

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
MEETING MINUTES**

January 9, 2013

1. CALL TO ORDER

Chair Burks called the meeting to order at 10:05 a.m. at the Department of Consumer Affairs, First Floor Hearing Room, 1625 North Market Blvd., Sacramento, California 95834.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Rocky Burks, Chair
Scott Hauge
Mark Martinez
Lillibeth Navarro
Anthony Seferian
Chester "Chet" Widom
Betty Wilson

Commissioners Absent: Tom Ammiano
Connie Conway
Ellen Corbett
Michael Dean
Thomas Harman
Margaret Johnson

Staff Present: Angela Jemmott, Program Analyst
Lavonia Wade, Office Administrator

Also Present: Kurt Cooknick, American Institute of Architects,
California Council
Steve Dolim, Certified Access Specialist Institute
Donald Parks, Applied Technology, Incorporated
David Peters, Lawyers Against Lawsuit Abuse

Staff Member Jemmott announced a quorum was present.

PLEDGE OF ALLEGIANCE

Chair Burks led the Commission in the Pledge of Allegiance.

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

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Donald Parks, of Applied Technology, Incorporated, stated there was a case against Netflix by the Massachusetts Federal District Court that says the Internet is to be included as a means of public accommodation and communication. He stated the Commission needs to think about how that affects its actions.

3. GENERAL BUSINESS ITEMS

a. Review/Approval of Meeting Minutes (August 20, 2012) - Action

MOTION: Commissioner Widom moved to approve the August 20, 2012, Meeting Minutes. Commissioner Wilson seconded. Motion carried unanimously.

b. CCDA Executive Director Introduction and Oath of Office

Chair Burks introduced the new executive director of the CCDA, Mr. Stephan Castellanos.

Mr. Castellanos stated he looked forward to being sworn in and thanked the Commission for making him feel welcome and for putting their faith and confidence in him as the new executive director. He stated he has been passionate about the issues of disability access throughout his professional career. He and his wife are licensed architects and have had a practice in the Central Valley of California for over thirty years.

Through his private practice, political life, and professional associations, he stated he was appointed California State Architect by Governor Gray Davis, where he had an opportunity to work on issues related to disability access that he hoped will provide a greater foundation for him to act effectively in his position as executive director.

He stated he has some expertise in terms of his professional experience, but there is a great deal to be done that has more to do with understanding state administrative issues and becoming a good operating unit as part of government; advising the Legislature and the governor as this Commission is charged to do as well as it can; reviewing and proposing legislation as this Commission has been asked to do; beginning to look at a number of issues related to collecting data on claims and filings that will then give the Commission an opportunity to look at where the most common violations are and how it can support increasing access for disabled citizens throughout California; and building a stronger partnership between business interests and the disabled community for employment and access. He stated it is a big task and he expressed his admiration for the Commission and the Commissioners.

He stated his immediate goals are, first, to work with staff to create confidence in the Commission administratively and to meet the statutory requirements as they relate to the Legislature and the public, and, second, to begin to work with the Commission more strategically, to lay out a program plan, to comply with

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budget responsibilities, and to begin to produce a product along the lines of education and training that the Commission has been charged to do.

Chair Burks stated he has had the pleasure and honor of working with Mr. Castellanos in the past and believes the Commission will be well-served by his tenure as the executive director.

Chair Burks asked Commissioner Seferian from the Attorney General's Office to perform the oath of office for the executive director. After the swearing in, Chair Burks welcomed Executive Director Castellanos to the Commission and thanked him for accepting the position.

Public Comment

Kurt Cooknick, of the American Institute of Architects, California Council (AIACC), stated the AIACC has had the pleasure of working closely with Executive Director Castellanos for many years and looks forward to continued collaboration in this important work.

Steve Dolim, of the Certified Access Specialist Institute (CASI), welcomed Executive Director Castellanos to his new role and stated he looks forward to working with him. He offered the CASI organization as a resource representing many of the certified access specialists certified by the state.

c. Status of Commissioner Appointments - Update

Chair Burks stated he received a verbal resignation from Commissioner Dean as of today, due to business concerns and circumstances of a personal nature. His resignation letter is forthcoming.

Commissioner Martinez stated he will be resigning from the Commission, after four years of service, due to his acceptance of the position of president and CEO for the California Hispanic Chambers of Commerce, the largest regional business network in the county. Due to significant travel requirements, he will be unable to continue his work on the Commission. He hoped to continue to work with the CCDA and offered himself as a resource. Chair Burks expressed his appreciation for Commissioner Martinez's assistance and counsel in the past and stated he looks forward to his continued support and collaboration in the future.

Chair Burks stated he and Commissioner Wilson are governor-appointed Commissioners whose terms expired January 1, 2013, which means that, other than a 60-day grace period, there will be no governor-appointed Commissioners as of the end of this meeting. Chair Burks has been in conversation with the governor's appointment secretary, and has explained the Commission's concerns about the operational needs of the Commission and asked that these appointments be made as quickly as possible. He received a commitment that this will be addressed within the next two weeks. In the event of a delay, Chair

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Burks ensured that provision has been made in the By-laws that two voting members of the Commission can carry on as a quorum.

Commissioner Wilson stated she and Chair Burks are committed to continuing, improving, and expanding the work that this Commission has begun. She stated she has traveled all over the United States, and very few states have a Commission at this level. California has always been a leader, and what this Commission does is looked upon as a model by other states. It would be a travesty if the CCDA were unable to continue or had a problem administratively because of lack of appointments.

Commissioner Martinez asked what the status of the conversation with the governor's appointment secretary was. Chair Burks stated he has had several conversations over the course of the last eight months. The Commission has three Senate and Assembly appointees, Commissioners Navarro, Hauge, and Johnson, but Chair Burks understands that Commissioner Johnson may be leaving the Commission as well. The Commission will then be comprised of two remaining Commissioners: Commissioners Navarro and Hauge.

Commissioner Martinez asked what the response has been. Chair Burks stated there will be an attempt to pull together the necessary administrative procedures to address the appointments by the end of next week. Chair Burks stated he reminded the representative that he has had that same conversation with their office about two prior Commissioners who expected to be reappointed. That was eight months ago and they are still waiting for reappointment.

Commissioner Navarro stated she spoke to Richard Luehrs about four months ago about his reappointment situation. Mr. Luehrs has a willingness and an earnest desire to serve on this Commission, which merits his reappointment. Chair Burks added that he, too, had a conversation with Mr. Luehrs four to six months ago. The Commission's concerns were reiterated to the governor's appointment secretary about the reappointments of Mr. Luehrs and Mr. Pomerantz. Effort has been ongoing seeking these reappointments, but somehow they have fallen through the cracks.

Commissioner Hauge asked what he and Commissioner Navarro can do to help. Chair Burks stated appointed Commissioners can go to the appointing authority and express concerns as to the ability to carry out the statutory requirements of the Commission in the absence of any governor appointee. Senator Corbett and her staff are aware of this issue. Commissioner Hauge stated he will contact Senator Steinberg's office.

Chair Burks stated he, as the chair of this Commission, has asserted the concerns to the governor's appointment secretary and shared publicly on record today the concerns of this Commission that there will be no governor appointee, which is not the intent of this Commission.

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Commissioner Navarro asked if there is a provision in the By-laws, such as that the sitting Commissioners that have termed out remain until a replacement has been appointed. Chair Burks stated, as a recognized Commission of the State of California, there is a statutory limit for Commissioner appointments. If the appointees have not been reappointed within 60 days of the lapse of their existing appointment, they are considered termed out.

Commissioner Wilson asked why the appointment process for this Commission is such a complicated process.

Chair Burks stated the CCDA is the only independent Commission in the State of California. The Commission is not affiliated with any agency, but there is a perception that there is a loose association with the California Health and Human Services Agency (CHHS) because the CCDA is housed in the Department of Rehabilitation (DOR), which is housed under CHHS. The agency that the CCDA is associated with is the Department of Consumer Affairs (DCA). The professional entities that the Commission works with to reduce litigation of accessibility compliance are part of the DCA, such as the Contractors State License Board and the California Architects Board. The Division of the State Architect (DSA) is under the Department of General Services (DGS), which is part of the DCA. The Legislature's intent may have been that this Commission was to have autonomy to enable transparency in voice and action.

Executive Director Castellanos encouraged Commissioners to help people understand the importance of these appointments, and to use relationships they have to encourage movement on this. He stated he understands the frustration and interest in ensuring a full complement of Commissioners, but delayed governor appointments are not unusual. While Commissioners need to remain diligent, they also need to recognize that the governor's office and the Legislature are working hard to try to meet the demands of all who are looking to them to make the appointments, and using Commissioner contacts to help is going to be an important thing to do.

Commissioner Hauge asked if Assembly Members are aware of this situation. Chair Burks stated, that through the prior chair and legislative staff, they have been informed.

Commissioner Wilson stated her understanding that the State of California does not have an ADA compliance officer for the entire state. Commissioner Seferian stated it is up to each department to determine its own compliance of laws and regulations, but no single person is responsible for that. Chair Burks added that each department is required to have a person named and knowledgeable to be able to address the concerns of the public, but there is a lack of knowledge and education for that duty, and the public does not know who to contact in each department. He stated, as Mr. Parks identified, the interpretation of accessibility has been elevated to include any means of electronic communications. The

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frustration of the uncertainties of the departmental contacts for accessibility issues, and whether or not they have the knowledge, skills, and abilities to address accessibility concerns, is exacerbated when even electronic communications are inaccessible.

Executive Director Castellanos stated it is important as Commissioners to be aware of how the state functions in terms of providing the level of support for the staff and for the public in meeting the statutory requirements. The process of coordinating is an important one. He stated staff will research the ADA coordinator issues and report the findings to the Commission.

Public Comment

Mr. Cooknick stated he monitors about eighteen state agencies and lobbies about a dozen of them. It is easy to see the ones that function very smoothly versus the ones that do not. The common denominator is the executive director. He cautioned Commissioners about individually contacting appointing authorities without good, strong communication with the executive director, because it can work at cross purposes and set the efforts of the Commission back. He agreed that having a greater body brings more to the conversation and would like to see the vacancies filled, but recommended that the executive director coordinate those efforts.

Commissioner Martinez agreed on the importance of having input from the executive director, as he sees the resources and has the expertise needed to bring value to this Commission. Chair Burks asked that Commissioners coordinate contacting the appointing authorities with the executive director.

Action Items

- Commissioners are to coordinate contacting the appointing authorities, to express concerns as to the ability to carry out the statutory requirements of the Commission in the absence of any governor appointee, with the executive director.
- Commissioners are to use their contacts to help people understand that Commissioner appointments are important to encourage movement on this.
- Staff is to research the ADA coordinator issues and report the findings to the Commission.

d. Statewide Travel Reimbursement Policy - Update

Staff Member Wade stated the DGS has brought some items to staff's attention regarding travel claims and the Travel Expense Claim form (TEC).

Travel Expense Claim form

Lodging

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Staff Member Wade stated there are specific state lodging rates for out-of-town travel. If unable to secure those rates, an Excess Lodging Rate Request, Form STD 255C, must be submitted to the Department of Personnel Administration for approval prior to travel. The approved request must be submitted with the TEC.

Airport Parking

Staff Member Wade stated the Sacramento, Los Angeles, and San Diego airports have specific rates for parking, and amounts above those rates are not reimbursed. If the Economy Parking Lot at the Sacramento airport is full, Commissioners may use the Daily Service Lot, but the increased parking lot rate must be justified on the TEC.

If using any airport other than Sacramento, Commissioners must use the Park-and-Fly locations and must ask for the government employee rate. She asked Commissioners to see staff for more information about Park-and-Fly locations.

Mileage, Fuel, and Car Rentals

Staff Member Wade stated there are two new sections under mileage: fuel and car rentals. Fuel for rental cars may be claimed on the TEC. Commissioners may not purchase fuel from the rental agency, but must fill up outside the airport before returning the rental car. Commissioners may rent cars exclusively from Enterprise Car Rentals or, if Enterprise does not have availability, from Vanguard, which is associated with Alamo and National. There is a limit of \$30 a day for a compact car. A larger car requires justification on the TEC. The state does not reimburse for GPS units in the rental cars.

There is a maximum amount of \$10 without a receipt for shuttles, bridge tolls, or cab fares.

Travel Expense Tracking Sheet

Hotel Receipts

Staff Member Wade stated hotel receipts are to be attached to this form and must include the hotel name and address on the receipts.

Airline Itinerary or Passenger Receipt

Staff Member Wade stated airline receipts are to be attached to this form and payment for the airfare must be shown on the receipts.

Parking Receipts

Staff Member Wade stated parking receipts are to be attached to this form, and must include airport, hotel, and local parking receipts. She noted that hotel parking fees must be paid separately from lodging fees and must be claimed on the TEC.

Authorization to Use Privately-Owned Vehicles on State Business

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Staff Member Wade stated this form certifies that the driver of a privately-owned vehicle being used for state business has a valid driver's license; that all persons in the vehicle wear safety belts; and that the vehicle is covered by liability insurance, is equipped with safety belts in operating condition, and is in safe mechanical condition as required by law. This documentation is required on Commissioner's vehicles, to be updated periodically and kept in the files.

Mileage can only be claimed to and from the airport from a home or business address and is reimbursed at 55 cents per mile.

Special Services Expense Claim

Staff Member Wade stated this form from the DOR is used to reimburse attendants who accompany disabled persons during travel. Staff researched agencies to use as a model in order to standardize the attendant rate, but there is currently no standard for attendant reimbursement. It was recommended to staff that the Commission establish a formal policy for attendant service fees and support staff for Commissioners. In the past, this has ranged between \$200 and \$352.

Chair Burks thanked staff for working with the DGS, putting the state travel reimbursement information together, and making it available for the Commissioners. He asked staff to add this information to New Commissioner Information Packets. He asked the executive director to look at the policy implications to establish a standard of attendant reimbursement. He asked Commissioners to be mindful of the limitations that have been shared, as they will be held accountable to them from this point forward.

Chair Burks stated lunches have always been provided at CCDA full Commission meetings, but the policy is that lunches are not covered if the travel time required for CCDA meetings is less than 24 hours. Staff Member Jemmott stated staff has addressed this concern in the past by including it as part of the support of the meetings, not travel. With a staff of two, it is difficult to arrange or pick up lunch. Chair Burks asked staff to research providing Commissioner lunches at meetings to avoid conflict of state policy.

Action Items

- Staff is to add the statewide travel reimbursement information to New Commissioner Information Packets.
- Staff is to look at the policy implications to establish a standard of attendant reimbursement.
- Staff is to research providing Commissioner lunches at meetings to avoid conflict of state policy.

e. Chair and Vice-Chair Elections

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Chair Burks stated the vice chair is an appointee who is a member of the business community. He stated Commissioner Hauge is willing to assume the vice chair position on an interim basis until there is a full contingent of appointments.

MOTION: Commissioner Widom moved to elect Rocky Burks as the chair and Scott Hauge as the vice chair of the California Commission on Disability Access for the next sixty days.
Commissioner Navarro seconded. Motion carried unanimously.

4. QUARTERLY MEETING DATES FOR REMAINDER OF 2013 – DISCUSSION

Chair Burks brought out the calendar and led the discussion to set the meeting dates for the full Commission meetings for the year 2013. The full Commission meeting dates will be Thursday, April 4, 2013, in Sacramento; Wednesday, July 17, 2013; and Wednesday, October 16, 2013. The next Executive Committee meeting will be on Thursday, January 31, 2013.

5. BUDGET

a. Fiscal Year 2012/2013 Budget

Staff Member Jemmott stated the report reflects expenditures for the first and second quarters of the 2012-2013 fiscal year (FY). She noted there is an error in I.T. Department billing, which was a direct transfer shown as miscellaneous with no tag identifying where it came from. Also, the year-to-date figure of \$13,447.24 for I.T. is not correct. Staff was informed this will be corrected next month to \$5,250. With these corrections, the year-to-date expenditures are well within budget and timelines for the first half of the FY. Chair Burks explained that the Commission is subcontracted with the DGS for accounting services. Due to internal problems, the DGS did not generate the CCDA Fiscal Report for the first half of the FY until the end of November. Staff did not catch the errors earlier because they did not have the full breakdown of income and expenditures for the first six months of the FY.

Staff Member Jemmott stated there will be an increase in the amount for Fiscal Operation beginning in February. The CCDA has secured a private suite for an additional \$3,000 per month that includes an office for the executive director, space for supplies, and enough cubicles to accommodate additional assistance when required. The suite has its own private entry and Staff Member Jemmott invited Commissioners to visit anytime. Chair Burks expressed his appreciation to the DOR for sensitivity to the Commission's need for additional space and privacy, to staff for collaborating with the DOR and Facilities Management to secure this space, and to Commissioners, Senator Corbett's staff, and Ms. Richard for their assistance in securing the needed private office inside the DOR at 721 Capitol Mall, Suite 260, Sacramento, California 95814.

Action Items

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- No action items.

6. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

SB 1186 - D. Steinberg / R. Dutton

Chair Burks stated SB 1186 was passed and signed as an emergency statute and took effect immediately. Staff has prepared a side-by-side comparison of the old requirements under SB 1608 and the new requirements under SB 1186.

Staff Member Jemmott stated Government Code sections 8299.05 through 8299.11 are the impacted areas of the previous statute.

Government Code section 8299.05 mandated that the Commission shall study and make reports to the Legislature to be completed by January 1, 2011. SB 1186 amends this section to mandate that the Commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction. The main emphasis on this section was that the Commission shall provide, within its resources, information on preventing and minimizing problems of compliance, recommending programs to enable persons with disabilities to obtain full and equal access, and providing information as requested by the Legislature on disability access issues and compliance.

Government Code section 8299.06 mandated that the Commission develop a master checklist for disability access compliance that was to be completed by January 2010. SB 1186 repeals this section and adds that a priority of the Commission shall be the development and dissemination of materials to promote and facilitate disability access compliance. There are a number of ways the Commission is to provide education materials, such as by working with other state agencies to develop these materials, developing toolkits or educational modules to be available on the Internet, posting educational materials and information on the CCDA website to assist in access law requirements, and coordinating with other state agencies to ensure information is uniform.

Government Code section 8299.07 mandated that the Commission shall study the operation of Civil Code section 55.54 and provide a report of its findings and recommendations no later than July 2014 and no earlier than July 2013. SB 1186 repeals this section and adds that the Commission, on or before April 15, 2013, shall report to the Legislature and the chairs of the Senate and Assembly Judiciary Committees on its activities and efforts since its establishment. Commencing in 2014, the Commission shall report on or before January 31st and annually thereafter to the Legislature and to the chairs of the Senate and Assembly Judiciary Committees. Additionally, the Commission shall provide within its resources information on preventing and minimizing problems of compliance, recommending programs to enable persons with disabilities to obtain access, and providing information as requested by the Legislature.

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Government Code section 8299.08 mandated that the Commission shall study the operation of Civil Code section 55.54 and provide a report of its findings and recommendations no later than July 2014 and no earlier than July 2013. SB 1186 repeals this section and adds that the Commission shall compile and post data, with respect to demand letters and complaints sent to the Commission, on the CCDA website every six months beginning July 31, 2013. This shall identify the various types of construction-related physical access violations alleged in the demand letters and tabulate the number of claims alleged for each type of violation. The Commission shall post on its website periodically, but not less than every six months, beginning July 2013, a list by type of the ten most frequent types of accessibility alleged violations; shall quarterly identify and tabulate the number of demand letters and complaints filed; and, commencing in 2014, shall make an annual report to the Legislature regarding this tabulation of data.

Government Code sections 8299.09, 8299.10, and 8299.11 were not impacted by SB 1186. Government Code section 8299.09 mandates that the Commission shall be an advisory commission only; 8299.10 mandates that the Commission shall hire staff and contract for required experts; and 8299.11 mandates that the Commission shall continue to receive funding based on the Legislature in the annual budget.

Staff Member Jemmott stated SB 1186 also impacted other agencies, such as the DOR, the DSA, and the CBSC, but the CCDA was highlighted in 8299.05 through 8299.11.

Executive Director Castellanos stated there are significant changes in the Commission's mandate since the passage of the first legislation. The new legislation has placed a priority to focus on education, training, and reporting. It will be important to have discussions throughout the year about current activities, developing partnerships, funding, and collecting data to provide evidence that the Commission's efforts are beneficial.

He stated the Commission will be discussing the meaning of the mandate "recommending programs to enable persons with disabilities to obtain full and equal access," and what the Commission intends to do over the next FY. He stated he hoped to begin to address scheduled meetings woven around activities that will be routinely undertaken, such as developing an in-depth program plan that will address these items on a long-term basis so Commissioners will have a clear understanding of the agenda on these important areas.

He stated that on July 31, 2013, the Commission will post a list by type of the ten most frequent types of accessibility-alleged violations. This will allow the Commission to begin to make recommendations out of regulation or statute about how to best remedy some of the most frequent occurrences of violations. This list will be important to undertake in the development of the program based on actual data. Along with the reporting responsibility comes the responsibility to respond and recommend solutions.

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Executive Director Castellanos stated the Commission will make an annual report to the Legislature regarding this tabulation of data beginning in 2014. The Legislature will weigh in on the meaning of that data, and he felt this Commission will be called upon to distribute this tabular information. He stated Commissioners need to be prepared to address the meaning of the data and what should or can be done, either by the Legislature, the governor, regulation, or some other means in terms of addressing the accessibility issues learned through that collection of data. This will give the Commission an opportunity to work with data and evidence, and to be more responsive to the needs of the disabled population in the State of California.

Commissioner Martinez stated this is the reason this Commission exists in the first place, to be able to provide possible solutions for improved accessibility. As long as Commissioners keep that vision in mind, the Commission will be effective.

Chair Burks asked staff to prepare a draft of the Work Plan for the next Executive Committee meeting to incorporate elements discussed today.

a. CCDA Committee Restructuring - Discussion

Chair Burks stated there were previously four Committees set up as part of this Commission. He recommended cutting the Committees to two or three: Education and Outreach, Business and Legal, and ADA Coordinators Committees. The Business and Legal Committee is the business relationship side of the Commission's involvement in the compliance efforts. Business needs to weigh in along with the legal side in identifying the ten most frequent types of accessibility-alleged violations seen through the demand letters or the filing of lawsuits.

The ADA coordinators issue is still within the Commission's purview, but may not be in the budget. He referenced Government Code sections 8299.05(b)(2) and 8299.05(b)(3): The commission shall provide, within its resources, information regarding any of the following: (2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities, and (3) Providing information as requested by the Legislature on disability access issues and compliance.

Chair Burks stated this possible ADA Coordinators Committee can address the issue of the ADA coordinators statewide and will address the responsibility of the Commission of informing people about compliance issues. Statute 8299.05(b)(2) identifies a priority of the Commission: full and equal access to public facilities, programs, and services. This possible Committee can help the Legislature and the governor understand the operational incapacities that are in programs, services, and activities. Chair Burks stated that everything the ADA identifies in programs, services, and activities are not delivered totally outside of a building, but are typically inside some kind of facility.

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Commissioner Wilson suggested, instead of three separate Committees, having two Committees that include Subcommittees. Chair Burks agreed and suggested the second Committee could handle the legal side in terms of the reporting requirements about the demand letters and litigation filed in the State of California, with a Subcommittee for compliance efforts for public facilities.

Commissioner Navarro recommended retaining what has already been done in the previous Committees and building on them to avoid duplication.

Commissioner Hauge asked where the CASp fits into this two-Committee structure. Commissioner Burks stated it will still fit into the Education and Outreach Committee, but it will also fit into the Compliance Subcommittee. There needs to be education about the CASp, but there also needs to be compliance based upon the CASp. Commissioner Hauge stated he is particularly interested in the performance and quality of the CASp. Chair Burks stated this could be addressed in the Compliance Subcommittee.

Executive Director Castellanos stated the important thing is where the Commission is in terms of SB 1186 and the changes in the original legislation. In response to Commissioner Navarro, he stated all the great work the Commission has done in the past will not be lost, but is foundational and will advance the agenda. Along with the education and outreach priority is the duty to advise and recommend. It is an important duty and a fundamental responsibility of this Commission.

He stated Commissioner Wilson had an interesting notion in regard to outreach to the community. That is an important function, and looking at developing some stronger connections that will broaden the community Commissioners serve is significant. It is important to hear not just where the problems are, but to hear from the community what their thoughts are on Commission activities, and to develop relationships.

Executive Director Castellanos stated his short-term priorities are to focus on administrative capacity and to begin data collection, program planning, and budgeting in a way that sets targets and brings accomplishment, while, at the same time, helping the Commission see how it is serving the business and disabled communities and providing some benefit.

Commissioner Wilson suggested creating a survey as a way of community, government, and stakeholder outreach. She recommended getting assistance from university students in the area. She added that this would be a beginning that could then extend to other parts of the state so the Legislature can see that the CCDA is an effective Commission. Executive Director Castellanos agreed and stated he has been involved with the use of technology and gathering information and surveying using a number of different survey instruments. This will be a topic for the Commission and the Committees in future. Asking the right

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questions, such as how often to survey and what the target audience is, helps to collect the right kind of information in a manageable way and helps to set an agenda and program for the future.

Action Items

- Staff is to prepare a draft of the Work Plan for the next Executive Committee meeting to incorporate elements discussed today.

7. FUTURE AGENDA ITEMS

Chair Burks stated the critical element is getting the April 15th report to the Legislature and the governor.

Commissioner Navarro stated the main purpose for the establishment of this Commission is to create a bridge between the disability and business communities. She asked if there is a protocol for establishing the best government department for the CCDA to be affiliated with, if the main issue is to help monitor compliance and to create the bridges with the business community. She asked what agency this Commission should be a part of. Chair Burks stated the appropriate affiliation is part of the problem. The Commission is currently housed in a medical model environment, but should be in the business environment in terms of the compliance efforts, whether it is the legal issues or the programs and services aspect of compliance.

Executive Director Castellanos stated staff has already begun discussions on this notion of affiliation and support. He stated he will prepare some background to present in the next Executive Committee meeting. Based on the available options, the Commission can begin discussion on what might be done statutorily for making this work better. The appropriate administrative alignment and support that the Commission receives can help the Commission become a more effective organization. Staff will begin work on developing the background on that.

Commissioner Navarro stated it would benefit the Commission for Commissioners to be in continuing education and to learn about, for example, the healthcare business or the hotel, motel, and travel industry. She suggested compiling a list of websites that Commissioners can visit for continuing education. Chair Burks agreed and suggested including Title 24 and the government, civil, and administrative codes this Commission utilizes, so Commissioners know and understand the Codes referred to and the ones litigated on. He agreed with having a list of websites for continuing education, and suggested having a library and a glossary of information to help Commissioners be knowledgeable enough to speak to the issues.

Commissioner Navarro suggested having an open house and introduction of the Commission after the Commissioner appointments have been made. There was discussion in the past about putting together a brochure representing the Commission. She recommended a letter of introduction to be sent to organizations, such as the League of Cities, letting people know about the new executive director

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and the new Committee structure, including job descriptions of what each Committee is supposed to accomplish.

California Building Code Update

Chair Burks expressed his appreciation for the ongoing commitment Commissioner Widom has shown as the new state architect.

Commissioner Widom stated the California Building Standards Commission (CBSC) will be reviewing the new California Building Code (CBC) relating to disabled access on January 23rd and 24th, and he invited Commissioners and members of the public to participate in the process. He stated the CBSC held nine workshops across the state and one 45-day and two 15-day follow-up public input periods during the process. The CBSC responded to every question, inquiry, and objection. This new Code will integrate the federal Americans with Disabilities Act (ADA) regulations with California regulations. The original Codes, the strikeouts, the additions, where everything was in the CBC, and where they moved to in the new CBC are available on the DSA's website. He acknowledged that the new Code is not a perfect document and will contain human error. All of the work at the DSA, including the Codes, is a matter of continuous improvement.

Commissioner Widom added that if people follow the new Code, they will meet both the California requirements and the federal requirements, which will make life simpler for many people. He stated the next step is to discuss any necessary corrections or changes, but right now he will focus on putting out a single document so that anyone coming into California can immediately see the differences between the federal ADA Code and California Code. Commissioner Widom thanked this Commission for its continued support.

He stated Executive Director Castellanos set the tone for this new Code when he was state architect, and Commission Widom looks forward to working with him and this Commission on the Code to make a major impact on the ability for people who are part of the disabled community in this state to have a better life.

Retiring Commissioners

Commissioner Navarro expressed her gratitude and appreciation for the work Commissioners Dean, Johnson, and Martinez have done for this Commission.

Chair Burks thanked Commissioners Dean, Johnson, and Martinez for all the time and energy they have given to this Commission and for their unselfish devotion and dedication. He wished them success in their new endeavors.

Commissioner Martinez stated it has been a pleasure working with the Commissioners and assured them they are in great hands with the new executive director. Commissioner Martinez stated he has worked with Executive Director Castellanos in the past and knows him to be a result-driven individual; he anticipates great things to come from this Commission.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 9, 2013, MEETING MINUTES**

Action Items

- Staff is to prepare a report on the background of the Commission affiliation and support to present in the next Executive Committee meeting.

8. ADJOURNMENT OF CCDA MEETING

MOTION: Commissioner Hauge moved to adjourn the meeting.
Commissioner Navarro seconded. Motion carried unanimously.

Chair Burks adjourned the meeting at 2:44 p.m.