

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

May 17, 2012

1. CALL TO ORDER

Chair Burks called the meeting to order at 12:02 p.m. at the California Building Standards Commission, 2525 Natomas Park Drive, Suite 120, Sacramento, California 95833.

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
Richard Luehrs (Teleconference)
Lillibeth Navarro (Teleconference)

Committee Members Present:

Peggy Collins

Staff Present:

James V. Vitale, Executive Director
Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Also Present:

Kurt Cooknick, American Institute of Architects,
California Council
Jim McGowan, Building Standards Commission

Staff Member Jemmott announced a quorum was present.

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

Chair Burks asked to change Legislative Counsel to Committee Staff in the third paragraph on page 6.

Public Comment

Kurt Cooknick, of the American Institute of Architects, California Council, stated he was also in attendance.

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MOTION: Commissioner Dean moved to approve the April 19, 2012, Meeting Minutes with the above changes. Committee Member Collins seconded. Motion carried unanimously.

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

No public comment.

4. REPORT FROM CCDA COMMITTEE ACTIVITIES

a. Checklist for Access Compliance Committee

Commissioner Luehrs stated this Committee still has work to do before they meet again and they are waiting for an update from staff.

b. Access Enhancement Committee – Appointment of Committee Member

Commissioner Navarro stated this Committee is in the process of completing the paperwork for three Committee membership applications.

c. CASp & Education Committee – Appointment of Committee Member

Chair Burks announced Mr. Steve Dolim of the Certified Access Specialist Institute was officially named as a member of the CASp and Education Committee as of today.

d. Civil Enforcement Committee

Commissioner Dean reported this Committee has shifted emphasis. After further discussion, it was determined that, instead of holding a series of public hearings, a better way to gather information from those who have been involved in access litigation is to initially survey interested individuals and groups, and then possibly follow up with a couple of public hearings. To this end, the Committee has asked staff to research service providers, such as Survey Monkey, and the approximate cost of conducting a survey. It was determined a separate survey will go to the following groups: attorneys that have been involved in access litigation, judges of both state and federal courts, businesses, and CASps. The goal is to agree on specific content and ways of dissemination of these surveys in the upcoming June 26, 2012, Committee meeting.

5. GENERAL BUSINESS ITEMS

a. Core Principle Review & Samples from Other Organizations

- Chair Burks asked staff to add a watermark noting when documents are in draft form and a footnote with the draft date in order to avoid confusion.
- Chair Burks asked staff to contact Commissioners to inquire if they know of other sources with well-designed core principles for this Committee to use as a guide, and to ask for Commissioners' comments about the draft

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so there will be a more refined document to work with at the next meeting.

- Commissioner Navarro noted spelling corrections for the words principle and tenets.

b. CCDA Media Relations Protocol

- Chair Burks asked staff to contact Commissioners to inquire if they know of other sources with well-designed media relations protocols to use as a guide, and to ask for Commissioners' comments about the draft so there will be a more refined document to work with at the next meeting.
- Chair Burks asked staff to email his contact numbers to the Commissioners, and asked Commissioners to contact him if they are approached by the media.

6. BUDGET UPDATE

Staff Member Jemmott reported travel expense claims (TECs) were updated for the month of April, although the travel may or may not have taken place during that month. There are a number of outstanding TECs from Commissioners and the Executive Director. The current budget is \$439,000 and has been reduced to \$407,000 for the 2012/2013 fiscal year.

The fiscal year ends June 30th; staff is working to secure several budget items before the end of the year, especially for the full Commission meeting in August, where there will be web captioning and travel expenses. Staff is also working to encumber funding for an office location by June 30th.

Chair Burks questioned whether the document presented today was an accurate reflection of the past ten months of this fiscal year, particularly the personnel budget line.

Staff Member Jemmott said the personnel budget line did not impact the budget until June 2011 when the first staff member was hired. She noted that the other two staff members were added consecutively, one in July, and one in August.

Chair Burks stated funding sources may give an augmentation or allow movement within the line items and questioned if the Commission budget had this flexibility. Staff Member Jemmott stated she believes there is flexibility in the line items for funding to move down from personnel to operating expenses, but will need to research whether funds can move the other way.

Public Comment

Mr. Cooknick noted that, since staff came on at staggered times, he suggested, in order to plan for the future, that this Committee chart the past,

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to offset the difference for June, July, and August that needs to be compensated to reflect an accurate picture.

Committee Member Collins stated it is difficult to evaluate from the document presented today because it only represents one month and does not show the expenditures within the line items. She suspected there is something that cannot be discerned with this document that would answer those questions. She recommended the chair meet with staff to gain a better understanding of the detail underneath these numbers.

Staff Member Jemmott stated there are some encumbrances that may not be reflected in this document.

7. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

AB 1610 – R. Wagner; AB 1878 – B. Gaines; AB 1879 – B. Gaines; AB 1914 – R. Garrick; AB 2030 – R. Olsen; AB 2041 – D. Swanson; AB 2282 – B. Berryhill; AB 2325 – R. Norby; AB 2338 – D. Chesbro; SB 1163 – R. Walters; SB 1186 – R. Dutton

Chair Burks stated AB 1610, AB 1878, AB 1994, AB 2325, and SB 1163 are dead. AB 1879 and AB 1914 are in a suspense file. He asked Committee Member Collins to identify what suspense means on those two pieces of legislation.

Committee Member Collins stated the Senate and Assembly appropriations committees have a dollar limit. The bills that have costs that meet or exceed that dollar limit automatically go into a suspense calendar. The suspense calendar items are all heard on the same day, usually after all bills have been heard in that house. Then that house makes a decision about which of those bills will come back off suspense. In some cases, bills are amended while they are on suspense to resolve cost issues. In other cases, the committee makes a decision to approve the bill even though it may have cost implications.

Chair Burks advised staff to keep a lower-key watch on AB 1879 since it concerns the State Architect's relationship with the accessibility code development process.

Chair Burks acknowledged that AB 2338 is an important bill for persons with developmental disabilities but, as it deals with employment issues, it is outside the scope of responsibility and function of this Commission. Also, AB 2030, which concerns building standards and accessibility to sports press boxes, is an important bill with viable concerns, but it is outside the scope of responsibility and function of this Commission. He asked staff to continue to monitor AB 2030, but to only highlight it if the language changes.

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Chair Burks stated AB 2041 requires more detail before this Committee can hold a discussion. The two bills left to consider are AB 2282 and SB 1186. Both of these bills are still in the houses of origin.

Chair Burks identified SB 1186 as a work in progress. He stated the Commission was asked to participate in the progress of this piece of legislation. SB 1186 addresses issues that would affect this Commission and the expectation of what kinds of outcomes would or would not occur. He stated he and Commissioner Dean have been in contact with Senate staff.

Staff Member Jemmott reported staff received a call from the Department of Finance and the Senate Judiciary Committee requesting information on the financial impact of SB 1186 on this Commission.

Committee Member Collins observed that discussion may be more fruitful between the chair and staff. She reported that, in the hearing on this bill in the Senate Judiciary, there was discussion about whether there were other things that the state could be doing to help promote access compliance, either relative to this Commission or through the CASp processes, and whether they would require additional resources. Senator Corbett, as a member of the Judiciary Committee and a member of this Commission, asked this question specifically of the author and coauthor.

Chair Burks said he will contact Senator Corbett to get the senator's thoughts on the implications of SB 1186 and AB 2282, as there are parallels in both pieces of legislation. He and Committee Member Collins agreed to discuss this further at a later time.

Chair Burks stated, using the same applications just discussed for SB 1186, he will discuss AB 2282 with staff and contact the author to get more information on this Commission's role in it.

**8. EXECUTIVE DIRECTOR EVALUATION COMMITTEE – CLOSED
SESSION – PERSONNEL MATTER**

Pursuant to Government Code section 11126(a), Chair Burks announced the Committee will go into a closed session on a personnel matter.

When the closed session was concluded, Chair Burks called the Committee back to order. He stated, as of this date, May 17, 2012, per the recommendation of the Executive Director Evaluation Committee, the Commission accepted the resignation of Executive Director Jim Vitale.

Chair Burks stated he will immediately begin working with Human Resources Consultant Christal Tyler, from the Department of General Services, to put out a recruitment announcement.

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Chair Burks appointed Commission Vice Chair Dean and past chair Commissioner Jakobson-Johnson as the recruitment committee to work with Ms. Tyler.

9. FUTURE AGENDA ITEMS

Chair Burks stated he will work with staff to secure a meeting date and location for the full Commission meeting in August

Public Comment

Mr. Cooknick requested discussing as a future agenda item what the revised budget will mean to the Commission.

10. ADJOURN

Chair Burks adjourned the meeting at 1:55 p.m.