

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

March 25, 2015

1. CALL TO ORDER

Chair Michael Paravagna welcomed everyone and called the meeting of the Legislative Committee of the California Commission on Disability Access (CCDA or Commission) to order at 10:00 a.m. at the Department of Rehabilitation, 721 Capitol Mall, 2nd Floor, Sacramento, California 95814.

The off-site meeting location for teleconference was Cal Insurance and Associates Inc, 2311 Taraval Street, San Francisco, California 94116.

Chair Paravagna reviewed the meeting protocols.

ROLL CALL

Commissioners Present:

Michael Paravagna, Chair
Scott Hauge
Douglas Wiele

Staff Present:

Angela Jemmott, Executive Director
Brandon Estes, Program Analyst

Also Present:

Steve Derby, Derby Law Firm (Teleconference)
David Geffen, David Geffen Remediation (Teleconference)
Ruthee Goldkorn, Californians for Disability Rights, Inc.
Antony Goldsmith, Californians for Disability Rights, Inc.
Jeff Harrison, Metz and Harrison (Teleconference)
Gary Layman, Certified Access Specialist Institute (CASI), the California Building Officials (CALBO) (Teleconference)
Juney Lee, Department of Rehabilitation (Teleconference)
Donald Parks, Accessible Technology Services (Teleconference)
Tim Thimesch, Tim Thimesch Law Office (Teleconference)

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

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

Donald Parks, of Accessible Technology Services, suggested that the Commission add Senate Bill (SB) 624 by Senator Joel Anderson to the watch list, which is a follow-up to

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
LEGISLATIVE COMMITTEE
MARCH 25, 2015, MEETING MINUTES**

a state audit of all government operations for Section 508 compliance. The audit is scheduled to be out in May.

3. THE MAKE-UP OF THE COMMITTEE - DISCUSSION AND ACTIONS

Chair Paravagna referenced a Policy Memorandum titled "Selection of Public Committee Members Protocols" and asked individuals interested in being a part of the Legislative Committee to submit a letter of intent and qualifications to staff.

Executive Director Jemmott encouraged representatives of government offices such as the Department of Rehabilitation (DOR) to contact staff to serve as ex-officio members to the Committee and form a collaborative partnership.

Commissioner Hauge asked if the public members would be voting members. Chair Paravagna answered in the affirmative.

Commissioner Hauge stated the concern of having more public members than Commissioners. Chair Paravagna suggested a limit of one public member from the business community and one public member from the disability community, which would give the Committee balance.

Chair Paravagna stated he will make some proposed revisions to the protocol document to submit to the Executive Committee.

Action Items:

- Chair Paravagna is to make proposed revisions to the protocol document to submit to the Executive Committee.

4. CURRENT BYLAWS REGARDING LEGISLATIVE ACTIONS - DISCUSSION AND ACTION

Chair Paravagna suggested submitting the changes made in red to the Bylaws to the Executive Committee for review. The changes have to do with the function of the Legislative Committee in reviewing and/or proposing legislation.

MOTION: Commissioner Hauge moved to submit the recommended changes to the Bylaws to the Executive Committee. Chair Paravagna seconded. Motion carried unanimously.

Action Items:

- Staff is to submit the recommended changes to the Bylaws to the Executive Committee.

5. LEGISLATIVE RUBRIC - DISCUSSION AND ACTIONS

Executive Director Jemmott reviewed suggested short- and long-term Legislative Committee goals and the Mission and Vision Statements of the CCDA to keep at the forefront when considering pieces of legislation. She presented a rubric of questions to help keep the Committee focused and on target when considering items of legislation.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
LEGISLATIVE COMMITTEE
MARCH 25, 2015, MEETING MINUTES**

Commissioner Hauge suggested that the question “do our strategic partners oppose or support this bill?” should carry a heavier weight than the first two questions on the rubric. Executive Director Jemmott agreed.

Chair Parvagna stated the Committee can consider each item on a case-by-case basis. Commissioner Wiele agreed and stated the rubric is sufficient and gets the job done.

MOTION: Commissioner Wiele moved adoption of the recommended Legislative Rubric. Commissioner Hauge seconded. Motion carried unanimously.

Public Comment:

David Geffen, of David Geffen Remediation, asked if the bills are broken down into components or considered as one unit in the rubric. Chair Paravagna stated they are looked at as one unit because there is no room to break them down or add narratives.

Action Items:

- No action items.

6. REVIEW OF THE STRATEGIC PLANNING GOALS IN RELATIONSHIP TO THE LEGISLATIVE OBJECTIVES - DISCUSSION AND ACTION

Executive Director Jemmott asked Commissioners to review the nine goals from the strategic plan and suggested the goals the Legislative Committee should work on.

Public Comment:

Tim Thimesch, of Tim Thimesch Law Office, asked if Number 9 in the expanding methods of obligation also includes facilitating awareness in the public or is only focused on the authority.

Executive Director Jemmott stated Number 9 does focus more on local ordinances; however, there is more public awareness in Number 1 and some of the other goals. She directed Mr. Thimesch to the CCDA website where an expanded version of the strategic goals is posted.

Mr. Thimesch asked if Number 9 is where the CCDA will weigh in on current legislative measures. Chair Paravagna stated the Commission will weigh in on all nine goals because they all can potentially be impacted by legislation.

MOTION: Commissioner Hauge moved adoption of the nine recommended goals of the strategic plan for the Legislative Committee to work on. Commissioner Wiele seconded. Motion carried unanimously.

Action Items:

- No action items.

7. REVIEW OF CURRENT BILLS TRACKED BY CCDA - DISCUSSION

- **AB52 - Assembly Member Adam Gray**

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
LEGISLATIVE COMMITTEE
MARCH 25, 2015, MEETING MINUTES**

- **AB54 - Assembly Member Kristen Olsen**
- **SB67 - Senator Cathleen Galgiani**
- **SB251 - Senator Richard Roth**

Executive Director Jemmott reviewed the four bills currently being watched by staff.

Commissioner Questions and Discussion:

Commissioner Hauge asked if the state disability laws prohibit anyone from filing the action federally. The state is limited to \$1,000 per action. Chair Paravagna stated the state has no authority to enforce a federal law.

Executive Director Jemmott stated there were 1,172 federal lawsuits and 1,186 state lawsuits submitted to the CCDA between January and October 2014. Staff is looking into why the number of state and federal cases are about the same.

Commissioner Hauge stated the San Francisco disability community asked the Commission to track Assembly Bill (AB) 61, which allows local authorities to permit shuttle service vehicles to stop in the loading or unloading of passengers along permissible curb spaces.

Chair Paravagna added that Mr. Parks mentioned SB 624 as a potential bill of interest.

Public Comment:

Anthony Goldsmith, of Californians for Disability Rights (CDR), stated the CDR is working with legislators to create a proposed amendment to increase landlord accountability and decrease lawsuits against small businesses, which is summarized in a document called Access First.

Mr. Geffen agreed with Mr. Goldsmith regarding landlord accountability. He stated the legislation discourages people with disabilities from informally resolving their own disputes and attorneys from taking cases because they may be working for free. Statutory damages are intended to compensate people who have experienced discrimination; limiting payment of damages will not lessen that discrimination.

Mr. Thimesch stated the primary advantage of General Order 56 is that it requires attorneys to follow a process to resolve the issues in a case in a timely manner. He noted that this process works well in Northern California.

Ruthee Goldkorn, representing CDR and the chair of the California Democratic Party Disability Caucus, emphasized the importance of damages for people who have experienced discrimination. She added that tax credit, which was detailed in the Legislative Counsel's Digest, will help small businesses improve accessibility and therefore gain customers. She stated CDR is collaborating with the Legislature and other organizations to draft a state law version of General Order 56, which they will then provide to the Commission.

Action Items:

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
LEGISLATIVE COMMITTEE
MARCH 25, 2015, MEETING MINUTES**

- No action items

8. FUTURE AGENDA ITEMS

Mr. Geffen suggested the possibility of scanning demand letters into a record. Executive Director Jemmott stated the State Bar tracks more detailed punitive responses to demand letters. She welcomed Mr. Geffen to work with staff to develop a consistent method of recording that information in a better format for the public.

Executive Director Jemmott invited discussion within the disability and legal communities to create a checklist for the CCDA regarding lawsuits and barriers.

Mr. Thimesch recommended balancing renegotiation of leases with full disclosure of past obligations in the premises.

Mr. Parks stated the audit report on technology and accessibility is due in May, after which there will be a hearing on the results. He asked that the Legislative Committee consider this in its future activities.

Action Items:

- No action items

9. ADJOURN

There being no further business, the meeting was adjourned at 12:00 p.m.