

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

April 9, 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 242, 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 Members Present: Daniel Cucchi, Office of Senator Corbett
(Teleconference)
Daniel Torrez, Office of Senator Corbett
(Teleconference)

Commissioners Present: Scott Hauge, Vice Chair (Teleconference)
Betty Wilson

Commissioners Absent: Guy Leemhuis, Chair

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

Also Present: Daniel Ballon, Office of Assemblymember Donnelly
(Teleconference)
Suzanne Goldman
Jake Wachtel
Helen Walsh (Teleconference)

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

Staff Member Jemmott called the roll and announced a quorum was not yet present. A quorum was achieved after Committee Member Cucchi arrived.

2. APPROVAL OF MEETING MINUTES (February 19, 2014) – ACTION

MOTION: Commissioner Wilson moved to approve the February 19, 2014, 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

Jake Wachtel stated he and Suzanne Goldman have been active in the Sacramento legislative process on the accessible parking issue. Their goal is to bridge the gap and bring people together so that progress can be made. They have been meeting with stakeholders on all sides of this issue. Mr. Wachtel noticed that people are not collaborating, but are remaining siloed in their own committees; there is no exchange of ideas and no place where compromise and constructive improvements can happen. He stated the importance of having an open dialogue so that the decision-makers can have a better understanding of who the stakeholders are and how they may be affected by these decisions.

Suzanne Goldman agreed that everyone has their own ideas but has been working in their own groups, not making it collaborative or finding areas of agreement. She pointed out the need to not only increase the number of accessible parking spaces, but to increase the accessibility of existing spaces with, for example, curb cuts.

Vice Chair Hauge agreed that open communication is beneficial and asked Mr. Wachtel what he would like the Commission to do.

Mr. Wachtel stated he would like the Legislature to hear from stakeholders in an open forum, where everyone can engage in a meaningful dialogue and learn who the interested parties are. He suggested looking at best practices in other states to find ways to craft bills that are beneficial to all parties.

Executive Director Castellanos welcomed Mr. Wachtel's and Ms. Goldman's participation and encouraged them to contact him to discuss their thoughts further and to learn what the Commission has been doing.

4. EXECUTIVE DIRECTOR'S REPORT

Budget Change Proposal

Executive Director Castellanos reported that the Senate Budget Subcommittee approved the Commission's Budget Change Proposal for an additional staff member to work on the data collection effort and to expand the Commissioner's ability to provide analysis; the Assembly Budget Subcommittee approved it on vote only.

CCDA Partners

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

Executive Director Castellanos stated he had a positive meeting with the California Restaurant Association. They are interested in the restaurant guide and the lawsuit data collection analysis on lawsuits in California and its impact, which might lead to policy recommendations. They committed to learning more about what the Commission is doing on that project. Executive Director Castellanos stated he will continue reaching out to other industry organizations.

Executive Director Castellanos continues to meet with the Department of Rehabilitation (DOR) and the Division of the State Architect (DSA) in order to advance the Commission's efforts. He stated he will soon begin to meet with property owners to discuss the issues they are concerned about.

Speaker(s) for April 23rd Full Commission Meeting

a. Speaker(s) on the Topic of Usage of CASp Professionals

Executive Director Castellanos stated staff has a list of possible speakers to make a presentation in the April 23rd full Commission meeting on public awareness and use of Certified Access Specialists (CASps). He asked Commissioners for names of recommended speakers in the Los Angeles area to augment the presentation.

b. Speaker(s) in Response to the San Francisco MTA Task Group Presentation

Executive Director Castellanos stated the proponents of the San Francisco Municipal Transportation Agency (MTA) parking policy presented in the last full Commission meeting, wherein the Commission and the chair requested that the opposing voice be heard. Staff has contacted Margaret Johnson and her association to make a presentation at the April 23rd full Commission meeting.

Action Items

- Commissioners are to submit names of recommended speakers to augment the CASp presentation at the full Commission meeting.

5. STRATEGIC PLANNING - STATUS AND DISCUSSION

Executive Director Castellanos stated the statewide assessment interviews have been completed. The assessment report will be submitted to staff for review by April 15th, to the Design Team on April 23rd, and to the full Commission by the end of the month. It will report on the results of the interview process on the understanding of access, disability, and the law, which, combined with the data collection project findings, will provide a strong evidentiary foundation for development of the Commission's Strategic Plan.

Staff has received numerous requests for further analysis of the data and for answers to additional questions, such as why the lawsuits occur and what the possible outcomes may be. Staff will ask the consultant to support the expanded effort, and then bring it before the Education and Outreach Committee to set up a rubric for expanded research to answer future questions so the issues can appropriately be researched.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

Executive Director Castellanos stated the Statewide Strategic Planning Workshops will begin soon and are expected to be completed by the end of May or in June. The draft plan will be submitted to the full Commission for adoption in the third quarter of this year.

Executive Director Castellanos assured Commissioners that, although taking on these additional dimensions, staff continues to collect the lawsuit data. The one-and-a-half years of data collection and in-depth analysis will help the Commission learn what is necessary to align with the statutes that guide the Commission's activity. It will provide a stronger foundation and improved effectiveness for the Commission.

Public Comment

Mr. Wachtel asked if it was possible to see the survey and who it went to.

Executive Director Castellanos stated the Design Team, assembled last fall, consisted of a number of stakeholders who were broadly representative of the different interests in California. The consultant conducted personal interviews with roughly fifty people; the findings await review. The goal of the team was to form a collaboration between business and property interest and persons with disabilities as an opportunity to create a stronger dialogue. He offered to give Mr. Wachtel a copy of the draft when the full Commission gets it as part of the review process.

Action Items

- No action items.

6. MONTHLY BUDGET UPDATE

Staff Member Jemmott stated there was a small increase in printing this month due to a maintenance agreement update. Next month's budget will include a \$2,000 purchase of additional filing cabinets for management of the ongoing data collection project. With three months left in the funding year, the Commission is within budget, and staff will take the opportunity to encumber some contract services.

Action Items

- No action items.

7. DISCUSSION OF STATUS OF THE DATA COLLECTION PROJECT

a. Review of Total Received to Date

Executive Director Castellanos referred to a year-to-year comparison document titled CCDA Data Collection Totals. Staff updates the top ten violations, which are the basis for the training programs, every six months and quarterly updates the data on the numbers of cases received and the types of violations. Compared to last year, staff has received an increase in the number of lawsuits. He stated he hoped to see a reduction in the number of lawsuits as the Commission continues to expand its education efforts.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

b. Data Analysis Discussion

Vice Chair Hauge asked if staff has seen much interest outside of the Commission on the data that is being collected.

Executive Director Castellanos stated staff continues to receive a growing number of questions and demands for deeper analysis as organizations begin to realize there is more information that can be gathered from the data than what the statute requires.

Action Items

- No action items.

8. DISCUSSION OF SB 1608 COMMISSION DUTIES: SECTION 8299.05 (ORIGINAL LANGUAGE)

Executive Director Castellanos stated Senator Corbett, in the development of Senate Bill (SB) 1608, originally laid out the duties of the Commission. He recommended that Senator Corbett's founding legislation be used as a "road map"; the responsibilities that are laid out in SB 1608 should remain a focal point of the Commission in developing the strategic plan. Research and analysis efforts should be spent on the critical issues that SB 1608 determined were important for this Commission - issues regarding compliance of state laws and regulations that are raised by the disability and business communities. He stated the Commission needs to gain a better understanding of inspection programs, particularly CASp, training and continuing education requirements of the personnel involved in designing, planning, plan checking, and building inspection, and the application and regulation of building officials, architects, landscape architects, and engineers.

Executive Director Castellanos stated staff is learning from the data collection that there are impacts that precede lawsuits being filed, sometimes by years, and that the prevention of a small mistake can save time and money if the Commission can sort out what is happening with architects, contractors, building officials, inspectors, and others. He encouraged the interest of the Education and Outreach Committee and the full Commission to review the components of SB 1608 and to reinvigorate them to use them as a foundation for future work.

Commissioner Wilson stated one of the goals of the Education and Outreach Committee is to develop modules of training, seminars, and other methods of education. She expressed appreciation for everyone in attendance working towards documenting and resolving issues.

Vice Chair Hauge asked Committee Member Cucchi if Senator Corbett has any thoughts of what the Commission might be doing or doing differently.

Committee Member Cucchi stated he would follow up on that.

Executive Director Castellanos stated he will soon meet with Senator Corbett and will also follow up on that.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

Action Items

- Committee Member Cucchi and Executive Director Castellanos are to speak with Senator Corbett and report back to Vice Chair Hauge in answer to his question.

9. CCDA BILL TRACKING

A. AB 1885 - Public Buildings: Access: Disabled Persons - Bigelow R

Executive Director Castellanos stated Assembly Bill (AB) 1885 is a right to cure bill that states there should be a warning before a lawsuit and time provided to the defendant to repair.

Commissioner Wilson stated one of problems with AB 1885 among the disability community is the length of time the bill allows the defendant to respond.

Executive Director Castellanos stated another right to cure bill is AB 1848 - Public Accommodations: Construction-Related Accessibility Claims: Notice - Allen, which requires a shorter length of time.

B. AB 1991 - Construction-Related Accessibility Claims - Morrell R

Executive Director Castellanos stated AB 1991 appears to be a spot bill.

C. AB 2714 - Vehicles: Disabled Persons Placard - Hernandez, Roger D

Executive Director Castellanos stated AB 2714 appears to be a spot bill in response to the San Francisco proposals, that local jurisdictions cannot deny or alter the rights currently enjoyed by disabled placard holders.

D. AB 1612 - Accessible California Code of Regulations - Donnelly R

Executive Director Castellanos stated the Office of Administrative Law is required to post state regulation and make it accessible to all citizens. This bill concerns the denial of online access to state regulation for the visually impaired.

Public Comment

Daniel Ballon, from the Office of Assemblymember Donnelly, the author of AB 1612, stated this bill will be heard in Committee on April 30. The bill addresses the state Internet website ccr.oal.ca.gov, which the Office of Administrative Law is required to provide as the online portal to the California Code of Regulations. It is public law and it should be open and accessible to the public with an equal standard. They charge a fee for disabled people to access the site, and intentionally block search engines to ensure they are paid the fee. Mr. Ballon asked for the Commission's support.

Vice Chair Hauge and Executive Director Castellanos thanked Mr. Ballon for providing his insight into the bill. The Commission will meet before April 30th and will take this information into consideration.

Helen Walsh stated she informs the public in areas of disability access; she had difficulty accessing information on these AB bills. She asked if the CCDA website has

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
APRIL 9, 2014, MEETING MINUTES**

information to make it easier for her to inform the public so that they are prepared for making comments.

Executive Director Castellanos stated staff will post at least the text of the bills to the website immediately. They will put the bill language as it currently stands and will keep it updated for the bills the Commission is tracking.

Action Items

- Staff is to post the bill language on the CCDA website.

10. FUTURE AGENDA ITEMS

Public Comment

Mr. Wachtel suggested, as a future agenda item, a discussion about ways to gather stakeholders together so they are not working at odds with one another, instead using a collaborative process to effect real change on the issues. He suggested holding public hearings across the state or one large public hearing to encourage the involvement of the Legislature.

Executive Director Castellanos agreed. That is what the Commission represents, and, as part of the strategic planning efforts, the Commission is setting up a series of forums throughout the state to bring stakeholders together to share thoughts, ideas, and best practices, and to foster collaboration. The CCDA website is another opportunity for stakeholders to collaboratively connect.

He encouraged Mr. Wachtel to contact him offline to continue this conversation. Commissioner Wilson asked to be included in that discussion.

Commissioner Wilson announced that the Education and Outreach Committee will be meeting with the Los Angeles State Architect from 10:00 a.m. to noon on April 18th. The meeting will be video linked, and will be a good opportunity for many people to participate. The meeting information is on the CCDA website under the meeting tab.

11. CLOSED SESSION - PERSONNEL MATTER

a. Executive Director Review

Vice Chair Hauge deferred the closed session to a future meeting.

12. OPEN SESSION

The closed session was deferred to a future meeting.

13. ADJOURN

There being no further business, the meeting was adjourned at 3:30 p.m.