

**BUILDING STANDARDS COMMISSION
MEETING MINUTES
October 21, 2015**

1) **CALL TO ORDER**

Chair Batjer called the meeting to order at approximately 10:10 a.m., 400 R Street, First Floor Hearing Room, California Victim Compensation and Government Claims Board, Sacramento, California.

ROLL CALL:

Commissioners Present: Secretary Marybel Batjer
Steven Winkel, Vice-Chair
Larry Booth
James Barthman
Elley Klausbruckner
Kent Sasaki
Rajesh Patel
Cheryl Roberts
Pedro Santillan
Erick Mikiten

Commissioner Absent: D. Malcolm Carson

Chair Batjer introduced Jonette Banzon from Department of General Services as acting attorney.

Commissioner Patel led the Commission in the Pledge of Allegiance.

2) **RECOGNITION OF RETIRED EXECUTIVE DIRECTOR JIM MCGOWAN:**

Mr. McGowan spent 34 years at HCD and 6 years at the California Building Standards Commission. Mr. McGowan was presented a plaque for his years of service.

The commissioners thanked Mr. McGowan for his assistance and years of service.

3) REVIEW/APPROVAL MEETING MINUTES - April 21, 2015, May 29, 2015 and July 21, 2015.

Commissioner Barthman had a correction in the April 21, 2015 minutes on the nomination of Commissioner Winkel for the vice-chair. He said it wasn't indicated that he nominated Commissioner Winkel as vice-chair.

MOTION: Commissioner Booth moved to approve the minutes from April 21, 2015 with the change addressed by Commissioner Barthman, and it was seconded by Commissioner Patel. The vote was unanimous to accept the motion.

Commissioner Barthman had a correction on the May 29, 2015 minutes on page 3. It said Mr. Nearman seconded the motion and he did not.

MOTION: Commissioner Booth moved to approve the minutes from May 29, 2015 with the change addressed by Commissioner Barthman, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

Commissioner Santillan said he abstained from the April and May vote since he was not a commissioner at the time.

MOTION: Commissioner Booth moved to approve the minutes from July 21, 2015, and it was seconded by Commissioner Santillan. The vote was unanimous to accept the motion.

Commissioner Mikiten said he abstained from voting because he was not at the July 21, 2015 meeting.

4) READOPTION OF EMERGENCY BUILDING STANDARDS (Government Code 11346.1)

a) The California Building Standards Commission - (BSC EF 01/15) approved by the Commission at its May 29, 2015 meeting: These approved emergency building standards added, amended and/or repealed building standards relative to water efficiency effecting a reduction in outdoor irrigation water usage relative to Chapters 2, 5 and A5 within Part 11 of Title 24. CBSC is requesting a readoption of these emergency building standards for a 90-day period.

The representatives are Kevin Day, Staff Services Manager for BSC, and Mia Marvelli, Associate Architect for BSC.

Mr. Day had letters from BSC, HCD, DSA, and OSHPD requesting the readoption of the emergency regulations that were originally approved during the May 29, 2015 and July 21, 2015 commission meetings. The approved emergency regulations were developed in response to the governor's executive order B-29-15, which directed state agencies to implement immediate measures to conserve water. The approved emergency regulations enhance and align with MWEL0, which was recently updated by the Department of Water Resources on July 15, 2015.

Mr. Day stated that because of the delay in the MWEL0 update, BSC, HCD, DSA, and OSHPD will be unable to complete the certification of compliance within the 180-day period required by the administrative procedure act. BSC, HCD, DSA, and OSHPD will be requesting a 90-day readoption of the emergency regulations for the certification of the compliance pursuant to Government Code Section 11346.1. BSC, HCD, DSA, and OSHPD have made substantial progress in the certifying rulemaking for these emergency regulations which are currently up for public comment. BSC thinks the final submittals for each of these rulemakings will be proposed at the January 2016 commission meeting.

Mr. Day said BSC requests the commission to readopt the emergency regulations adopted as BSC EF 01/15 under the binder tab labeled 4A for an additional 90 days.

Questions or Comments from the Commissioners:

Mr. Winkel wanted to clarify that they were not making any changes other than the timeline.

Mr. Day said they were just requesting extending the current certifying rulemaking timeline an extra 90 days.

Commissioner Klausbruckner asked if they were to make a motion would it be a motion to approve a proposed 90-day adoption of the emergency regulations.

Mr. Nearman explained in the initial adoption of an emergency, you have 180 days to complete the certifying rulemaking. If the agency is making significant progress towards that and the commissioners deem that they have been successful so far, then you can offer up to a 90-day extension. And if they're still having trouble after the 90 days, you can extend it another 90 days, for a total of one year to make the requirement be certified. If it doesn't make it during that time frame, the emergency ceases to exist.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider BSC's request for readoption of the emergency rulemaking for a 90-day period. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Barthman. The vote was unanimous to accept the motion.

b) The Department of Housing and Community Development - (HCD EF 01/15) approved by the Commission at its May 29, 2015 meeting: These approved emergency building standards added, amended and/or repealed building standards relative to water efficiency effecting a reduction in outdoor irrigation water usage relative to Chapters 2, 4 and A4 within Part 11 of Title 24. HCD is requesting a readoption of these emergency building standards for a 90-day period.

Kyle Krause, program manager, State Law Housing Program with the Department of Housing & Community Development and Stoyan Bumbalov, technical staff for HCD, were representatives. Mr. Krause reiterated the request for the commission to reapprove the emergency regulations that were originally approved on May 29, 2015, and he asked the commission to approve the 90-day emergency regulations.

Questions or Comments from the Commissioners:

Commissioner Booth asked if the 90 days was going to be sufficient.

Mr. Krause said he believed this 90 days would be sufficient to complete the certification process and to present a proposal.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider HCD's request for readoption of the emergency rulemaking for a 90-day period. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

Mr. Nearman asked the commissioners to state their names when making the motion and seconding it to help with recordkeeping.

c) The Division of the State Architect - (DSA EF 02/15) approved by the Commission at its July 21, 2015 meeting: These approved emergency building standards added, amended and/or repealed building standards relative to water efficiency effecting a reduction in outdoor irrigation water usage relative to Chapters 2, 5 and A5 within Part 11 of Title 24. DSA is requesting a readoption of these emergency building standards for a 90-day period.

d) The Division of the State Architect - (DSA EF 03/15) approved by

the Commission at its July 21, 2015 meeting: These approved building standards added Sections 4-501 through 4-507 as Group 3 of Chapter 4, California Administrative Code, Part 1 of Title 24. These administrative requirements pertain to Sustainable Construction of Public Schools & Community Colleges and include general requirements, definitions, self-certification of drawings and specifications, and associated fees. DSA is requesting a readoption of these emergency building standards for a 90-day period.

Teresa Townsend from the DSA requested the commission to reapprove the emergency regulations that were originally approved on May 29, 2015, and she asked the commission to approve the 90-day for Part 11 related to the water regulations.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider DSA's request for readoption of both c) and d) emergency rulemakings for a 90-day period. Commissioner Roberts made a motion to approve, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

e) The Office of Statewide Health Planning and Development - (OSHPD EF 01/15) approved by the Commission at its May 29, 2015 meeting: These approved emergency building standards added, amended and/or repealed building standards relative to water efficiency effecting a reduction in outdoor irrigation water usage relative to Chapter 3 within Part 11 of Title 24. OSHPD is requesting a readoption of these emergency building standards for a 90-day period.

Glenn Gall from OSHPD requested the commission to approve an additional 90-day extension regarding MWEL0.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider OSHPD request for extension for a 90-day period. Commissioner Santillan made a motion to approve, and it was seconded by Commissioner Booth. The vote was unanimous to accept the motion.

5) PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS: The Commission will take action on the following items to approve, disapprove, further study, or approve as amended any of the proposed code changes based on the criteria established in Health and Safety Code 18930. The Commission will consider the agency's proposed changes and justifications, findings of emergency, and comments submitted during the public comment periods where applicable.

a) California Building Standards Commission - (BSC EF 02/15 & BSC EF 03/15 - Parts 5 and 11 respectively): These proposed building standards would add, amend and/or repeal building standards relative to water efficiency effecting a reduction in indoor water usage relative to Parts 5 and 11 of Title 24. Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations.

i) BSC EF 02/15 (Part 5)

(1) Action for Finding of Emergency

Kevin Day, Staff Services Manager for the Building Standards Commission, and Enrique M. Rodriguez, Associate Construction Analyst were representatives for BSC. Mr. Day presented a finding of emergency. Mr. Day stated that California Plumbing Code Title 24, Part 5 and California Green Building Standards Code Part 11 are contingent on one another.

Mr. Day stated that historically the flow rates for plumbing fixtures in Title 24 have been more restrictive than the corresponding Title 20 appliance efficiency regulations. Governor's executive order B-29-15 directed the Energy Commission to adopt emergency regulations in Title 20 relative to the sale and installation of specified plumbing fixtures effective January 1, 2016. Mr. Day stated that in the absence of emergency building standards, there will be a conflict between the Title 20 regulations, which become effective January 1, 2016, and the plumbing fixture building standards in Title 24, which will not become effective until January 1, 2017. And while the most restrictive standards apply, the conflict will cause confusion. BSC has already conducted its plumbing and CALGreen workshops and Code Advisory Committee meetings and, as such, it is too late to include the emergency amendments into the regulations.

BSC proposed the adoption of these building standards through the emergency adoption process. If approved, BSC had indicated a

delayed effective date for the regulations to align with the January 1, 2016 effective date of the appliance efficiency regulation in Title 20.

Questions or Comments from the Commissioners:

Commissioner Booth wanted to know at the public hearings if there were any issues from the manufacturers on the availability of the Title 24 compliant fixtures, and secondly, if there were any concerns about increased corrosion in any of the vent lines off of the reduced flow on urinals.

Enrique Rodriguez stated there were public comments and it was addressed and they were accepting of the proposal.

Commissioner Booth stated there was a coalition letter supplied by the coalition group supporting the adoption.

Commissioner Sasaki asked if the changes were applicable to nonresidential occupancies and those occupancies that aren't regulated by state agencies, meaning commercial buildings.

Enrique Rodriguez stated it would apply to all nonresidential agencies.

Questions or Comments from the Public:

Jerry Desmond on behalf of PMI stated they are in support of a declaration of emergency and the regulations as proposed today.

MOTION: Secretary Batjer entertained a motion to consider BSC's finding of emergency. Commissioner Barthman made a motion to approve, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Enrique M. Rodriguez stated they are proposing to amend the 2013 California Green Building Standards Code to align with the Energy Commission's emergency regulations in Title 20 specific to the nonresidential urinals. Under Section 403.0, water conserving plumbing fixtures and fittings, they proposed to add a new note that will direct the code user to the mandatory plumbing efficiency flow rates found in CALGreen Title 24, part 11. The note will guide the user to the more restrictive standards, which add clarity. Additionally, they would propose to add a new note to Section 403.3.1, found on page 2 of the Emergency Express Terms, that will clarify that wall-mounted urinals should not exceed 0.125 gallons per flush, and another code section 403.3.2 to clarify floor-mounted urinals are still allowed at .5 gallons per flush.

The BSC proposed an editorial amendment to renumber the existing section 403.3.1 to 403.3.3 to accommodate the new proposed items.

Questions or Comments from the Commissioners:

Vice-Chair Winkel wanted to know if it would become clear to the code user that that becomes a mandatory part of CALGreen.

Enrique M. Rodriguez stated that CALGreen is where the mandatory flow rates reside.

Vice-Chair Winkel asked if it was just an adjustment.

Enrique M. Rodriguez stated it was as a convenience to the code user.

Questions or Comments from the Public:

Daniel Gleiberman from Sloan Valve Company stated the BSC staff has done a good job of coordinating the various state agencies with the adoption of Title 20.

MOTION: Secretary Batjer entertained a motion to consider the action for the BSC's proposal change under 5 a) i) to 403.0 in the Plumbing Code. A commissioner made a motion to approve, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

ii) BSC EF 03/15 (Part 11)

(1) Action for Finding of Emergency

Kevin Day stated the regulations were developed to align with the recently adopted regulations by the California Energy Commission. BSC requested the commission to approve the finding of emergency for its emergency regulations adopted as BSC EF 03/15 into the 2013 California Green Buildings Standards, Part 11 under the binder tab labeled 5 a) ii).

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider the action for finding of emergency. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Enrique M. Rodriguez stated they are proposing to amend the 2013 California Green Building Standards Code to align with the Energy Commission's emergency regulations in Title 20 specific to nonresidential urinals. They are proposing to repeal the existing language under Code Section 5.303.3.2, urinals, and adding two new code sections to distinguish between wall-mounted versus floor-mounted or other urinals. Under the new section 5.303.3.2.1, wall-mounted urinals, found on page 1 of the proposed Emergency Express Terms, they are proposing to add code language that specifies that wall-mounted urinals should not exceed .125 gallons per flush to align with the Energy Commission's emergency regulations. Additionally, they are proposing to add a new code section 5.303.3.2.2, floor-mounted urinals or other urinals should continue to have an effective flush volume not to exceed .5 gallons per flush.

Mr. Rodriguez stated BSC requested the commission to approve the emergency express terms for the emergency regulations adopted as BSC EF 03/15 into the 2013 California Green building Standards Code, Title 24, Part 11.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider the action of BSC's proposed changes to the subject building standards, 5.303 of CALGreen code. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

(Whereupon, a break was taken.)

b) The Department of Housing and Community Development - (HCD EF 02/15 & HCD EF 03/15 - Parts 5 and 11 respectively): These proposed building standards would add, amend and/or repeal building standards relative to water efficiency effecting a reduction in indoor water usage relative to Parts 5 and 11 of Title 24. Proposed changes are to align with the

appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations.

i) HCD EF 02/15 (Part 5)

(1) Action for Finding of Emergency

Kyle Krause and Beth Maynard were the representatives. Mr. Krause stated the proposal aligns the building standards regulating allowable plumbing fixture flow rates in Title 24 with the appliance efficiency regulations in Title 20. The proposed emergency standards reduce indoor water use in plumbing fixtures by further limiting allowable flush volumes for urinals and maximum flow rates for lavatory faucets in newly built residential buildings.

Mr. Krause stated HCD requested a finding of emergency for the plumbing code.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to consider the proposed finding of emergency. Commissioner Roberts made a motion to approve, and it was seconded by Commissioner Sasaki. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Mr. Krause stated the proposed emergency standards will modify the 2013 California Plumbing Code specifically for wall-mounted urinals and will change the effective flow rate of the plumbing fixtures from the current .5 gallons per flush to 0.125 gallons per flush. And then with regard to the residential lavatory faucets, they are proposing to change from the current flow rate of 1.5 gallons per minute to 1.2 gallons per minute.

Questions or Comments from the Commissioners:

Vice-Chair Winkel asked if the residential lavatory faucet change brings the Chapter 4 requirement into alignment with something the Energy Commission did, or is it independent.

Mr. Krause said it did.

Questions or Comments from the Public:

Jerry Desmond on behalf of PMI stated they are in support of the regulations as to both the urinals and residential lavatory faucets. They believe there will be additional water savings.

Heidi Hauenstein, Energy Solutions, on behalf of the Statewide Utility Codes and Standards team stated that they are very pleased that all the state agencies have come together and made great progress. Ms. Hauenstein stated that reducing water consumption also has the effect of reducing energy. She stated the way they are reading the regulation is, if someone wanted to install a faucet that is rated at .5 gallons per minute, that person is going above and beyond what is minimally required. It wouldn't be legal for them to install that higher performing faucet because it wouldn't meet that minimum flow rate requirement of .8 gallons per minute, so you don't want to prevent people from going above and beyond what is required.

Ms. Hauenstein would like to see the proposal amended by striking the second sentence that starts with "the minimum flow rate" so the requirement would just reference the maximum flow rate of 1.2 gallons per minute at 60 PSI.

Vice-Chair Winkel asked if it was in the Title 24 language that's proposed.

Mr. Krause stated that from HCD's perspective, the language is existing code language that originated in the 2010 CALGreen code and also appears in the California Plumbing Code currently.

Vice-Chair Winkel asked if they chose to amend it, would it fall outside the definition of what an emergency is.

Mr. Krause stated they did not consider the language in that sentence, so they would need to work on it in certification to see if it's acceptable.

Commissioner Booth thought if somebody gets less water out of the faucet, they might remove the flow restrictor and increase the maximum.

Ms. Hauenstein said there might be people that want a higher flow rate, but people that want to go above and beyond, they have a choice to do so.

Commissioner Sasaki asked if there were any detrimental facts by striking that sentence and having a low flow rate.

Mr. Krause stated experts in the field have presented documentation supporting it.

Commissioner Klausbruckner asked why they are doing this late in the game and wasn't sure if the commissioners were in order to make any changes.

Secretary Batjer said Mr. Krause had stated it would be appropriate in the certification process rather than the emergency process.

Ms. Hauenstein stated they have been working with the agencies for a while.

Mr. Bob Raymer with Building Industry Association stated they are in strong support of HCD's proposal. He stated he thought today's appropriate action would be to adopt HCD's emergency proposal and the proposed building standard change and address it during the certification proceeding.

MOTION: Secretary Batjer entertained a motion to adopt HCD's proposed changes to the subject building standards. Commissioner Sasaki made a motion to approve, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

ii) HCD EF 03/15 (Part 11)

(1) Action for Finding of Emergency

Kyle Krause and Beth Maynard were the representatives.

Mr. Krause stated the finding of emergency is to modify the 2013 CALGreen Code to align Title 20 appliance efficiency regulations with Title 24 regulations.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to accept the action for finding of emergency. Commissioner Booth made a motion to approve, and it was seconded by Commissioner Santillan. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Mr. Krause requested approval of the proposed emergency building standards which modify 2013 California Green Building Standards Code.

It will amend Section 4.303.1.2, urinals, and also Section 4.303.1.4.1, residential lavatory faucets. They will reduce the effective flush volume of wall-mounted urinals .125 gallons per flush and other urinals to not exceed 0.5 gallons per flush. With residential lavatory faucets, it would require them to not exceed 1.2 gallons per minute at 60 PSI.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to accept the proposed changes to the subject building standards. Commissioner Barthman made a motion to approve, and it was seconded by Commissioner Roberts. The vote was unanimous to accept the motion.

c) The Division of the State Architect - (DSA-SS EF 04/15 & DSA-SS EF 05/15 - Parts 5 and 11 respectively): These proposed building standards would add, amend and/or repeal building standards relative to water efficiency effecting a reduction in indoor water usage relative to Parts 5 and 11 of Title 24. Proposed changes are to align with the appliance efficiency standards adopted by the California Energy Commission in Title 20, California Code of Regulations.

i) DSA-SS EF 04/15 (Part 5)

(1) Action for Finding of Emergency

Jim Hackett with the DSA, principal engineer for Codes and Standards group, stated DSA along with BSC has determined that pursuant to the recently adopted Title 20 regulations, that wall-mounted urinals with a maximum flow rate greater than .125 gallons per flush may not be installed on or after January 1, 2016 in order to prevent a conflict with Title 20 and Title 24. DSA is proposing these emergency standard regulations for wall-mounted urinals in nonresidential construction. DSA requested the commission for a finding of emergency for the California Plumbing Code.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

Jerry Desmond on behalf of PMI stated they support the regulations as proposed.

MOTION: Secretary Batjer entertained a motion to accept the action for finding of emergency. Commissioner Booth made a motion to

approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Jim Hackett proposed to amend the 2013 California Plumbing Code via the emergency to align with the appliance efficiency regulations in Title 20 of the California Code of Regulations as adopted on April 8, 2015. The amendments will be applicable to the DSA structural safety provisions, which is for the public schools, community colleges, and state essential services buildings.

James Gibbons, construction specialist from the DSA, stated that DSA is proposing to add a note which states note 1, DSA-SS and DSA-SS/CC, flow rates for specific or specified plumbing fixtures for mandatory nonresidential constructions are contained in Chapter 5, Division 5.3 of the California Green Building Standards Code, Part 11, Title 24, California Code of Regulations. DSA is also proposing to amend Section 403.3.1, which is specific to wall-mounted urinals. DSA is also proposing to amend Section 403.3.2 for floor-mounted urinals. DSA is also proposing to strike Section 403.3.1 and changing it to Section 403.3.3, now being nonwater urinals.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to accept the changes by the DSA to the subject building standards. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Mikiten. The vote was unanimous to accept the motion.

ii) DSA-SS EF 05/15 (Part 11)

(1) Action for Finding of Emergency

Teresa Townsend with the DSA stated they are going to align with the appliance standards by the Energy Commission in the CALGreen Code, Part 5.303.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners.

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to approve the finding of emergency. Commissioner Booth made a motion to approve, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

(2) Action for the Adoption of the Proposed Regulations

Teresa Townsend with the DSA stated they want to add 5.303 subsections so they align with Title 20 compliance of efficiency regulations for wall-mounted urinals and floor-mounted urinals.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners

Questions or Comments from the Public:

No comments or questions from the public.

MOTION: Secretary Batjer entertained a motion to approve to accept the changes by the DSA to the subject building standards. Commissioner Sasaki made a motion to approve, and it was seconded by Commissioner Roberts. The vote was unanimous to accept the motion.

(Whereupon, a break was taken.)

6. FUTURE AGENDA ITEMS: The Commission may discuss and set for action on future agendas, procedural and substantive items relating to state building regulatory programs, Commission policy, and administrative matters.

Questions or Comments from the Commissioners:

No comments or questions from the Commissioners

Questions or Comments from the Public:

No comments or questions from the public.

7. 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.

Garry Sato, GreenSmart, proposed in Title 24 regarding greywater-ready plumbing, dual piping in new construction going forward. He stated the code has addressed a number of different issues as to flow rates, but the usage and adoption for greywater has a gap.

Questions or Comments from the Commissioners:

Vice-Chair Winkel asked if it was primarily in the Plumbing Code. Garry Sato said it's in the Plumbing Code. Vice-Chair Winkel urged Mr. Sato to find out about the committee development process through the state agency code development committees.

Commissioner Barthman asked about the discharge from the washer except for diapers and how is that going to be regulated.

Mr. Sato stated that there is technology now where the flow can be diverted while the water is being used. You can flip a switch from dirty diapers to oily rags, so one has the choice of whether it goes to the sewer or recycling.

Secretary Batjer stated there was a bill that passed by the legislature, which is referred to as the purple pipe bill, AB-2282.

t prescribes that in the intervening cycle that Building Standards Code shall take this right after the first of the year.

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Questions or Comments from the Public:

No comments or questions from the public.

8. DISCUSSION OF THE CITY OF BERKELEY'S LETTER OF JULY 16, 2015, ADDRESSING CODE AMENDMENTS REQUIRING HIGHER STANDARDS FOR WEATHER-EXPOSED BALCONIES AND SIMILAR ELEMENTS.

Secretary Batjer stated the Berkeley City Council is of the opinion that the measures should be taken to introduce more restrictive building standards as they apply to weather-exposed balconies, decks, stairs, or similar structure. There are several intervening factors that can be identified.

Sean Huff, HCD, Assistant Deputy Director of Division Codes and Standards. Mr. Huff stated that upon the conclusion of the triennial adoption, they are going to convene stakeholders to investigate findings directly related to the city of Berkeley incident.

Vice-Chair Winkel asked if the task force would be convened after the code change.

Sean Huff said sometime in January 2016.

Kenneth Luttrell, structural engineer, member of the Structural Engineer Association of California. SEAOC offered to take part in any effort that is put forward. He stated the key issues were the moisture barrier and ventilation and access to inspect the condition of the materials.

Dennis Richardson, manager of Codes & Standards for American Wood Council. He said American Wood Council is the developer and publisher of the building code that regulates structural wood constructions. He stated they have concerns about the letter. They are not sure if the section that refers to failed design and inspections is accurate. He thinks it is a good idea to look and see exactly what happened.

Bob Raymer said they are supportive of HCD putting together a task force to move forward and looks forward to participating.

Vice-Chair Winkel stated that it needs to be looked into in depth. He wondered what was the best way to get them designed properly and installed properly.

Commissioner Klausbruckner stated they need all the studies before they move forward.

Commissioner Mikiten echoed everything Vice-Chair Winkel said. He stated if there were standard waterproofing detail that the city, state, or somebody could follow and know it's safe, it would last approximately a year and then make those irrelevant, so he's not sure what the answer is. He wasn't sure if an ad hoc committee would be appropriate.

Commissioner Klausbruckner had a question for the architects and engineers. She wanted to know if the issue should be addressing only HCD or are there other building standards regulated.

Commissioner Sasaki said he is a forensic structural engineer. He said it's related to construction type, materials and the kind of support you have.

Commissioner Mikiten said he thinks HCD should be the appropriate lead agency.

Jonette Banzon said if the commission wants to act, the commission can certainly create an ad hoc committee to study the problems. It would be all of the state agencies that would be part of the regulatory change.

Secretary Batjer said it would be her preference to get more information before they proceed.

Vice-Chair Winkel stated he thinks they should put it on Item No. 6, Future Agenda Items.

MOTION: Secretary Batjer entertained a motion to add the

formation of an ad hoc committee in Future Agenda. Vice-Chair Winkel made a motion to approve, and it was seconded by Commissioner Barthman.

Commissioner Mikiten asked if they can make an amendment to invite HCD back to give an update of any new information they have in the December meeting.

Secretary Batjer to add more agencies.

Vice-Chair Winkel said any interested parties with more information should come to the next meeting in December.

Mr. Sasaki said to use different wording rather than limiting it to cantilever balconies.

MOTION: Secretary Batjer amended the motion to include other parties with information to join in the December meeting and to include the words "exterior elevated elements" along with the formation of an ad hoc committee in Future Agenda. Vice-Chair Winkel made a motion to approve, and it was seconded by Commissioner Barthman. The vote was unanimous to accept the motion.

9. PRESENTATION AND DISCUSSION ON THE HIRING PROCESS FOR AN EXECUTIVE DIRECTOR FOR THE CALIFORNIA BUILDING STANDARDS COMMISSION.

Discussion and possible action.

Brent Jamison with the Department of General Services prepared some materials and options for Executive Director recruitment. Option 1 is a process the commission has employed previously. It presumes that a decision will be made today and go out with a job announcement upon approval on Friday. There would be a 20-day recruitment period and then a minimum qualification screening by the Code Adoption Committee or committee of the commission's choosing. That committee would be an initial screening for minimum qualifications statement. At that point, they would select applicants to be interviewed by the full commission and would take place the day before or the day after the next meeting in December.

Option 2 only differs in that it requests that Mr. Jamison perform the actual screening of the applicants to be interviewed. The advantage would be convenience.

Mr. Jamison stated the job announcement process goes until the 19th of November. If the dates don't work for December, it could be done before the January meeting.

Secretary Batjer said there is a process that they have to follow and

it's well-known to Mr. Jamison and his staff.

Commissioner Booth wanted to know if Mr. Jamison thinks it's a large or small pool of candidates.

Mr. Jamison said he can't answer that, but there will be a broad announcement.

Commissioner Sasaki wanted to know what kind of outreach goes to the state agencies that are part of the building standards process.

Mr. Jamison said the announcement will go on the VPOS website, and all state employees have access to it. In addition, there's the stakeholder group.

Katrina Benny, staff services manager, BSC. She stated they have a party contact list of all building officials and building industry stakeholders that reside in California and outside of California.

Commissioner Sasaki stated it will take someone with a great deal of experience with the State of California.

Commissioner Santillan wanted to know how many candidates would the commissioners interview.

Secretary Batjer said they probably would only have time for three to five candidates.

Commissioner Santillan wanted to know if the salary range was set. Secretary Batjer said the amount was raised from the previous amount. Commissioner Klausbruckner wanted to know if they would advertise the benefits.

Mr. Jamison said they could include that if the commission wanted.

(Whereupon, a break was taken.)

MOTION: Commissioner Santillan made a motion to continue with the ad hoc committee and work with Mr. Jamison to come up with 15 candidates and then reduce that to 3 with the involvement of the commissioners. Motion was not seconded.

Secretary Batjer entertained another motion. Commissioner Booth made a motion to have Mr. Jamison get the applicants down to three to six and the commissioners would make the selection from those applicants, and it was seconded by Vice-Chair Winkel. The vote was unanimous to accept the motion.

10. CBSC COMMITTEES - SUBJECT MATTER OVERSIGHT AND MEMBERSHIP.
DISCUSSION AND POSSIBLE ACTION

- a.) Code Adoption Committee
- b.) Appeals Committee

Mr. Nearman stated the discussion at the April 2015 meeting was surrounding the number of committees that had been established in previous commissions under the previous secretary and had never met or provided any input or feedback. The decision at the time was to form committees that would be needed and disband the others, and they could create new committees as they needed them. It was recommended to change the name and call it Code Adoption Committee. One of the members left, and so there is a vacancy that needs to be filled. The Appeals Committee is one that is needed because in regulations they have the potential for having to hear appeals from the public or industry.

MOTION: Commissioner Barthman made a motion to expand the Code Adoption Committee from three to five people.

Secretary Batjer said the duties for the Appeals Committee was to administrate petitions and appeals filed pursuant to Article 3 commencing with Section 130 in Title 24, Part 1.

Secretary Batjer said they need to expand the Code Adoption Committee from three to five.

Commissioner Barthman said he would like to stay on the committee.

Commissioner Sasaki asked what duties were involved for the Code Adoption Committee.

Secretary Batjer said the duties were to identify ways of improving the code adoption process, early participation in the model code process and selection of applicants for the Code Advisory Committee.

Mr. Nearman said the early participation aspect is related to the development of the model code level.

Secretary Batjer said the open meeting rules apply to the committee meetings, specifically from the three to five. That triggers the Open Meetings Act.

MOTION: Commissioner Sasaki seconded the motion to change from three members to five members on the committee. The vote was unanimous to accept the motion.

Secretary Batjer said they need volunteers for the Code Adoption

Committee. Right now they have Commissioner Roberts and Commissioner Barthman. Commissioner Klausbruckner, Commissioner Santillan, and Commissioner Patel volunteered to be on the committee.

Secretary Batjer said the Appeals Committee has three members: Booth, Sasaki, and Winkel.

MOTION: Vice-Chair Winkel made a motion to continue the Appeals Committee as constituted, and Commissioner Sasaki seconded it. The vote was unanimous to accept the motion.

11. CLOSED SESSION: PERSONNEL MATTER - CONSIDERATION OF APPOINTMENT OF INTERIM LEADERSHIP FOR THE CALIFORNIA BUILDING STANDARDS COMMISSION (Gov. Code §11126(a), Health and Safety Code §18925).

Secretary Batjer said they voted to make Michael Nearman acting executive director of the California Building Standards.

Mr. Nearman said he would do everything in his power to make sure things run smoothly until they can appoint a new director.

12. ADJOURN

Secretary Batjer entertained a motion to adjourn. Commissioner Santillan moved and Commissioner Barthman seconded to adjourn the meeting and passed unanimously to conclude the meeting.