

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

**May 14, 2014**

**1. CALL TO ORDER**

Chair Guy Leemhuis 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 244, 2<sup>nd</sup> 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:* Daniel Torrez, 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)

*Also Present:* Jodie Monaghan, Associate Mediator, Center for  
Collaborative Policy

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

**2. APPROVAL OF MEETING MINUTES (April 9, 2014) – ACTION**

Committee Member Torrez corrected the spelling of his last name.

**MOTION:** Vice Chair Hauge moved to approve the April 9, 2014,  
California Commission on Disability Access Executive Committee Meeting

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Minutes as corrected. Commissioner Wilson seconded. Motion carried unanimously.

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

There was no public comment.

**4. ACTION ITEMS FROM PREVIOUS MEETING**

Staff Member Jemmott announced a new tab on the website for bill tracking; and she stated Executive Director Castellanos and Committee Member Torrez are solidifying a date to meet with Senator Corbett in response to Vice Chair Hauge's questions.

**5. STRATEGIC PLANNING REPORT**

The Assessment:

Jodie Monaghan, the Lead Mediator of the Center for Collaborative Policy (CCP), stated the Design Team identified a broad spectrum of stakeholders from the business and disability communities and service providers to participate in stakeholder assessments. The CCP conducted thirty-four interviews with stakeholders to identify issues, challenges, and opportunities.

Ms. Monaghan provided the Assessment Summary Draft Report to Commissioners. She clarified that the findings on pages three through six are what she heard during the interview process. Commonalities among the thirty-four stakeholders included frustration, confusion, and a general awareness that access for individuals with disabilities is not ingrained in society. She stated every one of the interviewees seemed to feel like a victim.

All interviewees agreed that education is a key component and that compliance was more important than violations and complaints. Differences related to how compliance is enforced and rules to comply are applied.

**Commissioner Questions:**

Chair Leemhuis asked, under "Attitudes," if all of the small business perspective on access compliance was unfunded mandate or nuisance, not a civil right. Ms. Monaghan stated it was, although two people changed their mind after they engaged in the process.

Chair Leemhuis stated there are small businesses that understand accessibility and pride themselves on being accessible. He stated his concern about reaching a conclusion with too narrow a scope of people interviewed, as the information will be generalized and may paint a skewed picture. It would be helpful to understand the interviewees' types of businesses and whether they were representing a consortium of businesses as opposed to small business owners.

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Executive Director Castellanos agreed with the need to qualify that the language is not representative of all small businesses.

Chair Leemhuis requested meeting with the consultant to wordsmith it before it goes out to the public in the future. He stated the need to ensure that the data reflects California's demographic and requested greater balance of interviewees between Northern and Southern California to avoid false trends.

Ms. Monaghan stated this is not intended to be a statistically balanced report, but an assessment of attitudes and opinions. She stated her recommendations would remain consistent regardless of additional input.

Executive Director Castellanos agreed with being careful of the language in the document and making generalities. It is not an in-depth analysis; it is meant to be a quick snapshot of what is real and what is not.

Commissioner Wilson recommended adding a disclaimer as the opening statement of the document that states this data is only a preliminary introduction representing a small sample. Then, at the end, she recommended stating more research is necessary. Including those disclaimers alerts readers that the information in the document is only opening the door for more information on what is really going on in the community.

Executive Director Castellanos suggested taking today's comments and moving them forward to the next step. Additional interviews can be completed after the June workshop.

Chair Leemhuis stated the need for the Commission to define the term "small business." He asked how to ensure that all the aspects of the culture called small business are also incorporated.

Vice Chair Hauge stated "small business" is defined in the state of California as under 100 employees, in federal government as 500 employees, and in the Affordable Care Act (ACA) as 50 employees or less. "Mom and Pop shops" are considered microbusinesses.

Chair Leemhuis stated the importance of identifying what the report means by "small business." It is more than what normally comes to mind. By the federal and state definitions, it includes some large operations. He suggested looking at the three demographic small business groups mentioned by Vice Chair Hauge, as the issues will be different and they will require different education modules. If the issues are similar, the resources and the way the issues are addressed will be different. The small business community should not be treated as one monolithic group.

Executive Director Castellanos agreed and stated this is why the research and analysis component of the lawsuits in California has been initiated. Three Commissioners and the consultant will be putting together a Rubric to lift this kind of

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information out of the lawsuits. Chair Leemhuis's questions can be a part of this Rubric.

Ms. Monaghan stated Chair Leemhuis has asked excellent questions that should become steps in the strategic plan to achieve the ultimate goal of education. She suggested the strategic plan may say the Commission plans to put out education modules, but first will determine what constitutes communities, what the different communities are, who the real representatives are, and what resonates most with them to get the message out.

Executive Director Castellanos agreed there is a need for sound data to make good decisions on what needs to be done to get the right message out effectively. That is why the Commission is going through the strategic planning process. The next steps in the process are convening a work group, doing in-depth analysis on the data being collected, and defining additional research as it emerges from the data.

The Recommendations:

Ms. Monaghan provided an overview of the CCP's twelve recommendations for suggested goals, which can be broken down into specific objectives and action items that will include targeting different constituencies and the best way to reach them.

The third recommendation was prioritizing compliance over complaints. Chair Leemhuis recommended expanding the paragraph. The issue here is that the thirty days is a time to say the problem is being worked on, not to make the building accessible. Part of it is also making sure that the government is not telling business owners they are in compliance when they are not.

Executive Director Castellanos agreed and stated he will work with the consultant on better language and send it to Chair Leemhuis.

The eleventh recommendation was to require anyone involved in construction or commercial real estate to have accessibility training. Ms. Monaghan stated only architects are required to take five hours of training. It was suggested that designers, landscape architects, and contractors, particularly paving contractors, should be required to have additional ADA-compliance training.

Chair Leemhuis suggested partnering with the carpenters' union and others to do some of the training voluntarily.

Vice Chair Hauge offered to identify the leaders in the paving industry and send that information to staff.

Chair Leemhuis stated the CCP recommendation of an advisory board would be a good place for some of the public members and past Commission members to stay involved.

Process Going Forward/Schedule:

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Ms. Monaghan stated she will work with Executive Director Castellanos on improving the prioritizing compliance over complaints section; add Commissioner Wilson's comment about understanding that this is a small sample, not statistically valid, intended to indicate trends; and update the attitudes section so it does not imply that all small business owners see compliance negatively.

**Commissioner Discussion:**

Chair Leemhuis suggested utilizing the grid in Attachment D, at the back of Ms. Monaghan's presentation, in a way to clarify where the Commission's leverage and power is.

Executive Director Castellanos stated staff will put it in a useable format, add it to the website, and get it to all the Commissioners.

Ms. Monaghan stated the Strategic Planning Workshop will be on June 17<sup>th</sup> and 18<sup>th</sup> at the CCP offices on S Street in Sacramento. The CCP will take the data gleaned from the two-day workshop to create a draft three- to five-year strategic plan and a twelve- to eighteen-month action plan by the end of June for the Commission's review. Following that, there will be three validation workshops throughout the state, and the CCP will draft a governance structure. By the end of October, the CCP will finalize the strategic plan for approval by the Commission.

Commissioner Wilson stated there was a recommendation in a previous meeting that the Commission convene three statewide workshop conferences to get information to the public, but there is also a need for the Legislature to hear the concerns. She asked if that could be incorporated into the Strategic Planning Workshop or the validation workshops.

Executive Director Castellanos stated there have been discussions on how to organize attendance at workshops and stretch available funds as far as possible. By working with organizations and agencies that can identify individuals who are representative of large business and professional sectors, staff hopes to rely on them to provide some of the cost to support the effort.

Chair Leemhuis stated the same attention should be paid to diversity on the disability side that is being paid on the small business side, so the workshop reflects California's fabric of diversity. He suggested reaching out to large disability communities that also have access issues, such as the psychiatric and developmental disability communities. He offered his and Commissioner Wilson's help, as they have done a number of conferences in the past.

Executive Director Castellanos stated he will send the list of possible contacts to Commissioners for their suggestions today. He asked Commissioners to provide feedback on the attendance list by the end of the week. Ms. Monaghan plans to send out the invitations to the workshop next week.

**Action Items**

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- Staff is to work with the consultant on better language in the third recommendation and send it to Chair Leemhuis.
- Vice Chair Hauge is to identify the leaders in the paving industry and send that information to staff.
- Staff is to utilize the grid in CCP's Attachment D in a way to clarify where the Commission's leverage and power is, put it in a useable format, add it to the website, and get it to all the Commissioners.
- Staff is to send the list of possible contacts for the workshop to Commissioners for their suggestions. Commissioners are to provide feedback by the end of the week.

**6. MONTHLY BUDGET UPDATE**

Chair Leemhuis deferred this agenda item to a future meeting.

**7. MEETING LOCATIONS AND COST**

Chair Leemhuis deferred this agenda item to a future meeting.

**8. TALKING POINTS FOR FUNDING RESEARCH**

Executive Director Castellanos stated there was a discussion at the last meeting about preparing an outreach letter. He stated he will email his first draft to Chair Leemhuis for feedback.

**9. LEGISLATIVE RUBRIC**

Chair Leemhuis deferred this agenda item to a future meeting.

**10. CCDA BILL TRACKING/ANALYSIS**

- 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
- AB 1848 - Public Accommodations: Construction-Related Accessibility Claims - Allen R

Executive Director Castellanos stated Assembly Bills (AB) 1885, 1991, and 1848 went down in the Policy Committee, and AB 2714 was withdrawn.

Executive Director Castellanos stated AB 1612 is about the online accessibility of the California Code of Regulations. The Office of Administrative Law works with a vendor that offers a reader for purchase so members of the disability community can access the code. No other members of the public are required to purchase anything. He added that the Office of Administrative Law seems to be actively trying to find a solution to this issue.

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Chair Leemhuis stated he would like the Commission to begin taking positions on bills. AB 1612 is a bill to support. He asked that staff create a consent calendar for issues such as this.

**MOTION:** Vice Chair Hauge moved to support Assembly Bill 1612 for an accessible version in a useable, searchable format of the California Code of Regulations. Commissioner Wilson seconded. Motion carried unanimously with one abstention.

Chair Leemhuis asked staff to draft a letter and post it on the website that the Commission is in support of AB 1612 for an accessible version of the California Code of Regulations.

Executive Director Castellanos stated he will send a copy to the author's office, as well.

**Action Items**

- Staff is to create a consent calendar.
- Staff is to draft a letter and post it on the website that the Commission is in support of AB 1612 and send a copy to the author's office.

**11. FUTURE AGENDA ITEMS**

Chair Leemhuis asked staff to put the future staffing needs of the Commission on the June agenda. He and Executive Director Castellanos will be speaking to legislators about acquiring additional resources for staff development. He stated the need for a research person to engage in ongoing analysis.

Chair Leemhuis reminded Commissioners they are to identify potential partners - organizations and individuals who will bring funds, staff resources, or space that the Commission can utilize while moving around the state. He asked Commissioners to contact nonprofits and small and large business owners that they know, and to email the lists of contacts that they have already spoken to and who have responded asking for more information to staff before the June 4<sup>th</sup> Education and Outreach Committee meeting so the Committee can compile the lists to present at the June 18<sup>th</sup> Executive Committee meeting.

Chair Leemhuis stated he and Executive Director Castellanos plan to visit San Francisco during the summer to meet with some of Vice Chair Hauge's business community contacts. He stated he will email Vice Chair Hauge to schedule a date.

Chair Leemhuis stated he will be unable to attend the 10th Annual Disability Capitol Action Day on May 21<sup>st</sup>. He stated his plan to speak with Catherine Blakemore, the Executive Director of Disability Rights California, for more information on the event, and to ask if there will be an opportunity for the Commission to be recognized as being there in support so the public will hear about the Commission and what it is

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doing. He stated he will contact staff by the end of the week with the information from Ms. Blakemore.

He asked staff to have brochures available, and asked anyone who attends to take photos that can be posted on the website.

Executive Director Castellanos stated staff will be participating and will send a reminder email to all Commissioners.

**12. CLOSED SESSION - PERSONNEL MATTER**

**Executive Director Evaluation**

Chair Leemhuis deferred this agenda item to a future meeting.

**13. OPEN SESSION**

This session was deferred to a future meeting.

**14. ADJOURN**

**MOTION:** Vice Chair Hauge moved to adjourn the May 14, 2014, California Commission on Disability Access Executive Committee meeting. Commissioner Wilson seconded. Motion carried unanimously.

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