

**STATE OF CALIFORNIA
BUILDING STANDARDS COMMISSION
DRAFT MEETING MINUTES**

July 22, 2010

1. CALL TO ORDER

Chair Lopez called the meeting to order at approximately 3:05 p.m., at the Department of Consumer Affairs, 1625 N. Market Blvd., Sacramento, California.

ROLL CALL

Commissioners Present: Chair Lopez, Chairperson
James Barthman
Craig Daley
Michael Paravagna
Steve Winkel

Commissioners on Phone: Tony Hoffman
Stephen Jensen

Commissioners Absent: Richard Sawhill
Isam Hasenin, Vice-Chair

Also Present: Dave Walls, Executive Director
Kary Marshall, Legal Counsel
Stephanie Davis, Executive Assistant
Jim McGowan – Retired Annuitant

3. FINDING REQUIRED BY GOVERNMENT CODE SECTION 11125.4(c)

Chair Lopez stated that the special meeting was called pursuant to Government Code sections 11125.4(a)(1) and 11126(e)(1) in order that the Commission could discuss pending litigation (*Center for Environmental Health, et al. v. California Building Standards Commission, et al.*). Chair Lopez gave a brief summary of Government Code section 11125.4(c)'s requirement that the Commission make a finding of necessity in order to hold a special meeting under the Bagley-Keene Act. Commissioner Daley made the following motion which was seconded by Commissioner Barthman:

That the Commission adopt a finding that due to recent developments in the litigation, which our counsel will discuss with us in closed session, the Commission needs to meet on less than 10-days notice because, otherwise, the Commission would not have sufficient time to confer with and receive advise from our legal counsel and that delay could prejudice the Commission in the litigation, and that under these circumstances the Commission finds the delay necessitated by providing notice 10 days prior to a meeting as otherwise required by Section 11125 would cause substantial hardship on the commission and that immediate action is required to protect the public interest.

Chair Lopez asked for a roll call vote and the motion was carried unanimously. Chair Lopez asked staff to make the Commission's finding available on the Commission's website as soon as practicable.

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

NONE

4. CLOSED SESSION: PENDING LITIGATION (THIS ITEM MOVED.)

To confer with or receive counsel regarding *Center for Environmental Health, et al. v. California Building Standards Commission, et al.* (Alameda Superior Court Case No. RG09437040). (Authority Cited: Government Code Section 11126(e)(1).) Chair Lopez announced the closed session and excused the public from the hearing room. On completion of closed session the Commission reconvened into open session.

5. ADJOURN

Chair Lopez adjourned the meeting at approximately 3:40 p.m.