

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
ADMINISTRATION COMMITTEE
MEETING MINUTES**

July 7, 2011

1. CALL TO ORDER

Chair Johnson called the meeting to order at 12:00 p.m. at 2525 Natomas Park Drive, Room 120, Sacramento, California.

ROLL CALL

Commissioners Present:

Margaret Johnson, Chair
Rocky Burks
Peggy Collins – Representing Senator Ellen Corbett
Michael Dean
Mark Martinez
Betty Wilson (Teleconference)

Commissioners Absent:

Evelyn Molina – Representing Senator Thomas Harman

CBSC Members Present:

Stephanie Davis
Jim McGowan
Michael Nearman
Dave Walls

Present at Meeting:

Lisa Hooley
Susan Walia, Noe Valley Merchants Association
Gwen Sanderson, Noe Valley Merchants Association
Steve Dolim, Certified Access Specialist
Giovanna Gogreve, Access Services of Los Angeles County (Teleconference)

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

- Ms. Lisa Hooley posed a question for the Committee: Considering the current budget climate, and the Committee's priorities on disability access, how will you pay for improvements to disability access in the future?

Chair Johnson responded that Executive Director Vitale would take note of the question and raise it at a future meeting.

- Ms. Susan Walia, on behalf of the Noe Valley Merchants Association and also as a small business owner, stated that she definitely wanted to provide access for those in the disabled community, but she was unaware of what she needed to do. She was

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aware of the issue due to lawsuits in her neighborhood. She had done her best to do research but had still not found the necessary information.

Ms. Walia voiced concern that implementation is too vague and is often not being applied evenly. In San Francisco, business owners are seeing a lot of implementation by litigation, which isn't fair and possibly isn't legal.

Chair Johnson responded that the question would be handled best by the CCDA committee that deals with education issues. Executive Director Vitale offered to supply Ms. Walia with the information she needed, much of which is in fact readily available, after the meeting.

- Ms. Gwen Sanderson, owner of a turnkey business housed in a pre-1900 building, said that she was caught in an untenable situation. She had spent six months trying to address the need to make the building accessible; it had now become her full-time job. She had had several CASP inspections but there had been no consistency. Her store was not stocked with things that she sells because of the time she had recently spent trying to address the accessibility situation.

Ms. Sanderson went on to say that the number one issue is that businesses are not aware of their legal obligations. There is a huge number of resources and organizations that deal with incentives created by the State, that she had been unaware of.

Chair Johnson stated that the CCDA definitely wants to look at how to get the information to the public and to help them understand what's needed. One of the committees is examining the whole lawsuit abuse issue, and trying to figure out if any changes can be made. Commissioner Dean, Chair of the Civil Enforcement Committee, talked with Ms. Sanderson about her predicament.

- Mr. Steve Dolim, Certified Access Specialist (CASP), stated that CASP inspectors are trying to get consensus among themselves on what a standard report includes, and what CASP expectations and standardizations should be. The program has been around for only a year or two.

Executive Director Vitale asked if it would be possible to obtain copies of Ms. Sanderson's CASP reports, with authors' names redacted, so they could be examined for inconsistencies. The ADA and the California Building Code are very specific in their requirements.

Executive Director Vitale added that if Ms. Sanderson has a report in place, and is in the process of making the building accessible, she is entitled to a 90-day exemption if an action is filed against her. She is working proactively, in contrast to 90% the businesses Executive Director Vitale has seen in the past year, who take action as the result of a suit being filed.

3. FUTURE COMMITTEE MEETINGS

Chair Johnson announced the Committee meeting dates as August 18, September 15, October 20, November 17, and December 15, generally from 12:00-2:00. The website lists the dates as well.

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Commissioner Martinez suggested that at the next full Commission meeting, they take the recommendation that all the committee chairs will sit on the Administration Committee. This committee will then become the Executive Committee.

Commissioner Wilson suggested that the full Commission meetings sometimes be held in Los Angeles or San Diego, to enable more of the public to participate in person.

4. GENERAL BUSINESS ITEMS

a. Introduction of new CCDA Executive Director and discussion of priorities

Chair Johnson introduced Mr. Jim Vitale, the new CCDA Executive Director. He noted that the support he has been seeing departmentally, agency-wide, and state-wide has been phenomenal.

Executive Director Vitale stressed that his accessibility will be unlimited – that he is here to be of service to the citizens of the state of California. His perspective is that the job is about issue resolution: identifying issues to be resolved, consensus building, collaboration, and finding resolutions – with the help of the Legislature, the business community, the design community, and others.

b. CCDA staffing matters – status of staff appointments, etc.

Chair Johnson stated that high on the priority list has been office space, and a lease has now been drawn up for space in the Department of Rehabilitations building.

Getting staff has also been important. CCDA will be able to hire two more staff, and interviews are beginning.

Mr. Michael Nearman, Building Standards Commission (BSC), stated that the BSC had been hosting CCDA's website for some time. Now the website is hosted by the Department of Public Safety (DPS).

Commissioner Martinez requested a quick overview of the two staff member positions that Executive Director Vitale would be bringing on board. He responded that the more senior Administrative Assistant would be will assist him with research, scheduling, meeting agendas, tracking of Legislative bills, and preparation of the yearly budget recommendation and report that goes to Finance.

The second staff member position will take a subordinate role to the first position, and assist in preparation of reports, documentation, budget, and finance.

Commissioner Martinez expressed what a relief it was to have Executive Director Vitale on board, with so much public concern about the work CCDA has done. Commissioner Martinez added that it was important that the Executive Director have the support he needs.

Executive Director Vitale noted that the one concern he had was to know who the gatekeepers are with regard to access to certain controls that CCDA does or does not have, whether from the Legislature or from other offices.

Commissioner Collins added to the welcome that the Commissioners extended to Executive Director Vitale. She recommended for him to develop a workplan, as public

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expectations are high and there are statutory requirements around the work the Commission is going to do.

c. Discuss CCDA meeting dates

Executive Director Vitale will start setting up meetings for all the committees as well as the full Commission.

The Administration Committee members discussed possible meeting dates and locations.

5. FINANCES/FUTURE FUNDING

a. Budget Fiscal Year 2010/2011

Chair Johnson stated that for FY 10/11 the CCDA hadn't had any problem getting the funding they needed.

b. Status of Budget Change Proposal (BCP) for Fiscal Year 2011/2012

Chair Johnson stated that the next task is to put in the BCP for FY 11/12, due in September. The CCDA is contracting with the Department of General Services (DGS) for accounting services.

Executive Director Vitale noted that he had met with staff at the Department of Finance to get clarification on their Rules of Engagement in terms of supporting documentation. CCDA was able to retain some of the monies that were unspent from the present year with regard to office space.

Commissioner Wilson suggested the possibility of having paid interns who are graduate students. They could be helpful to Executive Director Vitale with research on disability law and current issues. He responded that he would enthusiastically support having a corps of interns from law schools, architect schools, etc.

6. REPORT ON CCDA COMMITTEE ACTIVITIES

a. Status of projects and assignments

Chair Johnson stated that because CCDA hasn't been able to have any committee activities, it is difficult to get a status on projects and assignments.

Commissioner Dean of the Civil Enforcement Committee said that he had gone to the public, asking for comments about a draft brochure developed in conjunction with the Consumer Attorneys of California. He had received upwards of 20 comments, which he and Chair Johnson agreed that he would summarize and present to the Commission.

b. Scheduled meetings

As mentioned above, Executive Director Vitale will start setting up meetings for all the committees as well as the full Commission.

7. LEGISLATIVE AND REGULATORY DEVELOPMENTS AND ITEMS OF GENERAL INTEREST

Executive Director Vitale explained the bills below and the actions taken.

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a. AB 410 (Swanson / Ma) – Regulations: adoption; disabled access (Executive Director)

This was a relatively unchallenged bill that stipulated that regulations for various departments be made available through either written, graphic, or spoken form. The bill passed by a vote of 13-0 in the Assembly Appropriations Committee.

b. SB 783 (Dutton) – Special Access: liability (Executive Director)

The bill was brought forward by Senator Dutton as an emergency action. Commissioner Collins explained that the bill failed approval in the Senate Judiciary Committee. It had been amended very late in the process – past the normal deadline.

Chair Johnson noted that similar bills usually crop up every year in response to issues brought forward by the business community. The CCDA is tasked with trying to ensure that disability access information is easily available to businesses in a way that's comprehensible. The information must also be consistent so that businesses can comply.

The Civil Enforcement Committee will also be looking at whether frivolous lawsuits and vexatious litigants can be limited somehow.

c. HR 881 (Rep. Hunter, Duncan D.) (Executive Director)

This is a federal bill, called the ADA Notification Act of 2011. Presently it is in a Subcommittee on the Constitution and has been there since March 21. It is somewhat of a mirror of SB 783 above, but on a national level. At present it is going nowhere.

Commissioner Wilson commented that the Commission could consider how to be effective in getting some of these bills moved. Chair Johnson added that at a previous meeting the Commissioners had discussed putting together protocols for taking positions on legislation. This could be an item for Executive Director Vitale's workplan.

Public Comment

- Ms. Sanderson commented that regarding SB 1608, the notification requirement is great, but the huge cost of making building alterations for accessibility compliance is the issue.

8. FUTURE AGENDA ITEMS

Chair Johnson suggested having Executive Director Vitale present a workplan at the next meeting.

Another item, suggested by Ms. Hooley during Public Comment, would be the subject of how the State budget would impact the work of the Commission.

Commissioner Dean stated that he would check on HR 881 with the International Council of Shopping Centers to see what kind of support, if any, they are giving. Executive Director Vitale suggested checking the Building Owners and Managers Association (BOMA) position as well.

Public Comment

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- Commissioner Johnson introduced Giovanna Gogreve, the Strategic Planning Analyst at Access Services, the ADA paratransit complimentary service for functional disabled individuals of Los Angeles County. Ms. Gogreve looked forward to working with and getting to know the Commissioners in the future.

9. ADJOURN

Chair Johnson adjourned the meeting at 1:29 p.m.