

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

August 16, 2012

1. CALL TO ORDER

Chair Burks called the meeting to order at 12:06 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 244, Sacramento, California 95814.

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

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Rocky Burks, Chair
Michael Dean
Lillibeth Navarro (Teleconference)
Betty Wilson (Teleconference)

Committee Members Present: Jennifer Richard

Staff Present: Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Staff Member Jemmott announced a quorum was present.

2. APPROVAL OF MEETING MINUTES (July 19, 2012) – ACTION

MOTION: Commissioner Dean moved to approve the July 19, 2012, Meeting Minutes. Commissioner Navarro seconded. Motion carried unanimously with one abstention.

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

No public comment.

4. GENERAL BUSINESS ITEMS

a. MOU and Contract – Update

Chair Burks asked staff to summarize the Memorandums of Understanding (MOUs) and the costs associated with them to outline the Commission's debt obligation for the 2012-2013 fiscal year (FY).

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Staff Member Jemmott stated there are five interagency agreements listed through June 30, 2013, for a total encumbrance of \$71,714 out of the total budget of \$407,000:

- \$28,000 with Contract Fiscal Services
- \$21,744 with the Department of Rehabilitation (DOR) for facilities
- \$10,537 with the Department of General Services (DGS) IT
- \$9,873 with the DGS Human Resources (HR)
- \$1,560 with the Department of Technology Services

Except for the \$1,800 per month facility obligation, the other four MOUs and service agreements are not fully exhaustible.

The additional contracts, totaling approximately \$73,000, listed in the annual summary were estimated based on last FY totals. Webcasting represents a new cost for this FY and, together with captioning services, makes up the highest expenses.

b. Executive Director Recruitment – Update

Commissioner Dean and Commissioner Jakobson-Johnson have identified five applicants for further consideration for the executive director position.

Chair Burks asked if Commissioners are willing to be participation members in the interview process. While the decision to include additional participation members should be made by the full Commission, he plans to recommend, due to current economic constraints, including the members of the Executive Committee at minimum.

Commissioner Dean stated he and Commissioner Jakobson-Johnson suggest dispensing with the telephone interview and proceeding with face-to-face interviews. Chair Burks agreed and stated he will discuss a possible sixth candidate with Commissioners Dean and Jakobson-Johnson later. He also stated he will contact the new HR representative this afternoon.

Staff Member Jemmott asked if HR will schedule the interviews, and Commissioner Dean asked how soon this will be. Chair Burks stated the interview process will begin once the full Commission concurs with the Executive Committee's recommendation. The interviews will take place in the Ziggurat building in West Sacramento. He assured Committee Member Richard the interviews will begin after the legislative session and the full Commission meeting, ideally in the first week of September.

In answer to Commissioner Dean's question, Chair Burks stated the recommendation to the Commission will be that the Executive Committee participates in the interview process. There will be additional costs to bring together other Commissioners that may want to participate. There have been

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two reductions subsequent to the first interview process, from \$480,000 to \$407,000, with a five percent staff reduction as of July.

There was some confusion as to whether the budget will increase by the staff reduction and the 4.62 percent salary reduction agreement for state employees. Committee Member Richard stated, since the Commission is funded through the General Fund, a percentage will therefore be cut from the budget. Chair Burks requested that staff contact the Department of Finance (DOF) to answer these questions before the full Commission meeting.

In answer to Commissioner Navarro's question, Chair Burks stated the full Commission will discuss empowering the Executive Committee to offer the executive director position. Commissioner Wilson suggested that Commissioners participate in the interviews for the position by telephone to save travel costs.

Action Items

- Chair Burks is to discuss a possible sixth candidate with Commissioners Dean and Jakobson-Johnson.
- Chair Burks is to contact the new HR representative about scheduling interviews.
- Staff is to contact the DOF to answer budget questions before the full Commission meeting and to report the findings to Chair Burks.

c. August 2012 Full Commission Meeting – Update

Staff Member Jemmott stated Commissioner Seferian agreed to administer the oath at the full Commission meeting and asked what the Executive Committee would like to use for the oath.

Commissioner Dean suggested that Attorney General Seferian read the oath all Commissioners signed. Committee Member Richard stated the only requirement is that the person doing the swearing in has to be authorized. Chair Burks recommended an official swearing in for all Commissioners.

Action Items

- Staff is to contact Commissioner Seferian to ask that he read the oath all Commissioners signed at an official swearing-in ceremony at the full Commission meeting.
- Chair Burks is to bring a camera to the full Commission meeting to take photographs of Commissioners for the website.
- Chair Burks is to contact the guest speakers for the full Commission meeting. He is also to ask Commissioner Widom if he will use a PowerPoint for his presentation.

d. CCDA Commissioner Appointments – Update

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Chair Burks stated Commissioners Luehrs and Pomerantz are unfortunately no longer on the Commission. Under Government Code requirements, there is a sixty-day window after a Commissioner's term lapses to receive a continuing appointment. While the Commissioners' applications were received by the Governor's Office within that grace period, there was no determination within the grace period for reappointment. Therefore, their reappointments cannot occur until January 1, 2013. The Governor's Office apologizes for the delay in appointments to the Commission.

Chair Burks urged Commissioners whose appointments expire on January 1, 2013, to get their applications in now in order to be considered for reappointment.

In response to Committee Member Richard's question, Chair Burks stated the ability of the Commission to reach a quorum has been affected by the delay in appointments. Quorum is based upon the eleven members that are appointed. He has had discussions with the Assembly Appointments Office that their second Assembly appointment has not occurred yet. He has also been in discussion with the Governor's Office about their three delayed appointments. The Commission cannot afford to have even one of them not be in attendance to carry on a meeting for the full Commission.

Action Items

- Chair Burks is to contact Commissioner Navarro to update her on Commissioner appointment issues.
- Chair Burks is to contact Commissioner Wilson to give her further details about submitting the reappointment paperwork.

e. Report to the Legislature – Discussion

Since several legislative members and staff believe this Commission has accomplished nothing, Chair Burks suggested providing a report to the Legislature to demonstrate the work that has been done by this Commission. He asked for the Executive Committee's support in taking this issue to the full Commission for discussion.

Thus far, the existence of this Commission has elevated the discussion of compliance efforts and increased awareness of the severity of the problems. There is a useable checklist on the website. Additionally, the California Department of Housing and Community Development created a checklist and, in the forward, acknowledged it came at this Commission's request. The issue of the CASp and Education Program was elevated to the discussion of statute in another area, due to the questions this Commission asked, and will have far-reaching implications.

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Commissioner Dean agreed with giving a report to the Legislature. He asked where the report would be sent. Chair Burks stated it would be addressed to the Speaker Pro Tem and the Speaker of the Assembly, with copies to Senator Corbett and the Governor's Office. Committee Member Richard agreed and suggested sending additional copies to the relevant policy committees and their staff, and courtesy copies to the legislators. She offered to help in creating a list of recipients.

In answer to Commissioner Dean's question, Chair Burks stated the report will come from the Commission, ultimately ratified at the December meeting.

Committee Member Richard suggested stating the statutorily-mandated requirements and deadlines met, using persuasive language, and structuring the report so it clearly relates to the tangible things the Commission has done. She offered her assistance from a legislative viewpoint to the persons working on the report.

Commissioner Dean suggested addressing the statutorily-mandated requirements that have not yet been met, but emphasized including solid justification for the delay. Committee Member Richard added that some of the requirements not met will soon change.

Commissioner Navarro suggested including agency communication and affiliation and interagency statewide sharing of resources necessary for coordination in the report.

As the Commission will have a new executive director by the time the document is released, Committee Member Richard suggested the new executive director discuss the document with legislators as an introduction and a plan to move forward.

Staff Member Jemmott stated staff has put together a draft of operational and legislative accomplishments from the standpoint of the two statutorily-mandated requirements throughout the history of this Commission. Chair Burks asked Committee Member Richard to review this draft. Committee Member Richard suggested listing the mandates, the deadlines that have been missed, and other background information.

Commissioner Dean suggested discussing budget and other issues from the beginning of the Commission, what has and has not been accomplished, and how the Commission will proceed with the amendments to the Government Codes and possible new mandates.

Chair Burks stated the support team from the California Building Standards Commission, particularly Executive Director Jim McGowan, is willing to work with this Commission in terms of organizational development, the difficulties experienced as a Commission, and the uniquenesses of the Commission. He has discussed with Mr. McGowan the fact that this Commission has not been

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afforded any understanding while developing an organization that heretofore did not exist in state services.

Mr. McGowan discovered two weeks ago that this Commission is informally affiliated with Health and Human Services (HHS), not the State and Consumer Services Agency (SCSA) as has always been assumed. Senator Corbett is investigating this, as the Commission should in fact be affiliated with the SCSA, an agency aligned to the mission of this Commission and consisting of affiliations this Commission should be collaborating with, such as the Building Standards Commission, the Division of the State Architect, the Architectural Licensing Board, the Contractors State License Board, and the Landscape Architects Technical Committee.

Committee Member Richard stated her understanding regarding the informal association with HHS is that the budget, as it is processed, goes to analysts in the HHS for evaluation and technical services from the DOF. The Governor's reorganization may change how these agencies are connected next year.

Chair Burks stated part of the ongoing problem with disability issues is the misinterpretation of policy. The Commission has suffered from misinformation and lack of communication where outside parties are concerned. For example, the affiliation with HHS only exists because the CCDA staff offices are housed in the DOR. Chair Burks recommended that the Commission discuss how to improve the interaction and collaboration with agencies that will advance the Commission's goal of achieving business compliance to accessibility requirements. He felt the Commission has, in the last six months, experienced an increase in information through interaction with the Senator's Office and other agencies, guiding accessibility compliance in a positive direction.

Commissioner Navarro asked if the implications of being under HHS extend into funding, monitoring of compliance, and so forth. Chair Burks stated the implications are as yet unknown, but the Commission is inappropriately affiliated and has clearly articulated the need for a change during the state's reorganization.

Commissioner Wilson stated the need for strong outreach, public relations, public service announcements, and media in order to create an ongoing education process for legislators and other policy makers.

f. Standing Committees – Discussion

- **Accessibility Checklist Committee**
- **Accessibility Enhancement Committee**
- **CASp & Education Committee**
- **Civil Enforcement Committee**
- **Executive Committee**

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Chair Burks stated there has not been any action in any Committee other than the Executive Committee. He recommended terminating the Accessibility Checklist, the Accessibility Enhancement, and the Civil Enforcement Committees; retooling the CASp and Education Committee into the Education Committee; and creating an Outreach Committee.

Commissioner Dean suggested waiting to disband the Committees, with the exception of the Checklist Committee, until after review of the changes in statute that may occur on September 30th, as the scope of the Commission, under the proposed changes in the Government Code, allows the Commission to define its role and discuss the creation of the necessary Committees to accomplish it.

Committee Member Richard cautioned against absolute planning until after the governor signs the bill, as some of it may change, but agreed it is wise to discuss this option. Chair Burks suggested sharing the restructuring of the Committees with the full Commission with the caveat that any changes are contingent upon the governor signing the bill. He encouraged Commissioners to increase their active participation in accomplishing the Commission's goals.

g. Location of the December 20, 2012, Full Commission Meeting – Discussion

Chair Burks stated the August full Commission meeting will be held in Los Angeles on the 20th as scheduled. However, this date was set without Committee Member Collins's input; therefore, members of the legislative staff and the Legislature will not be able to attend as it is during the last part of the legislative session.

Since the current budget does not allow for the costs of Granicus, Chair Burks recommended holding the December 20th meeting in Sacramento, using the networking capability at the Consumer Services Agency as in the past. This will give the new executive director time to evaluate the budgetary needs to determine the location for the following meeting.

5. BUDGET UPDATE

a. Fiscal Year 2012-2013 Budget

Chair Burks stated staff has provided a document outlining the budget for 2012-2013, but was unable to provide the Commission's finance document, since the DGS is at year-end and will not publish it for two weeks.

Chair Burks asked staff to prepare an end-of-year report of expenditures for the last FY ending June 30th. Currently, the budget is \$407,000 for fiscal year 2012-2013. Chair Burks asked staff to check the budget reduction regarding the General Fund issue, to determine whether the five percent reduction will be applied to this amount for a total budget of \$387,000. Chair Burks asked staff to

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provide this information and the most current budget for the full Commission meeting on Monday.

Chair Burks advised that the full Commission meet in September and January in the future, to avoid financial and legislative scheduling issues.

Commissioner Wilson recommended that the Commission consider meeting in other areas of the state, as the budget permits, for broader public input, participation, and cooperation statewide.

Action Items

- Staff is to prepare an end-of-year report for the last FY ending June 30th.
- Staff is to check the budget reduction regarding the General Fund issue, to determine whether the five percent reduction will be applied to this amount for a total budget of \$387,000. Staff is to provide this information for the full Commission meeting.
- Staff is to provide the most current budget for the full Commission meeting.

b. Status of Budget Change Proposal (BCP) for FY 2012-2013

Chair Burks stated the DOF has been holding the Commission accountable for not taking an action the DOF previously instructed against. The DOF asked to be provided with information regarding a Budget Change Proposal, or projected cost of running the Commission, then directed the Commission not to submit a BCP. The DOF also instructed the Commission to complete a space assessment, and then rejected its request for that assessment. Chair Burks emphasized that the Commission has done everything as instructed; Committee Member Richard agreed.

In answer to Commissioner Navarro's questions, Chair Burks stated the Commission rents three cubicle spaces for \$1,800 per month including utilities. Since the Commission has a MOU with the DOR, it can look for another space, but it is required to conduct the space assessment the DOF rejected. The Commission also cannot negotiate for additional DOR space, because the DGS makes the space allocation for Commissions. There are some challenges to work through.

6. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. SB 1186 – D. Steinberg / R. Dutton

Chair Burks stated this bill is in progress; only certain people were invited to participate in the Committee. He has been asked not to discuss this bill. Committee Member Richard stated she will ask what can be shared at the full Commission meeting and report her findings to Commissioner Dean.

b. AB 2282 – B. Berryhill

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Chair Burks stated this bill was put in suspense. Committee Member Richard stated the suspense hearings were scheduled for today. She will inform Chair Burks if the bill made it out of suspense.

7. FUTURE AGENDA ITEMS

Chair Burks stated the next Executive Committee meeting is September 20th.

8. ADJOURN

Chair Burks adjourned the meeting at 2:04 p.m.