

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

November 16, 2009

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 (Teleconference)
Rocky Burks
Catherine Campisi
Mark Martinez

Commissioners Absent:

Ellen Corbett, Senate Member
Thomas Harman, Senate Member

Also Present:

Stephanie Davis, Executive Assistant, California
Building Standards Commission (CBSC)
Jim McGowan, CBSC

2. GUIDELINES FOR MEETING PARTICIPATION

Chair Johnson suggested guidelines and protocols be set for meetings and be published on the CCDA Website to ensure the public is aware of protocols before arriving at meeting.

Public Comments on this Agenda Item

Richard Skaff, Executive Director, Designing Accessible Communities, suggested there be brief time allowance just after roll call for items not on agenda, after each agenda item, and at the very end, which makes it easier for people with disabilities.

Richard Green requested clarification of need for green card (Request to Address the Committee) if public comment period following each agenda item, and suggested green cards also be filled out for non-agenda items.

Rich Halloran expressed concern that if person did not fill out comment card, they may have heard something during meeting that they wish to comment on and should still be allowed to address Commission.

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Chair Johnson stated green cards allow Chair to know how many people want to speak on each agenda item, so time limits can be adjusted, if needed. Green cards are not mandatory, but are helpful in managing the meeting time.

Commissioner Burks stated importance of encouraging participation in meetings and concurred that brief public comment be the first item on the agenda at the beginning of meeting. However, they must be brief general comments, and can be discussed in detail at the end of meeting or put on the agenda for a future meeting.

David Wilder expressed concern that blind and anyone with physical dexterity problem may not be able to complete green cards. He also stated that public comments are allowed on any item on the agenda prior to vote being taken by members; and that there is no point in public comment after the vote taken and the decision reached.

Chair Johnson suggested no formal motion be set forth, but after discussion, the following protocols/guidelines will be used:

- Chair Johnson to ensure timelines are adhered to.
- Commissioners and public to be recognized by Chair before speaking.
- Commissioners will have ten minute time limit each for their discussion.
- Public will have three to five minutes each for their discussion, with flexibility depending on issue.
- Public comment time will be added as agenda item at beginning of meeting after roll call for brief general discussions.
- Public will have comment time after each agenda item.
- At end of meeting, there will be public comment time on non-agenda items.
- If several members of public wish to speak on same topic, either pick a spokesperson, or after one person speaks other speakers state concurrence without repeating the issue.
- Encourage people to complete green cards (Request to Address the Committee) about discussion topic so Chair can better allocate amount of speaking time per person.

3. OVERVIEW OF ADMINISTRATION COMMITTEE

Charges & Responsibilities

Chair Johnson stated purpose of this Committee is primarily to look at logistics for the Committee, address issues such as how the Commission is going to function and run and what kind of support is needed to make that happen. This Committee will establish protocols for the other subcommittees as they go forward, and for the Commission meeting in January. It is important to have these protocols in written

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form and distributed to other subcommittees and published on website so the public is aware them. These protocols will ultimately be presented to the full Commission for final decision and approval.

Commissioner Burkes stated importance of looking at budgetary issues and operational capacities of the Commission. As various subcommittees go forward, they will need to understand practices, procedures and protocols that the Commission is expecting. This Committee will set those operational practices and procedures to be followed by all committees and subcommittees, ensuring consistency of process. All protocol procedural practices now in place for the Commission should be distributed to this Committee and its members for review, so that we can replicate or modify and have a template to work from.

Commissioner Martinez added, for the record, this is one of five subcommittees and the first subcommittee meeting out of the five.

Public Comments on this Agenda Item

Michael Mankin, Division of the State Architect (DSA), requested as we lay out charges and responsibilities for this Committee, that we identify why we are doing that and the consequences of failure to carry out those charges and responsibilities, which might provide incentive for funding and support.

4. CONFLICT OF INTEREST

Dave Walls, Executive Director for the CBSC, stated that the Fair Political Practices Commission (FPPC) requires that all agencies and departments have a conflict of interest regulation in place, which must be updated every two years. Mr. Walls proposed using the same style of regulation submitted to the FPPC that the CBSC adopted. These regulations were proposed to this Committee and also at the October 19, 2009, Commission meeting. Jim McGowan, CBSC has been in touch with the FPPC to discuss the process. If the Committee is satisfied with the style of regulation presented, there is formal process that has to be taken through a 45-day comment period, and response to comments, approval from the Commission, submission to the FPPC for final approval and then filing with the Secretary of State. It's a requirement and priority that it be done now and just needs approval by this Committee to begin the process. In February, the proposed regulation will be brought before the full Commission for final review and vote, and we'll see public comments then, if any. The Committee has already filled out Form 700s, but the FPPC wouldn't accept because we don't have a regulation in place. Statute does allow us to hire consultants or staff in the future.

Chair Johnson recommended this be put out for 45-day public comment so we can get moving on this and Commissioner Burks, Commissioner Campisi, Commissioner Martinez, Commissioner Abrams all concur.

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Jim McGowan, Building Standards Commission, stated it's important for the Commission to formally appoint CBSC as the point for development of these regulations and that the motion also contain that CBSC is developing and will carry through, which would include 45-day comment period, response to those comments and the development of all documents necessary to implement the rulemaking.

Public Comments on this Agenda Item

Michael Mankin commented that the DSA is not the most appropriate agency to develop check list. In administrating our work, the staff we retain should sign a statement of incompatibility stating while carrying out responsibilities for Commission, that certain things, while not violations of the FPPC, might compromise the Commission.

Commissioner Burks moved for this Administration Committee to recommend to full Commission that we empower California Building Standards Commission staff to develop necessary policy or procedures to ensure we meet requirements of conflict of interest for the Fair Political Practices Commission. **Commissioner Abrams seconded.**

Open for Discussion

Commissioner Campisi asked for clarification of whether before this process happens that this has to go to full Committee.

Commissioner Burks responded that CBSC staff has the knowledge, skill and ability to pull together necessary framework. This motion allows them to get 45-day language out. If there are tweaking elements needed, we are empowering the Chair and Vice Chair to interact in order to be able to share at the full Commission meeting in January.

Chair Johnson clarified that when we have our next meeting, the full Commission would give final approval and act on conflict of interest policy. We are just giving CBSC power to do all timeline requirements.

Jim McGowan stated, once you have a motion, there's a second, and then you ask for a discussion before voting, which is what just occurred.

Michael Mankin stated that on the vote itself, any time one of our members is on teleconference, we are required to do a roll call vote.

Chair Johnson called for a roll call vote, and Ms. Davis conducted roll call vote:

Commissioner Burks:	Aye.
Commissioner Johnson:	Aye
Commissioner Campisi:	Aye
Commissioner Martinez:	Aye
Commissioner Abrams:	No response (On teleconference)

Motion Carried.

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5. FUTURE MEETINGS FOR COMMISSION

Where and When

See the following agenda item.

6. ACCESSIBILITY ISSUES FOR MEETINGS

Chair Johnson stated that agenda items 5 and 6 will be combined because issues related to accessibility of the meetings will have impact on where and when the meetings will be held.

Ms. Davis stated she searched State agency venues. Some will charge, some will not. BSC's telephone and telephone conference connection can be taken to each venue. Teleconference lines charge per minute, per line. There are typically 100 open ports. Bus transportation or paratransit is available to all sites below, however parking may be an issue.

- Cal EPA was most accommodating venue and could accommodate 17-member head table, has large seating; is accessible, telephone line for teleconferencing, they do have webcasting at no charge; however, no captioning or picture-in-picture. Rental fee of \$530 per day or \$55 per hour.
- DGS, the Ziggurat Building has an auditorium with a very small stage, probably cannot accommodate 17 people at head table, with wheelchair lift for stage; do have webcasting, charge is \$175/hour for one cameraman and one IT tech, \$300/hour for two cameramen and one IT tech, or \$425/hour for a full camera crew, that's three or more and an IT tech; small administrative fee, and a bandwidth fee for webcasting from Ziggurat. Rental fee is \$250 half day, \$500 full day.
- CDE Board Room is not large enough to accommodate a 17-member head table, but have 100 seats for audience; small step-up, so not accessible for wheelchairs.
- Community Colleges – Chancellor's Office has a large board room that can accommodate 17-member head table; not sure if has rental fee.
- 1500 Capitol Avenue has an auditorium which has a larger stage than Ziggurat, but still may be a tight fit; has 290 audience seats; is accessible, although no webcasting is available, so would need outside vendor; no captioning, no picture-in-picture, believe there is teleconference line. No rental fee.
- DWR has an auditorium that is a maybe; no webcasting, no captioning, no picture-in-picture, not sure about teleconference line. No rental fee.
- There are two rooms at Capitol that will accommodate 17, one room seats approximately 150, other approximately 100; both are accessible; however, no webcasting, no captioning, no picture-in-picture, there is teleconference line. No rental fee.

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- Secretary of State Building has an auditorium; however it is under construction with ADA upgrades, but has a very small stage. It is accessible, has 260 seats.
- DSA Board Room, with three duplicate satellite offices; the board room would be needed along with all three satellite offices and have Commissioners housed throughout the State, Sacramento board room will accommodate 8 members at head table, and could accommodate seating for approximately 40 tightly; webcasting at no charge, no captioning or picture-in-picture, however, outside vendor could be used here. If using this option, the Bagley-Keene Open Meeting Act must be adhered to by noticing all four venues on the notice. That way, the public is able to come to any of those four locations. Teleconferencing capability, but not sure if available at all four offices.

If webcasting is needed, then a venue is needed with webcasting or will need an outside vendor. Presently there are two vendors used for teleconferencing. Sign language interpreters are available, and a Braille transcriber who is local. The main question seems to be webcasting, captioning and picture-in-picture.

Chair Johnson indicated the need to determine a list of things to provide at each meeting. Beyond that, people can request particular items prior to the meetings. With a limited budget, we need to ensure that accommodations provided are necessary. It's necessary to ensure that the meetings are open and accommodate participation by everyone, while being mindful of budget.

Commissioner Abrams stated it seems like webcasting is most problematic aspect. He suggested having sign language interpreters and captioning, and setting aside webcasting until the budget allows.

Commissioner Burks stated how disappointing it is to be talking about accommodating communication modalities for the purpose of the existence of this Commission. This Commission was looking at the relationship between public sector's oversight role of private sector's compliance of public accommodations. And now the Commission is having trouble accomplishing access to public accommodations provided by the public sector and looking at private sector to finance it or provide technical staff to make it reality.

Chair Johnson stated that venue necessities should be defined, such as sign language interpreters, documents in large print, and something for people hard of hearing that don't understand sign language, some form of captioning.

Commissioner Abrams agreed that people hard of hearing who don't understand sign language need to have an assisted listening system.

Commissioner Martinez stated one unknown for the Committee is the cost for an actual meeting. If actual cost to do a turn-key meeting is \$530/day at Cal EPA and can accommodate just about everything, then that's the way to go. Costs have been reduced by going to quarterly meetings. It may be possible to get a reduced cost at community college facility. So turn-key at minimal cost is a way to go to accommodate everyone.

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Chair Johnson stated that accommodations needed for the Commission would be the same accommodations needed for committee meetings. With five committees, each will have two meetings prior to next Commission meeting, so ten meetings before next Commission meeting, with all ten needing the same accommodations.

Commissioner Campisi suggested checking into the Homestead Advisory Committee, which meets at Department of Healthcare Services. Department of Rehab might be available at no cost, but doesn't know if they have webcasting, the Chancellor's Office has CCC Confer, and they telecast from where they have the Board of Governor's meetings and have captioning and picture-in-picture.

Public Comments on this Agenda Item

Kurt Cooknick, California Council California Chamber of Commerce, CALBO, BOMA are all supporters. California Chamber of Commerce has a huge meeting space that would accommodate our meetings, and is wired with the latest technology. May be able to get space for low price. Also stated he thinks we should try going back to the private sector rather than relying on the State. Because with furloughs, budgetary concerns, things are tight. The League of Cities might have some spaces available across the state not being considered that have all the technology needed that would help everyone gain full access to these meetings.

Dawn Anderson added that the American Institute of Architects (AIA) located in San Francisco has all the accommodations we are looking for.

Tom Scott, representing California Citizens Against Lawsuit Abuse (CALA), stated we should approach Consumer Affairs up on Market. He stated he's on the State's Guide Dog Board, and Anne Zemet, Guide Dog Board, would be a good resource because they deal with the same issues of access. It might come down to what does the law require?

Chair Johnson responded that the law requires that things be accessible, meaning architecturally accessible. And also that effective communication for people with communication disabilities is provided.

Ms. Davis stated that the Building Standards Commission meets at Consumer Affairs in its first floor hearing room, which is too small for 17-member head table, but could possibly use it for committee meetings, because it is accessible, there is webcasting, there is teleconferencing, sign language interpreters are available, so it could work for committee meetings, just not the full Commission.

Richard Skaff, Executive Director, Designing Accessible Communities, stated that being on the phone and not in the room of meeting, from time to time people are speaking that aren't giving their names. It would be helpful for those on the phone to know who's speaking, if possible. He stated he brought these issues to Mr. Walls, and he's somewhat concerned with what he's hearing today about primary access and what should be considered alternative or exceptional access, that people should call in or

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write in ahead of meeting, whether it's a subcommittee or full Commission. This is the one and only Disability Access Commission in the State of California. And he believes it was created by Senator Corbett to ensure that the disability community, state-wide, as well as business community and other interested parties, would have a forum to be able to communicate with each other in a way that could be successful in bringing us all together, to resolve problems related to accessibility, both physical access and program access. It's important to keep that in mind, whether it's defined specifically in the ADA or not. It's imperative that this Commission find a way to accommodate the issue of communication. For people with disabilities, about 80% of that population are unemployed and on fixed income. And the thought of saying to a population in that situation financially that they can come to the meeting in Sacramento or they can ask within 72 hours for accommodations is disconcerting. He's concerned that the Commission might consider doing less than they believe is absolutely necessary or required, and suggested that having web access will assure that people with disabilities can communicate with the Commission throughout the State. The picture-in-picture is not a primary issue. A sign language interpreter can stand somewhere in front of the camera without blocking the Commissioners or the Chair, so persons watching the web presentation can see the Commission and the Chair and see the sign language interpreter, and can also have the person doing captioning. This is important to the community. He stated he's amazed to see that getting these services, that are so basic to accessibility, are so difficult. He's hoping that the Commission will not give in to the difficulty. He's sure there is going to be difficulty in finding funding to do this, but is hoping that we will take this as a basic service to the disability community. Although many people who are deaf do use sign language, many people, especially older people with hearing loss, don't learn sign language, so captioning is really important. He assumed that this Commission was going to try to be or provide the most accessible process, to assure communication between the business community, the political bodies in the State, and the disability community.

Michael Mankin, DSA, concurred with Richard Skaff's comments. This Committee needs to maintain the highest profile possible, at least for the Commission meetings and do as good as they can for the subcommittee meetings. If there are not enough funds, then that needs to be made clear to people that are empowered to address those issues. He doesn't want to see this Committee do only what's required by law, because there are no consequences for failure. State agencies and government entities cannot be held accountable in the legal system, not without a great deal of coalition effort and class action litigation, and he feels that doing what's required is basically to do nothing. To do what makes it work to achieve the highest profile is the proper payback for giving up unfettered rights to

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go to court. This Commission is trying to fulfill that role and it should do that in the most meaning and inclusive way.

Commissioner Burks stated he would like to make it very clear not everyone qualifies for paratransit, so it's important that it's a transit-friendly venue, adequate parking.

Commissioner Campisi asked Richard Skaff what the Building Standards Commission accommodations look like.

Richard Skaff replied that it sort of basic, but Dave has made every effort to respond to requests for accommodations by providing web access with cameras, a sign language interpreter on site who stands somewhere near the Committee Chair, so near the Commissioners there is also a sign language interpreter. A person who's deaf can see who's talking and see the sign language interpreter. He's doesn't believe they've done captioning, but they are doing captioning at the State Architect's Office for the Access Committee. There is a captioner who is not yet hooked up to the TV system that DSA has, but we have a deaf member that does not use sign language but he uses captioning. He sits next to the captioner and reads the screen, which describes what each person is saying at the meeting. DSA just recently signed a new contract for the captioner. Maybe seeing what DSA has done to get a contract for a captioner might be helpful and maybe we could combine use. The Building Standards Commission has to look at captioning also. Building Standards is a major State agency and the meetings they have are extremely important for our community and until recently, with Mr. Walls efforts, the meetings haven't really been accessible. The full Commission has been accessible but some of their committee meetings have not been accessible because they're too far away from center of town.

Commissioner Campisi suggested that information be obtained from the State Independent Living Council, the Governor's Committee on Employment for Person's With Disabilities.

Chair Johnson stated there is now some direction for Ms. Davis to do some costing to provide web access, sign language interpreters, captioning, architectural access, teleconference capacity, large print documents available at meetings, certain number of Braille documents at the meeting, adequate parking, accessible public transportation, and being mindful about access around the State. Would like a chart for the next meeting showing different venues, accommodations available and costing in order to make some decisions about where meetings should be held.

Commissioner Burks stated he's thinking of disability organizations that can provide guidance for Ms. Davis, such as Department of Rehabilitation and to call Director Tony Sauer directly, State Council on Developmental Disabilities, State Independent Living Council, Governor's Committee on

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Employment for Persons with Disabilities. Those are four disability entities of State significance and see what they do for compliance.

Ms. Davis asked that anyone who knows someone at these other disabled access groups, if any of the Commissioners has a contact and can use it, could they do that. She will look into contracting for a captioner. She stated it's a lot of research and work to have prior to the next meeting and said any help would be appreciated.

Chair Johnson stated the Commissioners will give all the help Ms. Davis needs and she can get Ms. Davis information from the State Council on Developmental Disability.

Commissioner Campisi stated she can help with the State Independent Living Council and Governor's Committee. However, it needs to be made clear what information to ask for, so everyone gathers the same information. For example, where do you meet, what disability accommodations do you routinely provide without advance request, what other accommodations do you provide upon request, and maybe what kind of notice do you require.

Chair Johnson stated that after the meeting, members will spend a few minutes with Ms. Davis and split up tasks.

Chair Johnson stated that we've covered agenda items 5 and 6 and will put this on agenda for next subcommittee meeting to explore what information has been gathered, and hopefully come to some recommendations for the other committees and the Commission.

7. GENERAL BUSINESS ITEMS

a) Preparation of Meeting Minutes

Ms. Davis stated that she wanted to make sure this Committee was aware that they currently don't have anybody to prepare meeting minutes for them. They can go out for contract. She contacted a vendor that the Building Standards Commission uses, and vendor is comparable to what most other transcriptionist services are. Most of them go on a per page cost for full transcripts. For this particular vendor, for meeting minutes, it's \$75 for first two hours of meeting, then \$25 for each additional hour. To fully transcribe something, the charges are not only per page, but also based on turnaround time. If you want quick turn around time of 1 to 2 business days, it would be \$5.75 per page on a full transcript. On a 3 to 6 business day turn around, it's \$4.75 per page for full transcript. Basic price for 7 to 14 business days would be \$4.25 per page for a full transcript. Building Standards Commission normally has meeting minutes prepared rather than full transcripts, unless there is a large amount of code adoption items on the agenda. At this time, there is no one contracted with to prepare minutes.

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Commissioner Campisi stated that with real time transcription, a discount could be negotiated to get the transcript as well.

Unidentified Person stated we've done captioning and if you discuss it ahead of time, they can turn the captioning into a transcription document.

Chair Johnson stated it looks like we can consider captioning as a way of obtaining a transcript, but we would still need minutes.

Ms. Davis stated they wouldn't prepare minutes, they would give you full transcripts. So that would require another vendor to prepare the minutes, unless someone at one of the Commissioner's offices would be willing to prepare minutes. Ms. Davis stated she doesn't have time to prepare them herself.

Commissioner Burks stated he noted this meeting is being taped and asked how long the tapes are kept. In terms of any transcript, he's sure there's a recordkeeping timeline. He wants to ensure compliance with document retention policies. Should the minutes identify general discussion or the subject material and discussion, what the motion is, then who made the first and the second, any ancillary information from that and then whether the motion does pass. There has to be a record of that. Would like to use a numbering system so that the motion would have a number and would be in a document retention system that could be easily cross-referenced, so that in a specific fiscal year, specific date, specific motion, and there is the detail of it. He is willing to sit down and come up with some ideas for minute keeping from an organizational perspective.

Public Comments on this Agenda Item

David Wilder stated that you have to keep a tape recording for at least 30 days, but after that you can destroy the tape. But during that 30 days, the tape must be available for public inspection.

Commission Burks asked Mr. Wilder if that was 30 days from the completion of any transcriptions or 30 days from the date that the recording was made. If we don't get it transcribed in 30 days and we've destroyed the tape, we lose our record retention.

David Wilder states that according to the Bagley-Keene Act, it's 30 days from the date of the recording. That's the minimum time that you must keep the tape. Obviously, if you have not gotten it transcribed within that 30 days you would go beyond the 30 days. But if you had it transcribed within two days, you don't have to keep that tape beyond 30 days.

Ms. Davis stated she can make assurance that we are not going to destroy any taping that we've done, whether it's 30, 60, 90 days. Meetings are digitally recorded but the BSC website does not have the capacity to house all the digital recordings of the meetings. A CD of a meeting can be provided for anyone requesting a copy. However, meeting minutes cannot be distributed to the public until they are approved by the full Commission. So at the February Commission meeting, if a vendor has

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been secured to prepare the meeting minutes, those minutes will go before the full Commission for a vote. Once they are approved, they can be provided to the public.

Commission Burks stated that in terms of proper State procedures about either consultants or staff, because there is no staff, a consultant or contract service will need to be used. He asked whether it is required to go out to a request for bid or request for qualifications in order to secure the necessary support services to be able to have the minutes prepared, based upon the Committee being a State legal body.

Ms. Davis replied that because the BSC is supporting this Committee, a contract can be secured, and if under \$5,000, there is a request for an informal bid solicitation, a request for quotes. This is how the current vendor was secured. If it's under \$5,000, it's a very easy process. But that's something she needs to be asked to do.

Tom Scott, CALA, asked if a subcommittee can enter into financial agreements or contracts or does that have to go back for full approval by the Commission.

Ms. Davis stated that this subcommittee could make a recommendation to the full Commission and then the full Commission could make a motion and vote, but it can't be done on a subcommittee level.

Chair Johnson asked if we have to wait until next Commission meeting before getting minutes done.

Ms. Davis stated she would have to talk to Mr. Walls before she could answer that.

Commissioner Burks stated that we can't have minutes made that cost anything, but minutes can be prepared if somebody steps up and says they will volunteer. He will commit to doing minutes for the last Commission meeting and requested a copy of the material and information to get started.

Ms. Davis indicated she will have the burned CD before Commissioner Burks leaves and she will also provide a copy of meeting minutes that the BSC has to show a format. It goes item by item right down the agenda, and is very clear and concise.

Chair Johnson stated that Commissioner Burks will have minutes made of the October 19 meeting, and at the next Commission meeting, a recommendation will be made to the Commission about whether to hire somebody to do that on a regular basis, or whether volunteers will prepare minutes. This item should be on the next agenda to get a quorum in terms of making a recommendation to the full Commission.

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8. FINANCES/FUTURE FUNDING

Chair Johnson stated that she had hoped legislators would be here for this item, but it looks like a budget is being provided. Initial funding is \$80,000. Thus far, through supplies, staff time, brailing, sign language interpreting, \$7,043.88 has been spent, leaving the remaining balance \$72,956.12

Ms. Davis stated that this expense is staff time for September and October. This does not include any of the travel expense claims from the Commissioners and those will be recorded as travel expenses as they come in. She stated some charges are missing, including the AT&T conference call bill.

Chair Johnson stated that she believes Commissioners are paid \$100 a day for attending the full Commission meetings, which is not on here either.

Ms. Davis stated the per diem is not on budget yet and she is working with Human Resources to get the forms to the right person to figure out tracking mechanism to get \$100 per diem check cut. It will come separately from travel expense claim check.

Commissioner Burks stated he brought this up at the last Commission meeting. Trying to do this with an \$80,000 budget is not possible. As an Administrative Committee member, the legislature has done this. He expected that the meeting was about \$15,000 to \$20,000 for last meeting and this staff time has nothing to do with that meeting. We're actually looking at about \$27,000 or \$22,000, if the last meeting was \$15,000. We've already gone through a quarter of our whole budget through June 30th. He asked the Chair and the Vice Chair to step up and request to look at these budgetary constraints.

Ms. Davis indicated that the date showing is the date of the invoice for the sign language interpreter.

Commissioner Burks inquired whether the Braille would be associated for the meeting and some staff time. There are some carryover charges to that meeting. He's very concerned of the ability to meet obligations with the lack of funding.

Chair Johnson stated that when she's had conversations with Senator Corbett, she did indicate she thought this money was from the last fiscal year and isn't the money for the current fiscal. She was interested in working in getting additional funding because everyone realizes there's no way to hire staff with this level of funding.

Commissioner Burks stated that based on his budget, he would like to suspend Item No. 8 and Item No. 9. He stated there is no need to discuss finances or future funding at this point and didn't want to spend a lot of administrative time discussing possibilities if it's unknown whether funding will be available. He stated he knows budgeting really well, that's his strong point. He would like to have the Chair and Vice Chair communicate with the legislative leadership. There are two legislators on this Committee. Having the Chair and Vice Chair have that conversation would be very critical as to what the funding potential is going to be.

Commissioner Abrams stated he agrees and doesn't know why there would be a legal problem, although he thinks it's wise to raise the question of ad hoc members versus voting members. He stated he and Chair Johnson would be happy to do it and thinks

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there needs to be a push because it's going to be an extremely difficult budget session next year. Talking to Senator Corbett and others should be done as soon as possible.

Commissioner Campisi stated they need to be careful because they could get into a Bagley-Keene problem, with at least three or more Commissioners talking and no notice. She agreed with Commissioner Burks about the ability to have meetings and do any work without consultants or staff.

Commissioner Burks stated that agenda Items No. 8 and No. 9 should be suspended, and if there is anybody in the public that wants to discuss those items, they can be made aware that we're going to suspend discussion.

Public Comments on this Agenda Item

David Wilder addressed Commissioner Campisi's concern under 11122 of Bagley-Keene, a meeting includes a congregation of a majority of the members of a State body. As long as you're not meeting with a majority of the body, two or three members can meet.

Chair Johnson inquired about how that works with Committees, because this particular Committee has seven people.

David Wilder responded that if you had four people meeting at the same time and they were all on the Committee, you would be holding a meeting. But if you have three people meeting, you are not holding a meeting.

Chair Johnson stated that meant that she, Commissioner Abrams, Commissioner Thorman and Senator Corbett could not meet.

David Wilder responded that if you drop one of those four people, then you can. But you can also meet with a legislator, not in their capacity as a member of the Commission.

Chair Johnson indicated that meant they could meet with them in their capacity as legislators. It might make more sense if she and Commissioner Abrams met individually with Senator Corbett.

David Wilder responded that that would avoid the entire situation.

Michael Mankin asked if the law allows for bequests and donations to the Commission because he thinks a lot of people would be willing to look for resources if they could funnel them into the account. He didn't see anything in the law that prohibited that.

Commissioner Burks responded to Mr. Mankin's question as to whether or not this body can accept any gifts or donations. Section 8299.04 of the Government Code says we are able to accept any gift, donation, grant or bequest or any purpose of this chapter.

Kevin Sparks inquired if he could get a copy of the expenditure list, thus far, because he has a lot of private sector connections that he would willingly solicit for some possible funding for the Committee.

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Chair Johnson responded that he may have a copy.

Tom Scott, CALA, stated that he knows everyone agrees with the funding issue and he would suggest contacting Senators Harman and Corbett and ultimately the Governor. He said that at that last Commission meeting there was a discussion about grants and private sector/public sector monies. He serves on Guide Dogs Board and they have legal counsel at every meeting and said this Commission should not operate without legal counsel. The question about accepting donations and contributions can be a very slippery area. He stated concern about the perception, if someone were to come along with a \$50,000 donation. As much as he loves public/private partnerships, he thinks legal counsel or the FPPC would be all over it. Whether it was in the statute or not, it seems to have potential concerns. He also stated there's a Federal Access Commission. He asked if there had been any communication relative to what they deal with and looking at their scope.

David Peters with Access Issues stated that the Commission should submit something in writing to the legislature. There are people all over the State that need to be able to participate. It seems the Legislature should be clearly informed that the level of funding has already been identified to be inadequate.

Commissioner Burks stated that, in all respect to the Chair's interpretation, section 8299.02, for the members of the Commission, says that public members of the Commission shall receive \$100 per diem while on official business of the Commission. It doesn't say \$100 per Commission meeting of the full body. This is an official business of the Commission and each Commissioner is entitled to \$100 to be here. Therein lies the problem about budgeting. If a formal budgetary request is needed to request special augmentation, then we need to do that.

Chair Johnson stated she thinks they're all pretty aware that there are some issues here with financing. She and Commissioner Abrams will move forward with talking to Legislators, but would also encourage other Commissioners to assist in that endeavor. She does have another job, so can't work full time on trying to get this Commission going and so will need to call on others to help out with that.

Commissioner Abrams stated that there are issues of voting members and things like that on the Committees, but a lot of that can reasonably wait a little while. He would anticipate that this Administration Committee is going to meet again soon and would like to get some guidance from the legislature of what to look for in terms of funding. He will contact Chair Johnson tomorrow to set up some convenient times for meeting with people. He suggested Items 11 and 12 and maybe 13 be put off to the next meeting of the Administration Committee and maybe go to 13 and 14, just in interest of time.

Item 9 Future Staffing, Item 10 Legal Counsel, Item 11 Voting Members and Non-Voting Members, Item 12 CCDA Committees were all moved to next meeting.

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13. FUTURE AGENDA ITEMS

Chair Johnson stated that several future agenda items have been identified throughout the meeting and some agenda items are being put over to the next meeting.

Chair Johnson stated the next meeting is scheduled for December 14, and that even if there is no quorum, discussions could be held, but no action could be taken as a Committee.

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

Tom Scott, CALA, stated he knows we're still formulating some subcommittees and it's a tough job keeping people informed, but in light of the potential nine more meetings between February, just scheduling wise, he asked if we could put together a roster and be able to email that out to the various stakeholders. Secondly, there are a lot of people here, stakeholders, private sector that also have the ability to set up meetings with legislators, and also with the Governor's Office. He thinks we should also lean on those private sector entities to meet with the various respective players. He stated we all share a common interest here. It's not just legislative, he thinks the Governor definitely has a concern and an interest in this issue, and it is a priority.

David Peters asked to whom issues should be submitted for clarification. They're dealing with a large number of claims relating to dressing room benches in malls. The claim is being made that a bench that is 60 inches wide is discriminatory and that it should be 48 inches wide, and that over \$100,000 in settlements have already been paid based on this claim. He has seen several businesses close their doors. No one can understand how a 60-inch bench could be discriminatory, nor has it been explained. He thinks we have some very urgent matters that need to somehow to come to the Commission's attention.

Commissioner Abrams responded to Mr. Peters' point stating that, as discussed at the first Commission meeting, while that kind of an issue is certainly important on a number of different levels, it is not part of what this Commission is about. This Commission's charge is set out in statute very clearly in terms of what it does and what it doesn't do, and adjudicating individual interpretations and things like that is really not within the purview of what this Commission has authority to do. While he's very sympathetic to the kind of problem Mr. Peters raises, and we did discuss this at our first Commission meeting, that that is really something that gets resolved through the Building Standards Commission in terms of changing the code or through the Building Standards Commission's Appeals Committee to get an interpretation of what the code means.

Unidentified Person stated he thought it might be a good idea for the Commission to look into possibly creating an email address that would not be burdensome on staff, that would be for people who cannot attend the meetings or can't participate any other way, who could send thoughts and ideas ahead of time and that could be reviewed by the Commissioners prior to meetings.

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Chair Johnson stated that was good idea and they would consider that.

15. ADJOURN

Commissioner Burks moved to adjourn. Commissioner Campisi seconded.
Chair Johnson adjourned the meeting at approximately 1:15 p.m.

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