

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

December 19, 2013

1. CALL TO ORDER

Chair Guy Leemhuis welcomed everyone and called the meeting 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 244, 2nd Floor, Sacramento, California 95814, and Cal Insurance and Associates Inc, 2311 Taraval Street, San Francisco, California 94116.

Chair Leemhuis reviewed the meeting protocols.

ROLL CALL

Committee Member Present: Guadalupe Manriquez, Office of Senator Corbett
(Teleconference)

Commissioners Present: Guy Leemhuis, Chairman
Scott Hauge, Vice Chair (Teleconference)
Rocky Burks (Teleconference)
Betty Wilson

Staff Present: Stephan Castellanos, Executive Director
(Teleconference)
Angela Jemmott, Program Analyst (Teleconference)
Steven Funderburk, Office Technician
(Teleconference)

Also Present: Kate Breen, Governmental Affairs Manager, San
Francisco Municipal Transportation Agency
(Teleconference)
Susan Cypher (Teleconference)
Donald Parks, Accessible Technology Services
(Teleconference)
Bob Planthold, San Francisco Municipal Transportation
Agency Accessible Parking Policy Advisory
Committee (Teleconference)

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Howard Schaffner (Teleconference)
Richard Skaff, Executive Director, Designing
Accessible Communities (Teleconference)
Helen Walsh, Berkeley Commission on Disability
(Teleconference)

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

2. APPROVAL OF MEETING MINUTES (September 12, 2013, and November 14, 2013) – ACTION

MOTION: Vice Chair Hauge moved to approve the September 12, 2013, and November 14, 2013, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Commissioner Wilson seconded. Motion carried unanimously.

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

Donald Parks, of Accessible Technology Services, alerted the Commission of legislation currently being drafted in Legislative Counsel that proposes additional reporting requirements for the Commission for Title II public access entities. He requested feedback from the Commission on version 1.1 of the proposed legislation.

Executive Director Castellanos acknowledged receipt of Mr. Parks's email of version 1.1 of the proposed legislation, and stated he will provide copies to the Commissioners.

Action Items

- Staff is to provide copies of version 1.1 of the proposed legislation to Commissioners.

4. SAN FRANCISCO PARKING POLICY

This agenda item was originally scheduled as agenda item 17. Chair Leemhuis proposed moving this agenda item from 17 to 4 so interested parties would not have to wait until the end of the meeting for this discussion.

MOTION: Vice Chair Hauge moved to move the San Francisco Parking Policy from agenda item 17 to agenda item 4. Commissioner Wilson seconded. Motion carried unanimously.

Chair Leemhuis recommended placing this item on the January full Commission agenda and inviting a member from the legislative committee and Teresa Favuzzi, the Executive Director for the California Foundation for Independent Living Centers, to present their positions. He stated his intent, after the January informational meeting, for the Commission to follow the proposed legislation, but not to weigh in until it is introduced before the Legislature. The information-gathering meeting in January will put the Commission in a better position to make an informed decision in the April full Commission meeting.

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Public Comment

Bob Planthold, of the San Francisco Municipal Transportation Agency (SFMTA) Accessible Parking Policy Advisory Committee, stated his group has a prior commitment to speak at the Berkeley Commission on Disability the evening of January 8, 2014, and he asked if the CCDA would accept a presentation remotely from San Francisco to enable them to make both presentations.

Chair Leemhuis requested that Mr. Planthold email the PowerPoint presentation to staff for the full Commission meeting to enable Commissioners to follow along on the slides during the teleconferenced presentation. He stated his willingness to schedule this item early in the day, depending on Ms. Favuzzi's calendar.

Mr. Planthold thanked Chair Leemhuis and stated he will send additional information and PowerPoint material to staff prior to the January meeting.

Helen Walsh, of the Berkeley Commission on Disability, thanked the Commission in advance for getting information out to the public, because people are not aware of what is going on.

Susan Cypher asked where the January full Commission meeting will be held and how an organization can provide information to the Commission in advance of the meeting. Chair Leemhuis directed her to the CCDA website for the Sacramento meeting address and staff contact information, and stated there will also be a teleconference number for the January meeting.

Commissioner Discussion

Commissioner Burks stated the SFMTA has been working on this issue in concert with the League of California Cities and has had time to gather their information to present to the Commission. He suggested continuing the information-gathering in the April full Commission meeting to give opposing groups or groups with alternative solutions time to prepare information to present to the Commission. He stated his concern that balanced views may not be equally represented on the website due to the time constraints.

Chair Leemhuis agreed that there should be a balanced discussion in the clearinghouse of information provided on the website. The initial information-gathering in January does not preclude additional information-gathering in later meetings.

Commissioner Burks cautioned that the language on the website makes it clear that the Commission is taking a neutral stance.

Chair Leemhuis assured him that he has been in conversation with the executive director on this issue, and staff is preparing a disclaimer notification that makes clear the information-gathering purpose of these postings.

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MOTION: Commissioner Burks moved to approve that the San Francisco Parking Policy be put on the January California Commission on Disability Access full Commission meeting agenda as an information-gathering item. Commissioner Wilson seconded. Motion carried unanimously.

Chair Leemhuis asked members of the public to email pertinent information about this proposed legislation to staff.

Executive Director Castellanos stated there were members of the public in attendance in the Sacramento off-site meeting location who were prepared to speak on this issue.

Chair Leemhuis welcomed them and thanked them for their willingness to speak, but asked them to give their presentation in January when the full Commission can hear their prepared information.

Public Comment

Mr. Planthold introduced Lisa Foster and Kate Breen who helped with research and analysis on this issue.

Lisa Foster, a Consultant for the SFMTA and Project Manager and Researcher for the Accessible Parking Policy Advisory Committee in San Francisco, stated her hope in reaching out to the Commission was to increase education, information sharing, and transparency.

Kate Breen, the Governmental Affairs Manager for the SFMTA, stated she and her colleagues look forward to presenting to the Commission in January.

Action Items

- Staff is to put this item as an early-morning agenda item for the January full Commission meeting.
- Staff is to invite speakers to present the pro side and the con side for the January full Commission meeting.

5. PAST CHAIR ON EXECUTIVE COMMITTEE - CHANGE BY-LAWS TO STATE EITHER EX-OFFICIO OR VOTING COMMITTEE MEMBER

Chair Leemhuis reminded Commissioners of his recommendation in the last meeting of making a change in the by-laws that would allow for the past Commission chair to serve for the following year as a voting member of the Executive Committee, as that will help with institutional memory and quorum issues.

MOTION: Commissioner Wilson moved to change the by-laws to allow for the past Commission chair to serve for the following year as a voting member of the Executive Committee. Vice Chair Hauge seconded. Motion carried unanimously.

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Executive Director Castellanos stated staff has prepared some language that is ready for review.

Action Items

- No action items.

6. EXECUTIVE COMMITTEE MAKEUP

Chair Leemhuis stated, if the change in the by-laws to allow for the past Commission chair to serve for the following year as a voting member of the Executive Committee is passed by the full Commission, the Executive Committee will consist of the chair, the vice chair, the past chair, the chairs of the Committees, and the representatives from Senator Corbett's and Assembly Member Ammiano's offices.

Committee Member Manriquez reminded Commissioners that both Senator Corbett and Assembly Member Ammiano will be terming out in November 2014.

Executive Director Castellanos stated the need to better define what it means to have the legislative representation on the Executive Committee. He stated he will contact Chair Leemhuis with proposed language to bring to the full Commission.

Action Items

- Staff is to contact Assembly Member Ammiano's office to encourage ongoing representation on the Executive and full Commission meetings.
- Staff is to contact Chair Leemhuis with proposed language to better define what it means to have the legislative representation on the Executive Committee to be brought to the full Commission.

7. STRATEGIC PLANNING

Executive Director Castellanos stated the Executive Committee and the full Commission wanted additional information on the processes of strategic planning, specifically on the stakeholder assessment. The design team of the strategic planning process, which is a group that was assembled with the approval of the Commission to help guide the effort in an independent fashion, determined with the consultant that there should be a period of time in the beginning to reach out to identified stakeholders in focus group settings, telephone conversations, and interviews. The interview process is about half over and will be complete prior to the January 8th full Commission meeting.

There will be a presentation to the Commission on the results of the stakeholder assessment effort. The preliminary results of the assessment show there is a huge vacuum of understanding and information related to the responsibilities of business owners and others to comply with the law. Staff hopes to more concisely identify where the greatest need is through the next half of the interviews.

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Commissioner Wilson stated there is a misunderstanding of the law and the spirit and intent of the law among the general public, architects, and private and public sectors. The Commission's task is to provide accurate information to the public statewide and encourage the corporate sector to cooperate. The Commission can use public service announcements and other media to get the word out.

Vice Chair Hauge stated businesses receive conflicting information from CASp people and attorneys. Also, in order for this to be effective, there has to be recognition of the need and desire to make facilities accessible, but it has to be presented in a simplified manner.

Executive Director Castellanos stated each of the interviewees offered specific suggestions for program, regulation, legislation, and information that staff is keeping a record of. Between now and January 8th, the consultant will tabulate those suggestions to help the Commission make decisions about where to place resources.

Vice Chair Hauge stated the number of people to talk to has expanded to include a contractor and another building inspector.

Commissioner Burks asked how people were selected to represent community interest. Executive Director Castellanos stated the design team proposed a number of names.

Commissioner Burks asked if there are alternatives still available, in case some of the community representatives are not reflected here. Also, there are people represented that may be controversial. He recommended balancing the community representation, because one member speaking for an entire community, with multiple building officials, architects, realtors, and a disability community could be controversial and even damaging to the Commission.

Public Comment

Richard Skaff stated his hope that the Commission will talk to experts within the disability community regarding access in the built environment. The Certified Access Specialist Institute (CASI) members, licensed architects and engineers, and building departments are on different pages. There is no consistency in the information that goes out and there is no certified, reviewed training. He stated the majority of architectural or engineering schools do not teach anything about access in the built environment. There is a huge disconnect at the core of this whole process. He encouraged the Commission to bring information about access together and have the educational process certified.

Action Items

- No action items.

8. CCDA CALENDAR

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Chair Leemhuis stated the full Commission is scheduled to meet in January, April, July, and October; the Education and Outreach Committee has a teleconference scheduled in February, an in-person meeting in April to coincide with the full Commission meeting, a teleconference in August, and an in-person meeting in October to coincide with the full Commission meeting. There will be two full Commission meetings in Sacramento and two in Los Angeles. The January and July meetings will be in Sacramento, and the April and October meetings will be in Los Angeles.

MOTION: Vice Chair Hauge moved to approve the California Commission on Disability Access 2014 Calendar. Commissioner Wilson seconded. Motion carried unanimously.

Action Items

- No action items.

9. BUDGET TEMPLATE PROPOSAL

Executive Director Castellanos stated staff is working to display the budget in a more descriptive way. Salary, benefits, and support of meetings are the largest part of the budget. The rest of it goes to operations in Sacramento, primarily rent, and travel. The Commission has no internal HR or budget support, instead relying on the Department of Rehabilitation (DOR) for support to ensure that the Commission meets the state requirements. Those are contracted and are listed under Item G. Approximately \$90,000 in salary savings in Fiscal Year (FY) 2012-2013 allowed the addition, under contract, of two consultant teams: one for the strategic planning effort, and one for the web redesign and web support.

In FY 2012-2013, the Commission consisted of six Commissioners and had no executive director or office technician for much of the year. Now, the Commission is almost fully formed and is fully staffed and must budget more cautiously. It is important to approve the meetings for 2014 so that planning may begin, including savings via teleconference meetings.

The Commission's basic expenditures leave very little of the budget for programs. Staff is looking into ways to bring in funds to address educational outreach program needs. They have spoken with the DOR and the Division of the State Architect (DSA), among others, and must work out a Memorandum of Understanding (MOU) regarding how to join forces as agencies and bring resources to the effort.

Executive Director Castellanos asked for suggestions on how to display the budget. Staff has preliminary approval from the Department of Finance (DOF) on a Budget Change Proposal (BCP) to address the data collection project, but has not received any final word on that.

Action Items

- No action items.

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10. MEETING LOCATIONS - COST ANALYSIS

Executive Director Castellanos stated the Commission must determine the cost involved in and support necessary for holding meetings. Staff has adjusted the figures, at the request of Commissioners in the last meeting, to more accurately reflect the projected costs of holding meetings in Sacramento and Los Angeles. With the exclusion of webcasting, the amounts are roughly the same, depending on the facility, which is why early planning is important. The Department of Consumer Affairs supplies webcasting in Sacramento for free; staff has not identified a facility in Los Angeles yet. There are suggestions from Chair Leemhuis and Commissioner Wilson, and information that the speaker's office has developed fully compliant meeting rooms in Southern California.

Action Items

- No action items.

11. NAME OF EDUCATION AND OUTREACH COMMITTEE

MOTION: Commissioner Wilson moved to keep the name Education and Outreach Committee as codified in statute. Vice Chair Hauge seconded. Motion carried unanimously.

Action Items

- No action items.

12. OUTREACH TO STATE AGENCIES, E.G., ARCHITECT/CONTRACTING BOARD SPEAKERS AT FULL COMMISSION MEETING

Executive Director Castellanos stated, since his arrival, the Commission has been in the process of improving relationships and collaborations with the DSA and the DOR. The DOR has been a great partner and staff continues to work with their access support division.

The DSA has been difficult to contact, but conversations have been positive. He stated his hope that staff will be able to wrap up an MOU in January that outlines goals, resources, and a calendar for the development of educational tools and resources. The State Architect is collecting fees on a statewide basis from business license assessment. Seventy percent of what they collect goes to their CASp program. The rest of it is to go to education and outreach. Staff will have a report on a plan for expenditure early in the first quarter of 2014.

Staff continues to meet with other state agencies, such as the California Architects Board, the California Building Standards Commission, and other organizations that include architects, building owners, managers, organizations that fight lawsuit abuse, and the hotel and restaurant association. Executive Director Castellanos invited the Contractors State License Board, the California Architects Board, and

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the California Building Standards Commission to a meeting in 2014 to discuss concerns and share issues related to access.

Chair Leemhuis asked how much money is in the outreach budget for the State Architect from dollar fees. Executive Director Castellanos stated he has requested this but received no response other than that some receipts have not come in from major jurisdictions in the state. He stated he will ask again at a meeting in the first week in January with the State Architect.

Commissioner Burks stated the CASp program was established under separate legislation with a separate, self-supporting funding mechanism. The legislation under Senate Bill (SB) 1186 is not intended to go to CASp. He questioned why the DSA is putting money from SB 1186 funding, intended for outreach and education projects, into support for the CASp program. He recommended asking Commissioner Widom for clarification of how the policy change has occurred contrary to SB 1186.

Chair Leemhuis suggested the senator's office inquire, with direction from Executive Director Castellanos, what is supposed to be happening with that funding stream.

Executive Director Castellanos stated Committee Member Manriquez and he will meet with Senator Corbett as soon as possible.

Action Items

- Executive Director Castellanos and Committee Member Manriquez need to meet with Senator Corbett as soon as possible.

13. INDEPENDENT FUNDRAISING

Executive Director Castellanos stated the initial legislation that established the Commission granted the Commission authority to raise funds independently. It is an important activity for the Commission to engage in and helps to focus on the duties and responsibilities to reach out and form partnerships in government and outside government to support the Commission's goals.

Independent fundraising was made an agenda item to initiate a process at the Commission level about how to best approach this. Independent fundraising will be included in the strategic plan. Thus far, the Commission has been met with great support, cooperation, and collaboration; now, it is time to ask for more concrete support with real money and time.

Vice Chair Hauge asked if the inability to spend money raised has been resolved. Executive Director Castellanos stated staff is working on that with the DOF. There is a new director at the DOF. It is part of the Commission's program goals to be more effective in program development and create targets for revenue, in order to fully describe benefits to potential donors or control agencies.

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Commissioner Burks clarified that the inability to spend money raised is a process issue. One of the things that was supposed to happen with SB 1186 was to have language in the statute that gave the Commission that authority, but it did not happen. The ability for the Commission to spend money raised is a legal question, since the Commission is in the unique position of being a public agency with independent existence.

Commissioner Wilson provided an outline in the past of how money is raised for a division or department on the city level. It begins with a legislative analyst. The senate or assembly approves a certain amount of money for activities, program development, staffing, supplies, etc.

Commissioner Burks stated it is great for a local jurisdiction, because they can immediately move things to a city council; but the Commission trying to move things forward through the state Legislature to get authorization has been the question.

Chair Leemhuis stated he will create an ad hoc Committee and discuss it with Executive Director Castellanos. He will speak with people who may be interested in serving on the ad hoc Committee over the next couple of weeks.

Action Items

- Executive Director Castellanos and Chair Leemhuis are to discuss the creation of an ad hoc Committee, and contact people who may be interested in serving on the ad hoc Committee.

14. DEMAND LETTER PROJECT - DISPLAY PLAINTIFF/DEFENDANT/ ATTORNEY ON WEB

This item was postponed for lack of time until the next meeting.

15. TOP TEN DISCUSSION - TYPE OF RESEARCH DESIRED

This item was postponed for lack of time until the next meeting.

16. REVIEW OF BAGLEY-KEENE FOR NEW MEMBERS - DISCUSS NEW PRESENTER

Action Items

- Staff is to continue to research this item.

17. DISABILITY ETIQUETTE WILL BE ADDED TO CCDA ORIENTATION HANDBOOK

Executive Director Castellanos stated information on the etiquette regarding the constituency the Commission represents will be added to the orientation handbook.

18. FUTURE AGENDA ITEMS

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Executive Director Castellanos asked Commissioners to email future agenda items to staff.

19. ADJOURN

Chair Leemhuis adjourned the meeting at 3:30 p.m.