

GOVERNOR EDMUND G. BROWN JR.

CALIFORNIA COMMISSION ON DISABILITY ACCESS

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MEMBERS of the COMMISSION

*Guy Leemhuis – Chair
Scott Hauge – Vice-Chair
Tom Ammiano – Assembly Member
Connie Conway – Assembly Member
Ellen Corbett – Senate Member
Chris Downey
Douglas Wiele*

MEMBERS of the COMMISSION

*Lilibeth Navarro
Greg Thompson
Anthony Seferian
Chester “Chet” Widom
Betty Wilson
Michael Paravagna
Steve Dolim*

Commission Executive Staff

Stephan Castellanos – Executive Director

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

FULL COMMISSION MEETING

CCDA wants to provide the highest level of accessibility for all meetings. We encourage you to look at the detailed information on page 3.

October 22nd, 2014

10:00 AM to 4:00 PM

(The end time is an estimate, the meeting may conclude earlier)

TELECONFERENCE # 1-866-770-5886
PARTICIPANT PASSCODE: 19311577

[Live Captioning](#)

<https://global.gotomeeting.com/join/244842589>

Meeting Site Location

**CITY OF LOS ANGELES
MAYOR'S PRESS ROOM, THIRD FLOOR
200 N. SPRING STREET
LOS ANGELES, CA 90012**

*Free parking is available at City Hall East by providing your name, car model, and license plate number before 5:00 p.m., Monday, October 20, 2014 to Tony Abraham at tony.abraham@lacity.org

Notice is hereby given that the California Commission on Disability Access (CCDA) 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/ Pledge of Allegiance/ Housekeeping**
- 2) **Approval of Meeting Minutes (July 30th, 2014) – Action**
- 3) **Comments from the Public on Issues not on this Agenda:** The Commission 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 Commission and/or placed on a subsequent agenda.
- 4) **Representative from the Los Angeles Mayor's Office**
- 5) **Panel of Local Disability Commissioners – Presentation**
 - i) Los Angeles
 - ii) Riverside
 - iii) Compton
- 6) **Subcommittee Updates**
 - i) Education and Outreach (Standing Committee)
 - ii) Checklist Committee (Proposed Standing Committee)
 - iii) Research and Analysis Data Collection Project Committee (Ad hoc Committee)
 - iv) Legislative Committee (Proposed Standing Committee)
- 7) **Executive Report – Executive Director Stephan Castellanos**
 - i) Strategic Plan Validation Workshop
 - ii) CCDA Staffing
 - iii) Special Funding Sources
 - iv) Outreach efforts
 - (1) Governor's Office
 - (2) AIA
 - (3) Modesto Workshop

Lunch break 12:00pm – 1:00pm

- 8) 2015 CCDA Calendar
- 9) Strategic Planning Presentation
- 10) Budget Reporting
Narrative and up-to-date financial reports
- 11) Comments from Commission members
- 12) **Future Agenda Items:** The Commission may discuss and set for action on future agendas, procedural and substantive items relating to state buildings regulatory programs, Commission policy and administrative matters.
- 13) Adjourn

The CCDA 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 CCDA 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 Commission meets under the authority of Government Code § 8299.
- ❖ The Commission 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 Commission meeting will provide teleconference, captioning, and large print agendas.
- ❖ 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](http://www.sacrt.com) (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](http://www.metro.net) (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](http://www.asila.org) (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](http://www.cdda.ca.gov/) Web Site: <http://www.cdda.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.

2) Approval of Meeting Minutes (July 30th, 2014) – Action

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July 30, 2014

1. CALL TO ORDER

Chair Guy Leemhuis welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:04 a.m. at the Department of Consumer Affairs, First Floor Hearing Room, 1747 North Market Blvd., Sacramento, California 95834.

ROLL CALL

Commissioners Present:

Guy Leemhuis, Chair (Teleconference)
Steve Dolim
Chris Downey
Lillibeth Navarro (Teleconference)
Michael Paravagna
Anthony Seferian
Douglas Wiele
Chester "Chet" Widom
Betty Wilson

Commissioners Absent:

Tom Ammiano
Connie Conway
Ellen Corbett
Jean Fuller
Scott Hauge, Vice Chair
Greg Thompson

Staff Present:

Stephan Castellanos, Executive Director
Angela Jemmott, Program Analyst
Steven Funderburk, Office Technician

Also Present:

Cat Cabalo, Law Offices of Paul L. Rein
Julie Griffiths, Regional Director, California Citizens Against Lawsuit Abuse
Celia McGuinness, Managing Attorney, Law Offices of Paul L. Rein
David Peters, CEO, Lawyers Against Lawsuit Abuse
Richard Skaff, Executive Director, Designing Accessible Communities
Daniel Torrez, Office of Senator Corbett
Sue Woods, Project Manager, Center for Collaborative Policy

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

PLEDGE OF ALLEGIANCE

Chair Leemhuis led the Commission in the Pledge of Allegiance.

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HOUSEKEEPING ITEMS

Chair Leemhuis reviewed the meeting protocols.

2. APPROVAL OF MEETING MINUTES (April 23, 2014) - ACTION

MOTION: Commissioner Navarro moved to approve the April 23, 2014, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously.

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

Richard Skaff, the Executive Director of Designing Accessible Communities, stated his concern about the lack of funding for building departments to adequately staff and effectively enforce the California Building Code (CBC), and about the lack of consistency and oversight of training being given throughout California for building inspectors, plan checkers, architects, engineers, and contractors.

4. COMMISSION CHAIR'S RECOGNITION OF BOARD MEMBER ACCOMPLISHMENTS

Staff Member Jemmott publicly recognized, on behalf of the CCDA staff, Vice Chair Hauge's achievement of being acknowledged last month as the small business advocate of the year. She stated Vice Chair Hauge has played a tremendous role in the community for small businesses.

Chair Leemhuis congratulated Vice Chair Hauge and stated he is a key individual in continuing the Commission's work in building positive relationships with and in bringing together the disability and business communities. He stated he is pleased that Vice Chair Hauge is part of the Commission's talented team.

5. PRESENTATION ON LEGISLATIVE PROCESS - DANIEL TORREZ FROM SENATOR ELLEN CORBETT'S OFFICE

Chair Leemhuis stated Daniel Torrez, from the Office of Senator Corbett, informs the Commission of legislative actions. He stated the Commission asked Mr. Torrez to provide a review of the overall legislative process, given that the Commission is planning to become more involved in that area.

Mr. Torrez suggested the legislative calendar as a key piece of information that the Legislature puts out every year with fiscal, bill tracking, and Committee dates and deadlines. He stated copies are available at the Chief Clerk's Office in the Assembly or at the Senate Desk.

Mr. Torrez reviewed the legislative process. He brought two handouts, "How a Bill Becomes a Law" and "The Legislative Procedure," which are available at the Senate Desk or the Chief Clerk's Office in the Assembly.

Commissioner Questions and Discussion:

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Commissioner Navarro asked at what point Commissioners can weigh in on a proposed bill. Mr. Torrez stated members of the public can always participate in the process via speaking with representatives, attending a hearing and providing testimony, and writing letters of support or opposition addressed to the Committee where the bill is being heard.

Commissioner Navarro asked how to know when a bill has been introduced. Mr. Torrez suggested visiting www.leginfo.ca.gov, which lists every bill that has been introduced into the Legislature.

Executive Director Castellanos stated the legislative members of the Commission keep staff informed, or they use the www.leginfo.ca.gov site or key words to locate bills that may affect the Commission. Staff also keeps in touch with other agencies, such as the Division of the State Architect (DSA) or the Department of Rehabilitation (DOR), about bills that they are tracking.

In answer to Commissioner Paravagna's question, Mr. Torrez stated February 21st is the deadline for bringing legislative concepts forward.

In answer to Commissioner Downey's question, Mr. Torrez stated handouts are accessible as digital media at the Senate Desk or the Chief Clerk's Office in the Assembly, or as an electronic version on the Senate website under "Senate guides."

6. CCDA BILL TRACKING

AB 1612 - Accessible California Code of Regulations - Donnelly R - Staff Updates

Executive Director Castellanos read Assembly Bill (AB) 1612 for Commissioners, which will be going to Senate Appropriations on August 4th, where staff will be in attendance. He stated the Office of Administrative Law (OAL) publishes California statutes on its website through a service that uses LexisNexis as its publisher. The OAL website provides a reader but charges for the use of it, which is not equivalent access. Donald Parks, of Accessible Technology Services, has been working with Senator Donnelly's office who have been working with the OAL and the Bureau of State Audits to determine whether the cost is appropriate. The author's office has expanded its study to determine the condition of websites offering similar types of services.

Action Items:

- No action items.

7. SUBCOMMITTEE UPDATES

A. Education and Outreach (Standing Committee)

Commissioner Wilson stated Richard Skaff presented his Restaurant Accessibility Field Guide for the Committee, and it was approved as a guide only for setting up an outline for accessibility for general use. She stated there were concerns about the cost of updating and reproducing the guide. Mr. Skaff offered his services as a consultant and

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the Committee invited Ida Clair, of the DSA, to learn if her office would take on the responsibility of keeping it updated.

Commissioner Widom agreed that the document is valuable, but stated the DSA staff is overwhelmed with other issues at this time and cannot take the responsibility for updating it.

Executive Director Castellanos stated staff will discuss putting out a Request for Proposal (RFP) to learn what it will take to keep the document up to date at the next Education and Outreach (E&O) Committee.

Commissioner Wilson stated both the full Commission and the E&O Committee requested all Commissioners to submit at least two potential partners in support of Commission work; staff has only received three responses to date. She explained that the purpose of the additional partners is to help the Commission. She gave the example of the next E&O project - the upcoming reception hosted by the Commission that will follow the October 22nd full Commission meeting in Los Angeles. She stated the need for partners to assist in putting on such an event, including contributions, in-kind, public support, brochures, et cetera. Commissioner Wilson requested all Commissioners to submit names of potential partners by the date of the next E&O Committee meeting, which will be a teleconference on August 13th.

Commissioner Navarro asked if staff had drafted a formal letter of introduction of the Commission to the public and if there is an official letterhead.

Chair Leemhuis stated the Commission, although four years old, is nearing the completion of the strategic planning process. The reception being held after the October 22nd Commission meeting provides an opportunity to share the Commission's vision for the next three years. It would be appropriate to draft a letter prior to the October meeting.

Commissioner Paravagna suggested having a press release and a flyer combination to emphasize the October event in Los Angeles. Chair Leemhuis agreed and stated it will be for discussion between the Executive and the E&O Committees.

Commissioner Wilson stated the E&O Committee was asked, during the April full Commission meeting, to contact members of the public who were in attendance regarding the topic of placard abuse. She stated she has not heard from Susan Pfeifer, the secretary of the FDR Democratic Club of San Francisco, who was to provide the E&O Committee with information. Staff Member Jemmott stated staff has yet to receive anything back from them.

B. Checklist Committee (Proposed Standing Committee)

Chair Leemhuis stated the Checklist Committee has been operating on an ad hoc basis, but he suggested it should be standing committee as is statutorily prescribed. He thanked Commissioners Dolim and Paravagna for undertaking this task.

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Executive Director Castellanos stated Senate Bill (SB) 1608, the bill that established the CCDA, required that the Commission develop a checklist in consultation with the California Building Standards Commission (CBSC) to prepare a comprehensive checklist for field inspectors. It is more difficult than first thought, because of the specification that it was to be used by inspectors in the field. Current field documents are designed for survey work, but are not intended for inspection.

The Legislature is very aware that the checklist has not been done. When the Commission attempted to complete this task years ago, the product that was posted online was the DSA Plan Review Manual, which is not portable or useful to an inspector in the field. The challenge is to create something that is comprehensive, but also useful to someone in the field.

Executive Director Castellanos stated the checklist was due in 2010. A few years ago, the California Department of Housing and Community Development (HCD) developed an inspection guide that focuses on Section 11A, housing. The Checklist Committee will focus on Section 11B, business, to correspond to the CCDA Data Collection Project. The HCD Guide for Inspection is on the CCDA and HCD websites.

Commissioner Dolim stated the Checklist Committee is focused on a carry-along tool that is useful to phases of construction when there are building officials present performing inspections.

The California Building Officials Association (CALBO) has volunteered to survey their building inspectors over the next four weeks to determine the levels of technology they have available to them. The results of this end-user input on how to craft the master checklist will be completed before the next Committee meeting in approximately six weeks. The DSA has offered their training manual for inspectors to be used as a guide, and it will be reviewed before the next meeting. The Committee has set tight deadlines to bring a product to be delivered to the Legislature at the end of this year.

Commissioner Paravagna added that the Committee is considering making the checklist electronic so that it can be easily and comprehensively updated and field inspectors can access the latest information.

Executive Director Castellanos stated one of the Committee's goals was to connect the master checklist to training opportunities for architects, plan reviewers, field inspectors, and others, through organizations such as the DSA, CALBO, and the International Code Council (ICC).

Public Comment:

Mr. Skaff stated he has been involved in a number of checklists and had formed the belief that checklists do not solve problems, but the concepts described today sound quite different than anything he has seen in the past. He liked that it will be focused on the phases of a project's development in the field. He stated he was excited to learn more and would like to participate in the process. He commended the Checklist Committee Members for their efforts.

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Chair Leemhuis encouraged Mr. Skaff to connect with Commissioners Dolim and Paravagna. The Commission encourages participation by members of the public in giving input.

Executive Director Castellanos added that the meeting documents for the publicly-noticed meetings are posted on the CCDA website. Staff collected a number of sample guides and will post them soon.

C. Research and Analysis Data Collection Project Committee (Ad Hoc Committee)

Executive Director Castellanos stated Commissioners Downey and Paravagna have been appointed to this Committee, the purpose of which is to validate that the data that staff is collecting from lawsuits is the appropriate type of material, and that it is used not just to develop the Top-Ten violations, for which the Commission is obligated to train, but to inform the training and educational module development process. A task was added to the strategic planning consultant's contract to support the development of this Committee, to develop a research and analysis program, or rubric, and to align that rubric with the training programs as well as the strategic planning efforts.

This group will be meeting later in August for the first time. It currently includes the DSA and the DOR, which are involved with the Commission in the training and development of modules. The goal is to put something on the CCDA website that people can query with any question based on the data staff has collected.

It has been twenty-three years since the Americans with Disabilities Act (ADA) was passed, and longer in terms of this issue in California. The goal is not simply to react to the lawsuits or to reduce the number of lawsuits; it is to make California accessible.

The data analysis will form a solid foundation for the bigger task that is supported by the DSA and the DOR to pursue training and educational modules in a more effective way.

Action Items:

- Commissioners are to submit names of potential partners to staff by August 13th.
- Staff will discuss putting out an RFP to learn what it will take to keep Richard Skaff's Restaurant Guide up to date at the next E&O Committee meeting.
- Staff is to draft a letter of introduction prior to the October meeting.
- Staff is to draft a press release and flyer combination to emphasize the October event in Los Angeles for discussion with the E&O and Executive Committees.

8. EXECUTIVE REPORT

Executive Director Castellanos stated he and Commissioner Downey have been asked to participate with California architects on the development of a training program for all architects in California. California architects, in law, are required to take five hours in

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continuing education for re-licensure on access. Executive Director Castellanos stated he spoke with the American Institute of Architects (AIA) about an issue brought up by Richard Skaff today, that the access trainings made available to architects and others were of inconsistent quality. He stated there is an over-commitment by designers to regulation and there is a lack of understanding about how to design for access and how to apply the regulations.

The AIA committed to developing four modules that comply with the five-hour requirement of architects, focused on design; the code sites will be secondary. Creative solutions will be integrated where it is clear that the designer has thought about all users equally in the development of the design solutions. The AIA sent out a call for submissions from their members across the state and collected a large number of projects, which were then peer-reviewed. Design is the first step, and compliance is the goal. It is a new approach for architects; ideally, more architects will participate in these higher-quality programs, will see a different look at what these issues are about, and will be motivated to do better.

Commissioner Downey agreed that it is a great opportunity. He stated the modules provide an opportunity to check for accuracy and be clear that what is being put out there is done in a much more accessible and meaningful way. Commissioner Downey stated the modules have an obligation to deal with some issues he has noted in continuing education - that there is a lack of auditing and that some people check out before the training is done. In doing this kind of module, it is important to be monitored in a way to know that the training is complete and the obligations are fulfilled.

Action Items:

- No action items.

9. PRESENTATIONS

A. California Citizens Against Lawsuit Abuse

Presenter:

Julie Griffiths, Regional Director

Julie Griffiths, the Regional Director of California Citizens Against Lawsuit Abuse (CALA), stated she is not an attorney or an ADA expert. Two years ago, she began visiting businesses that she found on www.pacer.gov that had experience with lawsuits, not necessarily about ADA compliance issues and not necessarily lawsuit abuse. She focused on northern and eastern court lawsuits filed federally.

She stated there was a diverse group of businesses who had disagreements and were working through lawsuits, but she noted, when she visited the businesses that had been served with ADA lawsuits, that a pattern emerged in certain regions. She stated she did not expect to find this. She began to visit businesses that had experienced ADA lawsuits in the south end of Fresno; an area that the federal government reported was

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the densest population of poverty in the nation. Ms. Griffiths noticed it was one or two entities that were filing these suits.

She stated she used Fresno as an example, but pointed out that there are other pockets and regions in the state that are experiencing this kind of "targeting" of businesses for lawsuits for compliance issues. She referenced a four-page handout of California with dots where there were suits filed federally in northern and eastern court of the over one thousand businesses she visited. She stated a large number of businesses do not have the information they need. She noted on her handout that the south end of Fresno had a larger number of lawsuits. English is not the primary language in a large portion of businesses, and the average income for these businesses is about \$40,000 per year. Some business owners have told her they are expected to make \$50,000 in changes when they only made \$40,000 total last year.

Ms. Griffiths stated she has taken local legislators and legislative aides on tours and they are shocked when they find that business owners do not have email addresses. She stated these businesses are not as technically up-to-date as one might expect. They are not in compliance in many areas - the ADA is only one of them. These business owners do not belong to a chamber of commerce or an organization, but have been speaking more and more amongst themselves in their communities. She stated CALA is not authorized to train business owners, but tries to connect businesses with one another with the goal of discouraging as many lawsuits as possible.

Commissioner Questions and Discussion:

Commissioner Wiele asked about the timeframe in which Ms. Griffiths did this research. Ms. Griffiths stated it was over the last eighteen to twenty-four months.

Commissioner Dolim asked what Ms. Griffiths's projected wisdom is to impart. Ms. Griffiths stated she felt that two disenfranchised communities are being pitted against each other. She stated the need for increased funding for this Commission to get the word out in ways that people can understand and to help educate the business community. The solution is not having a Commission on one end and lawyers on the other, because the right group is not getting the support on this.

Commissioner Paravagna asked what the largest barrier is that prevents these businesses from getting the information they need. Ms. Griffiths stated it is money. She stated she has a small business and she receives notifications every month of regulations and changes. The funding is not to the level it needs to be to get the information out - not that every business would drop everything to make themselves compliant, but, Ms. Griffiths's stated she felt that they are not being given a fighting chance. They are not part of a connected community, but they are servicing the nation's poorest citizens.

Commissioner Wilson suggested putting information in the media in various languages. This is one of the things the Commission could look at statewide. Ms. Griffiths stated she would be honored to partner with the Commission on that. She stated she has done

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educational radio programs in several languages. She now has a number of on-call interpreters. She has tried to work with cities to do education, but many city attorneys hesitate because it would open them up to lawsuits.

Commissioner Wiele asked if the business owners are building owners or tenants. Ms. Griffiths stated they are tenants; she rarely sees a landlord.

Executive Director Castellanos stated Ms. Griffiths has done great work and has some great data. All of the data collected by the Commission comes in the mail. He asked, since she visits the businesses post-filing, what she has learned about outcomes for these businesses on both the money side and the compliance side.

Ms. Griffiths pointed out that she has seen legitimate ADA lawsuits. Ninety percent of the lawsuits filed right now are, in a sense, legitimate in that the businesses are in violation. The ones she has issues with are the ones that are just trying to cash in. She stated ninety percent go into a quick settlement payment of possibly \$5,000 to \$15,000. She stated there are business owners who are on payment plans with many of these attorneys, or who have borrowed from banks to settle out. She reminded Commissioners that these businesses make \$40,000 to \$50,000 per year. She stated she hears "just pay me the cash" to stay out of court stories quite frequently.

Executive Director Castellanos asked about the compliance side. Ms. Griffiths stated she rarely hears of a requirement for a solution, fix, or deadline. Businesses report that the requirement is payment only perhaps seventy-five percent of the time. Many times business owners do not honestly understand the complaint.

Chair Leemhuis asked if they ultimately make their businesses accessible. Ms. Griffiths stated the vast majority of them do, but not all of them. She stated many businesses would put in the work and do the right thing if given the opportunity.

Commissioner Dolim stated Ms. Griffiths's handout has three columns of data. He asked if she noticed any other patterns. Ms. Griffiths stated she noticed they are happening on a trip to a town. She stated she can tell when someone is suing a town because she follows their driving pattern along the route where they looked that day, and she visits those businesses. There are also patterns in that it is the same handful of entities that are frequently filing these lawsuits.

Public Comment:

David Peters, the CEO of Lawyers Against Lawsuit Abuse, stated he has been consulted in about 1,200 of these cases around the state, and he agreed that merely communicating through media and chambers of commerce does not work. He stated it is the people who are not connected that would make the changes if they only knew. He gave the example of speed limit signs. The signs are put up because many people would comply if they only knew.

He stated he has suggested for years that business licenses should require a Certified Access Specialist (CASp) inspection or CASp certification of compliance. He suggested a

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two-line statement on property tax bills directing business owners to the official state of California website for the information needed to avoid these lawsuits. He stated Ms. Griffiths is correct; he has seen the same things. In a large number of cases, the changes are not made. Many clients make settlement payments, but the changes are not required at all, are not made, or are not made correctly.

He stated this Commission started in 2009. By now, the information should be available for businesses to avoid these claims. It is more than a little troubling that there still is not a single source that gives people the information they need to avoid these lawsuits.

B. Legal Perspective by Disability Rights Advocates

Presenters:

Celia McGuinness, Law Offices of Paul L. Rein

Celia McGuinness, the Managing Attorney at the Law Offices of Paul L. Rein, stated people with disabilities have difficulties in employment and in running businesses. She gave examples of some of her cases, such a person's inability to give a scheduled presentation due to lack of access to the banquet room; a person's inability to do the networking at a conference due to inaccessible spaces; and a person being forced to miss three-fourths of a meeting to move his wheelchair van due to the lack of parking.

She stated she does not agree that the business and disability communities are being pitted against each other. They experience congruent concerns and this Commission has an opportunity to resolve those collectively. She agreed that there is a problem with education and understands that language might be a part of that, but building departments and cities have been trying to educate people of their obligations.

She stated she does not recognize the description that Ms. Griffiths gave of people "targeting." She described how her organization's cases ran. She stated the plaintiffs' attorneys have begun to meet to discuss best practices. She stated the focus is on the problems, but California is remarkably accessible compared to many other states because Californians had foresight, and people have the option to remediate barriers when they have experienced an injury.

Commissioner Questions and Discussion:

Commissioner Paravagna asked what can be done or changed specifically regarding education to prevent litigation and create more access. Ms. McGuinness stated information should be received along with the business license, and business owners should acknowledge that they are aware of their obligation as a public accommodation. This should not be expensive or complicated.

Ms. McGuinness stated she read the minutes from the last full Commission meeting, and noted that the Commission is aware that the building departments are not always consistent. That becomes a large part of the problem. Also, business owners do not know that there are tax incentives in place for them to improve access or that an investment in their businesses will increase their bottom line.

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Ms. McGuinness stated building owners and tenant operators are both jointly and severally liable in the law, but lease agreements put the entire burden on the tenant. She stated the landowner, who will retain the physical property with the improvements, should have the obligation to make changes, but, more often, the tenant, who is just trying to make the business work, has to take on that expense.

Commissioner Paravagna asked, when there is litigation, what changes need to be made to ensure that litigation results in access. Ms. McGuinness stated her firm requires a consent or settlement agreement, where the court orders compliance to be completed by a certain date with a schedule of the necessary repairs. This is the best practice.

Commissioner Seferian asked if her firm typically files access lawsuits in state or federal court, and which factors influence the filing in one versus the other. Ms. McGuinness stated they prefer to file in federal court because they do most of their practice in the northern district. Also, state courts have fewer resources than federal courts and she feels their issues get good attention from the federal judges.

Commissioner Seferian asked what she meant by "fewer resources." Ms. McGuinness stated, in state court, cases can take longer and the judges may not have as much time to consider legal issues. She stated her firm is unusual in that most ADA attorneys file primarily in state court.

Commissioner Wilson stated she has found that the judiciary does not make good decisions in resolving litigations or finding solutions to access problems. She asked if it would be another way of getting information out there and reducing the number of lawsuits if the Commission included the judges in the outreach and education modules. Ms. McGuinness agreed, particularly for the state court, because they see fewer access cases.

Commissioner Navarro asked what the role is for assistive technology to be part of access negotiations, especially for small businesses, in regard to the lawsuits.

Ms. McGuinness suggested a traveling presentation of a person advocating for the disability community and a business owner who has had success with making alterations telling their story. The advocate would describe their experiences and the business owner would list the benefits received for making the alternations. It sends a positive message that all communities can work together to make California a more prosperous state that values the abilities of all of its citizens. She stated she would be happy to be a part of that, or to assist the Commission in any other way.

Public Comment:

Cat Cabalo, of the Law Offices of Paul L. Rein, agreed with including a traveling workshop. She gave the example of being in a settlement discussion process and recommending the experts visit the property together with the defense expert to demonstrate to the property owner why an inch and a half can make a difference. They explained that in person with the grab bar so that the building owner understood and

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the case settled quickly. She agreed that building owners, who oftentimes have owned the building for many years, should have made access changes long ago.

Mr. Skaff stated he was a presenter in a training about state and federal access requirements to sixty-five businesses, and one of the other presenters asked how many businesses had made the necessary access changes. More than half of the businesses represented did not raise their hands. When asked why they had not all made the changes, they answered that they were waiting to be sued and were actually making more money by not making the changes early.

Mr. Peters stated he has had a number of judges express frustration that there is not a single document to determine what needs to be done at a particular property. It is frustrating to have three CASps disagree about what needs to be done at a property. There is no reason that California cannot put the requirements into a single document so that judges can look to it to know whether a property has complied or not.

Mr. Peters stated it is valuable to share best practices, but many of the law firms that speak to the Commission are not the ones filing these lawsuits in the largest numbers. There are many lawyers who file a hundred or more of these claims in a given month, and they are never seen at the state bar or local bar meetings or in discussions of best practices.

Action Items:

- No action items.

10. STRATEGIC PLANNING UPDATE

Presenter:

Sue Woods, Center for Collaborative Policy

Executive Director Castellanos stated a number of Commissioners participated in the last strategic planning workshop in Sacramento, comprised of stakeholders statewide. He read the nine strategic goals that came out of that two-day workshop. He stated the planning session helped to form a core group that will continue to work together. This has expanded the Commission's reach throughout the state to people who are interested in the issues and in the work of the Commission; and who want to continue with the planning effort through implementation. This group was the first part of an ever-growing circle of advocates and supporters committed to the role of the Commission and achieving access for all California.

Sue Woods, the Project Manager of the Center for Collaborative Policy (CCP), gave an overview of the strategic planning process and covered what is still to come. She thanked the Commissioners who served on the design team. The draft plan is the culmination of a two-day strategic planning session and the collaborative effort of key stakeholders with multiple viewpoints within the disability community, business sector, and governmental organizations.

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It is notable that the collaboration of these parties ultimately resulted in the nine goals and associated objectives, and was widely supported across a diverse set of interests and sectors. She stated she was excited to see leaders and volunteers sign up for work groups to carry out the action items. This is the time that often falls to dead silence in the room - people are happy to give their ideas, but when they are asked to step up and do some work, no one answers. This was not the case at this meeting. Many stepped up to offer their services. It was a first for her in the work she has been doing.

The CCP and the CCDA, in partnership with their varied stakeholder communities, will refine and test the validation process and will receive public feedback during the comment period. There will be a validation workshop to obtain feedback on the strategic planning document. It has been suggested that the fall workshop be held in the Los Angeles area, since the initial workshop was in Northern California. Once a venue is found and a date set, the planning calendar can be updated for the remaining journey of the document through the final approval of the plan by this Commission.

Executive Director Castellanos asked Commissioners who attended the two-day session to share their thoughts about the experience and how they felt about the product so far. Commissioners answered that they felt it was a productive, inclusive, enriching, and engaging event. Enthusiastic attendees continue to contact staff to ask how they can take part and when they can get started.

MOTION: Commissioner Navarro moved to approve the California Commission on Disability Access Draft Five-Year Strategic Plan Outline. Commissioner Wilson seconded. Motion carried unanimously.

Action Items:

- No action items.

11. BUDGET REPORTING

Staff Member Jemmott noted that, as of June 30th, the Commission spent \$413,000 of its \$416,686 budget, but this figure does not include outstanding per diems and other accrual documents that have been submitted to accounting. The CCDA has fully expended its budget.

Executive Director Castellanos stated the 2014-15 budget is approximately \$100,000 more than the 2013-14 budget to allow the Commission to hire an additional staff member.

Action Items:

- No action items.

12. COMMENTS FROM COMMISSION MEMBERS

Commissioner Paravagna suggested putting on an event in the Sacramento area in collaboration with the DSA, the DOR, and others to commemorate the ADA's milestone 25th anniversary next July.

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Commissioner Dolim agreed and suggested honoring individuals and organizations that have embraced the ADA and taken a program, structure, environment, or conversion further than it was ever envisioned.

Executive Director Castellanos agreed and stated a national celebration will be in California in March of 2015. He suggested linking people in Sacramento, Los Angeles, San Francisco, and the Central Valley, and posting the various celebrations throughout California on the website with information on how people can get involved early.

Commissioner Paravagna stated the need for a standing committee to look at legislative solutions in selected areas - and to support legislation that will move toward those areas. Executive Director Castellanos agreed and stated an ad hoc committee for legislation is being created. He stated he and Chair Leemhuis plan to meet with legislators in August. He invited Commissioner Paravagna to join them to begin the work of the legislative committee, and also to ensure that the Legislature knows about the October event and the 25th anniversary celebration.

Action Items:

- No action items.

13. FUTURE AGENDA ITEMS

Chair Leemhuis stated the next full Commission meeting will be on October 22nd with a reception event afterwards, so the meeting will have a leaner agenda. He asked Commissioners to contact staff with any additional future agenda items.

14. ADJOURN

MOTION: Commissioner Navarro moved to adjourn the July 30, 2014, California Commission on Disability Access Full Commission meeting. Commissioner Wilson seconded. Motion carried unanimously.

Chair Leemhuis adjourned the meeting at 3:39 p.m.

8) 2015 CCDA Calendar

Draft 2015 CCDA Meeting Calendar

Month	Full Commission (10am – 4pm)	Executive Committee (1:30pm – 3:30pm)	Education & Outreach Committee (10am – 11:30am)	Checklist Committee (1pm – 3pm)	Proposed Legislative Committee (TBD)
January	14 th (Sacramento)			21 st (Teleconference)	
February		11 th (Teleconference)	4 th (Teleconference)		25 th (Teleconference)
March				4 th (Teleconference)	
April	22 nd (Los Angeles)		21 st (Los Angeles)		15 th (Teleconference)
May		13 th (Teleconference)		6 th (Teleconference)	
June		17 th (Teleconference)	3 rd (Teleconference)		10 th (Teleconference)
July	29 th (Sacramento)			15 th (Teleconference)	
August			12 th (Teleconference)		19 th (Teleconference)
September		16 th (Teleconference)		2 nd (Teleconference)	
October	21 st (Los Angeles)		20 st (Los Angeles)		14 th (Teleconference)
November		18 th (Teleconference)		4 th (Teleconference)	
December		16 th (Teleconference)	2 nd (Teleconference)		9 th (Teleconference)
Total	4	6	6	6	6

9) Strategic Planning Presentation



CALIFORNIA COMMISSION ON DISABILITY ACCESS

Draft Five-Year Strategic Plan Outline

Prepared by

California State University, Sacramento
Center for Collaborative Policy

October 2014

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INTRODUCTION

It is my pleasure to offer the 5 year strategic plan for the CA Commission on Disability Access. This plan is the culmination of an intensive collaborative effort among key stakeholders in the disability community, the business sector, nonprofits, schools, and governmental organizations. From the beginning of this effort a strong emphasis was placed on transparency and openness—in order to bring important issues into the discussion in a manner that could lend itself to constructive problem solving and realistic work planning for the future.

The goals in this strategic plan are wide, ambitious and varied. By design there was not a limit placed on what is achievable now, but instead what needed to be achieved in the near future if given the right combination of commitment, time, and resources. It was notable that the collaboration among the many parties ultimately resulted in a series of efforts that was widely supported across a diverse set of interests and sectors.

The process for this strategic plan started months in advance of the formal two day workshop that resulted in the main findings and agreements for the plan. With the help of Sacramento State University's Center for Collaborative Policy, a stakeholder interview and assessment effort was undertaken to learn what important information and perspectives were being held by key players in the field. The resulting information gathered was brought into the strategic planning dialogue and helped prompt the critical gap analysis process that led to the goals and objectives outlined in this plan.

All strategic plans are essentially 'living documents' and CCDA, in partnership with its varied stakeholder community, will implement these goals and implementation plans with refinement in mind as they uncover new data. My staff and I are excited to embark on the work outlined in this plan and we are confident that the partnerships and outcomes of these efforts will significantly further the goals of disability access in California.

Steve Castellanos
Executive Director
California Commission on Disability Access

Transmittal Letter

Guy Leemhuis
Commission Chair
California Commission on Disability Access

DRAFT

**CCDA FIVE-YEAR
STRATEGIC PLAN**

2014-2019

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VISION

A vision statement is an image of the mission accomplished, and reflects an ideal future state.

THE CCDA VISION STATEMENT IS:

An accessible, barrier free California = Inclusive and equal opportunities and participation for all Californians.

MISSION

The mission statement defines an organization's purpose, and shares with the world "who we are, why we exist, and what we do."

THE CCDA MISSION STATEMENT IS:

The mission of the California Commission on Disability Access is to promote disability access in California through dialogue and collaboration with stakeholders including but not limited to the disability and business communities and all levels of government.

CORE VALUES

The core values are the fundamental perspectives held by CCDA and its client community, and reflect the collective culture and priorities that steer the strategic planning effort and its ultimate implementation – from personal and professional viewpoints translated to the organization.

The Core Values driving the collective work of CCDA and its client community are:

- Seek out leaders, including leaders from the disability ~~and~~ business, educational, and nonprofit communities, to help inspire vision, knowledge, integrity, loyalty, pride, passion and service to promote disability access in California.
- Empower those with disabilities by providing information to the community, businesses, other sections like nonprofits and schools, and governmental entities about disability culture and the disability community's key place in California's economic fabric.
- Support Californians' with disabilities by giving them the tools they need to participate in their community and make a difference in society as a whole.
- Recognize that successful and integrated statewide physical access improvements for persons with disabilities requires sensitivity to the challenges that businesses and other organizations and schools face in implementing access goals.
- Foster an environment that values and practices communication and collaboration across the wide spectrum of interests in the disability, governmental, ~~and~~ business, educational, and nonprofit communities.

GUIDING PRINCIPLES

Guiding principles help set the tone of how to achieve goals. These principles reflect procedural priorities, shared processes, and the rules of engagement of how the CCDA community will work to implement efforts designed to meet its objectives.

The Guiding Principles are:

- Developing advocates from diverse backgrounds, including persons with disabilities, educational, other sectors, and the informed business community, is critical to California's overall economic success and to promoting and improving disability access for all Californians.
- The CCDA community and its activities should be led by valued and dedicated partners, both representing the full range of disabilities as well as the business community, nonprofits, educational, and others sector communities that employs and serves them.
- Knowledge of disability history and culture is an essential part of understanding the access needs and requirements of the disability community in California.
- Providing resource information and fostering awareness of disability community rights, capabilities, and benefits to the business, nonprofit, education, and other communities of California will help create a partnership in support of improved disability access and joint economic interests.

GOALS AND OBJECTIVES

Each of the following goals identifies desired end results to achieve in the next five years. The goals reflect the most important strategic issues for the CCDA as a whole, and while the goals are realistic and achievable, they seek to stretch and challenge CCDA.

Goal 1: Advocate for access curricula for ~~post-secondary and technical~~ all school programs.

As part of the effort to maintain and build a network of trained and knowledgeable architects, designers, landscape architects, contractors, building inspectors, and other construction trade workers versed in the issues and best practices of accessibility practices and design, the goal addresses the need to raise awareness of and increase training around accessibility design and construction for job seekers interested in the built environment, as well as for professionals with established careers who may seek continuing education credit or job diversification.

Objectives/Strategies:

1. Create an Advisory Board.
 - a. CCDA to create objectives for the advisory board.
2. Meet with all professional and academic groups and accreditation bodies and building officials.
3. Make recommendations to amend the Education Code for all levels of schools and or seek legislation to include disability access curricula requirements and training at the ~~post-secondary level~~ at all levels of schooling.

Goal 2: Increase disability access awareness.

A large number of members of the disability community are not readily identifiable. As our population ages, mobility issues will affect a greater percentage of society and access will become even more important in the near future. Accessibility compliance is sometimes viewed as unnecessary and applicable to a very small minority of the population. Many small business owners view access compliance as either an unfunded mandate or a nuisance – not a civil right. Business owners ~~and~~ nonprofits, and other organizations many times are unaware of Americans with Disabilities Act (ADA) requirements - or if they are, what compliance looks like. The goal seeks to raise

awareness of access issues and tools available to assist businesses, nonprofits, schools, others, and the community to support changes to the built environment.

Objectives/Strategies:

1. Develop a public and culturally appropriate media /social awareness campaign to increase awareness and educate the general public, government agencies and elected officials.
2. Develop dialogue opportunities for the business, nonprofit, school, disability, and other communities.
3. Encourage collaboration between CASp inspectors and the disability community and coordinate partnerships.

Goal 3: Create training programs for targeted constituencies.

The goal seeks to address the lack of opportunity for businesses, nonprofits, schools, other sectors and professionals in the planning, design, property and construction sectors to learn about and to engage with resources around access issues and find support to make accommodation modifications. Community groups and organizations from the disability community and other communities will also benefit from trainings on and conversations on rights and remediation efforts locally, statewide, and nationally.

Objectives/Strategies:

1. Collaborate and coordinate with professional associations. Also target elected officials and governmental entities, as well as property, ~~and~~ business owners, nonprofits, schools, and others. The messages should include:
 - a. Uphold current laws (code 4450, HS code 11135, cc 51 and laws related to program access such as use of service animals) and create new ones to promote disability access.
 - b. Promote cultural competency regarding disability and program access.
2. Seek opportunities to engage diverse interest groups in integrated training and dialogues.
 - a. Target disability communities – both individuals and organizations (educate them on rights and remediation).
3. CCDA coordinates with associations on compliance for built environment and disability bar.

Goal 4: Create and identify revenue streams to fund access needs (subject to increased CCDA staffing).

There is currently no revenue source available to offset the financial cost to assist businesses, nonprofits, schools, and others with access compliance issues. The goal speaks to the need to identify and secure a revenue stream to support efforts to mitigate accommodation costs and incentivize access compliance.

Objectives/Strategies:

1. Identify funding sources for small businesses, ~~and~~ property owners, nonprofits, schools, and other organizations with validated needs.
2. Research budget systems to fund CCDA accessibility efforts and access compliance.
3. Examine programs underway for opportunities to create funding allocations for access compliance.
4. Create through legislation a designated funding stream for access programs.

Goal 5: Create financial and other incentives for access compliance.

Similar to goal 4, the intent of the goal is the desire to support and encourage access compliance through new and creative incentive programs.

Objectives/Strategies:

1. Prioritize compliance through funding at local and state government levels to increase access.
2. Investigate a state and/or local tax credit and deductions.
3. Restore tax credits for accessibility compliance for business owners.
4. Create a recognition program for access compliance similar to the U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED); project level, municipality, statewide.
5. Investigate whether and how to implement a revolving loan/grant program to provide for accessibility modifications similar to the California Underground Storage Tank (UST) Cleanup Fund (Fund).
6. Investigate whether and how to reduce permit fees as a means to facilitate barrier removal and to reduce the amount of time needed to process an application.
7. Encourage CASp to review potential cost reductions and efficiencies.
8. Explore incentives for real estate development, and reference enterprise zones and other models.

Goal 6: Explore the development of a state level Americans with Disabilities Act (ADA) Access office.

Information, resources, and compliance support for access and accommodation requests are found at varying levels throughout state and local government. The inconsistency of response, availability, and information resources is a challenge for those who seek to identify and implement solutions to compliance issues. The goal seeks to address the disparate levels of resources and information at various state offices by providing a single access point that can guide people in the process of access mitigation and compliance.

Objectives/Strategies:

1. Survey other state programs for examples of state level ADA access offices e.g. Massachusetts.
2. Study all existing offices and programs throughout California government relating to ADA/access compliance.
3. Determine number of city and county ADA coordinators, as a potential survey.
4. Develop a vision and core mission for the new office, and assess services to provide i.e. ombudsman, interagency coordination, and/or other services.

Goal 7: Advocate to hold authorities having jurisdiction accountable for the built environment (both public and private) to avoid passive non-compliance for architectural and program access.

Compliance is seen as expensive and most small business owners, nonprofits, schools, and others view access compliance as prohibitively expensive – particularly in older buildings. Additionally, there are few mechanisms to enforce state and federal accessibility laws other than through building inspections (at the state level if modifications trigger a building permit) and lawsuits (at the federal level since there are no building inspectors at the federal level). Conversely, local and state buildings also experience challenges addressing accessibility in existing buildings, and rarely are able to make the necessary adjustments if they are even aware of the requirements. The purpose of the goal is to seek out ways to educate and support public and private entities on their responsibilities for access compliance.

Objectives/Strategies:

1. Understand the scope of authority and responsibility of public agencies and property owners regarding disability access.

2. Assess the feasibility of whether California should mandate local governments to be responsible for built environment.
3. Insure business owners and property owners, nonprofits, schools, and others have full knowledge and acceptance of their responsibilities.
4. Identify systemic gaps to the achievement of disability access compliance.
5. Develop recommendations to the legislature regarding accountability (both top down and bottom up) for the built environment to achieve compliance.
6. Help government understand how to create and/or expand mechanisms for accountability on public property, private property and the public/private interface.

Goal 8: Maintain data on status of access compliance.

There is confusion about access laws and regulations. Not all business owners, nonprofits, schools, and others are aware of Americans with Disabilities Act (ADA) requirements - or if they are, what compliance looks like. There are questions as to what information exists on compliance successes and where opportunities exist to create greater access, not to mention outcomes from federal accessibility lawsuits. The purpose of the goal is to provide relevant information on the issue of access compliance throughout California.

Objectives/Strategies:

1. Continue to collect data on lawsuits related to access violations.
2. Expand CCDA website to track known access issues/out-of-compliance properties.
3. Develop research and analysis rubric for data collection (defines what to collect and why).
4. Identify how ADA access is coordinated at state/county and local levels.
5. Gather data from a diverse set of stakeholder organizations at periodic roundtable meetings.
6. Collect data on successful compliance and compile Best Management Practices (BMP's).

Goal 9: Expand methods of identification, obligation, and enforcement of barrier removal in the built environment.

The purpose of the goal is to facilitate awareness of current and potential gaps and inconsistencies in policy at the state and local levels. With the information of gaps and inconsistencies, accessibility advocates can support and strive for changes that improve the built environment for all.

Comment [S1]: There is no hierarchical enforcement for reporting.

Comment [WU2]: Education of developers is critical, as well as for local authorities enforcement expansion. There is a need for broad efforts to raise awareness and greater accountability.

Objectives/Strategies:

1. Monitor local ordinances, bills and policies passed by elected officials that negatively impact access.
2. Partner with CASp to identify gaps where oversight of access compliance exists, an example may include that business or other transactions do not trigger a request for a building permit.
3. Strengthen working relationships with CASp specialists and government organizations.
4. Recommend expansion of disclosure in lease/purchase agreements between developers/property owners and lessee/buyers of ADA issues.
5. CCDA to coordinate with associations and the disability bar on compliance for built environment.
6. Codes should be characterized as health, safety and welfare, not as “access codes” that are part of the building codes.
7. Develop a mechanism to collect all CASp reports.

ACKNOWLEDGEMENTS

The CCDA Strategic Planning Team would like to acknowledge and thank all those who helped contribute to the development of the 2014 Five-Year CCDA Strategic Plan.

Strategic Planning Design Team

Betty Wilson	Chair, Education & Outreach Committee, CCDA
Regina Dick-Endrizzi Francisco	Office of Small Business, City and County of San
Dennis Corelis	DSA
Steve Castellanos, FAIA	CCDA
Scott Hauge	CCDA Commissioner
Erick Mikiten, AIA, LEED-AP	Mikiten Architecture
Megan Juring	Department of Rehabilitation
Vienalyn Tankiamco	Department of Rehabilitation
Angela Jemmott	CCDA
Wendy Hill	Senior Legislative Assistant, Assembly Member Ammiano

**Stakeholder Workshop Participants:
June 17-18, 2014 – Sacramento, California**

Angela Jemmott	CCDA
Betty Wilson	CCDA Commissioner
Bridget Boyd	California Hotel & Lodging Association
Daniel Torrez	Office of Senate Majority Leader Ellen M. Corbett
Douglas Wiele	California Business Properties Association
Gary Layman	City of Oroville, Building Division
Gene Lozano	California Council of the Blind
Guy Leemhuis	Chair, CCDA
Jake Wachtel	Public Member
Kurt Cooknick	American Institute of Architects, CA Council
Lillibeth Navarro	CALIF, Los Angeles
Megan Juring	California Department of Rehabilitation
Pamela Cohen	Disability Rights California
Regina Dick-Endrizzi	Office of Small Business, City and County of San Francisco
Richard Devylder	California Office of Emergency Services
Rocky Burks	Rocky A. Burks Consulting
Scott Hauge	Vice Chair, CCDA
Stephen Simon	LA Department on Disability
Steve Castellanos	CCDA, Executive Director
Steven Funderburk	CCDA
Suzanne Goldman	Public Member

**Stakeholder Workshop Participants:
October 2, 2014 – Los Angeles, California**

Dawn Anderson	As It Stands
Jim Baker	Southern California Resource Services for Independent Living
Shirley Batiste	Disability Commission, City of Compton
Steve Castellanos	California Commission on Disability Access
Jocelyn Coleman	Disability Commission, City of Compton
Dennis Corelis	Division of State Architect
Glyndis Dean	LA Department of Water and Power
Jack Dever	California Department of General Services
Steve Dolim	California Commission on Disability Access
Chris Downey	California Commission on Disability Access
Sandy Drive-Gordon	Disability Commission, City of Compton
Betty Dukes	Disability Commission, City of Compton
Steve Funderburk	California Commission on Disability Access
Suzanne Goldman	Public Member of the CCDA Education and Outreach Committee
Donna Graham	Southern California Resource Services for Independent Living
Angela Jemmott	California Commission on Disability Access
Gary Layman	City of Orville
George Layton	Communities Actively Living Independent & Free
Nelson Manaay	Communities Actively Living Independent & Free
Keith McPherson	Valley Economic Alliance
Lilibeth Navarro	California Commission on Disability Access
Janet Neal	Los Angeles County Commission on Disabilities

Stakeholder Workshop Participants:
October 2, 2014 – Los Angeles, California, Continued

Arturo Nevaraz	Southern California Resource Services for Independent Living
Hector Ochoa	Southern California Resource Services for Independent Living
Justice Pak	Communities Actively Living Independent & Free
Michael Paravagna	California Commission on Disability Access
Reginald Robinson	Communities Actively Living Independent & Free
Evelyn Rochon	Disability Commission, City of Compton
Edith Rodriquez	Disability Commission, City of Compton
Jamie Schloss	Law Office of Jamie R. Schloss
Tony Seferian	California Commission on Disability Access
Richard Skaff	Designing Accessible Communities
Kathryn Tucker	Disability Rights Legal Center
Michael Van Essen	Pacific Clinics
Jake Wachtel	Public Member of the CCDA Education and Outreach Committee
Douglas Wiele	California Commission on Disability Access
Michael Williams	Disability Commission, City of Compton
Betty Wilson	California Commission on Disability Access
Melinda Wilson	Law Offices of Melinda G. Wilson
Laurie Yoo	Westfield, LLC
Marla Sanders	Disability Commission, City of Compton
HolLynn D'Lil	Californians for Disabilities Rights, and Designing Accessible Communities

2014 CCDA FIVE-YEAR STRATEGIC PLAN

DRAFT IMPLEMENTATION ACTION PLAN

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IMPLEMENTATION ACTION PLAN

Goal #1 – *Advocate for access curricula for post-secondary and technical school programs.*

NOTE: Include “*program access*” in all above categories.

Objective 1 – Create an Advisory Board.

- a. CCDA to create objectives for the advisory board.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 2 – Meet with all professional and academic groups and accreditation bodies and building officials.

- a. Create curricula.
- b. Add courses to existing programs.
- c. Develop Certified Access Specialist Program (CASp) certification course at the community college level.

Objective 2 - Tasks to Implement

Task	Who	When	How	Milestone

1. **Objective 3** – Make recommendations to amend the Education Code for all levels of schools and or seek legislation to include disability access curricula requirements and training at the at all levels of schooling.

- a. Include disability awareness courses.

- b. Mandate training for staff, faculty, and administration, similar to required training on sexual harassment.
- c. Implement a separate strategy for private institutions.

Objective 3 - Tasks to Implement

Task	Who	When	How	Milestone

Goal #2 – Increase disability access awareness.

Objective 1 – Develop a public and culturally appropriate media /social awareness campaign to increase awareness and educate the general public, government agencies and elected officials.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone
Develop a marketing program that “brands” accessibility as a socially responsible practice. Information on the placement of goods and services to maximize accessibility. (Incorporate the theme of “access is everyone’s opportunity” or “access serves everyone”, or “access works for us all”.)				

Task	Who	When	How	Milestone
<p>Survey current media campaigns on stigma reduction and discrimination.</p> <p>Examples include:</p> <ol style="list-style-type: none"> 1. California and national Alzheimer's Associations. 2. California Mental Health Services Agency (CMHSA) Stigma Reduction and Discrimination Campaign. 3. BBC Public Service Announcements. 4. Entertainment Industry Council ads. 				
<p>Utilize Public Service Announcements with stories in television, radio, and print media, as well as going through industry associations.</p>				
<p>Identify events or issues that will galvanize.</p>				

Task	Who	When	How	Milestone
Recognize and reward successful modifications. (Research opportunities to showcase positive change that exists in the community. Incorporate culturally appropriate outreach to business owners.)				
Develop an education program to increase disability awareness and reduce stigma at the K-12 and post-secondary levels, similar to the California Parent Teacher Association (PTA) program.				
Develop programs to encourage innovation, similar to 'Enabled Cities'.				
Work with Janet Neal's radio show as part of the media campaign.				

Objective 2 – Develop dialogue opportunities for the business, nonprofit, school, disability, and other communities.

Objective 2 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 3 – Encourage collaboration between CASp inspectors and the disability community and coordinate partnerships.

Objective 3 - Tasks to Implement

Task	Who	When	How	Milestone

Goal #3 – *Create training programs for targeted constituencies.*

NOTE: *Participants at the Stakeholder workshop on October 2, 2014 noted that this goal is tied to Goal 1. They also commented that reasonable accommodations need to be incorporated as an objective/strategy.*

Objective 1 – Collaborate and coordinate with professional associations. Also target elected officials and governmental entities, as well as property, business owners, nonprofits, schools, and others. The messages should include:

- a. Uphold current laws (code 4450, HS code 11135, cc 51 and laws related to program access such as use of service animals) and create new ones to promote disability access.
- b. Promote cultural competency regarding disability and program access.

Objective 1 – Tasks to Implement

Task	Who	When	How	Milestone
Engage architects, engineers, interior designers,				

construction managers and realtors / brokers.				
Engage licensed and certified professionals to provide education on the basics of the codes, and technical and program issues.				
Engage elected officials and governmental entities to provide educate on policy and responsibilities.				
Target property and business owners to provide education on policy and legal issues and building codes.				

Objective 2 – Seek opportunities to engage diverse interest groups in integrated training and dialogues.

- a. Target disability communities – both individuals and organizations (educate them on rights and remediation).

Objective 2 – Tasks to Implement

Task	Who	When	How	Milestone
Engage cultural business centers and chamber of commerce.				
Develop and distribute culturally and linguistically appropriate outreach materials in appropriate locations.				

Objective 3 – CCDA coordinates with associations on compliance for built environment and disability bar.

Objective 3 – Tasks to Implement

Task	Who	When	How	Milestone

Goal #4 – Create and identify revenue streams to fund access needs (subject to increased CCDA staffing).

Objective 1 – Identify funding sources for small businesses, property owners, nonprofits, schools, and other organizations with validated needs.

Task	Who	When	How	Milestone

Objective 2 – Research budget systems to fund access compliance.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 suggested the use of specific terminology to identify revenue streams and seek out tax experts support and services to work with businesses.

Objective 2 – Tasks to Implement

Task	Who	When	How	Milestone
Assess internal budget needs of CCDA.				
Assess external budget analysis of state and local government.				

Task	Who	When	How	Milestone
Review Senate Budget Committee, Assembly Budget Committee, CA Budget Project, California Department of Finance.				
Investigate non-profit option/ SB 1186 and DSA's disability access fund account.				
Create through legislation a designated funding stream for access programs.				

Objective 3 – Examine programs underway for opportunities that may relate to access compliance.

Objective 3 – Tasks to Implement

Task	Who	When	How	Milestone
Assess ACA plans, Tax check off, parking programs, court filings, permit issues, BSC SB 1473 green building program, vanity plates, and others.				
Pursue new allocation of parking violations, such as blue zone or placards, for access improvements.				
Assess feasibility use of small business loans to address access issues.				

Objective 4 – Create through legislation a designated funding stream for access programs.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 expressed a desire to see funding sources specifically designated for barrier removal.

Objective 3 - Tasks to Implement

Task	Who	When	How	Milestone

Goal #5 – Create financial and other incentives for access compliance.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 expressed a desire for programs to support all types of access services, not just physical disabilities access.

Objective 1 – Prioritize compliance through funding at local and state government levels to increase access.

Task	Who	When	How	Milestone

Objective 2 – Investigate a state and/or local tax credit and deductions.

Objective 2 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 3 – Restore tax credits for accessibility compliance for business owners.

Objective 3 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 4 – Create a recognition program for access compliance similar to the U.S. Green Building Council’s Leadership in Energy & Environmental Design (LEED); project level, municipality, statewide.

Objective 4 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 5 – Investigate whether and how to implement a revolving loan/grant program to provide for accessibility modifications similar to the California Underground Storage Tank (UST) Cleanup Fund (Fund).

Objective 5 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 6 – Investigate whether and how to reduce permit fees as a means to facilitate barrier removal and to reduce the amount of time needed to processes an application.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 noted that the state has language in Title 24 that allows for accessibility barrier removal. However it was also noted that there are limits on the value of accessibility improvements that the jurisdiction can provide.

Objective 6 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 7 – Encourage CASp to review potential cost reductions and efficiencies.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 noted that in state Statute, CASp is already required to review potential cost reductions

and efficiencies through the Division of State Architects.

Objective 7 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 8 – Explore incentives for real estate development, and reference enterprise zones and other models.

Objective 8 – Tasks to Implement

Task	Who	When	How	Milestone

Goal #6 – *Explore the development of a state level Americans with Disabilities Act (ADA) Access office.*

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 asked about the qualifications for an ADA Coordinator or ADA compliance officer. They noted that there is a need to assess what information ADA coordinators need to know about codes, employment, communication via the internet, emergency management, etc. There was also a question about what authority the ADA Statewide Access office may possess? Additionally, they noted the California Building Standards Commission, which is the final appellate on Title 24 issues, needs to

provide input on these strategies, also the issue is statute’s language and implementation.

Objective 1 – Survey other state programs for examples such as Massachusetts.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 2 – Study all existing offices and programs throughout California government relating to ADA/access compliance.

Objective 2 - Tasks to Implement

Task	Who	When	How	Milestone
Conduct research through California State Senate Office of research, CRB, OPR. Develop a specific scope of work for the research and assess whether to engage a graduate student to conduct the research.				
Assess services that exists and effectiveness to help develop a scope and mission for new office based on the research.				

Task	Who	When	How	Milestone

Objective 3 – Determine number of city and county ADA coordinators, as a potential survey.

Objective 3 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 4 – Develop a vision and core mission for the new office, and assess services to provide i.e. ombudsman, interagency coordination, and/or other services.

Objective 4 – Tasks to Implement

Task	Who	When	How	Milestone

Goal #7 – *Advocate to hold authorities having jurisdiction accountable for the built environment (both public and private) to avoid passive non-compliance for architectural and program access.*

Objective 1 – Understand the scope of authority and responsibility of public agencies and property owners regarding disability access.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 commented that this goal is tied to

Goal 5. That there is a need to identify funding incentives to support compliance as local budgets set compliance prioritization. There is a need to have Title 24 regulations match with ADA requirements. There is also a need to increase the number of compliance officers at the local and state levels.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone
Create a committee to investigate the scope of authority and responsibility of public agencies and property owners.				
Invite state (DGS), county, local and other public agencies and special districts to address the committee.				
Consult with legal authority or expert to advise the Committee on the scope of authority that could impact access.				

Task	Who	When	How	Milestone
Create questions/survey for public agencies to assist in identifying gaps.				
Develop a comprehensive list of individuals and organizations to survey.				

Objective 2 – Assess the feasibility of whether California should mandate local governments to be responsible for built environment.

NOTE: Participants at the Stakeholder Workshop on October 2, 2014 commented that there is a need to develop/implement reasonable regulations.

Objective 2 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 3 – Insure business owners and property owners, nonprofits, schools, and others have full knowledge and acceptance of their responsibilities.

Objective 3 – Tasks to Implement

Task	Who	When	How	Milestone

Task	Who	When	How	Milestone

Objective 4 – Identify systemic gaps to the achievement of disability access compliance.

Objective 4 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 5 – Develop recommendations to the legislature regarding accountability (both top down and bottom up) for the built environment to achieve compliance.

Objective 5 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 6 – Help government understand how to create and/or expand mechanisms for accountability on public property, private property and the public/private interface.

Objective 6 – Tasks to Implement

Task	Who	When	How	Milestone

Goal #8 – *Maintain data on status of access compliance.*

NOTE: *Participants at the Stakeholder Workshop on October 2, 2014 commented that the State Licensing Board of Architects and Contractors do not conduct investigations. Also, there was a request to possibly assess whether the CCDA is able to require building departments to provide quarterly reports on access-related complaints. They also noted that this goal is tied to Goal 6.*

Objective 1 – Continue to collect data on lawsuits related to access violations.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone
Make data available in an accessible format.				
Develop research and analysis rubric for data collection.				
Identify how ADA access is coordinated at state/county and local levels.				
Ask courts				

to post/share information about access compliance cases				

Goal #9 – *Expand methods of identification, obligation, and enforcement of barrier removal in the built environment.*

NOTE: *Participants at the Stakeholder Workshop on October 2, 2014 commented that there is no hierarchical enforcement for reporting.*

Objective 1 – Monitor local ordinances, bills and policies passes by elected officials that negatively impact access.

Objective 1 - Tasks to Implement

Task	Who	When	How	Milestone

Objective 2 – Partner with CASp to identify gaps where oversight of access compliance exists, an example may include that business or other transactions do not trigger a request for a building permit.

Objective 2 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 3 – Strengthen working relationships with CASp specialists and government organizations.

Objective 3 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 4 – Recommend expansion of disclosure in lease/purchase agreements between developers/property owners and lessee/buyers of ADA issues.

Objective 4 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 5 – CCDA to coordinate with associations and the disability bar on compliance for built environment.

Objective 5 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 6 – Codes should be characterized as health, safety and welfare, not as “access codes” that are part of the building codes.

Objective 6 – Tasks to Implement

Task	Who	When	How	Milestone

Objective 7 – Develop a mechanism to collect all CASp reports.

Objective 7 – Tasks to Implement

Task	Who	When	How	Milestone

10) Budget Reporting

CCDA Narrative Monthly Budget Plan

Total Budget for FY 14-15 \$511,000.00

Current Month's expenditures:

\$25,189.21

NOTE: The fund categories can be re-allocated as needed.

PERSONNEL SERVICES

A. Salary and Benefits – Total: Budget \$350,000 FY 14-15

B. Position Count- 4

Commissioners (Per Diem), Executive Director, Program Analyst, and Office Technician

Benefits include: health care, retirement, unemployment, and other staff benefits
(Current Month expenditures: \$23,426.15)

Appointed Commissioners Per Diem- A budget of \$9,000.00 is included in the Salary and Benefits totals. Individually commissioners can receive up to \$1,200.00 per FY.

We have 11 appointed commissioner positions that can individually receive \$100 Per Diem for the attendance of required meetings (Currently we have 2 vacancies).

FY 13/14 Per Diem (July 1st 2013 – June 30th 2014)

• Full Commission	\$1,900
• Executive Committee	\$2,000
• Education & Outreach	\$800
• Strategic Planning Workshop	\$400
TOTAL	\$5,100

FY 14/15 Per Diem (July 1st 2014 – Current)

• Full Commission	\$700
• Education & Outreach	\$300
• Checklist	\$200
TOTAL TO DATE	\$1,200

Reporting as of August 31 2014

CCDA Narrative Monthly Budget Plan Con't:

OPERATING EXPENSES AND EQUIPMENT

C. General Expense-Budget Total: \$47,000.00

- **Office Supplies** including binders, file folders, printer paper, toner, staples, etc
- **Printing:** to include flyers, registration forms, handouts, workshop information, binding etc.
- **Phone and Internet Service:**
- **Postage:** Includes mailing, postage of flyers, program announcements, fiscal reports etc.
- **Meeting Support:** caption, meeting minutes, meeting rentals etc.

D. Facilities Operation- Total: \$39,000.00

- Monthly rent for Executive Staff office(current monthly cost \$3,120.75)

E. Travel – Total: \$8,000.00

- Travel includes local travel and TEC from all commission meeting travel

F. Training – Total: \$3,000.00

- Training scheduled for staff professional development and commissioner orientations

G. Consultant/Professional Services – Total: \$56,000.00

- Internal Contracts for Fiscal Services, Human Resources, and IT Services.

H. Information Technology – Total: \$8,000.00

- Website redesign, hosting, and hardware/software technical support

Total: \$511,000.00
