

**CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

November 6, 2013 – 10:00 a.m.

1. CALL TO ORDER

Chair Batjer called the meeting to order at 10:00 a.m. at the Department of Consumer Affairs, 1625 North Market Blvd., First Floor Hearing Room, Sacramento, California 95834.

ROLL CALL

Commissioners Present:

Secretary Marybel Batjer, Chair
James Barthman, Vice-Chair
Erick Mikiten
Cheryl Roberts
Kent Sasaki
Richard Sierra (arrived at 10:55)

Also Present:

Jim McGowan, Executive Director
Michael Nearman, Deputy Executive Director
Stephanie Davis
Alex Holtz

Chair Batjer announced that a quorum was present.

PLEDGE OF ALLEGIANCE

Chair Batjer led the Commission in the Pledge of Allegiance.

She announced that the new call-in telephone number was 1-877-953-8408 with participant code 3177657.

2. NEW CHAIR, SECRETARY MARYBEL BATJER – SELF INTRODUCTION

Chair Batjer introduced herself as the Secretary of the newly formed Government Operations Agency. She has held positions in state government as well the private sector. Most recently she served as Cabinet Secretary; Undersecretary of the California Business, Transportation and Housing Agency; and Chief Deputy of the California Department of Fair Employment and Housing.

3. HONOR COMMISSIONER RANDY TWIST

The Commission honored Commissioner Randy Twist in a moment of silence.

4. APPROVAL OF THE APRIL 24, 2013 MEETING MINUTES

Commissioner Barthman requested the word “dais” on pages 11 and 12 to be changed.

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MOTION: Commissioner Barthman moved approval of the April 24, 2013 Meeting Minutes with the changes noted above. Commissioner Mikiten seconded. Motion passed unanimously.

5. CLOSED SESSION: PENDING LITIGATION

Chair Batjer noticed the pending litigation, and the Commission recessed into Closed Session.

6. RETURN TO OPEN SESSION

The Commission returned to Open Session.

7. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT (OSHPD 02/13)

Glenn Gall, Regional Supervisor for the OSHPD Building Standards Unit, stated that this item was the result of a writ of mandate coming out of the Alameda County Superior Court. OSHPD was responding as follows:

- Remove the definition of OSHPD 3SE.
- Restore the prohibition of the use of CPVC in OSHPD 3 facilities (outpatient clinics freestanding from a hospital).
- Remove an exemption in Section 609.9 regarding disinfection of potable water systems for OSHPD 3SE facilities.
- Restore a prohibition of the use of ABS and PVC in the OSHPD 3 facilities.
- Remove an exception from 906.2.1 regarding lessened distance for vent pipes to fresh air intakes in facilities.

Public Comment

Paul Kneprath, Planned Parenthood Affiliates of California, wanted the Commission to understand the issues around primary care clinics – with the implementation of the Affordable Care Act, clinics across the state will be expanding and new clinics built. The issue of an exemption from some of the building standards is an important one for Planned Parenthood. The costs associated with meeting the higher standards are significant in some cases, especially for organizations such as this one that are trying to meet the healthcare needs of the poorest Californians.

Doug Kamm, Primary Care Association (which represents 900 community health centers around the state) spoke of the significant cost impact on that agency's ability to serve Medi-Cal recipients – who are the most medically vulnerable Californians.

MOTION: Commissioner Roberts moved approval of the OSHPD 02/13 Changes Without Regulatory Effect. Commissioner Barthman seconded. Motion passed unanimously.

8. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT (OSHPD 03/13)

Mr. Gall stated that this item removes an exception for OSHPD 3SE facilities. Regarding the writ of mandate, the language becomes non-substantive when there is no defining

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OSHPD 3SE facility. Thus the language is being removed from the code for clarity purposes.

MOTION: Commissioner Barthman moved approval of the OSHPD 03/13 Changes Without Regulatory Effect. Commissioner Sierra seconded. Motion passed unanimously.

9. ANNUAL SELECTION OF VICE-CHAIR

Jim McGowan, Executive Director, stated that currently Mr. Barthman was serving in the capacity of Vice-Chair. Mr. McGowan requested the Commissioners to select a new Vice-Chair.

MOTION: Commissioner Barthman nominated Steve Winkel to serve as CBSC Vice-Chair. Commissioner Roberts seconded. The nomination was unanimously approved and Mr. Winkel appointed Vice-Chair.

10. CODE ADOPTION CYCLES

• **Update on the 2013 California Building Standards Code**

Michael Nearman, CBSC Deputy Director, reported that the Triennial Code Cycle had been successfully completed and published on July 1. The Electrical Code as well as the Plumbing and Mechanical Code were being distributed; however, the publisher had not yet sent some of electronic versions.

In the six months between the publication date and the effective date, CBSC staff, the publisher, and the public are to identify any errata that should be corrected for the January 1 effective date.

• **Status of 2013 Intervening Code Adoption Cycle**

Mr. Nearman reported that the timeline has been posted on the website. Typically during the Intervening Cycle there are fewer amendments being made to the code – it is more of a cleanup cycle. An Ad Hoc Committee may be formed to review the material being submitted; staff will contact the members of the current committees to see who is interested.

11. FUTURE AGENDA ITEMS

There were no suggestions from the Commissioners or the public.

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

Bob Raymer, Technical Director of the California Building Industry Association (CBIA), offered comments that were also supported by the California Apartments Association (CAA). Mr. Raymer informed the Commission that the CBIA and the CAA will be filing a petition with the Department of Public Health to seek an exemption from the signage requirement that appeared in their pool safety regulations as adopted by the CBSC in 2011.

Mr. Raymer provided the background for the situation, citing an incident in a large water park in Florida that had given rise to the necessity of the signage. The problem is that there are no specific provisions limiting the application of the sign to large water parks. Tens of thousands of apartment and condominium pools throughout the state would have

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to post the signage. However, for the most part there is no one staffing these pools who could enforce the content of the sign.

Mr. Raymer expected the Department of Public Health to reject the petition. At that point, the CAA would probably want to rehear the issue in front of the CBSC.

Mr. Rayner continued that he has been contacted by the League of Cities; that agency may be added to the petition.

13. ADJOURN

MOTION: Commissioner Barthman motioned to adjourn.

Commissioner Sierra seconded. The motion was unanimously approved.

Chair Batjer adjourned the meeting at 11:05 a.m.