

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

July 19, 2012

1. CALL TO ORDER

Chair Burks called the meeting to order at 12:00 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 242, Sacramento, California 95814.

The off-site meeting location for teleconference was Communities Actively Living Independent and Free, 634 South Spring Street, 2nd Floor, Los Angeles, California 90014.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Rocky Burks, Chair
Michael Dean
Richard Luehrs (Teleconference)
Lillibeth Navarro (Teleconference)

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

Staff Member Jemmott announced a quorum was present.

2. APPROVAL OF MEETING MINUTES (JUNE 21, 2012) – ACTION

MOTION: Commissioner Navarro moved to approve the June 21, 2012, Meeting Minutes. Chair Burks seconded. Motion carried unanimously.

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

No public comment.

4. REPORT FROM CCDA COMMITTEE ACTIVITIES

- a. Checklist for Access Compliance Committee
- b. Access Enhancement Committee
- c. CASp & Education Committee
- d. Civil Enhancement Committee

No action to report in the Committees.

5. GENERAL BUSINESS ITEMS

- a. CCDA Website - Update

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Chair Burks expressed his appreciation for the work staff has done in updating and rearranging the website.

Staff Member Wade reported the changes made to the website as requested by the Chair:

The Home Tab

- Several tabs on the Home Page have been rearranged and renamed.
- A link to the CCDA Mission Statement has been added to the Home Page.
- A date has been added in the left-hand column in each tab, noting the last time any changes were made to that section of the website.

Staff Member Jemmott asked Commissioners that, as items of interest come up for Commissioners or the public, that Commissioners request they be added to the What's New section of the Home Page as a drawing factor for the community. She recommended the information on the What's New section be updated regularly to keep the public interested in revisiting the website.

The Resources Tab

The Checklist has been corrected recently and another step was added. Chair Burks requested the date of the last update, July 16th, be listed in the left-hand column.

The Law Tab

The Law tab identifies the CCDA's role by statutory authorization. Chair Burks asked staff to move the CCDA Mission Statement to the Home Page, as the Mission Statement is the overview of the Commission's purpose.

The Policies Tab

The Policies tab contains recently-approved policies; the CCDA Bylaws have been added to this page. Chair Burks requested listing the CCDA Bylaws before the other policies. He recommended subcategorizing this tab in the future by listing the operational practices at the top, and protocols below that.

Commissioner Navarro noted the old logo is still on the meeting protocols document. Chair Burks asked staff to verify that the new logo is on all documentation.

The History Tab

The History tab allows the public access to historical documentation of the statutory elements, with links to the appropriate legislation.

The Meetings Tab

The Meetings tab lists the meeting schedule for the Committees.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Commissioner Navarro requested that staff update the time and location for the August 20th full Commission meeting.

Chair Burks asked staff to also include the date, time, and location of meetings on the website before the agenda is finalized. Since meeting locations are hard to come by, he asked staff to begin setting up the locations for the December 2012, March 2013, and June 2013 meetings, and to update the website when a location is confirmed.

Commissioner Dean emphasized the importance of updating location information, especially for full Commission meetings, to give stakeholders and the public time to plan and book flights. He recommended noting whether a meeting will be in Northern or Southern California as soon as possible, even before a facility is booked, for all meetings in the future.

Chair Burks suggested, due to budgetary issues, the possibility of holding the December full Commission meeting in Sacramento. Commissioners will discuss this on August 20th.

The Members Tab

Chair Burks asked staff to list the Senate-appointed and Assembly-appointed Commissioners, grouped separately, directly below the governor-appointed Commissioners.

Staff Member Jemmott pointed out that Commissioner Widom has provided a photograph for his biography page. Chair Burks asked staff to include in a general e-mail to go out to all Commissioners a request that Commissioners provide a photograph to add to their biography page on the website.

Commissioner Navarro asked how future Committee members who are not appointed Commissioners should be listed on the biography page. Chair Burks suggested putting this question on the agenda for discussion; the Executive Committee can then make a recommendation to the full Commission if necessary.

The Staff Tab

Chair Burks asked staff to provide photos and biography pages for themselves.

The Training Tab

The ADA Basic Building Blocks are an introductory web course for the public about ADA information.

Chair Burks requested that staff add to the general e-mail to all Commissioners and Ex-Officio members regarding major changes to the website, asking them to review the Featured Links and related sites, to note if anything is missing, and to give recommendations for improvement.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

At this time, the Featured Links include state agencies, local government, and professional organizations and associations; Chair Burks recommended future subcategorization of the latter and asked staff to add a function to eliminate manual scrolling in this list.

Commissioner Dean requested adding a brief website presentation to the agenda for the full Commission meeting.

Action Items:

- Staff is to change the date in the left-hand column of the Resources tab to the date of the most recent update.
- Staff is to move the CCDA Mission Statement to the Home Page.
- Staff is to put the CCDA Bylaws first in the Policies tab, with the other policies under it.
- Staff is to subcategorize the Policies tab, listing the operational practices at the top, and protocols below.
- Staff is to verify that the new logo is on all documentation.
- Staff is to add the time and location for the August 20th full Commission meeting in the Meetings tab.
- Staff is to include the date, time, and location of the meetings in the Meetings tab even before the agenda is finalized.
- Staff is to begin securing locations for the December 2012, March 2013, and June 2013 full Commission meetings.
- Staff is to add full Commission meeting location information to the website once a location is confirmed. Even before a facility is confirmed, at a minimum, staff is to note on the website whether the meeting will be in Northern or Southern California for all meetings in the future.
- Staff is to list the Senate-appointed and Assembly-appointed Commissioners below the governor-appointed Commissioners in the Members tab, grouping both the senator appointments together and the assembly appointments together.
- Staff is to add as a future agenda item for the Executive Committee how to list future Committee members who are not appointed Commissioners on the biography page.
- Staff is to add a function to eliminate manual scrolling in the Featured Links.
- Staff is to subcategorize the professional organizations and associations in Featured Links.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

- Staff is to add a brief website presentation to the full Commission agenda for August.
- Chair Burks is to discuss the consideration of holding the December full Commission meeting in Sacramento with the Commissioners on August 20.

b. Executive Director Recruitment - Update

Chair Burks stated a new Department of General Services (DGS) staff representative is to be appointed for the Commission due to the resignation of the past representative. Chair Burks asked staff to contact the DGS to get the name of the replacement representative.

The Executive Director Recruitment Committee will review additional applications for the Executive Director's position. Chair Burks asked staff to request the original telephone interview and face-to-face interview questions from the DGS Human Resources Department and submit them to Commissioner Jakobson-Johnson, Commissioner Dean, and himself. He plans to restructure some of the questions that were asked under the prior interview process.

Once the two sets of interview questions are received and restructured, the Executive Director Recruitment Committee will begin the initial screening and telephone interview process, working towards setting up formal interviews. Chair Burks anticipates this process to be completed in the next month.

Action Items

- Staff is to contact the DGS to get the name of the DGS replacement representative.
- Staff is to request the original telephone interview and face-to-face interview questions from the DGS Human Resources Department and submit them to Chair Burks, Commissioner Jakobson-Johnson, and Commissioner Dean.
- The Executive Director Recruitment Committee is to restructure some of the questions that were asked under the prior interview process.
- The Executive Director Recruitment Committee is to begin the initial screening and telephone interview process, working towards setting up formal interviews.

c. August 2012 Full Commission Meeting - Update

Same-Day Travel

Staff Member Jemmott stated there is an opportunity to reduce Commissioner overnight travel expenses by utilizing early morning and late afternoon flights to facilitate same-day travel for the full Commission meeting in August. Chair Burks asked staff to give the one-day travel information to the new Commissioner.

Luncheon Selection

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Staff Member Jemmott stated the California Endowment Center in Los Angeles requires that Commissioners make their luncheon selections from the house menu. There are two choices that meet the state requirement that the cost be under ten dollars: an assorted deli sandwich platter and an artisan Panini. Staff Member Jemmott asked the Committee to choose between the two selections.

MOTION: Commissioner Dean moved to order the assorted deli sandwich platter for the full Commission meeting luncheon in August. Commissioner Navarro seconded. Motion carried unanimously.

Updated Binder Material

Staff Member Jemmott stated there is an updated version of the large orientation binders that will be presented at the full Commission meeting. She asked if Commissioners would like staff to send the materials directly to each Commissioner or to ask the meeting facility if there is storage space to overnight the materials there to have available at the time of the meeting. Staff Member Wade added so much material has been updated that it may be easier to replace the material entirely. Commissioner Navarro asked if the material could be made available on a CD; Chair Burks suggested including both PDF and Word formats.

Commissioner Dean recommended sending the new materials to Commissioners individually, instead of shipping them to Los Angeles. Chair Burks agreed that it will be less cumbersome to mail both a hard copy and CD of the binder materials to the Commissioners, including the new Commissioner, before the August meeting. He stressed having a date stamp on both media as a version number to allow for future amendments.

The Roberts Rules of Order booklets in the front pocket of the binders are purchased and will not be converted to the CD, but can be accessed online.

Streaming Media Update

Chair Burks asked staff for an update on the arrangements with Granicus, the provider of the streaming media platform, for the full Commission meeting and stated the California Building Standards Commission is planning to attend the meeting to learn what is being done to make the CCDA's meetings fully accessible. Staff Member Jemmott stated Granicus will run a remote test of the facility on August 16th; the meeting room will be made available to them at 7:00 a.m. on the day of the meeting.

Full Commission Agenda

Commissioner Dean asked about developing the agenda for the full Commission.

Chair Burks stated he has asked staff to develop a matrix of what has or has not been done regarding the deliverables and the full Commission issues from the date the Commission was established to the present. This matrix will be part of the August full Commission agenda.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Chair Burks also asked staff to include in the general e-mail to all Commissioners a request for agenda item recommendations. He requested that staff make those recommendations available to him and Commissioner Dean to assess and review for inclusion on the agenda.

In response to Staff Member Jemmott's question, Commissioner Dean suggested including a request in the general e-mail to all Commissioners, asking for suggestions for names of individuals or organizations to be possible presenters at the full Commission meeting.

Chair Burks stated he will contact Commissioner Wilson to discuss the possibility of inviting the Los Angeles Mayor's Office on Disability to give a presentation.

Action Items:

- Staff is to give the one-day travel information to the new Commissioner.
- Staff is to mail a hard copy and CD of the updated binder materials to all Commissioners, including the newly-appointed Commissioner, before the August meeting. The CD is to be in both PDF and Word formats. A date stamp is to be on both the hard copy and CD.
- Staff is to develop a matrix of what has or has not been done regarding the deliverables and the full Commission issues from the date the Commission was established to the present to be completed before the full Commission meeting.
- Staff is to send out an e-mail to the Commissioners requesting agenda item recommendations and names of possible presenters for the full Commission meeting, requesting that Commissioners and Ex-Officio members provide a photograph to add to their biography page on the website, and requesting Commissioners and Ex-Officio members go to the website in general but specifically Featured Links and Related Sites, review them, and note if anything is missing and give recommendations for improvement. Staff is to make the agenda items, possible presenters, and website recommendations available to Chair Burks and Commissioner Dean.
- Chair Burks and Commissioner Dean are to assess and review for inclusion on the full Commission agenda the Commissioners' recommendations for agenda items and possible presenters for the August meeting.
- Chair Burks is to contact Commissioner Wilson to discuss the possibility of inviting the Los Angeles Mayor's Office on Disability to give a presentation at the full Commission meeting.

d. CCDA Commissioner Appointments - Update

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Chair Burks stated the Senate appointed Scott Hauge to the Commission on July 2nd. There have been ongoing conversations with the Assembly-appointing executive to address the assembly vacancy.

Chair Burks has been in contact with the appointment secretary out of the Governor's Office regarding the status of reappointment for Commissioners Luehrs and Pomerantz. He has been informed that, according to Government Code, appointment is terminated if not reappointed within sixty days of the expiration of prior appointment. The appointment secretary continues to work on this issue and will contact the CCDA when it is resolved.

In response to Staff Member Jemmott's question, Chair Burks stated he will work with staff researching the necessity of a formal swearing-in to the oath of office for Commissioners.

Action Items:

- Chair Burks is to be in contact with the appointment secretary regarding the status of reappointment for Commissioners Luehrs and Pomerantz.
- Chair Burks is to work with staff researching the necessity of a formal swearing-in to the oath of office for Commissioners.

e. CBSC Letter – RE: DSA Emergency Regs

Chair Burks asked the Executive Committee to formally acknowledge a letter sent to the California Building Standards Commission (CBSC). The CBSC will discuss proposed emergency regulations to address five conflicts between the accessibility provisions of the 2010 California Building Code and new federal requirements of the 2010 ADA Standards for Accessible Design. The new ADA/ABA 2010 regulations were put into the Federal Register to be implemented on March 15th.

Subsequently, the Division of the State Architect (DSA) has proposed an emergency rulemaking package. Legislative representatives and other interested parties questioned why the CCDA had not yet taken a position on the DSA emergency rulemaking package, which is before the CBSC today. As these entities were dissatisfied with waiting for the full Commission to meet before the CCDA would do so, the Executive Committee chair sent a letter to the CBSC, which will also be before them today.

MOTION: Commissioner Navarro moved to approve the letter sent to the California Building Standards Commission. Commissioner Dean seconded. Motion carried unanimously.

6. BUDGET UPDATE

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Staff Member Jemmott stated the year-to-date column of the June 30, 2012, fiscal year-end expenditure report will be the comparison model for the next fiscal year and beyond.

The 2011-2012 budget was \$439,000; the 2012-2013 budget is \$407,000. Chair Burks stated he will meet with staff to create subcategories for clarification, move the Commissioner stipends out of the Salary and Wages category, and draft the budget for ratification at the full Commission meeting in August.

In answer to Commissioner Dean's question, Staff Member Jemmott stated the CCDA has sole discretion to allocate funds within the line items as long as it stays within budget.

Chair Burks stated the CCDA is not in a position to receive budget increases from the Department of Finance or other legislative areas; augmentations will either be through new statute, the private sector, or private fund raising. Statute gives the CCDA the authority to obtain money from other sources, but the CCDA has no formal established policies and procedures to spend the money.

There was discussion in past Executive Committee meetings that the CCDA is considered to be nonprofit by default since it is a Commission, but Chair Burks has been unable to substantiate that under either federal or state law.

Chair Burks stated he informed legislative staff that the CCDA is looking at the organizational structure and operational budget to meet the legislative mandates and develop and implement the required policy and procedures to obtain and spend private contributions and grants as a priority in the next year.

Action Item:

- Chair Burks is to meet with staff to create subcategories for clarification, move the Commissioner stipends out of the Salary and Wages category, and draft the budget for ratification at the full Commission meeting in August.

7. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. SB 1186 – D. Steinberg / R. Dutton

Commissioner Dean stated Senate Bill 1186 is a work in progress. There is a workgroup and a subgroup currently working on amendments and modifications to the bill. The CCDA proposed amendments to Government Code section 8299.05, which is the basic charge of the Commission, changing the deliverables because those deliverables have not been met. If the bill incorporates the CCDA's proposal, a report or a recommendation will not be due to the Legislature until January 1, 2016. There will be more to report in August at the full Commission meeting.

The CCDA is identifying the potential for restructuring the Commission and the Committee structure that would narrow the scope, and weighing in on how the

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Commission needs to operate based upon its existing constructs under the Government Code. Commissioner Dean added that the CCDA's role in the workgroup is more of a resource than anything else, but has not been an advocate one way or the other on any substantive issue.

Chair Burks stated several letters were written by the State Attorney General's Office in 1992 and 2002 regarding the obligation and duty to ensure California building codes achieved accessibility compliance. The Senate Bill 1186 workgroup did not seem to have any knowledge that these letters had been written. Subsequently, the CCDA has requested that the State Attorney General's Office meet to address these letters being reissued under Attorney General Harris.

Commissioner Dean stated a letter was sent to Senator Steinberg from Dianne Feinstein that started this process and took the addressing of these litigation issues away from the Civil Enforcement Committee, because the workgroup is dealing with the same subjects that the Civil Enforcement Committee was going to deal with.

Chair Burks stated the CCDA's mission is not changing; there will only be a reduction in the amount of deliverables. The question is whether the CCDA will still have a role in shaping the compliance efforts of the State of California. Since the CCDA has a staff capacity issue, it must be given time to complete its duties according to existing statute. Commissioner Dean stated this change, if adopted, will allow the Commission to control deadlines.

Commissioner Luehrs identified litigation because of lack of clarification as the main problem addressed in Senate Bill 1186, and pushing the deadlines back does not address this problem. Commissioner Dean agreed that the whole driving force behind this is the litigation, and added that the CCDA, as part of this legislation, will ideally make beneficial revisions to the basic charter as well.

b. AB 2282 – B. Berryhill

Chair Burks stated Assembly Bill 2282 is a work in progress. The Commission will research and report back to the Legislature regarding potential movement for the change in legal standing and resultant injunctive relief. The CCDA has informed the Department of Finance, the author, and the Senate that, if this legislation goes through, a minimum of \$100,000 will be necessary to retain private consultants in the legal arena able to deal with the litigation of injunctive relief and any possible changes to legal standing.

Action Item:

- Commissioners are encouraged to visit leginfo.ca.gov for the latest updates on Senate Bill 1186 and Assembly Bill 2282.

8. FUTURE AGENDA ITEMS

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
JULY 19, 2012, MEETING MINUTES**

Chair Burks asked Commissioners to e-mail future agenda items to staff. The next Executive Committee meeting is August 16th at 12:00 p.m.

9. ADJOURN

Chair Burks adjourned the meeting at 2:06 p.m.