

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

March 14, 2013

1. CALL TO ORDER

Chairman Rocky Burks welcomed everyone and called the meeting to order at 10:02 a.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 242, 2nd Floor, 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.

Chair Burks reviewed the meeting protocols.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Rocky Burks, Chair
Lillibeth Navarro (Teleconference)

Commissioners Absent: Scott Hauge

Committee Members Present: Sean Connelly

Staff Present: Stephan Castellanos, Executive Director
Angela Jemmott, Program Analyst

Also Present: Donald Parks, Applied Technology, Inc.
(Teleconference)
Jeff Thom

Upon the arrival of Commissioner Navarro and Committee Member Connelly, a quorum was established.

2. APPROVAL OF MEETING MINUTES (January 31, 2013) – ACTION

MOTION: Committee Member Connelly moved to approve the January 31, 2013, Meeting Minutes. Commissioner Navarro seconded. Motion carried unanimously.

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

There was no public comment.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

4. GENERAL BUSINESS ITEMS

a. Commissioner Appointments - Update

Chair Burks stated he and Commissioner Wilson have received three-year appointments expiring January 1, 2016, effective as of last week, subject to Senate confirmation. There are applicants that are in the process of being reviewed by the governor. He stated there is still time to submit an application for anyone interested in consideration for a governor's appointment.

b. Draft of Policy Recommendation for Personal Care Assistants - Discussion

Chair Burks stated he asked Commissioners Wilson and Navarro, at the last Executive Committee meeting, to work with staff to look at the available language, in addressing the lack of policy regarding Commissioners with attendant care services.

Executive Director Castellanos agreed, since several Commissioners require a personal care assistant to participate with the Commission. There is no statewide policy, although reimbursement is recognized as appropriate; therefore, the Commission must determine the level of reimbursement where travel is involved.

Staff Member Jemmott stated the State Independent Living Council has the only example of such a process. Their maximum reimbursement for an attendant is \$125. The Commission has the option of offering a flat rate or equaling travel costs.

Chair Burks requested that the State Independent Living Council policies regarding maximum cost be presented at the April 4th full Commission meeting, so the Commission could benefit from the long-term experience of a federally-funded organization.

Executive Director Castellanos stated a template will be presented to the full Commission, along with a progress report regarding this issue.

Commissioner Navarro asked if the maximum cost applied solely to travel costs.

Executive Director Castellanos stated it applies to costs over and above travel; further information will be available at the full Commission meeting, with a draft sent to Commissioners in the meantime for clarification.

Commissioner Navarro stated the CCA may provide services in the workplace, depending on the severity of an individual's disability; whether these services qualify as work-related expenses is a key question to answer when determining which expenses are reimbursable.

Executive Director Castellanos answered that the State Independent Living Council's policy recognizes the necessity to discuss what is reasonable with the

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

individual who requires assistance. The Commission is striving to produce a fair policy with an individualized approach.

Action Items

- Staff is to provide a template and progress report on the State Independent Living Council policies and other research results for personal care assistants at the April 4th full Commission meeting.
- Staff is to send travel reimbursement policy findings to Commissioners before the April 4th full Commission meeting for clarification.

c. Input on Proposed Legislation by Mr. Donald Parks of Applied Technology, Inc. - Discussion

Chair Burks asked Donald Parks to introduce himself and the proposed legislation he would like to discuss with this Committee.

Mr. Parks requested putting on the record as part of his presentation that he sent the executive director all the documentation relating to the legislation.

Mr. Parks stated he has been involved with the Commission since its concept and emphasized the need for balance with activities that impact a broad range of persons with disabilities. His proposed legislation considers communication-related disability as a whole in establishing a basic infrastructure for the state of California to be able to organize accessibility in both private and public sectors.

The ADA was intended to work in the public sector as a model for the business community by coordinating and collaborating with the disability community, doing self-evaluation, identifying and removing barriers, and maintaining accessible features. For the most part, this has not happened. Years ago, Mr. Parks and Michael Paravagna, the chief of the Department of Rehabilitation public access unit, identified that less than one third of state entities have ever complied with the basic administrative requirements of the ADA. The strategy in California is primarily reactive. His legislation is intended to incorporate the Commission on Disability Access as an independent entity providing information to the Legislature.

The legislation will establish an ADA coordinator for each public entity, including the state, as is statutorily required under federal law but has never been done before. Any existing infrastructure in the executive office must also be coordinated with the Commission in order to expand its focus beyond construction-related disabilities.

Chair Burks stated the Commission's primary function, as mandated by Senate Bill (SB) 1186, is to address construction-related litigation and make recommendations to the Legislature regarding the causes of this. He asked if Mr. Parks intended for the Commission to participate in ensuring each state agency and sub-department has an ADA coordinator.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

Mr. Parks answered that the placement of ADA coordinators is a request that the Legislature enforce the federal law regarding this issue. He stated the Commission must ensure that all members of the disabled community, regardless of disability, have equal protection under the law. This is an opportunity to put into legislation the acknowledgement that the Commission's functions will expand in the future, for example to include Internet accessibility in the focus on public accommodations.

Chair Burks stated the Commission is sensitive to this direction, but it is not within its purview to take an active role in this issue. However, he suggested that it would be appropriate for Mr. Parks to work with the executive director and staff regarding Internet accessibility.

Executive Director Castellanos agreed that the Commission would appreciate input and further discussion on these issues.

In response to Chair Burks's question, Mr. Parks stated he has spoken with many organizations in a community-based approach to ensure that everyone has input. His focus is on institutions, rather than individuals, by statutorily requiring environments to be accessible to everyone.

Chair Burks stated opening up that avenue of communication to address the barriers and conflicts of the individual through the institution can be a collaboration to effect the statutory changes. He recommended continuing this dialogue with staff and other agencies to work towards addressing institutionally-based conflicts.

Introduction of Sean Connelly

Chair Burks introduced Mr. Sean Connelly as a new Committee member from Senator Corbett's office. Chair Burks welcomed Committee Member Connelly and stated he looked forward to working with him.

Committee Member Connelly stated he is part of the legislative staffing in the health policy area to Senate Majority Leader Ellen Corbett.

Action Items

- No action items.

d. Proposed Speaker(s) for Full Commission

Executive Director Castellanos stated Commission meetings, which are broadcasted extensively, pose an opportunity to help achieve its educational mission. By holding meetings between Sacramento and Los Angeles, Commissioners are able to gather information at the local level in building departments in the disabled community.

Staff is in the process of identifying speakers who can give presentations during future Commission meetings to use the Commission's broadcasting and

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

recordkeeping as an educational vehicle. He invited Commissioners and members of the public, as well as any partners such as the DSA, to submit any issues or items that would further the Commission's mission, including experiences and success stories. He encouraged those in attendance to recommend groups that can address collaborative efforts in particular. Staff will present an initial list of suggestions on April 4th.

Action Items

- Staff is to prepare a list of potential speakers for future Commission meetings at the April 4th full Commission meeting.

e. Make up of Committees/Task Groups and Strategic Planning Proposal

Executive Director Castellanos stated the Commission has suspended the use of Committees as they have been constituted, for the time being. The Commission must focus on creating a common set of objectives based upon its mandate as provided by statute; there has not yet been any clear discussion regarding this. Staff will propose a truncated strategic planning process over the summer.

It is important for the Commission to organize its priorities to better utilize resources, engage the public, and accomplish its mission. Reestablishing Committees and task groups will facilitate this. There will be a report on this process in the full Commission meeting.

Chair Burks emphasized that the April 4th meeting will be a time for members of the public to weigh in on the restructuring of the Commission based upon SB 1186 changes instituted earlier this year. This will help the Commission move forward with strategic planning to better fulfill its mission.

Action Items

- Staff is to prepare a strategic planning process report for the April 4th full Commission meeting.

f. Executive Report

Executive Director Castellanos stated he has been working on communications and outreach in order to bring more resources to the Commission. He has spoken with current and past Commissioners about ideas such as the use of legal interns to help with developing reports to the Legislature. The Commission is also reaching out to the DSA and the DOR regarding the newly authorized fee for the state architect for the development of tools. Executive Director Castellanos had the opportunity to preview a film by the DOR on disability and the ADA and California Regulation; the DOR is working on other media projects and tools of this sort. The Commission, the DSA, and the DOR will be working on more joint projects in the future.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

The Building Standards Commission (CBSC) and Jim McGowan continue to be great supporters of the Commission. They will assist staff in the development of the SB 1186 report and analysis. Staff also met with each of the units in the Department of General Services (DGS), with whom the Commission contracts for HR services, budget services, and IT services, regarding the Commission's website and enhanced technology needs.

Executive Director Castellanos recently attended the City and County of San Francisco: Small Business Commission, which has taken on the issue of mediating between the disabled and small businesses in San Francisco. Executive Director Castellanos stated he learned a great deal about the efforts in San Francisco to provide resources to both communities and avoid lawsuits. Best practices like these are what the CCDA is identifying to share on its website.

Executive Director Castellanos met with one of the officers of CASi, Gary Lehman, and discussed a number of issues. Gary Lehman submitted a letter regarding projects CASi would like the Commission to participate in, including reevaluating the inspector checklist with the DSA, which the CBSC and the California Building Officials have also indicated an interest in exploring.

Executive Director Castellanos was invited by the American Institute of Architects, California Council, to meet with their board of directors and make a presentation on the role of the CCDA. Since seeking or meeting compliance does not always deliver a totally accessible facility, the discussion emphasized that architects, as licensed individuals, need to employ their skills in design to help achieve the greatest accessibility possible.

Regarding SB 1186, Executive Director Castellanos stated staff has collected 416 claims so far. They will look at them in depth next week, but they appear to be standard claims.

Since the Commission's website is currently static, staff will meet with the Office of Technology Services (OTech) to refresh the template with more functionality, incorporating tools such as social media. Staff is also collecting more content to add to the website. The goal with the website is to establish a community of stakeholders and to encourage dialogue regarding the sharing of best practices.

Executive Director Castellanos stated the Commission did not have elections last year, which are required in the Bylaws. This will be an agenda item in April.

The Commission has lost one staff member and is advertising for a replacement. The remaining staff are also looking at other tools available and meeting with HR to discuss looking into hiring retired annuitants or seasonal employees or volunteers. The Commission has just completed its office move, which provides the opportunity to be more effective.

Executive Director Castellanos stated the CASi organization shares many goals with the Commission, regarding education issues, access requirements, and

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

outreach. The Commission will engage with them in the development of these tools.

Executive Director Castellanos's report also includes a rough outline of the report to the Legislature. Staff is currently collecting material on the history, progress, and accomplishments of the Commission. Jim McGowan, at the CBSC, is writing a narrative regarding the period of time when the CBSC supported the CCDA. Staff is assembling the information of what happened after that time.

The report to the Legislature will provide a foundation to articulate where the Commission is going as an organization. It will include the challenges the Commission has faced and overcome, and will be modeled on the structure and mission of the new statute. The full draft will be presented to the Commission in the April 4th meeting; at this time, staff will ask for input to include in the final report to the Legislature.

Chair Burks stated he appreciated the breadth and depth of the executive director's report, particularly with the loss of a staff member.

Action Items

- Staff is to present a draft of the report to the Legislature to the Commission in the April 4th meeting and ask for input to include in the final report to the Legislature.
- An agenda item for the April 4th full Commission meeting is the Commission's elections as required by the Bylaws.

5. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. Capitol Track Report: AB 223 and SB 550

Executive Director Castellanos stated two bills were presented to the Legislature: SB 550 and AB 223.

The Commission is attempting to uncover the motivation behind SB 550, Hannah-Beth Jackson, Accessible Housing. The bill creates the Accessible Multifamily Housing Act of 2013, which would require new and substantially rehabilitated assisted multifamily housing projects to be designed and constructed to be readily accessible to and usable by individuals with disabilities. State law and regulation has already established requirements for this type of housing. Staff will report on this further in April.

AB 223, Kristin Olsen, Civil Actions: Disabled Access, amends Section 55.54 of the Civil Code, permitting a local government to do much the same as private business now can do under current legislation. Essentially, it takes what SB 1608 and SB 1186 have done and extended this to local government. Staff is not prepared to make a recommendation, but it seems the original legislation was meant to deal with the lawsuit issue and small business disability community

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

issues related to access. Since local government has been required to be compliant to that federal law and state law for quite some time, this bill may be unnecessary for local government. Staff will make a more complete report on this to the full Commission.

Action Items

- Staff is to report on SB 550 and AB 223 at the April 4th full Commission meeting.

6. BUDGET UPDATE

a. Monthly Report

Staff Member Jemmott stated the report for February shows a strong funding. Within eight months of the fiscal year, the Commission had 47% still available in the Personal Service total, and the total Personal Service NOE at 55%.

The Commission has incurred credit for an IT service overcharge under the Professional Interdepartmental line item in addition to the Information Technology line item. Staff is working with the DGS Financial Department to correct the expenditure coding that causes these problems.

Executive Director Castellanos stated staff has also discussed past operational issues in budgeting and monitoring that budget with the DGS, and will look into the possibility of establishing new codes within their framework.

The Commission anticipates additional moving expenses, including furniture and IT issues. There will also be the expenses of the website review and the hiring of a consultant or temporary staff member to assist with the strategic plan. The Commission currently has resources available to apply to this.

Public Comment

Jeff Thom asked, regarding the hiring of a consultant for the strategic plan, if the Commission has developed a methodology or will contact a state agent, and, if the latter, how the Commission will find a qualified individual for that task.

Executive Director Castellanos stated he will report on this further in the April meeting. The Commission will first look for a consultant internally before looking for someone else who is state-approved. The process has already begun.

Action Items

- Staff is to report on the process of hiring a consultant for the strategic plan at the April 4th full Commission meeting.

7. FUTURE AGENDA ITEMS

Chair Burks stated the agenda items for the April meeting seem clear. The Commission can stay within the same standards of information already discussed.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
MARCH 14, 2013, MEETING MINUTES**

8. ADJOURN

MOTION: Committee Member Connelly moved to adjourn the March 14, 2013, Executive Committee meeting. Chair Burks seconded. Motion carried unanimously.

Chair Burks adjourned the meeting at 11:40 a.m.