

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

**October 20, 2011**

**1. CALL TO ORDER**

Chair Johnson called the meeting to order at 12:02 p.m. at Division of the State Architect, Sacramento Regional Office, 1102 Q Street, Fifth Floor, Room B, Sacramento, California.

The off-site meeting location for teleconference was DSA Los Angeles Regional Office, 700 North Alameda Street, 5<sup>th</sup> Floor, Los Angeles, California.

**ROLL CALL**

Secretary Jemmott called the roll.

*Commissioners Present:* Margaret Johnson, Chair  
Rocky Burks  
Michael Dean  
Peggy Collins (arrived shortly after roll was taken)

*Commissioners Present Via  
Videoconference – Los Angeles* Richard Luehrs  
Lillibeth Navarro  
(both joined the meeting late due to difficulties  
establishing the telephone connection)

*Also Present:* Keith Dolim, Certified Access Specialist Institute  
(CASI)  
Dawn Anderson, As It Stands

Secretary Jemmott stated that the Committee members present did not constitute a quorum. (*A quorum was soon achieved with the arrival of Committee Member Collins.*)

The group established that a captioner was in place via the 800 line.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA:**  
**The Executive Committee will receive comments from the public at this time on matters not on the agenda. Matters raised at this time may be briefly discussed by the Executive Committee and/or placed on a subsequent agenda.**

There were no comments from the public.

**5. GENERAL BUSINESS ITEMS:**

- a. CCDA staffing matters- status of staff appointments, etc.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

Executive Director Vitale stated that Ms. Angela Jemmott has been retained as Staff Assistant, and the group welcomed Ms. Lavonia Wade, as the new Office Technician. The CCDA is now fully staffed as allowed by its budget.

*(Committee Member Ms. Peggy Collins joined the meeting at that point, which established a quorum.)*

**2. (Continued) APPROVAL OF MEETING MINUTES (MAY 28, 2010 AND JULY 7, 2011) – ACTION**

**MOTION:** Commissioner Collins moved to approve the May 28, 2010 Meeting Minutes. Commissioner Burks seconded. Motion carried unanimously.

The Meeting Minutes for April 21 had just arrived and would be reviewed at the next Committee meeting.

For the July 7 Meeting Minutes, Commissioner Johnson preferred the term “Committee Member” to “Commissioner” as not all the Committee Members are Commissioners. Also, Terry Kern and Evelyn Molina were listed as Commissioners and their identities were uncertain. The Commissioners stated that approval of those Minutes would be brought forward to the next meeting.

**5. (Continued) GENERAL BUSINESS ITEMS:**

**b. By-Law review**

Chair Johnson had requested to look at quorum regulations. Stated in the CCDA Bylaws Item 7.3, “A majority of appointed voting members of the CCDA shall constitute a quorum.” The question centered around the number of actual sitting members at the time of the vote.

During discussion the Commissioners determined that, for example, if nine are appointed, a quorum would be five in attendance. A quorum is comprised of voting members; if non-voting members don’t attend, they don’t count towards the quorum.

*(Commissioners Luehrs and Navarro joined the meeting at this point, reporting difficulties in establishing the telephone connection.)*

Commissioners Luehrs and Navarro agreed that vacancies on a committee should not be counted towards a quorum.

Commissioner Burks referred to Item 6.3 regarding Chair appointment of subcommittee members. Commissioner Collins recommended that the CCDA Chair and the Subcommittee Chair make appointments of subcommittee members.

Commissioner Burks’ perspective was that the Chair should have authority to discuss subcommittee appointments with the Subcommittee Chair, in the case that the Chair had additional information on potential appointees.

Chair Johnson and Commissioner Dean devised the following wording:

“Subcommittees of standing and ad hoc committees shall be appointed by the Chairperson of the applicable committee, subject to the concurrence of the CCDA Chair.”

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

Commissioner Navarro referred to language for emergency meetings in Section 5. Chair Johnson tasked the staff with looking at the language in the Bagley-Keene Act, to which the CCDA adheres, to see if language needed to be added the CCDA Bylaws.

**Public Comment**

Dawn Anderson asked to whom a request for appointment to a subcommittee would be directed. Chair Johnson replied that it would be the Subcommittee Chair. If a request were sent to the Executive Director, he would forward it to the appropriate subcommittee.

**4. (Continued) FUTURE COMMITTEE MEETINGS**

**a. 2012 Executive Committee meeting dates – Action**

Chair Johnson proposed continuing to meet on the third Thursday of the month from 12:00-2:00.

**MOTION:** Commissioner Dean moved for the Executive Committee to meet monthly on the third Thursday from 12:00-2:00. Commissioner Burks seconded. Motion carried unanimously.

**c. Protocol for selection of committee members**

Chair Johnson stated that staff had drafted a protocol for selecting people to serve on committees. She stated that it would be introduced today in the meeting and posted on the website for the public.

Chair Johnson read through the draft for those in attendance.

She noted that for some subcommittees, an appointee might come from an area of expertise (e.g. architecture) as well as the disability/business community. This language could be added to #2.

Ms. Collins recommended to specify that the Chair of the committee is a member of the Commission rather than a public member. The other Commissioners discussed this and agreed. Commissioner Burks noted that language on this topic should be added to 6.1 in the Bylaws: “The Chair of any standing or ad hoc committee shall be a member of the Commission.” He clarified that this allows the Commission to use its other non-voting members to chair a standing or ad hoc committee.

Commissioner Navarro suggested addressing the question of whether to limit the number of subcommittees a committee can have.

Ms. Collins suggested clarifying selection of committee members who come from the public sector.

In response to a question from Commissioner Navarro, Chair Johnson stated that the balance on committees must be equal between the disability community and the business community. An exception can be made for subject matter experts who don’t necessarily represent either.

**Public Comment**

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

Mr. Dolim commented that the protocols were very helpful. He pointed out that the Commissioners had been using the terms “committee members,” “subcommittee members,” “ad hoc committees,” and standing committees” in confusing ways. Chair Johnson agreed that the terms should be defined at the beginning of the Protocols, and that language should be used consistently in the Protocols and Bylaws. She tasked the staff with ensuring consistency.

Ms. Anderson stated that there is language on the website that is fairly clear about where membership should be coming from, and it may need to be changed as well. Chair Johnson tasked staff with checking the website.

**d. Legislation protocol**

Chair Johnson read the draft of the document, which lists protocols for the CCDA in taking positions on legislation.

Ms. Collins stated that CCDA needs to specify testifying under Potential Action. She also addressed the issue of timing – bills get amended regularly throughout the legislative process. The Commission needs to find a way to react to amendments.

Ms. Collins also pointed out that the CCDA might list its support for a particular version of a bill, but want its support withdrawn in a later amendment. Chair Johnson agreed that a change in position should be posted on the website.

Commissioner Burks requested Ms. Collins’ help in crafting procedural language, and noted that bills can quickly change from their original intention. Ms. Collins agreed to help and added that a number of organizations probably had already crafted language dealing with the issue, which the CCDA could look into.

Chair Johnson suggested having a training to give an overview on the legislative process for the Commissioners.

Commissioner Burks noted that since the Commission meets only four times a year, a functional protocol could be devised empowering the Chair and Vice Chair to act in unison to handle needed changes in position, taking the Bagley-Keene Act into consideration.

Commissioner Luehrs commented that the legislation protocol was a large issue with many nuances. He would like to see the document before casting a vote of approval.

Commissioner Luehrs also noted that instead of trying to react to every little piece of legislation, the CCDA could look in a broad way and staff could respond based on broad policies. Chair Johnson responded that Principles around issues could be drawn up to which staff could take position for the CCDA.

**Public Comment**

There was no public comment.

**6. FINANCES/FUTURE FUNDING**

**a. Budget Fiscal Year 2010/2011**

Chair Johnson requested that in future meetings of this sort, a spreadsheet could be provided showing an accounting of the budget.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

Executive Director Vitale stated that this FY's budget had hardly been dented because of the late start at hiring staff and moving into the present facility. Of the surplus of moneys remaining at the end of that FY, only a minimal amount could be transferred forward.

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

Executive Director Vitale explained that the Governor's Office has mandated that certain savings be realized and carried forward: a \$14,000 reduction in the present year's budget for FY 12-13. Staff has produced a BCP listing where those savings were to occur.

Commissioner Navarro asked if CCDA had accounting Policies and Procedures. Chair Johnson responded that CCDA contracts with the Department of General Services (DGS) for accounting, and she assumed that they had Policies and Procedures.

Executive Director Vitale stated that CCDA has in place a series of MOUs with DGS that cover financial and budgeting requirements. CCDA is being extremely frugal in its expenditures. Presently he has staff attending a workshop with Purchasing that will ultimately give CCDA the authority to issue its own purchase orders.

Ms. Collins recommended holding a monthly review of the budget.

Commissioner Navarro and Ms. Collins agreed that the CCDA budget should be aligned with a workplan, to show what tasks have to be performed this year and how they will be funded. Some of CCDA's requirements are statutorily driven, which will be helpful in discussions with the Governor's Office and the Department of Finance.

Executive Director Vitale commented that there is one significant lynchpin associated with the compilation of this information, and it has to do with the hardware situation. The CCDA is presently being hamstrung by the inability to establish hardline computer connections and to have the appropriate computer hardware necessary to operate this organization.

He expressed the need for some type of outside support to bring pressure to bear to allow staff to get the computer connection they need. Ms. Collins said that she'd try to help.

**Public Comment**

Mr. Dolim asked, on behalf of CASI, whether the CASp enforcement will be at the CCDA level under its budget, or whether it will go to the DSA under Senate Bill 262 with its budget responsibilities.

Mr. Dolim stated that SB 262, Section 4459.7(c) contains some responsibility for CASp enforcement; Commissioner Burks noted that there is some cleanup language that CCDA could do. The CASp and Education Committee should take up this issue as an area of interest. Commissioner Burks has spoken with the ESA regarding oversight and responsibility; they do not believe they are required to oversee the CASp program because they have no funding for it.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

**7. LEGISLATIVE AND REGULATORY DEVELOPMENTS AND ITEMS OF GENERAL INTEREST**

- Chair Johnson stated that the Legislature is currently taking a small break.
- Executive Director Vitale noted that AB 410 was chaptered on October 6 and is now a part of the state law. There is now a mandate that individuals with specific disabilities who wish to read a bill under consideration and participate in the public process must be supplied that means. Ms. Collins commented that unless legislation specifies otherwise, bills that are chaptered go into effect January 1 of this fiscal year.
- Executive Director Vitale reported that federal bill HR 881, which attempts to seek a warning on individuals filing access suits, has been with the Subcommittee on the Constitution since March.
- A comparable bill in California calling for a 90-day pre-notice on access suits, SB 783, was returned to the Secretary of the Senate for Joint Rule 62A.
- Chair Johnson requested for future agendas to have a list of bills for discussion. Ms. Collins and Chair Johnson offered to help staff interpret the notes they will get when they access bill status reports.

*(Commissioner Burks departed the meeting at this point.)*

**8. REPORT ON CCDA COMMITTEE ACTIVITIES**

Chair Johnson stated that the committees were mostly in the meeting scheduling phase and did not have much to report on at present.

- Commissioner Dean, Chair of the Civil Enforcement Committee, reported that they would have a meeting in November.
- Commissioner Navarro, Chair of the Access Enhancement Committee, reported that she hoped the committee would meet in November and that she was reviewing candidates for open slots. They also needed to elect a Vice Chair. The committee was going to be active in eliciting public feedback via forums.
- Commissioner Luehrs, Chair of the Accessibility Checklist Committee, hoped to meet on October 31 or possibly in November.

*(Ms. Collins departed the meeting at this point.)*

**Public Comment**

Ms. Anderson asked whether Commissioner Luehrs would be using the same committee members who were previously appointed. Chair Johnson responded that she had reappointed the same Commissioners to the committees. They would have to select public members they would like, to be approved by Chair Johnson. Until the Protocols could be approved, she was not allowing the committees to appoint people. Ms. Anderson would have to reapply to any committee she would like to serve on.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
OCTOBER 20, 2011 MEETING MINUTES**

**9. FUTURE AGENDA ITEMS: The Executive Committee may discuss and set for action on future agendas, procedural and substantive items relating to state buildings regulatory programs, Commission policy, and administrative matters.**

Commissioner Navarro referred back to Agenda Item #8: what was the maximum number of Commissioners who could sit on a committee? Chair Johnson replied that to start, there would be just three. After the Protocols were approved by the Commission, the committees would be adding people. Chair Johnson felt that it made sense to start with three people so that they could flesh out committee plans, formulate a workplan, think about creating subcommittees, and so on.

Mr. Dolim on behalf of CASI suggested that a letter of thanks to the members of the public who had participated on committees would be a good idea. Chair Johnson enthusiastically agreed and directed staff to draft such a letter.

**10. ADJOURNMENT**

Chair Johnson adjourned the meeting at 2:00 p.m.