

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

**November 17, 2011**

**1. CALL TO ORDER**

Chair Johnson called the meeting to order at 12:02 p.m. at Department of Rehabilitation, 721 Capitol Mall, Room 169, Sacramento, California 95814.

The off-site meeting location for teleconference was Community Actively Living Independent and Free, 634 South Spring Street, 2<sup>nd</sup> Floor, Los Angeles, California 90014.

**ROLL CALL**

Secretary Jemmott called the roll.

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

Commissioners Present Via  
Videoconference – Los Angeles Richard Luehrs  
Lilibeth Navarro  
(both joined the meeting shortly after roll was taken)

Also Present: 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.*)

**2. APPROVAL OF MEETING MINUTES (APRIL 21, JULY 7, AND OCTOBER 20, 2011) – ACTION (Postponed until arrival of quorum)**

**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.

**4. GENERAL BUSINESS ITEMS:**

Chair Johnson stated that the Executive Committee would review the items and make suggestions for changes. The changes would be put on the agenda for the next full Commission meeting in January, at which time the full Commission could approve the changes.

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**a. Draft of CCDA Mission Statement**

Chair Johnson read the Mission Statement aloud. She said that she would send it to all the Commissioners, requesting them to give any desired changes or comments to herself and the Executive Director. They would then take the statement to the full Commission meeting in January for approval.

**b. Review Draft of Protocol for selection of Public Committee members.**

Chair Johnson had a note on Item 2 regarding the protocol that public participants should be represented equally: when a public member has some particular kind of expertise, they may be a member without regard to the balance between members of the disability community and the business community. This member would be non-voting.

**c. Review Draft of Legislation Protocol**

Chair Johnson had a note regarding empowerment of the Executive Committee to make decisions about legislation, in situations where to wait for a quarterly full Commission meeting would be too late.

Commissioner Dean felt that the Executive Committee should make those decisions as long as they would be consistent with the Commission's basic positions. The Executive Committee would then inform all Commissioners via email.

Commissioner Dean said that he would have Rex Hime, President of the California Business Properties Association, check on this, as Mr. Hime had expertise on the lobbying process.

*(Commissioner Navarro joined the meeting at that point via teleconference.)*

Commissioner Navarro suggested including legislative positions as a regular cost item on every budget, listing the financial resources needed to advance individual legislative positions.

For subcommittee member protocol, Commissioner Navarro suggested verbiage stating that the failure of a public member appointee to attend two concurrent meetings will be grounds for dismissal unless there are extenuating circumstances. Chair Johnson added that whether or not the circumstances are extenuating should be the decision of the Chair.

Commissioner Navarro brought forward the topic of whether all committee members should have an understanding of the Americans with Disabilities Act (ADA). Chair Johnson responded that basically Committee Chairs need to select the people with the best fit, who would be the most helpful. It is important to maintain a balance between the business and disability communities.

Commissioner Navarro and Chair Johnson discussed the CCDA's role. Its mission to promote disability access will be done via collaboration between the business and disability community. The CCDA is authorized by the government to collect information for that purpose from the cities and counties where available.

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Commissioner Navarro and Chair Johnson decided to add the phrase “dialogue in collaboration” to the mission statement.

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

**2. (Continued) APPROVAL OF MEETING MINUTES (APRIL 21, JULY 7, AND OCTOBER 20, 2011) – ACTION**

Chair Johnson suggested deleting the word “heartfelt” from the April 21 Minutes.

**MOTION:** Commissioner Dean moved to approve the April 21, 2011 meeting Minutes with the minor change above. Committee Member Collins seconded. Motion carried unanimously.

Chair Johnson requested to discern where two unfamiliar names on the roster from the July 7 Minutes had come from.

The October Minutes would be available at the next meeting.

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

**d. By-Law Review (Sections 6.1 and 6.3)**

The Committee discussed the By-Laws, aided by input from Committee Member Collins who had assisted in the drafting. Below is a summary.

- There is a difference between standing committees, ad hoc committees, and subcommittees.
- Item 6.3 will be about subcommittees.
- A new Item 6.4 will describe how ad hoc committees are created and appointed.
- Item 6.4, which discusses standing committees and ad hoc committees, will be changed to 6.5 and a definition of subcommittee will be added.
- The example about buying property used under the ad hoc committee section will be deleted, and another more relevant example inserted.

Chair Johnson clarified for Commissioner Navarro that ex-officio members of the CCDA are non-voting: assembly members, senators, State Architect, and ag members.

**5. FINANCES/FUTURE FUNDING**

**a. Monthly Expenditure Report**

Executive Director Vitale provided an explanation of the budget summary, as follows.

- The CCDA began the year with a budget of \$454,000 that was cut to \$439,000.
- Staff expenditures have increased with the addition of two more people. Also, the CCDA is now renting space from the Department of Rehabilitation (DOR). The remaining budget amount is \$374,000.

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- To be determined are monies expended for participation, travel, public relations, printing costs, etc.

For the future, Chair Johnson requested a breakdown on how much the CCDA is spending as well as a projected budget for monies to be determined.

Commissioner Dean asked whether the CCDA would be part of the state “trigger cuts.” Committee Member Collins explained that the state budget that was passed in the summer included predetermined trigger cuts, also referred to as mid-year reductions. This Commission does not fall under that set of reductions. The future budget is subject to modification – the Legislature can ask to do additional reductions.

Chair Johnson noted that she had met recently with some of CCDA’s business partners when the Commission was developing 1608; they had preliminary discussions about reaching out to people in the administration in order to ensure that funding continues for the CCDA.

Commissioner Navarro brought forward the subject of the money budget and the in-kind budget. In terms of CCDA’s mission to disseminate information toward increasing accessibility, there are many potential partners, such as universities, who can do research at no cost to the CCDA.

Chair Johnson noted that recently, Consumer Training of California offered to have one of its assistants do research for Commissioner Dean on a volunteer basis. She agreed with Commissioner Navarro that a future agenda item could be information and discussion of this subject.

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

**a. Bagley Keene addresses Emergency Meeting in 8.11125.5**

Chair Johnson stated that for more information on emergency meetings, CCDA now has a handy guide to the Bagley-Keene Open Meeting Act. She read the explanations for emergency meetings and special meetings, and noted that when the Executive Committee presents the information to the full Commission on CCDA’s draft legislation protocol, the Committee will let them know that it is possible to call special meetings.

Chair Johnson stated that there is a federally noticed provision related to the ADA, requiring a person with a disability to give notice of violations and give the violator 120 days to fix them. The California Foundation for Independent Living Centers (CFILC) and a number of other organizations have put out a hold on it.

Executive Director Vitale reported a recent action in the San Bernardino courts that found them to be liable for noncompliance with the ADA, resulting in a \$770,000 penalty. There are 13 courthouses that have to be brought into compliance.

He reported another action in which an individual in Southern California has filed 650 lawsuits. He has a mobility impairment and is not an American citizen; he has

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been in the U.S. for a number of years illegally. As a result, the courts are taking issue.

Commissioner Navarro stated that the Los Angeles judge on the emergency preparedness case has definitively ordered the city to come up with a plan to include people with disabilities in its emergency preparedness activities.

Chair Johnson noted that a very large case dealing with budget cuts has just been settled, and will be reported in a press release.

**7. REPORT ON CCDA COMMITTEE ACTIVITIES**

**a. Committee Reports**

- Commissioner Dean stated that a meeting of the Civil Enforcement Committee was scheduled for November 22.
- Commissioner Luehrs reported that the Checklist Committee had met and identified a checklist. Executive Director Vitale explained that the committee had located a sample checklist currently being used by the State of New York to evaluate Title III structures. At the same time the committee explored the possibility to go electronic rather than paper, which would mean a significant cost reduction.

Presently the CCDA has been directed to produce a document, but there is no requirement that the document be used. Some kind of adjustment language needs to be mandated to make it a minimum standard whereby evaluations would be uniform throughout the state.

Facilitating the ability to field-verify compliance may necessitate the CCDA to put out an RFP, verifying to the state that the costs associated with the implementation of this electronic system can be recovered. The vendor of the software notes that the document can be used not only on a PC, but also on iPhones and the Google platforms available. The software is readily convertible to apps. Title III businesses looking to do self-evaluations could go to a website and perform the evaluation at no cost.

Executive Director Vitale noted that the software vendor will be making a presentation at the next Checklist Committee meeting. He added that there is a far-reaching cross-agency benefit to the program. It would enable better use of electronic devices to transfer data throughout the state. Savings would be realized in time spent in the office versus out of the office, printing costs, and the ability to make revisions and updates to platforms available to every user. This endeavor would enable the CCDA to justify its existence through the millions of dollars in savings realized by the state.

Commissioner Luehrs asked about Title 24: did this particular vendor have the wherewithal to overlay Title 24 on top of its software? Executive Director Vitale replied that a primary requirement already was to have a dual-columned checklist in which both the ADA and the CBC standards are shown in parallel, with identification of which is superior to go by.

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- Commissioner Navarro reported that the Accessibility Enhancement Committee was in the process of scheduling its first meeting.

She asked about the protocol for recommending people to the committee while it was still being formed. Chair Johnson replied that she could send a reasonable number of recommendations to the Chair and Executive Director at this point. Members will be officially appointed only after the January meeting, at which time the full Commission needs to approve the protocol. Chair Johnson was concerned that the public has not necessarily been given enough notice on the protocol.

The Committee members established that the next full Commission meeting would be January 19 from 11:00 AM to 5:00 PM.

**Public Comment**

Dawn Anderson of As It Stands asked the location of the full Commission meeting on January 19<sup>th</sup>; the Chair replied that it will be held at the Department of Rehabilitation in Sacramento.

Ms. Anderson asked about having a presentation during the meeting; the Chair replied that the Checklist Committee will be hearing from the software vendor and will discern whether the presentation would be beneficial for all the Commissioners to hear. Executive Director Vitale informed Ms. Anderson that the name of the vendor is Accela.

**8. 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 expressed an interest in upcoming technologies and assistive technologies that can enhance accessibility, that maybe the business community and even certain segments of the disability community are not aware of.

Commissioner Navarro remarked that recently there was talk about 2014 being the year that the federal government would mandate accessible emergency exits.

Commissioner Navarro asked if there were a way to invite disability organizations, cities, and counties to attend and participate in CCDA meetings. Perhaps staff could help the Commissioners spread the word; having many partners would be beneficial to the CCDA in its work. Chair Johnson agreed, and said that she and Executive Director Vitale would develop an email letter to send.

Ms. Anderson commented that in her participation with the ICC Tri-Chapter meetings in the Bay Area, she updates them on the Commission's activities and there is interest.

**9. ADJOURNMENT**

Chair Johnson adjourned the meeting at 1:52 p.m.