

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

January 14, 2010

1. CALL TO ORDER

Chair Johnson called the meeting to order at approximately 10:00 a.m. at 2525 Natomas Park Drive, Room 120, Sacramento, California.

ROLL CALL

Commissioners Present:

Margaret Johnson, Interim Chair
James Abrams, Interim Vice Chair (Arrival delayed)
Rocky Burks
Peggy Collins, Representative for Ellen Corbett,
Senate Member

Commissioners Absent:

Thomas Harman, Senate Member
Mark Martinez

Also Present:

Stephanie Davis, Executive Assistant, CBSC
Jim McGowan, CBSC

2. HOUSEKEEPING ITEMS

Chair Johnson commented on what was done at first meeting, including setting up guidelines for meeting participation and allowing the public to comment on issues not on the agenda at the beginning of the meeting. She further requested that everyone speak only when called on by the Chair. Comments from public will be limited to five minutes and Commissioners will be limited to ten minutes.

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

Chair Johnson asked for comments from the public on issues not on agenda.

Public Comments on Non-Agenda Items

None at this time.

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3. GRANICUS PRESENTATION

Kelly Barlow and Michelle Cooper, Northern California Representatives from Granicus, gave a presentation on available services. Granicus is a San Francisco based company in business since 1999. Company mission is government access and transparency. Granicus provides accessibility and openness to the public, various options for webcasting and web conferencing features. Currently, Granicus works exclusively with government agencies, with about 600 clients throughout the U.S., focusing on the public learning process and integrated public records. Agendas, minutes, SAC reports, any information provided to public, along with audio and video recordings of meetings become easy to access, keyword searchable, all located in one location for ease of access on their website. An example was demonstrated from City and County of San Francisco, where a lot is done in terms of public access related to closed captioning and accessibility.

Chair Johnson stated that Commissioner Abrams has joined the meeting.

Ms. Barlow provided instructions on navigating the Granicus website. Scroll down the page and there are the RSS feeds, which are subscription for video minutes. Pod casting is also available, which allows downloading to a laptop or MP3 device. Archives show date and time of the meeting, duration of the meeting, video, agenda, and captioning notes. When a video is chosen, it will go to player page, where all information can be accessed associated with this meeting. On left hand side is video of meeting, with all the functions of a regular video player (pause, fast forward, rewind, adjust volume), including watching meeting in full screen. Below that appear all agenda items next to the video. Clicking on an agenda item will take you to that point in the video. Closed captioning is located here and can show or hide captioning. Share button allows sharing of information via email or for posting on another website, such as and Facebook or Twitter. Documentation on right-hand side is linked to video, as well. In document viewing area, any type of documentation can be attached, e.g., Power Point slides of presentations, maps and GIS information, etc. All content is keyword searchable.

Chair Johnson asked how information would be captured. Ms. Barlow replied it depends what is wanted, either video or audio only to capture what people are saying, including people on the phone. With a laptop, you would plug those feeds, whether audio or video, into the laptop encoding device and if there is an internet connection in the room, the meeting could be broadcast live from laptop. If no internet, then it is just recorded and put into archives. Peggy Collins asked for names of other State government clients, to which Ms. Barlow replied the California State Bar, UC Regents, California High Speed Rail, Board of Chiropractic Examiners. Commissioner Burks asked if currently working with Building Standards Commission, to which Ms. Barlow replied no, not at this time.

Chair Johnson asked if by webcasting Ms. Barlow meant what had just been demonstrated and not real time webcasting. Ms. Barlow replied it can be live, real time. Commissioner Burks asked if there was a laptop connection, audio and/or video capabilities in room could be put into the device and, with internet connection, it would

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be real time, live broadcasting for everyone with internet connection. Ms. Barlow replied that was correct, so someone on phone could be watching and listening.

Commissioner Burks inquired if that would include captioning capacity. Ms. Barlow replied yes, both live and by archive, so live captioning would show up on live broadcast while being recorded for archives.

Chair Johnson asked about pricing of options. Ms. Barlow replied that cost depends on what options are wanted and she stated that Ms. Davis asked Granicus to present capabilities that are available and from there costs could be provided determined on what options would be needed. Chair Johnson asked if once a meeting is recorded, that could be given to Granicus to be placed in archives and Ms. Barlow replied yes.

Commissioner Burks asked Ms. Barlow if there was a menu of all services available, which Ms. Barlow replied that Granicus has contracts with CMAS (California Multiple Award Service) and MSA (Master Service Agreement), so you can see full list of what can be provided. Commissioner Burks asked for a list of services that can be provided and a list of State contractors Granicus is currently working with to help with a better understanding and be better able to explore the website to get a better feel of how user friendly this is and asked that this information be sent to Ms. Davis, including necessary linking information. Ms. Davis asked Ms. Barlow to provide a copy of the MSA and the CMAS, which will show services available and the costs related to those services.

Commissioner Burks asked Ms. Barlow if there is a list of disability organizations Granicus is working with and Ms. Barlow stated there are only one or two, and she will send those to Ms. Davis, as well. Also, whatever Granicus can do to help identify what networking and service provisions are being provided that are disability oriented would be very helpful.

Public Comments on this Agenda Item

Tom Garcia, CALBO, stated he had no questions.

Rick Renfro, CALBO, stated the Granicus system works great, people don't have to travel to meetings, if on phone they can actually see visual also. During Elk Grove City Council meetings, he can sit at his desk and know when an agenda item of interest is coming up without spending entire meeting time in chambers.

Kevin Sparks, Accessibility Design Alternatives Company (ADACO) asked if Granicus is web host of this page or the whole site. Ms. Barlow replied just the page within the site. Mr. Sparks stated that right now the page is accessed through CBSC and asked how information would be provided. Ms. Barlow replied that a link would be provided and it can be linked from as many different pages as needed. The other State agencies just ask for a link off of their page directly, like a sub-page.

Steve Dolim, AIA, Architect, El Dorado Hills, stated it looks like a terrific thing for remote participants.

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Commissioner Burks asked if Granicus networks with Elk Grove and City of Sacramento and Ms. Barlow replied yes to Elk Grove and both City and County of Sacramento. Mr. Burks asked Ms. Barlow also to list what regional governments Granicus is working with.

Commissioner Abrams asked if captioning would eliminate the need for sign language interpreters. Chair Johnson replied that captioning assumed that person knows English and sometimes people who do American sign language don't really know English, so sign language interpreters may still be needed. In that case, signer can be placed in camera somewhere and Ms. Barlow stated that would not be a problem with Granicus. Chair Johnson stated possibility of doing captioning and if people needed sign language interpreter, that would need to be requested. Commissioner Burks stated that it had been decided that capabilities that would reach the largest percentage of population and then add some special requests more specific in nature and Chair Johnson replied yes, that will be the recommendation from the Committee level for approval by Commission.

Commissioner Burks asked if captioning is provided, is there a way that can be captured in a form that can word process to create minutes of the meeting. Ms. Barlow replied yes, that all captions are stored as a file and that file can be made into official transcripts or captioning can be put into a Word file and use that to create minutes.

Chair Johnson stated a captioner has been contracted and asked if Granicus would work with that captioner. Ms. Barlow replied yes, can work with current captioner and also can provide a captioner.

4. FUTURE COMMITTEE MEETINGS

Chair Johnson asked Ms. Davis to send an email listing all Commission and Committee meetings dates. Ms. Davis replied she would send an email to all Commissioners and also post it on the web. Commissioner Burks requested the list of meetings be sent to Commissioners of Committee with a cc to other Commissioners that are not on this Committee to help them with meeting planning. Commissioner Burks reiterated that list be sent to all Commissioners and identify that listed are meeting dates for Administration Committee and full Commission dates. Also, should reiterate who is on what committees. Ms. Davis replied she would send two separate emails, one listing meeting dates and one listing who is on committee, including Chairs for each committee.

Chair Johnson stated all future meeting dates have been identified for this Committee.

Commissioner Abrams stated not one response back from any on any other committees about any meetings so far, and stated that if this Committee is to function and survive, that is unacceptable. There are a number of committees, but the one that must get going now is Accessibility Checklist Committee because earliest timeline in our legislation is June for that committee to have the checklist done. Commissioner Luehrs, the Chair of that committee, has not yet responded.

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Commissioner Burks responded that this should be an item on the agenda for the February meeting for discussion and action. Perhaps there is a lot of uncertainty and unfamiliarity and confusion about what is to be done and how, regardless of whether the whole body or the committees. Might be helpful for the Administration Committee to reiterate the defined charges for those committees and that those charge are statutory. Might help those committees understand importance of beginning this initial effort.

Chair Johnson suggested that the Administrative Committee partner with the Chairs and offered help with getting committee meetings going, asking what support they need, and help to get a committee meetings set up.

Commissioner Abrams stated his agreement and asked to go through committees now, and stated how critical it is to come to the Commission meeting in February and be able to report agenda for Accessibility Checklist Committee meetings. Commissioner Abrams asked Commissioner Burks to contact Chair Luehrs and have respectful discussion of importance of why that committee must get going, here is committee's charge, here's what must be done, let's get this committee functioning and have a status report at the February Commission meeting. Commissioner Abrams is on Accessibility Enhancement Committee and will contact Chair Lilibeth Navarro.

Chair Johnson stated Commissioner Burks is Chair of CASP & Education Committee and offered help with moving forward.

Commissioner Abrams asked to quickly go through committees. Civil Enforcement Committee Chair is Michael Dean. Chair Johnson is also on that committee and offered to contact Chair Dean to help get committee meetings scheduled. Commissioner Abrams meant no disrespect to anyone, everyone is busy and trying to figure all of this out and is respectful of that, but it is imperative that some committee meetings get scheduled.

Commissioner Burks noted that in looking at Commission representatives for committees, there aren't a lot of Commissioners on any of the committees at all, which raised some red flags.

Commissioner Abrams stated most of them are Commission members, but for a few exceptions. CASP & Education Committee are all commissioners but four, and allowed HCD, AIA California Chapter and CALBO select people, which has been done. Civil Enforcement Committee is comprised of all Commission members, and same with Accessibility Enhancement Committee and Accessibility Checklist Committee, except that DSA appoint someone which has been done. Stated concerns about workloads. It needs to be established what people are going to participate and what ones are not. If not going to participate, need to find out what problems are. If they are going to participate and are just overbooked, need to find that out. Here on the Administration Committee, there are only three that are regularly showing up, and not in any deference to Senator Corbett's staff, this is all just beginning and it needs to be made clear to the committee members and the commissioners to let them know the importance of each role on each committee. Commissioner Abrams is willing to do what is necessary for the Accessibility Checklist Committee and call Chair Luehrs and ask questions in order to begin a process. One problem may be that the Chairs and/or Vice-Chairs may not understand protocols that need to be put into place to set up a meeting. So may need staff

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to help to set up protocols, which have to be publicly noticed. There needs to be full understanding of how to set committee processing and people may not be aware of that.

Peggy Collins asked for clarification of whether Commissioner Abrams is asking if all Commissioners serve on a subcommittee. Commissioner Abrams replied yes; are all Commissioners serving on one or more committees? Chair Johnson replied yes, except for one, who was in the middle of surgery at the time. Ms. Collins stated agreement that it should be a prerequisite of serving on the full Commission. Could establish some type of protocol around the number of meetings one can miss, that's a very common way to encourage participation, and also a contributing factor is the staffing issue. Ms. Collins suggested it might be good to bring all the Chairs together when setting committee meetings, including a discussion around protocol issues, and educating Chairs on what obligations are and how to run a meeting, access issues. Chair Johnson stated that's a great idea.

Ms. Davis stated Commission Abrams sent an email to Chairs of all the subcommittees laying out what charges are for each committee, what is needed to get up and running and get meetings scheduled, and email included contact information for Commissioner Abrams and Ms. Davis. Commissioner Abrams presented a copy of what was sent out and stated that a process has been put into place. It was just established which Commissioner will contact which Chairperson of the various committees. So there will be an outreach to each Chairperson. Discussion should be an offer of help to be liaison with Admin Committee and present protocols of this Committee which will actually mirror protocols for all other committees.

Commissioner Burks stated agreement with Ms. Collins that as a minimum, need to get all the Chairs together with this Committee, or at least Chair and Vice-Chair, and with availability of staff, to get protocols to all Chairs is imperative. Ms. Collins agreed with urgency of meeting with Chairs and getting committees going.

Chair Johnson stated acceptance of Commissioner Abrams offer to put together email for Commissioner Burks and Chair Johnson for talking to various committees that will be mentored. Also agreed with Ms. Collins' suggestion of meeting with all Chairs and mirroring that meeting when the Commission meets, so everyone will be there. Will organize that with Ms. Davis and will notice that meeting so public can attend.

Jim McGowan, CBSC, stated that if the Commissioners are gathered for a meeting, it will constitute a serial meeting, so noticing will have to take place.

Commissioner Burks was asked at last meeting to contact other states to identify what commissions may or may not exist out there and reports contacts were made to approximately 100 different people throughout the United States, to have an idea of what is out there and what is existing. Commissioner Burks stated he has received communications back from about 10-15 states, of which there are very limited number of commissions that are set up similar to this Commission. Most are actually commissions to look at statewide policy and are not narrowed in terms of certain applications, where this Commission's focus is primarily building accessibility, as opposed to more global issues. Majority of commissions also housed in another agency and so budget is merged with that other agency. The Oregon Disabilities Commission has a set of bylaws and a

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policies and operating procedures manual which was downloaded. Bylaws stated how commission was organized and functioning and policies and operating procedures manual states who commission will work as an entity. He will provide that information to Chair Johnson in an email.

Commissioner Burks also spoke to Mr. Thorman about the relationship in terms of what can DSA to do in terms of helping to backfill in light of budgetary constraints. DSA is willing to work with us in a relationship providing certain legal counsel, which would not be an actual staffing of this body, but would be for legal questions that come up the committees of the Commission as a whole. The legal counsel won't physically be at meetings, but will provide legal counsel.

Commissioner Burks suggested discussion with Dave Walls about what that might mean in terms of relationship with the CBSC, as they have legal counsel present at full Commission meetings, which helps keep discussions in line and not going beyond legal parameters of allowed legal discussion. Commissioner Burks stated that it is apparent that the national commissions from other states are concentrating on direct program services and delivery and are split between developmental disability issues or employment issues, or it is the whole umbrella and not narrowed to the scope of what our Commission is narrowed in terms of the building issues. Might be best to begin polling other commissions and Mr. Thorman has made staff available to look at what other commissions exist in California and what budgetary issues or construction would look like for commission and committee structure, as well as are bylaws and operating procedure manuals in place. Since this Commission is starting from scratch, Oregon provided good ideas, such as bylaws and an operating procedures manual is needed. There are things that need to be pulled together by the administrative body and have ready for next Commission meeting.

Chair Johnson stated that without good staff support, it is up to this Administrative Committee. In talking to the Governor's Office, they understand problems about staffing and financing and recommendation was to talk to people inside the Governor's Office directly to get support; but first must have clear understanding of actual needs in terms of staffing support, organizational design and structure, which all leads to outcome of a budget. At this time, support is needed from other entities, such as DSA and Consumer Affairs.

Chair Johnson thanked Commissioner Burks for all the work accomplished since last meeting. A budget has been put together and states perhaps that can be the next agenda item for discussion. Before moving into those issues, need to get public comments.

Public Comments on this Agenda Item

Kurt Cooknick, American Institute of Architects - California Council (AIACC), stated that in regards to the Accessibility Checklist Committee, he believes there is a need for an architect to be on that committee and asked for that to be considered at this time. An architect would be the right person to bring great value to what the profession should be looking for in a checklist and would certainly help CALBO out. AIACC has

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worked closely with CALBO on other aspects of the building code and this is no less important.

Commissioner Abrams agreed with Mr. Cooknick that the Accessibility Checklist Committee needs someone designated by AIA California Council and asked Mr. Cooknick whether they have thought about who they would designate. Mr. Cooknick replied yes and introduced Dawn Anderson, a member of AIACC and a certified access specialist. Commission has Ms. Anderson's resume on file and all that is missing is the letter of support from the Council (AIACC) which Mr. Cooknick would gladly submit.

Commissioner Burks agreed, but stated there are concerns if Commission starts taking particular organizations and using only those organizations. The AIA is highly respected, but not everyone is an AIA member. There are professional members with equal qualifications as an AIA member, but they are not a member; worried about implications if only opened up to certain membership.

Chair Johnson suggested that perhaps each subcommittee could have a public member and criteria could be developed for each committee for who that would be. Each subcommittee could determine who they want on their subcommittee, set the criteria and solicit applications.

Ms. Collins stated she is not aware of other statewide architectural associations and asked if AIA is statewide. Mr. Cooknick replied that AIA is nationwide, has been in business for 55 years.

Commissioner Abrams agreed with Commissioner Burks that as a general policy, Commission should not be exclusionary, but would focus on the AIACC as the place to go for that kind of expertise. It should be recognized that if a committee asks for a public member, it must be remembered that all meetings will be open to the public generally. So even though a person might not have a vote as a committee member, there will still be the opportunity to provide expertise at the meetings. But as the Accessibility Checklist Committee's work is so time critical, he respectfully submitted that this be addressed today, if Chair agrees.

Commissioner Abrams moved for a motion to formalize, subject to ratification by the full Commission, that this Committee specify that there will be a member of the Accessibility Checklist Committee to represent the architectural community to be a representative designated by the AIA California Council.

Ms. Collins asked if, at committee level, allowed to vote in Senator Corbett's place, and Chair Johnson responded yes.

Chair Johnson requested that the motion be seconded. Seconded by Peggy Collins. **Motion is carried.**

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Kurt Cooknick expressed gratitude on behalf of AIA.

Steve Dolim, AIA, Architect, El Dorado Hills, apologized for having to participate remotely and stated the chapter of this is very critical and also expressed gratitude for Committee's consideration of the recommendation for AIA.

5. GENERAL BUSINESS ITEMS – MEETING MINUTES, ETC.

Commissioner Burks stated that minutes for the October 19, 2009 meeting will be provided next week.

Chair Johnson stated that thankfully there will be a transcript of today's meeting and in continue in the future continue to do that, so this is an excellent idea. At some point, when we have staff, transcript can actually be turned into minutes.

Jim McGowan, CBSC, stated an agenda is needed for next full Commission meeting to go out early next week. One of the items might be committee reports to full Commission. Chair Johnson agreed. Mr. McGowan stated how it will be done and who is going to do it should be decided and agenda is needed for reproduction and Braille for Commissioner Pomerantz by Monday. Chair Johnson asked why oral reports couldn't be done and stated that since other committees have not yet met, the reports will be oral. So there needs to be an agenda item and a presentation will be given.

Commissioner Abrams stated for agenda, items that need to be talked about are:

- a) Financial issues.
- b) Future funding.
- c) Talk about subcommittees generally.
- d) Talk about Administrative Committee specifically, let Commission know that the Admin Committee we will be looking into bylaws, articles and SOPs for committees.
- e) Talk about committee structure, committee functioning, committee meetings.
- f) Report on Granicus presentation and kinds of things proposing to do.
- g) Talk about accessibility protocols that have been put in place.
- h) Update on legal counsel.
- i) Presentation by CASP.

Peggy Collins stated that in the early stages of new commissions, it's helpful to have part of the hearing be educational, having presentations around subject matter information that will help inform and education the Committee as they move towards having to accomplish goals and adopt products, as well as in terms of commissions and committees and consensus building and how decisions are reached and commission management.

Commissioner Burks stated that in talking to Dave Thorman about the CASP program, felt it was very critical to meet with him and his staff and meeting has been set up, but

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CASP is one of the deliverables. Thought it would be helpful for them to make a presentation to the Commission in February about what CASP is. Chair Johnson stated that's an excellent idea. Commissioner Burks stated Commissioner Thorman will be contacted and asked for CASP to make a 15-minute presentation at the Commission meeting in February on what DSA's CASP program is about.

Mr. McGowan asked for an email with bullet agenda items and Chair Johnson replied an email would be sent.

Commissioner Abrams stated it needs to be planned out what informational items are wanted and the CASP program is a good one. Also asked for a place on agenda to ask whether any Commission members who feel that there are developments involving accessibility, either legislatively or regulatory. Perhaps someone from CBSC should talk about status of the triennial adoption and what Division of the State Architects might want to talk about. Under that same agenda item, the Commissioners should be able to talk about whatever is new and pending that Commission should know about. Equally critical is for public to know and perhaps address things that need addressing, whether good, bad or indifferent.

Chair Johnson will send a list of bullet items discussed today for agenda for Commission meeting. Agenda will be prepared and sent back for review and can be revised, if needed.

Public Comments on this Agenda Item

No comments.

6. FINANCES/FUTURE FUNDING

Chair Johnson stated three things need to be address regarding finances: (1) Projected budget for 10/11, (2) have usual expenses, and (3) forecast for using the \$80,000 currently have; would like to start on budget for 10/11, because Ms. Collins will be leaving shortly.

1) Projected Budget for 10/11

Chair Johnson stated that staff is preparing projected start-up costs for the Commission. This presumes you already have staff and place for people to be, have equipment, etc. But first have to have venue, equipment to work with and money to spend to hire staff. But for now, staff has put together a budget based on the CBSC. Chair Johnson stated questions are whether these are the positions that we actually want, and more important question is, in order to try to get this money in 10/11, what is needed to be done and how can that can be accomplished in order to get this money for the Commission. Perhaps we could start with what needs to be done to get this into the 10/11 budget is where to start.

Peggy Collins asked if staff had any communication with Department of Finance at all, either as December budget was being built or looking toward the May revision? Ms. Davis replied, to her knowledge, no.

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Katrina Benny, Administrative Manager for CBSC, stated has been working with budget staff over at DGS and so are becoming familiarized with what goes on for a budget; have had to put in budget change proposals (BCPs). So in talking with budget staff at DGS, call was made to finance on behalf of this Commission of what really needs to happen. Information is not yet available and will have more information soon. It was discussed that there is need to go to the Governor's Office to see if a proposal has been done and if Commission is in the budget.

Chair Johnson stated she reviewed the Governor's Budget and did not see this Commission. The CBSC was there along with lots of other commissions, but did not find this Commission.

Ms. Collins stated that Finance probably would have thought to include it, unless Department or the Governor's office had submitted something. They respond to what gets submitted to them.

Commissioner Burks stated his commission appointment has expired and is under reconsideration for reappointment. In the process of the reconsideration, he had conversation with Monica Ray, who is an appointment secretary for the Governor's Office. Shared with her concerns about what's going on with the Commission, primarily budget constraints because of an \$80,000 budget. She recommended, as did Leslie Lopez, legal out of State Consumer Services Agency, that both have volunteered to work with us and anything needed, please draw upon them. So the Governor's Office appointment secretary has made it very clear that help will be provided as much as possible. Perhaps Monica should be called and ask for an appointment with Finance as soon as possible for Chair and Vice-Chair, at a minimum, to get their process of that dialogue. Another aspect, in terms of talking with Ms. Lopez, and Monica indicated it, Dave Thorman indicated it, perhaps can piggyback off of other agencies in terms of some in-kind support on an interim basis because so hamstrung with financing capabilities right now. Commissioner Burks asked for direction, such as call Monica.

Ms. Collins stated that Commissioner Burks' strategy is the right one. Monica is who Senator Corbett met with to try and nudge them to make their appointment and she'll be happy to do that. The Governor's Office needs to designate a State department to help develop the initial budget and then can meet directly with finance and start working through those issues. It's going to take another kick start from the Governor's Office to get going. Commission Abrams asked who would be the best person to do that.

Ms. Collins stated a meeting can be set easy enough. Chair Johnson asked who should attend meeting. Ms. Collins stated it should be Chair Johnson and Commissioner Abrams. If Senator Corbett or someone from that staff, that would be fine. Chair Johnson stated it would be important to have someone from Senator Corbett's Office there. Ms. Collins stated probably couldn't get away with too many more people without problems. Ms. Davis stated that if more than two Commissioners meet, you have Bagley-Keene problems.

Chair Johnson asked if it would make sense for Chair Johnson and Ms. Collins, or Commissioner Abrams and Ms. Collins? Ms. Collins stated she can't answer the

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question; probably best for Chair Johnson and Commissioner Abrams to establish a presence there. Senator Corbett's office could do follow up after meeting.

Ms. Collins stated that Commissioner Burks had the most recent conversation, so should call and tell Monica that taking her up on her offer of help. Ms. Collins stated Senator Corbett is meeting with the Governor next week, as well, and this will be put on that agenda, as well. Just make sure when meeting with them, they are focused. Ms. Collins' goal is that it happens very quickly.

Commissioner Burks stated this is where legal discussion is needed. The unique characteristics of this Commission creates a problem under Bagley-Keene, just by the nature of now we have legislative Commissioners and we have Governor appointee Commissioners, and have general public members out there involved with this process, with the element of saying two members can only be involved hamstrings this Commission from doing their effective work about who needs to be in what meetings. Because reality is, the statutory relationship under 1608 was created by the author, which is Senator Corbett, who is a Commissioner. But Chair and Vice-Chair and understand that okay to turn around and do initial phase, but for uniformity, continuity and consistency of getting people to get proper information out at the onset, if being subject to Bagley-Keene over and over again, that is problematic for this Commission.

Commissioner Burks stated a legal interpretation is needed about the difference between ex-officio, because it clearly identifies who's a voting member on the Commission. And the voting members are the Governor appointees and the legislative appointees which means that the Senate has appointed two members and the Assembly has appointed two members, and then there are members of the legislature that are members of the Commission, and then there are staff.

Commissioner Abrams asked Commissioner Burks where would opinion need to be deposited. Commissioner Burks would contact Mr. Thorman and ask. Commissioner Abrams stated, is that something Mr. McGowan can do or go to the Fair Political Practices Commission or where would the best place be to go.

Mr. McGowan stated that the CBSC received an opinion from the DGS legal staff that anything more than two constitute a serial meeting. Commissioner Burks asked if that meant voting or non-voting. Chair Johnson stated it shouldn't matter. Mr. McGowan stated that wasn't discussed. Commissioner Burks stated a legal opinion is needed to clarify that. Mr. McGowan stated he would have to speak to Dave Walls about that. Ms. Davis stated it came via David Thorman. Commissioner Burks stated need to find out what legal opinion exists right now and whether or not it answers to the officio, ex-officio question, and then whatever that is, it is, and it needs to be followed. Mr. McGowan stated that would be done and then would let Committee know.

Chair Johnson stated it is difficult and there are limitations of who can do this, but it is important to move forward in getting these meetings. Commissioner Burks stated that, in all due respect, if there's going to be two people to go to Governor's Office, if Commissioner Burks talks to Ms. Ray, then it should be Chair Johnson and Senator Corbett, because the Senator understands the nuances of the legislative process.

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Ms. Collins stated her agreement, but the purpose of that meeting is to establish this Committee's relationship in the Governor's Office and what the Governor's Office has to do for us is very simple at this point. Someone needs to be told by the Governor's Office and told to help this Committee build a budget. If it gets to Committee Revision, that's so much easier down the road, then Ms. Corbett, as a Senator, can help shelter it and get it through the budgetary process. If there are problems along the way at that point, then Senator's Office can intervene and work with budget staff and Finance staff. That is done by Senator Corbett's Office all the time. But in terms of establishing that relationship and getting this Commission elevated in importance in the Governor's Office, and remember it is important for Governor's Office to want this Commission to work, because of that Chair Johnson and Commissioner Abrams are the right ones to have that initial meeting.

Chair Johnson stated the goal is that Commissioner Abrams and Chair Johnson should meet with the Governor's Office and get the Governor's Office to order someone or some department or another commission to work with this Committee to develop a budget by a certain timeline in order to obtain that money. Ms. Davis stated it could be DGS budget because that's who does CBSC's budget.

Ms. Collins stated someone is needed who is very skilled in the writing of budgets. The second issue is the one raised by Commissioner Abrams about getting commitment for some ongoing support until Commission is up and running. And that will have to last from now until a few months into the new fiscal year, after that Budget is approved, and at that point could actually start hiring staff. It's one thing to find who Executive Director should be and exempt employee to be, but for the remainder of the staff, it can be a long process to hire people.

Commissioner Abrams stated that whenever anyone meets with anyone who can help this Committee obtain money, whether it's the Chair and Vice-Chair with Governor's Office, Commissioner Burks or Ms. Collins depending on contacts or Senator Corbett, Senator Harman, anything to do with that needs to start out with a preliminary number and that should be worked on.

Chair Johnson asked for confirmation that Commissioner Burks will ask for a meeting to be set up and then advise when it is. Commissioner Burks stated it would be done immediately. Chair Johnson stated in that way, schedules can be coordinated and get dates for meetings. Ms. Collins agreed and to contact her if there are any problems.

Chair Johnson asked if former Commissioner Campisi should be involved in this meeting. Ms. Collins stated that wasn't necessary at this point.

Commissioner Abrams stated there should be a starting point for numbers. In looking at the sample Commission revenue center spread sheet, have identified some things that perhaps should be deleted or to question or get more information. For example, line item 12 and 13, associate architect and architectural associate, item 43 for central administrative services, not sure what that is and if something that needs to stay in. Also item 59, departmental overhead, not sure what that is. Then also have the start up costs at are being identified now. This sample budget shows a \$1,250,000, plus the start up costs,

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so the question is, how real is that number. Ms. Collins asked if Ms. Benny could go through all the line items.

Ms. Benny stated first is Executive Director, who is Dave Walls. Executive assistant would be Stephanie. Ms. Davis stated that the Associate Architect and Architect Associate are the technical people, that could help with CASP and Education and Checklist Committees. Maybe two technical people aren't needed. The Architectural Associate is entry level technical person, so would be a lower salary. Basic difference between Architectural Associate and Associate Architect is the Associate Architect has an architect license. Commissioner Burks asked if either or both were needed. Ms. Davis replied that depends on the makeup of what Commission needs to be.

Ms. Benny stated that the Staff Service Analyst is a general analyst that helps out with basic admin/administrative type functions and semi-admin and partially technical. Ms. Davis stated that the Admin/General Admin CBSC has is kind of a personnel liaison to work with DGS's HR department, and also works with the accounting department at DGS and does some liaison work with the budgeting. The other analyst that CBSC has does a little bit of technical support to technical staff, to the architects on staff, as well as overall program support, has built a database and done some web design. Those are the two that CBSC has and the functions served. Might be helpful to have an analyst do the liaison work because the Commission probably will have to farm out some of the budgeting, accounting, IT, HR. CBSC pays DGS for budgeting, accounting, IT services and HR services. CBSC doesn't have the staff to handle that in-house. Ms. Collins stated that's really common for really small agencies, but added that would probably be the position level this Commission would have for staff that provided support to your committees is probably that staff analyst position.

Ms. Benny stated that the other one this Commission might want to do is an Office Technician or a Staff Services Analyst.

Commissioner Burks asked if this sample budget is what this Commission looks like. Ms. Davis stated yes, a small make up, as well as some numbers for operating expenses. Commissioner Burks asked if the CEA is support staff. Ms. Davis replied that is the Deputy Executive Director. Ms. Collins stated it's an exempt position. Chair Johnson asked what positions are exempt on the sample budget. Ms. Benny replied the Executive Director and the CEA. Commissioner Burks noted there's a total schedule of seven staff members for a total of \$537,000. This is a good snapshot to tell us what the CBSC looks like in this relationship to their function. Ms. Davis added that's without loaned positions. Ms. Benny added that it's without the CALGreen positions, also. Chair Johnson asked what a CALGreen is. Ms. Benny stated it is the CBSC staff working on green building standards and is special funding. Chair Johnson stated that there's other funding besides the general fund, plus people that are loaned to CBSC, and asked how many staff the CBSC has total. Ms. Davis replied 13. Commissioner Burks asked in terms of departmental overhead that is being identified, is that indirect charge to CBSC out of general funds. Ms. Benny stated that Line 59, Departmental overhead, is probably payment to DGS for CBSC overhead, such as budgeting, HR, website, building, leasing,

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and all contractual services, even go through procurement services with them. Ms. Collins stated that probably all three of those line items are formula.

Commissioner Burks stated it helps to understand that CBSC staff has approximately \$206,000 for indirect costs to operate the organization, costs being picked up somewhere else through budgetary formula. So the total funding that we're looking at is the \$1,043,000 roughly, not counting the other six staff members not included in that. Chair Johnson asked if that means the \$206,000 is not included in the total. Commissioner Burks stated this sample budget is a good snapshot of what the CBSC has, less six additional staff members. In terms of this Committee's application, it shows there are two Staff Services Analyst positions at roughly \$50,000 each. Commissioner Burks asked what S&W stands for. Ms. Benny replied that is salary & wages and stated that salary savings is always applied after the fact, because what is estimated is that it's budgeted at mid-range for salaries, and it is hoped with salary savings that staff would be at a lower range. Ms. Collins stated also when there are vacancies on staff and is routine in any budget. Commissioner Burks asked if this is not counting the furloughs. Ms. Benny replied that is correct, that this is standard salaries, not furlough salaries. Commissioner Burks confirmed that the staff benefits are at a formula rate at \$204,000 based upon a \$512,000 annual cost. Ms. Benny stated it is based upon the \$537,000, which it is roughly about 35%.

Commissioner Burks stated that now that it is understood what the budget stuff is, it's a nice snapshot but doesn't have applicability to this Commission. It is doubtful this Commission will go with an Associate Architect or even an Architectural Assistant at this point. In talking to other people about start-up funding, it needs to be decided, do we need an Executive Director; do we need an Executive Assistant? Do we need to have a whole budget in terms of the building itself; because that's what this indirect cost is. It's the operational expenses in terms of what general expenses cover, things like pencils, pens, and paper. Ms. Collins asked if that includes rent. Ms. Benny said that's in the Department Overhead. Chair Johnson asked if rent was part of Department Overhead. Ms. Benny stated that line 36 includes rent.

Ms. Collins suggested that the majority of discussion be focused around the staffing issue and what needs will be and a lot of the rest of this, there will be some unique costs, depending on where ultimately are housed and that can change issues. But beyond staffing, the remainder is much simpler. And much is driven by what decisions are relative to the staffing and the political part of this discussion, in terms of conversations with the Governor's Office or with the Department of Finance, will be around staffing issues and that's where main focus should be. Ms. Collins would encourage two things, (1) Not sure what level of architect is needed, if any, but need somebody with expertise in that area, and (2) will need enough staff to support those committees, especially in the early days, so strong staff support is very important.

Commissioner Burks stated perhaps an Executive Director who is a licensed architect. Cross-over staff will be needed and multiple function and doing start ups, so need to maximize staff diversity based upon knowledge, skills and abilities in multiple functions. So our Executive Director should be an architect.

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Chair Johnson agreed with Ms. Collins that our attention should be focused on trying to figure out what positions are needed and not sure that this Committee will be able to totally decide that. A discussion with the full Commission will be necessary.

Commissioner Abrams stated architectural expertise is needed, which can be hired and pay for it or get it in kind from another source, and State Architect's Office would be first place to go. While it can't be resolved here, Executive Director needs to be, first and foremost, a first class executive director, CEO. If also an architect, so much the better, but that shouldn't be the defining consideration, but that will be up to the Commission. As far as an agenda item for the Commission, there will be discussion on finances. Commissioner Abrams asked Mr. McGowan if some time should be spent at the Commission meeting in February talking about and really trying to get Commission to come to grips with and decide upon what the staff should look like. So, whatever needs to be put as a label for that discussion in the agenda, it is critical to fully discuss and make decisions at that Commission meeting. Chair Johnson stated it could be labeled as Commission staffing discussion. Commissioner Abrams stated it's part of budgeting, part of financing, but extremely important it is focused in on. Chair Johnson agreed it should be focused on.

Commissioner Abrams also suggested that Committee needs to continue focusing on at our next Committee meeting on February 4 to finalize this so it can be sent off to everyone that needs to receive it, such as the Governor's Office, Department of Finance and everyone else, our best estimate of what our budget will be so that we can get into the process. Chair Johnson stated agreement.

Chair Johnson stated limited time left for meeting and it seems there is expertise here in terms of what people might think this might need.

Public Comments on this Agenda Item

Rose stated had some thoughts but that Commissioner Abrams pretty much summed up all of it.

David Walls, CBSC, wanted to add there is a person who worked with the Department of Finance willing to help with budget and will provide a breakdown on the type of position and the cost and then whatever positions are chosen by Committee will be plugged in and that would fill out and create the budget. Because he worked with the Department of Finance has a pretty good idea of how to put it together.

Chair Johnson asked if he works for them now. David Walls replied that he is finance person for agency and has offered to do this and is working on it now. Chair Johnson asked what agency. David Walls stated State and Consumer Services Agency, which is the agency the CBSC is under. This Commission is not under an agency and so is an independent commission.

Dawn Anderson asked that the disabled community be looked at to help provide the services needed.

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Commissioner Burks asked Mr. Walls if the staff member who is working on this, is this the budget that will possibly be a start-up budget. Mr. Walls replied that it will include all of it. Commissioner Burks asked what expected turnaround time is on that. Mr. Walls stated it is being worked on right now, so hopefully by next week it should be available. Commissioner Burks has been asked by the Chair to contact the Governor's Office and has already been in contact with them and will set up a meeting with both the Chair and Vice-Chair with the Governor's Office. It would be really nice to state that in-kind staff support is being provided by CBSC staff through DGS' assistance to come together with a start up budget, as a best guess estimate that would be in advance of the February 2 Commission meeting. Mr. Walls stated that the budget will be available by next week, but certainly before February 2 Commission meeting. Commissioner Burks stated that information would be shared with the Governor's staff.

Chair Johnson stated not sure if staffing issues were resolved, but made progress on who we want to staff. Clearly want an Executive Director and clearly want staff services analysts to do a lot of the work working with committees. Some suggested we might need architectural staff. People in the community mentioned should make sure there is a staff member that has expertise in disability issues and could perhaps be someone from the disability community. Those are all good suggestions. Perhaps also having some sort of attorney staff person. Commissioner Burks stated he has a really good recommendation. Believes there are people out there that are licensed engineer, licensed architect, a BAR member, a CPA, and have a disability.

7. LEGAL COUNSEL

Commissioner Burks stated that Dave Thorman has indicated that if Commissioners or Committee Chairs need to have a legal question answered, Mr. Thorman will provide legal staff to do that. That does not include having legal staff attend Commission meetings or come to committee meetings, unless a very specific purpose of why legal counsel would need to be there on one issue. This would be on an interim basis, interagency cooperation, collaboration, just exactly what CBSC is doing for us right now, there are others who want to step up to the plate and help us out.

Commissioner Abrams stated that going back to the question of the open meeting law. In looking at the memo from Theresa Boron-Irwin dated November 3, 2009, the question was asked, under Bagley-Keene,

a) "The Commission has voting and non-voting members. Do non-voting members count when ad hoc committees meet?" The answer is yes.

However, if meeting is after a regularly noticed meeting, the notice and agenda can be included with the CCDA meeting notice and agenda. The next question and where further clarification is needed, i.e., the question is,

b) "If an ad hoc committee met and there were two voting members and one non-voting member, would the meeting have to be advertised in advance." The answer is basically a question: "Would the two members be voting on something or are they making a decision? The code doesn't distinguish between voting or non-voting. The number of

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members present is the operative and controlling factor. So if three members met, they would be subject to the Act.” It can be inferred from that; that if they were meeting for something and would not be voting and not be deciding, that the open meeting law would not apply. If that’s the case, then going and meeting with the Governor’s Office would not be covered. Is that the quickest and easiest place to go back and get Ms. Boron-Irwin to clarify that? So the question that was asked at the bottom of this page, “Would the two members be voting on something or are they making a decision,” if the answer to that is no, does that change her opinion, in which case the open law would not apply; if three or four or five commissioners, voting and non-voting.

So, two questions need to be asked: If there are more than three and they are not deciding something or voting on something, does it apply? The basic answer is, voting or non-voting doesn’t matter. That’s one critical question as we go into these meetings in the Governor’s Office and with other people.

Chair Johnson stated that, based on how it’s written here, it does sound like she was trying to make some distinction between voting or not-voting. Commissioner Abrams stated it should be clarified. Chair Johnson agreed that it should be clarified.

Commissioner Burks stated that Mr. Thorman provided Ms. Boron-Irwin’s number and said to call if question and can propose this question to Ms. Boron-Irwin immediately. Commissioner Abrams stated the answer should be in writing or email. Commissioner Burks stated that he will use proper protocol through Mr. Thorman and then contact Ms. Boron-Irwin to ensure it is provided and then it would be distributed so that Dave would have the benefit of it as well and then it would come back through the process to Chair Johnson.

Public Comments on this Agenda Item

Kevin Sparks, Accessibility Design Alternatives Company (ADACO) asked that since Commissioner Burks’ commission is expired, can he be in on this without violating Bagley-Keene.

Chair Johnson stated that subcommittees can appoint to these subcommittees who is wanted and probably will need to be re-appointed before the Commission meeting, but the committees can appoint who is wanted.

Dave Walls stated that was correct.

Commissioner Burks stated that statute was silent in terms of what happens to commission appointees with expired commissions. But Ms. Ray indicated that there was something about 60-days. Ms Ray will find out what that means, because it should be made clear to the Chair that because serving on several committees and, at this point in time, not a commissioner because commission has expired. However, Ms. Ray stated there’s a 60-day window here and asked for clarification by Ms. Ray. So to answer Mr. Sparks question, that is being looked into. But Chair has the right to allow presence on committee, and would hope Chair would do that publicly, so that everyone understands that.

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Chair Johnson stated again that Commissioner Burks was appointed to committees and he has not been un-appointed him from the committees. So regardless of status with Commission as a whole, he remains on the committees.

8. FUTURE AGENDA ITEMS

Chair Johnson stated that has been thoroughly gone over.

Public Comments on this Agenda Item

No comments at this time.

9. ADJOURN

Chair Johnson adjourned the meeting at approximately 1:00 p.m.

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