



GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA COMMISSION ON DISABILITY ACCESS

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MEMBERS of the COMMISSION

Rocky Burks - Chair
Scott Hauge - Vice - Chair
Tom Ammiano - Assembly Member
Connie Conway - Assembly Member
Ellen Corbett - Senate Member
Jean Fuller - Senate Member

MEMBERS of the COMMISSION

Margaret Johnson
Lilibeth Navarro
Anthony Seferian
Chester "Chet" Widom
Betty Wilson

Commission Executive Staff
Stephan Castellanos, Executive Director

**MEETING NOTICE AND AGENDA
CALIFORNIA COMMISSION ON DISABILITY ACCESS**

EXECUTIVE COMMITTEE

Meeting Site Location

**DEPARTMENT OF REHABILITATION
721 CAPITOL MALL
ROOM 244, 2ND FLOOR
SACRAMENTO, CA 95814**

Off-Site Meeting Location (Teleconference Only)

**COMMUNITY ACTIVELY LIVING INDEPENDENT AND FREE
634 SOUTH SPRING STREET, 2ND FLOOR
LOS ANGELES, CA 90014
&
SMALL BUSINESS CALIFORNIA
2311 TARAVAL STREET
SAN FRANCISCO, CA 94116**

On

July 18th, 2013 at 10:00 a.m.

**TELECONFERENCE # 1-866-662-5089
PARTICIPANT PASSCODE 24114538**

Notice is hereby given that the California Commission on Disability Access (CCDA) Executive Committee will hear, discuss, deliberate and/or take an action upon the following items listed in this notice. The public is invited to attend and provide their input or comments.

ITEMS:

- 1) **Call to Order/ Roll Call**
- 2) **Approval of Meeting Minutes (May 9th, 2013) – Action**
- 3) **Comments from the Public on Issues not on this Agenda:** The Executive Committee will receive comments from the public at this time on matters not on the agenda. Matters raised at this time may be briefly discussed by the Executive Committee and/or placed on a subsequent agenda.
- 4) **General Business Items**
 - a. Demand Letter Project - Update
 - b. Strategic Planning Project - Discussion
 - c. Appoint to Outreach Committee - Discussion
 - d. Proposed Speaker(s) for Full Commission - Update
 - e. Bagley-Keene Refresher - Update
 - f. Executive Report
- 5) **Disabled Access Legislative and Regulatory Developments**
 - a. Capitol Track Report:
AB223 & SB550
- 6) **Budget Update**
 - a. Monthly Report
- 7) **Future Agenda Items:** The Executive Committee may discuss and set for action on future agendas, procedural and substantive items relating to state buildings regulatory programs, Commission policy and administrative matters.
- 8) **Adjourn**

The Executive Committee meeting is operating under the requirements of the Bagley-Keene Open Meeting Act set forth in Govt. Code Section § 11120-11132. The Act generally requires the Executive Committee to publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meeting in public unless specifically authorized by the Act to meet in closed session.

- ❖ Meetings are subject to cancellation; agenda items are subject to removal or items may be taken out of order.
- ❖ The CCDA Executive Committee meets under the authority of Government Code § 8299.
- ❖ The CCDA Executive Committee may hold a closed session on pending or proposed litigation involving the Commission [Govt. Code § 11126(e)] and personnel matters and performance review relating to the Commission [Govt. Code § 11126(a)].
- ❖ The meeting facilities and restrooms are accessible to individuals with disabilities.
- ❖ Each CCDA Committee meeting will provide a teleconference line, large print agendas, and captioning.
- ❖ Requests for accommodations for individuals with disabilities (sign-language interpreter, assistive listening device, Braille, or any other accommodation needed by an individual) should be made to the Commission office no later than 10 (ten) working days prior to the day of the meeting.
- ❖ Technical difficulties with equipment experienced prior to or during the meeting preventing or inhibiting accessibility accommodation is not cause for not holding or for terminating the scheduled meeting.
- ❖ If Para transit services are needed, they may be contacted at (916) 429-2744, TDD (916) 429-2568 in Sacramento. Sacramento Regional Transit (www.sacrt.com) has public transit available the day of the meeting. For alternate routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327).

- ❖ For Los Angeles Public Transit (www.metro.net) or (323) 466-3876 for bus and rail transit information. Riders with hearing or speech impairments use the California Relay Service – dial 711, and then the number you need. For Para transit services (www.asila.org) or if you ARE a certified access services rider within Southern California and would like to make a reservation call: 1-800-883-1295, TDD 1-800-826-7280. If you ARE NOT a certified access services rider, contact customer service at 1-800-827-0829, TDD 1-800-827-1359.
- ❖ For the latest information on meeting status, check the California Commission on Disability Access Web Site: <http://www.ccda.ca.gov/>
- ❖ Questions regarding this notice and agenda may be directed to Steve Funderburk, Office Administrator at (916) 319-9974 or at 721 Capitol Mall, Room 250, Sacramento, California 95814.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
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MEETING MINUTES**

May 9, 2013

1. CALL TO ORDER

Chairman Rocky Burks welcomed everyone and called the meeting to order at 10:05 a.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 169, 1st Floor, Sacramento, California 95814.

The off-site meeting locations for teleconference were Communities Actively Living Independent and Free, 634 South Spring Street, 2nd Floor, Los Angeles, California 90014, and Small Business California, 2311 Taraval Street, San Francisco, California 94116.

ROLL CALL

Commissioners Present: Rocky Burks, Chair
Scott Hauge (Teleconference)
Lilibeth Navarro (Teleconference)
Betty Wilson (Teleconference)

Committee Members Present: Sean Connelly

Staff Present: Stephan Castellanos, Executive Director
Angela Jemmott, Program Analyst

Also Present: David Peters, Lawyers Against Lawsuit Abuse

Staff Member Jemmott called the roll and confirmed the presence of a quorum.

2. APPROVAL OF MEETING MINUTES (March 13, 2013) – ACTION

MOTION: Commissioner Navarro moved to approve the March 13, 2013, minutes as presented. Chair Burks seconded. Motion carried unanimously.

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

There was no public comment.

4. GENERAL BUSINESS ITEMS

a. Commissioner Appointments – Update

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Executive Director Castellanos stated the Senate Rules Committee has appointed Guy Leemhuis, an attorney from Culver City, to the Commission, and they are working to fill the one additional vacant senate-appointed position.

The governor's office has assigned a new appointment secretary to the CCDA, and Executive Director Castellanos has spoken to them on a number of occasions. The governor's office would like to see a wider range of applicants to fill the five vacant governor-appointed positions on the Commission. Executive Director Castellanos encouraged Commissioners to provide names of potential candidates to expedite the appointment process.

Commissioner Hauge stated Regina Dick-Endrizzi, the Executive Director of the Office of Small Business for the City and County of San Francisco, is considering submitting her application. He stated he will contact her again. Chair Burks thanked Commissioner Hauge and stated he will also follow up with her.

Action Items

- Commissioners are to provide names of potential candidates for appointments to staff.
- Chairman Burks is to contact Regina Dick-Endrizzi.

b. Review of Draft Language for the Personal Care Assistants Travel Policy – Discussion

Executive Director Castellanos noted the last paragraph required additional clarification and asked that the travel policy discussion be postponed. Commissioners agreed and Chair Burks stated this agenda item will be put on the agenda for the next Executive Committee meeting.

Action Items

- This agenda item is to be put on the agenda for the next Executive Committee meeting.

c. Appointments and New Structure for Executive and Outreach Committees – Discussion

Executive Director Castellanos stated the new Committee structure will consist of an Executive Committee, which would also take the role of a legislative committee to provide recommendations to the full Commission on legislation and policy, and an Outreach Committee, which would be the education, resources, and outreach group. The Outreach Committee addresses the Senate Bill (SB) 1186 mandate of developing tools and resources, and focusing on outreach to the business community, the disability community, and local government.

Executive Director Castellanos asked Commissioners to consider the makeup of these groups and who will participate in these Committees. He reminded Commissioners not to limit their consideration to Commissioners alone.

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Chair Burks stated the Executive Committee will remain as it is for now. He asked Commissioners Hauge, Navarro, and Wilson if they would consider being part of the Outreach Committee. Commissioner Wilson agreed to be on the Outreach Committee.

Commissioner Hauge stated he was comfortable with the structure and asked about the timeline for filling the Committees.

Chair Burks stated the Commission can appoint community members to Committees or potential subcommittees, according to the CCDA Bylaws. He asked Commissioners to e-mail him and Executive Director Castellanos with names of individuals who may serve on a Committee or subcommittee.

Executive Director Castellanos gave the example of creating a functional website to serve the needs of the disability and small business communities as a project the Outreach Committee will be working on. He has a proposal to the Department of Rehabilitation (DOR) and the Division of the State Architect (DSA) to create an independent web portal for this purpose.

He proposed that the three agencies share duties and responsibilities to manage and provide content to this portal. He will send a draft copy of that proposal to members of the Outreach Committee for their consideration. In addition, he hoped to send some design work, content formation, and existing content and will ask the Outreach Committee to define how to best organize it to make this portal as effective as possible.

Commissioner Wilson suggested the Outreach Committee discuss the notion of statewide outreach, ensuring meetings are held in different parts of the state once or twice a year. She also suggested hosting webinars, where people can participate, be involved, and encourage others to support the CCDA mission.

Executive Director Castellanos agreed and stated others have proposed that the Commission consider statewide conferences and/or workshops, along with face-to-face activities.

Commissioner Navarro stated she assumed that representatives from both the disability and business communities would be a part of the Outreach Committee. Members of the disability community are focused on the laws that guarantee civil rights, but not many know much about the business community. She emphasized the need to debunk the myths and engender understanding for each community in order to facilitate goodwill between the two communities.

Commissioner Hauge stated he believed the small business community wants to make their facilities available for the disabled, but there is the fear and the lawsuit factors that they need to move past.

Commissioner Wilson offered her assistance in involving many of the large businesses and felt they would be happy to collaborate with the Commission.

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She cautioned against doing too many projects when there are not enough Commissioners yet, and restated the need for securing assistance from interns.

Chair Burks agreed and stated the executive director has identified a manageable approach to narrow the scope of intervention. It does not mean the Commission cannot begin reaching out to larger businesses, as Commissioner Wilson suggested, or interacting with the smaller businesses to move beyond that fear factor that hinders persons with disabilities from actively participating in the business environment, as Commissioner Hauge suggested. He recommended that Commissioners send their thoughts and ideas to Executive Director Castellanos and him, and also submit names for possible membership for the Outreach Committee or subcommittee. He and staff will follow up with them.

Action Items

- Commissioners are to e-mail Chair Burks and staff with names of individuals who may serve on the Outreach Committee or subcommittee.
- Chair Burks and staff are to follow up with the individuals suggested by Commissioners to serve on Committees or subcommittees.
- Staff is to send a draft copy of the proposal to DOR and DSA to members of the Outreach Committee for their consideration.
- Staff is to send design work, content formation, and existing content of the web portal to members of the Outreach Committee.

d. Proposed Speaker(s) for Full Commission – July 17, 2013

Executive Director Castellanos stated Ms. Dick-Endrizzi gave a great presentation at the last full Commission meeting. Chair Burks added it was helpful to have Commissioner Navarro, as a Commissioner, a businesswoman, and a member of the disability community, give a presentation on independent living services. He stated there are knowledgeable and skillful people on the Commission.

Executive Director Castellanos stated meetings are one of the Commission's communication tools; they are broadcast and posted on the website. Presentations that include common challenges faced by both the disability and business communities bring a voice to the Commission, and communities have an opportunity to learn from each other. He suggested making informative presentations a CCDA tradition for the full Commission meetings, where presenters can share their experiences and activities related to the CCDA mission. He added that including presentations by people who are doing interesting, innovative things adds value to Commission meetings.

Executive Director Castellanos asked Commissioners to offer names of interesting topical speakers to staff to keep a list as a resource for future meetings around the state. He suggested dividing the presentations up, one in the morning and

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one in the afternoon, and having a disability-focused speaker and a business-focused speaker in each meeting.

Executive Director Castellanos has invited Marsha Maytum, the architect for the Ed Roberts Campus in the Bay Area, to give a presentation at the July 17th full Commission meeting. She is experienced in the area of architecture and providing access. He stated it would be interesting to get a designer's perspective. He is currently looking for a second speaker, one from the business community, and asked Commissioners for suggestions.

Chair Burks asked Commissioner Hauge if he would give a presentation at the next full Commission meeting about his role with small businesses and the issues and concerns he is addressing, such as reducing the fear factor for hosting CCDA meetings, the positives of operating successfully to achieve compliance, the negatives that inhibit compliance, and what Commissions can do to work collaboratively with stakeholders to disseminate that information and to move towards the positives of compliance and diminish the negatives. Commissioner Hauge stated he would consider it and confirm with Chair Burks and Executive Director Castellanos.

Commissioner Wilson suggested contacting human resource departments and facilities management departments for corporations relative to employment, program, and architectural access. She also suggested tapping into their foundations.

Commissioner Hauge agreed and suggested that Give Something Back may be a company to put on the list, as they have a human resources person. He stated most small businesses do not have facilities managers or human resources departments.

Commissioner Wilson stated the small business upper management sometimes does the work of human resource directors in large businesses. Small businesses can bring information on how they creatively make their venues accessible. She was a presenter at an international conference in Moscow, Russia; there were many small business owners in attendance. Since Moscow is an older city, these small business owners had to be creative in making their businesses accessible, due to the age of the buildings. Commissioner Wilson stated it would be a good presentation to show some of the ways people have creatively complied with the law.

Action Items

- Commissioners are to offer names of interesting topical speakers to staff.
- Staff is to keep a list of the names of topical speakers to use as a resource for future meetings.

e. Bagley-Keene Refresher Training - Discussion

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Executive Director Castellanos stated he has been advised that the Commission needs to be more cautious with regard to the Bagley-Keene Open Meeting Act, and he stated there will be training in the July meeting, and annually thereafter. Staff is working with the trainer on developing a resource kit for Commissioners to refer to throughout the year. He stated it is important for Commissioners to attend the training to gain a better understanding on how a state agency operates in public.

Chair Burks added accountability standards will be incorporated into the Bylaws.

Action Items

- No action items.

f. Strategic Planning Proposal

Executive Director Castellanos stated staff has explored the best approach, has looked at contracting methods, and has put out a Request for Proposal (RFP). He suggested the Commission work with CSU Sacramento to provide services. Staff will contact them to locate a person with interest, skill, and understanding of the Commission, to put together a strategic plan. He stated he hopes to have more information to report at the autumn full Commission meeting.

Chair Burks added that the Commission was perhaps remiss in identifying the direction of a strategic plan according to statute in the past. There are many elements that need to be addressed. The question is whether the Commission has the capacity to address this in a meaningful, effective, and efficient manner with the change in statute and the missing appointments.

Executive Director Castellanos stated it is important to set a strategy that efficiently identifies some of the most critical responsibilities of the Commission, and builds some solutions around them. This process will help identify where the Commission needs to place resources and, in the future, identify additional resources necessary to accomplish further goals.

Action Items

- No action items.

g. Executive Report

San Francisco Office of Small Business - Executive Director Castellanos stated he met with Ms. Dick-Endrizzi in San Francisco to learn more about their program and the challenges they face. He referenced Commissioner Wilson's earlier comment that Moscow had access issues due to the age of their buildings, and stated, while San Francisco's buildings are not as old, there are still many problems with access due to the area's topography and the age of the buildings.

He stated the upcoming Mandatory Seismic Retrofit Program, requiring building owners to upgrade the buildings seismically in San Francisco, will be a useful

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example throughout the state. San Francisco will develop guidelines and recommendations and is trying to provide support for this. This law affects approximately 8,000 businesses and will have a compliance responsibility along with the seismic mitigation.

San Francisco faces unique problems, because it must struggle to comply with preservation requirements in addition to the seismic and access requirements. San Francisco continues to have many lawsuits, even though the Office of Small Business does an incredible job to support small business in the city and county of San Francisco.

Executive Director Castellanos stated he and Ms. Dick-Endrizzi also discussed the shortage of CASp inspectors in that area, which turned into an opportunity to talk to the DSA about streamlining and bringing more CASps online.

The relationship that has begun with San Francisco has been very productive, helping the Commission learn from their experience, and learn how to expand what San Francisco is doing to a statewide platform.

Commissioner Hauge referenced the preservation requirement issue for the historic San Francisco buildings and noted that, in the past, the preservation requirements outranked the ADA requirements.

Executive Director Castellanos stated San Francisco is in the process of developing guidelines. The City of San Francisco is trying to come to a compromise between the preservationists and the access community, but such a compromise will not satisfy all 8,000 historic buildings because of factors such as topography or only having a single façade on a sloping hill. These are difficult issues to work through, but, in the end, the people of San Francisco will be served well through the efforts of Ms. Dick-Endrizzi and the Office of Small Business. He stated the Commission will support their effort as much as it can.

Executive Director Castellanos and Ms. Dick-Endrizzi discussed taking a preventive stance on these issues in working with the business and disability communities. Ms. Dick-Endrizzi is working on encouraging more CASp inspections in advance of any of the work that may be done as a preventative measure, by finding ways to underwrite the expense through the new money coming in from permits.

Documentation: Claims and Demand Letters. Executive Director Castellanos stated staff has begun to receive calls from fretful business owners seeking resources and direction on how to protect themselves. Staff is happy to take these calls, but will need to look at this in a more formal sense due to the volume of calls and the time involved in assisting callers. Many calls come from small businesses that are operated by non-English-speaking individuals, and people that have never been exposed to lawsuits and do not know what to do. He emphasized that he has not talked to a business owner yet that does not

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want to provide an accessible place of business. The problem is that they do not know how to best approach the issue while trying to defend themselves in court.

Executive Director Castellanos stated Ms. Dick-Endrizzi has two or three customer service staff members that field calls and direct callers to resources. This may be a need with the Commission as well, to handle the growing incidence of citizen calls seeking support and direction.

Chair Burks recommended contacting Erica Jones, the director of the Pacific ADA Center in Oakland, a disability and business technical assistance center.

The Division of the State Architect and the Department of Rehabilitation.

Executive Director Castellanos stated the collaboration continues between the CCDA, the DSA, and the DOR. They have met several times as they work to develop a common web portal to address the Commission's charge. He developed a draft proposal to the DOR and the DSA, and discussions are continuing on how to manage this, how to develop content, and where to go to find existing content. The idea is to create a readily-identifiable portal that people can access to more easily be directed or linked to the resources that exist in state government.

The portal will be designed to be customer-friendly and will make it easier for people to find what they need to help themselves. He stated his hope that the development of a portal will create a sense of community and sharing of information. He pointed to the Commission as a model, where the disability sector and the business sector come together to talk with each other. He hoped to replicate that model on the website to motivate communities to begin the dialogue that opens the door to understanding.

In answer to Commissioner Navarro's question, Executive Director Castellanos stated the law requires that the Commission put the initial posting of what the claims and letters look like on the website by July 15th. The collection of that data has already begun by two volunteers from the DOR, and staff is working with Commissioner Seferian and the Department of Justice to secure interns to help tabulate this information. He stated the DSA is adding credibility by identifying the types of failures or what the claims actually represent, since they are the regulator on what this should look like. The information will be posted on the website by July 15th and updated every quarter through 2016.

Staff has been collecting the letters and claims since last September, and has been collecting more data than required by statute in anticipation of the questions that will be asked. Not all of this collected data will be put on the website, but it will be used for CCDA programmatic purposes.

Commissioner Navarro stated she was excited that the Commission is on stable footing, and asked if now might be a good time to put out an introductory letter about the Commission to coincide with the update to the website. Chair Burks

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agreed with the idea of sending out a letter of introduction, but suggested postponing it until after the July full Commission meeting, where the strategic direction will be more defined. He stressed being cautious of misrepresentation. Commissioner Navarro agreed.

California Architect Issue. Executive Director Castellanos stated some architects are incorrectly advising their clients when seeking a permit that falls under the valuation threshold. There is a provision in code that allows small businesses to use a hardship provision, which means they only address a short list of accessibility requirements, such as an entrance, bathroom, and path of travel. This does not constitute complete compliance, but architects are misadvising their clients that they have complied with the code, or they fail to advise them at all. Businesses think they are now in compliance, but are being sued because the architects have not done a comprehensive job. Staff is working with the DSA, the American Institute of Architects (AIA), and the California Building Standards Commission (CBSC) on how to address this widespread issue.

Commissioner Wilson suggested providing webinars or onsite seminars to architects to educate them so they can give their clients the correct information. She stated Los Angeles had to discontinue providing seminars and conferences due to budget issues, but they were very successful, well-attended, and garnered much support. Chair Burks stated other organizations, such as Accessibility Online and the Pacific ADA Center, put on national webinars, but he thinks there can be some crossover, due to the unique characteristics of Title 24 of the California Code.

Executive Director Castellanos agreed and stated he will look into using seminars and, next year, some targeted workshops for a number of different issues. Architects have a five-hour annual requirement for continuing education in access. He will be working with the AIA, taking advantage of some existing seminars and building small business compliance and architects' duties into them.

Commissioner Wilson stated she has the program from one of the all-day seminars given in Los Angeles County, and offered to provide a copy to Executive Director Castellanos.

Report to the Legislature. Executive Director Castellanos stated the CCDA report to the Legislature was submitted April 15th. The report detailed the history of the Commission since its founding. In order to end on a positive note, Executive Director Castellanos stated staff is preparing an amendment to the report outlining where the Commission is going in the future. Chair Burks added the report is on the CCDA website.

Inspector Checklist. Executive Director Castellanos stated the inspector checklist is one of the responsibilities from SB 1608, and even though it is no longer

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required of the Commission, the pressure that has been applied from a number of different sectors has indicated an importance for this kind of tool. The Certified Assess Specialist Institute (CASI) is in the process of creating a checklist that they will share with the Commission. They have asked the Commission to help them organize an oversight process that would include the DSA, the CBSC, local business officials, and others.

Staffing. Staff received fifty applications for the office technician position and completed the interview process. Executive Director Castellanos stated there are some very qualified candidates, and he hopes to have the new staff person in place by July.

Action Items

- No action items.

5. DISABLED ACCESS LEGISLATIVE AND REGULATORY DEVELOPMENTS

a. Capitol Track Report: AB 223 and SB 550

Executive Director Castellanos stated there has not been as much legislative activity this year that affects the Commission as there was last year. He stated Assembly Bill (AB) 897, by Wagner, which was intended to eliminate the \$1 permit license fee, \$0.30 of which was to go to the DSA, is gone. The other two bills are continuing to wind their way through the system.

AB 223, Kristin Olsen, Civil Actions: Disabled Access, is a bill that seeks to extend SB 1608 and SB 1186 to Title II agencies. Popular opinion states SB 1608, the creation of the Commission, the provisions of SB 1186 for small business, and legal filings were intended for Title III agencies and not Title II agencies. Staff will watch this bill anyway.

SB 550, Hannah-Beth Jackson, Accessible Housing, is a public housing bill. It is not really within the Commission's area of interest, but it does address accessible housing and publicly-funded housing projects. Staff will watch this bill to see how it develops. May 31st is the deadline to get through the Legislature.

Action Items

- No action items.

6. BUDGET UPDATE

a. Monthly Report

Chair Burks asked if the overbilling for IT will be corrected. Executive Director Castellanos stated it is a slow process, but it will be corrected.

Executive Director Castellanos stated there will be surplus funds at the end of the fiscal year and, since the budget does not roll over, some fixed expenses will

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be prepaid out of the surplus. Staff will also use these excess funds to bring in a contract employee and a strategic planning consultant.

Action Items

- No action items.

7. FUTURE AGENDA ITEMS

Chair Burks stated he will be in Chicago for a National Fire Protection Association meeting and may not be back in time for the June 13th full Commission meeting. He asked Commissioner Hauge if he would prepare to chair that meeting in his absence. Commissioner Hauge put it on his calendar.

8. ADJOURN

MOTION: Commissioner Hauge moved to adjourn the May 9, 2013, Executive Committee meeting. Commissioner Navarro seconded. Motion carried unanimously.

Chairman Burks adjourned the meeting at 12:00 p.m.

General Business Items

a.

CCDA TABULATIONS OF COURT FILINGS/WARNING LETTERS

September	34
October	16
November	53
December	41
January	112
February	119
March	148
April	193
May	228

June
July
August

TOTAL 944 Current Reporting Period

ADA Violations Key Codes

Bathrooms

- 1 Entrance. Toilet rooms, Bathing Facilities, and Shower Rooms non-accessible
- 2 Clear Floor Space [Toilet Rooms]. Non-accessible fixtures and controls or non-accessible route to an accessible toilet room
- 3 Doors [Toilet Rooms]. Non-accessible doors to accessible toilet room
- 4 Doors Space [Bathrooms, Bathing Facilities, and Shower Rooms]. Doors space non accessible to accessible bathrooms
- 5 Lavatories and Mirrors[Toilet Rooms]. Non-accessible lavatories and mirrors provided
- 6 Toilet stalls. The height of toilets and flush controls of toilets or toilet paper dispenser- non-accessible
- 7 Grab Bars. Grab bars or other hardware in bathroom non-accessible
- 8 Height and Clearances. Non-accessible lavatories mounted with the rim or counter surface
- 9 Faucets. Non-accessible lever-operated, push-type, and electronically controlled mechanisms
- 10 General. Accessible bathtubs and showers non-accessible
- 39 Toilet seat cover dispenser non accessible
- 40 Liquid soap or paper towel dispenser non accessible
- 46 Lack of unisex ADA bathrooms

Parking

- 11 Non-compliance number of space. (Minimum Number) Parking spaces required to be non-compliance

- 12 Parking Spaces. Non-compliance (Accessible parking spaces)
- 13 Signage. Non-directional Signage . Non accessible parking spaces designated as reserved by a sign showing the symbol of accessibility
- 14 Passenger Loading Zones. Passenger loading zones non compliance in providing an access aisle or No van accessible aisle

Accessible Route and Entry

- 15 Ground surfaces. Non-accessible routes and non-accessible spaces on path of travel
- 16 Ramps. Location of Curb or Entrance ramps non-compliance for path of travel
- 17 General. Doors required non-accessible
- 18 Door Hardware. Handles, pulls, latches, locks, and other operating devices non-accessible
- 45 Accessible path is too far away or path is not clear for the accessible path

Access within Public Facility

- 19 General Access. Objects projecting from walls
- 20 Access Aisles. Non-accessible aisle or accessible dining surfaces and work surfaces
- 21 Maneuvering Clearances at Doors. The floor or ground area within the required clearances non-compliance
- 22 Minimum Number Stairs or Guardrails. Non-accessible stairs or lack of guardrails
- 23 Handrails. Non-compliant Stairways or handrails
- 24 General elevators or route to elevators. Non accessible elevators or non-compliance route with Tactile Braille and Visual Controls in an accessible route comply
- 25 Wheelchair spaces. non-accessible wheel chair space locations in assembly areas
- 26 Access Height. Non-accessible dining surfaces and work surfaces or Counters and Bars where food or drink is served

Equipment within Public Facility

- 27 Signage. Non compliance raised and braille characters and pictorial symbol signs
- 28 Wheelchair Accessible Telephones. Non-accessible wheelchair accessible public telephones
- 29 Volume Control Telephones. Non compliance volume controls equipped public telephones
- 30 General Public Equipment. Non Accessible gas pumps, automatic teller machines, and fare machines
- 37 General Pool. Non compliance pool lifts, sloped entries, transfer walls, transfer systems, and pool stairs
- 38 Drinking Fountains and Water Coolers non accessible

General Categories Violations

- 31 Dressing, fitting, and locker rooms non-accessible
- 32 Non- Accessible sleeping rooms, units or suites
- 33 Non compliance patient bedrooms.
- 34 Non- Accessible audible and visual alarms and notification appliances
- 35 Non-accessible amusement rides
- 36 Non compliance station, bus stop, bus stop pad, terminal, building or other transportation facility
- 41 Non compliance with service dog in building
- 42 Lamp not accessible
- 43 Shuttle van not accessible
- 44 maintenance of accessible features non compliance
- 47 Website does not offer ADA options or non compliance
- 48 Lack of separate call button

General Business Items

b.



Proposed Strategic Planning Approach



Presented by:
California State University, Sacramento
Center for Collaborative Policy

Center Mission

**The mission of the Center is to
build the capacity of public
agencies, stakeholder groups,
and the public to use
collaborative strategies to
improve policy outcomes.**



Strategic Goals

- Enhance governance capacity;
- Enhance civic engagement capacity;
- Create knowledge capacity;
- Enhance statewide capacity; and
- Continue to enhance internal capacity.



Services

- Collaborative Policy and Conflict Resolution
- Strategic Planning
- Collaborative Public Involvement
- Organizational Development
- Training
- Research



High-Level Observations

■ Strategic Planning Process

- Create approach that leverages data in the *Report to the California State Legislature in Compliance with Senate Bill 1186, April 15 2013* (which includes enabling legislation SB1608)
- Consider involving external stakeholders in the process
- Focus on refinement of mission and development of goals and objectives in support of action planning
- Consultant/facilitator to have “soft hand” as neutral for process consistency

Overall Framework Proposed

Phase 1:

Design Strategic Plan Approach

- Clarify desired outcomes with Leadership Team
- Create and convene Design Team
- Interview key stakeholders/assess
- Design strategic planning process

Phase 2:

Implement Strategic Planning Process

- Review assessment findings with Commissioners
- Hold CCDA strategic planning event
- Draft Strategic Plan
- Stakeholder validation workshops
- Final; draft created for Commission approval

Draft Design and Implementation Approach

- Create and convene Design Team
- Stakeholder / issue assessment
- Focus Groups / statewide users input
- Prepare all data to support upcoming workshops
- Review Summary Findings with Commission

Step 1

Step 2

- Design and hold strategic planning session with CCDA staff, partners, Commission representative and external stakeholders
- Create “initial draft” working document for public feedback/input

- User/client validation workshops for feedback, input and education for key groups
- Ideally two: one north; one south
- Web input available

Step 3

... continued

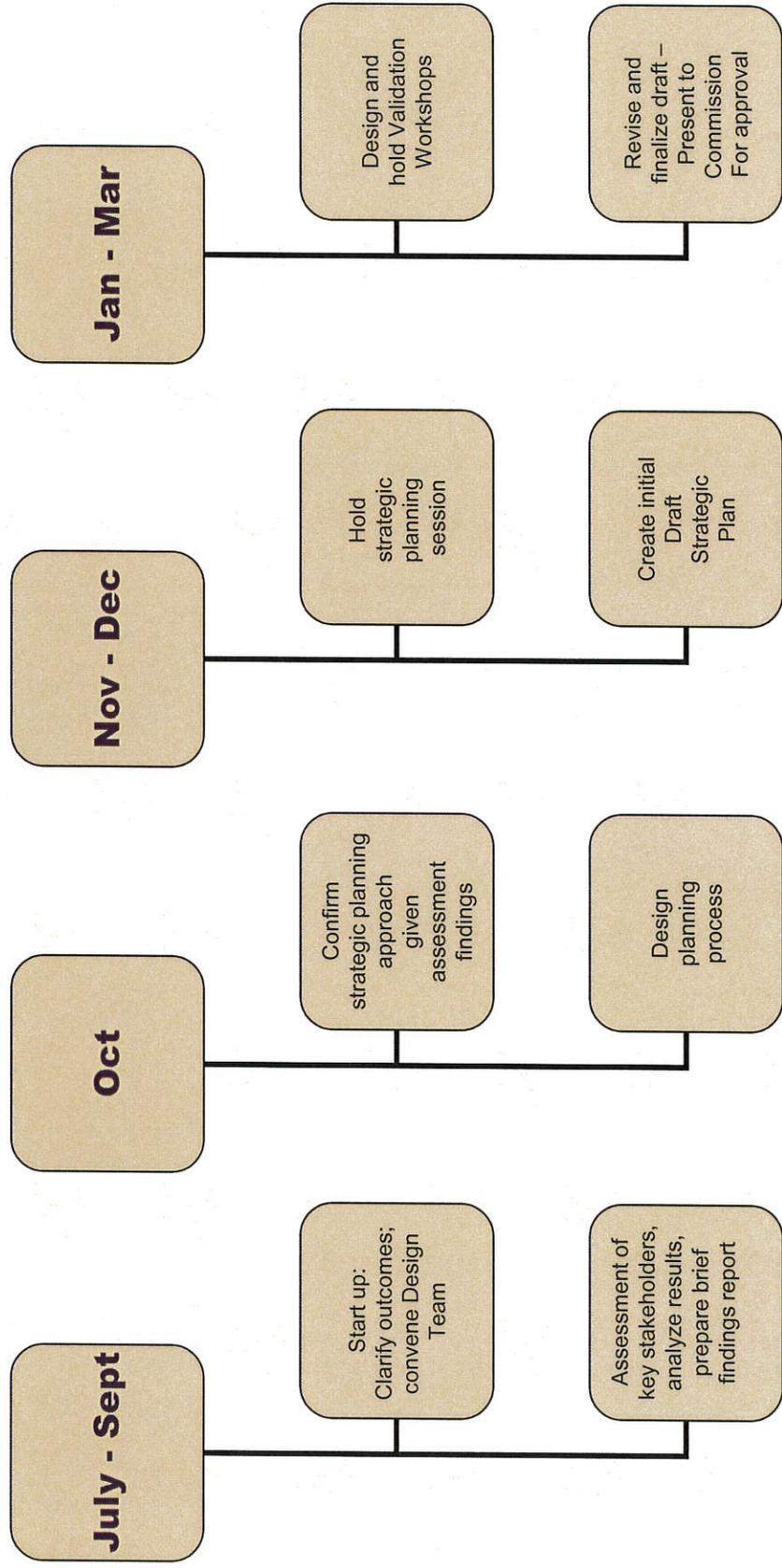
- Create draft #2 of Strategic Plan based on input from user workshops
- Design Team to review and refine draft
- Refine Action Plan
- Create Governance Structure

Step 4

Step 5

- Produce Final Draft Strategic Plan
- Seek Commission approval
- Create public version for distribution
- Post Strategic Plan to website

Draft Timeline



Assumptions for Discussion

Timeline

- First draft of Strategic Plan by end of year
- Progress Report included in January 31, 2013 Report to Legislature

Overarching Goals

- Elevate CCDA visibility
- Create buy-in from stakeholder groups
- Prepare robust, thoughtful strategic planning document
- Creation of Governance Structure

Resources

- CCDA to provide logistics and support as able
- Team: Adam Sutkus, Jodie Monaghan, Grace Person

General Business Items

c.



California

LEGISLATIVE INFORMATION

Code: Select Code · Section: _____

[Up^](#)**GOVERNMENT CODE - GOV**

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000. - 22980.] (*Title 2 enacted by Stats. 1943, Ch. 134.*)

DIVISION 1. GENERAL [8000. - 8899.24.] (*Division 1 enacted by Stats. 1943, Ch. 134.*)

CHAPTER 3.7. The California Commission on Disability Access [8299. - 8299.11.] (*Chapter 3.7 added by Stats. 2008, Ch. 549, Sec. 7.*)

8299. The Legislature finds and declares that, despite the fact that state law has provided persons with disabilities the right to full and equal access to public facilities since 1968, and that a violation of the right of any person under the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.) has also constituted a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) since 1992, persons with disabilities are still being denied full and equal access to public facilities in many instances. The Legislature further finds and declares that businesses in California have the responsibility to provide full and equal access to public facilities as required in the laws and regulations, but that compliance may be thwarted in some cases by conflicting state and federal regulations, which in turn results in unnecessary litigation. With a view to developing recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with the laws and regulations to avoid unnecessary litigation, the Legislature has created the California Commission on Disability Access.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.01. (a) There shall be established in the state government, on or before May 1, 2009, the California Commission on Disability Access. The commission shall consist of 11 public members, and six ex officio nonvoting members, appointed as follows:

(1) Two public members appointed by the Senate Committee on Rules, with one appointee from the business community and one appointee from the disability community. The Senate Committee on Rules shall request and consider nominations from the business community and the disability community for these appointments.

(2) Two public members appointed by the Speaker of the Assembly, with one appointee from the business community and one appointee from the disability community. The Speaker of the Assembly shall request and consider nominations from the business community and the disability community for these appointments.

(3) Seven public members appointed by the Governor, with the consent of the Senate. Four of the Governor's appointees shall be from the disability community. Three appointees shall be from the business community, including an appointee representative from the California Business Properties Association. The Governor shall request and consider nominations from the business community and the disability community for these appointments.

(4) The State Architect, or his or her representative, as a nonvoting ex officio member.

(5) The Attorney General, or his or her representative, as a nonvoting ex officio member.

(6) Two members of the Senate, appointed by the Senate Committee on Rules as nonvoting ex officio members. One member shall be from the majority party, and one member shall be from the minority party.

(7) Two members of the Assembly, appointed by the Speaker of the Assembly, as nonvoting ex officio members. One member shall be from the majority party, and one member shall be from the minority party.

(b) It is the intent of this section that the commission shall be broadly representative of the ethnic, gender, and racial diversity of the population of California. It is further the intent of this section that both of the following apply:

(1) The appointees from the disability community shall be persons with a disability relating to, but not limited to, vision, hearing, mobility, breathing, speech, cognitive, cardiac, emotional, developmental, learning, psychological, or immunological disabilities.

(2) The commission recruitment and appointment process shall engage in identifying qualified disability community representatives who should possess elements of the following qualifications:

(A) Identify as people with disabilities, activity limitations, or both.

(B) Have personal experience with disability and disability advocacy and the ability to speak broadly on disability access issues.

(C) Are knowledgeable about cross-disability access issues, including, but not limited to, hearing, vision, mobility, speech, and cognitive limitations.

(D) Are knowledgeable about a variety of physical, communication, and program access issues.

(E) Are involved with segments of national, state, or local constituencies of the

disability community, such as active involvement in broad-based disability organizations.

(F) Have in place and use communication networks to facilitate communication with the segments of the disability community they are representing, including, but not limited to, segments of diverse ethnic, cultural, sex, sexual orientation, age, and linguistic communities that are representative of the diverse population of Californians with disabilities.

(c) Public members shall be appointed for three-year terms, except that, with respect to the initial appointees, the Governor shall appoint three members for a one-year term, two members for a two-year term, and two members for a three-year term. The Senate Committee on Rules and the Speaker of the Assembly shall each initially appoint one member for a two-year term and one member for a three-year term. Public members may be reappointed for additional terms.

(d) Vacancies shall be filled by the appointing authority for the unexpired portion of the terms.

(Amended by Stats. 2009, Ch. 140, Sec. 82. Effective January 1, 2010. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.02. (a) Public members of the commission shall receive one hundred dollars (\$100) per diem while on official business of the commission, not to exceed 12 days per year. Each member of the commission shall also be entitled to receive his or her actual necessary traveling expenses while on official business of the commission.

(b) The commission shall select annually from its membership a chairperson who shall be a representative from the disability community, and a vice chairperson who shall be a representative from the business community.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.03. Meetings of the commission shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2).

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.04. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To employ any administrative, technical, or other personnel that may be necessary for the performance of its powers and duties.

(b) To hold hearings, make and sign any agreement, and do or perform any act,

including the collection of relevant information, that may be necessary, desirable, or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate the proper execution of its powers and duties under this chapter.

(d) To appoint advisers or advisory committees from time to time when the commission determines that the experience or expertise of those advisers or advisory committees is needed for projects of the commission. Section 11009 shall apply to advisers or advisory committees.

(e) To accept any federal funds granted by an act of Congress or by executive order for any purpose of this chapter.

(f) To accept any gift, donation, grant, or bequest for any purpose of this chapter.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.05. (a) The commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction.

(b) The commission shall provide, within its resources, information regarding any of the following:

(1) Preventing or minimizing problems of compliance by California businesses by providing educational services, including outreach efforts, and by preparing and hosting on its Internet Web site a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements.

(2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.

(3) Providing information as requested by the Legislature on disability access issues and compliance.

(Amended by Stats. 2012, Ch. 383, Sec. 16. Effective September 19, 2012. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.06. (a) A priority of the commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance.

(b) The commission shall work with other state agencies, including the Division of the State Architect and the Department of Rehabilitation, to develop educational materials and information for use by businesses to understand its obligations to provide disability access and to facilitate compliance with construction-related accessibility standards.

(c) The commission shall develop and make available on its Internet Web site, or make available on its Internet Web site if developed by another governmental agency, including Americans with Disabilities Act centers, toolkits or educational modules to assist a California business to understand its obligations under the law and to facilitate compliance with respect to the top 10 alleged construction-related violations, by type, as specified in subdivision (a) of Section 8299.08. Upon completion of this requirement, the commission shall develop and make available on its Internet Web site, or work with another agency to develop, other toolkits or educational modules that would educate businesses of the accessibility requirements and to facilitate compliance with that requirement.

(d) The commission shall post on its Internet Web site educational materials and information that will assist building owners, tenants, building officials, and building inspectors to understand the disability accessibility requirements and to facilitate compliance with disability access laws. The commission shall at least annually review the educational materials and information on disability access requirements and compliance available on the Internet Web site of other local, state, or federal agencies, including Americans with Disabilities Act centers, to augment the educational materials and information developed by the commission.

(e) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

(Repealed and added by Stats. 2012, Ch. 383, Sec. 18. Effective September 19, 2012. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.07. (a) On or before April 15, 2013, the commission shall report to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its activities and efforts since the commission was established to implement Sections 8299.05 and 8299.06, including the provisions that were law prior to amendment or repeal in the 2011–12 Regular Session. Commencing in 2014, and notwithstanding Section 10231.5, the commission shall report on or before January 31 and annually thereafter to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its ongoing efforts to implement Sections 8299.05 and 8299.06, as amended in the 2011–12 Regular Session.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

(Repealed and added by Stats. 2012, Ch. 383, Sec. 20. Effective September 19, 2012. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.08. The commission shall compile the following data with respect to any demand letter or complaint sent to the commission pursuant to Section 53.32 of the Civil Code and post the information on its Internet Web site, pursuant to the following:

(a) The commission shall identify the various types of construction-related physical access violations alleged in the demand letters and in the complaints, respectively, and shall tabulate the number of claims alleged for each type of violation in the demand letters and complaints, respectively. For purposes of this subdivision, any demand for money letters shall be grouped as demand letters.

(b) Periodically, but not less than every six months beginning July 31, 2013, the commission shall post on its Internet Web site a list, by type, of the 10 most frequent types of accessibility violations alleged in the demand letters and in the complaints, respectively, and the numbers of alleged violations for each listed type of violation for the prior two quarters.

(c) The commission shall, on a quarterly basis, identify and tabulate the number of demand letters and complaints received by the commission. The commission shall further ascertain whether a complaint was filed in state or federal court and tabulate the number of complaints filed in state or federal court, respectively. This data shall be posted on the commission's Internet Web site periodically, but not less than every six months beginning July 31, 2013.

(d) Commencing in 2014, and notwithstanding Section 10231.5, the commission shall make an annual report to the Legislature and the Chairs of the Senate and Assembly Committees on Judiciary by January 31 of each year of the tabulated data for the preceding calendar year as set forth in subdivisions (a) to (c), inclusive. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

(Repealed and added by Stats. 2012, Ch. 383, Sec. 22. Effective September 19, 2012. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.09. With respect to its duties, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state to implement the findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section 8299.11, continued operation is dependent upon funding.)

8299.10. The commission shall hire staff or contract for those experts or technical and professional services that may be required for the completion of any task authorized or study required by this chapter. Staff hired pursuant to this section shall be hired in compliance with the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2). Contracts awarded pursuant to this section shall be in compliance with Section 19130. The commission is expressly encouraged and authorized to seek the technical and legal assistance of other state agencies and departments in fulfilling its statutory responsibilities.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Pursuant to Section

8299.11, continued operation is dependent upon funding.)

8299.11. This chapter shall not be implemented, and shall not remain operative, unless funds are appropriated for that purpose by the Legislature in the annual Budget Act or another statute.

(Added by Stats. 2008, Ch. 549, Sec. 7. Effective January 1, 2009. Note: Operational condition applies to Chapter 3.7, commencing with Section 8299.)

General Business Items

f.

Executive Director Report

Communications/Outreach

Public Assistance: July 1 marked an effective date for a number of provisions contained in Senate Bill 1186. CCDA continues to receive calls, quite a few of late that relate to a landlords duty to disclose, when entering into a lease, if the site has been inspected by a CASp. As a result, we have begun to collect questions and responses for future inclusion in a FAQ area of the CCDA website. As stated in the past, CCDA staff is exploring how best to field these calls, and if some type of “customer call support” may be needed.

State Architect/DOR/CCDA Collaboration: We are pleased that CCDA has been included in the newly released DOR 2013-18 Strategic Plan, under Goal 2, Equal Access. The goal addresses educational resources to improve access to businesses and the integration of individuals with disabilities in their communities. CCDA will be working “in conjunction with DOR to develop and disseminate educational materials and information to public and private entities to promote and facilitate disability access”. Discussions are continuing with DSA on similar issues.

Department of General Services: We continue to work with DGS IT to establish a connection to their Fiber cable, which currently does extend to the DOR building, which would allow CCDA to eliminate the current inadequate DSL connection. This project is proceeding and hopefully will be completed soon. Again, DOR has been very supportive of this effort, allowing CCDA to utilize their existing cable, and equipment spaces.

ICC: CCDA staff recently met with Dave Wall of the International Code Council regarding training. It is hoped that future discussions will lead to increased development of tools for designers and building enforcement professionals.

Legislation

SB 1186

Receipt of claims continue. CCDA is tabulating the claims as they come in in preparation for developing the report required to the legislature by July 31. CCDA has acquired two volunteers to assist (DOR clients) and is receiving support from DOJ interns.

Website

CCDA has retained the firm Teranomics to update and reorganize the CCDA website. The release of the new site will coincide with the posting of the demand letter/claim data. This redesign is an interim step in our technology updates. The update will move CCDA to the 2010 state template for webpages. A future update is in discussion that will allow even more functionality.

Strategic Planning

CCDA has retained the CSU Sacramento Center for Collaborative Policy to assist the commission in the development of its strategic plan. This effort kicks off today, and will be discussed at the July 24 meeting of the entire Commission.

Staffing

Workload has increased as a result of the increase in claims coming into CCDA and the need to collect appropriate data for posting on the CCDA webpage. We anticipate that there will be an additional increase in workload as CCDA staff addresses educational programs that result from the top 10 violations that will be included in the data posting, as well as projects that result from the Strategic Planning process. We are focused on meeting our statutorily required duties as well as identifying appropriate content for the website.

Additional staffing is being considered utilizing either retired annuitants, intermittent seasonal, or students.

5) Disabled Access Legislative and Regulatory Developments

a.

Capitol Track Report

A.B. No. 223 AUTHOR(S) : Olsen (Coauthors: Achadjian, Bigelow, Harkey, Nestande, and Wagner).

TOPIC : Civil actions: disabled access

HOUSE LOCATION : ASM TYPE OF BILL : Active Non-Urgency Non-Appropriations Majority Vote Required Non-State-Mandated Local Program Non-Fiscal Non-Tax Levy
LAST HIST. ACT. DATE: 04/16/2013 LAST HIST.

BILL HISTORY 2013 Apr. 16 In committee: Set, first hearing. Hearing canceled at the request of author. Apr. 2 In committee: Hearing postponed by committee. Feb. 15 Referred to Coms. on JUD. and L. GOV. Feb. 5 From printer. May be heard in committee March 7. Feb. 4 Read first time. To print.

Current Status

5/10/13 Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 2/15/2013)

Current Location: 5/10/13 A-2 YEAR

S.B. No. 550 AUTHOR(S) : Jackson.

TOPIC : Accessible Housing

HOUSE LOCATION : SEN +LAST AMENDED DATE : 05/08/2013

BILL HISTORY 05/23/2013 LAST HIST. ACTION : Held in committee and under submission. COMM. LOCATION : SEN APPROPRIATIONS TITLE : An act to add Sections 18941.10 and 50466 to the Health and Safety Code, relating to housing.

Current Status:

5/24/13 Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/23/2013)

Current Location: 5/24/13 S-2 YEAR