

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

April 15, 2010

1. CALL TO ORDER

Chair Leonard called the meeting to order at approximately 2:00 p.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California. Chair Leonard stated that he was appointed by Governor in March 2010 as Secretary for the State and Consumer Services Agency and this is first Commission meeting.

ROLL CALL

Commissioners Present:

Secretary Bill Leonard, Chair
Isam Hasenin, Vice Chairperson
James Barthman
Craig Daley
Tony Hoffman
Stephen Jensen
Michael Paravagna
Richard Sawhill
Steve Winkel

Also Present:

David Walls, Executive Director
Tom Morrison, Deputy Director Executive Director
Michael Nearman, Architectural Associate
Stephanie Davis, Executive Assistant

2. CLOSED SESSION: PENDING LITIGATION

Chair Leonard stated that the Closed Session regarding Pending Litigation would be deferred until legal counsel arrived.

3. APPROVAL OF THE MINUTES OF THE JANUARY 2010 MEETING/TRANSCRIPTS

Chair Leonard requested a motion to approve the minutes and transcript of the January 12-13, 2010 meeting. Moved by Commissioner Sawhill and seconded by Commissioner Daley that the minutes and transcript be approved and adopted. **Motion Carried.**

4. SELECTION OF COMMISSION VICE CHAIR FOR 2010

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Chair Leonard stated that with the permission of the body, he would like to re-appoint current Vice Chair, Isam Hasenin, as the continuing Vice Chair and requested a motion. Moved for approval by Commissioner Sawhill, seconded by Commissioner Barthman.
Motion carried.

5. RECOGNITION OF COMMISSIONERS LEAVING OFFICE

Chair Leonard wanted to recognize and thank Susan Dowty and Christina Jamison for service to the Commission. Neither is in attendance today, but Chair Leonard joins other Commissioners in saying thank you.

Commissioner Winkle stated was hopeful Ms. Dowty and Ms. Jamison are watching this meeting, would like to express appreciation of serving with both of them and that professionalism and depth of information was brought by both Ms. Dowty and Ms. Jamison to this Commission.

Commissioner Hasenin stated agreement with Commissioner Winkel and really enjoyed working with Ms. Dowty and Ms. Jamison, who both provided a unique sense of experience in representing the interests of the stakeholders, and will miss them and wish them well.

Mr. Walls stated that Ms. Dowty and Ms. Jamison both did a fantastic job. Ms. Jamison mentioned yesterday was hoping to be here today, but was unable to make it. Ms. Dowty had a prior commitment, as well. A statement from Ms. Dowty will be read shortly. Mr. Walls stated both did a fantastic job and will miss them, as well.

6. REPORT ON THE 2010 CODES

a) Publication Timelines. Mr. Walls stated that the 2010 Codes are moving along smoothly. It's been a large process this time with the new addition of the Residential Code. ICC has already provided a proof of that which was sent back to ICC. Our Green Building Code, which is the CALGreen Code, a lot of people are asking for that, and so that is being worked on by ICC, as well. CBSC just received the blue line, which is the second proofing version, yesterday, will get on it quickly and back to ICC, and that should be the first code available. The Building Code is the bigger one, all State agencies have a lot of amendments, but it is being worked on, and should be available by July 4, 2010. The IAPMO Codes are moving smoothly as well and should have those within a month or so. And the NFPA Codes, as well, have already seen the proof and also the blue line version, as well, and that has been sent back. So that's all moving along very smoothly and will have all of those codes available by July 4, 2010, which is the 180 days prior to January 1, 2011, which is the publication date.

b) Education. Cynthia Biedermann, program analyst with CBSC, has been working with technical staff putting together education programs reported that there several education and outreach programs presently being worked on. In accordance with the mandates of SB-1473 and following the recent Senate Transportation and Housing Committee Oversight Hearing that cited the

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CALGreen Code education as the highest priority, Commission staff is in high gear.

In collaboration with the Department of Housing & Community Development, the Division of the State Architect, and Office of Statewide Health Planning & Development, the CALGreen brand was launched at the Green California Summit here in Sacramento in March. Hopefully, everyone has seen the brochure and look at displays that have been put up today. Governor Schwarzenegger made a visit to the CALGreen exhibit and received the first-hand update on the 2010 Code from Executive Director Dave Walls.

In an effort to reach the estimated 400,000-plus industry stakeholders, Commission staff has presented educational CALGreen programs throughout the State, from areas such as Santa Rosa, Los Angeles, Sacramento, and Fresno, additional education and outreach efforts, including the use of teleconferencing, Commission newsletter, print media and radio. For example, the Plumbing-Heating-Cooling Contractors magazine, PHCC, will feature a CALGreen article in the May issue. And the League of California Cities has a magazine, as well, and will be publishing something in their May or June issue.

Private/public partnerships are taking shape in an effort to reach all interested parties in collaboration with the Department of Housing & Community Development and partnerships are being developed with green technology, the California Building Industry Association, the International Code Council, multiple AIA Chapters throughout the State, and other industry organizations concerning code education.

A comprehensive training module is being developed that not only outlines the intent of the new Code, but the existing laws and regulations, what the Code has required in the past, and clarification regarding what changes go into effect in January 2011 and how to accomplish the same. To ensure statewide consistency and implementation, building officials, architects, builders, all industry stakeholders will understand the provisions of CALGreen, understand the use of new materials, concepts, construction techniques, and how to comply with CALGreen.

Mr. Walls explained that CBSC is also working with the International Code Council, the International Association of Plumbing and Mechanical Officials and the NFPA in terms of providing education and training on their codes, as well, the model codes that we're bringing to California, as part of the updates, as well, and really working in a partnership. Trying to get the education out there to reach as many people as possible. The number of calls that are coming in are immense, so it is going faster than thought it would happen, particularly on the CALGreen. The calls are from around the State, from architects, in particular, AIA Chapters that have contacted us. So really working hard at trying to get the word out, as far as what the Codes are.

c) Next Annual Cycle. The next annual cycle is going to start at the end of this year. We should have all the proposals in from the State agencies. It's the typical year and a half type of a run. So, if it is kept on that same basis of the effective

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date of this year's 2010 Codes, it would be January 1, 2011 and then, a year and a half later, will be shooting for July 1 of 2012 for that interim cycle.

In addition, there has been a proposal to change the annual cycle to an 18-month cycle, and that is currently going through the legislature right now. That would be a bill to change that so instead of having two annual cycles, which kind of puts cycles on top of cycles, this would make it consistent with what was hoped to be accomplished. With that, it is on track. Will keep this cycle more of a cycle of trying to fix the things that need to be fixed on the 2010 Codes, that currently have been adopted, and have already bumped into a few things with the Green Code, for example, that need to be fixed. Will continue to work with local jurisdictions to get feedback on that so we can make sure have really clean codes.

5. RECOGNITION OF COMMISSIONERS LEAVING OFFICE (Cont.)

Mr. Walls read the letter from Ms. Dowty regarding term served on Commission:

“I have very much enjoyed serving on the Commission during my term as a Commissioner, four-year term, which was 2006 up to 2010. [Her term expired January 1.] The professionalism of BSC members and staff has been exemplary and it has been an honor to work with them. It was a privilege to meet so many wonderful and knowledgeable people at the meetings. I always felt that decisions were made under conditions where all parties had been heard and given consideration they deserved, which is indeed a difficult goal to achieve. I am confident that the Building Standards Code used in the State of California is unsurpassed and can't be equaled. It has been an opportunity of a lifetime to participate in this process and one for which I will always be grateful. I will miss you all and wish everyone the best. Susan Dowty.”

7. PROPOSED EMERGENCY STANDARDS ADOPTIONS AND APPROVALS:

Duane Borba of OSHPD requested certification of compliance and permanent approval of the emergency standards that were adopted in January of this year. These standards amend Part 1 regarding HAZUS and implement requirements of Senate Bill 499, which became effective January of this year.

Chair Leonard asked if any there were any questions or comments, and hearing none, Chair Leonard requested a motion of approval. Motion adopted unanimously.

8. CODE ADVISORY AD-HOC COMMITTEE MEMBER – REQUEST FOR CHANGE

Chair Leonard stated that the Air Resources Board has notified the Commission that the representative of the ad-hoc committee is no longer with them and they have nominated Anthony Waters.

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Chair Leonard requested a motion to approve the ARB recommended candidate. Moved by Commissioner Barthman moved, seconded by Commissioner Sawhill.

Motion carried.

9. FUTURE AGENDA ITEMS

Chair Leonard asked Commissioners if anything to be discussed as future agenda items.

Mr. Walls stated that CBSC has two meetings scheduled for August and can discuss some of that in closed session. There is one meeting scheduled in the middle of August and one at the end of August.

Commissioner Barthman stated there was an editorial in the Bay Area papers regarding requiring carbon monoxide detectors and it was stated that it had been proposed before through statute, and the Governor had vetoed it, and referred it to the Building Standards Commission, and since the Building Standards Commission hasn't taken any action on it, was wondering if that legislation was going through and if the HCD was going to need a proposal on that.

Mr. Walls stated that HCD and the IRC already have carbon monoxide detectors for new buildings. He thinks part of the problem was authority over existing buildings that the Building Standards Commission had to require if a permit isn't pulled or do any work on a home, there is still a mandate about carbon monoxide detectors. And that is the crux of the Bill right now.

Chair Leonard stated this would be taken under public comments to get input of the public. This Commission is not taking any action on the items or information at this time.

Bob Raymer, California Building Industry Association, stated at the present time Senate Bill 183 by Senator Lowenthal has now been passed back to the Senate for concurrence, so it is in the final stages before it goes to the Governor. This Bill would require carbon monoxide detectors via statute, not building code, and it has two separate trigger dates. There is a July 2012 effective date for existing single family dwellings, and a date one year later for multi-family construction. There's still two other unresolved issues and the Administration is going to have to deal with that when it gets to the Governor's desk. And that is it doesn't direct the Department of Housing and Building Standards Commission to develop and to operate regulations. And although the Bill has some penalties, there's actually no enforcement in the legislation of this. So it raises the issue of there being a statutory mandate with no real effective way of it getting out the public and building officials and stakeholders. That will be an issue that the Governor has had to deal with. In the past the administration has suggested that building codes be developed by State agencies and put it into the Building Code. And the sponsor of this legislation felt that doing that would create problems with the Appropriations Committee.

Commissioner Barthman asked if there is anything to enforce it.

Bob Raymer replied there is no enforcement in the bill. That is the concern. There are two 90-days, the early one for single family dwellings or pre-construction existing. New residential construction has a carbon monoxide detector mandates in January 2011. But for existing homes, there is no enforcement, be it the Fire Department,

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the Building Department, or whatever. There is a penalty, we're not sure who would officiate that.

Chair Leonard stated this should be an agenda item for the August meeting for Mr. Raymer and staff to give full update on the status of the bill.

10. COMMENTS FROM THE PUBLIC:

Bob Raymer, CBIA, with regards to the implementation of Senate Bill 1473, this is sponsored bill by industry, that we put a fee on new permit evaluations and that needs to go to the Building Standards Commission and HCD for educational purposes. We already testified, it went to a subcommittee, supporting the work that the Building Standards Commission has been doing and plans to do this precisely what we had envisioned for that money, and CBIA is available to help you answer questions that the subcommittees or anyone else might have..

2. CLOSED SESSION: PENDING LITIGATION

Chair Leonard called for the Commission to go back to Item 2, Closed Session. The item before us is the Center for Environmental Health vs. California Building Standards Commission.

10. ADJOURN

Chair Leonard adjourned the meeting at approximately 2:40 p.m.

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