement Committee meeting. He also recommended Chair Navarro meet with Executive Director Vitale to develop a timeline and protocol process to be discussed at the next meeting.

**b. Discussion of Committee Membership**

Chair Navarro is in contact with four possible candidates. They will be submitting letters to the Commission Chair.

Commissioner Burks stated the importance of diversity in their selection of Committee members and that they include both Title II and Title III entities. He recommended Chair Navarro speak with the Commission Chair about the core group of participants in the establishment of SB 1608. He suggested they be contacted as possible members of the subcommittee. He recommended Chair Navarro meet with Executive Director Vitale in setting up an outreach effort to

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seek assistance from the disability community in helping this Committee meet the Mission requirement.

**c. AEC Action Plan: Goals, Strategies and Realistic Timelines**

Chair Navarro recommended discussion on the goal of putting out a survey. Commissioner Burks stated if the Committee's work plan includes a survey, he recommends it go in two different directions: one survey for the governmental side – the Title II entities and the state; and one survey for the Title III entities.

Commissioner Burks suggested the Mission Statement be finalized at the Committee's next meeting, before the full Commission meeting in April. This Committee's report to the full Commission will then include securing membership in April, May, and June, and setting up outreach efforts in July, August, and September.

Executive Director Vitale stated he will prepare a draft of the Mission Statement and goals based upon the discussions today. He plans to meet with Chair Navarro and the Commission Chair by the end of the week to discuss recruiting people who are already online waiting for direction from the Committee. After the Mission Statement and goals are approved, they can be published on the website and sent out to the people awaiting recruitment so they can prepare for a series of meetings to advance the program.

Executive Director Vitale stated there is a document, published in 1999, called the California Accessibility Reference Manual (CARM), developed by the Division of the State Architect (DSA). This 345-page book is electronically available on the Internet. It documents every section in the Government Code, the Health and Safety Code, and other California Codes that have mandates with regard to accessibility. Mr. Parks provided this Committee with a large amount of information and has determined in his report that there is an inconsistent application of these rules because there is no focused individual or agency responsible for the implementation of what is called for in state law. Mr. Parks's information uncovers a disjointed organizational structure without a lead role; he has written to the Governor's Office asking for a clear-cut definition of responsibility for the application and administration of the requirements of accessibility per federal laws.

It remains for the government to acknowledge responsibility in the form of a letter that directs agencies to come together under a focused platform and appoints an agency or commission to bring these agencies together for consistency.

Chair Navarro recommended having a part of the CCDA website that showcases constructive, collaborative work between the disability and business communities to create and enhance accessibility.

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Commissioner Martinez recommended identifying some Best Practices to incorporate so the Committee can either expand or improve on them. He suggested contacting the California League of Cities and meeting with cities to roll out some of these Best Practices. He suggested Executive Director Vitale attend their large capacity conferences. He also recommended contacting the California Hispanic Chambers of Commerce and attending their state conferences that bring all of the Hispanic Chamber networks together.

Executive Director Vitale stated he, the Commission Chair, and Commissioner Burks met last week with the California League of Cities. He also stated the Hotel and Lodging Association and the Restaurant Association have both indicated an willingness to participate with this Commission. He pointed out that these are large businesses that understand the need for access compliance, and indicated the need for an outreach to small businesses, since disability awareness has to be literally hand-carried to some small businesses.

Commissioner Burks recommended also going to the California State Association of Counties as the jurisdictional authority of the county building departments. He recommended establishing a 501(c)(3) side of the Commission along with grant writing to creatively generate funds to develop Best Practices Toolkits to distribute to the small business community.

Executive Director Vitale researched establishing a 501(c)(3). The State of California and all of the commissions and agencies that serve it do not require a 501(c)(3), as they already have a tax-deductible status. The Commission will need to establish an account and put the word out to people. It is a matter of processing paperwork in order to make that happen.

Commissioner Burks suggested a way to synergize and refine the collaboration between public and private entities, by participating in low- or no-cost presentations at conventions. He agreed with Commissioner Martinez about identifying Best Practices and agreed with Chair Navarro about putting the identified Best Practices on the CCDA website. Commissioner Burks stated these are all part of the strategies that this Committee will utilize to identify the most cost-effective means to develop the synergistic capabilities through that public/private relationship.

Chair Navarro suggested attending county fairs and the Los Angeles Abilities Expo. Executive Director Vitale stated he attended the San Jose Abilities Expo and the Los Angeles Abilities Expo last year. There has not been a concerted advertising or media campaign thus far, due to lack of staff, phone lines, computers, etc., to answer the resulting inquiries. While there is not adequate time to prepare for the development of a booth or handouts for the upcoming Los Angeles Abilities Expo, he recommended preparing to attend the San Jose Abilities Expo in the fall. Chair Navarro recommended also attending ADA conferences.

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Commissioner Burks stated, in order to attend a maximum number of conferences, this Commission needs to develop the infrastructure to be able to be funded to address the demand. Executive Director Vitale added that, in order to establish this infrastructure, it is imperative that the Commission receive a letter from the Governor's Office showing the governor's willingness to direct and accept responsibility for the implementation of these programs.

Chair Navarro asked if January 2013 was a realistic time to come up with a report to the Legislature. Commissioner Burks was confident in the Committee's ability to prepare a cursory report by January. He stated, through networking by establishing public/private relationships, the Committee can verify the anecdotal information already gathered, proving the necessity of improved communication and practices. He stated the need for diverse entities to unite with a dedication of effort to help minimize the litigation of noncompliance.

**Public Comment**

Mr. Peters agreed with the idea of attending the Abilities Expo and conferences. He agreed with the suggestion of accessibility requirements being included with annual business license renewals and suggested another avenue might be in annual property tax bills for commercial property. He stated his concern that a large number of defendants in these cases are not tied in with associations or the news media. He used the examples of an elderly couple that has owned the property for decades, or of language being a barrier, etc. He stated he will email some additional comments to Executive Director Vitale.

**5. FUTURE ACCESS ENHANCEMENT COMMITTEE MEETINGS**

Chair Navarro set the date for the next Accessibility Enhancement Committee meeting for Tuesday, April 3, 2012, from 10:00 a.m. to 12:00 p.m.

**6. FUTURE AGENDA ITEMS**

Chair Navarro will meet with Executive Director Vitale to draft the Mission Statement, goals, objectives, timeline, and protocol process of this Committee for finalization in the next meeting. The Committee will then begin to discuss strategies which will help develop the Committee and subcommittee structure.

**7. ADJOURN**

Chair Navarro adjourned the meeting at 2:30 p.m.