CCDA | California Commission on Disability Access

GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA COMMISSION ON DISABILITY ACCESS
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MEMBERS of the COMMISSION
Guy Leemhuis – Chair
Scott Hauge – Vice-Chair
Tom Ammiano – Assembly Member
Connie Conway – Assembly Member
Ellen Corbett – Senate Member
Jean Fuller – Senate Member
Chris Downey
Douglas Wiele

MEMBERS of the COMMISSION
Lillibeth Navarro
Greg Thompson
Anthony Seferian
Chester "Chet" Widom
Betty Wilson
Steve Dolim
Michael Paravagna

Commission Executive Staff
Stephan Castellanos – Executive Director

AMENDED
MEETING NOTICE AND AGENDA
CALIFORNIA COMMISSION ON DISABILITY ACCESS

EXECUTIVE COMMITTEE

April 9th, 2014

1:30 PM to 3:30 PM
(The end time is an estimate, the meeting may conclude earlier)

TELECONFERENCE # 1-866-662-5089
PARTICIPANT PASSCODE 24114538

Meeting Site Location

CITY OF LOS ANGELES DEPARTMENT ON DISABILITY
201 NORTH FIGUEROA ST. SUITE 100
LOS ANGELES, CA 90012

Off-Site Meeting Locations (Teleconference Only)

DEPARTMENT OF REHABILITATION
721 CAPITOL MALL
ROOM 242, 2ND FLOOR
SACRAMENTO, CA 95814

2311 TARAVAL ST.
SAN FRANCISCO, CA 94116

Notice is hereby given that the California Commission on Disability Access (CCDA) Executive Committee will hear, discuss, deliberate and/or take an action upon the following items listed in this notice. The public is invited to attend and provide their input or comments.

ITEMS:

1) **Call to Order/ Roll Call**

2) **Approval of Meeting Minutes (February 19th, 2014) – Action**

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.

4) **Executive Director's Report**
   -CCDA partners
   -Speaker(s) for April 23rd Full Commission Meeting
      --Speaker(s) on the topic of usage of CASp professionals
      --Speaker(s) in response to the San Francisco MTA task group presentation

5) **Strategic Planning – Status and Discussion**

6) **Monthly Budget Update**

7) **Discussion of status of the data collection project**
   -Review of total received to date
   -Data analysis discussion

8) **Discussion of SB 1608 Commission duties: Section 8299.05 (Original Language)**

9) **CCDA Bill Tracking**
   -AB 1885 - Public Buildings: access: disabled persons - Bigelow R
   -AB 1991 - Construction-related accessibility claims - Morrell R
   -AB 2714 - Vehicles: disabled persons placard - Hernandez, Roger D
   -AB 1612 - Accessible California Code of Regulations - Donnelly R

10) **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.

11) **Closed Session – Personnel Matter**
Executive Director Review

(This closed session is conducted as authorized by Government Code §11126 (a))

12) Open Session

13) Adjourn

The Executive Committee meeting is operating under the requirements of the Bagley-Keene Open Meeting Act set forth in Govt. Code Section § 11120-11132. The Act generally requires the Executive Committee to publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meeting in public unless specifically authorized by the Act to meet in closed session.

- **Meetings are subject to cancellation; agenda items are subject to removal or items may be taken out of order.**
- **The CCDA Executive Committee meets under the authority of Government Code § 8299.**
- **The CCDA Executive Committee may hold a closed session on pending or proposed litigation involving the Commission [Govt. Code § 11126(e)] and personnel matters and performance review relating to the Commission [Govt. Code § 11126(a)].**
- **The meeting facilities and restrooms are accessible to individuals with disabilities.**
- **Each CCDA Committee meeting will provide a teleconference line, large print agendas, and captioning.**
- **Requests for accommodations for individuals with disabilities (sign-language interpreter, assistive listening device, Braille, or any other accommodation needed by an individual) should be made to the Commission office no later than 10 (ten) working days prior to the day of the meeting.**
- **Technical difficulties with equipment experienced prior to or during the meeting preventing or inhibiting accessibility accommodation is not cause for not holding or for terminating the scheduled meeting.**
- **If Para transit services are needed, they may be contacted at (916) 429-2744, TDD (916) 429-2568 in Sacramento. Sacramento Regional Transit (www.sacrt.com) has public transit available the day of the meeting. For alternate routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327).**
- **For Los Angeles Public Transit (www.metro.net) or (323) 466-3876 for bus and rail transit information. Riders with hearing or speech impairments use the California Relay Service – dial 711, and then the number you need. For Para transit services (www.asila.org) or if you ARE a certified access services rider within Southern California and would like to make a reservation call: 1-800-883-1295, TDD 1-800-826-7280. If you ARE NOT a certified access services rider, contact customer service at 1-800-827-0829, TDD 1-800-827-1359.**

- **For the latest information on meeting status, check the California Commission on Disability Access Web Site: http://www.ccda.ca.gov/**
- **Questions regarding this notice and agenda may be directed to Steve Funderburk, Office Administrator at (916) 319-9974 or at 721 Capitol Mall, Room 250, Sacramento, California 95814.**

2) Approval of Meeting Minutes (February 19th, 2014) – Action

CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MEETING MINUTES

February 19, 2014

1. CALL TO ORDER

Vice Chair Scott Hauge welcomed everyone and called the meeting of the Executive Committee of the California Commission on Disability Access (CCDA or Commission) to order at 1:30 p.m. at the City of Los Angeles Department on Disability, 201 North Figueroa Street, Suite 100, Los Angeles, California 90012.

The off-site meeting locations for teleconference were the Department of Rehabilitation, 721 Capitol Mall, Room 407, 2nd Floor, Sacramento, California 95814, and Cal Insurance and Associates Inc., 2311 Taraval Street, San Francisco, California 94116.

Vice Chair Hauge reviewed the meeting protocols.

ROLL CALL

Committee Member Present:	Samantha David, Office of Senator Corbett (Teleconference)
Commissioners Present:	Guy Leemhuis, Chair Scott Hauge, Vice Chair (Teleconference) Betty Wilson
Staff Present:	Stephan Castellanos, Executive Director (Teleconference) Angela Jemmott, Program Analyst (Teleconference) Steven Funderburk, Office Technician (Teleconference)

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

2. APPROVAL OF MEETING MINUTES (December 19, 2013) – ACTION

MOTION: Commissioner Wilson moved to approve the December 19, 2013, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Vice Chair Hauge seconded. Motion carried unanimously.

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

There was no public comment.

4. STRATEGIC PLANNING - UPDATE

Executive Director Castellanos stated the stakeholder assessment interviews and the analysis of the assessment have been completed. The draft report will be ready in March to be distributed, first to the design team and then to the full Commission, for review. Planning workshops are anticipated to begin late March, and a two-day workshop is planned for mid-April. He anticipated that a draft strategic plan will be provided in late April for Commission review, to be followed by validation workshops in May.

Staff is working on streamlining the process while recognizing the Commission's responsibilities under Bagley-Keene, and providing recommendations as to how to gather the greatest input from all members of the Commission as participants, not just as reviewers.

Vice Chair Hauge asked if the strategic planning effort is on schedule. Executive Director Castellanos stated they are a week or two behind due to the January legislative reporting.

Commissioner Wilson stated she was interested in the assessment analysis as it will help the Commission focus on what is needed as training modules, and was pleased the interviewees came from all over the state.

Action Items

- No action items.

5. MONTHLY BUDGET UPDATE

Staff Member Jemmott stated the budget is on target overall.

Executive Director Castellanos agreed, and noted that staff will soon enter phase two of the website project, which will include additional features that will be reflected in the Consultant and Professional Services line item. Also, the Consultant line item will include an increase for the strategic planning consultant for their assistance with the report to the Legislature.

Executive Director Castellanos stated additional file cabinets are required to store the claims and demand letters received for the data collection and anaysis.

Commissioner Wilson asked if provision had been made to expand the Commission operation, and whether staff is looking into using interns and volunteers to help with the data collection.

Executive Director Castellanos answered in the affirmative and stated staff can utilize available meeting rooms where volunteers can work. The Department of Rehabilitation (DOR) has provided volunteer support and the Department of Justice

(DOJ) has provided legal interns. Staff is looking into alternative ways of adding support and increasing their analytical capacity for the data collection project.

The Commission's $95,000 Budget Change Proposal (BCP) was approved by the Department of Finance (DOF) for the governor's budget and is in the Legislature now.

Action Items

- No action items.

6. REPORT ON FIRST EDUCATION AND OUTREACH MEETING

Commissioner Wilson stated the first meeting of the Education and Outreach Committee was on February 5th, and all Committee members were present with the exception of Commissioner Navarro and Paula Pearlman. The meeting was held in Los Angeles, with teleconference sites in Bakersfield, Sacramento, and San Francisco.

Committee Members were asked to provide feedback on ideas and projects for the Committee, and, as yet, no response had been received. She asked staff to email a reminder to all Committee Members to respond by March 3rd.

Commissioner Wilson asked Executive Director Castellanos to provide an update on the collaboration between the Commission, the DOR, and the Division of the State Architect (DSA).

Executive Director Castellanos stated he will be meeting with the DOR and the DSA tomorrow to discuss the provision in Senate Bill (SB) 1186 that created a fund in the DSA's office, which is made up of 30 percent of a one dollar fee added to business licenses that are issued at the local level. The state architect can use up to 75 percent of the money he receives for the support of the Certified Access Specialist (CASp) Program. The rest of it is to be used for education and outreach.

Staff has been in discussion with the DSA about developing a Memorandum of Understanding (MOU) between the CCDA, the DOR, and the DSA as outlined in the law to create an education and outreach program. The CCDA lawsuit data collection and the top ten violations list are critical components guiding this effort. The CCDA, the DOR, and the DSA will come to some understanding regarding the MOU in tomorrow's meeting. Senator Steinberg's office has taken an interest in this, and a representative will be in attendance tomorrow in an effort to expedite the process.

Commissioner Wilson stated, in response to a half-hour radio show she was on to get the word out about the Commission, there was a question of how to contact the Commission when someone does not have an Internet option. She recommended having an 800 number.

Commissioner Wilson also recommended reporting regularly to the Legislature, perhaps on a quarterly basis, on the activities of the Commission, such as the radio

show she was on this morning, to let legislators know what Commissioners are doing to promote Commission activities in the community.

Action Items

- Staff is to email a reminder to all Education and Outreach Committee Members and a request to all Commission members to provide feedback by March 3rd on ideas and projects for the Education and Outreach Committee, fundraising ideas, and ideas on resources to keep Richard Skaff's restaurant guide updated.

7. DEMAND LETTER PROJECT - DISPLAY PLAINTIFF/DEFENDANT/ATTORNEY ON WEB - PREVIOUS MEETING DISCUSSION - UPDATE

Executive Director Castellanos stated demand letters and claims continue to come in. The first year serves as a benchmark for what is occurring throughout the state. The initial assumption was that education and outreach, putting tools in people's hands, could help ward off lawsuits. Staff would like to analyze the issues that may or may not be true about that notion to see where the real barriers are to measure the effectiveness of programs. Next year, staff will focus on learning from the data that has been collected, targeted education, reaching out in the community, the website, and working with the DOR and the DSA.

Staff has received feedback that, although there are no legal issues in identifying parties of lawsuits as it is public information, there is sensitivity about displaying all parties' information on the CCDA website. Conversely, staff has also received public requests for that information. Executive Director Castellanos asked Commissioners to inform staff of the information they would like displayed on the CCDA website as part of the data collection reporting. This does not apply to the demand letters. Once a claim is filed, it is part of public record. Staff has received feedback that publishing the names of the parties may invite harassment to individuals exercising their Constitutional rights.

Executive Director Castellanos stated the names of the parties are not posted online, but the information is provided to individuals when requested. He stated he would like the focus to be on identifying the types of issues that are the most frequent violations and where they occur, and educating people to reduce their liability, rather than putting the focus on the names of the parties. He recommended that staff continue as they have been by continuing to post the information that allows the Commission to be consistent with their charge; if anyone would like more information, they can request it. He added that there is an opportunity when giving out the information to have a conversation about what the information means. That opportunity is lost when the information is just posted on the website.

Chair Leemhuis, Vice Chair Hauge, and Commissioner Wilson agreed.

Action Items

- No action items.

8. LEGISLATIVE REPORTING

Executive Director Castellanos stated the Commission provided the second annual report to the Legislature in January. Staff has received positive comments about what was included in the report. He stated Senator Corbett's office told staff that it is evident the Commission has "turned a corner" and is involved in work of increased significance, and that the Commission is well-placed, in 2014, to begin to gain ground on important issues. He added that the work group that worked on SB 1608 and SB 1186 has asked for a copy of the report.

The report has been posted on the website and is really two reports in one: the required progress report for the prior year, and a report on the data collection project.

In the back of the report there are tabulations and data about the information collected. Staff will work with the Education and Outreach Committee about the kinds of questions to ask about the data and the type of future analysis going forward. Staff is collecting comments from people who contact the Commission about the information and the report, and is preparing a list to help people use the information more readily. The database is searchable and, along with determining how to organize the information for dissemination, Executive Director Castellanos recommended that the Commission use this information to guide where to put resources for training and education.

The Commission has a lot to be proud of. It made great strides in organization in 2013, and established a full Commission by working with the governor's office and the Legislature. The Commission has become an effective working unit of government to meet deadlines, fulfill assigned tasks, and provide benefits to the citizens of the State of California, and will provide useful educational tools. With the strategic planning effort mentioned in the report, the Commission will have an even stronger foundation that will enable an even better report to the Legislature in 2015.

Action Items

- No action items.

9. CLOSED SESSION - PERSONNEL MATTER

The Commissioners adjourned into closed executive session. No action was taken.

10. FUTURE AGENDA ITEMS

Action Items

- Commissioners are to email future agenda items to staff.

11. ADJOURN

Vice Chair Hauge adjourned the meeting at 3:30 p.m.

6) Monthly Budget Update

Commission on Disability Access
BUDGET AND EXPENDITURES SUMMARY
July 2013-June 2014 FISCAL YEAR
Monthly Reporting as of 03/31/14

Expenditure Category	Budget	Current Month	Year-to-Date Expenditures	Encumbrances *	Available Balance	% of Budget Available
Personnel Services						
Staff Salary/Wages &	$ 201,000.00	$ 16,157.00	$ 145,681.00		$ 55,319.00	52.1%
Staff Benefits	$ 84,000.00	$ 6,308.09	$ 55,978.33		$ 28,021.67	33.4%
Personal Services Totals	**$ 285,000.00**	**$ 22,465.09**	**$ 201,659.33**	**$ -**	**$ 83,340.67**	**29.2%**
Operating Expenses & Equipment						
General	$ 15,000.00	$ 265.38	$ 3,854.07		$ 11,145.93	74.3%
Printing	$ 1,500.00	$ 341.29	$ 1,073.50	$ 997.14	$ (570.44)	-38.0%
Communications	$ 3,000.00	$ -	$ 1,935.40		$ 1,064.60	35.5%
Postage	$ 500.00	$ 96.22	$ 341.47		$ 158.53	31.7%
Travel: In State	$ 12,000.00	$ 45.15	$ 3,326.83		$ 8,673.17	72.3%
Travel: Out-of-State	$ -	$ -			$ -	
Training	$ 3,000.00	$ -	$ 1,015.00		$ 1,985.00	66.2%
Facilities Operations	$ 37,000.00	$ 3,120.75	$ 24,966.00	$ 12,483.00	$ (449.00)	68.7%
Cons & Prof Svcs-Interdept.	$ 38,000.00	$ -	$ 4,351.80	$ 3,828.00	$ 29,820.20	93.6%
Cons & Prof Svcs-External(TEC)	$ -	$ 89.30	$ 10,067.69	$ 4,880.00	$ (14,947.69)	
Departmental Service					$ -	
Consolidated Data Center	$ 10,000.00	$ 100.42	$ 583.64		$ 9,416.36	94.2%
Information Technology	$ 20,000.00	$ -	$ -		$ 20,000.00	100.0%
Other					$ -	
					$ -	
					$ -	
					$ -	
Total O&E	**$ 140,000.00**	**$ 4,058.51**	**$ 51,515.40**	**$ 22,188.14**	**$ 66,296.66**	**47.4%**
Total P Svs. and OE&E	**$ 425,000.00**	**$ 26,523.60**	**$ 253,174.73**	**$ 22,188.14**	**$ 149,637.33**	**35.2%**

7) Discussion of status of the data collection project

CCDA Data Collection Totals

Quarterly Comparison

	Q1 2013	Q1 2014
January	112	287
February	117	201
March	146	211
Total	375	699

Total number of demand letters and complaints received from the beginning of collection in September 2012 to December 2013: 2,824

8) Discussion of SB 1608 Commission duties: Section 8299.05 (Original Language)

SB1608

8299.05. (a) The commission shall study and make reports to the Legislature on the following:
(1) Issues regarding compliance with state laws and regulations that are raised by either persons with disabilities or businesses, and any recommendations that would promote compliance.
(2) Whether public and private inspection programs, including the Certified Access Specialist Program, are meeting the needs of both the business community and the disability community, including by the provision of timely, competent inspections that properly identify violations and recommend appropriate remedial measures.
(3) Whether existing training and continuing education requirements for personnel involved in designing, plan checking, building, or inspecting a structure are sufficient to provide the personnel with sufficient knowledge of the state and federal disability access laws and regulations.
(4) Whether training and continuing education requirements should be enacted for landscape architects, professional engineers, and contractors to provide these professionals with sufficient knowledge of the state and federal disability access laws and regulations. This study and report shall be completed and delivered to the Legislature no later than January 1, 2011.
(b) (1) The commission shall act as an information center on the status of compliance in California with state laws and regulations providing persons with disabilities full and equal access to public facilities. To this end, it shall publish a biennial report, which may be combined with the biennial report required in odd-numbered years pursuant to subdivision (e), on the state of disability access compliance by both the public and private sector. The report shall be written in general terms and shall not identify any particular violators.
(2) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.
(c) The commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction.
(d) The commission shall provide, within its resources, technical information regarding any of the following:
(1) Preventing or minimizing problems of compliance by California businesses by engaging in educational outreach efforts and by preparing and hosting on its Internet Web site a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements.
(2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.
(e) The commission shall make reports on its activities, findings, and recommendations to the Legislature from time to time, but not less often

than once during every odd-numbered year, on or before May 1 of that year, commencing in 2011.

8299.06. The commission, as soon as practicable, but in no event later than July 1, 2010, shall develop, in consultation with the staff of the California Building Standards Commission, a master checklist for disability access compliance that may be used by building inspectors.

8299.07. The commission shall study the operation of Section 55.54 of the Civil Code to assess whether it is operating to achieve its desired goal of reducing unnecessary civil actions that seek attorney's fees and damages but that do not facilitate compliance with state laws and regulations governing disability access, and whether that section is unduly impacting claims brought to facilitate compliance. The commission shall report its findings and any recommendations to the Legislature no earlier than July 1, 2013, and no later than July 1, 2014.

8299.08. (a) The commission, within its purview, is expressly authorized to inform the Legislature of its position on any legislative proposal pending before the Legislature and to urge the introduction of legislative proposals.

(b) The commission is expressly authorized to state its position and viewpoint on issues developed in the performance of its duties and responsibilities as specified in this chapter.

8299.09. With respect to its duties, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state to implement the findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.

9) CCDA Bill Tracking

CCDA BILL TRACKING RPT
4/7/2014

Total Measures: 4

AB 1612 (Donnelly R) State government: regulations.
Status: 4/3/2014-Re-referred to Com. on A. & A.R.

Summary: Current law requires the Legislative Counsel to make specified information available to the
public in electronic form, including, among other things, the legislative calendar, the text of each bill
introduced in each current legislative session, the California Codes, and the California Constitution.
This bill would require the Office of Administrative Law to make those regulations searchable in one or
more formats and by one or more means in order to provide the greatest feasible access to the public,
and also make those regulations available by other means, as specified.

AB 1885 (Bigelow R) Special access: disabled persons: liability.
Status: 4/2/2014-Re-referred to Com. on JUD.

Summary: Current law, a person, firm, or corporation that interferes with the access rights of a
disabled individual is liable for the actual damages of each offense and any amount determined by a
judge or jury of up to 3 times the amount of the actual damages, but in no case less than $1,000. This
bill would establish notice requirements for an alleged aggrieved party to follow before bringing an
action against a business for an alleged violation of the above-described provisions. The bill would
require that party to provide specified notice to the owner of the property, agent, or other responsible
party where the alleged violation occurred.

AB 1991 (Morrell R) Construction-related accessibility claims.
Status: 2/21/2014-From printer.

Summary: Current law provides, upon being served with a summons and complaint asserting a
construction-related accessibility claim, that specified defendants may file a request for a court stay

and early evaluation conference in the proceedings, as specified. This bill would make technical,
nonsubstantive changes to the above-described provision relating to the assertion of constructionrelated
accessibility claims.

AB 2714 (Hernández, Roger D) Vehicles: disabled persons placard.
Status: 2/24/2014-Read first time.

Desk Policy Fiscal Floor Desk Policy Fiscal Floor Conf.
Conc. Enrolled Vetoed Chaptered
1st House 2nd House
Summary: Would state the intent of the Legislature to protect the needs of disabled persons and
veterans and would prohibit a city or county from adopting an ordinance or passing a resolution that
limits in any way the authority for a disabled person or disabled veteran to park a vehicle pursuant to
these provisions.