

STATE OF CALIFORNIA
DIVISION OF THE STATE ARCHITECT
DEPARTMENT OF GENERAL SERVICES

ACCESS CODE COLLABORATIVE (ACC)
WORKING MEETING

DIVISION OF THE STATE ARCHITECT
DSA HEADQUARTERS
1102 Q STREET, SUITE 5100
SACRAMENTO, CALIFORNIA 95811

MONDAY, DECEMBER 11, 2017

9:00 A.M.

Reported by:
Peter Petty

APPEARANCESDSA Staff:

Ida Clair, Principal Architect
Susan Moe, Senior Architect
Derek Shaw, Senior Architect
Debbie Wong, Senior Architect
Jessica Axtman, Associate Analyst

Facilitator:

Greg Bourne, Independent Consultant

ACC Members: (* Attendance via phone)

Rosemary Hannah Barker
Stoyan Bumbalov
Kaylan M. Dunlop
*Rachelle Golden
Arfaraz Khambatta
Gary Layman
Jihee Lee
Carol Bartolo Loeffler
Eugene Lozano, Jr.
*Vidal Medina
Robert E. Raymer
Dara Schur
Lewis R. Springer, III
Ernest Wuethrich

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P R O C E E D I N G S

9:08 a.m.

1
2
3 MS. CLAIR: Hello. Thank you. I'm so pleased
4 that you're here again. Today, we start our first working
5 meeting after just a little bit more training. Thank you
6 all for being here on time as well. I really appreciate
7 that. Especially with a lot of the chaos that's going on
8 in this state. So I know that that's difficult for you,
9 for some of you that come from Southern California.

10 I'm here to introduce today Greg Bourne. He is
11 our facilitator. He has replaced our previous facilitator,
12 Marina Piscalish. He will be introducing some collaborative
13 work skills today that we missed at our last meeting. So
14 we're here to welcome Greg. Thank you.

15 MR. BOURNE: Thank you.

16 MS. CLAIR: We also have Pete here. Pete, what's
17 your last name?

18 COURT REPORTER: Petty, Peter Petty.

19 MS. CLAIR: Pete Petty will be transcribing the
20 meeting, so that we actually have a written transcript of
21 the meeting. That helps us when we come back and actually
22 start writing some of the regulations, so that we can
23 recall a lot of what was said.

24 And I think all of us here know each other. I
25 want to welcome Rachelle Golden on the phone who's been

1 sick with the flu for two weeks. So she is joining us
2 remotely.

3 MS. GOLDEN: Hello.

4 MULTIPLE SPEAKERS: Hello. Welcome back. Hope
5 you feel better.

6 MS. GOLDEN: Thank you.

7 MS. CLAIR: And Vidal Medina who is also on the
8 phone who is a new member to the ACC. Vidal, are you
9 there?

10 MR. MEDINA: Yes, I am. Hello.

11 MS. CLAIR: He would have been here with us
12 today, but he was just recognized last week as being a
13 member and couldn't accommodate the travel for today. But
14 Vidal, if you'd like to share a little bit about you
15 please, yourself?

16 MR. MEDINA: Yeah, sure. Sure. I'm here in
17 Fresno, California. I've been an advocate for Resources
18 for Independence for about 15 years. I became legally
19 blind in '94 and naturally that started my advocacy, both
20 for myself and others like me in the disability world.
21 I've done some things locally for Access. I actually sit
22 on the President's Committee for Disability and Access with
23 CSU here in Fresno, the university. So that's been kind of
24 exciting.

25 I look forward to working with all of you. I

1 don't have the expertise, based on your bios. I read them
2 all. But I do have the passion and I'm glad that it was
3 kind of last minute. I was selected last week, so I hope
4 to soon to be able to meet all of you in person at the next
5 meeting.

6 MS. CLAIR: Thank you. And Vidal, a little bit
7 about the work that you do in Fresno as well. Are you --
8 you're employed with the Independent Living Center?

9 MR. MEDINA: Yes. We're one of 28 independent
10 living centers. Essentially they started in Berkeley, but
11 we changed our name to Resources for Independence. We
12 serve five counties: Kings, Merced, Tulare and Visalia.

13 MS. CLAIR: Great. Thank you so much.

14 MR. MEDINA: Sure.

15 MS. CLAIR: As you know, when we do have our
16 working meetings we obviously prefer you all to be here in
17 person. We understand sometimes extenuating circumstances
18 like illness get in the way, but this is another method
19 that we can participate when that necessitates. So thank
20 you both for joining us on the phone, especially Rachelle
21 when you're not feeling well, so I appreciate that.

22 Okay, so great.

23 MR. BOURNE: Okay. Ida, thank you very much.
24 Good morning, everybody. Let me just give you a quick word
25 about myself. As Ida said my name is Greg Bourne. I

1 actually help run a nonprofit called Leap for Tomorrow, but
2 I also consult to UC Davis, a collaboration center there.
3 And basically I've been mediating public policy issues for
4 about 30 years and so I do a lot of work similar to this.
5 And so I'm pleased to join you all in this endeavor. And I
6 understand there's some history of this process. And so
7 I'm going to jump in and try to be as conversant as I can
8 be, as quickly as I can be.

9 Like Vidal, I'm fairly new to the process, so I'm
10 ramping up on the learning curve. Ideally, I would have
11 liked to have called many of you, if not all of you, before
12 this meeting just to get to know you and to understand your
13 perspectives on these issues, any challenges you see, and
14 time just didn't allow. But after today, to the extent
15 needed I'll definitely plan to do that. Or I'll give you
16 all my business card and if you feel that you'd like to
17 follow up with me after this meeting, that'd be great. So
18 I look forward to that and so I look forward to working
19 with you.

20 What I'd like to do I think, for Vidal as well,
21 is just go around the room and do introductions, so Vidal
22 and Rachelle know who are in the room. And just so you can
23 maybe tie some name to a voice and it will help me as well
24 get to know all of you. So I think we'll just start with
25 Hannah, if we could, and just go around the table real

1 quickly with some just brief introductions.

2 MS. BARKER: Hannah. I live in Los Angeles.
3 I've been a wheelchair user since 2003. I don't have as
4 much the code experience as all these other people, but
5 I've worked in hotels and I'm in the horse-racing industry
6 right now. So yeah, tourism is my passion and
7 accessibility.

8 MR. BOURNE: Great. Okay. Thanks.

9 MS. SCHUR: Hi. I'm Dara Schur. I'm with
10 Disability Rights California, which is a statewide
11 nonprofit legal advocacy firm. We represent people with
12 all types of disabilities on a very broad range of issues.
13 And my particular focus is housing and housing
14 accessibility. And I've done a great deal of work in that
15 arena, both in policy and in litigation.

16 MR. BOURNE: Great. Okay. Thanks.

17 MR. SPRINGER: My name is Lewis Springer. I'm an
18 architect and a certified access specialist. I have my own
19 company, LRS Architecture. I'm here to represent the
20 design professionals on the collaborative.

21 MR. BOURNE: Great.

22 MR. KHAMBATTA: Good morning. I'm Arfaraz
23 Khambatta. I have about a couple of decades worth of
24 accessibility experience, working with numerous state and
25 local entities across the country. Currently, I'm at the

1 San Francisco Mayor's Office on Disability, overseeing a
2 group of inspectors and plan reviewers that verify
3 compliance with California Building Code requirements as
4 well as the ADA Standards for all projects receiving funds
5 administered by any city agency.

6 MR. BOURNE: Okay. Great, thanks.

7 MR. BUMBALOV: Stoyan Bumbalov. I am with HCD,
8 the Housing and Community Development Department. I'm
9 currently the State Housing Law Program Manager. HCD is
10 the Department adopting and maintaining Chapter 11A. I've
11 been involved in the enforcement part of Chapter 11B and I
12 work with jurisdictions and HCD is the enforcing agency for
13 RV parks. I've been involved in the development of chapter
14 modifications of Chapter 11A in the last eight years.

15 MR. BOURNE: Okay. Thank you.

16 MR. RAYMER: I'm Bob Raymer. I am Technical
17 Director and Senior Engineer with the California Building
18 Industry Association. I also represent -- which is an
19 organization that represents 3,500 member companies
20 involved in residential construction, but also in
21 commercial construction. I also represent the Building
22 Owners and Managers Association and the California Business
23 Properties Association. So there's a
24 commercial/residential crossover there. And this disabled
25 accessibility regulations was my first assignment when I

1 came on board with CBIM in 1981.

2 MR. BOURNE: Okay, a long history there.

3 MR. RAYMER: Yeah.

4 MR. BOURNE: Okay. Thanks.

5 MS. DUNLOP: I'm Kaylan Dunlap. I'm the
6 outsider, because I'm from Birmingham, Alabama. But I've
7 done a lot of work in California, so it's kind of a second
8 home. But I represent individuals with disabilities. I'm
9 a manual wheelchair user and have been since 1990-ish
10 maybe. My background is physical therapy, but I've been an
11 access specialist for almost 15 years now. I'm a CASp and
12 that's about it.

13 MR. BOURNE: Okay. Thank you.

14 MS. LOEFFLER: Hi. I'm Carol Loeffler. And I
15 have been an occupational therapist for 35 years. And I
16 also am here as a person with a disability. I have
17 physical, and I guess you could say cognitive. I had a
18 traumatic brain injury and I have multiple sclerosis. And
19 I have been on the California Building Standards
20 Commission, Building Fire, and Other committee and that's
21 been a really good opportunity in growth for me. So this
22 is a nice adjunct to that.

23 MR. BOURNE: Okay. Thank you.

24 MR. WUETHRICH: I'm Ernest Wuethrich. I'm
25 representing Certified Access Specialists, CASps, and I

1 currently work for an architecture firm in Santa Rosa, so
2 it's San Francisco, North Bay. Working mainly on retail,
3 commercial projects, restaurants and doing CASp
4 inspections.

5 MR. BOURNE: Great.

6 MS. CLAIR: Thank you.

7 MS. LEE: Hi. I'm Jihee Lee. I'm with the
8 University of California and I'm representing the
9 facilities. And I'm an architect and a CASp.

10 MR. BOURNE: Okay.

11 MR. LOZANO: I'm Gene Lozano. I am the
12 representative on issues pertaining to the blind and low
13 vision on the committee. I was low vision until I was 18
14 and for the last 40 plus years, have been totally blind.
15 Retired after 40 years working for Sac State in the
16 Services to Students with Disabilities Office and dealt
17 with a lot of monitoring access on the campus, and on
18 numerous local, state and national advisory committees for
19 persons with disabilities on architecture and
20 transportation issues. Thank you.

21 MR. BOURNE: Thank you.

22 MR. LOZANO: And I'm sorry to interrupt, but one
23 request. They'll help the people on the phone, but myself
24 is if each of us as we talk if we could identify who we
25 are, so it would help me connect a name with the voice. It

1 may take a little while. And I also as you may -- those of
2 you who were here last time I have a back problem. And the
3 compression of my sciatic nerve, so sometimes I may have to
4 stand to try to avoid some back spasms and legs issues. So
5 I apologize if I'm standing during the deliberations.

6 Thank you.

7 MR. BOURNE: No problem. Thank you and it's
8 always a good idea to identify just who's speaking, so I
9 appreciate you acknowledging that and bringing that up.

10 MR. SHAW: Okay. I'm Derek Shaw, the Division of
11 the State Architect staff.

12 MR. BOURNE: Okay.

13 MS. MOE: I am Susan Moe, State Architect's
14 staff. I'm a Senior Architect and a Certified Access
15 Specialist.

16 MS. CLAIR: Debbie, do you want to introduce
17 yourself before you go?

18 MS. WONG: Good morning, Debbie Wong, staff at
19 DSA, Senior Architect, CASp, and also CASp Technical
20 Administrator. So if anyone's interested in becoming
21 certified as a CASp, let me know.

22 MS. CLAIR: I'd like to give an opportunity for
23 Rachelle to talk.

24 MR. BOURNE: Yeah. Vidal's already introduced
25 himself, so Rachelle, if you would please?

1 MS. GOLDEN: Yeah, hi. I am Rachelle Golden.
2 I'm an ADA defense attorney located in Fresno, California.
3 I represent businesses that are proactive ADA compliant and
4 code compliant. And I also do defense litigation if that's
5 not able to be done and lawsuits happen.

6 MR. BOURNE: Okay. Thank you very much.

7 MS. CLAIR: We do have one member, Gary, who is
8 not here yet. I hope he's not having additional difficulty
9 getting here. So Debbie's going to check to see where Gary
10 is, but we won't hold up.

11 MR. BOURNE: Okay. Great, we'll move forward
12 then.

13 So what I'd like to do next is just kind of walk
14 through the agenda. It's fairly simple, but I'm going to
15 add one piece to the agenda. The current agenda, as you
16 have in front of you, is to spend a little bit of time just
17 talking about collaboration.

18 And I know from just listening to you all talk
19 now, and from previous conversations I've had with Ida that
20 you all are very experienced in working in this
21 environment. So I don't want to spend a lot of time
22 repeating things you may know, but as much as anything, it
23 will hopefully help you kind of understand how I see this
24 work in terms of kind of facilitating groups. But to the
25 extent it might be also helpful to just lay out some

1 principles of collaborative problem solving. Hopefully I
2 won't bore you all too much. We won't take up a lot of
3 time with that, but just kind of walk through some
4 material, answer any questions you might have, and just
5 make sure we're all kind of on the same page with that.

6 So we have Gary who just joined us. So Gary, we
7 just finished going around the room doing introductions.
8 So if you could please do so, that'd be great.

9 MR. LAYMAN: Gary Layman, Chief Building
10 Official/Fire Marshal for the City of Oroville and the
11 Chair of the CALBO Access Committee. My apologies for
12 being late, but the traffic and fog slowed me down.

13 MR. BOURNE: We know.

14 MR. LAYMAN: I'm here.

15 MR. BOURNE: Very good. Thanks for being here.
16 And we have Vidal and Rachelle on the phone, so we have
17 everybody present.

18 So the agenda for this morning is to go through
19 some just kind of Principles of Collaboration and look at
20 the Charter. It's actually been revised since it was sent
21 out to you last week. So we're just going to kind of walk
22 through it one section at a time and make sure everybody is
23 in agreement with what's there, understands what's there.

24 We should be able to finish that up hopefully
25 before lunch and then spend the afternoon on kind a first

1 cut at some of the potential code changes. And who knows,
2 we might even get to that some before lunch. We'll see how
3 the timing goes.

4 There is though, an additional issue I'd like to
5 just start the day with. There has been a change in
6 membership since the last meeting and we thought it would
7 be important just for the DSA to just kind of explain the
8 process and that change, so that if anybody has any
9 questions or comments we can take those.

10 And so Ida, I'll hand that to you.

11 MS. CLAIR: Okay. So I just wanted to express a
12 bit about what's happened since the last meeting. To give
13 a little bit of history for finding of these code cycles
14 DSA has been increasing and improving our public outreach
15 in response to concerns by the disability community.
16 Ms. D'Lil who was on our committee specifically was very
17 vocal about her concerns and all our efforts to increase
18 and improve our public outreach was not received very well.
19 And the criticism that Ms. D'Lil had of DSA and our
20 outreach continued, specifically to the Building Standards
21 Commission.

22 So in order to again demonstrate our commitment
23 in providing the necessary outreach we established this ACC
24 with the assistance of UC Davis and in support of
25 Department of General Services, our parent agency,

1 Government Operations Agency and also in collaboration with
2 the Building Standards Commission.

3 This was a big effort, establishing this group.
4 The intent of this group was to begin a new era of
5 collaboration with stakeholders. I just want to say that
6 in submitting an application all of you here committed to
7 working in a collaborative manner. Ms. D'Lil submitted an
8 application and also committed to working in a
9 collaborative manner. In an effort to address Ms. D'Lil's
10 specific concerns about DSA's public outreach process DSA
11 insisted that she be a member of this group and selected
12 her for service.

13 We understand that unforeseen circumstances at
14 our last meeting prevented our meeting from proceeding as
15 planned, especially with regard to collaboration skills.
16 But our goal was to address the process in which the ACC
17 would work collaboratively with each other and with DSA.
18 Ms. D'Lil's insistence in bringing her past criticisms
19 about DSA, criticisms that were personal to DSA staff and
20 the State Architect, did not demonstrate that she was
21 willing to put aside history and begin anew in a
22 collaborative manner.

23 Others at the meeting, hearing that the promised
24 collaboration was in jeopardy and not wanting to be part of
25 a potentially combative process had determined they would

1 leave the group. And in response to the concerns of others
2 in the group, and in response to preserving the ACC, and in
3 response to preserving the commitment that we made to each
4 other to work in a collaborative manner, we had asked her
5 to leave, or the Department, the Director had asked her to
6 leave.

7 It's important to stress that not one person here
8 is more important than the other. In this room, we make a
9 commitment to each other to have an environment where we
10 can accomplish important work that affects the
11 accessibility facilities in this state. We anticipate that
12 we will disagree. However, discussing the issues will help
13 us arrive at appropriate solutions. Disrespecting each
14 other destroys the collaborative process and prevents us
15 from accomplishing our goals.

16 Today, you'll be working on the Charter for the
17 ACC and we'll further define the guidelines in which this
18 group will operate. Once it is established, it is
19 important that we remember the Charter sets the stage for
20 the participation of the ACC and that we will hold each
21 other accountable to adhere to its requirements. So
22 thanks.

23 MR. BOURNE: Okay. Any comments or questions?

24 Yes, Dara?

25 MS. SCHUR: This is Dara. I circulated a letter

1 to most folks. I didn't have your email, Greg, I don't
2 know if you looked at it and the new member.

3 MR. BOURNE: I looked at it, yes. Thank you.

4 MS. SCHUR: I appreciate that there is a history
5 with HolLynn. This is being perceived by many regardless
6 of intentions as a message that frank disagreement and
7 criticism are not welcome in this collaborative. I
8 understand for many that HolLynn's style can be
9 challenging, but she raised a number of very important
10 issues that I think warranted discussion.

11 I must say many of us were dismayed including the
12 ILCs that I work with, that she should be unilaterally
13 kicked off without even a discussion with her about what
14 the concerns were or a need to -- an opportunity to address
15 those concerns, to continue to contribute. She's a very
16 experienced and thoughtful person with a lot of expertise.
17 In fact, I understand that one of her proposals that was
18 raised at the meeting and brought to the attention of the
19 Department was in fact something that was an oversight of
20 the Department and they've now been fixed.

21 So I think that -- at least that's my
22 understanding. So I must say that I don't know what the
23 process is that we are going to use here to deal with
24 disagreements, but the fact that some people found her
25 disturbing I can appreciate. And I know there's some

1 disagreement about that, but I found that she made a number
2 of good points and I think the process by which she was
3 terminated was very troubling.

4 I'm here because I believe the Department has
5 good intentions and is committed to getting the input of
6 the disability community and I want to stay involved in
7 that process. But I'd really like people to reconsider
8 that decision. I think it's sending really the wrong
9 message.

10 So I don't want to belabor the point. I know
11 there are very strong disagreements around this, but I just
12 wanted people to hear how it's being perceived by many of
13 the people in the disability community, the ILCs that I
14 work with, and others who you know. So I just think that's
15 important and I think the process was troubling. And I
16 hope in this discussion about our Charter we're going to
17 talk about we deal with further differences that might
18 arise.

19 MR. BOURNE: Good. Yes, absolutely.

20 Yes, Eugene? You go by Gene?

21 MR. LOZANO: Yes, I go by Gene.

22 MR. BOURNE: Okay. Thanks.

23 MR. LOZANO: Yes, Thank you. I have to concur
24 that I've heard from the segment of the disability
25 community I'm involved in, cross disability, there was some

1 dismay about HollLynn's removal and the thought that her
2 experience was going to be lost not having her involvement
3 in the development of codes over the years.

4 I just would -- not to rehash what Dara said, but
5 I think, you know -- I know this may be just a little
6 premature, but when we go over the Charter -- and a few
7 other state entities that over the years that I've been
8 involved in with charters development there's been a
9 process for the removal of somebody or suspension and some
10 of the criteria.

11 And it's very difficult to try and do something
12 broad and not be subjective. But that's something that
13 maybe we should consider down the road as there's turn-over
14 and new people and so forth, that there is something in
15 criteria. So that somebody does understand a little bit of
16 the benchmark, what is the criteria. Because I think we
17 are going to have friendly, constructive, discussions and
18 maybe some disagreements and agree not to agree on some of
19 the issues on codes. That's what I'm talking about,
20 because we're all come from different interests.

21 But I think that is something that should be put
22 in writing, that process, and then an appeal process in
23 case there is a need for removal. So that everyone again
24 knows what they have to go through or should go through.
25 Thank you.

1 MR. BOURNE: Okay. Thank you, so it's a good
2 idea. It's always good to be very clear about this and be
3 as transparent as possible about these decisions, so we'll
4 definitely talk about that. I'm not sure, as it stands now
5 that it is exclusively addressed in the Charter. So we can
6 figure out that how to deal with that.

7 Very good. Any other --

8 MR. MEDINA: Excuse me.

9 MR. BOURNE: Yes. Go ahead. Thank you.

10 MR. MEDINA: Yes, this is Vidal. Can we up the
11 volume just a little bit, because this is a very important
12 discussion? And I caught most of it, but I want to make
13 sure any of comments that I'm hearing it well enough. So
14 if we can just turn it up on your end I've got my volume up
15 as far as I can.

16 MR. BOURNE: Yes. I apologize. I guess my mic
17 maybe was not on.

18 MS. CLAIR: Yeah, on --

19 COURT REPORTER: My mics don't amplify, they just
20 record --

21 MR. MEDINA: There it goes.

22 MR. BOURNE: Okay. So we have some mics around
23 the room primarily for recording the meeting, not
24 necessarily for amplifying. So we just need to make sure
25 that everyone really speaks as loudly as possible when you

1 do speak.

2 Yes, Dara?

3 MS. SCHUR: If I could clarify. These small mics
4 go to the speaker, right?

5 MR. BOURNE: Oh, there we go.

6 MS. SCHUR: But the big mics are recording.

7 MR. BOURNE: How many of those are here? Just
8 the two?

9 MS. SCHUR: Yeah.

10 MS. CLAIR: Yeah.

11 MR. BOURNE: Okay, so we do have two mics picking
12 up folks, but some people are quite a ways from them. So I
13 think if everybody just tries to speak as loudly and
14 clearly as possible that would be great.

15 And Vidal or Rachelle, if you are having
16 problems, hearing someone, please just indicate that and
17 we'll move a mic closer to them. Okay?

18 MR. MEDINA: Great. Thank you.

19 MR. BOURNE: Uh-uh. Thanks for letting us know.
20 Any other comments or questions on this issue?

21 (No audible response.)

22 MR. BOURNE: So we can talk -- at a minimum we'll
23 talk a little bit more as Eugene is suggesting, about a
24 process for dealing with situations that may arise in the
25 future.

1 So if we could, let's go into -- just spend a few
2 minutes. I've just prepared a few ideas or thoughts on
3 some Principles of Collaboration. And for those of you on
4 the phone who don't have access, I presume to the -- this
5 is not being webcast or podcast?

6 MS. CLAIR: We do have WebEx.

7 MR. BOURNE: Oh, you do?

8 MS. CLAIR: Yeah.

9 MR. BOURNE: Okay. So you guys can see or we
10 will articulate for those who are not able to see this
11 exactly what we have on the screen. And so if we could go
12 -- wait, how do I just turn on this?

13 MS. CLAIR: Oh there. Do you want me to?

14 MR. BOURNE: That'd be fine.

15 MS. CLAIR: Or I could give you -- and you could
16 just say next slide.

17 MR. BOURNE: Okay.

18 MS. CLAIR: Yeah.

19 **Principles of Collaboration**

20 MR. BOURNE: The next slide. (Laughter.)

21 So and actually we can go the next slide where
22 it's just kind of a header for principles of -- did we skip
23 one, or is that the first one? Okay.

24 So I wanted to kind of transition from material
25 you have seen, to some new material that I'd like to share

1 with you that I think helps us, it helps any group work
2 through the collaborative process. And understanding that
3 people have different interests, different values,
4 different perspectives, different lenses through which we
5 see this.

6 So there are a lot of opportunities, to
7 communication is challenging. When we speak we're thinking
8 people certainly can understand exactly what I'm saying,
9 but someone else is seeing it through a different lens and
10 maybe not hearing what we intend to say. So it's always
11 good just to check back with people. And just try to make
12 sure we understand what they really mean and what they
13 really intend. So that's just kind of a general, let's
14 make sure we check with people before we make assumptions
15 about what they really mean, kind of reflective listening
16 (indiscernible) tools. Let's go on to the next slide.

17 And again, I'm just picking up on kind of where
18 you were in your last meeting, where I think this was the
19 place as a concept. So I guess I'm supposed to stand over
20 here to stay more in the video, but I do want to stand up,
21 so I can see you all.

22 This is what was put up last month. "That a
23 consensus agreement is reached when each participant can
24 honestly say I may or may not prefer this decision. But I
25 can and I will support it, because it was reached fairly,

1 nobly, with genuine understanding of the different points
2 of view. And it's the best solution for us at this time."

3 So that's a reasonable facsimile of a description
4 of what a consensus agreement is.

5 There are differing versions of this. I think we
6 just need to acknowledge that. So people consider
7 consensus 100 percent absolute getting behind a situation
8 or agreeing on something. Other people think of it as a
9 super majority. You get like 80 percent of the people,
10 when you can kind of consider we're there. Maybe you do a
11 minority report. There are a lot of different ways that
12 people approach this.

13 And I think it's also fair to say that sometimes
14 kind of coming out of the Quaker tradition actually, people
15 just say, "I'm going to step aside. I don't necessarily
16 agree with what you're doing, or what this decision is, but
17 I understand how we got there. And I don't feel strong
18 enough about it that I'm going to object." So that kind of
19 stepping aside notion is also kind of part of what can
20 occur in a collaborative process. But that means that
21 you're not going to stand in the way of it. You're just
22 acknowledging that, "I don't necessarily support it."

23 But our goal though is to try to get everybody
24 supportive of whatever recommendation or decision you're
25 making. So that even if there's one voice that says, "I'm

1 having problems with this," we want to find what is the
2 problem and can we create a solution that meets those
3 needs? So we'll talk in a minute about some of the tools
4 we can use to help us get to that point, where everybody
5 feels like they've been heard, has an opportunity to have
6 their idea incorporated into a final decision. So if you
7 would change that?

8 And then if anybody has any questions as we go
9 please just raise your hand to stop me, even if you're on
10 the phone. Yeah?

11 MR. RAYMER: Yeah, Bob Raymer, I've got sort of
12 an interesting twist on this.

13 MR. BOURNE: Okay.

14 MR. RAYMER: But there are several of us in this
15 room, Gene especially, Carol and myself, who are very
16 involved in the code adoption process start-to-finish. And
17 I see this group as serving a key role in helping DSA craft
18 positions that are then going to be released for public
19 comment. And then help re-craft those and then re-craft
20 after the Code Advisory Committee.

21 MR. BOURNE: Right, right.

22 MR. RAYMER: But I'd say probably four or five of
23 us in this room are involved with this process, start-to-
24 finish. And so as it goes finally before a Code Advisory
25 Committee of which some of us actually -- actually there's

1 at least three of us that serve on code advisory committees
2 and then in front of the Building Standards Commission.
3 Are we supporting all this stuff the entire way through?
4 Is that being inferred here?

5 Or I mean if Gene doesn't necessarily agree with
6 something, but he wants things to go forward in this group
7 I can see the distinct benefit of that; the same thing with
8 me. But let's say it goes to the Building Standards
9 Commission. And this is something that really Gene can't
10 embrace or it's something that I can't embrace. Does that
11 mean we would not be -- I think you kind of see where I'm
12 going with the question?

13 MS. CLAIR: Absolutely. So we understand that
14 every -- do you mind if I answer?

15 MR. BOURNE: No, go ahead.

16 MS. CLAIR: So in the Charter we will be
17 addressing some of those concerns, but we understand that
18 each individual here has an individual voice. And any time
19 there's a dissent there is support to be a report generated
20 that will actually reflect the dissent. So that DSA can
21 say we have either gone contrary to what the recommendation
22 was, or these individuals objected because.

23 And so that will be on the record. And because
24 it is on the record then you can come forth, you know, and
25 speak it at the Code Advisory Committee. Because obviously

1 you're concerns are here and if they need to hear what they
2 are --

3 MR. RAYMER: Perfect.

4 MS. CLAIR: -- they need to hear what they are.

5 MR. RAYMER: Great. Thanks.

6 MR. BOURNE: I mean clearly to the extent
7 possible, because we want this group to work in a
8 collaborative fashion and by consensus to the extent
9 possible, if there's something really obvious that you
10 would object to down the road raise that in this process,
11 so we can try and figure out how to address it.

12 MR. RAYMER: Absolutely, got you.

13 MR. BOURNE: So okay so what are some of the key
14 aspects of collaboration? This is again kind of from last
15 time as a transition between that and this. Exchanging
16 information, coordinating activities, sharing resources,
17 that's one key element of collaboration.

18 Another is learning from each other, as stated
19 before, to become better at what you do.

20 I would also say to that, just to have a better
21 understanding of how other people see the world. And we
22 learn from each other and we could say, "Oh, I see it from
23 your point of view. I hadn't thought about that." So we
24 can help everybody kind of learn more and learn the broader
25 perspectives on a particular issue.

1 And the third point is enhancing each other's
2 capacity for mutual benefit to achieve a common goal.

3 And so that's always wonderful thing if it
4 happens. And so hopefully we can pick up techniques and
5 tools for learning how to build consensus and learning how
6 to collaborate. And in particular when we don't agree on
7 a particular issue or maybe come at it from a very
8 different perspective. Okay, next slide, please.

9 So some other values of collaboration on this
10 next slide, full participation, so in other words we really
11 don't want to do any group think here. Where it's not one
12 person suggests an idea and a couple of other people
13 reinforce it. And then everybody else stays silent,
14 because there's a kind of a sense of that's the direction
15 the group is going.

16 We want everybody to participate. So you may be
17 the only person that has a concern or has an idea, we need
18 to hear it. We want you to feel free to express it and not
19 feel like it's going to be squelched by other people in the
20 group. That would be counter to a collaborative of working
21 together. So we really want everybody to feel free that
22 you can express an idea to make sure we have everything on
23 the table.

24 Another value from collaboration is to create
25 mutual understanding, as I was saying a second ago.

1 We're looking for inclusive solutions and
2 solutions that meet, as far as possible, everybody's
3 interests.

4 Now, there's some solutions that won't be able to
5 do that, but then you try to find the best way possible,
6 moving forward. And then taking some shared responsibility
7 for it is important, because now you become in a way kind
8 of spokespeople for the process. And even if you're not in
9 total agreement, you have an understanding to help other
10 people to have an understanding of how an agreement was
11 reached. Okay. Next slide, please.

12 So this is something I've used for a number of
13 years, because I think it's really important for people to
14 -- I'm sure you have varying degrees of experience in
15 negotiating things. Some of you have been doing it for
16 decades and other people it might be a fairly new
17 environment. So I just want to share some things that I've
18 learned over the last two decades about negotiation and
19 some of the myths that people have that I just want to
20 dispel, or at least see if you agree with me that they're
21 myths.

22 First, is this idea that winning, getting your
23 point of view, requires the other side losing. And a lot
24 of people come into negotiations thinking that.

25 And I think what we find from doing kind of

1 interspace negotiation, which I'm going to be talking about
2 in a minute or two, we find that if we understand what each
3 other's interests are, there are actually ways to have
4 mutually agreeable solutions. But it depends on how you
5 approach negotiation. But this is an idea that a lot of
6 people carry in, when particularly I think they don't have
7 a lot of experience doing negotiations.

8 Another thought that sometimes people will carry
9 with them, is that kind of competitive hardnosed approach
10 is superior to other approaches.

11 There's actually a fair amount of research that's
12 been done on this at the Harvard program on negotiation.
13 And they've actually found that the only people that are
14 really good at this kind of competitive, hardnosed approach
15 in negotiation are people for whom it comes fairly
16 naturally. People that try to do that and kind of put a
17 front out, that it really often times leads to complete
18 failure in negotiations. And so if you can do this well it
19 may be beneficial in some settings. The problem is it also
20 can be very off-putting.

21 And in long-term relationships where negotiations
22 have to occur over a period of time, like we've been doing
23 for 30 years right, if we're too hard on other people or
24 too hard on the people that whole issue of trust and can I
25 we really work with this person comes into play. And it

1 can make relationships in negotiations difficult.

2 Another myth is that when you consider the other
3 party as adversaries and it's kind of related to the first
4 two, but clearly that is not necessary.

5 Our culture kind of reinforces this, right? With
6 a lot of social media that if you don't agree with me then
7 you must be the enemy. That's a very unfortunate. That
8 doesn't need to be the way it is.

9 Another myth that sometimes people carry in is
10 that to succeed you'll be required to compromise your
11 values or your key interests.

12 And any process that says to you, you have to
13 compromise your values to achieve a goal, is really not a
14 collaborative process. And one should not be expected to
15 have to compromise your values. You may have to compromise
16 how you see the solution working out. And we're going to
17 talk more about that later. But that's a whole different
18 issue. Okay, I've got a couple more on the next slide.

19 Sometimes, and this is maybe not totally
20 pertinent in this case, but it could be. Large, kind of
21 first offers, in other words positions you take there is
22 this idea that you put a large first offer out there, it
23 increases your chances of obtaining and speeding your
24 objectives.

25 And so you think about like buying something and

1 you kind of do just the opposite. You low-ball it and try
2 to get something for the least money you can? And you know
3 if you're in the range of an area that somebody's willing
4 to agree, that's fine. But if you're so far below what
5 someone else is willing to do then they're just not going
6 to respond. And the negotiation never even begins.

7 So this idea of kind of exceeding what you want
8 as a way of -- now it's really another kind phase that is
9 sometimes used is horse trading, right? "I'm going to go
10 way over what I want and the other person's going to go way
11 over what they want," and then you kind of find the middle.
12 Well, sometimes that happens. But when you talk about
13 policy and long-term negotiating relationships, it's
14 probably not the best strategy.

15 Also, when you do that, if you don't know what
16 the bounds of potential agreement is and you're too far
17 outside that, as I said a minute ago, the negotiations just
18 don't proceed. Because you're not willing to talk to
19 somebody who's so far away from what you believe is a
20 reasonable solution. So we try to encourage people to not
21 take that approach.

22 And then using collaborative approaches, this is
23 kind of a final myth, that using collaborative approaches
24 are a sign of weakness and will decrease your likelihood of
25 success. That somehow if I kind of give in to somebody

1 else's interests and try to help them figure out how to
2 meet their interests as well as mine, that somehow that's
3 demonstrating you know weakness. And now I'm going to be
4 taken advantage of.

5 And what you find when you do really good hard
6 collaborative problem solving, is it's hard work. You have
7 to work through the dissents. You have to work through
8 inch given by an interest. And it's actually harder to do
9 and it's definitely not a sign of weakness. It's actually
10 a sign of I think leadership to say, "Hey, we can figure
11 this out, but it's going to take some hard work."

12 Okay. Let's move on to next -- let me just stop
13 here. Are there any questions or comments, anybody
14 disagreeing with anything, any of these what I call myths
15 on the path of negotiation?

16 (No audible response.)

17 Okay. So just real quickly this is probably
18 something I think anybody who's ever been part of a
19 collaborative process, you've heard this, right? I mean
20 this is like actually kind of ad nauseam, but I thought I'd
21 contribute to that by just putting it up here as well.

22 And this is work that was done years and years
23 ago. And now everybody talks about, okay you start a
24 group. Then you start forming and then you go through the
25 process of storming and then norming and then you perform.

1 And it's really just an acknowledgement. And so
2 I just thought I might as well put it out here, so
3 everybody, we're kind of on the same page. That when you
4 first come together it's kind of like who else is in the
5 room. And of course a lot of you know each other, because
6 there's a history of kind of working through codes and
7 you've met each other. Some people are new to this. But
8 whenever there's new people there's always this process of,
9 "Okay. Who else is in the room and can I trust them? And
10 how do they communicate and how do we interact,
11 personality-wise?" And so there's all this kind of process
12 that goes on just between any human beings that kind of
13 it's getting to know each other.

14 Sometimes that goes smoothly. Sometimes it can
15 be really challenging. And particularly when you have
16 topics that tend to have somewhat kind of a history of
17 polarization on how to pursue it, then that makes it more
18 challenging. Because people coming in either thinking
19 they're either suspicious of someone else or thinking,
20 "Boy, this is going to be really hard, because I know every
21 time I've met with this person or somebody from that
22 organization we're just banging heads and it's very
23 difficult to make any progress." But that's part of this
24 process of forming and kind of figuring out who we are, how
25 are we going to work together.

1 The storming is what I was just referring to.
2 You get to a point where you say, "Okay. I kind of
3 understand the dynamics now. I think we can move forward."
4 In essence, you're kind of acknowledging that internally.
5 "I know I'm going to have to deal with this person, or I
6 kind of know how this person approaches things." Some
7 people are very verbal. Other people have to think about
8 things and have to process it before they express their
9 point of view.

10 And so we have to allow for kind of all those
11 dynamics to occur. But that's what starts happening in
12 this norming phase where you start understanding those
13 dynamics. And then you get to that point where, "Well hey,
14 we're really making progress here. We kind of understand
15 each other. We know our boundaries. We know our limits.
16 And we know we have a sense of how we can make progress."

17 So I just wanted to acknowledge that we're kind
18 of in this forming, storming stage I would say. Is that a
19 fair thing to say at this point? And we hope to move to
20 the norming and performing before too long.

21 Okay, let's -- so, what are some of the common
22 barriers to successful negotiation? I thought we would
23 just point to these before we get so some of the principles
24 for the overcoming them.

25 Certainly a barrier to negotiations is hostility.

1 If we come in really kind of hostile to the other side,
2 very different values, very different perspectives,
3 sometimes some people bring some hostility in with them on
4 that. And that obviously is a barrier to negotiation,
5 because it's very difficult to kind of work through issues
6 if there was just this kind of palpable tension between
7 people and no trust and kind of feeling like hey, I might
8 be attacked. Not physically, but -- well, I've actually
9 been at meetings where that was possible. (Laughter.) But
10 at least verbally and kind of emotionally attacked. And so
11 nobody wants to be attacked in any form or fashion. But it
12 can really obviously be a barrier to any successful
13 negotiation.

14 Personal bias, I mean we all bring certain biases
15 into any process, because of our profession, because of our
16 upbringing, because of what part of the country we lived
17 in, because of... I mean you just go down the line. We
18 all have biases and if we can recognize those and be
19 somewhat self-reflective on those that can be helpful in a
20 negotiation. But a lot of times people are so accustomed
21 to seeing the world through a certain lens, their bias is
22 so strong that it's difficult to kind of break through
23 that. So that can be a barrier to negotiation.

24 Clearly threatening other people is a barrier to
25 negotiation, when none of like to be threatened. And it

1 really kind of diminishes trust and the willingness
2 actually to sit with somebody. And a lot of people are
3 just going to walk away from that. You know, "If that's
4 going to be the way this is going, then I don't need to be
5 part of that. I'll find another way."

6 Now here's something that's fairly common. It's
7 called positional bargaining. And this is where we see a
8 lot of negotiations fail, because they never move beyond
9 taking just a position. "I'm opposed to this." And
10 without ever getting to why I'm opposed.

11 I'm going to give you a quick example of this.
12 Years ago, I actually lived in Atlanta for a number of
13 years, so I've been through Birmingham on a number of
14 occasions and --

15 MS. DUNLOP: So we speak the same language.
16 (Laughter.)

17 MR. BOURNE: And so at the time after Jimmy
18 Carter was President, they were developing a library, a
19 presidential library. And it was going through a
20 neighborhood. It was actually in a very nice area of
21 Atlanta. And they were going to have to, of course, build
22 a building and build roads and all that, and the
23 neighborhood, even though many people liked Jimmy Carter
24 since he was from Georgia -- this happened in Atlanta, by
25 the way -- a lot of people in the neighborhood opposed the

1 library. And why can you imagine you might oppose a
2 library in a semi-residential area?

3 MULTIPLE SPEAKERS: Traffic. Traffic.

4 MR. BOURNE: Traffic, right that was the main
5 thing. And many of the residents said no way is thing
6 going to be built. And so it led to a lawsuit. And that's
7 a position. "We're fighting this. We're not going to
8 allow this to be built. We don't want the traffic. We
9 don't want the noise," and kind of, "over my dead body"
10 kind of approach.

11 And so it went to court and the court said, "I'm
12 not going to hear this until you try to mediate it." It
13 was mediated and what happened then is what is -- I'm going
14 to get to kind of the techniques in a minute. What
15 happened then is it moved people, that forcing a mediation
16 moved people past what their position was. So it was no
17 longer just enough to say, "I'm opposed to this road." Or
18 "I'm opposed to this library."

19 It's like, "Why are you opposed to the road?"
20 "Well, we're concerned about noise." Then, if that's the
21 case what can we do about noise?

22 "We're concerned about safety." And if that's
23 the case, how can we make sure that this is safe, so that
24 if you've got children --

25 And so basically you break it down into the

1 interests behind the positions and then you've got a way to
2 solve the problem. And they did mediate it. They figured
3 out how to put a road in that satisfied everybody and it
4 worked out fine.

5 But as long as you stay on the position and don't
6 get to kind of the whys behind the position, you can't
7 negotiate around that. Well, you can try, but it's not
8 going to go very far.

9 Okay, accusations, obviously accusing people of
10 other things.

11 This is why I really stress not making
12 assumptions about what we think someone is saying. Because
13 I've seen a lot of accusations made of other people, based
14 on something they said. Based on the assumption of what
15 that person meant, when in fact they didn't mean that at
16 all. It's just the way they expressed it and way it was
17 heard came across that way. And so it becomes --

18 And so instead of accusing somebody, "Well,
19 you're doing this because," it's like instead of that, "Let
20 me understand. I think what I just heard you say is such
21 and such. Is that true?" And then either the people can
22 reaffirm that, "Yes. You've heard me correctly," or "No,
23 that's really not what I meant at all." And that can help
24 prevent accusations, but clearly when we become accusatory
25 of each other that breaks down a negotiation.

1 "It's your problem, you know. I'm not going to
2 deal with it." That obviously doesn't lead to negotiation
3 and failure to realistically consider the consequences.

4 A lot of times negotiations fail, because people
5 don't look at what the realistic alternatives are. Why do
6 80 percent plus of lawsuits get so-called resolved on the
7 courthouse steps?

8 MS. CLAIR: Last ditch effort.

9 MR. BOURNE: (Overlapping) I know we have some
10 litigators in here that know the answer to that. Pardon?

11 MS. CLAIR: Last ditch effort.

12 MR. RAYMER: Well, a fear that you're going to
13 entirely lose or --

14 MR. BOURNE: Exactly, exactly. I mean, unless
15 there's tons of case law backing you up where you have a
16 high degree of confidence you're going to win. I mean you
17 could easily lose, but a lot of times people don't do that
18 until they're getting to that point of, "Oh, I'm now about
19 to go before a judge or a jury or whatever. And maybe my
20 argument isn't quite as strong as I thought it was," and so
21 they're finally considering the consequences. But a lot of
22 times people don't do that realistically.

23 And that can be, even in like buying a house or
24 any -- do we have a realistic expectation of an outcome?
25 And a lot of times people bring other ideas in and they're

1 not very accurate and that's a barrier to a successful
2 negotiation.

3 Okay, on to the next. Any questions on that from
4 anybody either on the phone or anybody in the room?

5 (No audible response.)

6 MR. BOURNE: So here is some work that was done
7 by some psychologists. I want to just check the time here
8 and see how we're doing. I think we're doing okay.

9 And when we finish this before we go into the
10 Charter we'll take a break. So we'll stretch and get some
11 water, go to the restroom, whatever people might need to
12 do.

13 But the question here is how do you typically
14 respond to conflict? There's been some really good social
15 psychology work done on how people typically respond to
16 conflict. And what I've found from my experience over the
17 years is the way people respond to conflict impacts how
18 they negotiate and how they act in a collaborative process.
19 So let's move to the next slide and we'll just start going
20 through some of these.

21 So, Kilmann and Thomas are these social
22 psychologists, they put this structure together years and
23 years ago. Some of you maybe have seen this. But I think
24 it's worth going through, just so we all again kind of have
25 the same idea. So one way that people respond to conflict

1 is to avoid it. And in fact, research varies on this, but
2 probably something in the neighborhood of 60 percent of
3 people avoid conflict.

4 Why do people avoid conflict?

5 MS. SCHUR: It's unpleasant.

6 MR. BOURNE: Pardon.

7 MS. SCHUR: It's unpleasant.

8 MR. BOURNE: It's unpleasant. It can be
9 unpleasant. Why else?

10 MR. RAYMER: It's stressful.

11 MR. BOURNE: Stressful.

12 MS. DUNLOP: It's easier.

13 MR. BOURNE: Easier, much easier. Yes it is,
14 exactly.

15 So as a result a lot of people -- and I think a
16 lot of people, because we don't do a really good job
17 although more and more now in schools they're getting
18 training on how to be like peer mediators and what not.
19 But I think don't learn the skills when we're growing up
20 that say if we have a conflict with somebody hey, it's not
21 always bad. I mean, it may be a way to really kind of
22 solve a problem and create a better solution to an issue or
23 whatever.

24 And so we do, we kind of fear conflict. And
25 because we haven't really been trained in how to deal with

1 conflict we avoid it, because it's easier and it's less
2 stressful. All the things you just mentioned. So that's
3 why I think probably a good chunk of people tend to avoid
4 conflict unless they're just kind of backed into a corner.
5 And of course, that's really not a great time, because now
6 we respond in a very different kind of way.

7 The next one that's been a fairly common approach
8 to conflict is to accommodate. What do you think this
9 refers to?

10 MS. SCHUR: You just give in. You allow the
11 other side to do what they want, because it's easier than
12 arguing.

13 MR. BOURNE: Exactly. And you know there may be
14 some times when accommodating is okay.

15 So for example, if somebody values point X really
16 highly and X is not really important to you, but you really
17 value Y and Y may or may not be important to them there are
18 opportunities to get some tradeoffs in the negotiations.
19 But if you're just accommodating, as Dara would saying
20 because it's easier or just, you know, then that really
21 undermines a good kind of collaborative process. Because
22 it's like "Oh well, I'm tired today."

23 But if it's truly not that important then maybe
24 you do accommodate, because it's just not -- you know, on
25 your priority scale it's not that high. But if there's a

1 rationale for accommodating that makes sense, it's fine.
2 But if you're accommodating just because you don't want to
3 deal with it, the stress or whatever, then that's not a
4 good approach to solving conflict.

5 Okay next is competing. So this is quite the
6 opposite.

7 And the kind of competitive mode of conflict is
8 to immediately resist and try to impose our self on that
9 situation. And so that kind of competitive way of dealing
10 with conflict is because we've all heard the fight or
11 flight kind of mentality to conflict. Well, that's the
12 fight part where, "If you're in my face then I'm going to
13 be in yours kind of thing." And again this has -- all of
14 these as we'll see, have implications to the way you
15 negotiate.

16 Okay, what's next? Compromising.

17 So a lot of times you think well compromising is
18 the way to go. What are some of the problems with just
19 compromising? Yes, Gene.

20 MR. LOZANO: There's sometimes residual
21 dissatisfaction.

22 MR. BOURNE: Okay. Yeah, residual
23 dissatisfaction, because it's kind of buyer's remorse,
24 right? You look back and you're, "Oh, my gosh, why did I
25 do that?" or "I left a lot on the table." Or whatever,

1 exactly.

2 Any other thoughts on that? Yes, Carol?

3 MS. LOEFFLER: This is Carol Loeffler. I think
4 sometimes you feel like it's getting watered down.

5 MR. BOURNE: Okay.

6 MS. LOEFFLER: So the purpose of what you're
7 trying to accomplish now no longer has the same purpose.

8 MR. BOURNE: Okay. Great, great.

9 Kaylan?

10 MS. DUNLOP: Nobody really gets what they really
11 want.

12 MR. BOURNE: Okay. Yeah. Everybody kind of --
13 it's kind of like another way to think about it is the
14 least common denominator solution, right? It's just what
15 you can barely kind of squeak out and so all those are
16 great points.

17 MR. MEDINA: Hello?

18 MR. BOURNE: Oh, yeah. Vidal, please?

19 MR. MEDINA: Yeah, I have a comment.

20 MR. BOURNE: Yes, sir.

21 MR. MEDINA: Yeah, with a compromise sometimes
22 the point you compromise is they have to ask themselves
23 what did they give up?

24 MR. BOURNE: Yeah. Absolutely.

25 MR. MEDINA: And sometimes they don't like it.

1 MR. BOURNE: Right. No, that's a good point. So
2 but it is a way sometimes people respond to conflict is
3 just if they can see the kind of the easy way through as
4 long as they get a little something out of it they go ahead
5 and move forward when in fact --

6 So there's a great example I'll use with this
7 last approach to conflict, one more, is the idea of
8 collaborating.

9 That when conflict occurs you really try to sit
10 down with somebody and figure out, "Okay. What's going on
11 here? Why is it difficult for us to agree? What are the
12 ways we might be able to solve this problem?"

13 And so of course for a collaborative process this
14 is where we want to be, is how can we all learn how to
15 collaborate? We've already pointed out it's hard work.
16 It's harder than any of the rest of these. And it may not
17 feel as hard as competing, but it is. It's actually
18 harder, because at the end the competitive approach either
19 usually results in somebody pretty quickly having their way
20 and you're done. Or you figure out, "I don't want to be in
21 that environment." And you walk away.

22 So the collaborating takes the most energy. It's
23 also the most productive. But it's also the thing that a
24 lot of times people don't do, because it seems too
25 difficult or being realistic sometimes the time, the

1 resources or whatever are not there. That's why there are
2 argument modes of decision making.

3 I mean if you're in the military, for example.
4 And this is the one place where maybe there's more kind of
5 competitive, if you want to call it that, if you had to
6 categorize it here it would be in that mode. Where, "Hey,
7 we've got to make a decision. We don't have time to kind
8 of work through every differing point of view here." I
9 mean a good leader would still hear from everybody and hear
10 what are the pros and cons? What do I need to consider in
11 this decision and then try to make the best advised
12 decision possible? And not just make a willy-nilly
13 decision the falls apart later.

14 But so collaborating, and we want to try to move
15 people into this mode. We're going to talk about a couple
16 of skills here in just a minute on how to do this.

17 Here's a good example. There's a book I really
18 highly recommend everybody to read. And many of you
19 probably have already read it as it's been around 20 or 30
20 years, actually at least 30 years, called "Getting to Yes",
21 by Roger Fisher and Bill Ury. It's just a very easy read
22 on what they termed many years ago principled or
23 interested-based negotiation.

24 The first time when you hear that if you don't
25 say interest-based slow it can sound like "inter-space".

1 That's what I heard one time. Inter-space negotiation.
2 What is that? That's sounds interesting, but it's
3 interest-based. You have to pronounce all those letters.

4 But anyway, yes, Carol?

5 MS. LOEFFLER: I think that if I could say it, I
6 think there's an additional one.

7 MR. BOURNE: Yeah. Okay.

8 MS. LOEFFLER: Part of what somebody might say is
9 a passive-aggressive personality is someone who might for
10 an example, say I really feel strongly about something.
11 But I know that people aren't going to really listen and
12 that I don't explain myself succinctly enough, so they've
13 tuned me out.

14 MR. BOURNE: Okay.

15 MS. LOEFFLER: So than I'll just stop. So it's
16 not really those, it's -- and it's not passive-aggressive
17 where you're just going to go ahead and do what you want to
18 do. But it's -- I give up the white flag I think is what
19 you call it, right? So there's --

20 MR. BOURNE: Yeah, so passive-aggressive suggests
21 that you kind of withdraw a little bit right, and let
22 things role. But then if they're not rolling the way you
23 want, so it's almost like flipping from avoiding or
24 accommodating to competing, right? Where in the early
25 stages you're just kind of going along and then it's like,

1 "Hey, nobody," or "Nobody's listening to me," which is what
2 you're saying, "So I'm going have to do this. I'm going to
3 have to really get out there and be aggressive."

4 MS. LOEFFLER: Well, no. "Nobody's listening to
5 me, so now I'll just stop. It's not worth this."

6 MR. BOURNE: Yeah. But then it gets to a point
7 right, where the aggressive part comes in.

8 MS. LOEFFLER: Well, it depends. Well, that's
9 where I think sometimes then people misinterpret it. I
10 mean, I used to debate, by the way. And call you a baby
11 and you can't accept what other people are deciding. And
12 it's like, "No, I just decided it's not worth it. Nobody's
13 understanding me."

14 MR. BOURNE: Right, that I --

15 MS. LOEFFLER: So here it's different, in the
16 sense of passive-aggressive is, "Oh, I'm going to just sit
17 back, but then I'm going to charge." No. It's, "I'm just
18 forget it."

19 MR. BOURNE: Okay. Good.

20 So let me just give a quick example of the
21 difference between collaboration and compromise. And this
22 is an example they use in "Getting to Yes," which is I
23 guess what I was saying -- not to get side tracked off that
24 -- if you haven't read it I highly recommend reading it.
25 They lay out this idea of principle negotiation, where you

1 actually have some principles on which you base your style
2 of negotiation that through -- and I mean Roger Fisher, who
3 wrote this book with Bill Ury, I mean he was involved with
4 Middle East Peace Accords. I mean, he's been the most
5 difficult situations. And it works from if you're trying
6 to work out peace arrangements in the Middle East all the
7 way to working out an issue with a friend or a spouse or
8 somebody in your family. I mean, it just is a great tool
9 across that range.

10 And so here's an example of the difference
11 between collaboration and competing. There's one orange
12 left in the grocery store. Two people arrive at the same
13 time. They both go to grab it and they kind of look at
14 each other and say, "Well gee, they must have more." And
15 so the produce person comes by and they say, "Hey, do you
16 have more oranges?" And they say, "No." And they both
17 say, "Well, I really need an orange." And so the produce
18 guy has his knife on him and he just cuts it in half and
19 they both end up getting half an orange.

20 Now, one person goes home and peels the orange
21 and uses it to bake a cake. The other person goes home,
22 peels the orange, throws the peels away and eats the fruit.

23 Now, if they had talked about what their
24 interests were one person could have had the entire peel.
25 The other person could have had the entire orange, the

1 fruit. See the difference?

2 And so how do you get there is you talk about
3 what your interests are. If they had had a dialogue about,
4 "Hey, why do I want that orange?" "Well, hey I want an
5 orange to eat." "No, I just need an orange to go bake a
6 cake. I need the rind only."

7 Then -- so it's a very simple example, but it's
8 an example that makes the point. That rather than
9 compromise, which is what they did right, they just cut it
10 in half. Now, they both get exactly what they wanted if
11 they had only talked about it and tried to work it out.

12 So with that, let's go on to principle
13 negotiation. We're almost done here, but I think we have
14 two slides left.

15 And so drawing from the book, "Getting to Yes",
16 here are the main concepts. In fact, after doing this you
17 won't have to read the book. (Laughter.) But actually I
18 would recommend reading the book, because they have a lot
19 of stories and nuances that make it real and make you
20 realize that you can apply these tools in a very wide range
21 of circumstances.

22 The most important -- well, they're all important
23 -- but this idea of focus on the interests and not the
24 positions, I've already referred to that. And in the
25 example I just gave the position was, "I want the orange."

1 And they didn't ever move beyond their position. So they
2 were left with a half of a solution. Whereas if they had
3 explored their interests and they knew what the other
4 person wanted and it's asking the why question, "Why do you
5 want the orange?" If they had just explored why they
6 wanted the orange they both could have had exactly what
7 they wanted and needed.

8 So focusing on interests and not positions is
9 like absolutely critical. And that's why it's called, in
10 addition to principle negotiations it's called interest-
11 based negotiation, because it focuses on interest.

12 And what I've seen over the years of being in
13 some fairly high-level negotiations, is even if you're good
14 at this even if somebody else wants to keep it at a
15 positional bargaining level, you can break that down.
16 Because it becomes obvious that you're not going to be able
17 to solve it at that problem, so you just keep probing. And
18 sometimes you explain what some of your interests are and,
19 in essence, it invites other people to explain what their
20 interests are.

21 So in this process when we're talking about
22 potential code changes you're going to hear this a lot,
23 "What are your interests? Why do you want that?" Because
24 you may think the only solution to a problem is Solution A.
25 But if you explore other interests, Solutions B, C, D and E

1 might emerge and one of those might meet your interests as
2 well as Solution A. So part of it also means we have to be
3 willing to be flexible to see that they may be a different
4 solution than the one I imagined, once you understand and
5 explore all the other interests. And maybe create new
6 ideas. So we'll get to that in a second.

7 Another major part of principle negotiation is
8 separating the people from the problem.

9 A lot of times people come into negotiations and
10 it gets all hung up around personalities or different
11 approaches to different styles of negotiating or some
12 baggage from, "Hey, I negotiated with this person ten years
13 ago and I'm not going to trust them." And so we've got to
14 separate the people from the problem.

15 Years ago I was working and I was in the
16 southeast. I was working on an issue in Florida, in an
17 agency that gave hunting permits and then there was another
18 agency that was all about conservation. And the two people
19 that were representing those organizations -- one was the
20 Park Service and the Fish and Wildlife Service of the state
21 -- they were both like third-generation in that job. I
22 mean, literally. I mean the one was third-generation,
23 working on hunting and all that. And the other was like
24 third-generation park service. They were so diametrically
25 opposed in their values they could hardly sit in the same

1 room and talk.

2 And that was a perfect example of they were so
3 hung up on the problems between themselves they never -- so
4 one of the outcomes, I mean we actually negotiated a
5 settlement, which was great. But one of the outcomes was,
6 "You probably need to -- both agencies need to have
7 different spokespeople, because if you had maybe had
8 different people representing your organization you might
9 have been able to solve this problem." But because the
10 people involved had so much difficulty with each other, it
11 just squelched those opportunities. So we need to be able
12 to separate people from the problem.

13 The third is invent options for mutual gain. And
14 this is the part I was talking about, about once we know
15 each other's interests we start creating new possibilities.
16 "Well, gee. I thought the only way of doing this was this
17 way. But now oh yeah, if we're considering that one maybe
18 we can do this, that or whatever." And, "Hey," and then we
19 have to be open to that possibility

20 Another important, the fourth important point, is
21 to use objective criteria to the extent possible. Use
22 objective criteria for making decisions.

23 Because if we're just going to make a decision on
24 what feels good or what seems to be right if there's no
25 objective base, then how do you kind of decide how you're

1 going to make a decision? So it's always important in a
2 decision-making process to say, "What are the criteria that
3 we're going to use for making a decision?" and have those
4 be as objective as possible.

5 And so I think at some point we may have to kind
6 of wrestle with that a little bit as well, is what are
7 going to be the criteria for making decisions? And are
8 there objective basis based on research, based on years of
9 experience, seeing how something works or doesn't work or
10 how it works for a certain population, but not another
11 population. Or maybe it worked over here, but it hasn't
12 worked over there and why is that? And then how you kind
13 of figure that out. But having some objective basis for
14 making decisions is helpful. It's not always possible, but
15 it's helpful.

16 The last concept -- I think this is the last
17 slide is -- and we've already talked about this failure to
18 consider the consequences. But what Fisher and Ury
19 presented is the idea of what they called the best
20 alternative to a negotiated agreement or a BATNA.

21 And so this simply means know what your options
22 are, because that may drive what you do. In other words if
23 you have -- let's just say you've assessed your options.
24 And the most certain option that you have is okay with you,
25 but it's really not optimal. But at least you know that

1 you have an okay solution.

2 In another situation you may look at the whole
3 situation and say, "Gee, you know, I don't have a good
4 solution to this." And so almost anything you can get is
5 going to be an improvement. But it's always good to know
6 what your best alternative to negotiate an agreement is.

7 Now, some people would look at a collaborative
8 process and say, "Well, my best alternative to a negotiated
9 agreement is to go to my legislator and see if I can get
10 them to put pressure on someone." Or I mean in the public
11 policy realm we often times think there are other solutions
12 to a negotiated agreement. The reality is though unless
13 there are certain circumstances in place that really allow
14 that to play out to be true, there's usually more
15 constraints on those kind of approaches than just going to
16 through the negotiated process.

17 So years ago I helped negotiate the Delta Vision
18 here in California. How to use the water in the delta?
19 And you know there are people north of the delta that have
20 one point of view and people in the delta have another.
21 And people down in the Valley that have another. And
22 people in Southern California that have another. So they
23 all have totally different views on how to approach this.

24 Well, we went through a year-and-a-half long
25 negotiation process. And when we came out we had everybody

1 at the table pretty much in agreement. It went to the
2 Legislature. They immediately said, "Oh, we can come up
3 with a better solution." (Laughter.)

4 They then went through about a year of wrangling.
5 And then they said, "Maybe we ought to go back and look at
6 that Delta Vision process to see what came out of that."
7 And they didn't adopt it all, but they adopted a good chunk
8 of it. They changed some of the outcomes. You may have
9 seen they were thinking about these twin tunnels under the
10 delta. That wasn't the outcome of Delta .Vision, but a
11 lot of the other stuff was and my point being that we
12 always have to consider what the best alternative is. And
13 if you had a good BATNA, it's something you can really live
14 with, that puts you in a stronger negotiating position.
15 Because, you know, "I can always fall back on this." If
16 you have a poor BATNA then it really gives you a little bit
17 more incentive to negotiate out a solution, because the
18 alternative isn't so good.

19 Then the reality is though having a realistic
20 assessment of that. Because going to the Legislature to
21 try to effect change may or may not be a realistic
22 assessment. That person may have enough clout to make a
23 change. They may not. And if you do that and other people
24 find out that you've done that and think that you're kind
25 of going back door then that creates resentment, undermines

1 trust, all those things. So we really have to calculate
2 this very carefully. And really understand what's
3 realistic.

4 Because again, a lot of people imagine they have
5 these great alternatives when in fact if you really
6 examine, it's not such a good alternative. And it may not
7 be nearly as realistic as you think it is.

8 So that's, I think, the last slide I had.

9 MS. DUNLOP: Greg? Greg, can I ask a question?

10 MR. BOURNE: Yeah.

11 MS. DUNLOP: This is Kaylan. So is the best
12 alternative something you come to the table with or
13 something you come to as a group?

14 MR. BOURNE: It's something that you typically
15 come to the table with. It's something that you already
16 kind of have that you think that you can rely on. And so
17 if that's a good alternative then it puts you in a good
18 position to actually be very flexible and try to create
19 even a better solution. You know, if it's not a very good
20 solution then you may have to agree to some things that
21 you'd rather not, because it's better than what you have,
22 which is like nothing. But if you had something you
23 developed for yourself. Does that make sense?

24 MS. DUNLOP: Uh-huh.

25 MR. BOURNE: And then so everybody in the room

1 basically has a BATNA. And that BATNA is either whatever
2 comes out of this process. Or I'm part of the coalition
3 and that coalition carries a lot of weight and that may
4 carry the day or whatever, right? But everybody has a
5 BATNA if you do that analysis.

6 The value of coming together in a group like this
7 is to say "Look, most of those BATNAs probably have some
8 adversarial aspect to them, or they're going to undermine
9 future negotiations, or they're going to undermine
10 relationships. And I have to work with these people for
11 the next two decades," or whatever.

12 So a lot of BATNAs, when you really look at them
13 are not so great, because they carry those kinds of what
14 you could call secondary impacts along with them. So
15 that's why coming together like this is like, "Hey, if we
16 can get something where we work this out amongst all of us
17 and we can try to march forward and get at least things
18 that are as good as or better than my BATNA, then I can
19 feel good about that. And we can have strong relationships
20 with people I'm going to have to work with in the future.
21 And we build trust, so that when other difficult issues
22 come up in the future I can sit down with those people and
23 have a good dialogue with them."

24 So I think we always have to look at negotiations
25 in the long term. And I think this is another mistake that

1 people make. They kind of think that, "I'm going to be
2 able to do that in this negotiation and get away with it."

3 Well, if it's a one and done if you're talking
4 about buying a used car, well maybe so. But if you're in
5 the public policy realm, I mean how many of you have been
6 working on code issues, right? A couple of you have said
7 for decades, right? And many of you. And so the long-term
8 relationships count. And that's why doing a more
9 collaborative process makes a lot more sense than some of
10 the other mechanisms that you certainly have available to
11 you, but when you look at the cost or if you look at the
12 value of working out it collaboratively, it's a far better
13 solution.

14 So any final kind of questions or comments about
15 this? Yeah.

16 MR. BUMBALOV: I noticed it when we started, but
17 I'm kind of person that is attending meetings I'm always
18 the opposite, so don't get mad at me. (Laughter.) My
19 brain functions like hearing the argument I will get the
20 idea, because I have been to a lot of meetings that
21 everybody agrees with everybody and nothing happens with
22 these meetings. So if you tell me something in the first
23 two seconds I will disagree with it, but hearing the
24 arguments, you know, I will build up my --

25 MR. BOURNE: Yeah.

1 MR. BUMBALOV: So I'm not a voting member here,
2 but be patient with me. This is how my brain functions.

3 MR. BOURNE: Well, good. Thank you for sharing
4 that. I mean, that's actually very valuable information.

5 And some people, when I said this earlier, some
6 people process information like really quickly and can
7 verbalize that. Other people a) either can't verbalize
8 really quickly or b) just need more time to let it soak in.
9 And that's actually not a bad thing. But a lot of times in
10 processes like this people think like, "Oh, I have to have
11 an immediate response or I have to make an immediate
12 decision." And there's a tried and true principle about
13 negotiation, which we haven't talked about, which is simply
14 you should be able to go home and "sleep on it." And come
15 back the next day and say, "You know, I can live with that.
16 That's okay."

17 If you wake up the next morning and say --

18 MR. MEDINA: (Indiscernible.)

19 MR. BOURNE: Yes, Vidal. I'll get to you in just
20 one second.

21 MR. MEDINA: Okay. Great, great, let me know.

22 MR. BOURNE: But if you kind of wake up the next
23 morning and think, "Boy, you know, I gave away the farm."
24 Or, "This is a huge issue for me and we didn't get it
25 addressed." Then that's not such a good thing.

1 So you should be able to reflect on an outcome
2 and come back to it and say, "Yeah, it wasn't perfect,
3 but..." Or maybe it was perfect, but if it wasn't perfect
4 at least it's, "Yeah, I can live with that and my
5 constituency can live with that. They will not fire me."
6 Or they will actually or whatever it might be.

7 So yeah, Dara?

8 MS. SCHUR: Well, I think Vidal first and then
9 me.

10 MR. BOURNE: Oh yeah. Thank you. Vidal, sorry.
11 I've got a short memory.

12 MR. MEDINA: Thank you, thank you. I'm sorry to
13 interrupt that way. I don't have any clue as to when it's
14 okay to interrupt.

15 MR. BOURNE: No. That's the best way to do it is
16 just jump in.

17 MR. MEDINA: I appreciate the orange story,
18 because it really gives an example of compromise where you
19 have two winners and no one felt like the loser, as I
20 stated earlier.

21 The other thing I wanted to mention real quickly
22 that pertains to this is when I'm doing communication with
23 either consumers or collaborative partners sometimes I look
24 at their point of reference. Because all of us, no matter
25 what we do, we have a point of reference. And sometimes

1 that influences how we look at things, how we negotiate
2 things, what is our point of reference as to what we do in
3 our lives that affect our decisions and opinions on things
4 like that you have to negotiate. So that's kind of one of
5 the comments I wanted to make on that.

6 MR. BOURNE: Well, give an example if you would,
7 so everybody can be clear on this in the spirit of good
8 open communication. What do you actually -- give an
9 example of what you mean, your point of reference?

10 MR. MEDINA: Okay. A point of reference for me
11 when I'm speaking to someone is they -- let's take a
12 collaborative partner. And they haven't worked well with
13 ILCs in the past or they haven't worked with nonprofits
14 very well. But they do want to collaborate, but they're
15 not really sure, because they attack this issue and this
16 issue. So their point of reference has a negative
17 connotation to what I was trying to do. I'm trying to
18 build a collaborative partnership, but they're not really
19 sure about it.

20 So their point of reference kind of has an
21 influence, a lot of influence, on how they just start the
22 conversation with me to try to get a collaborative
23 partnership. And that's happened once before with an
24 agency here in town. But it wasn't so much that they
25 didn't -- they weren't listening to what my proposal was or

1 my discussions were, because of their point of reference.
2 They just had a negative feeling about working with
3 nonprofits.

4 MR. BOURNE: Uh-huh.

5 MR. MEDINA: That's what I meant.

6 MR. BOURNE: Yes, okay. Good. Thank you very
7 much.

8 Yes, Dara?

9 MS. SCHUR: Well, I was just going to say I
10 really appreciate Stoyan's comment, because that's my
11 natural style. I grew up in a family where everybody
12 argued all the time verbally. But you know that was just
13 the style and I know that there are very different styles.
14 So I will work hard at, and have been working hard for many
15 years, to try and acknowledge and work on different styles.
16 But I may occasionally fall into that style, because it is
17 very comfortable one for me. I just wanted to share that.

18 MR. BOURNE: Sure. Thank you. I appreciate
19 that.

20 Yeah. And we all do have different styles and
21 that's part of this process. And I appreciate you all
22 sharing that and other people who may tend to really remain
23 quiet and more reflective; we want you to engage at the
24 level you can so that your points of view are on the table.

25 So we really want them, and one of my jobs is

1 going to be to encourage everybody along the way to make
2 sure your point of view has been expressed and so that
3 everybody has an opportunity. Because sometimes people
4 even think, "Well" -- particularly people who might be new
5 to a process -- "Well, I don't have much to offer.
6 Everybody else is really so experienced." But I'll
7 guarantee you that sometimes the best ideas come from the
8 new person who's seeing it through a different lens and
9 brings a fresh idea in. And so don't be -- if there is
10 anybody kind of in that position don't be shy in bringing
11 your ideas forward. We promise not to say, "That's a
12 horrible idea." (Laughter.) We might think it, but we
13 won't say it.

14 Okay, so any other comments before we take about
15 a 15, 10 or 15-minute break? Does anybody else have
16 anything?

17 MR. RAYMER: Yeah, Bob. Kind of looking forward
18 I was just trying to look at the Charter that I'd looked at
19 over the weekend and the new one. Could we have a look?
20 Should we read this before we get into a discussion or will
21 we have a --

22 MR. BOURNE: Well, if you have a minute while
23 we're on a break you can read it, absolutely.

24 MR. RAYMER: Because there's a lot of changes.

25 MR. BOURNE: But I know it's going to be

1 difficult for our visually-impaired friends. And so I
2 think we're just going to read through it.

3 MR. RAYMER: Cool.

4 MR. BOURNE: And then it'll give -- even if it's
5 the first time reading through it'll give everybody a
6 chance.

7 MR. RAYMER: Thanks, thanks.

8 MR. BOURNE: Anybody else with any comments?

9 MS. SCHUR: Will there be opportunity to address
10 some procedural questions?

11 MR. BOURNE: Absolutely.

12 MS. SCHUR: Okay.

13 MS. CLAIR: That's why it says draft.

14 MS. SCHUR: Yeah, I didn't mean just about the
15 Charter, but about the process in going forward.

16 MR. BOURNE: Sure. And if there's anything you
17 think is missing or just issues that that need to be
18 clarified. And I think Gene brought up a point earlier and
19 if you have any, yeah.

20 MR. RAYMER: Sure

21 MR. BOURNE: Okay. Good. So let's see. It's
22 currently almost 10:30, so how about 10:45? Does that give
23 everybody enough time?

24 (Off the record at 10:28 a.m.)_

25 (On the record at 10:46 a.m.)

1 MR. BOURNE: Are you both on the phone?

2 MR. MEDINA: Yes.

3 MS. GOLDEN: Yes, I'm here. I have to step out
4 for a meeting in about 15 minutes. I'll be gone for a
5 couple of hours and then I'll return to the meeting.

6 MR. BOURNE: Okay, great. Thank you.

7 And then if you -- you should have received a new
8 version, right? We sent out a new version of the Charter.

9 MS. GOLDEN: I think not.

10 MR. BOURNE: Okay. I presume everybody just
11 heard that. But just to repeat it in case not, we're going
12 to go through the Draft Charter now. And then we'll take
13 everybody's comments.

14 **ACC DRAFT CHARTER**

15 And then whatever revisions are needed we'll make
16 those and send out a final version. And we'll try to get
17 that done by the end of the week, so that everybody can
18 have a draft, you know, of the final Charter.

19 Okay, so we're going to go through this and look
20 at two things. We're going to look at any revisions to
21 what is here as well as what's missing. And because I know
22 a couple suggestions have already come up about some things
23 that we need to make sure are in here that I'm not sure
24 currently are. So we'll make sure that we incorporate
25 anything that we need to, to cover all the basis.

1 So I think the best way to do this is I'll just -
2 - because it's a new document that everybody's received
3 just for the first time. And so I'm going to just read
4 through it and so bear with me with that. And I'll read a
5 whole section and then stop and say, what are your
6 comments, questions, etcetera?

7 We've moved things around a little bit from the
8 version that you received last week. We've added -- so we
9 start with kind of the purpose of the Access Code
10 Collaborative. And then we have a new section or two in
11 there, so we'll just kind of walk through that.

12 Okay. So this is the new, for those on the phone
13 in particular, here's the new wording for the what's called
14 the first section's "Access Code Collaborative Purpose."

15 **Access Code Collaborative Purpose**

16 The Division of the State Architect, DSA, has
17 statutory responsibility and authority for proposing to the
18 California Building Standards Commission amendments to
19 Chapter 11B of the California Building Code, CBC,
20 addressing accessibility of the physical built environment.
21 DSA has established the Access Code Collaborative, ACC, to
22 provide input and work with DSA to improve the rulemaking
23 process.

24 And I think at your last meeting you had the
25 diagram that kind of talked about how the ACC is going to

1 interface and work at the front end and then later in the
2 more formal rulemaking process, right? So everybody
3 hopefully is familiar with that and if not you should
4 definitely let us know. Is everybody familiar with kind of
5 the overall context there? Okay.

6 So are there any -- I mean that's really pretty
7 straightforward. It describes the stated purpose that the
8 ACC is here to provide input and work with the DSA in
9 improving the rulemaking process.

10 Okay, so let's move on. We added this next
11 section. It seemed important to, as I looked at all this
12 and I talked to some of the DSA staff, I think it's always
13 good to put --

14 Oh, yes. Sorry, Gene.

15 MR. LOZANO: I'm going back to the purpose and
16 maybe I missed it. It's to give advice and to make
17 recommendations or is that considered advice?

18 MR. BOURNE: No, that will actually --

19 MR. RAYMER: That's covered later on.

20 MR. BOURNE: Yes. It's a little later we talk
21 about the role of the ACC. We go into more of that detail.
22 So this first paragraph is just really generic. Just to
23 provide inputs and to work with DSA.

24 MR. LOZANO: Okay. Thank you.

25 MR. BOURNE: No, your question, we'll certainly

1 get to that.

2 **DSA Roles and Responsibilities**

3 So the next section we added, because I think
4 it's always really important to kind of -- if there are
5 already a sideboards or kinds of boundaries to what a group
6 can do it really should be stated in the Charter. And it
7 seemed like one way to create those sideboards or
8 appropriate expectations is to talk about DSA's role and
9 responsibilities. And what they can do and where there are
10 limitations. Just to make sure everybody's on the same
11 page with this, so if there are any questions about this we
12 definitely need to discuss them today.

13 So I will now read the second section of the
14 document, which is titled "DSA Roles and Responsibilities."

15 "It is important for ACC members to understand
16 what authority DSA has and does not have related to the CBC
17 accessibility regulations based on California statutes.
18 This creates appropriate expectations about what DSA and
19 the ACC can accomplish through this mission."

20 There are five bullets under this.

21 Bullet number one: "DSA has the authority to
22 write accessibility regulations for the built environment
23 for public accommodation, commercial facilities, public
24 buildings and public housing in the State of California."

25 Bullet number two: "DSA develops accessibility

1 regulations, based on executive action, legislative
2 mandate, or a demonstrated need identified by DSA or
3 proposed by others."

4 Bullet number three: "DSA is required by
5 Building Standards law to evaluate the impact of the
6 accessibility regulations on all stakeholders."

7 Bullet four: "DSA is only an enforcement entity
8 for public schools, community colleges, state buildings,
9 CAL State University and the University of California. All
10 other buildings and facilities are enforced by other
11 entities, (usually the local building department), and are
12 outside DAS statutory enforcement authority."

13 And the final and fifth bullet is: "DSA is a
14 regulatory agency and it is not an advocacy group. As such
15 DSA is required to follow statutory mandated procedures and
16 propose regulations within their scope of authority and
17 consistent with state law."

18 That's the end of that section. And so I would
19 entertain any questions or comments about this. Okay. Oh,
20 yes.

21 MR. KHAMBATTA: This is Arfaraz. Does DSA have a
22 role in referencing I guess other State of California
23 regulations around accessibility as it pertains to, let's
24 say public housing?

25 MS. CLAIR: What do you mean by referencing?

1 MR. KHAMBATTA: So let's say there's another --
2 let's say Title 17 has specific accessibility regulations
3 that require projects that are beneficiaries of state tax
4 credits to scope their projects using Chapter 11B of the
5 Building Code. Is there any kind of language that DSA can
6 recommend to put in to Chapter 11B that may be references
7 that other state regulation?

8 So that yeah, it's kind of two-way street. Like
9 one state regulation is pointing to maybe Title 24 and
10 maybe you want another arrow saying that there might be.
11 Does that make sense, or?

12 MS. CLAIR: Yeah, I think what happens is that as
13 agencies we need to respect the other agencies rulemaking
14 authority, as well. And so we attempt to work
15 collaboratively as possible. So a lot of it is making
16 connections in advance that when they propose their
17 regulations, that they are vetted by everyone just like we
18 expect others to vet ours, other agencies, to see if
19 there's any conflict.

20 And then of course it's that agency's
21 responsibility then to relay the information for those
22 particular projects to address what is required. So rather
23 than the -- you know I don't really know, I guess is what
24 I'm saying.

25 Is in the essence of cross-regulation it does get

1 a little bit more confusing, because it is tailored and
2 specific. As opposed to having the regulations apply under
3 the scope of public housing instead of specifying a
4 particular agency, because there's other public housing
5 projects. So sometimes that could actually lead to
6 confusion. So I think it would have to depend on what we
7 are actually trying to write into regulations.

8 MR. KHAMBATTA: Right, so in that context what
9 can DSA and ACC do to reduce that confusion?

10 MS. CLAIR: A lot of it is outreach with the
11 agency that's proposing, so that they also have mechanisms
12 in their regulations to state what is required. And to
13 relay that information to the specific groups that they
14 actually extend their funding to.

15 And we have attempted that and they have been
16 responsive to that, at some great level. In fact, we just
17 clarified that last year for the tax credit.

18 MR. KHAMBATTA: Uh-huh, I am aware of the memo
19 there, which I have.

20 MS. CLAIR: Yeah. So --

21 MR. BOURNE: So I guess what I understand though,
22 is if there's an issue you think might be cross-referenced
23 you would want to raise that in this process, so they would
24 know what you're thinking.

25 MR. KHAMBATTA: Right, I mean while they're -- to

1 Ida's point there is a memo that DSA issued last year that
2 addresses that. However, local jurisdictions and building
3 departments don't necessarily either look at DSA memos.
4 They look at what's in the Building Code and so that seems
5 to be a problem.

6 MR. BOURNE: Bob is next and then Dara.

7 And a technique. I don't know if these things
8 will stand up, but if they do, if you want to speak if you
9 can just tip your name tag on an end and I kind of will pay
10 attention to that.

11 And Vidal and Rachelle, just jump in and say,
12 "Hey, this is," and say that you want to speak and we'll
13 get you in the queue. Okay.

14 MR. MEDINA: Okay.

15 MR. BOURNE: So Bob and then Dara.

16 MR. RAYMER: Yeah, this is Bob. We've run into
17 this a lot, quite frankly and in most recently. And it has
18 to do with Green Building Standards. You've got HCD and
19 BSC for the most part, doing Green Building Standards for
20 commercial and residential buildings.

21 But particularly with the drought, we have found
22 ourselves in the Building Standards arena sort of doing
23 crossover with a multitude of agencies. The Department of
24 Water Resources, State Water Resources Control Board,
25 CalEPA.

1 And so what HCD and BSC has done on occasions is
2 to either in the code in certain places, or in their
3 guidebook to basically reference, "By the way, here's some
4 other important stuff that DWR has on exterior water
5 conservation that you should go to, quite frankly, because
6 that's where HCD gets some of their building standards
7 from. But there's a lot more over there in the Title 14 or
8 whatever."

9 And so there is the ability for a state agency to
10 like this to definitely reference, "You've got this
11 document over here. You've got that document over here
12 that you should be aware of in the code. But they've also
13 got the guidebook that they do for green building that gets
14 into more detailed discussion of -- by the way if you go
15 over here, you're going to find this, this and this."

16 MR. BOURNE: Okay. Dara.

17 MS. SCHUR: So this is Dara. I think it is
18 important, particularly in the housing arena where there
19 are additional regulations that apply and I think we'll get
20 into that substantively. But also, I think there needs to
21 be some process for involvement in those kinds of
22 determinations, because many of us believe that that memo
23 that was sent is not entirely in compliance with the law.
24 So I think that is -- you know, there just needs to be some
25 opportunity to talk about how those interagency -- it might

1 be a topic for us down the road a little bit about how to
2 reconcile various sets of regulations. It's fairly --
3 there are a number of public agencies that have regulations
4 that exceed those in 11B or are different than those in 11B
5 and so it is an important discussion for topic in housing
6 at some point.

7 MR. BOURNE: Okay. Very good.

8 Yes, Gene?

9 MR. LOZANO: I'll digress a little further where
10 there's the cross-referencing and actually working
11 together.

12 Several years ago, so there's the California
13 Finance Code, which has a section that deals with point-of-
14 sales machines. And through the legislative process there
15 were some changes. This is all to do with access, physical
16 access to the point-of-sales and it was the mechanism
17 operating or making it accessible to the persons, with
18 visual impairments.

19 And that went through the code and I provided
20 that information to DSA, which DSA then after confirming
21 and all that, went through the regulatory process. And
22 what was in the Finance Code, it's reflected in the
23 Building Code. It's great, but the thing is I'm not even
24 clear who, whether it's the Department of Finance, who
25 oversees the Finance Code, because everyone has been, "I

1 don't know." But it's outside of the Building Standards
2 Commission arena. And is there some way of finding out if
3 these other government entities that have the authority
4 over these Finance Codes, aware of the existence of DSA?
5 And when they have things that will deal with access like
6 point-of-sales machines, using it as an example that there
7 is some way working, so that they work harmonized. So that
8 if they want changes it's just not by accident somebody
9 finds out what they've done, and then telling DSA about it.

10 And that's basically with the Finance Code on
11 that change of point-of-sales.

12 MR. BOURNE: Okay. Thoughts?

13 MS. SCHUR: Well Derek had a comment first, so.

14 MR. BOURNE: I'm sorry, go ahead.

15 MR. SHAW: Okay. This is Derek. Now, I think
16 one thing that's helpful to considering what the Building
17 Codes are is also acknowledging what they're not. And the
18 Building Codes are a structured set of regulations and for
19 DSA's part those regulations exist primarily in Chapter
20 11B.

21 Now, there are other agencies, which certainly
22 have a vested interest in perusing that portion of law,
23 which is under their authority, for example, the
24 Treasurer's Office. There's nothing that DSA can do to
25 prevent the Treasurer's Office from adopting regulations as

1 they see fit. We could certainly, as other outside parties
2 we can provide commentary for them if we're aware of their
3 process in developing their regulations.

4 But the Building Code itself, it's enforced by
5 over 500 different jurisdictions in the State of
6 California. And each of those jurisdictions there's an
7 expectation that if you're a builder in one jurisdiction
8 and you go to another jurisdiction, that reasonable
9 interpretations of identical language will generally lead
10 to similar interpretations.

11 And so when other agencies start to establish
12 regulations and they point to provisions in the Building
13 Code that's certainly within their authority to do so. But
14 it doesn't necessarily change what's in the Building Code.

15 For example, the Treasurer's Office had a
16 percentage requirement for accessible units that was twice
17 the level that was required in the Building Code. And when
18 we became aware of this several years ago we reached out to
19 the Treasurer's Office and we engaged in some discussions
20 with them. We let them know what was in the Building Code
21 and what they were asking. We also informed them of the
22 enforcement process throughout these 500 agencies in the
23 State of California and what the enforcement officers, the
24 building officials, were obligated to do. And that was to
25 enforce the provisions of the Building Code.

1 And we suggested to them that if they had an
2 enforcement interest in making sure that their regulations
3 were met going through, that they establish some sort of a
4 control or an enforcement process for that. But as far as
5 us amending the code it was really such a drastic
6 difference in the code language and requirements, that we
7 would have to contemplate that it wouldn't have served the
8 entire state and all of the stakeholders equally well.

9 So that's sometimes the difficulty in working
10 interagency that way.

11 MR. BOURNE: Presuming we get into some of these
12 nuances as we go through the course of the project, we
13 really just want to make sure we have clarity in this
14 Charter on the Roles and Responsibilities. But Gary and
15 then Dara.

16 MR. LAYMAN: Gary Layman. I just want to thank
17 Derek for making that comment, as the building official has
18 jurisdictional enforcement, because we ran into this often.
19 Which also is inclusive not just of other laws, but also of
20 grants and those things that are available that are
21 provided that the enforcement agency, it is difficult for
22 us to go through all these different grants that may
23 require more accessibility. Because of the funding source
24 that is being provided for something.

25 So I just wanted to piggy on that and thanks for

1 making that comment.

2 MS. SCHUR: So this is Dara again. This is a
3 very complicated discussion. There are other laws that
4 require greater accessibility. And there is a great deal
5 of confusion, I think as others have said, Gary and Derek,
6 at the ground level. And that's resulted in both a lot of
7 confusion and difficulty for people trying to resolve what
8 are two sets of possibly competing or conflicting
9 applications, or at least to make sure they're aware of
10 them and checking on them.

11 And I understood Arfaraz's comment to be at least
12 the Building Code should alert people that there may be
13 these other issues out there that somebody needs to be
14 looking at. Or else their city is not going to be in
15 compliance with the law, which we think is part of what
16 happened in the settlement that just cost L.A. \$200
17 million. So this is a big issue. And I think it deserves
18 some discussion at some point in this process.

19 I don't think anybody is suggesting that DSA
20 should adopt a 10 percent that has been -- I mean, it might
21 be a good idea for accessibility, but I don't think the
22 proposal was on the table that they got 10 percent. But
23 there needs to be some other conflicts resolved and some
24 other coordination discussed, because that's been a really
25 important issue for people in the accessibility and the

1 disability community, is getting housing that is
2 accessible. This is the main place that this comes up,
3 because of different rules under several federal laws and
4 now the state.

5 So I'm not saying that that may change. I don't
6 think it changes this part of the Charter, but it is an
7 issue I'd like to stay on the agenda at some point.

8 MR. BOURNE: Sure. Okay.

9 MS. CLAIR: And I just wanted to be clear that
10 in my comments it's more so that regulations in the
11 Building Code may not be the best way to address this. We
12 do have collaborative efforts with other agencies. We also
13 need to have the respect for rulemaking that other agencies
14 may have.

15 MS. SCHUR: You're right.

16 MS. CLAIR: And so in understanding that, I think
17 trying to go directly to a regulation may not be the
18 appropriateness, because once we engaged with discussions
19 with the Treasurer's Office they have -- we have been
20 constantly communicating with them and they're constantly
21 inquiring of, "So what does this require? What do we need
22 to do?" And that's a lot of is the discussion. And
23 determining what is actually appropriate for a Building
24 Code and what is appropriate perhaps in some other
25 mechanism to alert notices, notes, whatever that may come

1 outside.

2 MS. SCHUR: Right. And I think it's true or at
3 least one is, it may not be a regulation. It might be a
4 cross-reference or an alert or something that gets put in
5 your manual. But also those discussions are happening
6 without public input right now and I think that that's an
7 issue. The process around those issues needs to become
8 more open.

9 (Overlapping colloquy.)

10 MS. CLAIR: I know, I know, we do need to move
11 on. So I will address this, but thank you.

12 MS. MOE: Yeah, I mean we're going to have a
13 meeting on Wednesday to discuss some of your concerns, but
14 I think you also need to understand the history and what
15 DSA has done after what happened with us adopting the 2010
16 ADA Standards. I was given clear direction by my former
17 supervisor, Dennis Corelis, that we were to put together a
18 one-day training session specific for public housing.

19 Some of the first attendees of that training
20 session were the City and County of Los Angeles. They now
21 use our training materials to train their employees. We've
22 also done training for different jurisdictions. We've done
23 it for San Francisco. I'll be going to Santa Barbara in
24 January to deliver that same message to them. The thing is
25 what we also need to understand. And I don't want to get

1 too deep into this. When we cover this public housing
2 training, we talk about HUD Section 504 and those
3 requirements. We also talk about the Unruh Act and what's
4 required for senior housing. So we do very comprehensive
5 training.

6 In addition to that, we have a whole packet of
7 reference materials that we give to the attendees. And
8 actually Dara, I think you had two staff members --

9 MS. SCHUR: Okay. I really appreciated that.

10 MS. MOE: -- that we -- Dara, just one moment,
11 let me finish my comment -- that we actually let them come
12 to the training for free. So we're doing everything that
13 we can for outreach.

14 You also mentioned our Advisory Manual. We've
15 actually increased that information in the advisories in
16 our Advisory Manual. And we're going to be looking at that
17 again just to strengthen that new information that's in our
18 Advisory Manual. So we're really taking every effort that
19 we can, because we know that public housing is very
20 complicated, with housing in general.

21

22 MS. SCHUR: Well, let me just say this was not
23 intended as a criticism, because this is a complicated
24 arena. And I appreciate the Department's efforts. It was
25 intended as to put, I don't know a parking lot or a place

1 holder, the issue came up about kind of how it relates.
2 And I think all I was suggesting it's a complicated
3 discussion and it would helpful to have it at some point in
4 the future.

5 MR. BOURNE: Yeah. It sure sounds like it. And
6 I'm sure we can do that.

7 MS. MOE: And all I'm trying to do is just give
8 you some history of what's going on and what we've been
9 doing. Because I think sometimes you aren't necessarily
10 aware of that. Actually, we even went up to Oroville and
11 did a training session for the folks at Gary Layman's
12 behest. So I just wanted to give you -- and I don't take
13 it as any sort of criticism or whatever. But for everybody
14 involved just so you know that we absolutely realize how
15 complicated this issue is.

16 And I think Stoyan, we probably talk to each
17 other two or three times a week, talking about housing
18 issues. So we absolutely know how complicated this is and
19 we take very seriously our responsibilities on what we can
20 do to get that information out there.

21 MR. BOURNE: So I'd likely stood in --

22 MR. KHAMBATTA: So I just want to summarize real
23 quick, Greg, if that's okay? I totally concur with and
24 support what Dara said. And I appreciate all the efforts
25 that the DSA has taken in terms of training the 500

1 jurisdictions out there around this issue. The only reason
2 I brought it up, again just to be clear, wasn't any kind
3 criticism towards the Department. It was just to bring up
4 issues that the code user have around this issue and see
5 what we can do as a group to clarify that.

6 MR. BOURNE: Yeah. And if you're seeing these
7 issues on the ground, I mean --

8 MR. KHAMBATTA: Yes, exactly

9 MR. BOURNE: -- I mean related to any of these
10 topics, why not see if the appropriate (indiscernible) --

11 MR. KHAMBATTA: Absolutely.

12 MR. BOURNE: Kaylan, and then we want to refocus
13 on the Charter, but --

14 MS. DUNLOP: This is Kaylan. I think one thing
15 missing for me under Roles and Responsibilities for DSA is
16 the technical assistance and trainings that they provide.

17 MR. BOURNE: Okay. Now, this is really
18 pertaining to the development of the accessibility
19 regulations. So do you think that it's important to put
20 that in there as well for that purpose? The training and
21 technical --

22 MS. DUNLOP: I think it could be if it's
23 something they can't include in a regulation. Maybe it's
24 covered in technical assistance or some kind of training.

25 MR. BOURNE: Okay. So add technical assistance

1 and training; was that your language?

2 MS. DUNLOP: Uh-huh

3 MR. BOURNE: Okay.

4 MS. SCHUR: I think that would be great. This is
5 Dara.

6 MR. BOURNE: Okay.

7 MS. CLAIR: And especially since we have
8 indicated on -- sorry, this is Ida. How we have indicated
9 when we discuss issues, one of the alternatives is training
10 if it's not appropriate. So you're correct. I think that
11 that would be a good place to add.

12 MR. BOURNE: Okay, great. Anything else on the
13 DSA Roles and Responsibilities?

14 (No audible response.)

15 MR. BOURNE: Okay, good. So now we're moved to
16 the third section of this document. And this used to be
17 the second section, for those who have seen a previous
18 version. And so it's been slightly modified, but I will
19 now read that.

20 **Organizational Structure**

21 "The ACC is comprised of individuals representing
22 a cross section of stakeholder groups to help ensure DSA is
23 considering a wide range of views and perspectives in
24 developing CBC regulations, addressing accessibility. The
25 following stakeholder groups are represented on the ACC,

1 indicating the number of representatives."

2 So the document actually lists out each of the
3 general stakeholder groups and how many people that are on
4 the ACC, represent that point of view. So there's about
5 seven bullets or seven different categories, so we'll go
6 through those quickly.

7 First is individuals with disabilities, of which
8 there are four representatives.

9 Second, are disability advocates, two
10 representatives.

11 Design professionals is the third category.
12 There's one representative.

13 The fourth category is building and facility
14 owner representatives. There are two representatives.

15 The fifth is code enforcement representatives.
16 And there are two code enforcement representatives on the
17 ACC.

18 The sixth category is certified access
19 specialists, of which there is one.

20 And the seventh is building/construction industry
21 representatives of which there is one.

22 So that forms the primary group. But the next
23 part of this document says there are two ex-officio members
24 who also participate.

25 The first is a DSA headquarters principal or

1 senior architect. And both of these are non-voting
2 members, by the way. And the second is someone with the
3 housing and community development accessibility specialist.
4 So those are the two ex-officio members that will
5 participate on this group, both non-voting.

6 There's one paragraph left on this section and in
7 terms of structure and then we'll open it up to comments.

8 "The ACC is facilitated by an independent
9 facilitator. The facilitator works directly with the ACC
10 and DSA to plan meeting agendas and next steps. A Planning
11 Committee" -- and this is something that maybe new that you
12 haven't seen, but this is an idea -- "a Planning Committee
13 comprised of three ACC members will be established to work
14 with the facilitator and DSA on scheduling, agendas,
15 reporting and group dynamics as needed."

16 So I think we should break this down into two or
17 three parts. First is just any comments on the makeup of
18 the ACC and then I think we can focus on this idea of a
19 planning committee.

20 So first of all, any comments on the makeup of
21 the ACC? Kaylan.

22 MS. DUNLOP: This is Kaylan. Where does CCDA and
23 the Department of Rehab fall into this or do they?

24 MS. CLAIR: Well, they do as a resource. In
25 other words if we have identified that there is an issue

1 that perhaps is not appropriate to the Building Code but is
2 appropriate for business outreach, I will make a list of
3 those. I will meet with Angela. We'll discuss those items
4 further. Probably establish some methods, so that all of
5 you here know that that's been done.

6 And with DOR it really is an understanding if
7 there's a needed service that individuals with disabilities
8 need specifically directed to them, that we would make them
9 aware of that to see if they can facilitate that happening,
10 or make the connections to be able to close the loop.

11 MR. BOURNE: Great.

12 MS. CLAIR: But as a regular representative here,
13 they're not consistently here, because we don't know that
14 those issues would arise that often. So it's really more
15 of a record and we have the transcript to reflect that. So
16 that your thoughts and comments we will share the
17 transcript with them, so that they actually get that voice
18 from you.

19 MR. BOURNE: Okay. Anything else?

20 Okay. So the idea of a Planning Committee is to
21 take a subset of you all three has been proposed that could
22 work with me and Ida and the staff on, as we just kind of
23 think about okay, agendas, scheduling, just the operation
24 of the ACC. It's just a way to make sure we're covering as
25 many bases as we can. Gene?

1 MR. LOZANO: The Planning Committee, there should
2 be something that explains how the three individuals are
3 selected to be on it.

4 MR. BOURNE: Well, yeah. We have to decide that
5 at this point, and then we can talk about that if we want
6 to. So I mean I think that's one thing to consider, the
7 question is how do you want to select? I don't know if you
8 had any ideas, Ida, in thinking about this or whether we
9 just want to open it up to your suggestions?

10 I would suspect, at a minimum, you would want
11 people representing different stakeholder groups. You
12 wouldn't want three people from the same group. Other than
13 that and really there's really every stakeholder group has
14 one or two, except individuals with disabilities, which has
15 four, so maybe just kind of thinking through that.

16 So ideas on how we approach this? It could be
17 self-nominations and see if it balances out and see if the
18 rest of the group likes that or you can nominate somebody
19 to be on it.

20 I mean, we're wide open.

21 MS. DUNLOP: All right. This is Kaylan. Can I
22 suggest we save that discussion to the end of this, so we
23 see what this looks like?

24 MR. BOURNE: You can. Okay. Sure. Then you can
25 decide whether you really may want to do it or not.

1 (Laughter.)

2 MS. DUNLOP: Who are we going to volunteer?

3 MR. BOURNE: Very wise. Okay.

4 MS. DUNLOP: Wait. Who's not in the room? Let's
5 volunteer them.

6 MR. BOURNE: That's right.

7 MS. SCHUR: I think it's also ground rules for
8 what's going to happen, because we set up a committee the
9 last time. And we were going to have a call about
10 scheduling and it never happened. So I think it would be
11 helpful to --

12 MR. BOURNE: Okay. Yeah, that sounds good. Talk
13 about frequency or yeah how it's actually going to operate
14 and that would be good. Okay. So we'll save this
15 conversation until the end; is everybody fine with that?

16 MULTIPLE SPEAKERS: Yeah, Uh-huh.

17 MR. BOURNE: Okay, sounds good. Okay, how about
18 Vidal and Rachelle. Are you good with that?

19 MR. MEDINA: Yes.

20 MR. BOURNE: Okay. You better be careful,
21 because see Rachelle's gone now, she might get nominated.

22 MR. RAYMER: I nominate her as Chair.

23 MR. BOURNE: Yeah.

24 MR. MEDINA: Well, she's in a meeting. It might
25 be a good idea.

1 **ACC ROLE**

2 MR. BOURNE: Okay. So the next section on this
3 is -- and this kind of picks up on Gene's question earlier,
4 the role of the ACC. It's titled "ACC Role" and I'll now
5 read that.

6 "The ACC has been established to work
7 cooperatively with the DSA to support DAS's rulemaking
8 processes. The ACC is a consultative or advisory body
9 without formal decision-making authority. The ACC will
10 offer both informal guidance and feedback on DSA's
11 regulation development as well as formal recommendations
12 for DCA's consideration. Based on commitments made during
13 the ACC member selection process all approved ACC members
14 have agreed to work collaboratively with the DSA and other
15 ACC members to help meet the designated purpose of the
16 ACC."

17 The primary roles of the ACC are -- there are
18 three of them bulleted out.

19 Number one: "Offer guidance regarding needed
20 amendments to the CBC."

21 Role number two: "Put forward recommendations to
22 DSA that address the diverse needs of code beneficiaries,
23 (people who need an accessible environment), and the
24 clarity sought by code users (people who design, build,
25 own, operate, or regulate the built environments)."

1 So that's a lot to take in verbally. Let me just
2 read that, without the parenthesis this time just so it'll
3 flow. "Put forward recommendations to DSA that address the
4 diverse needs of code beneficiaries and the clarity sought
5 by code users."

6 The third role, the primary role, is: "Identify
7 opportunities to strengthen public awareness, engagement in
8 training to support regulatory development and CBC
9 compliance."

10 And the intent, so moving on I think there are
11 two more short paragraphs.

12 "It is the intent of DSA that ACC members, to the
13 best of their ability, represent the interest of their
14 broader stakeholder group, not solely their own interests
15 or those of any specific organization."

16 And the final paragraph: "If an ACC member cannot
17 participate in an ACC meeting she or he may appoint an
18 observer to attend and report back. But that individual
19 shall not be included in ACC deliberations."

20 So, we'll start with Bob.

21 MR. RAYMER: This is Bob. The thing that you
22 just read, the last sentence. I love it. That was a
23 concern I had coming in to this, having read the first
24 part. You know, what happens?

25 As we get into the summer, there's going to a

1 whole bunch of code advisory committees. And we're going
2 to try and set out our meeting schedule date, but there's a
3 good chance that as we're heading into the triannual
4 adoption there'll be some two-day meetings here or two-day
5 meetings there. I have to attend almost all of them except
6 the hospital stuff and it makes it really difficult. But
7 it'd be great if I could just have a body come and sit and
8 take some notes for me and all that. So I love it.

9 MR. BOURNE: Good

10 MS. SCHUR: And phone participation, on occasion.

11 MR. BOURNE: Yes. And I think we have that
12 somewhere else.

13 MS. CLAIR: Okay. We do.

14 MR. BOURNE: Yeah. And so that's a good point.
15 Because yes, it may be on a -- I mean the intent is to have
16 these face-to-face meetings, obviously. But there are
17 occasions when it's not possible or when you're fitting
18 this meeting in with other things. And so the provision is
19 there to do that.

20 MS. SCHUR: And we talked at the last meeting, it
21 might be here somewhere, about the process for selecting
22 replacements if one of us has to come off.

23 MR. BOURNE: Yes, so there is language under,
24 let's look at -- if you look on Page 3 and under the
25 "Length of Service" section, which is a relatively new

1 section. This is again one where DAS's intention is to
2 have these be three-year terms. But to make sure that not
3 everybody's rotating out at the same time, so this is just
4 a little preview of the section to come. To make sure that
5 the whole committee doesn't rotate out at the same time.

6 The idea is to have half of you basically or
7 approximately half be on 18-month terms, the other on
8 three-year terms. And then at the end of 18 months half of
9 the group rolls over, so that you have some continuity.

10 At the end of that section it says what I just
11 said. "Thereafter all members will serve three-year terms.
12 In the event that a member is unable to complete service,
13 the selected alternate may be called to serve the remainder
14 of the term."

15 So my understanding is, and maybe Ida you should
16 -- and I know I'm not getting quite to your question yet,
17 but just the way it works now is you identified some
18 alternates.

19 MS. CLAIR: We did. So we have an application
20 process to be on the ACC. And it is our goal that at every
21 18 months we open it up to let the individuals which
22 positions are open again. I mean this is the ACC and they
23 can throw their feedback on this. It's our intent if
24 someone wants to continue they can reapply for another term
25 if they want to. But that we do have -- so that we're not

1 consistently trying to get somebody involved or interested.
2 We'd like to keep those who have submitted application are
3 the pool from where we contribute or we pull from a
4 selected alternate.

5 Because, again as we had stated, individuals here
6 represent a stakeholder group. They don't represent
7 themselves for a specific organization, so an understanding
8 that we have those individuals pre-selected for alternate.
9 And they are aware that they are pre-selected, that they
10 may be called to serve if there's an issue. Then they're
11 called to serve.

12 MR. BOURNE: Okay. So now does that get to your
13 point, or what's left on that?

14 MS. SCHUR: I think this issue was raised at the
15 last meeting that we needed a discussion about whether
16 that's the best way to select alternates, given that some
17 of us have very specialized expertise.

18 MR. BOURNE: Okay.

19 MS. SCHUR: So I just think it's worth a
20 discussion.

21 MR. BOURNE: Well, let's go to Gene and then
22 Carol and then come back after they comment to this to see.
23 And maybe Dara you can suggest an idea.

24 But Gene, go ahead.

25 MR. LOZANO: Yeah, I don't want to just get a

1 repeat there for about the last meeting. There was the
2 sentiment of most people that if they are here and they
3 can't attend, and let's say it's for whatever reason, a
4 good and legit reason and wanted to be -- did not want to
5 be reappointed, but they wanted to send somebody like Bob
6 wanted to send somebody in -- and sounds like there's some
7 language there.

8 But I'm thinking too is there should be at least,
9 okay maybe somebody's term runs out. And let's say your
10 applicant pool, there is no one with that kind of expertise
11 background. So that you need that person maybe continues
12 until you find somebody that can replace them. And let's
13 say so they're 18 months and they may be on the committee
14 for an additional six months until you find somebody there,
15 rather than their term ending and you don't have the
16 expertise for a definite period of time.

17 I just think there should, might be something
18 built in there that the choice of DSA who may want to carry
19 somebody on with certain expertise to round the whole
20 makeup of the ACC until you're able to find somebody that
21 could come in and fill in that expertise subject matter.

22 MR. BOURNE: Okay. Good. Thank you.

23 Let's hear from Carol and Ida.

24 MS. LOEFFLER: Hi there. I'm Carol Loeffler.

25 And I have two concerns about this ACC role.

1 MR. BOURNE: Okay.

2 MS. LOEFFLER: The first one is that I think that
3 if an ACC member cannot participate and doesn't -- that
4 paragraph I don't think belongs in the ACC role, because
5 the way I'm interpreting this is, is more of a committee.
6 And I think the ACC member, if they cannot participate
7 might best go into meetings for a length of service as
8 opposed -- it seems to muddy up the ACC role. So I would
9 recommend it gets moved from there.

10 MR. BOURNE: Okay, so --

11 MS. LOEFFLER: And then further discussion about
12 how, and what I've been hearing, it might be really
13 appropriate to develop maybe more detail regarding that.

14 MR. BOURNE: Okay.

15 MS. LOEFFLER: And then the other comment that
16 I'd like is the first paragraph where it says, "The ACC
17 will offer both informal guidance and feedback on DSA's
18 regulation development as well as formal recommendation for
19 DSA's consideration."

20 I'm wondering how this informal guidance and
21 feedback is disseminated? Is it that we create a like, we
22 call them white papers. I don't know what they're called
23 here. But we -- okay we create a special posting that all
24 of us know about. All of us have read. And then to whom
25 would this informal guidance go?

1 And then the formal recommendation for DSA's
2 consideration, where does that come from? So I'd like to
3 see our role in this realm more defined.

4 MR. BOURNE: Okay. So basically, if I understand
5 it the key question is when it gets to that point of
6 providing guidance, feedback and recommendations, how does
7 that get disseminated? So maybe there should be a section
8 somewhere on reporting that basically -- and communication
9 that talks about it gets posted on a website or you all put
10 it out through your networks or something like that is what
11 you're suggesting?

12 MS. LOEFFLER: Or like how like how is it going
13 to be disseminated? Is it in an ad hoc committee? Is it a
14 paper? Is it the three people that are in this committee?
15 How will it be disseminated?

16 MR. RAYMER: Yeah, a little more detail on how
17 that second sentence is going to get happening.

18 MR. BOURNE: Okay, the second sentence of the
19 first paragraph that you'll offer informal guidance.

20 MR. RAYMER: Just a little more information on
21 how, and when, where and where and all that.

22 MR. BOURNE: Okay. So typically in a group like
23 this the report might often be written either by the staff
24 listening to everything and putting together. And then it
25 comes back here for your review and editing. And then once

1 you are satisfied with that, it gets --

2 MS. LOEFFLER: And I apologize for interrupting
3 you. It's not that I want to make that determination right
4 now.

5 MR. BOURNE: Okay.

6 MS. LOEFFLER: Because it sounds like there's
7 going to be more than just your comment about how it might
8 typically be done. So I'm asking that this be elaborated
9 more and then presented to all of us in writing, so that we
10 can review it and really define what exactly is as opposed
11 to historically, this is what we've done, if that makes
12 sense?

13 MR. BOURNE: And I don't know historically what
14 DSA has done. I'm giving you an option for how you can
15 deal with that. Until --

16 MS. LOEFFLER: Right. And all I'm wanting is I
17 don't want the options addressed right now, because I think
18 that there could be more options than that. So I
19 appreciate that you'd like to give an option, but I know
20 there's --

21 MR. BOURNE: So my question is do you want to
22 discuss this though as a group, so your options get on the
23 table, which is why I was offering up one. Or do you just
24 want to turn it back over to DSA to generate options on
25 that? What's your preference?

1 MS. LOEFFLER: I'd like to -- I'm sorry -- I keep
2 interrupting.

3 MR. BOURNE: That's okay.

4 MS. LOEFFLER: How I typically have worked in
5 meetings, is if we have any discussion or -- I shouldn't
6 say concerns -- or needing more detail identified, is
7 rather than taking it at this moment in time, is that it be
8 put on the -- you know people are aware of the parking lot.
9 And that it really be given due process, as opposed to --
10 because I view this as this is a working draft of the
11 document.

12 MR. BOURNE: Correct.

13 MS. LOEFFLER: This is where changes can be made.
14 And then we suggest what ideas we have, we reformulate this
15 into a second draft. And that's how I've viewing it. So
16 what I'm proposing is we that we put it into a parking lot.

17 MR. BOURNE: Okay. Now, I would just say
18 typically people who aren't accustomed to this term parking
19 lot, it typically refers to things that are really not on
20 today's agenda, but you want to make sure you get to at
21 some point.

22 MS. LOEFFLER: Okay.

23 MR. BOURNE: This is basically on today's agenda,
24 which is to develop this. And I don't think there's any
25 better time than now to do that, in a way. But I think we

1 should hear other people's views and then we'll see if
2 something emerges. Now, if you have a specific idea it
3 would be great to have it out. And even if you don't
4 there'll be some process for putting a recommendation on
5 paper, which then you'll react to. And that process,
6 frankly is probably going to be me talking to the DSA staff
7 about putting it in the document if you don't do it
8 yourselves.

9 MS. LOEFFLER: Okay.

10 MR. BOURNE: So however you want to do that is
11 fine.

12 MS. LOEFFLER: Okay. I'm fine with that and I'd
13 love other people's comments.

14 MR. BOURNE: Okay. So I think Dara and then Gene
15 are --

16 MR. RAYMER: So am I.

17 MR. BOURNE: I'm sorry, Bob what were you?

18 MR. RAYMER: No. I was just agreeing with her.

19 MR. BOURNE: Okay. Sounds good.

20 Dara?

21 MS. SCHUR: I think that's a great idea whenever
22 and however we want to discuss it, but my questions is
23 related but a little different. I need to have a better
24 understanding of how we proactively bring ideas here. I
25 think I have a really -- I think I understand that when DSA

1 is bringing proposals forward that they'll get an input and
2 the discussion. And that's wonderful.

3 The question was asked at the last meeting about
4 from all the proposals submitted by the public or by the
5 people in this group, which ones get to us for us to
6 propose to DSA further discussion, further thinking,
7 prioritization and I don't know that I'm still clear on the
8 answer. At first, I thought that every public proposal, a
9 proposal from members of this group would come to this
10 group for discussion and prioritizing in the list of what
11 we were going to do in this year.

12 But I'm now under the impression based on the
13 fact that my proposal's still under discussion before it
14 comes to this group, which I really appreciate the
15 opportunity for discussion. I'm just looking for clarity.
16 That no proposals will come here unless DSA has first made
17 a decision that it supports the proposal in some way. And
18 I just need some clarity about what our role is, you know?

19 MR. SHAW: Good question.

20 MS. CLAIR: Either one, yeah Dereck go ahead.

21 MR. SHAW: Okay, sure, sure. And I'll just
22 narrowly focus on the process of DSA receiving and
23 reviewing proposals not only from peer members of the
24 committee, but also from the public.

25 And as we discussed at the last meeting, there

1 are a few fundamental criteria that proposals need to make.
2 Are they appropriate to the Building Code, for example
3 might be one of them or it is one of them. And so those
4 are the sort of things that DSA has previewed with the
5 proposals that we've received from the public as well as
6 some proposals from the committee members.

7 Now, sometimes that preview can be handled
8 rapidly. Sometimes the issues are of such complexity that
9 it does take a bit longer for us to preview those.

10 Now, there's -- as we get a lot of good ideas.
11 We really do. But some of the good ideas just aren't
12 appropriate for the Building Code. The last code cycle we
13 had some public meetings. They were termed listening
14 sessions and that's what we wanted to do. We wanted to
15 open it up and we had stakeholders calling in and telling
16 us what kinds of issues they wanted to address.

17 And there were some stakeholders who were very
18 concerned that they go into a hotel or motel for a stay.
19 And darn it, the facilities, the rooms that were designated
20 and accessible and supposed to be accessible and supposed
21 to meet the code, just either didn't meet the code or
22 didn't meet the needs of the particular individuals making
23 that proposal.

24 Now, for those that didn't meet the code, we
25 would need to understand why it is that they might not meet

1 the code. For those that might meet the code, but not meet
2 the needs of the particular individual then we view those
3 differently. And those might be appropriate for
4 consideration for a future code change, or they just simply
5 might not be appropriate for the code.

6 So these are some sorts of the previewing and
7 vetting the DSA does at a very early stage in the process
8 before we really get into extensive development of the
9 language that we might subsequently propose.

10 MR. BOURNE: So I think -- yeah, go ahead.

11 MS. CLAIR: No. I just want to clarify that as
12 the rulemaking agency there are processes that we need to
13 follow. And that in order to maximize the discussions that
14 we need here, understanding that each individual's concerns
15 are taken very seriously, but that also we have a specific
16 timeline and a specific number of staff that are addressing
17 these issues.

18 And we try to address them as urgently and as
19 clearly and as efficiently as possible, but that's
20 something -- even though the need is pressing -- might need
21 a little further study, might need a little more time.
22 Depending on what we have or what we're tackling at every
23 rulemaking cycle.

24 Understand that when you're thinking about at the
25 federal level, improvements happen every 20 years. We have

1 an opportunity to do this every 18 months. And that that
2 while your needs are pressing, you do need to respect that
3 we also have work that we need to do behind the scenes to
4 make sure that regulations are something that we can
5 actually put forward, because that we have the authority to
6 do that and we have responsibility for it. And then we are
7 accountable for it. And so when we say, "Yes, you can
8 bring issues to this group, but they need to come to DSA
9 for homework first," you are welcome to air them here at
10 the next meeting.

11 "I'd like to bring forward this to the group," or
12 you can bring them directly to us. If you want everyone to
13 acknowledge that you've made a proposal and you want it to
14 be heard, that's fine. But understand that's a timeline
15 and how we need to vet it and the history behind it needs
16 to be right for the discussion here. And that means we
17 need to be able to move forward and do our homework behind
18 the scenes, so that the discussion here can be productive.

19 When we bring it here to discuss first, as an
20 idea, the idea is not, "Hey, should we move ahead with
21 this?" The idea should be there has been a proposal made.
22 We have determined that it can move forward. This is the
23 concerns with the proposal. This is the discussion. Let's
24 have that discussion.

25 If we need to send information out before the

1 meeting, in order to address that proposal efficiently at
2 the meeting we will do that as well. But bringing all the
3 proposals here without having that necessary study really
4 misses an important integral step.

5 MS. SCHUR: So, this is Dara. I understood from
6 the last meeting that one of the rules of this committee
7 was to help prioritize, which proposals should move
8 forward. Because I'm very sensitive to the fact that you
9 guys can't move every proposal forward at every time.

10 But I understood, and I'm trying to get
11 clarification that that might mean that we bring some
12 proposals forward that you haven't yet worked out. So that
13 we can say, "Wait a minute. This group recommends that you
14 move A instead of B and you do the homework on that."

15 And I also thought -- I have no problem with you
16 guys screening out stuff that's not related to the code or
17 that's completely outside your authority. I don't think
18 this group needs to see those. But if there are proposals
19 and they're uncertain or you have questions, I thought one
20 of the rules of this group was to say, "Well, there may be
21 a difference of opinion about this or we need to talk about
22 this." Or, "We've got people in the community who think
23 this is really important. Can we find a way to do it?"

24 So I'm just am really trying to understand more
25 what our role is, in prioritizing your work and what is the

1 extent of your gatekeeper and pre-homework. I know you
2 need to do homework before things move out of this
3 committee, but which proposals you work on and don't, I
4 thought we were going to have some input on that and now
5 I'm not sure if that's true.

6 So I'm really asking for clarification.

7 MS. CLAIR: Sure, you are. We're having the
8 homework.

9 MS. SCHUR: I'm not just necessarily just talking
10 about the homework (indiscernible) --

11 (Overlapping colloquy.)

12 MS. CLAIR: No. I understand that. But you have
13 made a proposal. We have been doing homework on that
14 proposal and we said, "Let's continue to do the homework.
15 It may be right to bring forward on the 31st."

16 The priorities get set in very numerous ways.
17 One of them is legislative mandate. We have to do adult
18 changing facilities, because there's an effective date of
19 January 1st, 2020. We also have some housing issues, of
20 which your concerns are one of them, that we have
21 considered a priority.

22 But and they're not all going to be put forth for
23 discussions all at one time. These are potential changes.
24 They have a priority to them that DSA has identified, maybe
25 from this discussion. Others may be. Maybe some might be

1 prioritized by the group or with others. But these that
2 we're discussing, a lot of them have either had the
3 homework necessary to bring forth, or we have done our
4 homework and we're still at a crossroads and we are
5 bringing it forth to you for some feedback.

6 MS. SCHUR: I'm really not trying to make anyone
7 defensive. I'm not trying to be critical. I'm not even
8 talking about my proposal necessarily. I'm really trying
9 to understand how really we are involved in priorities.

10 MR. BOURNE: Yeah, and I (indiscernible) and I
11 know there are plenty of people. Eugene's been waiting and
12 then Arfaraz and Jihee. So I've got the queue.

13 Let me just -- I think we're talking about this
14 process. Now, I get two different things. One is just how
15 you get it in front of this group and I've heard Ida say
16 two things. You can either bring it to this table and say,
17 "Here's an issue that our constituency is interested in.
18 We'd like to see how and where it fits in the process."
19 And/or you send an email or communicate in some way with
20 DSA and say, "Hey, here's something we'd like you to give
21 us some feedback on. Can we get this in front of the
22 group?"

23 So it sounds like either of those things can work
24 from what you said.

25 The second issue of prioritization is separate.

1 And that's a different issue. So if we're clear that the
2 process is you bring it here, you communicate with DSA, and
3 then that starts a dialogue about the timing and all that.
4 And then you can report back and you can say, "Yes, the
5 timing's right for this." Or, "We need to do a little bit
6 more work and we'll put it on the January 31 agenda of the
7 March," or whenever. And so then you guys can discuss
8 that.

9 In terms of prioritization you guys at least like
10 today for example, this afternoon, you got a whole list of
11 code changes. And it seems like leaning to your point,
12 Dara, in the course of that process they may have started
13 with the top four being the top priorities from DSA's
14 perspective.

15 After you listen to this, you might go down to
16 fourth one from the bottom and say, "Hey, from our
17 perspective this really needs to be bumped up." Right?
18 And so presumably that process would come out.

19 Now, maybe the question is there, is the priority
20 known? In other words have you guys prioritized it and
21 clarified or shared with the group what your priorities
22 are. So that if you go down all of these and obviously
23 more during the course of the year, has that been done and
24 would that be helpful?

25 So I think there are two different issues and I

1 want to just make sure that we separate them out. Is
2 everybody fine? Let's take it one at a time. And I
3 haven't forgotten you, Gene, or anyone else with your cards
4 up. But let me just try to get to this.

5 So is everybody comfortable with the idea that
6 the procedure for bringing an idea to the table is either
7 bring it to me like this and say, "Hey, I'd like us to talk
8 about this at some point." Then it gets vetted. And then
9 it sounds like on this particular issue you guys are going
10 to have an opportunity to discuss more. Or you send
11 something to DSA and say, "I'd like for this to be
12 considered" and then they'll do their thing.

13 So have you got a specific comment on this,
14 Carol?

15 MS. LOEFFLER: Yeah, I think because I'm stuck on
16 the fact that we're in the ACC role as the category that
17 we're discussing.

18 MR. BOURNE: Don't get stuck on that. We're over
19 on another topic right now.

20 MS. LOEFFLER: We're on decision making?

21 MR. BOURNE: We'll come back to that.

22 Well, we're actually on -- yeah, we kind of
23 floated a little bit here. But we're actually we got moved
24 over to the issue of where did we get moved over? I think
25 I've lost track.

1 MS. SCHUR: Well, I do think it's part of ACC
2 role of when do we get (indiscernible) --

3 (Overlapping colloquy.)

4 MR. BOURNE: And that's why we kicked this off.
5 Okay, thank you for bringing us back to that. So yes, we
6 still are on that.

7 MS. LOEFFLER: We are?

8 MR. BOURNE: Yes.

9 MS. LOEFFLER: Of the ACC's role?

10 MR. BOURNE: Yes. In other words as an ACC
11 member, how if you have any ideas that you want to be
12 considered by this group, how do you bring that up? That's
13 what we're discussing.

14 Bob?

15 MR. RAYMER: I like the latter choice where you
16 send it to DSA staff, have them make the determination is
17 this something that could be under their purview? Are they
18 somewhat ready to go forward, either soon or later? If
19 that's the case, put it on an agenda.

20 But they're going to have to -- it's not just DSA
21 that's going to have to do the background. Everybody here
22 is going to have to do the background on this stuff. So
23 DSA could make sure that everybody gets the background
24 information that they need to do a thorough review and get
25 prepared for when we come to these things to be able to

1 look at it. So I like the latter one. You have one simple
2 forward hose into the funnel for determining what's going
3 to come to the group.

4 Because I was going to mention we've got 16 items
5 for this afternoon. Serving as a Chair for code advisory
6 committees for decades, what I do is I look at how many
7 items we've got on the agenda that are going to take some
8 time. And then do some quick math and we've got about 10
9 minutes for each one of these. And so if we start going
10 over 10 minutes, some of the items at the end ain't going
11 to get done.

12 MR. BOURNE: Right. So there's been actually
13 some prioritization of some of the issues that might take a
14 little longer to go first and some of the shorter ones
15 later. So we've got a little bit of that filter.

16 MR. RAYMER: Cool, cool.

17 MR. BOURNE: That's a great point. So the idea
18 then that Bob is suggesting is that if you have an idea for
19 a proposal, send it to DSA. And then DSA works with that
20 person. And then the idea is to make it transparent though
21 too, right? So presumably the DSA would come back to the
22 group and say, "Hey, we received a proposal from Ernest and
23 we've been working with him," and come back with your
24 findings.

25 I don't know if it would be helpful. You

1 mentioned one criterion, which is appropriate to the
2 Building Code. I don't know if you have other filters you
3 would be using. But if you do maybe you'd want to share
4 with the group here the three or four filters we would go
5 through if we get a proposal and make sure it's appropriate
6 so people know that. And if it's like not around that,
7 then --

8 So anyway, I'm going to come back and close this
9 part Dara, since she started it. And then go to Gene and
10 hit everybody else so we can kind of bring closure to this.

11 MS. SCHUR: So I have two concerns.

12 MR. BOURNE: Yep.

13 MS. SCHUR: I don't mind funneling things to DSA.
14 I know there's some basic criteria we need to meet and they
15 have a lot of expertise. And I don't mind doing a lot of
16 work either on proposals or research or whatever.

17 I'm concerned about two things. I'm concerned
18 that there may be proposals from the public the DSA may be
19 rejecting without us having an opportunity to consider
20 them, because they don't have time for them or whatever,
21 that would otherwise fit the criteria. I'm not saying we
22 would disagree with your choice, but I want to know if we
23 have an opportunity to hear of other proposals that may
24 have come in from the public that at least meet the
25 possible test or probable test.

1 And I just don't know the answer and I just need
2 to know the answer. And it would make me feel like do I
3 need to do a lot more homework to figure out what's out
4 there. Or am I really -- do we have the full universe of
5 important things in front of us.

6 And the second then is I would hope, and I think
7 what I heard you just say, Greg, is that if DSA thinks that
8 they can't move forward with one of our proposals, there
9 would be an opportunity for discussion about that decision
10 in this group.

11 MR. BOURNE: Well, I'm just proposing that,
12 because I think for a group to be collaborative having
13 transparency around that is very important, right? And so
14 it would be, I think if somebody's made the effort to say,
15 "I'm just proposing this," right? Somebody's made the
16 effort to send a proposal to DSA, I think at a minimum they
17 should come back and say, "Hey, we received this proposal.
18 Here's our analysis and here's where we are." And you guys
19 can clearly discuss it. Does that seem to make sense?

20 MR. RAYMER: Sounds good.

21 MR. BOURNE: Does that make sense for you as
22 well?

23 MS. CLAIR: Right. And I think to address your
24 concerns, when a proposal is approached or sent to us, we
25 make every effort we can to outreach to the proposer to try

1 to understand what is that proposal? Let's discuss it
2 further. Through that discussion, many times that issue is
3 resolved. Either we show them where it is in the Building
4 Code, the Building Code path. Or we say, "Okay, you made a
5 really good point. We'll put this on our agenda. We plan
6 to change it." We have those discussions.

7 I would like to offer that if there's an impasse
8 and through those discussion, you know, we still see things
9 differently, that's when it would be the most appropriate
10 for us to say, "You know what? If you want this discussed
11 it would probably be best if you brought it through your
12 stakeholder representative on the ACC, so they can champion
13 it to the group." So that way if you're concerned, there's
14 another avenue for it to come to this group.

15 For us to feel like there's a reason why we can't
16 move forward and they're still at an impasse, if that
17 individual is really impassioned in moving it forward,
18 that's an avenue. Because they've already approached it
19 with us, but it's very difficult to have a forum where
20 we've already -- understand. Sorry, I'm not being very
21 clear. But understand that the individuals here have
22 expressed their concern on having really long meetings.
23 They've also expressed their concern that they want
24 meetings to be productive. They want meetings to be
25 collaborative. That we do have to make choices, as an

1 agency, of which will move forward and which won't, which
2 are ready, which are not.

3 It's not a matter of prioritization, technically
4 for us Prioritization A, legislative mandate. If there's
5 an effective date that something needs to take in, that's
6 going to take priority over anything else, because it's a
7 legislative mandate.

8 Secondly, if there is something needing clarity,
9 that is critical, because it addresses on a wide range
10 issue and it's determined that that's the impact it has, we
11 will address it.

12 If it's a matter of a little bit of clarity in
13 the Building Code that we can address in the advisory
14 manual until we get to it, or if it's easy to be done and
15 there isn't a lot, then it also makes the list, because it
16 doesn't acquire that much attention. But it is going to be
17 a game that we discuss those and I don't mean a game in the
18 sense that we're gaining the system. It's always trying to
19 determine what needs. And we respect that for each one of
20 you. You may have individual needs that you feel are more
21 a priority than someone else's needs, but they also feel
22 the same with yours. We also have to determine that.

23 So it's difficult. It is challenging.

24 MR. BOURNE: Would it be onerous to Dara's
25 specific point about hearing other proposals that come in

1 that the group may not be aware of. Do you get so many
2 that would be onerous to like just list out what they are
3 for people or I mean I just have no idea. But would that
4 be an onerous task?

5 MR. RAYMER: Well, as an observer, HCD in the
6 1990s had a parking lot of some 75 items and DSA had over
7 100 as they went into the early 2000s. I'm not sure where
8 everything is now. But it was enormous.

9 MR. BOURNE: So I think you'll just have to just
10 make a decision and --

11 MS. SCHUR: I'd like the idea if someone has a
12 proposal that's (indiscernible) that you're going to reject
13 it you could tell them to come through one of us. I think
14 many of us would feel comfortable with that.

15 And I think if there is a parking lot of items
16 that you're not getting to, using the terms slightly
17 differently, like the list that Bob just mentioned, it
18 might be helpful at some point to share that with the
19 group. So we could figure out maybe some of those are ones
20 that this group would want to move up on the list.

21 MS. DUNLOP: Right, that's all the focus and --

22 MS. CLAIR: Right. Yes, and I guess what part of
23 my concern that I wanted to address is back to what Greg
24 was discussing about. You know, when we have those
25 individual discussions with an individual and usually,

1 really, 75 percent of the time they work out. If there is
2 the 25 percent that don't it may be that the language we're
3 using to communicate with each other is not effective. So
4 that's why bringing it to this group, using collaboration
5 skills and having more people express the need, or the
6 concern, or the priority, or the urgency, is a great forum
7 to do that.

8 And that was part of the reason why we created
9 all of you individuals as stakeholder representatives. So
10 you have that avenue. Because it shouldn't just be a
11 discussion that one person champions and that's all we're
12 having the discussion is between us and them.

13 With regard to our list we have a pretty
14 extensive list. A lot of times people don't feel that
15 their as passionate about it and it does involve a lot of
16 work. And perhaps other things have taken a priority, so
17 they're still on our list and it's been moved to future
18 study or further study, or it can't be addressed. But we
19 are chipping away at it. Trust me.

20 MS. SCHUR: It's not a criticism.

21 MS. CLAIR: No, no, no. What I'm just saying is
22 that every 18 months you can see there's always something
23 on the agenda, which means we are chipping away at it, but
24 it's --

25 MR. BOURNE: So I'm really mindful of the time

1 now.

2 Gene, you're next in just a second. We've got
3 about six other. Dara, we've addressed your needs now?

4 MS. SCHUR: You have.

5 MR. BOURNE: Okay. So we have about five other
6 people --

7 MS. LEE: Well, I'm not done with --

8 MR. BOURNE: We can come back to it. Okay. So
9 I'm going to get around to everybody else. I just wanted
10 to make sure. So looking at the time, though let's try to
11 -- I'm going to look a little harder on keeping us focused
12 on the specific need we need to address for the Charter.

13 Gene, you're next.

14 MR. LOZANO: Okay. The first thing was, and I
15 don't want to put words in your mouth, but there was
16 something I was going to suggest and it sounded like he
17 might of touched upon it. Perhaps a role of the ACC is
18 when there's an item that somebody has a proposal that's
19 brought there.

20 And let's say DSA feels they're not too certain
21 whether to reject it or not and that perhaps through this
22 entity that you create a subject taskforce to help give
23 them some advice there. So pulling those people that feel
24 they have expertise in here. And that could be a role of
25 us to help out, which may be then that might help DSA to

1 make a final decision on. Not taking anything away from
2 the staff, but getting an outsider's perspective, which
3 means that was one thing to suggest for consideration and
4 be in the Charter.

5 Something that it's related, but it's not to be
6 discussed now, but at a future meeting -- the proposal
7 itself, what's there and what we have to provide as the
8 proposers. Having just filled out that proposal form, it
9 was really difficult.

10 There's some things it's impossible for the
11 layperson sometimes to know how to deal like how much it's
12 going to cost, these things, impacts. And if that's going
13 to be a factor either they're blank or say I don't know
14 than the concern is your proposal is going to be rejected.
15 And it feels like it's almost screening out, it feels like
16 it's screening out those of us who are not as well versed
17 as others to answer those questions. And the form itself
18 has problems being filled out too.

19 I wanted, and getting back to the Charter
20 specifically, we were at the section dealing with the
21 appointments of people there. And this may be the then for
22 placeholder discussion to you folks, after this maybe --
23 and I hate to be negative -- but it's like the process for
24 removal, suspension, to have that in the Charter.

25 And also there might be -- I'm not trying to make

1 this whole length longer, the Charter -- but maybe just a
2 general code of conduct of what is acceptable behavior?
3 And I can offer something that the county, the Sacramento
4 County Disability Advisory Commission addressed both these
5 issues in their bylaws, which is slightly different from a
6 Charter though. The text would give you an idea of some of
7 the things that might be something for you folks to
8 consider. And that's it.

9 MR. BOURNE: Thank you, Gene. We have not have a
10 chance yet to get through the latter part of this document.
11 But we have added a section on ground rules, which is in
12 essence -- and maybe you'll think a code of behavior is a
13 little different, but after we've gone through that let me
14 know if that's addressing your concerns or if you have
15 others.

16 MR. LOZANO: Okay.

17 MR. BOURNE: So and then I heard you ask for
18 maybe a clarity on a process for removing somebody.

19 MR. LOZANO: For removing and appeal.

20 MR. BOURNE: And we'll add to that too when we
21 get to the length of service maybe. So thank you for that.

22 Let's see, I think, Arfaraz I think you are next.
23 And we'll just go around, Kaylan, Earnest and Jihee.

24 MR. KHAMBATTA: All right, so Greg, this is
25 Arfaraz. First, I just have a recommendation vis a vis the

1 proposed changes that DSA receives from the public.

2 MR. BOURNE: Okay.

3 MR. KHAMBATTA: And then a question on the
4 process or procedural question on how ACC members should go
5 about forwarding their recommendations to DSA.

6 So with regard to the first, just as a comment I
7 think I totally acknowledge and appreciate the hard work
8 and effort that DSA staff need to put in to review proposed
9 code changes that you receive, the multitude of proposed
10 code changes I should say that you receive from the public.
11 It might be just a good idea to send out a quick
12 acknowledgement of receipt to the public saying, "Hey,
13 thank you for your recommendation, we're working on it.
14 We'll get back to you within 30, 60, 90 days, whatever."
15 So that's just a quick recommendation.

16 And then I'm also glad to share Ida's
17 recommendation idea that perhaps if the member of the
18 public receives -- if DSA lets them know that they can't
19 move forward with the recommendation, then referencing or
20 recommending that they reach out to a specific ACC
21 stakeholder member, that's great idea. I support that. I
22 think maybe it should be referenced in the ACC role
23 somewhere. I'm not sure how and where, but that should go
24 in as Ida recommended.

25 And the second part would be on bullet number two

1 under ACC Role, it talks about ACC members putting forward
2 recommendations to DSA. I understand those recommendations
3 need to go through the instrument of Form 665, if I've got
4 the number right. And so it's the same form that the
5 public uses. And just to be clear, is that how DSA would
6 like ACC members to put forward recommendations or is there
7 another instrument that you'd like us to use?

8 MR. SHAW: Greg, if I could quickly. I know
9 you're --

10 MR. BOURNE: No, go ahead.

11 MR. SHAW: -- conscious of time. And I am too,
12 so I'll very quick about this. The Form 665 is a good form
13 and it is available to the public. It helps to organize
14 the thoughts of the proposers. And hopefully leads them to
15 be able to identify pretty specifically the reasons why
16 they're making the proposal, so on the upper level it's
17 intended to facilitate communication. I think it would
18 probably be an excellent form to utilize for the ACC
19 members who would like to propose items. I would support
20 that. I think that's real good.

21 Now, Gene had mentioned a little bit earlier
22 about some of the sections of the Form 665. We don't
23 anticipate that every code proposer has the depth of
24 knowledge to be able to identify the costs that it would
25 impose, statewide, on some of these things. But to the

1 extent that we can receive the greatest amount of
2 information that helps to get DSA going in the right
3 direction in reviewing these proposals. Because sooner or
4 later if this proposal does actually become formal proposal
5 coming from DSA to the Building Standards Commission, we
6 need to include that information.

7 And so if that's know information upfront sure,
8 that's great. If it's not known upfront that's okay. It
9 might lengthen the time that it takes for us to process
10 those proposals, but one way or the other we're going to
11 get that information.

12 MR. BOURNE: Go ahead, Gene.

13 MR. LOZANO: To the extent possible, you're
14 saying use the form?

15 MR. SHAW: If possible, sure.

16 MS. SCHUR: And you can have blanks if you need
17 to and don't have the answers?

18 MR. SHAW: Yes.

19 MR. KHAMBATTA: So just to be clear, you were
20 suggesting ACC members use the form?

21 MR. SHAW: I would support that form.

22 MR. KHAMBATTA: Okay. And just submit the form
23 to Jessica?

24 MS. CLAIR: Or me, or yeah either.

25 MR. KHAMBATTA: Or either.

1 MR. BOURNE: Go ahead, Gene.

2 MR. LOZANO: So Ida, and I guess I'd like to ask
3 Derek, this. That form I just heard you clearly say
4 preferably filling out to the best of one's ability the
5 form. And Ida said if you need to leave a spot blank,
6 that's fine. But the preference is -- and I don't know how
7 much control you have over that since it's a DTS form. But
8 can that at least -- something like a note or something
9 letting the proposer know that if you can't provide the
10 information your proposal will still be considered,
11 although it may slow down the process. You know, if it's
12 the missing information.

13 Something that at least lets them know you're
14 proposal is not dead on arrival, because you haven't gotten
15 it. Or it's going to be filtered and will automatically
16 goes at the bottom of the pile or something like that. And
17 the thing is --

18 MR. SHAW: Sure. And you know that's all our
19 form, so we have 100 percent control over it here. I think
20 those are good suggestions and --

21 MR. LOZANO: And before you implement anything
22 like that, I'd like to ask that we have a future meeting.
23 Let's talk about the form and how it works and the
24 limitations of being a .pdf where with word at least you
25 can add something so you can -- you don't have to put

1 supplements and things. It's all legally on the form. But
2 the contents and things like that, maybe we could just talk
3 about the form at a future meeting?

4 MS. SCHUR: Eugene, can I -- this is Dara -- I
5 was going to support you. But can I suggest we just set up
6 a subcommittee to look at the form, because I think there's
7 a lot --

8 MR. LOZANO: That's better, much better. Yeah,
9 no you're actually right. But at least bringing something
10 to the full committee, because there may be something that
11 the taskforce may not think about too.

12 MR. BOURNE: Okay. So we've got this as an issue
13 to be addressed. And let's quickly get around to Kaylan,
14 Earnest, Jihee and then we have to take stock of where we
15 are on time.

16 MS. DUNLOP: I think my question may fall under
17 decision making. I can wait or I can throw it out now.

18 MR. BOURNE: Wait if you would. Thank you.
19 Ernest?

20 MR. WUETHRICH: I think my question was going
21 back to what Carol may have originally brought of what the
22 language actually is intended for informal guidance versus
23 formal recommendations.

24 Is the intent of that at the formal
25 recommendations are what's shown in the proposal forms of

1 what's used in the proposal forms, or what would that look
2 like versus -- when I read it, I interpret that what we're
3 doing right here is kind of the informal discussion. And
4 if there's something that's going to be used as a formal,
5 some kind of formal recommendation that the proposal form
6 is used.

7 And also I think that my understanding from our
8 last meeting was that the preference is that the formal
9 proposals are used just because we -- there's a lot of us
10 and it's passionate. And we're good at getting sideways
11 sometimes I think, but it helps kind of dial in everything
12 else into one space.

13 And just one last question is I'm personally
14 curious as to how many proposal forms are actually brought
15 in. I have no idea.

16 MR. BOURNE: Derek?

17 MR. SHAW: Sure. We receive code change
18 proposals constantly. And it doesn't matter what stage we
19 are in a particular rulemaking cycle, we're getting them 12
20 months out of the year. And that's fine. We work with
21 that, because we always know every 18 months, we start the
22 process over again.

23 MR. SPRINGER: So is that like 1 a week, 10 a
24 week, 100 a week?

25 MR. SHAW: Oh gosh. It varies. But at least 5 a

1 week I think is not unusual.

2 MS. CLAIR: I would agree with that. And they're
3 coming to each of us, separately, so.

4 MR. SHAW: Yeah, we've got Sue, she handles a lot
5 of educational outreach. So she's meeting people quite a
6 bit. And through the course of her work she gets proposals
7 either just informal discussion items saying, "Hey, there's
8 a problem with this section of the code." Or, sometimes it
9 leads to a little more conversation and the proposals are a
10 little bit more formal.

11 But Debbie's working with the certified access
12 specialists. And they meet regularly, that same sort of
13 thing. "Hey, we're getting a lot of questions or comments
14 about this part of the code. Maybe it's something DSA
15 needs to look at potentially clarifying." So she brings
16 that to the table.

17 Of course Ida is looking at a lot of these same
18 issues and much, much more.

19 MR. KHAMBATTA: But the DSA looks at formal code
20 amendments proposal as a Form 665 right, which about 5 a
21 week or 250 a year, roughly. And in addition to those 250
22 665s you get a multitude of emails every day from people
23 asking for clarifications and stuff like that.

24 MR. SHAW: I wouldn't say that all of the code
25 proposals that we formally count all come in on 665s. No.

1 MS. CLAIR: No. But we'd prefer that.

2 (Laughter.)

3 MR. SHAW: But like I mentioned earlier it helps
4 to get the process going on that.

5 MR. BOURNE: Okay, let's get to Jihee who's been
6 very patient. So we'll get into this conversation, so.

7 MS. LEE: Thank you. I just on want to stay on
8 topic of the role for ACC. I'd like to finish the
9 conversation started from Dara. I thought there were two
10 parts to her question.

11 One was whether part of ACC's role is
12 prioritizing all the subject that we are going to be
13 reviewing. And my understanding was yes, it was part of
14 our role. So because I don't think that question was
15 answered. Are we going to put that in the Charter as part
16 of the role; then that kind of closure of that first part
17 of the question.

18 And then the second part is the procedural thing
19 on that. And you went back and forth on how we do it. And
20 we talked about that last time as well, so I have a
21 suggestion on that part.

22 MR. BOURNE: Okay, good.

23 MS. LEE: I understand DSA goes through a very
24 extensive list and you guys continue to work on your list
25 that you're developing.

1 I know Dara already kind of shared us what she's
2 working on, in the email a few days ago. So I thought it's
3 kind of a good heads up for us to have -- if anyone of us
4 have suggestion for a subject to discuss or recommendations
5 -- when that question submits to DSA, at least from us
6 members from us, can simultaneously send it to the
7 committee, the three people committee. And they could
8 share what we individually are working on, so we don't
9 duplicate our effort if we are already know a member is
10 working on certain topics and we don't have to duplicate.

11 So if we could share that among ourselves and
12 that would help in the process of prioritizing and giving
13 recommendation. I mean we're here to recommend advice, but
14 DSA will determine what actually is going to get
15 accomplished. So I mean that's up to DSA, but at least we
16 can do our part to be give best recommendation, so that
17 would help in the process.

18 MR. BOURNE: Okay. Good.

19 So what I would recommend is that we -- let's
20 talk about the process, because I think we've got a process
21 we've talked about proposing for getting comments on the
22 ground. But the prioritization piece, are you comfortable
23 adding and looking to Ida, with adding kind of helping
24 prioritize it or how do you want to deal with that?

25 MS. CLAIR: Well, here's basically a suggestion

1 when it comes to prioritization. From the ones that we
2 receive directly from stakeholders, some of our
3 prioritization like I said depends on legislative mandate,
4 immediate need and also the ability to address it quickly
5 if it's simple. So that's kind of how we prioritize.

6 It's difficult to bring all 250 items, because
7 what's going to happen is each one here is going to think
8 each item is a priority. No, that's a priority. And then
9 we're going to get into a debate as to what's a priority.

10 So I would really like to use this group to
11 understand that if your stakeholders think it's a priority,
12 to come through you and champion it. Alert us. "This is a
13 priority for my stakeholders." Alert us, we will try to
14 make that a priority for the group as provided we get the
15 background discussion done. Bring it to us early. Allow
16 us to do our homework. Allow us to engage in discussion
17 with you. And then determine when it's appropriate to
18 bring forward to this group.

19 But it really does need to come from your
20 outreach to the people you represent and from those
21 bringing it to you. They can bring it to us. We take it a
22 certain level. Many times they're happy about it. I mean
23 we get them from code enforcers on clarity as well as code
24 users on more accessibility needed. We address those
25 pretty sufficiently. It's those issues that the priority,

1 we're getting them from different people who have different
2 priorities. So they need to use you as a voice on here.
3 And that way at least that's a group that's determining
4 that collectively it is a priority for that group. Does
5 that make sense?

6 MS. LEE: But is that just an answer yes or no on
7 that?

8 MS. CLAIR: I would prefer that the
9 prioritization from this group -- if something becomes a
10 priority addressed, it comes through this group to DSA
11 prior. I mean it comes from an individual in this group,
12 to us. We work together and then determine the appropriate
13 time to bring it to the collective group, so still having
14 that homework (indiscernible)

15 (Overlapping colloquy.)

16 MR. BOURNE: Gene, I see hold on just a second.

17 MS. LEE: That's a procedural suggestion. I just
18 wanted to clarify are we going to put that into the Charter
19 as a part of the role, so?

20 MR. BOURNE: Yeah, I mean there's kind of a
21 formal and informal part of this.

22 I mean, I think what I was suggesting earlier is
23 that when you get into discussions and things that are like
24 presented this afternoon, you will naturally as a group
25 help DSA decide where you think the priorities ought to be

1 right, even if they prioritize something differently.

2 So I think it's going to happen as a natural
3 course. And I think the process Ida is mentioning is just
4 a way for handling proposals, so that they get vetted
5 properly before they come here. So that's a little
6 different than the prioritization issue, so.

7 MS. LEE: I mean that's all fine. We can work
8 that out. I just wanted clarification on whether we --
9 because we're in this section of the Charter development,
10 so are we going to put that in there? That was my
11 question.

12 MS. CLAIR: Well, this is still working. It's a
13 draft in process, so we've taken these comments and I'm
14 assuming together with Greg we're going to put a new
15 Charter -- I mean put the additional comments in the
16 Charter. So and you guys will all review that.

17 MR. BOURNE: So this issue was raised, the how
18 are we going to handle the proposals raised, clarity of the
19 Form 665 with some caveats on it's still valid even if it's
20 not totally filled and then some clarity regarding informal
21 guidance. And just how the material, and how the outcomes
22 from these meetings are going to be generated and then
23 disseminated, reviewed and disseminated.

24 So we'll get clarity on all that. I think that
25 covers most of what I've heard. Is anything outstanding

1 that anybody else -- and then again I'm coming to Gene.

2 (No audible response.)

3 Okay. Gene?

4 MR. LOZANO: I think I just heard a few minutes
5 ago that one of the roles is we may be, as a member, a
6 conduit, one of the conduits of getting proposals to DSA.

7 MR. BOURNE: Right.

8 MR. LOZANO: And I want to find out are we
9 ultimately obligated or responsible to have to do the
10 paperwork? Let's say some of the constituents, you know,
11 like my focus is the blind and low vision. Let's say they
12 come up with some ideas. And I say, "Okay, I've heard
13 these ideas. Now, you need to try and fill out a form and
14 give to me and I'll forward on." And they say, "Well, we
15 need to do it, but we don't know how to do it, blah-blah-
16 blah," basically pushing it off to me. Is it my
17 obligation? Am I responsible then not only to bring the
18 concept to the DSA, but to fill out that 665 Form? Is that
19 something that I have to do?

20 MR. BOURNE: I don't see that in your description
21 here at all.

22 MR. LOZANO: I don't, but I'm just wondering if
23 that --

24 MR. BOURNE: Right, just in practice how's it
25 going to work. Yeah.

1 MR. LOZANO: Yeah. And if that is -- and if you
2 folks decide that's the expectation then I think we need to
3 know. And people who take our positions later on, whether
4 it's an operational policy or something is our role,
5 because it may not be appropriate to put this in the
6 Charter. But I'm bringing it up, because we're talking
7 about the Charter. And that's the reason I'm bringing it
8 up. Thank you.

9 MR. BOURNE: Yeah, partly is I mean that do you
10 want to put yourself as ACC members --

11 MR. LOZANO: I don't.

12 MR. BOURNE: -- in the role of filling out forms
13 for people? And if you don't then I think you just have to
14 put it back on them to do. And that's the way you're going
15 to then share it with DSA.

16 MR. LOZANO: I think we have an obligation to
17 bring the ideas and things to the group, so that people
18 know this is something our constituent is talking about.
19 But in some areas, some of the representatives would be
20 overwhelmed with a lot of people wanting proposals to be
21 filled out and others, we may not have as many.

22 MR. BOURNE: Right. Well, it sounds like maybe
23 you just need to leave it at that point of being a conduit
24 for this and making sure that DSA is aware of the proposal.
25 But maybe that's where your responsibility ends?

1 MR. LOZANO: Please don't misinterpret that I'm
2 not wanting to do work or I just may be asking.

3 MR. BOURNE: No, I think it's reasonable. It's
4 just maybe (indiscernible) --

5 A final comment, Arfaraz.

6 MR. KHAMBATTA: Yeah, a final comment would be
7 that if we are taking on that batting on behalf of the
8 stakeholders it would be useful to understand why their
9 original proposal was rejected by DSA. And understanding
10 where the gaps were in the proposal, so that we can maybe
11 work with the stakeholder on filling those gaps.

12 So does DSA provide the public typically a reason
13 for why their proposal was rejected, so that we can help
14 them through that process a little?

15 MR. SHAW: Yeah, this is Derek again.
16 Historically, DSA has gone through a few different site
17 phases, I guess, in the way we respond back to the
18 proposers.

19 Now, years ago we didn't respond very well. Over
20 the last couple of years we've really tried to focus. And
21 we've really tried to complete the circle on each of the
22 proposals, each and every one of the proposals. And be
23 able to respond early on if a proposal was culled from our
24 initial consideration of it.

25 And to respond for those that made it through the

1 first pass and actually got into our heavy development
2 portion, then we've been able to respond later on through
3 our code cycle. So we're really trying to do a better job
4 of that.

5 Now, of course we didn't have the benefit of the
6 ACC over the last couple of years, but we have been
7 responding directly to the proposers.

8 MR. BOURNE: So, a number of issues have come up
9 about of hey, what maybe DSA can do that are outside of
10 this Charter. So I would suggest that if you have those
11 ideas, you know, just hold onto those and there'll be a
12 time and we can get through those.

13 Now, the lunch plans are lunch is coming here,
14 correct?

15 MS. MOE: It's here. It's in the other room.

16 MR. BOURNE: It's in the other room. Okay. So
17 you know there was an hour set aside for lunch, but lunch
18 is here. So I don't think we -- can we all agree that we
19 don't need an hour for lunch?

20 MS. MOE: Yes.

21 MR. BOURNE: Is everybody hungry?

22 MULTIPLE SPEAKERS: Yes.

23 MR. BOURNE: So why don't we break now. Let's
24 see if we can do it in 30 minutes. Come back at 10 'till
25 1:00, pick up here, try to get through this by 1:30, so

1 that we still have the bulk of time left to get onto the
2 content of the code. Does that make sense? Okay, thank
3 you very much.

4 (Off the record at 12:22 p.m.)

5 (On the record at 1:53 p.m.)

6 MR. BOURNE: Okay. So we're going to move on
7 through this document. I think it's important for us to
8 take the time to do this, and we'll try to get to as many
9 of these proposed code changes as we possibly can.

10 **Decision Making**

11 So we're now on to the decision-making part of
12 this document and so that's the beginning of page 3 and
13 I'll read this for everyone and then we can have a
14 discussion. It's a relatively short two relatively short
15 paragraphs. So this is about decision making.

16 "The ACC will operate using a collaborative
17 approach to decision making and will strive to reach
18 consensus on recommendations. If the ACC cannot reach
19 consensus however, the transcript of the meeting will
20 reflect the perspectives held by the majority as well as
21 the minority. And a formal report will be produced by the
22 ACC Planning Committee for inclusion in the rulemaking
23 record, so all viewpoints can be documented in the
24 rulemaking process."

25 That's the end of paragraph one. The second

1 paragraph reads:

2 "Any decision by DSA regarding proposed
3 amendments to the CBC not aligned with the ACC's
4 recommendation will be acknowledge by DCA," -- DSA, excuse
5 me, I probably did that five times in a row, didn't I --
6 "will be acknowledge by DSA and a written rationale for the
7 decision will be provided to the ACC and reflected in the
8 Statement of Reasons submitted to the Building Standards
9 Commission."

10 So in so many words it says we're going to try to
11 reach consensus when we can. We use the words "will strive
12 to reach consensus," which means we'll go to the last
13 person. If we've got everybody but one person who has
14 concerns we'll try to reconcile that if we can. If we come
15 to a point where we just say we don't think we're going to
16 be able to do that then there would be basically a
17 majority/minority report indicating that the majority of
18 people had this opinion, but this additional opinion was
19 expressed, which kept us from being able to give you a
20 consensus recommendation.

21 MS. LEE: What percentage is considered majority?

22 MR. BOURNE: Well, I don't think -- it's a great
23 question. I mean, obviously a majority would be 7 to 6,
24 but that to me in no way reflects a consensus. I mean, if
25 you barely have -- you've got equal numbers on both sides

1 we haven't done very well on moving towards consensus. I
2 think if we had something like that we'd just say, "Look,
3 the group is really split on this. There was -- you know,
4 we didn't make much progress with the report."

5 I think most of the time you get to a point where
6 you -- out of 13 people you get like 10 people that can
7 live with it you've got to say, "Okay, maybe that's as
8 close as we can get." And express the views of the three
9 people that couldn't get on board, so we'll just handle it
10 that way.

11 Does that make -- does that answer your question?

12 MS. LEE: Well, I just wanted to define what
13 consensus means for us.

14 MR. BOURNE: Yeah, consensus basically means
15 getting everybody on board.

16 MS. LEE: Everybody?

17 MR. LOZANO: 100 percent?

18 MS. LEE: 100 percent?

19 MR. BOURNE: 100 percent.

20 MS. LEE: Oh, wow.

21 MR. BOURNE: That's why we said we're going to
22 strive to reach consensus. But when we cannot reach
23 consensus then the opinion of the majority and the opinion
24 of those who can't agree will be expressed in the report,
25 so that the decision makers can see the full range of

1 discussion.

2 Yes, Carol and Derek?

3 MS. LOEFFLER: Is there a reason why we need to
4 include "held by the majority as well as the minority,"
5 because that's 100 percent.

6 MR. BOURNE: Do we absolutely want to do that?
7 No, it's just that a lot of people kind of think in those
8 terms. And because you hear them say, "Can we have a
9 minority report?" All we're trying to say -- or, "Do we
10 have a majority on that?" So all we're trying to say here
11 is if we can't reach consensus there will be a report that
12 indicates that, and why we weren't able to, and the points
13 of view that were expressed on both sides.

14 MS. LOEFFLER: Okay.

15 MR. BOURNE: So that's what it's intended to
16 imply.

17 MS. LOEFFLER: See I like that.

18 MR. BOURNE: Okay.

19 MS. LOEFFLER: I like it that way.

20 MR. BOURNE: Okay. Well, we can change that
21 language.

22 MS. LOEFFLER: Okay.

23 MR. BOURNE: Yeah. How do the other people feel
24 about that?

25 MULTIPLE SPEAKERS: Sure. Okay. (Indiscernible)

1 MR. BOURNE: Okay. Do I -- I can't repeat what I
2 just said, are you kidding me? (Laughter.) I have the --

3 MS. LOEFFLER: Points of view reflective of both
4 sides.

5 MR. BOURNE: That's why I'm glad we're have a
6 recording right here. Yes, we'll change it to something
7 like what Carol just said. That we'll share the points of
8 view reflected. You know, the full range of opinions
9 expressed on the decision.

10 So Gene, you can go next, please?

11 MR. LOZANO: It's a procedural thing in that
12 report, since it's going through Building Standards
13 Commissioners I'd like to see that the various opinions,
14 it's identified who the people are. So people know, the
15 public know who took the majority and who was the minority,
16 and the explanation of what it was, their reason, their
17 positions.

18 MR. BOURNE: So that's an interesting thing. I
19 mean it's an important point to talk about, because
20 typically in a meeting in a collaborative like this we'd
21 want to focus on like the stakeholder groups and their
22 interests. And so I think we'd probably be wiser to
23 express more as a stakeholder group that expressed that
24 opinion. Now, it may not even be unanimous within a
25 stakeholder group. You know, it's possible with four

1 members from that group or four individuals representing
2 people with disabilities, it's possible they could have a
3 split opinion.

4 MR. LOZANO: Yes.

5 MR. BOURNE: In which case that should be
6 demonstrated in the report, but I'm not sure you want to
7 name names, because I think that starts personalizing it a
8 little more than the intent of this meeting, which is
9 really to be built more around stakeholder groups. Does
10 that make sense?

11 MR. LOZANO: Yeah, I was just dealing with
12 transparency.

13 MR. BOURNE: Yeah, no I appreciate that.

14 MR. LOZANO: Because if we're representing
15 constituencies that people know what was the position we
16 took. And that's what I was trying to get at and yeah,
17 they would know since it is a public entity.

18 MR. BOURNE: Yeah, well we can do that.

19 MR. LOZANO: It's just asking for -- I'm not
20 insisting, I'm just asking.

21 MR. BOURNE: Right, no. I appreciate that.

22 MS. SCHUR: That would make me comfortable to
23 know that. Because we represent particular viewpoints I
24 think it's important to know what those viewpoints are with
25 whoever is represented in the meeting.

1 MR. BOURNE: Yeah. Yeah, I think the reason that
2 sometimes we shy away from that is that we don't want to
3 over-personalize it. And if somebody's not agreeing they
4 will show up at the next opportunity to express their
5 viewpoint and make that clear, right? So I mean I would
6 expect somebody who's in a minority position would show up
7 at a meeting of the Building Standards Commission or
8 whatever the appropriate venue is and say, "I was a part of
9 the ACC. And while I understand why my colleagues agreed
10 to this I have these concerns."

11 Now, that may not happen, but then it gets
12 expressed in the report, so it's really up to you.
13 Because, Derek, I know you have a thought on this, but I'd
14 actually look to you as a group on deciding this. Because
15 it's really just the level of transparency whether it's
16 built around stakeholder groups or it actually gets down to
17 the person. I'm just saying typically in a collaborative
18 process you would keep it more at the level of the vast
19 majority of people thought this was a good idea, but a
20 couple of members of the group thought -- you know, they
21 had concerns and these were the concerns.

22 That's typically the way you would do this, just
23 to take the pressure off the individuals, because we want
24 people to be honest and candid. And sometimes if people
25 think, "Oh, my name's going to get associated with this,"

1 that might actually impact. They might hold their hand up
2 in consensus and then go around the back side and talk to
3 people and say naught if they think they're going to take
4 heat for it. So I think that's the danger of actually
5 naming names.

6 Derek, go ahead and then we'll -- Kaylan, you're
7 next and Bob, and then back around to Dara.

8 MR. SHAW: I wanted to suggest something in
9 response to Jihee's comment earlier about -- she was asking
10 about what do we mean by consensus. And since consensus as
11 a term can mean everything from 50 percent plus 1 all the
12 way up to unanimity if we're seeking unanimity can I put on
13 the table at least that we change the word "consensus" to
14 "unanimity"?

15 MR. BOURNE: Yeah, we can just say, "We'll strive
16 for unanimous support on recommendations," something like
17 that?

18 MR. SHAW: Yeah, something like that.

19 MR. BOURNE: Yeah, we can do that.

20 MS. CLAIR: Can I clarify? I just want to
21 express that we completely understand the Building Code
22 development process. And that if there is not unanimity
23 and that you do hold out a different opinion, that you
24 present those opinions through at the appropriate time in
25 the process. And the appropriate time would always be in

1 here, in Development meetings, and in the 45-day comment
2 period as well.

3 And not to bring new items and new concerns up at
4 the Building Standards Commission meeting, because for the
5 Building Standards law process those comments really need
6 to be made at the 45 -- by the end of the 45-day comment
7 period or any comment period. So that DSA has an
8 opportunity to address them in the rulemaking record.
9 Because technically the Building Standards Commission
10 cannot consider a -- or shouldn't be -- I mean, in the
11 process is not allowed technically to consider a comment
12 that was not made at the appropriate time, so that it could
13 develop the appropriate response.

14 So I'm not trying to squelch everyone. But just
15 understand that your comments are valuable, and they're
16 really valuable. If you want them to be heard, because of
17 the Building Standards law process to be really considered
18 at least by the end of the 45-day comment period that they
19 are voiced in the record, so that they can be reflected in
20 the record.

21 Do you want to add anything to that?

22 MR. SHAW: No. I think that's really good. I
23 think the only thing, Ida, that I would add to that is that
24 Ida is summarizing what Building Standards law says. Now,
25 that doesn't mean necessarily that's what the Building

1 Standards issue does. And sometimes they deviate a little
2 bit from strict compliance with the letter of those laws.

3 So anyhow, if we do want to see the comments and
4 have them all brought in the best time possible, certainly
5 the earliest possible here at the ACC is great. At the
6 Code Advisory Committee that's another opportunity. And
7 then the 45-day comment period and any subsequent 15-day
8 comment periods that might get a layover, but yeah the
9 earliest possible.

10 MR. BOURNE: Yeah, I just want to point out the
11 difference between minutes and the meeting summary that I
12 would particularly write for a meeting like this. So Pete,
13 does your transcript identify who says what?

14 (No audible response.)

15 Okay. And so that's like a court-reported
16 manuscript or minutes where you actually identify who. In
17 a meeting summary that I write from the collaborative
18 processes it doesn't ever say anybody's name. It says, "A
19 member of the stakeholder group," or "A member of the
20 committee," or -- because the idea in a process like this
21 is to focus on the ideas and not necessarily who said it.
22 And so that's really the reason that I'm saying what I am
23 about identifying specific people and what their position
24 is. There are a variety of reasons, I've alluded to some of
25 them already why I think it's a better idea to keep it

1 focused on the interests of different stakeholder groups
2 rather than --

3 Now, obviously because there are a few here that
4 only have one representative if we say that a design
5 professional representative didn't like this idea --

6 (Laughter, overlapping colloquy.)

7 MR. SPRINGER: Well, that construction guy.
8 Yeah, that lousy construction guy.

9 MR. BOURNE: So in a way, because there's only
10 one or two representatives of most of these groups it's
11 going to be clear who it is. But I don't know, I guess
12 it's your decision, I'm just telling you why I would
13 typically not name names. If you guys want to have meeting
14 summaries look that way, well I mean Pete's going to
15 provide that anyway. It's going to be a transcript that
16 says -- a transcript -- a manuscript or a -- you can't have
17 a tranuscript. (phonetic) But anyway, he's going to
18 provide a transcript that will actually name names, all
19 right?

20 So anyway, let's go ahead and get through the
21 rest of these comments and then we'll see where we are.
22 Kaylan?

23 MS. DUNLOP: So what happens to the items that
24 DSA or Building officials can't enforce, cannot enforce?

25 MS. CLAIR: You mean it's an enforcement issue or

1 it's unenforceable as written?

2 MS. DUNLOP: It's saying --

3 MS. CLAIR: In other words, the regulation exists
4 and it's just not being enforced or the regulation as
5 written is unenforceable?

6 MS. DUNLOP: It's a regulation that's not
7 enforceable by DSA or the building official like a policy.

8 MS. MOE: Or operational issues?

9 MS. DUNLOP: Or operational, like when you pulled
10 out the signage at the checkout counters out, because it
11 was something that building officials couldn't enforce.

12 MS. CLAIR: Oh, I see what you're saying. When
13 there was the provision in the code that said when they
14 were busy that you needed to open another lane --

15 MS. DUNLOP: Yes, yes.

16 MS. CLAIR: -- which is not something a building
17 official can enforce. That's where we would go to the CCDA
18 and say this is a business issue and you need to reach out
19 and develop some kind of communique to business owners of
20 grocery stores, so that they understand their obligation.
21 Maybe we're working with them; maybe it's something on
22 their website that they can also start to develop further.
23 And then it would -- yeah, that would be the best quality
24 (indiscernible) --

25 MS. DUNLOP: So (indiscernible) --

1 MS. CLAIR: -- because that's business owner
2 driven. If it was an issue that needed to be enforced
3 differently by building officials, because it's not being
4 enforced correctly, that would be more DSA's through its
5 education and through the code enforcement professionals in
6 here to carry forth to their constituency.

7 MS. DUNLOP: So that plan is already in place?

8 MS. CLAIR: Yes.

9 MS. DUNLOP: And does not need to be included
10 here?

11 MS. CLAIR: No, and also we do have the
12 opportunity to write notes in the Building Code. However,
13 we don't want them littered with notes, because if they're
14 not enforceable, because they -- in the Building Code and
15 the person who owns the grocery store doesn't read the
16 Building Code, because they're not going through a process,
17 it may not be the best place to put it. So we try not to
18 have a ton of notes in the code. We want to identify those
19 other mechanisms that we can increase that collaboration
20 and education.

21 MS. DUNLOP: But do you see that those types of
22 issues may be something that we would need to discuss?

23 MS. CLAIR: Yes.

24 MS. DUNLOP: Okay.

25 MS. CLAIR: Well, it may be. I mean, it could be

1 that we would touch upon it here, but if we determined it
2 wasn't something we effectively could not address in the
3 regulatory process we would start directing it. I don't
4 want -- I guess my fear is that the Building Code is not
5 Civil Rights law, so discussing those issues and executing
6 those issues is not always what our goal here is in the
7 Building Code.

8 MS. DUNLOP: Yeah, and I guess my clarification
9 is exactly that. That our work is Building Code-related
10 and how do we keep that in mind? Do we need to put that
11 down somewhere?

12 MS. CLAIR: I think we can -- well, I believe
13 it's what "DSA can and cannot do." I think it's up there.

14 MR. SHAW: I think that's covered in our roles
15 and responsibilities.

16 MS. CLAIR: Yes.

17 MR. BOURNE: Okay. It sounds like that's where
18 it would go anyway.

19 MS. MOE: And I don't know if I could offer one
20 other -- a couple other venues. I mean, some of these
21 things we address in our training, because we make it very
22 clear what are the responsibilities under the Americans
23 with Disabilities Act and what are the responsibilities for
24 somebody under the Building Code. But what I see and hear
25 from a lot of the certified access specialists when they're

1 going out and doing surveys for people, they're actually
2 starting to educate some of the business owners on what
3 their responsibilities are outside of looking at whatever
4 barriers are going to be removed. So we're seeing that
5 there is more training going on from the certified access
6 specialists as well.

7 MS. CLAIR: You know we do take that -- when I do
8 CASp training and Debbie as well, we let them know that the
9 CASp program was created as that resource for businesses.
10 And that beyond providing the inspection they really should
11 discuss some of those operational service issues that are
12 overlooked in the -- you know, really related to
13 construction accessibility, and really go beyond it too.
14 Because they're that educational resource, they're not
15 getting it anywhere else.

16 So we're trying to like I said, close the loop in
17 many different ways.

18 MR. BOURNE: Okay. So we really want to keep
19 focused on the decision making for this group. I think
20 we've clarified the unanimity aspect of it. We've
21 clarified the report will move away from the
22 majority/minority. We just talked about expressing the
23 full range of perspectives. Any other -- Bob, did you have
24 anything else?

25 MR. RAYMER: Yeah, just looking at past practice

1 for those of you that aren't familiar with California's
2 process. The Building Standards Commission most certainly
3 does give great weight. They're really interested in what
4 the code advisory committees and a group like this would be
5 saying. If you come up with a unanimous vote that's going
6 to give DSA incredible, I guess, a comfort level with the
7 BSC in going forward with the proposal. If they show up
8 with a unanimous vote it's going to be huge with the BSC.

9 MR. BOURNE: Yes. That's good, thank you.
10 Yes, Stoyan?

11 MR. BUMBALOV: Just some notes in regards to
12 enforcement, if we disregard the access, in just the
13 general statement of the Building Code there is a section
14 which says the building shall be maintained in compliance
15 with the effective code at the time of an inspection. So
16 not necessarily everything needs to be in the code, so it
17 applies throughout, including for us.

18 MR. BOURNE: Dara, you're next and then Lewis.

19 MS. SCHUR: I really think what Ida said is
20 important about expressing views early, because it is far
21 more effective to express them here and at the early
22 stages. And I also heard you say but people are free to do
23 it later if they choose, but I certainly agree in here that
24 earlier is better.

25 I have to say I think it is important to do a

1 minority report. And I think it is important to identify,
2 if not by individual names at least the constituency groups
3 that are represented in that minority report. I don't
4 think it's appropriate to depend on people to show up and
5 express. I think the public reading the report and the
6 Commission need to understand what perspectives the
7 dissenting views are coming from. I'm sorry if that's sort
8 of not the collaborative process, but this is ultimately
9 there are political decision makers who need to know what
10 the source of the dissenting or differing opinions are. If
11 we get there, hopefully we won't, but if we do.

12 MR. BOURNE: Right. No, absolutely and it's
13 fine. I mean, it's consistent with the collaborative
14 process to name the stakeholder group.

15 MR. LOZANO: Sure.

16 MR. BOURNE: You know, we just try to keep it
17 from going to that next level of personal attribution, but
18 I think there is no problem doing that.

19 MS. SCHUR: Okay.

20 MR. BOURNE: Lewis?

21 MR. SPRINGER: The last time we talked about
22 using hand signals 54321 for the consistent-making process.
23 Are we not doing that anymore?

24 MR. BOURNE: We're not using that. It's not
25 appropriate.

1 MR. SPRINGER: Okay.

2 MR. BOURNE: Any other -- thanks for asking
3 though for clarifying, because I know it was introduced at
4 the last meeting. And I very specifically did not include
5 that in the material we're covering today.

6 MS. SCHUR: So, do we need to talk about how we
7 are going to reflect consensus or not consensus?

8 MR. BOURNE: Well, basically there's a number of
9 ways to do it. I like to just see if I feel like we're at
10 a point where people are ready to weigh in I just kind of
11 sit and do a little straw poll. And you'll be let's
12 support this, maybe you have a show of hands. And then
13 kind of see where we are and if there's three or four
14 people that still are not in, onboard, we talk to them.

15 Yes, Gene?

16 MR. LOZANO: At the last meeting I asked for
17 this, for access is that when we do a show of hand polls
18 that also I hear who the names of the people are.

19 MR. BOURNE: We can certainly do that.

20 MR. LOZANO: Especially for those who are on the
21 telephone.

22 MR. BOURNE: Exactly.

23 MS. SCHUR: Absolutely.

24 MR. BOURNE: Yeah, so that we'll make sure that
25 is a part of our protocol of doing that kind of preference

1 polling or whatever, yeah.

2 MS. SCHUR: That just reminds me, I think it
3 would be important to make part of this document some
4 ground rules about disability etiquette and best practices
5 for inclusiveness. I'm not sure I want to spend a lot of
6 time given where we are discussing it, but I'd be willing
7 to work with a few folks to come up with some
8 recommendations for the group. So that we're all on the
9 same page about things like the point that was just raised
10 by Gene and your -- you know, the decision you made not to
11 use hand signals for obvious reasons.

12 So if other the people want to work with me on
13 that, my office has a bunch of rules and guidelines about
14 effective disability inclusiveness in meetings and in
15 communications. But other people may have other good
16 ideas, so I would like to just propose that I work with a
17 couple of people to bring back some suggested guidelines
18 for the group's consideration.

19 MR. BOURNE: So is there anybody that would like
20 to work with Dara on that? And the alternatives, just
21 before you put your hand up, you could present because
22 you've done a lot this week -- you could present some ideas
23 and then the group could add or comment on that too, would
24 be another approach to do. But would anybody like to work
25 with Dara on it? Because it sounds like a good idea to me

1 to just have, you know, so we're all kind of working from
2 that same place.

3 MS. LOEFFLER: Can I clarify?

4 MR. BOURNE: Sure.

5 MS. LOEFFLER: Are you talking about
6 inclusiveness among us?

7 MS. SCHUR: During our discussions.

8 MS. LOEFFLER: Okay.

9 MS. SCHUR: Things like what Gene just suggested,
10 which was voice acknowledgement and not just hands or not
11 using PowerPoints unless people read out what's on the
12 PowerPoint in references.

13 If nobody wants to -- I mean, the other
14 alternative is I could just make some suggestions to Greg
15 and he could bring back a proposal to the group, whatever
16 people want to do is fine.

17 MR. LOZANO: That might be the quickest.

18 MS. SCHUR: For me to do that?

19 MR. LOZANO: Yeah.

20 MS. SCHUR: All right, why I don't do that. I'll
21 get you our materials.

22 MR. BOURNE: Okay. Good, thank you.

23 MS. SCHUR: Thanks, but I think we should at the
24 next meeting include in here some guidelines about
25 utilizing -- all of us learning and trying to use good

1 disability appropriate inclusive behavior. I know I'm bad
2 sometimes about identifying myself, we all have to learn.

3 MS. DUNLOP: This is Kaylan, thanks for
4 volunteering. (Laughter.)

5 MS. SCHUR: Luckily I just follow what my office
6 already does. And I know Jihee did something similar at
7 the last meeting. We had an agreement that people could
8 inquire further about disability issues and understand that
9 not everybody shares the same understanding. I don't want
10 to misrepresent what you said, but we had some agreements
11 about that I'd like to carry forward. Did I get it right?

12 MS. LEE: Uh-huh.

13 MR. BOURNE: Great, okay any other comments on
14 the decision-making section, everybody comfortable with
15 that as is?

16 **Length of Service**

17 MR. BOURNE: Okay. Good, then let's move to the
18 "Length of Service." Now here as noted earlier there has
19 to be this initial group, there has to be some staggered
20 terms to make sure everybody doesn't rotate off at the same
21 time.

22 Now, there's more than one way to do this and I
23 think maybe some people have some ideas on that. But the
24 way that it's being proposed right here by DSA is to have
25 one group have 18-month terms. As Ida said earlier the

1 process could allow people to re-up to nominate into that
2 position, but at least for a mechanism to make sure that we
3 get the rotations. And let me read this, so the title of
4 this section is "Length of Service." It's primarily just
5 comprised of two lists of names or positions and then a
6 very short sentence at the end. It says:

7 "The following six initial ACC positions will
8 serve an 18-month term."

9 Bullet one, individuals with disabilities, there
10 will be two people, so half of the individuals with
11 disabilities group would rotate off after 18 months.

12 Disability advocates, again there are two, so one
13 would rotate off after 18 months.

14 Design officials, there's just one design
15 official right? And presumably that spot would rotate off
16 or the person doing that, another person representing that
17 would rotate in; is that the idea?

18 MS. CLAIR: Apply.

19 MR. BOURNE: Yeah. The fourth item is a
20 building and facility owner representative would rotate off
21 and then a code enforcement representative would rotate
22 off.

23 Then it says, "The following seven initial ACC
24 positions will serve the full three-year term: two of the
25 individuals with disabilities, one disability advocate, one

1 building owner representative, one core code enforcement
2 representative, one certified access specialist and one
3 building/construction industry rep."

4 So let me just read the final sentence and then
5 we'll kind of break this into two parts. "Thereafter, all
6 members will serve three-year terms. In the event that a
7 member is unable to complete service the selected
8 alternative may be called to serve the remainder of the
9 term."

10 So let's first of all talk about the divisions
11 into the 18-month and three-year and then we'll talk about
12 the situation for somebody who has to leave before their
13 term is finished. And then Gene has brought up previously
14 the need to look at are we going to codify a process for
15 removal and appeal?

16 And Gene, you're up in one second, but Ida is
17 going to jump in and then to you.

18 MS. CLAIR: Thanks. I just want to clarify that
19 due to where we are in the code cycle it is anticipated
20 that that 18-month term will actually finish at the end of
21 December 2018. It's important that individuals are
22 involved for the entire code cycle and where our -- this
23 code cycle turn actually technically began in August and
24 just due to the delay in starting this group it's going to
25 be less than an 18-month term for the first individual,

1 because it really does need to align with the code cycle
2 process. So I just wanted everyone to understand that when
3 we're talking about that 18-month term it's going to be the
4 end of December and then the alternatives December and July
5 every 18 months after that: December, then July, then
6 December.

7 MR. BOURNE: Maybe we could just say down here
8 with the initial six people will serve a term, just say "a
9 term that ends December 31, 2019 -- 2018."

10 MS. CLAIR: And that actually -- yeah, I mean it
11 really -- yes.

12 MR. BOURNE: And then that will just make it real
13 clear everybody else is serving a three-year term. Okay.
14 And then the --

15 MR. RAYMER: And then July 30 21.

16 MS. CLAIR: Right.

17 MR. BOURNE: Is that right?

18 MS. CLAIR: Right.

19 MR. BOURNE: Okay. And it'd be July 31, '21; is
20 that right?

21 MS. CLAIR: Actually it's June 30th.

22 MR. RAYMER: June 30th, '20.

23 MS. CLAIR: Because July 1st is when the code --
24 (Overlapping colloquy.)

25 MR. BOURNE: Okay. So June 30th of '20; is that

1 right?

2 MR. RAYMER: '20, 2020 right?

3 MS. CLAIR: 2020.

4 MR. RAYMER: I went to public schools.

5 (Laughter.)

6 MR. BOURNE: Okay. So we'll add that clarity in
7 there to make that. Okay, thanks.

8 Gene, you're up.

9 MR. LOZANO: Clarification, of those four
10 individuals I'm one of them that's under the category of
11 representing the disability community. Not an advocate,
12 but disability community and when we filled out the
13 application we were asked to -- those of us that applied
14 for that -- to identify the disability.

15 And I'm just thinking are there actually
16 categories for those four positions, because I would hope
17 that let's say I'm an 18-month person that the person that
18 fills me, fills my position, is somebody that's from the
19 blind community or low vision, that's there that fills in
20 that category. So that it doesn't end up maybe a
21 possibility there's a long list that maybe all four people
22 turn out to be representing the blind and low vision, which
23 would be totally unfair to other disability categories.
24 And I'm just wondering if this kind of goes over both areas
25 that you want to cover.

1 But I'm just thinking about the rotation. And if
2 there are actual categories officially then I think it
3 should be put into that, that there are within the -- or
4 the representation that -- the disability and that it be
5 filled by somebody who could fill that category.

6 MR. BOURNE: Okay. Ida has a response to that.

7 MS. CLAIR: Thank you, Gene. You know, it was
8 our goal when we established this group that as we worked
9 for those four positions a variety of individuals with
10 disabilities, whatever those disabilities were would be
11 represented. And that's still our goal. In the initial
12 process we had 60 applications total and from that we were
13 able to have pretty good representation on that spectrum.
14 Unfortunately, we didn't have a whole lot from the hearing-
15 impaired community, which was difficult.

16 So our goal is to continue that balance, however
17 we can write it in to this turnover and charter would be
18 ideal, so we'll take recommendations.

19 I think what's important to realize too is that
20 if you -- in writing that into this that we also have a
21 responsibility to reach out to our stakeholder constituency
22 groups and find those individuals to apply. So that that
23 continues, right? So that we're not -- you know, because
24 it's difficult for us to go seek out a lot of those
25 individuals and encourage them to apply. That's what we

1 rely on a lot of you to do here, so knowing that you're
2 going to term off it would be great if you could solicit
3 two or three people to apply on behalf of your specific
4 disability or your constituency group.

5 But however I agree with you, I think that there
6 needs to be some balance addressed in the turnover to
7 ensure that balance is provided. But I'd rather those
8 decisions come from the group on how that's going to be
9 best executed.

10 MR. LOZANO: Yeah. Well, I'd like to see ensured
11 cross disability, that those four categories that it is
12 truly cross disability.

13 MR. BOURNE: Thanks, Gene.

14 Yes, Vidal?

15 MR. MEDINA: Yes, well I can say something on
16 this matter. I think it's important in that we do have a
17 representation from all the disabilities as possible. Of
18 course, that means you'd have to do the outreach, but I
19 think those that have a disability and identify their
20 disability right now on this committee, repeating there
21 should be something written to replace them even with their
22 assistance in and they're approval when their term is up.

23 But then there has to be something written where
24 we're actually doing some outreach with the deaf and hard-
25 of-hearing community or any other communities that aren't

1 being represented, because we don't want it to appear as if
2 we're leaving them out. That would be my concern.

3 MR. BOURNE: Very good, thank you. So additional
4 outreach to communities that aren't currently as
5 represented in the process.

6 MR. MEDINA: Yeah.

7 MR. BOURNE: Okay. Eugene, yes Gene and then
8 Dara.

9 MR. LOZANO: I'm not in disagreement at all.
10 Unfortunately, it's very, very hard to get somebody from
11 the deaf or hard-of-hearing community and this is from
12 being on committees on the national, the U.S. Access Board,
13 and down to locally. I'm just saying I'm not opposed to
14 it. I really think they should participate. We can't
15 force them, but it is something that that's a group that's
16 a challenge to really get a representation.

17 MR. BOURNE: Okay. Thank you.

18 MR. LOZANO: Just not in disagreement.

19 MR. BOURNE: Dara?

20 MS. SCHUR: Two questions, one is can people be
21 appointed to a second term? We haven't talked about that
22 and it might make sense for some people if they're willing
23 particularly in the first group, to volunteer or go through
24 a process of being considered for a second term. And
25 that's a question for the group.

1 The second one is in light of the fact that kind
2 of this discussion we're having about specialization and
3 cross disability and also just other specializations, I'll
4 just kind of speak for myself. I'm working with someone
5 closely in my office who shares my expertise and didn't
6 apply for the collaborative, because I was applying. But
7 it might make sense for me to propose that she apply for
8 future consideration as an alternate, because then we would
9 get to have someone who has a lot of housing expertise or
10 in addition to whoever else.

11 And it might be a way that some of these other
12 categories could also do it and I just want to know if
13 that's something we could consider. I don't want to
14 necessarily create legacy positions, but in some
15 circumstances it might make sense for us to have somebody
16 who might be able to step in, particularly if we might be
17 forced to come out early.

18 MR. BOURNE: Yes.

19 MS. CLAIR: I just want to address that we worked
20 with a facilitator to start this group, a lot of moving
21 forward really comes from this group. I don't know that we
22 have that defined on how people re-up. It really isn't and
23 so maybe we have a facilitator again who can advise on some
24 of those dynamics and taking some suggestions. I don't
25 know if now is the appropriate time, because I know that we

1 do have an agenda. But maybe as we near the end of the
2 term like in our meetings that were as needed maybe that's
3 where we start, after we've worked collaboratively with
4 each other for a few meetings. And we think about that,
5 that maybe we have a teleconference where it's just this
6 kind of close-out stuff near the end. We do have a meeting
7 scheduled where we'll reflect back and I don't want to keep
8 it until the end, but I do want to -- you know, I know that
9 there's some things that we can't really address today,
10 because of time. And maybe some of these things would be
11 better addressed a little bit later on in the year to
12 determine the best way to do it.

13 I do know that one of the main goals of the ACC
14 was really to increase stakeholder participation and not
15 have it always be a small group of people. And so the
16 interest is really something we're looking to everyone to
17 encourage, right? That you're going to be on here. We're
18 hoping this participation of this group is very positive
19 for you. You feel it's productive. You feel it's moving
20 forward. You feel like it's making a difference and
21 therefore you want to contribute to the interest just so
22 that it can keep going. And also that if you want to
23 continue you know, I think we need to make room for that as
24 well.

25 But those parameters, I don't know, they're not

1 defined yet. So I don't know if now is the appropriate
2 time or leave it to a little bit later.

3 MR. BOURNE: Yeah, I'll throw out my
4 recommendation. And that would be that we actually do this
5 offline and include it with the next draft of this. But
6 I'll tell you two things that are typically used.

7 I mean, the whole idea of these collaboratives is
8 to encourage participation and get different voices out, so
9 there's really only I think a couple of reasons for moving
10 somebody off a committee. One is lack of attendance and
11 one is not complying with the agreements they made to begin
12 with.

13 So and in terms of the latter, I think you all
14 when you applied you agreed that you would work in a
15 collaborative manner. And I haven't seen the form, but
16 there were some things that you agreed. So presumably
17 you're complying with that, you're good. But I mean, but
18 if people were just overtly not acting in good faith is
19 really the way I think you would call that. If somebody's
20 not acting in good faith that would be potential grounds
21 for a talking to that person and just saying, "Hey, we need
22 to figure this out, because the appearance is that you're
23 really not abiding with the agreement."

24 The other would be just missing meetings. So I
25 mean if there's four meetings in a year and I mean, a

1 reasonable criteria would be if you miss two meetings that
2 you get replaced. Because there are not very many meetings
3 and if you can't make more than 50 percent of them, then
4 you probably need to have somebody else serving.

5 So those are usually the two criteria that I've
6 seen used for grounds for removing people. If they're -- I
7 mean it's rare. It's a rare thing to do. There have to be
8 real concrete guidelines as the basis for doing that.

9 Yeah, Gene I'm sorry.

10 MR. LOZANO: And I'll provide you what the
11 Disability Advisory Commission for Sacramento uses, but
12 there are some things, which -- first somewhat it's hard to
13 be objective. But it is people's behavior toward and
14 respect, or lack of respect, to one another during the
15 meetings, things like that. And that is some of the
16 criteria that we have.

17 MR. BOURNE: Right.

18 MR. LOZANO: And again, I'm just offering that
19 for you folks to consider.

20 MR. BOURNE: Yeah, well we're going to talk about
21 ground rules. We're almost there.

22 MR. LOZANO: It just sounded like you were
23 talking about the ground rules.

24 MR. BOURNE: Yeah, we're really not --

25 MR. LOZANO: Attendance being part of the --

1 MR. BOURNE: Well, you know it's really not part
2 of the ground rule, but it would be part of a basis for
3 saying if you're not participating actively that we can
4 find somebody else.

5 MR. LOZANO: Yeah.

6 MR. BOURNE: So yes, and I think if you're not
7 abiding by the ground rules that we adopt together as a
8 team, which is what we're trying to do today then that
9 would be -- you know, I would typically talk to somebody
10 who I feel is not acting in good faith. And if that
11 behavior continues then sometimes the agency does step in
12 and say we probably need to find somebody who can. But as
13 I say it doesn't happen very often.

14 Any other -- so if it's okay with you -- oh,
15 Dara, I'm sorry.

16 MS. SCHUR: Just a clarification.

17 MR. BOURNE: Yeah.

18 MS. SCHUR: I think we're talking about two
19 different things, or three different things. One is when
20 do we ask somebody to leave. Two, is do we have term
21 limits and if so it could be two terms, for example --

22 MR. BOURNE: Thank you, yes.

23 MS. SCHUR: -- which is like how boards often
24 function, so you have continuity, but you don't have the
25 same people forever so you build a new base. And then the

1 other is, and I guess involved in term limits is can people
2 continue, so I think they're two different issues and I
3 think we should keep them separate.

4 MR. BOURNE: Great point, and yeah sorry we
5 didn't come back to that, because you did raise the issue I
6 mean, earlier. I would say yes you can ask to continue,
7 but I think the idea of terms so that it's not an in
8 perpetuity kind of thing. So we can recommend what you're
9 suggesting, a two-term limit. You know, you have it pass,
10 you can re-up, but a two-term limit. And that's a
11 reasonable guideline to put in and then you guys can
12 respond to that.

13 Gene and then Carol.

14 MR. LOZANO: I'd like to see (indiscernible) --
15 (Radio music interrupts the meeting.)

16 MS. MOE: Somebody put us on hold.

17 MS. CLAIR: It's Vidal, he put us on hold.

18 MR. BOURNE: Sorry, go ahead.

19 MR. LOZANO: Two consecutive terms and then --

20 MR. MEDINA: I'm still here.

21 MS. CLAIR: Oh, it wasn't Vidal. Maybe someone
22 else put us on hold.

23 MR. BOURNE: Sorry, Gene.

24 MS. CLAIR: Sorry, I didn't mean to accuse you,
25 Vidal. Usually that's what happens and you were the only

1 one that we knew you were on the phone.

2 MR. BOURNE: Sorry, Vidal. We had some rock-n-
3 roll music going on there for a second.

4 MS. CLAIR: Yeah. Okay, sorry. I didn't mean to
5 accuse. I just assumed.

6 MR. MEDINA: Well, no I had it on mute too.

7 MS. CLAIR: Okay. Sorry.

8 MR. BOURNE: Okay. Sorry, Gene.

9 MR. LOZANO: Two -- that you're permitted up to
10 two consecutive terms and then after one year of being off
11 that you can reapply and be considered, because you may
12 want to be on, and then maybe also a challenge of finding
13 somebody. I think that a lot of groups have that. And I
14 also think there might be building the thing is that if you
15 reach the end of your two terms and they don't have any
16 applicants, that you can continue on until that slot can be
17 filled by somebody that has sort of that expertise or can
18 represent that group that you are currently representing,
19 okay?

20 MR. BOURNE: Okay. These are good ideas for
21 putting in to address this issue and we'll do that.

22 Carol?

23 MS. LOEFFLER: I'm sort of disjointed here. This
24 is Carol Loeffler. Under the Accessibility Committee for
25 the Building Standards Commission they have four disability

1 positions. One of them is called mobility impairment. The
2 other one's hearing impairment, cognitive impairment and
3 visual impairment. So there are four specific categories
4 and maybe we could vote and see if we wanted to have
5 different names for the four categories, so I'm proposing
6 that.

7 MR. BOURNE: I'm sorry, could you repeat that?
8 So it was visual, cognitive, what are the other two?

9 MS. LOEFFLER: There's mobility impairment,
10 hearing impairment, cognitive impairment and visual
11 impairment.

12 MR. BOURNE: Okay. Thank you.

13 MS. LOEFFLER: And then the other, there's two
14 components is if we said you -- these people that when you
15 finish your term they could -- and your concern was about
16 whether or not people would stay in perpetuity? Well, if
17 you're a design professional you might also be a code
18 enforcement representative, so then you can apply for
19 another position. And so then that would negate that this
20 person might be here until they die, I mean you know? And
21 that they could fulfill more than one role. And I think
22 that when we make a decision we need to make sure we
23 include that and adjust for that.

24 And then the people that are serving the term
25 until the end of December then would -- there's a new term.

1 So it sounds like we're going to be going every 18 months
2 and then term would come into play. And so taking a look
3 at how that would play, because the design professional
4 doesn't come back.

5 MS. CLAIR: No, there would a new design
6 professional and that's Bob who would start a new three-
7 year term.

8 MS. LOEFFLER: Capice, all right. Thank you.
9 (Laughter.)

10 MS. CLAIR: Or depending on the terms that are
11 decided, that person could re-up if there's a term limit.

12 MS. LOEFFLER: Capice, okay. Thank you.

13 MR. BOURNE: Okay. Anything else on this
14 subject? We have two or three topics we've identified.
15 We'll make some revisions and get it back to you for
16 review. Is everybody okay with that? I think the concerns
17 have been heard or voiced.

18 MS. CLAIR: Can I just address one more thing?

19 MR. BOURNE: Yeah, sure.

20 MS. CLAIR: It may be -- sorry about that -- it
21 may be a bit premature, but we have identified at least for
22 right now there hasn't been a comment on those individuals
23 that will cycle off on the 18-month. You could either, for
24 those that have more than one position that straddle we
25 would look for you to self-identify as voluntarily wanting

1 to have a shorter term or wanting to stay on longer first
2 before we say, "here, here, here," perhaps. So I'm just
3 putting that out there unless we then define specifically
4 to disability and if we do or even to government, private
5 owner since the individual facility owners -- all those
6 requirements that's fine. Again, we just stress that if we
7 get down to those specifics we really need to rely on you
8 to recruit people to fulfill that same role, because it's
9 very difficult for us to do it. They have to actually be
10 in our database and we have to know them. And you would
11 know them better, so we really look for you to recruit if
12 you want to either cycle off or you want others to
13 encourage to fulfill a specific role that we identify for
14 our specific --

15 MS. SCHUR: Can I just suggest that the answer to
16 these questions might be different if we're going to know
17 we're going to have two terms? Like, if we're going to two
18 terms then it may not matter who's the 18-year -- I mean
19 the (indiscernible) --

20 MS. CLAIR: (Overlapping) Right, right. I'm just
21 saying to keep it in mind that we will first start to get
22 perhaps volunteers if it's --

23 MS. SCHUR: Right, and people can always --
24 anyways, so I think we need to resolve that question in
25 order to resolve your question.

1 MR. BOURNE: You proposed the idea of the two-
2 term thing. Does anybody object to a two-term limit and
3 then maybe include some language that says you take one
4 term off and then you can reapply? Something like that,
5 does that make sense? Something of that ilk, does anybody
6 have a problem with that and if so please say it?

7 MS. LOEFFLER: Well, I guess -- you had your hand
8 up first.

9 MS. CLAIR: I was just considering that two terms
10 is voluntarily. You have to voluntarily want to serve a
11 second term and request it more so than just --

12 MR. BOURNE: In perpetuity, yeah.

13 (Overlapping colloquy.)

14 MS. CLAIR: I just wanted to make sure that that
15 whole two-term thing wasn't just assumed. Indentured
16 servitude.

17 MR. BOURNE: So we'll include the two-year --

18 MR. LOZANO: But it's got to be voluntary, you
19 know, that you can vote for two years. But at least then
20 if there's a cap then there's a year off and then you can
21 reapply if you're interested.

22 MR. BOURNE: So we'll plan to put the two-year
23 max in there.

24 MS. LOEFFLER: It did have a comment.

25 MS. CLAIR: Okay.

1 MS. LOEFFLER: But I thought -- I didn't want to
2 take her turn -- this is Carol. My concern is whether or
3 not the -- how the process of selection and the people that
4 are coming in. And if you say you can only have two terms,
5 but people are coming up that might not meet what is needed
6 and wanted, whether or not now you're saying that the
7 people that would have otherwise applied no longer can
8 apply. And so you're opening it up.

9 So I'm going to say this as my concern and it
10 carries with it a little bit of history. But when we were
11 making term limits for the Legislature and everything, in
12 essence by voting somebody and voting them out we have made
13 them have a term limit when we vote them out. And so I
14 don't know if by making two term limits that's going to be
15 to our advantage or disadvantage. So I would like to
16 revisit that as whether or not it really is the pool of
17 applicants a pool in which you get the breadth and the
18 experience that you're looking for? And then the two-year,
19 two-term limit then would give new blood, or would you not
20 have the breadth that you're looking for and you're just
21 filling the position?

22 So that's what I just want to revisit.

23 MR. BOURNE: Well, we could even include that as
24 a goal that when that process of filling that position
25 comes, and somebody's asking to re-up for a second term,

1 look at this issue of breadth and what is the apparent goal
2 in there. But I'll plan to put that kind of language in
3 here and address the admissions we've discussed as well.

4 I guess the only following question I have on
5 this is are the people that are just a sole representative
6 and you have now been placed in one of these two positions
7 to either 18 or which is actually now a 12-and-a-half month
8 term or a 2-and-a-half year term. Is everybody comfortable
9 with where you are particularly I'm talking about this,
10 because if you have multiple rep in that stakeholder group
11 you're going to get together and join with the side whose
12 going to go earlier and later. But if you're a single rep
13 the question is are you fine where you are or would you
14 like to be reconsidered?

15 So Gene, just a second, I want to get an answer
16 to this first. And then I'll --

17 MR. LOZANO: No, but it's related to that and it
18 sounds like you're saying we know already which one of us
19 is 18 months and which one is --

20 MR. BOURNE: No.

21 MR. LOZANO: Okay. It just came across to me
22 like that.

23 MR. BOURNE: No. I'm asking that those of you
24 that have multiple stakeholders -- Ida was saying the DSA
25 would like you to get together amongst the four of you in

1 this case and decide amongst yourselves, who would like to
2 be off in 12-and-a-half months and who would like to stay
3 the full term. The DSA would like that to be an internal
4 decision amongst the people in that group.

5 MS. LOEFFLER: You have two other groups that
6 would -- three other groups that would need to --

7 MR. BOURNE: There are other groups that have two
8 people.

9 MS. LOEFFLER: Yeah.

10 MR. BOURNE: Those two people would get together
11 and figure out who's going to be in one and who's going to
12 be in the other. So if there's latitude there's kind of
13 self-determination, in a group that has two or more people
14 there's self-determination. You will work that out with
15 your colleagues. Where there's no self-determination is if
16 you're the only representative you've been placed in one of
17 these two categories. And my question is are you fine
18 where you've been placed? Anybody not?

19 MR. SPRINGER: No. I'm fine with it as long as I
20 can serve a second term. (Laughter.)

21 MR. BOURNE: Okay.

22 MR. SPRINGER: I mean, I don't want to be here
23 for just 12 months. I mean, it's silly then.

24 MS. SCHUR: And I was going to say the same
25 thing. I would be willing to volunteer among the

1 disability advocate group to serve 18 months, so assuming
2 there's a second term.

3 MR. BOURNE: Sure.

4 So is everybody okay -- so let me now that we've
5 got that part done is everybody okay that where we have
6 multiple representatives working with your other colleagues
7 to figure that out? Is there anybody that is uncomfortable
8 with that, because if not then we would just ask you all to
9 do that. Yes?

10 MR. LOZANO: I guess if we all wanted either the
11 18 or the 3 years I think it would be easier just to pull
12 the straw.

13 MR. BOURNE: Sure, and that --

14 MR. LOZANO: And I think that would be easier and
15 I think it would be less pressure than to do one to get off
16 or not. Another thing there, because if everyone is
17 wanting it and then somebody knows that you have to and if
18 -- well, I just think it's more objective.

19 MR. BOURNE: Here's what I would recommend you
20 do. The four of you get together and where you have two,
21 you get together. And you say to each other, "Do you have
22 a preference?" If one of you says, "I don't," and the
23 other one says, "I do," you've got it solved. If all of
24 you say the same thing or if three out of four say the same
25 thing then you have to have a mechanism for deciding that

1 and drawing straws or whatever mechanism you want to use
2 would be fine, flip a coin, whatever you think is fair.
3 Does that make sense?

4 MR. LOZANO: Uh-huh.

5 MR. BOURNE: Okay.

6 MS. DUNLOP: This is Kaylan. And it may that
7 four or six months from now that as we get into this we see
8 how much time this is going to take, and so --

9 MR. LOZANO: And a shift in how much pay we're
10 getting.

11 MS. DUNLOP: -- and that might affect somebody's
12 answer. You know, how I answer that question today may be
13 different six months from now once I see what a time
14 investment it is or maybe any number of things.

15 MR. BOURNE: So maybe a little bit of latitude if
16 you guys could shift if need be right, towards the end of
17 that period of time. So you come up with it does that --
18 would that work?

19 MS. CLAIR: Right, my goal was let's work through
20 this and then probably around September, October we revisit
21 this issue. Even if we do it over a teleconference or
22 whatever, so we'll have an idea of almost at the end of a
23 code process what the time entailed would be, involvement
24 entailed. And then you can self-identify or we have a
25 mechanism to move forward. I just wanted to keep that in

1 mind and clarify the terms, the length of the service.

2 MR. BOURNE: Great. Does that work for
3 everybody?

4 MR. LOZANO: Uh-huh. Uh-huh.

5 MS. CLAIR: Sorry, direct.

6 MS. SCHUR: I just have one clarifying question.
7 Will you accept applications from potential members now,
8 like during the length of the term so you can start to
9 build a pool?

10 MR. SHAW: Not to jump on your recognition, but I
11 was going to suggest something along the same lines.

12 MS. SCHUR: Oh, we think alike, yeah.

13 MR. SHAW: That building that pool of candidates
14 continuously is going to keep us from getting into a time
15 crunch as we get to the end of these terms.

16 MR. RAYMER: It's what good advisory committees
17 often do.

18 MS. SCHUR: Yeah, and I was just going to say we
19 started this with assistance in a lot of these
20 (indiscernible), so they're a good idea and that --

21 MR. BOURNE: So you want to just make it that
22 somebody can apply at any time to be considered for a next
23 available position for that stakeholder group kind of
24 thing?

25 MR. SHAW: Sure.

1 MR. BOURNE: Okay.

2 MS. CLAIR: We can put that on our website and
3 you guys can encourage those individuals as you encounter
4 them to fill an application and send it to us.

5 MR. BOURNE: Does that make sense everybody,
6 everybody good with that? Okay. Can we declare victory on
7 Length of Service and move on? Okay.

8 MS. CLAIR: Woo-hoo! (Laughter.)

9 **Meetings**

10 MR. BOURNE: Okay, "Meetings," this is the next
11 heading and I'll read this.

12 "Tentative meetings," excuse me, "tentative
13 meeting dates will be scheduled at the start of each code
14 development cycle to optimize coordination with the ongoing
15 regulatory process. Meeting are designed as face-to-face
16 vents although video or phone conferencing options will be
17 provided as needed. Most meetings will be one day in
18 length. Reimbursement for travel and parking will be
19 provided for ACC members, reimbursement for accommodations
20 will be provided according to contract terms."

21 And I believe I saw in some document that I was
22 sent an initial calendar, right or tentative dates.

23 MS. CLAIR: Yes.

24 MR. BOURNE: There was January the 31st --

25 MS. CLAIR: The 31st and then there's one that we

1 need to decide which occurs mid-April and that needs to be
2 collected among the group to determine what that is. Those
3 three we have identified would be beneficial in person,
4 because that increases the collaborative effort. There are
5 two additional meeting opportunities as needed. Once we
6 get on the code development cycle we may not need them,
7 because there's a lot less change that can occur once it's
8 in the formal process. And then of course, a meeting at
9 the end of the year to recap and determine, which could be
10 handled either together or via video conference. We have
11 four regional offices if it's easier to get there, but the
12 working meetings when we're actually working on code
13 sometimes I think it's better especially as we kick off to
14 be here in person.

15 MR. BOURNE: So January, April and what would be
16 the third one in that?

17 MS. CLAIR: It's well this was the first.

18 MR. BOURNE: Okay. This was the first meeting.

19 MS. CLAIR: And I don't know if we will need
20 another seeing that we're still on the charter and we
21 haven't gotten to business.

22 MR. BOURNE: Right.

23 MS. CLAIR: So we will need to perhaps discuss
24 that, but it is within the code cycle, because we have
25 deadlines. So January 31st, I believe has been decided

1 upon. It's that mid-April meeting that we need to agree on
2 a date.

3 MR. BOURNE: Okay. Dara?

4 MS. SCHUR: Just a question, are initial
5 submittals due -- did we confirm that initial submittals
6 are due on May 31st?

7 MS. CLAIR: Between May 1st and May 31st is they
8 are excepting proposals during that month.

9 MS. SCHUR: I recommend that we have an April
10 meeting in the middle or end of April.

11 MR. KHAMBATTA: I didn't hear that?

12 MS. SCHUR: I recommend that we have an April
13 meeting in the middle or end of April.

14 MS. CLAIR: That one was not determined as
15 needed, that one was actually one we needed. The ones as
16 needed were after that.

17 MS. SCHUR: Oh, okay.

18 MS. CLAIR: So we need to just decide on a date
19 for that.

20 MR. BOURNE: Today's, January 31, and a mid-April
21 meeting are all needed for the face-to-face. And then the
22 other two meetings later or three -- now and the issue that
23 just came up is depending on where we are at 4:00 or 4:30
24 today are we far enough to pick up in January 31st or will
25 we need another meeting? So that will be determined, but

1 everybody has January 31st on your calendar I trust?

2 (Chorus of yes, yeah.)

3 MR. BOURNE: So any other comments on the
4 meetings? It's pretty straightforward.

5 MR. RAYMER: So, what are we going to decide
6 about the middle of April? What date? Are you going to do
7 a Doodle poll or?

8 MS. CLAIR: We can do a Doodle poll.

9 MR. BOURNE: Yes, Doodle poll.

10 MS. DUNLOP: Yeah, well -- this is Kaylan.
11 Something had been thrown out, I think last time, about
12 mid-March. So does that go away?

13 MS. CLAIR: It was dependent upon the BSC
14 schedule and the BSC schedule indicated that they shifted a
15 little bit, May 1st through May 31st is when they're
16 accepting the proposals, so.

17 MS. DUNLOP: Okay.

18 MS. CLAIR: And understand and respect the fact
19 that we're still required to go out to the general public,
20 so we still have two meetings to the general public that we
21 need to also -- that we have planned. So (indiscernible) -
22 -

23 MR. SHAW: (Overlapping) And those will be
24 running on parallel tracks, right?

25 MS. CLAIR: They will be running on parallel

1 tracks, yes.

2 MR. RAYMER: And for whatever it's worth the BSC
3 has its schedule out now for these Commission meetings.
4 April 17th is a full Commission meeting. That's a Tuesday.

5 MS. CLAIR: Yeah, we would be in Code Advisory
6 Committee meetings. I don't believe that one is -- that's
7 not one that would impact us.

8 MR. SHAW: Yeah, that won't be for their hearing
9 on the final --

10 MR. RAYMER: Well, I'm just suggesting you
11 wouldn't want to conduct the April meeting on top of their
12 meeting.

13 MS. CLAIR: Oh, got it, got it. I'm sorry, thank
14 you Bob. I was misunderstanding what you were saying.

15 MR. RAYMER: When you guys are there, right? So
16 yeah we're all in a meeting without you.

17 MR. BOURNE: When we put agendas together you try
18 to assess the amount of time and obviously we didn't know
19 exactly how long it would take to go through this document.
20 But for a variety of reasons it's taking longer, but I mean
21 that's good. I mean, it's important for us to start out
22 with well, clarity and it'll pay off in the long run. So
23 it may well be that we'll have to look at another meeting
24 to get everything done. We'll see how far we get today and
25 then you guys will assess how that looks.

1 Okay. Anything else on meetings? We've got two
2 sections left.

3 MR. KHAMBATTA: Yes. I'd like to suggest or I'd
4 like to propose to the group that we start our meetings
5 earlier than 9:00 o'clock. And I don't know if we can do a
6 quick show of hands if anyone would be -- would not be open
7 to starting earlier than 9:00 o'clock?

8 MR. BOURNE: How do other people feel about start
9 times?

10 MS. LOEFFLER: I'd be fine with starting earlier.
11 (Chorus of fine, I'm fine.)

12 MR. BOURNE: So people traveling outside of
13 Sacramento are typically coming in the night before right,
14 so that's not a huge issue. And so they --

15 MS. LEE: I'd prefer staying in the same
16 timeframe.

17 MR. BOURNE: Okay.

18 MS. SCHUR: I think I'd rather have an extra
19 meeting. I think at some point we start to lose focus.

20 MR. BOURNE: Yeah, I mean really typically 9:00
21 to 4:00 or 4:30 is about max. I mean, if we're going to
22 start earlier you're probably going to run out of gas --

23 MR. KHAMBATTA: Well, the idea was to wrap up
24 earlier. I'm sorry if I didn't make that clear. I am
25 trying to time it with the traffic and just hitting traffic

1 when we leave at 4:30 is what I'm trying to avoid.

2 MR. BOURNE: Okay. Well, yeah because we have
3 other people that would like to keep it where it is, so
4 it's kind of a tough one.

5 MS. CLAIR: We could add that to a Doodle poll
6 and let majority rule? I don't know, I'm just saying.

7 MR. SHAW: I think maybe one other way to look at
8 this is rather than seeing a need to make a decision now is
9 to let the group get some experience in how we work
10 together. We're all apparently thoughtful and talkative
11 and we like to discuss these issues and it may be that we
12 actually and actively need that extra time.

13 MR. KHAMBATTA: I second that. Clearly we are to
14 use Derek's phrase, a talkative group.

15 MR. BOURNE: Well, once we get to the ground
16 rules I have a little bit more leeway to step into that.
17 (Laughter.)

18 MR. KHAMBATTA: Okay. All right.

19 MR. BOURNE: We'll talk about that.

20 MR. KHAMBATTA: Okay. Are we still going to do
21 that Doodle poll of an earlier start, even if it's 8:30?
22 You know, I mean Jihee, what do you think, half an hour?

23 MS. LEE: So like 8:00 to --

24 MR. KHAMBATTA: Not 8:00, I was proposing it to
25 follow --

1 MS. LEE: Yeah, yeah, I mean like a day trip like
2 today I drove from Walnut Creek and then I'm driving back,
3 so traffic can be the issue. But I'm not really like a
4 morning person. (Laughter.) But if I have to I will wake
5 up earlier and come, but just my preference will be to stay
6 where it is, but...

7 MR. KHAMBATTA: Would it be easier if you came
8 the night before?

9 MR. BOURNE: From Walnut Grove?

10 MR. KHAMBATTA: Walnut Creek.

11 MS. LEE: No, I prefer not having to do
12 overnight, because I have my family obligations.

13 MR. SPRINGER: Yeah, same here.

14 MS. DUNLOP: I have a suggestion. Can you all
15 come to Birmingham? (Laughter.)

16 MR. BOURNE: Well, look what we might think about
17 doing is starting 30 minutes earlier and just seeing if
18 that's doable. And if it's hard to get everybody here at
19 8:30 traffic will tell, because the traffic actually is
20 worse earlier. So I mean, if you -- at least I come from
21 Davis. I'm better off coming to a 9:00 o'clock meeting
22 than in an 8:30 meeting from a traffic standpoint, because
23 coming across the Causeway everybody's trying to --

24 MR. RAYMER: So roll the dice, yeah.

25 MR. BOURNE: Yeah, so it's totally -- I think

1 it's still highly variable depending on where you come
2 from, which is actually less time in the car. So but if
3 you want to try 8:30 we can and then people can weigh in
4 next time. Do you want to try 8:30 and see how it goes?
5 Okay. Well, that's what we'll do.

6 MS. MOE: I think we could -- you know, it worked
7 well for us today. I think what the other thing we could
8 consider is don't allow an hour for lunch, because we have
9 lunch here. So let's stick with half hour lunches.

10 MR. BOURNE: You know, ideally I would -- I mean,
11 I think we can save a little time there, but I would
12 ideally say 45 minutes. Because part of when you come
13 together is it's a time that many of you made that's maybe
14 the only time that you see each other. It'd be nice to
15 have a little more time to kind of get to know each other
16 and to chat and just to have some downtime. But yeah, 45
17 minutes when you're having lunch in the building is plenty.
18 Yeah, we don't need an hour, you're absolutely right.

19 So yes, Dara?

20 MS. SCHUR: I like the Doodle poll, the idea of a
21 Doodle poll, but I'm not sure they're accessible to people
22 with visual disabilities.

23 MR. BOURNE: Okay.

24 MS. SCHUR: So we may just need to back up.

25 MR. BOURNE: Great point, yeah. Very good, so

1 maybe what we can do is start. Round one is a Doodle poll,
2 I mean we kind of narrow it down and we can touch base with
3 our visually-impaired friends or anyone else who's having -
4 - either they're just not using computers -- I mean, I know
5 people that just don't like using those things. So how
6 about that? We take a first cut via Doodle poll and then
7 we do some follow-up, okay?

8 MR. RAYMER: Sure.

9 MR. BOURNE: Thank you for pointing that out.

10 Okay. Now we've got two seconds left and by
11 golly we're going to fix this before we move to the next
12 section, because we haven't gotten around to the three-
13 person planning team yet. We'll save that until -- so
14 we'll figure it out.

15 **Communications**

16 Okay, "Communications."

17 "A listserv containing the contact information of
18 all ACC members will be established to ensure all members
19 receive information in a timely fashion. The listserv is
20 to be used however only for ACC-sanctioned communications.
21 If an ACC members wishes to share information with the
22 remainder of the ACC, she/he should send that information
23 through DSA, the Principal Architect, for distribution upon
24 acknowledging that it pertains to ACC issues and
25 discussions."

1 There's one more paragraph, but let me give a
2 quick aside on this one. This is often times included in
3 ground rules, because some people in the past -- I've
4 actually seen people use listservs like this to sell
5 vitamins or whatever it is they're doing on the side. And,
6 you know, the intent of this being business oriented, so I
7 think that's one aspect of it.

8 The other aspect of it is, because it is a
9 listserv and to keep you from just getting inundated from
10 other members with a variety of things, if you bring it
11 through to Ida then she can be the conduit through. And if
12 it comes to her and she somehow feels that it's not an
13 appropriate one she'll just get back to you and say, "Help
14 me understand why you need to send this out." And you guys
15 can have conversations. Does that make sense as a policy?

16 MR. RAYMER: Absolutely.

17 MR. BOURNE: Okay.

18 MS. SCHUR: Question, can we -- for folks who are
19 willing would they -- I mean people can opt out of this,
20 but I would love to have emails and phone numbers. There
21 may be times I want to reach out to have a dialogue with
22 someone about an issue or about --

23 MR. BOURNE: Sure.

24 MS. SCHUR: -- something and if people are
25 willing to share I would be.

1 MR. BOURNE: Is everybody comfortable with
2 roster, which basically has name, phone number, and email.

3 MR. RAYMER: I think it's obvious we've already
4 got that.

5 (Overlapping colloquy.)

6 MS. CLAIR: Yeah, we sent that out. That phone
7 number is not -- but it needs to be updated.

8 MR. BOURNE: Oh, okay. Vidal, are you good with
9 that?

10 MR. MEDINA: (Indiscernible)

11 MR. BOURNE: Okay. So it sounds like everybody's
12 okay with this? Rachelle, are you back with us?

13 (No audible response.)

14 MR. LOZANO: I think she's pretty sick.

15 MR. BOURNE: Well, she said she was leaving to go
16 to a meeting or something and she would be back.

17 UNIDENTIFIED SPEAKER: She was coughing like
18 crazy.

19 MR. BOURNE: So is everybody good? Oh, I'm
20 sorry, Gene?

21 MR. LOZANO: No. I just wanted to say that the
22 process you're proposing and the (indiscernible) I agree
23 with. And I apologize for the proposal that I worked on
24 with HolLynn. The only reason I -- since she had initially
25 sent it to everyone on the committee and staff that's what

1 I just did there, but I have no problem with going through
2 Ida in the future, so I apologize.

3 MR. BOURNE: Okay. Great, thanks. No apology
4 necessary, thank you very much.

5 MR. LOZANO: The idea was for people to see it,
6 since it was a long document.

7 MR. BOURNE: Sure, sure. Okay. Thank you for
8 that.

9 MR. KHAMBATTA: A point of a clarifying question?
10 Is this to say that we are prevented from reaching out to
11 our colleagues here on an individual basis to work on
12 proposals?

13 MR. BOURNE: No. I don't see why not.

14 MR. KHAMBATTA: So, I'm not sure what Gene was
15 referencing?

16 MR. LOZANO: Oh, what I did was there was a --
17 sorry, HolLynn D'Lil had submitted a proposal on December
18 7th and then she asked for input from me on it, because it
19 pertained to some issues on the blind. And I then expanded
20 on it, she liked it and she said one, go ahead and submit
21 it as a replacement for what I had done. And since she had
22 initially sent hers out to the whole group, which then I
23 replicated that. And then I found that a lot of the EPONs
24 were no longer any good; they were bouncing back. So some
25 of you got it and some of you didn't. I know Bob got it

1 and --

2 UNIDENTIFIED SPEAKER: I didn't.

3 MR. LOZANO: Yeah, and yours was one of them that
4 bounced back. I can't even vouch what -- I just used what
5 Hollynn had provided. I didn't have the time to do the
6 research. I assumed you all redirect (phonetic) emails.
7 I'm going to say process-wise I'm totally in agreement with
8 the ground rules. That's all the bottom line.

9 MR. BOURNE: Thank you.

10 MS. CLAIR: Yeah. And I just want to clarify,
11 first of all with regard to the emails some of it was some
12 input somewhere. Because Jihee's email actually had my
13 name associated with it, so I'm just letting you know, so I
14 don't know where that was but we'll make sure that gets
15 corrected.

16 Secondly, if it's an issue you want to bring
17 before the ACC it must come through DSA. If there's
18 individual outreach you want to do to collaborate prior to
19 bringing an issue that's fine. But if it affects a meeting
20 agenda, it really needs to come through us, so we can
21 control -- not control the meeting agenda, but control that
22 it gets addressed in the meeting control. You know, all
23 the content and understanding of what we need to do, so I
24 think that that's the clarity and communication.

25 MR. SHAW: And I think to piggyback on what Ida

1 was saying, is that when items are being considered we
2 certainly don't want to short circuit the good benefit of
3 the entire group. You know, we come from a lot of
4 different perspectives and I have to question whether slate
5 building on a particular item ahead of time, is the most
6 effective way to achieve that collaborative ends.

7 MR. KHAMBATTA: I'm sorry, what building?

8 MR. SHAW: Slate building.

9 MR. KHAMBATTA: I'm not familiar with the phrase.

10 MR. SHAW: In essence, deciding on a topic,
11 collecting representatives together, and then advocating
12 the topic as a slate, a group of people.

13 MS. CLAIR: I have to agree with Derek. You
14 know, we don't want the ACC -- we don't want to disturb or
15 go around the collaborative process. So we don't want to
16 disturb or go around the collaborative process, so we don't
17 want to build these alliances that then the group is heard
18 without being the individual constituency being heard. So
19 just be sensitive to that, I think is -- and mutual respect
20 of everyone here that what you're bringing forth is the
21 perspective of the group that's behind you.

22 Now, if you need to work collaboratively on a
23 project once something's determined as an avenue to get
24 something resolved that's fine. But just to be careful of
25 the alliances that get built to get some kind of -- I'm

1 just being sensitive to everyone here that they respect
2 everyone else.

3 MR. BOURNE: Carol?

4 MS. LOEFFLER: My question then is the listserv
5 then is owned by DSA; is that correct?

6 MS. CLAIR: Well, the listserv is just our emails
7 here collectively.

8 MS. LOEFFLER: Okay. So then our email --

9 MS. CLAIR: It's not our entire listserv though.

10 MS. LOEFFLER: Okay, so our emails who would be
11 visible to the other members of this group?

12 MR. BOURNE: Well, you can do it two ways. You
13 can just do it as a blind copy where nobody sees who it's
14 going to, right? The sender is the only person that knows
15 who it's going to or yes, you can see everybody's email on
16 that to know that it made it around to everybody.

17 MS. LOEFFLER: Okay.

18 MR. BOURNE: So that's why a typical listserv
19 like something like this would include everybody, so that
20 you can make sure everybody got it.

21 MS. LOEFFLER: So then what I'm wanting to
22 clarify, so a listserv containing the contact member
23 information, the listserv is owned by here and the email
24 would come from here when that listserv is used?

25 MS. CLAIR: Yeah, if you're emailing everybody it

1 should be going through DSA.

2 MS. LOEFFLER: Okay, bravo. And then the comment
3 that you had is you wanted to be able to email members of
4 the group?

5 MR. KHAMBATTA: If I wanted to reach out to Gene
6 and just get his perspective or his stakeholder group's
7 perspective on something that I was working on, I just
8 wanted to make sure that we could do that without breaking
9 the ACC rules or the DSA rules, right?

10 MS. LOEFFLER: Right.

11 MS. CLAIR: Right, so my goal is perspective is
12 fine. I just don't want to get into this thing that
13 there's like some kind of voting conspiracy where you're
14 saying, you know, exchange. I'm not accusing anyone, but I
15 want to make sure that the discussions are for a
16 collaborative effort and more so than a camp efforts.

17 MR. KHAMBATTA: I understand.

18 MS. LOEFFLER: And then the only thing that I
19 would ask is that the members that are on this list, it
20 does not go public.

21 MR. KHAMBATTA: Right.

22 MS. LOEFFLER: Can that be written in?

23 MS. CLAIR: Yeah, we don't -- even on our website
24 it is not public.

25 MS. LOEFFLER: No. I mean like I don't want a

1 mass list from somebody else.

2 MR. BOURNE: Yeah. It's not -- you want -- I
3 know that you want some language that says it's not shared
4 with anybody outside of DSA and the ACC.

5 MS. LOEFFLER: And that the members of the ACC
6 shall not share that with people that are not in that, so
7 I'd like to that be in.

8 MR. LOZANO: And we agreed to that at the last
9 meeting, correct?

10 MS. CLAIR: Yes.

11 MR. BOURNE: Yes.

12 MS. LOEFFLER: Thank you.

13 MS. CLAIR: I would say yes.

14 MS. SCHUR: Okay. So we're not sharing the
15 emails, but we can share the contents? Right, I can share
16 the proposals with people in my office or with other
17 stakeholders?

18 MS. CLAIR: It's all open discussion, I don't --
19 yeah.

20 MR. BOURNE: Yeah, I don't think --

21 MS. MOE: Well, and you might want to share --
22 this is Susan Moe -- you might want to share the content
23 with your stakeholders.

24 MS. SCHUR: Uh-huh.

25 MS. MOE: Yeah, so I mean there might be

1 something that's being discussed and if you want to get
2 some input from your constituency group you might want to
3 share that content with them.

4 (Multiple voices overlap.)

5 MS. LOEFFLER: But I don't want -- but nobody's
6 personal email shall be shared outside of our group, yes?

7 MR. BOURNE: No, correct. You don't want to
8 start getting emails from somebody who might have a
9 different point of view out of the blue, because of some
10 comment at the ACC. And we get that.

11 MS. CLAIR: Yes, high stakes.

12 MR. BOURNE: And so it's finding that fine line
13 between just good judgement and respecting each other's
14 privacy and not trampling on your first amendment rights.

15 MS. SCHUR: Yes.

16 MR. BOURNE: So you know, I think we can all
17 figure out where that balance is.

18 Okay. There's a second part of the
19 Communications, so let me read that paragraph and then
20 we'll be left with just the ground rules to go over.

21 "If contacted by the media related to the work of
22 the ACC, ACC members commit representing their points of
23 view only and refer questions about any general
24 recommendations at all by the ACC to DSA. ACC members
25 shall refrain from characterizing the views of other ACC

1 members and ACC members must report to DSA all contact by
2 the media."

3 Now, the reason this is in here is because we
4 just want to make sure that if one of these issues gets to
5 be really high profile, and you're contacted by the media,
6 it's just some ground rules, so again mutual respect. So
7 that if somebody says, "Well, what's going on?" You can
8 say, "Hey, if you want to know where the status of this
9 process is you need to talk to DSA. I can give you my
10 opinion."

11 But in doing that you also wouldn't want to say,
12 "But Kaylan's view on this is such and such," right? You
13 don't want to characterize -- say Carol is in that
14 conversation, she's not going to characterize your
15 perspective. So all you would do -- what it's saying is
16 you would just characterize your own perspective and leave
17 it at that. And not try to extend to talking about other
18 people in the process. It's just mutual respect, and let
19 people speak for themselves in those situations.

20 MR. LOZANO: Good.

21 MR. BOURNE: So does that make sense?

22 MULTIPLE VOICES: Uh-huh, yes.

23 MR. BOURNE: Does anybody have any concern with
24 this?

25 MULTIPLE VOICES: No.

1 MR. BOURNE: Okay. Great.

2 **Ground Rules**

3 Okay. We're on to the last topic, drum roll
4 please and that's our ground rules. And again, I come from
5 a place where I've been in really low-key meetings that we
6 have like no ground rules. And I've been in public
7 meetings on nuclear waste depositories with a thousand
8 people where it's probably a good idea to have some ground
9 rules. Of course, when you have a thousand people they
10 don't care, so I mean that's -- but most processes like
11 this, the main idea is to be civil to each other, right? I
12 mean, that's the bottom line is just being civil and
13 respectful to each other. And so that's -- I'm just going
14 to make sure that that happens.

15 And I don't anticipate any problems, because I
16 just sense from everybody's character that's here that you
17 are here to be collaborative enough to work with each other
18 and to be respectful. I don't see anybody kind of pushing
19 the bounds on that. I mean, maybe I'll have a different
20 opinion after the next meeting, we'll see. (Laughter.)
21 But for now it all looks good.

22 But anyway here are some ground rules and the
23 idea being I want you to adopt these, because once you say
24 yes then you're basically saying to me as a facilitator you
25 need to enforce these. And so if I feel like somebody is

1 dominating the conversation I might just say, "You know
2 it'd be great, let's hold that thought for now and let's
3 let somebody else get in the conversation." And so I don't
4 want anybody to ever feel like I'm somehow -- I don't want
5 to embarrass anybody. I don't want to make somebody feel
6 like they did something bad or anything like that. It's
7 just I'm going to try to exercise in good judgement making
8 sure we have good balanced conversations.

9 And like today I kind of let it go, but a couple
10 of times we had conversations around some kind of process
11 that had nothing to do with the charter. But I thought
12 it's important to kind of let you process that and it at
13 least had some tangential relationship with the charter.
14 But part of my job would be to say okay, if we're talking
15 about 11B-604-8.1 that we don't start all of a sudden
16 jumping over to something else, right? Just let's take on
17 this and when we finish this, we will go on to the next
18 one. So I may interrupt somebody and say, "Hey, we really
19 need to bring it back." So anyway, let's go through these,
20 I will read this. So this is ground rules, the last
21 section of the document.

22 "The purpose of ground rules is to ensure an
23 opportunity for all ACC members to have an opportunity to
24 engage effectively in the process."

25 I thought I would change that, so there would not

1 be two opportunities in there, but I'll change that because
2 that's just not good English. But anyway:

3 "The ground rules are intended to reinforce the
4 collaborative nature of the process. The following ground
5 rules once applied by ACC will be the responsibility of the
6 facilitator," that'd be me, "to administer."

7 So there's about seven on here. One, vote number
8 one, "Attempt to listen intently and understand accurately
9 the view of others."

10 And I know this sounds like, "Well, ho-hum, don't
11 we always?" But listening actually takes energy and is not
12 all that easy to do, because it's really easy to start our
13 mind wandering about either how we want to respond to
14 somebody or the football game that happened last night
15 where our team lost or whatever it might be. And so
16 listening really takes concentration and so I'm really just
17 going to encourage all of you to do that, because it will
18 lead to better communication and less back and forth if
19 we're really listening to each other.

20 Number two, "Be respectful to each other and the
21 right of each individual to openly express their point of
22 view, even if different from or in opposition to your own."

23 Number three, "Seek to understand the interests
24 of others."

25 And that's just picking up exactly on what we

1 talked about this morning about focusing on interests and
2 not positions. If I see people kind of getting stuck on a
3 position somewhere I will probably ask, "Why do you feel
4 that way? What are you really looking for? Are there
5 other ways to maybe achieve what you're looking for?" So
6 we want to try to understand the interests of others.

7 Four, "Test assumptions rather than assume you
8 have a full understanding of others perspectives."

9 And again this is just somebody may make a
10 statement. We assume oh they're with this organization.
11 They therefore must think this. Rather than assuming that
12 we need to kind of test that idea out. And we can always
13 ask the other person, "I'm wondering if this is the way
14 you're coming from?" And the other person can say yes or,
15 "No, not at all. I'm really thinking about it from this
16 perspective." So that's part of this kind of active
17 listening.

18 The next one, number five, "Allow room for each
19 person to have an opportunity to contribute to the
20 discussions."

21 So I'd just encourage you -- that relates to the
22 point I was just making -- if you kind of sense that you've
23 kind of dominated the conversation or it's maybe taken you
24 a little bit longer than it should have to express
25 something, maybe kind of self-regulate a little bit. And

1 say, "I'm going to pass on this," or make sure you have
2 something really valuable to say. So all I'm saying is
3 just part of allowing room for everybody else is to make
4 sure you're not dominating. And if need be I'll kind of
5 step in, but I think again if you're just thinking about it
6 I probably won't have to do that much.

7 The sixth bullet is, "If you need to speak to
8 another member of the ACC during discussions, ask for a
9 brief break rather than engage in sidebar conversations."

10 And I haven't seen any today, which is really,
11 really nice. But I'm in a lot of meetings where we're
12 trying to have a conversation over here and two people over
13 there are whispering to each other, which is affecting
14 everybody's attentiveness. And so I will, if I see that,
15 I'll probably just give -- if two people are doing this --
16 a look. And if they don't pick up on that I'll probably
17 just say, "Hey, do we need to take a break?" because if
18 there is something really important it's okay to take a
19 break.

20 You know, if we're at a point of actually making
21 some decisions about something and you want to talk to a
22 couple of your colleagues, that's fine. Just say, "Hey,
23 I'd love to take a ten-minute break, so we can talk through
24 this." It's perfectly fine, but that's a lot better than
25 being distracting and having these sidebars.

1 And then finally, silence or turn off -- this is
2 something you never had to add until the last few years,
3 "Silence or turn off your cell phones or refrain from
4 texting or other communications during meetings."

5 Again, best to silence it or turn it off. I know
6 when we're busy there may be something pressing during the
7 day that we have to deal with, understand. Maybe you can
8 have your phone silenced, so you can see texts coming in
9 and when we have a break you can respond. But again, if
10 we're always getting interrupted with text messages coming
11 in or checking our emails or whatever we're then not
12 listening to other people in the conversation. So it's
13 disrespectful to other people.

14 So is everybody okay with these and/or do you
15 want to add anything else? Anything? Any comments at all?
16 Yeah?

17 MS. SCHUR: I know we're going to add the
18 disability ground rules.

19 MR. BOURNE: Yes.

20 MS. SCHUR: So that was placed for them.

21 MR. BOURNE: Right.

22 MS. SCHUR: I think that were some additional
23 ground rules we talked about at the last meeting and I'm
24 not sure I have them in my head. Does anybody?

25 MR. BOURNE: Is there something you think is

1 lacking in these?

2 MS. SCHUR: Well, one was -- it probably comes
3 under disability etiquette, yours Jihee, and then I can't
4 remember.

5
6 MS. LEE: Oh, I think no dumb questions.

7 MS. SCHUR: Yeah, there is no dumb question.

8 UNIDENTIFIED SPEAKER: There is no dumb
9 questions, yeah.

10 MR. BOURNE: Exactly.

11 MS. SCHUR: That was one and then I think there
12 was something about parking lots, like making sure the
13 parking lot items don't get lost. That we end the meeting
14 by scheduling a time to hear them or something like that.

15 MR. BOURNE: We can do that, so either one of
16 those is fine. Yeah, I mean --

17 MS. DUNLOP: The parking lot does not equal
18 graveyard was our goal with that.

19 MR. KHAMBATTA: The parking lot from the last
20 meeting is kind of -- is it still around?

21 MR. BOURNE: It's in the graveyard.

22 MR. KHAMBATTA: It's in the graveyard?

23 MS. CLAIR: We're working on getting post notes,
24 there's --

25 MR. BOURNE: Yeah, if we identify things that --

1 when we do a meeting summary it's always good to identify
2 the things that you agreed on or the things that everybody
3 said, "Yeah, we need to do this." But also identify, "Here
4 are the things that are outstanding," and whether you want
5 to call that a parking lot or whatever, but yeah we'll try
6 to identify those things. Because if it's important enough
7 to raise up and say we want to get back to it we need to
8 figure out how we're going to get back to it. But I'm fine
9 putting that in there.

10 Anything else? Gene?

11 MS. CLAIR: Eugene has this --

12 MR. LOZANO: No, not right now. I have to look
13 at my list, but I think you got everything covered.

14 MR. BOURNE: Okay. Good. So again, when we send
15 this out if you see anything missing -- so the next goal
16 here will be to take all these comments today. In many
17 cases we have very specific resolution to issue. In three
18 or four cases we're going to draft some language that
19 you're going to review, of course you're going to review it
20 all anyway. We'll do it in track changes if that's okay
21 with everybody, so you can see what the changes are.

22 MR. LOZANO: Track changes really don't work.

23 MR. BOURNE: Okay.

24 MR. LOZANO: It'd be better with a nice clean
25 version.

1 MR. BOURNE: Okay. Is that better?

2 MR. SHAW: Shall we do like we do in other
3 documents that we share for you to have a before and after?

4 MR. LOZANO: Yeah.

5 MS. CLAIR: And Vidal too.

6 MR. SHAW: And for Vidal also.

7 MR. BOURNE: Yeah, so is that the best? What is
8 best? Yeah, just a before and after or?

9 MR. LOZANO: Yeah, what is and then what the
10 change is.

11 MR. BOURNE: Okay.

12 MS. CLAIR: Vidal, does that work for you? Two
13 versions, what are they, what was and what will be?

14 MR. SHAW: Before and after.

15 MS. CLAIR: Before and after?

16 MR. BOURNE: Vidal, are you there?

17 MR. MEDINA: Yes, I'm here.

18 MR. BOURNE: All right. So --

19 MR. MEDINA: What was the question?

20 MR. BOURNE: Well, the question is in reviewing
21 changes in a document what works best for you? And Gene is
22 saying for him a kind of a document that is the current
23 document and then a changed documents as opposed to track
24 changes. So you have two clean documents to then be able
25 to compare. Is that best for you?

1 MR. MEDINA: Yeah, that's fine. Are you asking
2 about a combination as far as my vision?

3 MS. CLAIR: Yes.

4 MR. BOURNE: Yes, sir.

5 MR. MEDINA: Okay. Great. Now, usually with my
6 eyes I have optic nerve damage, so I've got some vision and
7 16 font is ideal.

8 MR. BOURNE: Okay. We can --

9 MR. MEDINA: So that is exactly -- if you're able
10 to do that, that's perfect. Then I can see as the
11 magnification (indiscernible) that I do and that's fine
12 (indiscernible) very good.

13 MS. CLAIR: But still you want to see the two
14 documents?

15 MR. BOURNE: Would you prefer two documents or a
16 track changes version?

17 MR. MEDINA: Let's go with track changes is fine.
18 I've done those. That's fine.

19 MR. BOURNE: Okay. So we'll do it in both ways.
20 We'll have track changes for those that would like to use
21 that and we'll have two clean documents that would like to
22 use that, okay? We can prepare it in all forms and
23 fashions.

24 Okay. Let's declare a partial success. You
25 know, we at least made it through it. We have a lot of

1 changes to make, but Dara?

2 MS. SCHUR: I'm just not sure I understand where
3 we are with scheduling. So we had the meeting in January.
4 We're going to do a poll for the meeting in April.

5 MR. RAYMER: No, January 31st.

6 MS. SCHUR: January 31st, you'll poll the meeting
7 in April.

8 MR. BOURNE: Right.

9 MS. SCHUR: I assume we're going to -- at our
10 next -- in our January meeting we'll decided about later
11 meetings?

12 MS. CLAIR: Later meetings are as needed. I
13 think we'll determine if we can probably set tentative
14 dates for them, but we may not use them.

15 MS. SCHUR: Okay. And then did we move -- what
16 did we decide on the meeting between January and April? Is
17 that something we'll decide at the next meeting?

18 MS. CLAIR: Well, we'll see how far we get today
19 and determine if we need another one next meeting. And
20 maybe that one, when it's that urgent we'll have to
21 determine if that's something that needs to be done in
22 regional offices on a half-day, you know, as needed. I
23 don't know.

24 MR. SHAW: I would imagine that we would make
25 special efforts and send out emails to the entire group to

1 let everybody know about that need. And then to direct
2 them to however we're going to do a decision making
3 process, Doodle poll or what.

4 MS. SCHUR: Okay. Just I'm sure for many of us
5 the earlier we know the better, because schedules really
6 fill up.

7 MS. CLAIR: Yes.

8 MR. BOURNE: So presumably the Doodle poll for
9 April can be done right away, right?

10 MS. CLAIR: Yes.

11 MR. BOURNE: And we'll try to nail that date down
12 as soon as possible and the January 31 date. And then I
13 guess you guys can make an assessment after today whether
14 we need to try to look at a potential February or early
15 March meeting, something like that; at least February or
16 early March?

17 MR. SHAW: And if I can add just one more thing?

18 MR. BOURNE: Yes.

19 MR. SHAW: With the Doodle polls a lot of times
20 for our meetings, especially when we're having meetings at
21 various facilities like we do for video conferencing the
22 availability of those rooms will significantly impact the
23 dates that we can select from. So you may not have all
24 dates available in a selection site.

25 MR. BOURNE: Yeah, we assume that the dates that

1 you put out there are dates where you can get the meeting
2 room or whatever.

3 MR. SHAW: Yeah, yeah. And we'll need to check
4 on that first.

5 MR. BOURNE: Okay. Ida?

6 MS. CLAIR: And just so you know our regional
7 offices are Oakland, San Diego and Los Angeles. So if it's
8 easier for you to travel and we try to do a video
9 conference there in that manner, it'd be great. And you'd
10 be appearing on these TVs. (phonetic)

11 MR. BOURNE: Okay. So I think a ten-minute break
12 is in order for whatever purpose you may need. And then
13 we'll start in ten minutes going through the code.

14 (Overlapping colloquy.)

15 MR. SHAW: You don't need us to do that, right?

16 MR. BOURNE: We're going to have teams, so
17 (indiscernible). Yes, Carol?

18 MS. LOEFFLER: Are these the ground rules that we
19 got last time or where they different?

20 MR. BOURNE: No, these are ground rules that I
21 developed, and so there were a couple apparently from
22 before. And we're going to pool a couple (indiscernible)

23 MS. LOEFFLER: Yes, because I can't find them, so
24 I wanted to make sure I have them.

25 MR. BOURNE: Yes, so this will be the next step.

1 (Off the record at 2:26 p.m.)

2 (On the record at 2:40 p.m.)

3 **Proposed Code Changes**

4 MR. BOURNE: So we're going to start and we're
5 going to go through each one of these as listed on the
6 agenda. We'll make it as far as we can. To Bob's point
7 earlier we figured out we have limited time for each one,
8 but we'll make it as far as we can. The idea is they're
9 going to be presenting ways forward on these, and after
10 each one we'll spend a few minutes getting your input. And
11 we'll just have to judge the best we can, you know, when we
12 get to move on to the next topic.

13 MS. MOE: Ready?

14 MR. BOURNE: We're ready.

15 MS. DUNLOP: Are we going to do the three-person
16 committee; are we going to talk about that?

17 MR. BOURNE: Oh, yeah. The three-person
18 committee.

19 MS. MOE: Can we do it after this?

20 MR. BOURNE: Right, can we do Next Steps and when
21 we finish this we'll come back to that.

22 MS. DUNLOP: Thank you.

23 MR. BOURNE: Thanks for reminding us.

24 (Overlapping colloquy.)

25 MS. MOE: Ready? So what are we looking at for

1 code change proposals for housing? Housing has evolved,
2 the regulations for housing have evolved starting with the
3 2012 rulemaking cycle or even prior to that. There's so
4 much history that goes into these housing regulations and I
5 think the significant change came about in 2012 when we
6 adopted the 2010 ADA Standards as our model code.

7 So what we're looking at is some of it is just
8 sort of refinement and a little bit more cleanup work. And
9 what we're thinking of for code change proposals for
10 housing, we're taking a look at Section 1.9.1.3. And this
11 talks about the authority that DSA has for writing
12 regulations for public housing, so we're going to clean up
13 that language a little bit. So we're looking at just a
14 couple of amendments to that particular section, because
15 there's still some holdovers on some of the language where
16 it talks about publicly funded. So we wanted to be sure --
17 oh, go ahead.

18 MS. CLAIR: I just want to -- to everyone move
19 around to specific in what chapter of the Building Code
20 it's in.

21 MS. MOE: Got you.

22 MS. CLAIR: So that's in Chapter 1, not in 11B.

23 MS. MOE: Right. It's in Chapter 1.

24 MS. CLAIR: And that if you need to follow, I
25 believe we're in the Advisory Manual, correct?

1 MS. MOE: Yeah, you can find it in the Advisory
2 Manual.

3 MS. CLAIR: If you want to, but if not listening
4 is fine as well.

5 MR. RAYMER: This is under DSA's authority,
6 correct?

7 MS. CLAIR: Correct.

8 MS. MOE: Correct.

9 MS. CLAIR: Yeah, sorry. I didn't mean to
10 interrupt, I just didn't want them to --

11 MS. MOE: Yeah, no it's fine. No problem.

12 So yeah, we're just looking at a little cleanup
13 work there, because like I said there's still some of that
14 language where it talked about publicly funded. So we're
15 looking at a little more refinement, because per purposes
16 of Chapter 11B what we look at is, is it public housing?
17 Not, is it publicly funded?

18 MR. KHAMBATTA: Susan, do you have a proposed
19 language for 1.9.1?

20 MS. MOE: We're working on that right now, but we
21 will definitely have it in advance of the next meeting.
22 And then what we can do is we can send that out for you, so
23 you can take a look at it prior to the next meeting.

24 MR. KHAMBATTA: What actions are required by the
25 Committee on this particular 1.9.1.3 at this point?

1 MS. MOE: At this point -- oh, go ahead, Derek.

2 MR. SHAW: Oh, I was just going to say for this
3 series of presentations we're going to have a brief
4 discussion of each item. We're going to discuss it more
5 conceptually rather than strike out and underline. And
6 we're going to be seeking comment and input from the group
7 at the higher level, at the conceptual level. We want --
8 without going to the end and creating strikeouts and
9 underline and perhaps giving the mis-impression that this
10 language is already well ahead and well developed we want
11 you to know that it's not. You know, we're at the starting
12 point and we just seek your input. At the beginning it
13 helps us to push it along.

14 MR. KHAMBATTA: So this proposed code change,
15 presumably there's a request for this code change. The DSA
16 has reviewed and agreed that they need to move forward on
17 this, so what was the rationale behind the code change?

18 MR. SHAW: This particular one is staff
19 identified a need for the code and Sue is explaining what
20 the need is.

21 MR. KHAMBATTA: Oh, okay.

22 MR. SHAW: Yeah, so that's part of her
23 presentation.

24 MS. MOE: Yeah.

25 MR. SHAW: And Debbie and I will follow along

1 similarly.

2 MS. SCHUR: Yes. I'm a little confused, because
3 this is the heart of the proposal I've had made that you
4 said we're not going to talk about until next week, I mean
5 until the January meeting, so I'm a little confused.

6 MS. MOE: Well, you were -- I mean, you had --
7 we've done some pretty extensive research. And actually,
8 I'm glad you brought that up, because we have a response
9 that we're going to be emailing you tomorrow that you can
10 take a look at in advance of our Wednesday meeting. And at
11 some point if we want to, we can even share that with the
12 group, because when we take a look at that there are some
13 specific issues related to what you were asking for in your
14 proposal for publicly funded as opposed to public housing.
15 But like I said, we're going to go over all of that in the
16 discussion that we have with you on Wednesday morning. And
17 we'll be happy to share that with the group.

18 MS. SCHUR: But what I'm hearing is that you've
19 already made a decision to do something different than the
20 development we're going to be talking about on Wednesday.

21 MR. SHAW: The two issues share general topics,
22 but they are still two separate issues on our logs.

23 MS. SCHUR: Okay.

24 MS. MOE: And I believe, Bob, you have a comment?

25 MR. RAYMER: No, I'm still having a hard time

1 understanding your initial proposal. If you could finish
2 your --

3 MS. MOE: Certainly.

4 MR. RAYMER: Yeah, you know that and the others,
5 because I've got some questions, but I want to understand
6 what DSA is thinking about doing with the concept.

7 MS. MOE: Got you.

8 MR. RAYMER: Yeah, thanks.

9 MS. MOE: So if we take a look at Section 1.9.1.3
10 "Application" and that reads, "Public housing and private
11 housing available for public use." And then it says, "See
12 Government Code Sections 4450 and 12955.1(c)," so you would
13 take a look at that particular section. And that's on Page
14 10 in the Advisory Manual.

15 We've actually been researching this and taking a
16 look at some of the history and some of the information
17 that we have. And what we have found is really what this
18 potentially should state is, "Public housing," and then --
19 and we don't need to include "and private housing available
20 for public use," because if it's private housing available
21 for public use it's covered under say a place of public
22 accommodation. And there could be any number of social
23 service center establishments, any sorts of uses for
24 private housing that's available for public use. So what
25 we're thinking of is we would then strike "and private

1 housing available for public use."

2 And then if you go a bit further and you see
3 there, "See Government Codes Section 4450 and 12955.1(c),"
4 in actuality what we have found is that Government Code
5 Section 4450 is not applicable to public housing. However,
6 Section 12955.1(c)? That's where you find DSA's authority
7 to write regulations specifically for public housing. So
8 that's what we're taking a look at in that particular
9 section.

10 And then we're also taking a look at 1.9.1.1.3,
11 "All publicly funded buildings used for congregate
12 residences or for one- or two-family dwelling unit purposes
13 shall conform to the provisions applicable to living
14 accommodations."

15 MR. BOURNE: She's on page 9.

16 MS. MOE: Yes, page 9 of the Advisory Manual.
17 We're also taking a look at that particular section under
18 our authority. And again, when we take a look at public
19 housing what we're finding is, it's not publicly-funded.
20 It's public housing. That goes along with our current
21 definition that we have in Chapter 11B.

22 MR. BOURNE: So the way I think this would work
23 best is if you for any given section go through the whole
24 thing.

25 MS. MOE: Okay.

1 MR. BOURNE: And then let's hold questions, so
2 that then we can see the whole thing first and then go back
3 to specifics. I think that'll be the most efficient thing
4 to do.

5 MS. MOE: All right. So basically under -- in
6 Chapter 1 in the two sections that we're looking at for our
7 authority, those are the two sections that we're taking a
8 look at.

9 MS. SCHUR: And just to clarify 1.9 --

10 MR. KHAMBATTA: (Overlapping) So could you
11 elaborate on what you're doing for 1.9.1.1.3?

12 MS. MOE: Sure.

13 MR. KHAMBATTA: You said you were looking at it,
14 but exactly what?

15 MS. MOE: Actually, what we're doing there, the
16 change that we're proposing for that we're looking at
17 striking that language and we're going to renumber some of
18 these sections. Because really -- and then the other thing
19 -- let's take one last look on page 10 for that 1.9.1.1.3
20 under "Application."

21 MR. KHAMBATTA: Uh-huh.

22 MS. MOE: What we're going to do is point people
23 in the direction, also not only the Government Code
24 section, but also our definition for public housing. So in
25 both of those sections in 1.9.1.1.3 as I said we're looking

1 at striking that particular language.

2 MR. KHAMBATTA: All of this?

3 MS. MOE: All of that and renumbering those
4 sections. And then in addition, wherever we need to, to
5 really point people to that Government Code section that
6 gives us the authority to write regulations for public
7 housing, and the definition for public housing, we want to
8 point code users to those different provisions.

9 MS. CLAIR: So to clarify, Derek, your proposal
10 was the definition of public housing, so that you will
11 address. This is really understanding our application and
12 authority under Chapter 1?

13 MS. MOE: Uh-huh.

14 MS. CLAIR: So that when we're talking about
15 public housing we're talking about consistently the same
16 thing. And we're relying on the definition that's in
17 Chapter 2 for Public Housing, so that it's very focused as
18 to the direct. That's where Derek was saying it's kind of
19 overlapped and we know that you have reservations with our
20 definition for public housing, and so we will discuss that
21 with you further. It's understanding, so that everyone's
22 pointing for clarity to the same -- talking the same
23 language to that definition and then we can address the
24 definition.

25 MS. MOE: And actually, when we take a look at

1 this particular section and it talks about the publicly
2 funded buildings used for congregate residences or for one-
3 or two-family dwelling unit purposes all of that is covered
4 in our definition in Chapter 11B.

5 So what we're really trying to do, and we hear
6 what everybody is saying, that there is a lot of confusion
7 out there when it comes to housing regulations. So what
8 we're really looking at is just kind of tightening up this
9 language and making it a little bit clearer. And providing
10 the correct references, again going back to page 10 where
11 it talks about Section 4450. What we took a look at is
12 it's *Berkeley v. Coyle* and that was when, that was in 1996.
13 And that was a decision that basically said that Section
14 4450 is not applicable when you take a look at public
15 housing, because public housing is not open to the public.
16 It's not, so in other words if it's public housing it's not
17 a facility like a place of public accommodation where
18 somebody can just go and walk into your apartment or your
19 dwelling unit.

20 So basically that's what we're looking at, those
21 sections, is just really strengthening what we already have
22 in our definition and in Chapter 11B. Yes?

23 MR. BOURNE: Hold it now before -- and I want to
24 make sure we get through. Are you finished with your --

25 MS. MOE: With that particular -- yes, with that

1 particular.

2 MR. BOURNE: Okay. So you're done with that
3 particular section?

4 MS. MOE: Right.

5 MR. BOURNE: Then Dara and then Stoyan.

6 MS. MOE: Okay. Dara?

7 MS. SCHUR: I'm still not sure I understand,
8 because it's so connected to how public housing is defined.
9 And I'm hearing this as a huge cut-back in the application
10 of 11B, but I may be hearing that wrong, which would have a
11 result of significantly decreasing accessibility. And I'm
12 not understanding, because the first section of 4450 says
13 that the purpose of this is to ensure that all buildings
14 constructed, "... by the use of state, county, or municipal
15 funds, or the funds of any political subdivision," shall be
16 accessible, which is all public funding. And it also says
17 that nothing can be less than the ADA Act, than Americans
18 with Disabilities Act, which covers all housing that is
19 public funds.

20 So I'm really confused about how you could
21 eliminate housing with public funding if that's what you're
22 proposing to do.

23 MS. MOE: It was made very clear to us, because I
24 remember going through the rulemaking for the 2012 cycle we
25 had those discussions amongst ourselves about is it public

1 funds that triggers compliance with the Americans with
2 Disabilities Act. I don't know --

3 MS. SCHUR: Or solely public.

4 MS. MOE: Or solely public, well yeah, public
5 funds or solely public funds. So I don't know how many of
6 you know or have met John Wodatch, Kaylan has. And John
7 Wodatch is the person who basically --

8 MR. RAYMER: He's been around.

9 MS. MOE: He's been around and basically John
10 Wodatch was the attorney Department of Justice who
11 basically authored the ADA. So we specifically had a
12 discussion with John Wodatch and another attorney from
13 Department of Justice, Irene Bowen, and I asked them a
14 question. And I said, "For purposes of the ADA, it's
15 reliant on public funds, correct?" Well, they set me
16 straight pretty quickly and Irene Bowen said, "You really
17 need to go back and read the rule." And I thought, okay.

18 And basically when you look at the Americans with
19 Disabilities Act, what they explained to me is the
20 programs, services and activities of the Title II entity,
21 state or local government. It could be public funds that
22 the Title II entity uses to implement their program. In
23 the case of California developers can get a density bonus.
24 They could get a variance. They could be allowed to
25 construct an extra two floors on their buildings and the

1 city will say, "We're going to set aside height
2 restrictions." It could be a piece of property that is
3 given to or sold to a developer at less than market rate.
4 It could be any number of things.

5 And the other one is substantive assistance, so
6 they said it's very clear however a Title II entity,
7 however they implement their program services and
8 activities, whatever methodology they use, that's what you
9 look at and not the receipt of public funds.

10 We also took a look at the definition for federal
11 financial assistance, which really if you take a look at
12 that in Title VI that is really where the ADA gets some of
13 this terminology and this language. And the same thing, if
14 you look at federal financial assistance it could be funds,
15 it could be a grant, it could be a loan, assignment of
16 personnel.

17 So that's the research and what we looked at,
18 because we wanted to be very clear. So if we were to state
19 that this housing, the only thing that triggers compliance
20 with Chapter 11B is the receipt of funds. We would have an
21 issue, because there's a whole lot of projects out there
22 that don't get public funds where the developer would say,
23 "I'm not getting any public funds, 11B isn't applicable."

24 MS. SCHUR: I absolutely agree with everything
25 you said, because there is no question under the ADA that

1 if you're a public entity you have to comply with a
2 heightened level of accessibility in 11B. And any program
3 that the public entity does including things that it does
4 to contractors on subversive (phonetic) bids has to comply.

5 I think the only place -- so I agree with
6 everything you just said and I know John. I think the one
7 thing that troubles me, and maybe it's just that we're
8 talking a different language, is that I think it's both
9 that and a receipt of public funds. And maybe the receipt
10 of public funds is subsumed, because if you have a receipt
11 of public funds you have a public program.

12 MS. MOE: Uh-huh.

13 MS. SCHUR: But I just want to make sure we're
14 not -- it's pretty clear, from my perspective in reading
15 this Government Code and the ADA and financial assistance
16 in Section 505, that if ADA covers anybody that has any
17 program implemented to whoever of a government agency at
18 whatever level --

19 (Overlapping colloquy.)

20 MS. SCHUR: -- right, and so it applies to
21 contractors on subversive bids if -- speaking personally if
22 the City of L.A. gives the developer money then the
23 developer and the City are bound by 11B or the higher
24 accessibility standards. But it's also true that if you
25 got public money from whatever source you're covered.

1 MS. MOE: Sure.

2 MS. SCHUR: Okay. So then it seems like we do
3 have a meeting of the minds --

4 MS. MOE: You're right.

5 MS. SCHUR: -- is that public funding is a
6 subsection of a government entity.

7 MS. MOE: Exactly. I

8 MS. SCHUR: And that all activities of government
9 entities of government entities would have to meet 11B; is
10 that what you're saying?

11 MS. MOE: Yes, by/for/on behalf of --

12 MS. SCHUR: Yes, and then --

13 MS. MOE: Yes, constructed and altered by --
14 owned/operated

15 -- construction or altered, owned or operated, by/for/on
16 behalf of a Title II entity.

17 MS. SCHUR: Yeah, but that also --

18 MR. KHAMBATTA: And that's important: by/for/and
19 on behalf of. And is there plans to include by/for and on
20 behalf of?

21 MS. CLAIR: It is already in our definitions.

22 (Overlapping colloquy)

23 MS. SCHUR: But it also includes "funded by."
24 There's a lot of confusion around there by/for/and on
25 behalf. So --

1 (Overlapping colloquy.)

2 MR. KHAMBATTA: On behalf of, here.

3 MR. BOURNE: Dara, please.

4 MS. SCHUR: It also needs to include for clarity,
5 I think, publicly funded as a subset, just like by/for/and
6 on behalf, because not everybody understands that. And
7 that would also make it consistent with 4451.

8 MS. MOE: Right, and we just -- well but again
9 and if you take it's really important also to take a look
10 at that decision in *Berkeley v. Coyle*, because I think
11 helps the understanding of the applicability of 4450 and
12 4451

13 MS. SCHUR: But you know --

14 MR. SHAW: If I could add to that, also if you
15 look further down in 4450, and I think it's 4450(c), that
16 that section limits the applicability of 4450 to those
17 facilities that are available to the public.

18 MS. SCHUR: No, (c) says in no case shall these
19 standards prescribe a lesser standard of accessibility than
20 ADA does.

21 MR. SHAW: Then I'm citing the wrong section, but
22 it is --

23 MS. SCHUR: But that section is critical, but ADA
24 says it has to apply to every function of every public
25 entity and publicly funded.

1 MR. SHAW: Okay. Well, here the DSA's code as
2 writing the Building Code is we have these side rails. And
3 it's the side rails established in California law, okay?
4 Within that certainly the Legislature has seen fit to tell
5 us to go out and to be no less restrictive than the ADA
6 Standards, to being no less restrictive to other federal
7 standards.

8 But nonetheless we still need to work within the
9 brackets of California law. Now, I can get you the exact
10 citation. If you have it in front of you I could look over
11 your shoulder, if you like.

12 MS. SCHUR: Yes, I have it.

13 MR. SHAW: But the provisions of 4450 are limited
14 to those facilities that are available to the public.

15 MS. SCHUR: That's 4450.

16 MR. KHAMBATTA: 4451.

17 MS. SCHUR: Right, yes. Correct.

18 MR. KHAMBATTA: It's 4451.

19 MR. SHAW: It's 4451?

20 MS. SCHUR: Right, he's right.

21 MR. KHAMBATTA: 4451 clarifies that.

22 MS. SCHUR: But you have to comply with all of
23 the law and all of the law includes you can't do anything
24 less than ADA Act, right?

25 MS. MOE: What is that?

1 MR. SHAW: Within our brackets.

2 MS. SCHUR: The 2010 ADA Act Standards, ADA Act
3 Standards.

4 MS. MOE: Right, but --

5 MR. SHAW: No, no, no, no. If for example if the
6 ADA Standards at some point in the future decided to
7 include regulations that were outside of those regulations
8 that we were authorized under California State Law to write
9 Building Code for, we could not touch it.

10 MS. SCHUR: But these guidelines, as they
11 currently exist, they were authorized and apply to all
12 publicly funded and government entities.

13 MR. SHAW: Let's take a look at 4450.

14 MR. KHAMBATTA: 4450 (indiscernible)
15 (Overlapping colloquy.)

16 MS. SCHUR: You know what, guys? I think --
17 anyways let me back up a second, because this is a very
18 terminal discussion, but this is a really important
19 discussion. Because what's happening on the ground is --
20 and we were just talking about that -- is a) a great deal
21 of confusion among builders, architects and code
22 enforcement and b) a huge crisis for people with
23 disabilities who can't find accessible housing.

24 And so it really important that this group and
25 the Department, take as an expansive perspective as

1 possible, which is consistent with the federal laws or
2 whatever. And so I just want to make -- I just feel like I
3 have to make that statement, because this is a really
4 important issue even if it plays out in a really technical
5 way.

6 MS. MOE: Oh, absolutely. And the other thing
7 that we needed to be very careful of, and we had extensive
8 discussions with people at HUD and then other people at
9 Department of Justice, and they made it very clear. It's
10 housing programs by/for/on behalf of a public entity. So
11 you have to be really careful when you take a look at all
12 these. And yes, we want to be sure that people comply with
13 the regulations and what is required. But that's really we
14 need to be that pragmatic and understand.

15 And we need to be sure that we give correct
16 information when we're out there doing these training
17 sessions or answering emails or phone calls or whatever we
18 get. Because really what will happen, we look at what we
19 address in the California Building Code, but we need to
20 take a look at this and be sure our information is valid
21 including what we have in our Advisory Manual. Because
22 understand that any of this can end up in litigation as it
23 did in Los Angeles County.

24 MS. MOE: Kaylan?

25 MR. BOURNE: No, Kaylan's not up yet, so what I'd

1 like to propose, because Stoyan's actually next and then
2 Kaylan. But because you guys are going to have a good
3 robust discussion on this, it sounds like on Wednesday, I
4 would suggest you get other people's views into the mix.
5 Then you guys will have to have a good discussion and maybe
6 at the next meeting come back, and hopefully there will be
7 a meeting of the minds or at least clarity on what is this
8 group --

9 MS. CLAIR: Sure.

10 MR. BOURNE: So let's hear from Stoyan and Kaylan
11 and anybody else that hasn't had an opportunity yet and
12 then we may be in a position to move on to the next topic

13 MR. BUMBALOV: I won't be talking too much
14 internally, but this is one of the topics that I will be
15 talking too much, because this is why I'm here.

16 First, to clarify and I'll make the connection
17 with houses in Los Angeles and the issue in San Francisco,
18 HCD had similar issues. Not to give you a (indiscernible)
19 you know, just talking in general, okay?

20 So HCD is the agency that -- HCD is the proposing
21 agency. We propose building standards including for
22 accessibility, Chapter 11A. At the same time HCD is an
23 enforcing agency for factory-built housing, which is 90
24 percent of the subsidized housing right now is built by
25 this process called factory built housing. And also HCD

1 runs at least 25 programs that addresses subsidized
2 housing, okay? So we have a lot of say in regards to your
3 proposals.

4 In general we support the clarification, of
5 clarifying this open application. We will be evaluating
6 very carefully what exactly you're proposing, because the
7 language matters.

8 MS. MOE: Yes.

9 MR. BUMBALOV: We totally disagree with moving
10 back the term "publicly funded," because HCD was enforced
11 by the code to take out this term and use public buildings
12 and public use areas. So there is a reason why publicly
13 funded is not there and I have the Berkeley or whatever
14 it's called, the Coyle decision, the Building Code?

15 MS. MOE: Yeah, I've got it up here on my phone.

16 MR. BUMBALOV: Yes, okay. So we don't need to
17 discuss it here, but we want it to be included in future
18 discussions.

19 MS. MOE: Yes, perfect.

20 MR. BOURNE: Thank you.

21 First we'll hear from Kaylan and then back to
22 Bob.

23 MS. DUNLOP: And I'm just going to be very frank.
24 I have no idea what you all are talking about or where we
25 are. I feel like you all had a discussion that --

1 MR. RAYMER: It's been around for two decades.

2 MS. DUNLOP: No, I know that. And I know a
3 little bit about the code, so for the people in here that
4 don't I can imagine how lost they are. If you had to put
5 the Building Code different sections on a difficulty level
6 with zero being easy and ten being the most difficult, what
7 you all are talking about is a twenty-five. (Laughter.)

8 So can I suggest that we skip down the list a
9 couple of items and look at something easier? So that I
10 don't know what our goal is right now or what we're
11 supposed to even be talking about?

12 MR. BOURNE: So let's reiterate, the goal is to
13 move through these and then the DSA is presenting their
14 proposal to deal with that issue and then (indiscernible)
15 same way. And then if you have specific thoughts that you
16 want them to consider as we move forward you're supposed to
17 express those.

18 We are not going to work out any of these issues
19 today. So kind of like what Stoyan just did, say I've got
20 concerns about this, that or the other. I want to make
21 sure you pay attention to those, so we can begin the
22 conversation. That's about the level we want to be at
23 today. We're not going to be able to solve the nuances of
24 all these things. So we really ought to be thinking about
25 ten minutes or less on to each one of these just to say

1 okay, on that topic, I wanted to make sure you're thinking
2 about X, Y or Z. Does that make sense?

3 MS. DUNLOP: Yes.

4 MR. BOURNE: Okay.

5 MS. CLAIR: So thank you for that, Greg, and I
6 just want to clarify that now that we've discussed it
7 what's important is you've heard the foundational reason of
8 why we're considering it. We have already a meeting
9 established with Derek to discuss it further. We have a
10 meeting now that we know that Stoyan also wants to also be
11 included in the discussions and more in depth. We will
12 develop these in the background. You're aware it's on our
13 agenda as an important item.

14 We will bring it back to these discussions and it
15 will get clear as we discuss it. Because we understand
16 it's technical, but we wanted to introduce it.

17 MS. DUNLOP: So these things are -- this is
18 Kaylan -- are you're just starting to think about them.

19 MS. CLAIR: Or we have been, but there's no
20 language yet.

21 MS. DUNLOP: But they haven't gotten to the
22 comment period or --

23 MS. MOE: No, huh-uh.

24 MS. CLAIR: Right, absolutely. It's really
25 throwing it out there saying we're going this direction,

1 what issues do you anticipate? We know that there's some
2 who have issues. We've set up meetings in the background.
3 We'll see if we can resolve what those issues. If we can
4 great, we'll present what they are. If we can't we'll have
5 an opportunity to --

6 MS. DUNLOP: That's what I need to hear twenty
7 minutes ago.

8 MS. CLAIR: Yeah, okay.

9 MS. MOE: So we've only got two other things that
10 we'll briefly touch upon here that we're looking at for
11 housing. What we did in the 2012 rulemaking cycle,
12 previously the DSA adopted all of Chapter 11A. Well, when
13 we went through the rulemaking for the 2012 cycle we
14 realized that we couldn't do that anymore. So what we did,
15 we still adopted the Site Impracticality Test, now we're
16 talking about Chapter 11B. We adopted the Site
17 Impracticality Test.

18 MS. CLAIR: Real quick, what's site
19 impracticality?

20 MS. MOE: Site impracticality comes from the Fair
21 Housing Act and the guidelines that basically says that for
22 sites that have difficult terrain and varying slopes and
23 you can't -- basically there's a limited amount of access
24 that you can put on this particular site, that you can go
25 through a Site Impracticality Test. But then there are

1 still buildings that are required to be accessible, the
2 number of units, and it's a whole test that you have to go
3 through.

4 And then the other thing that we continue to
5 adopt from Chapter 11A is the Division 4, which is the
6 characteristics of the dwelling units themselves. So we
7 still adopt that out of Chapter 11A. All of the scoping
8 for the ground floor units, all of that during the 2012
9 rulemaking cycle we pulled that into Chapter 11B. Well,
10 now what we're looking at is an amicable separation between
11 ourselves and Chapter 11A. So what we're looking at rather
12 than adopting Division 4, the characteristics of the
13 dwelling units from Chapter 11A, and adopting the Site
14 Impracticality Test from Chapter 11A, we're going to pool
15 that all into Chapter 11B.

16 So if you were doing a public housing project you
17 would look at Chapter 11B. You're going to pick up all the
18 requirements for what's in the 2010 ADA Standards for the
19 units with mobility features, the units with communication
20 features. It's also going to cover everything that you
21 would need to take a look at that meets or exceeds what's
22 in the Fair Housing Act Accessibility Guidelines. So
23 that's what we're looking at in Chapter 11B. So it's
24 basically then going to be a standalone chapter for
25 housing.

1 MR. BOURNE: Bob is next.

2 MR. RAYMER: This is Bob. And on the last issue
3 we were talking about, that thing we skipped down?

4 MS. MOE: Oh, okay.

5 MR. RAYMER: I just wanted to say I ditto
6 Stoyan's comments. CBI has been very interested in this
7 topic since the late 1980s and particularly post the Coyle
8 Decision. So when you bring Stoyan in we'd like to be
9 apprised as well.

10 MS. MOE: Perfect.

11 MR. RAYMER: On this I have to see a product, but
12 I think I know what you're doing and it sounds good. One
13 of the benefits that could come from this is someone like
14 myself having a better understanding of the distinct
15 differences between a DSA housing reg and an HCD housing
16 reg. There may be some subtle differences there that we
17 might feel fine having HCD adopt to have more similar
18 standards or whatever. And so it's just, I've got to tell
19 you, between the zero net energy stuff, the Administration,
20 the water conservation, the drought stuff, we haven't had
21 time to kind of look at that.

22 MS. MOE: Okay.

23 MR. RAYMER: If somebody has done that kind of
24 stuff we would love to see it, because quite frankly it may
25 make sense to tweak HCD's regs to look like that stuff over

1 there. We don't know, but this sounds interesting.

2 MS. MOE: Okay.

3 MR. BOURNE: Jihee, you're next.

4 MS. LEE: Okay. What I'm -- let me see if I'm
5 hearing right -- so ultimately your effort will actually
6 help us only just need to look at 11B for public housing?
7 We won't have to go back and forth between 11A and 11B?

8 MS. MOE: Correct.

9 MS. CLAIR: That's correct.

10 MS. MOE: Right, you wouldn't have to go back and
11 forth.

12 MS. LEE: So I love that.

13 MS. CLAIR: If you have private housing you'd go
14 to 11A. If you have public housing you'd go to 11B.

15 MS. LEE: Yeah. That's always been very
16 confusing.

17 MS. MOE: Now, there's only -- and one thing what
18 we're thinking of, because HUD in order to comply with
19 their Section 505 regulations, which is basically the Rehab
20 Act, they're one of the few federal agencies that still
21 uses the Uniform Federal Accessibility Standards. Back in
22 March of 2014, they actually in the Federal Register said
23 that basically you can use Chapter -- I'm sorry -- you can
24 use the 2010 ADA Standards in lieu of UFAS. But they have
25 11 exceptions. Two of those exceptions we didn't adopt.

1 They're not written into Chapter 11B. But those are
2 specific programs that if you receive federal financial
3 assistance from HUD, like say tax credits administered
4 through the Treasurer's Office you would also have to take
5 a look at those regulations as well.

6 What we're looking at potentially is maybe we'll
7 write a note into Chapter 11B directing the code users, but
8 we haven't even thoroughly discussed that and thought that
9 through yet. But we're trying to educate people as much as
10 we can and make the code as clear as we possibly can,
11 because we know there's a lot of issues with housing.

12 MR. BOURNE: Arfaraz, you're next.

13 MR. KHAMBATTA: Clarifying question, is most of
14 what we're trying to do here replicate what's in Division 4
15 of Chapter 11A include Chapter 11B?

16 MS. MOE: Correct.

17 MR. KHAMBATTA: Why?

18 MS. MOE: Because then like I said, what you
19 would take a look at for those ground floor units, that's
20 over and above the 5 percent of the units with mobility.
21 Because really when you take a look at Chapter 11B you have
22 two different types of units, well three types. You have
23 the units with mobility features, the units with
24 communication features. Those are based on percentages.

25 MR. KHAMBATTA: Right.

1 MS. MOE: Then you have all of the other ground
2 floor units. All those other ground floor units have to
3 meet the provisions in Division 4 in Chapter 11A.

4 Now, what would happen if this proposed code
5 change, if this becomes effective, all of those
6 characteristics for the dwelling units whether it's
7 mobility or communication or the ground floor units you
8 would look to Chapter 11B.

9 MS. CLAIR: And we can be more clear on the
10 requirements, because there's three as opposed to 11B
11 there's -- I mean 11A there's not. It's an attempt to be
12 more clear and be more code user friendly to those who need
13 to use the code without referencing.

14 MS. MOE: Going back and forth, right.

15 MR. BOURNE: Stoyan's next and then Dara.

16 MR. BUMBALOV: As a general statement again HCD
17 will agree on this only if Division 4 and what you are
18 proposing are identical. And I don't want to get into
19 details, I just will mention yes, it sounds great. You
20 know, you give everything in 11B, but we may end up
21 creating two different sets of standards, because we have
22 two state agencies developing standards for the same type
23 of buildings. Yes, this is public housing; however this
24 also covers multi-family dwelling units. And again, HCD
25 has more than 20 programs that provide funding for

1 subsidized housing and we may get in trouble.

2 MS. MOE: Yeah, and really what's --

3 MR. BUMBALOV: We may. If we have identical
4 regulations in Chapter 11A and Chapter 11B great, we will
5 support it 100 percent. Unfortunately, for reasons that
6 are above my pay grade HCD is not going to propose anything
7 during this (indiscernible) rulemaking cycle. But based on
8 your experience creating this Committee, we may be lucky
9 and start working seriously for the next intervening cycle.

10 MS. MOE: Great, and really what we're looking at
11 is the same provisions. But the format, the way it's
12 written is going to match the format and the section
13 numbering that we have in 11B. So in other words, the
14 terminology is going to be tweaked. It'll give you the
15 same effect and it's going to basically be the same
16 requirements. But it's written more in the language that
17 we use in 11B.

18 MR. BUMBALOV: I understand why and I agree with
19 you, but the usual is for so many years HCD and DSA have
20 been arguing about authority based on, you know, un-
21 coordinating, not enough coordinating in (indiscernible)
22 relations. And the only reason we stopped doing that a few
23 years ago was two reasons, we stopped communicating on an
24 everyday basis. The second one, we stopped arguing about
25 authority and we just added 4. And we added 4 to 11B for

1 public housing based on common use areas and you guys
2 referred to Division 4.

3 Yes, there are a lot of complaints about this
4 copying of public housing and the only reason is because
5 the City of L.A. is a good example. The Building
6 Department is enforcing the Building Codes, so really the
7 City of L.A. is just distributing money for public housing.
8 So the disconnect is there, not on the same level.

9 MS. MOE: Yeah. And we hear that all the time in
10 the emails and the questions that we've gotten. We've even
11 gotten questions from people in various development
12 agencies in Southern California. And they said they were
13 trying to get their Building Department not to make them
14 enforce certain requirements in the code. And they said,
15 "Our Building Department is reading this is Chapter 11B and
16 saying we have to do that." And I've actually gotten
17 emails from people and they say, "Can you help us get
18 around that?" And I'm telling them, "No, no. That's what
19 the code says." "What do we do? Our Building Department
20 is making us meet what's in the code." "Okay. Go by what
21 your Building Department says."

22 MS. SCHUR: So I think people may be getting a
23 sense of why housing is very complicated. (Laughter.)
24 There are like five different people promulgating codes at
25 the moment in the housing arena and it's very confusing.

1 But let me just say that they cover the same buildings, so
2 I actually think we can work it out with HCD with the idea
3 of moving these into 11B, so people only have to look in
4 one place is a really good idea.

5 I would suggest if we're going to do that we
6 include 233.3.1.1 as well. It's the same issue where
7 people have to go back and cross-reference 11A to figure
8 out what they're supposed to do. And things get really
9 lost in the translation and really complicated. So I just
10 want to suggest that we put point 1 on the agenda as well
11 as point 2. I think it's very similar and we could deal
12 with some of the same issues at the same time. I would
13 support this proposal assuming we can find a way to work it
14 out. And assuming the language doesn't have accessibility
15 problems.

16 MR. BOURNE: Lewis?

17 MR. SPRINGER: I mean this is a problem in the
18 design community in understanding, you know, especially
19 when you use the term public funding. Does any money make
20 it public funding?

21 MS. MOE: Yes.

22 MR. SPRINGER: And the language you just used
23 about funded by that other program, I don't think anyone
24 understands that when you're trying to design a building.
25 And so --

1 MS. MOE: Right, yeah.

2 MS. CLAIR: And to be clear public funding means
3 for a housing program. If it's a public funding for a
4 sustainability program --

5 MR. RAYMER: Like Solar?

6 MS. CLAIR: -- exactly. That's not a housing
7 program, right.

8 MR. SPRINGER: Sure, yeah. And that just makes
9 it more unclear when you're trying to design something.

10 MS. MOE: Well, and that's why like I said we
11 clarified that in our Advisory Manual and we're looking at
12 maybe even strengthening that a little bit more, so we can
13 really clarify that for people. Even when you take a look
14 at HUD and their website, you look at what they have for
15 community development block grants they said you have to
16 look at what that community development block grant is for.
17 It could be for employment and job training, so it isn't
18 even a block grant for housing. So you have to pick that
19 apart.

20 And in the case of Title II entity, we've gotten
21 this question from nonprofit organizations. And they said,
22 "Well, we've been doing this for 25 years and we don't have
23 to comply with the ADA, because we're not a Title II
24 entity. Yeah, we contract with the county to build these
25 housing projects, but we're a Title III entity." If you

1 are a Title II entity you cannot contract away your
2 obligations, so that Title III entity needs to comply.

3 MR. SPRINGER: That's crazy.

4 MS. MOE: So really we're -- yeah.

5 MR. KHAMBATTA: So you know for years -- sorry,
6 Lewis.

7 MR. SPRINGER: So I mean this is kind of a crazy
8 proposal because I know that HCD has their own set of laws
9 and DSA has -- you're working under different laws. Is
10 there any way to combine and create a Chapter 11 that would
11 cover housing and clearly explain where your public funds -
12 - (Laughter.)

13 MS. CLAIR: So, you know really what gets
14 complicated is the authority is vested in statute. So to
15 say to relinquish that authority, we don't have the ability
16 to do that.

17 But just to let you know while it may be
18 confusing, it is our mission here at DSA to work
19 collaboratively with HCD and with other concerns to make
20 sure we can provide that clarity for everyone. These are
21 not essentially our goals alone to serve an end that we
22 want. It's really to provide clarity. And we have the ACC
23 here to vet. We have individuals. We brought Stoyan to
24 the table as ex-officio, understanding that housing is a
25 huge component. We've got professionals here that provided

1 a perspective.

2 And for all the rest of you who are lost, you are
3 not alone. You are like among the rest of the California
4 design and code enforcement community in trying to seek the
5 clarity.

6 So if we keep in mind the mission of what we're
7 trying to do here and work collaboratively, hopefully
8 that's our goal is to get there. We're trying to bring the
9 people and the discussions and the formats forward to bring
10 that clarity. So this is just a start.

11 MS. MOE: And we've got one more item that we
12 want to talk about on housing in Chapter 11B.

13 MR. BOURNE: Arfaraz?

14 MR. KHAMBATTA: So just a quick statement on this
15 proposal is from the stakeholder group that I'm
16 representing. One of the things that we constantly hear is
17 there's federal requirements and there's state
18 requirements. And I wish there was just one requirement.
19 Now, we're creating requirements for adaptable features in
20 Chapter 11A and requirements for adaptable features or
21 adaptable units, or units with adaptable features in 11B.
22 And we're just almost replicating it, but there are going
23 to be some minor changes and they won't be identical as
24 Stoyan wants or HCD wants them to be.

25 It just seems that we're going counter to what

1 our stakeholder group is asking us to do, which is come
2 together. And just have one place for it all, even if it
3 means cross-referencing. And there's a lot of cross-
4 referencing that happens in the Building Code. Chapter 11B
5 references Chapter 10 and so forth.

6 So I mean what next? Are we going to start
7 copying everything, you know, specific sections from
8 Chapter 10 into 11B as well?

9 MS. MOE: Well understand though that the
10 provisions for -- I mean the scoping for the units with
11 adaptable features, that wasn't new to the 2012 code. I
12 mean that's been around forever.

13 It's just that when you look at what happened,
14 and I can't believe the amount of confusion. And really
15 this has taken me a lot of discussions with people from
16 Department of Justice and a lot of thinking on this. And
17 sometimes you wake up in the middle of the night and you
18 have an "Aha!" moment and you realize, "I've got it."

19 I think part of the problem, and what happened
20 with the 2010 ADA Standards -- and I'm going to move this
21 along, because we're spending way too much time on housing.
22 But I had discussions with people who -- access specialists
23 who have been looking at the code and the ADA and UFAS for
24 decades. And they thought that there was a change in the
25 2010 ADA Standards that all of a sudden there was a

1 requirement for 5 percent of the units with mobility
2 features and 2 percent with communication features.
3 Because they didn't realize that prior to the change in the
4 2010 ADA Standards they would take a look at the 1991 ADAG,
5 the guidelines.

6 They didn't put two and two together and say if
7 it's a housing program you have the option of using the
8 guidelines. You also have the option of using UFAS. If
9 you go to UFAS it had the scoping for those units. They
10 never picked up on that. They never caught that.

11 So I understand, believe me, just how convoluted
12 this is. But we're trying to do everything that we can to
13 make it as clear as possible.

14 And to that end, we have one other change that
15 we're looking at in this rulemaking cycle. Prior to in the
16 2010 code and the previous editions, when we adopted all of
17 Chapter 11A, that also included that trigger date of March
18 13th, 1991. So basically if you had covered multi-family
19 dwellings. And a building was constructed for first
20 occupancy as housing after that date, then from that point
21 forward those units would have to be maintained in this
22 applicable standard at the time.

23 Well, we dropped that. We still adopted it, but
24 only as a note that's in Division 4, that trigger date.
25 And it points you back, I think over to the March 13th,

1 1991. Well, what we want to sure is we want to make it
2 very clear that that trigger date is applicable for those
3 units that are the ground floor units, the adaptable units.

4 So because basically the Fair Housing Act, the
5 guidelines, it does not include alterations. So basically
6 after March 13th, 1991, it had to be constructed to meet
7 the requirements in the guidelines in Chapter 11A, for the
8 purposes of California Building Code.

9 So what we're looking at is we want to clearly
10 reinstate that March 13th, 1991 trigger date. So
11 basically, let's say a Title II entity purchases an
12 existing building. It was built prior to March 13th, 1991.
13 They're going to make alterations to that building. Five
14 percent of the units would have to have mobility features.
15 Two percent would have to have communication features. Any
16 of the other ground floor units would not -- whatever
17 alterations they did, would not have to comply with either
18 Chapter 11A or Chapter 11B, because the building was
19 constructed for first occupancy prior to March 13th, 1991.

20 MS. CLAIR: And why this is critical is that when
21 individuals misconstrue that the adaptability needs to be
22 applied to all those units for a building that was built
23 prior to 1991, a lot of those projects are not moving
24 forward, because the costs are too great. So instead of
25 getting the necessary mobility and communication units that

1 we need they're not doing any improvements at all, because
2 it's too costly to make those changes, so.

3 MS. MOE: Right.

4 MR. KHAMBATTA: So first of all, I'd just like us
5 to refer to the Division 4 units as covered units rather
6 than ground floor units, because in an elevator building
7 it's not just the ground floor units that are covered
8 units, but all the units that are covered.

9 MS. MOE: Well, all the ground floor units.

10 MR. KHAMBATTA: No, in an elevator building all
11 the units are covered units.

12 MS. MOE: All the floors that are served --

13 MS. CLAIR: No, that are served by ground floor
14 units too. It's the way ground floor (indiscernible) --
15 (Overlapping colloquy.)

16 MR. KHAMBATTA: Okay. So but it's misleading
17 when you say ground floor, because I mean if you just say
18 covered it's more encompassing. Okay.

19 MR. SPRINGER: In California.

20 MR. KHAMBATTA: Now, what I'm hearing you say is
21 that when a Title II entity purchases a building that was
22 built prior to 1991 or that's the date in 1991, and they do
23 an alteration they'll only be required to provide 5 percent
24 mobility and 2 percent communication units. And if this
25 were an elevator building --

1 MS. MOE: And the covered units are being
2 altered, correct. Yes.

3 MR. KHAMBATTA: And none of the other covered
4 units or not the other units in an elevator building would
5 be even deemed covered, because that building was built
6 before '91?

7 MS. MOE: Correct.

8 MR. KHAMBATTA: Currently, that's not how it's
9 being enforced and correct me if I'm wrong, Gary. But in
10 buildings that were built before 1991 that are being
11 altered, as far as public housing goes all the covered
12 units that are aware, where there's substantial alteration,
13 those alterations are meeting Division 4 requirements in
14 Chapter 11A.

15 MR. SHAW: So are you reducing accessibility
16 here?

17 MS. MOE: It's not more --

18 MR. KHAMBATTA: So I'm confused.

19 MS. MOE: It's an issue was when we made that
20 transition the references that were made were not picked
21 up. So depending on enforcement, it could be -- it's an
22 enforcement issue more than it is a reducing accessibility
23 issue. Am I clear?

24 MS. CLAIR: Yes, that's correct.

25 MR. BOURNE: Dara. And then I think if we can

1 bring the housing part to a close.

2 MS. MOE: Yeah, to a close.

3 MR. BOURNE: Because I think we'd like to get
4 into some of the other issues that other people are here
5 for and we know we have a lot more on this topic.

6 MS. SCHUR: So let me just say, I need to see the
7 language to see if or make sure I understand what you're
8 doing, so I'm looking forward to that. But will this
9 include accessible routes to the accessible units?

10 MS. CLAIR: Well, of course. Yeah. I mean, well
11 they need to have an accessible route.

12 MS. SCHUR: But I mean that is a big issue,
13 because (indiscernible)

14 (Overlapping colloquy.)

15 MS. CLAIR: Right, no absolutely. You need to
16 access it, to be able to.

17 MS. SCHUR: Okay. I'm just checking, okay.

18 MS. MOE: Yep, so basically that's what we're
19 looking at for housing stuff.

20 MS. SCHUR: Okay. Lots to digest here.

21 MS. CLAIR: And there's more to come.

22 MS. DUNLOP: This is Kaylan. There's really
23 nothing to digest for me though without seeing something,
24 this is -- I don't know that this is a useful task for me
25 right now.

1 MS. LEE: Yeah, there's a lot to preview.

2 MS. CLAIR: It is a preview and you see where the
3 passions lie, just so you understand. It's kind of really
4 just setting the foundation right now. But easing you guys
5 in slowly, but it's (indiscernible) --

6 MS. DUNLOP: Gene, I'm kind of indicating up in
7 the clouds, it's way up in the clouds. And I stay down in
8 the weeds, so this to me is (indiscernible)

9 (Overlapping colloquy.)

10 MS. MOE: If any of you are thinking about
11 becoming a Certified Access Specialist there will be
12 questions on this in the exam. (Laughter.)

13 MR. BOURNE: Okay. Let's go on to the next
14 topic, Debbie?

15 MS. CLAIR: Debbie?

16 MR. BOURNE: Thank you.

17 MS. CLAIR: Oh, no. Okay, have you got it?

18 MR. SHAW: I've got it. I will muddle my way
19 through here.

20 (Overlapping colloquy.)

21 MR. SHAW: Okay, this next item is one of those
22 items that was passed by the Legislature and signed by
23 Governor Brown to require adult changing facilities in
24 certain, what they term commercial places of public
25 amusement.

1 Now an adult changing facility is where adults
2 who need assistance in diapering and toileting activities,
3 where they can go and with their attendants they can
4 satisfy those functions.

5 Okay. So we've been looking at this for the last
6 year. We conducted a focus group. What did we have, five
7 or six meetings?

8 MS. CLAIR: Five meetings.

9 MR. SHAW: Five meetings.

10 MS. CLAIR: With about 40 representative
11 stakeholders involved.

12 MR. SHAW: Okay. And this included individuals
13 that would be impacted by this law and able to use these
14 facilities. It included manufacturers of the facilities as
15 well as some representatives from the building and facility
16 types that are identified here.

17 MS. CLAIR: And caregivers.

18 MR. SHAW: And caregivers. Yes.

19 Okay. So what I'm going to do is read through
20 these sections and first what we're going to do is to talk
21 briefly about the definitions. These definitions were
22 largely provided within the legislation. So we haven't
23 really elaborated or expanded on some of these definitions.

24 So let's first take a look at the first
25 definition, that's commercial place of public amusement.

1 That's where the Legislature said that these adult changing
2 facilities were going to need to be provided. And they
3 provided a definition within the legislation.

4 In essence it's an auditorium, a convention
5 center, cultural complex (for example: art galleries,
6 symphonies, concert halls, and museums) exhibition halls,
7 permanent amusement park, sports arena or theatre or movie
8 house for which the maximum occupancy is determined to be
9 2,500 or more people. This definition does not include any
10 public or private higher education facility or district
11 agricultural association.

12 So in general these are facilities where over
13 2,500, they're larger facilities. If we look at it at that
14 occupancy level, 2,500 is pretty large for a facility.
15 Okay.

16 The next question I think that was on our mind
17 when we first started looking at this, and what may be on
18 your minds now is what is a district agricultural
19 association? There actually is, under the California
20 Department of Food and Agriculture, they maintain the
21 section on district agricultural associations. And these
22 would include facilities like county fairs or the State
23 Fair here at CalExpo. There are a few other facility
24 types, but that's generally what the district agricultural
25 associations are, okay? So those are excluded from this

1 requirement under law.

2 MR. RAYMER: Because they excluded in statute,
3 not because it makes sense.

4 MR. SHAW: Under law, yes exactly. Exactly.

5 MS. LOEFFLER: Can I ask a question?

6 MR. SHAW: Okay. Actually can you hold it just
7 until I get to the end of the definitions and then let's
8 break for a couple of questions?

9 MS. LOEFFLER: Sure.

10 MR. SHAW: Okay, good. Thank you. I'll come
11 right back to you when we're done.

12 MS. LOEFFLER: Okay. Not a problem.

13 MR. SHAW: And then adult changing facility.
14 This was the definition that was provided in law.
15 Actually, this is a derivative of that. But the adult
16 changing facility generally would be a facility that is for
17 use by persons with disabilities who need help with
18 diapering.

19 Now, I can break for a moment and take questions
20 about the definitions. And then we can go ahead and look
21 at some of the scoping requirements.

22 MS. RAYMER: She had a question, then I do.

23 MR. SHAW: Yes, Carol?

24 MS. LOEFFLER: The district agricultural
25 associations, you're saying that if I needed to use a

1 public facility for diapering and I'm an adult. And I go
2 to the state fair, the state fair property does not have to
3 provide this, because the law did not include the district
4 agriculture associations?

5 MR. SHAW: Yes, for all of that. But I would
6 say, take it even one step further. The law purposefully
7 and explicitly excluded the district agricultural
8 associations.

9 MS. LOEFFLER: Did they say why? (Laughter.)

10 MR. SHAW: Well, Bob was right there.

11 MS. LOEFFLER: Yeah, Bob can share that.

12 MR. RAYMER: Yeah, I was right there. And while
13 first off, the building industry and the building officials
14 have for the past 20 years not liked state building codes
15 and statutes. We like it when the statute directs one or
16 more agencies, the appropriate agencies, to go forth and do
17 building standards. And then give them some general
18 direction and statute, but that isn't in certain instances,
19 that's not what happened here. I have no clue how you
20 would go ahead and have certain commercial occupancies that
21 are up higher that would be like an exhibition hall per se
22 would be required to do this and not require a state fair.

23 MS. LOEFFLER: Yeah.

24 MR. SHAW: Because I've seen a number of
25 individuals who may well need this type of facility, going

1 to a state fair. And just it just baffled me.

2 And the same thing with the private higher
3 education facilities, once again you had other educational
4 -- you had lobbyists going in or whatever. And I've got to
5 tell you, as this was building along that got plugged in we
6 think -- and this is just an assumption, but there's fiscal
7 committees that bills have to get through. And this would
8 have created an additional cost to the state. Now, the
9 appropriation committees are always worried about how much
10 is it going to cost DSA to draft regulations. And how much
11 is it going to cost the State of California as a whole to
12 comply with the regulation? That may have played into it,
13 but it just doesn't make sense. But, it's in statute, so.

14 MS. LOEFFLER: And this is what is proposed as a
15 result of this statute. And so this now is implemented.
16 Does this go through the Legislature?

17 MS. CLAIR: No, no, no. Derek, maybe you can
18 clarify that.

19 MR. SHAW: Okay. Sure.

20 MS. LOEFFLER: And then I have one more thing.

21 MR. SHAW: No, the Legislature has done their
22 work --

23 MS. LOEFFLER: Can I ask one more question? If I
24 want to go to the California State Museum or some small
25 museum that doesn't have 2,500 or more, that excludes that.

1 So basically all of those things must have an occupancy of
2 2,500 or more? So the minimum is 2,500, correct?

3 MR. SHAW: Correct. That's our reading of that
4 portion of the statute.

5 MS. LOEFFLER: Oh, okay.

6 MR. RAYMER: But keep in mind, a lot of these
7 entities that aren't mandated by the statute and ultimately
8 by DSA's regulations to do this, may well end up doing it.
9 One of the nice things that's going to come out of the DSA
10 work effort is the development of a building standard that
11 many other smaller entities may find, "What's the big deal,
12 let's go ahead and do that." You know, or at least do a
13 portion of it. And so that'll kind of get the ball
14 rolling.

15 MS. LOEFFLER: Is that stay tune for 2020?

16 MR. RAYMER: Yeah. And but once again, figure
17 out how this happened.

18 MS. LOEFFLER: Okay. I want to be part of that
19 one, that.

20 MR. BOURNE: Go ahead, Ida. And Bob, do you
21 still have a question?

22 MR. RAYMER: I do but it's with number three, so
23 go ahead.

24 MS. CLAIR: I just want to be clear a little bit
25 that once regulations are developed it really is a lot of

1 the constituency demanding it of those entities to provide
2 it. "So and so's providing it down the street, why aren't
3 you?" There's a lot of this that even comes up from fair
4 pressure. We don't know why the Legislature excluded them.
5 It doesn't mean they're prohibited from doing it. It just
6 means they are not included. They don't have to. And so a
7 lot of it comes from demand.

8 Once the regulations are developed if they're
9 used a lot, a lot of times it's a marketing issue, it's
10 beneficial. So it will evolve. I just want to be clear
11 that the Legislature did not prohibit them. They just
12 excluded them purposefully.

13 MS. LOEFFLER: Okay.

14 MS. SCHUR: But that doesn't mean we couldn't go
15 back once the regs are enacted and seek to expand coverage
16 at some point at the Legislature.

17 MS. LOEFFLER: Or like you said that the
18 Legislature or peer pressure will spread, yes.

19 MS. CLAIR: Marketing pressure.

20 MR. SHAW: And DSA's concept, as we've been
21 studying this and starting to generate our internal studies
22 is to craft the scoping and the technical requirements. So
23 that it relies on where the adult changing facilities are
24 provided and we'll have a list of where they're
25 specifically required.

1 But then in the technical requirements, we would
2 craft that, so that where they're provided anywhere, either
3 in required facilities or non-required facilities, that
4 they still could meet a specified and delineated set of
5 requirements for those facilities. Okay.

6 MS. SCHUR: Thank you.

7 MR. BOURNE: Next up Bob and then Jihee.

8 MR. SHAW: Okay, Bob. You had a question about
9 number three?

10 MR. RAYMER: Number three. Well, your number
11 three. In the statute it was number two. In the statute
12 the definition of adult changing station was specifically
13 defined. And for purposes of discussion, I'm going to read
14 that now.

15 Adult changing station, "means an adult changing
16 table placed within an enclosed restroom facility or other
17 similar private facility that is for use by persons with
18 physical disabilities who need help with diapering."

19 I just want to give you a heads up that your
20 definition of adult changing facility is potential broader
21 than what the statute has.

22 And the reason why I bring this up is that
23 towards the end of this bill's journey through the
24 Legislature, the theater association and I believe one
25 other commercial entity, withdrew their opposition when the

1 author and the Appropriation Committee staff made it
2 abundantly clear all they're talking about is a table. And
3 so, once again I'm going to have to see the rest of where
4 you're going here, but there may be concern that you've
5 gone beyond statutory authority or whatever.

6 MR. SHAW: Okay. Well, that's fine and we have
7 included the technical requirements as we them for the
8 table.

9 MR. RAYMER: By the way, will you make all this
10 available for us after today, so we can -- I don't have --

11 MR. SHAW: It's all in real rough form and --

12 MS. CLAIR: Yeah, no. It's just it's until we
13 actually start developing requirements and are working on
14 language, anything that's premature if it's public we get a
15 lot of feedback. And it prevents us from moving forward,
16 because it can be misconstrued.

17 MR. RAYMER: Fine, fine. Go ahead and do what
18 you've got to do.

19 MR. SHAW: Okay. Any other questions or can we -
20 - oh Jihee, I'm sorry.

21 MS. LEE: In the definition, 2,500 that number?

22 MR. SHAW: Yes?

23 MS. LEE: That applies to those individual types
24 of buildings, so an auditorium that's 2,500 or more needs
25 to comply, and separately of a convention, 25, all of those

1 things?

2 MR. SHAW: Yes. That's the way we interpret
3 this.

4 MS. LEE: And then for like movie theaters. If
5 there are multiple theaters within the complex of theaters,
6 so are we looking at the total number or is it like each
7 individual viewing theater has to be 2,500?

8 MR. SHAW: We're interpreting it in-house right
9 now as being the collective occupancy.

10 MS. LEE: 2,500.

11 MR. SHAW: So that if you have eight screens in
12 your multiplex, then you would add the occupancy for all of
13 those as well as the common spaces.

14 MS. LEE: You may probably get to it, but I'm
15 curious on what kind of activity, probably in the technical
16 parlance like what activity or how, what kind of -- you
17 mentioned a table?

18 MR. SHAW: Uh-huh.

19 MS. LEE: What kind of things need to be provided
20 in that?

21 MS. CLAIR: Forget that right now.

22 MR. SHAW: We're getting to that, so if nobody
23 has any objection we'll move on to the next portion.

24 MS. MOE: Great.

25 MR. SHAW: Okay, so then the next portion, and

1 Ida if you could?

2 MS. CLAIR: Oh sure. That's me. (Laughter.)

3 I'm going who's moving that up?

4 MR. SHAW: Okay, so the scoping requirements and
5 these dates are provided in the statute. We are
6 considering -- well, we know that this first scoping
7 requirement upon commercial place of public amusement that
8 are newly constructed on or after January 1, 2020? That's
9 very timely. That's going to occur within the lifespan of
10 the next Building Code. So it's necessary for us to get
11 our regulations in on that part.

12 Now the second scoping provision that's in the
13 statute is for the same commercial place or public
14 amusement that are altered either on or after January 1st,
15 2025. That's down the road a little ways. We may or we
16 may not decide to include scoping on this in this next code
17 cycle and we may defer that for one additional code cycle,
18 to coincide more closely with the 2025 date. Okay.

19 Bob, you had a question?

20 MR. RAYMER: Just a technical observation on
21 number one and number two. You know our Health and Safety
22 Code 1893.5 discusses how a Building Standard in California
23 is implemented. Namely the building codes are in effect on
24 the date, you submit your building permit application to
25 the Building Department are the codes you comply with.

1 Up there, it's somewhat unclear. "Newly
2 constructed on or after," I would suggest instead of newly
3 constructed saying, "For which a building permit
4 application is submitted on or after January 1st, 2020 and
5 2025."

6 MR. SHAW: Okay good.

7 MS. CLAIR: Thank you.

8 MR. SHAW: Good, thanks.

9 MR. BOURNE: Carol, do you have a questions?

10 MS. LOEFFLER: Yeah. My question is whether or
11 not we can take a look at is the table attached or free-
12 standing?

13 MS. CLAIR: We're getting there.

14 MS. LOEFFLER: Pardon?

15 MS. CLAIR: We're getting there.

16 MS. LOEFFLER: Oh, that's coming up. I didn't
17 know if it was part of the scope, okay.

18 MR. SHAW: So I've brought this up and it'll
19 follow in the conversation.

20 MS. LOEFFLER: Okay. I'll wait.

21 MR. BOURNE: So let's just go through the
22 entirety of it and then see what questions there are.

23 MR. SHAW: Okay, very good.

24 MS. LOEFFLER: I can wait

25 MR. SHAW: You want to wait, okay sounds good.

1 All right, so these are the areas of scoping and
2 we may consider deferring the alterations until the next
3 code cycle.

4 Okay. So Ida, if you wouldn't mind scrolling
5 this up to the top of the screen?

6 MS. CLAIR: Sure.

7 MR. SHAW: Great. Okay, so now the technical
8 requirements for these facilities, where we would want
9 these. Our initial assessment of this is that we would
10 want them within an enclosed type of facility that is like
11 the gender neutral, single user toilet room. Okay and/or a
12 similar private room. So that's our first level of where
13 they need to be provided.

14 Now, what features would be mandated when those
15 are provided? We would mandate an adult changing table,
16 okay?

17 And if you could just scroll up just a little
18 bit? That's great.

19 And that the changing table was fixed to either
20 the wall or the floor. That the minimum length was 70
21 inches in length and 30 inches minimum in width. We've
22 researched the available changing tables and that works
23 very well with the products that are available today. The
24 height adjustable from 17 inches on the low end is minimum
25 to 38 inches above the finished floor or ground. And

1 remember what we have is we have users who are often times
2 transferring from a mobility device and then their
3 attendants have given assistance with their changing needs.
4 Okay?

5 So for transfer we need the 17 inches or so on
6 the low end. And then as a work table, in essence,
7 bringing it up 38 inches for the benefit of the attendants
8 and having it variable in their height adjustable seemed to
9 be very important to our CASp group that we consulted with.

10 A minimum capacity of 300 pounds, and then for
11 clearances around the changing table we would look for a
12 clear floor space 30 inches deep along the full length of
13 the table on one side. That would be the minimum side
14 clearance. And then at both ends of the table, in essence
15 for the use of the attendants, to have 36 inches deep by as
16 wide as the table width plus the additional 30 inches
17 minimum side clearance. Okay, so that's going to allow
18 attendants, maybe if you have a two-person transfer to have
19 an attendant on both ends, and be able to assist the person
20 over on to the table.

21 Here is a caveat that the adult changing table in
22 any position can't obstruct the required width of an
23 accessible route, except for those obstructions allowed in
24 11B of 307.2. And, shall not be located within the toilet
25 compartment, for example in a multiple-accommodation

1 facility.

2 MR. KHAMBATTA: But didn't we say that it's only
3 for a single user, or single accommodation restrooms?

4 MR. SHAW: Well, we did. We did say that it was
5 in either a single-user restroom or a similar private
6 facility.

7 MR. KHAMBATTA: Uh-huh, so if there's a multi,
8 what's it called?

9 MS. CLAIR: Multiple accommodations.

10 MR. KHAMBATTA: Multi, thank you.

11 MR. SHAW: It probably would be provided in a
12 multiple accommodation facility if it was a private portion
13 of that. That may require a door. It may require a
14 partition.

15 MS. CLAIR: Yeah, I think I want to clarify an
16 item and maybe you can address this. The law specifically
17 said that it was not in a gender-specific multiple
18 accommodation restroom.

19 MR. KHAMBATTA: Right.

20 MS. CLAIR: Because caregivers could be different
21 genders.

22 MR. KHAMBATTA: Right.

23 MR. SHAW: Uh-huh.

24 MS. CLAIR: So we know that there's this trend to
25 multiple accommodation all gender restrooms and so that

1 would be fine. But the law was specific that it would not
2 be in gender-specific multiple accommodation restrooms.

3 MR. KHAMBATTA: So maybe we should put that in
4 here. That if you're going to put it in a multi-
5 accommodation restroom then it's got to be all gender of
6 the accommodation restrooms. Good luck with that then.
7 (Laughter.)

8 MS. LOEFFLER: I like all gender.

9 MR. BOURNE: You like the all gender?

10 MS. LOEFFLER: I like that "all".

11 MR. SHAW: Okay.

12 MR. BOURNE: Are you making a comment?

13 MR. KHAMBATTA: No. I think it was clarified.

14 MR. SHAW: Okay. All right, great.

15 Okay, so those are the -- oh, I'm sorry.

16 MS. CLAIR: Do you need me to move up one?

17 MR. SHAW: Just a little bit would be great.

18 So then additionally, a water closet would be
19 required within that room in compliance with 11B 604, so
20 that's an accessible water closet. A lavatory, in
21 compliance with Section 11B 606, that's an accessible
22 lavatory and then a waste receptacle in compliance with 11B
23 603.5, for the disposal of soiled products. Again,
24 accessible height available and (indiscernible) and all of
25 that.

1 Let me --

2 MR. BOURNE: Go ahead and finish.

3 MR. SHAW: Let me go ahead and finish up here
4 then.

5 Okay. And Ida if you could -- I think there's
6 (indiscernible) I'm sorry.

7 Okay. And so then optional features that we've
8 identified so far is -- we heard a lot of call for this
9 from our focus group. They were looking for a shelf that
10 would be located adjacent to the adult changing table, so
11 that products can be placed on the shelf while the changing
12 table is in use. We were looking at having that comply
13 with 11B 603.4, so it would be at an accessible height for
14 availability, and then other accessories, just generally a
15 reference over for the other accessories that would be in
16 compliance with Section 11B 603.5.

17 Okay. So I think with that, we could entertain
18 some questions, comments?

19 MR. BOURNE: Jihee.

20 MR. SHAW: Jihee?

21 MS. LEE: So, as far as I know our Building Code
22 doesn't requirements for a GIS yet, gender-inclusive
23 restroom yet?

24 MS. CLAIR: We don't have that yet, not in
25 California. No.

1 MS. LEE: Right. And then height-adjustable
2 table, are you going to require certain -- like can you
3 call a requirement if it's going to be -- you know, how
4 easy is it going to be moving it up and down?

5 MS. CLAIR: Yeah.

6 MS. LEE: Like is it going to be an electrical
7 button or something. I'm curious whether that's going to
8 be in there somehow.

9 MR. RAYMER: You mean manual versus mechanical?

10 MS. LEE: It's a height-adjustable table, so if
11 it's heavy, I don't know if people will be able to handle
12 it.

13 MR. RAYMER: On applying the force?

14 MS. LEE: Yeah, and then --

15 MR. SHAW: Yeah, most of the products that we
16 researched all had electric control operators, so that's
17 very common. And it's a narrow field. There's not a lot
18 of products out there, but all the ones what were out there
19 were adjustable with electric control.

20 MS. SCHUR: But I agree with you, it seems
21 important to make sure that it's usable by people with
22 limited strength.

23 MS. LEE: Yeah. And then if there will be some
24 sort of requirement on the disposal products for sanitary
25 reasons and smell and things like that. If there will be

1 some sort of requirement? I don't know how you would
2 manage it, but something that will manage it.

3 MR. BOURNE: Go ahead, Ida. You had a response?

4 MS. CLAIR: No, I just want to clarify this is
5 kind of a new venture for us at DSA, because this is not
6 independent access. This is assisted care. So
7 understanding that difference for everyone here is that's
8 how we have to view every provision we provide. Like we
9 want to make it obviously every (indiscernible), everything
10 still accessible. But understand that some of this use is
11 as an assisted means as opposed to independent means. So
12 it's kind of an interesting way to think. It's very
13 different from what we're used to thinking, all of us here.

14 MR. BOURNE: Gene, we have a couple of people in
15 front of you, but I've got you up in the queue.

16 MR. LOZANO: Okay.

17 MR. BOURNE: Let's just start with Ernest.

18 MR. WUETHRICH: So I just had a couple of quick
19 questions. So for the -- it looks like it can be in a
20 multi-accommodation restroom. However, it needs to be
21 within a room that also has its own water closet and
22 lavatory within the multi-accommodation restroom.

23 MR. SHAW: If it was an all-gender multiple
24 accommodation restroom, yes.

25 MR. WUETHRICH: Okay. So that would be --

1 because it can't be the same as a baby-changing station?

2 It can't be within the compartment itself?

3 MR. SHAW: No, because if you go to Disneyland,
4 okay?

5 MR. WUETHRICH: Yeah.

6 MR. SHAW: Your attendant may be male or may be
7 female. And it appeared that the legislation wanted to
8 address that by making sure that it was either in a single-
9 user facility, which of course would be all gender. Or a
10 similar place what was available for both men and women.

11 MR. WUETHRICH: Okay. And then the other thing
12 is so this would be scoped as if you have greater than
13 2,500 occupancy then one adult changing facility is
14 required? Or would you see it as where we see a single-
15 occupancy restroom or if you have one set of restrooms, and
16 you have another set of restrooms in another area in a
17 building, both need to be accessible, right? Would it be
18 something along those lines or is just one per 2,500
19 occupancy?

20 MR. SHAW: Well, the staff, we were exploring
21 potential scoping for even larger facilities than 2,500 or
22 so. We explored that. We haven't come up with a firm
23 opinion on that level of scoping, yet. And so if anybody
24 wanted to provide comments for that now would be a good
25 time. Did you want to make a comment?

1 MS. CLAIR: Yeah, I just wanted to say, but I
2 don't want to interrupt you.

3 You know how I said this is kind of a new venture
4 for us? And what's important I think always to keep in
5 mind when we're writing code, because we're all kind of new
6 to this process here, a lot of you, is that once
7 regulations are in place it's very difficult to move
8 backwards. So we want to make sure that everything we do
9 is purposeful and we have an opportunity every 18 months,
10 every three years to further develop. So just to be
11 careful that if we're unsure on how to proceed, it's always
12 best to proceed providing what we think is appropriate and
13 suitable, and then determining once it's been installed to
14 if we need to move beyond it or additionally.

15 So just understand. You know what I'm saying?
16 It's like we can all agree that providing everything all at
17 once would be great, so these are a lot of really good
18 questions. And some of them we will look to you to get
19 some guidance. And I think that how many in a facility,
20 depending on size, might be something.

21 The law says only one and so that's our starting
22 point. But understand that everything we move forward, we
23 do get public comment on that as well. So just kind of
24 keep the perspective, I guess, or the expectations and the
25 perspective reasonable, in the course of what we're doing.

1 MR. SHAW: And that additionally in our Building
2 Standards code proposal process we have to be able to
3 justify just about anything that we propose, especially on
4 a cost basis too. Is that being a reasonable cost to the
5 public?

6 You know, here the legislation set specific
7 language. It just said "a" or "an," so they were
8 indicating singular in that case. Certainly DSA has the
9 authority to address scoping issues larger, under the State
10 Architect's general authority to address building code for
11 accessibility.

12 But at this point we just haven't seen a clear
13 method to apply scoping to larger facilities. We explored
14 the option briefly with our focus group based on an acreage
15 criteria. And then it was pointed out to us that if you go
16 through some of the wildlife type of outdoor facilities
17 where you drive through, that's a lot of acreage.
18 (Laughter.) And the actual occupancy was much lower.

19 MR. WUETHRICH: Right, um-hmm.

20 MR. BOURNE: But so we have Carol, then Bob, then
21 Gene, then Dara.

22 MS. CLAIR: And we're at four.

23 MR. BOURNE: And we're at four, so let's try and
24 keep both the questions and the responses as succinct as
25 possible.

1 MS. LOEFFLER: Thank you. I wanted to capitalize
2 on your question. Is the sink in the same space as the
3 changing table?

4 MR. SHAW: Yes

5 MS. LOEFFLER: Okay. That needs to be mandatory
6 in my opinion, because it's not going to be placed there.

7 MS. CLAIR: Right. So our understanding, when it
8 said a table in a restroom is that there would be a water
9 closet and a lavatory in the room, because it's necessary
10 for caregivers to clean up. And it's also critical that if
11 it's in an all gender, multi-accommodation facility that
12 that's perhaps not in the accessible stall. Because
13 individuals with disabilities who need to use just the
14 accessible stall for independent transfer, that could take
15 a lot of time if it was kind of combined. And so it would
16 probably need to be separate.

17 MS. LOEFFLER: So the lavatory is in the room
18 with the table?

19 MR. SHAW: Table, toilet, lavatory.

20 MS. LOEFFLER: I'm afraid that it's not going to
21 be put in there.

22 MS. CLAIR: Oh, no. It will. We'll be clear.

23 MS. LOEFFLER: Okay.

24 MS. CLAIR: And this is not the last you're
25 seeing of this. We'll get language developed.

1 MS. LOEFFLER: Okay. Now, if you got less than
2 30 inches in width for a 300-pound person is not
3 appropriate. And I know you said you were with a focus
4 group. I pulled up one thing and it's 31 and 3/8ths is
5 what I pulled up. So I don't where you were getting your
6 focus group and what all you looked at, but I'd love to
7 collaborate with you.

8 MR. SHAW: No. It was a minimum width of 30
9 inches, so 31 and 3/8ths would satisfy that.

10 MS. LOEFFLER: Wow. But I wouldn't -- I mean, 30
11 inches I wouldn't be able to be changed.

12 MR. BOURNE: Carol is suggesting that 30 is not
13 sufficient.

14 MS. LOEFFLER: It's way too small.

15 MR. SHAW: Okay. Well, a lot of the -- these
16 dimensions were vetted before our focus group. And they
17 are users of these types of facilities --

18 MS. LOEFFLER: Well, I wouldn't accept that at
19 all and I'm a user of those types of facilities.

20 MR. BOURNE: So again, giving additional feedback
21 on this, which is helpful.

22 Bob?

23 MR. RAYMER: Yeah, with regards to the water
24 closet and the lavatory, on the compliance. Whenever, I'm
25 doing a Building Standard, development of a Building

1 Standard for new construction or for existing construction
2 I'm thinking not only of 2020, but I'm thinking of what's
3 going to happen in 2025.

4 And for those of you unfamiliar with the
5 legislation the trigger in 2025 is the \$10,000 permit.
6 Okay, so that's everything. That will be absolutely
7 everything. And while some of us had problems with 10,000,
8 that's what made it in the statute. And so whatever we
9 look at, in terms of compliance now with the new stuff,
10 I've got to be thinking well is that what's going to be
11 triggering? And then what will that be for compliance for
12 an existing facility?

13 And the Disneyland and the Amusement Park
14 Association sent me, and I think they sent DSA, a proposal.
15 And I think they were looking at what happens for the
16 existing facilities. How would you go ahead and merge us
17 into the existing facility in 2025, or earlier?

18 One of their requests was to be able -- an
19 alternative use -- is a first aid station. You know, like
20 Disneyland has these rather large first aid stations. And
21 some of the other amusement parks do as well. And they've
22 got these larger facility rooms okay, where they could have
23 the changing station over there. They do have a bathroom.
24 They do have a lavatory. But it's not in the same
25 containment area. It's not like within the same stall, or

1 whatever. You have to walk 15-20 feet over to the other
2 side of the room to have access to the toilet, to have
3 access to the lavatory.

4 Is it your understanding that this would be
5 considered a lavatory and a water closet within the same
6 facility, or does it have to be within the same compartment
7 area? It's a huge difference. And you could be
8 potentially talking about \$50,000 to \$100,000 or more of
9 alteration, which means you're going to see people not
10 pulling permits.

11 MR. KHAMBATTA: Bob, are you saying when you lock
12 the doors you are in a huge room and the lavatory may be 50
13 feet away?

14 MR. RAYMER: Well, I don't know about being 50
15 feet away. But in some of the facilities you have
16 curtained rooms where indeed you could do something like
17 this and the attendant would then have access to a lavatory
18 on the other side of the room. They could walk out from
19 behind the curtain area or whatever and have access to the
20 lavatory and to the water closet area etcetera.

21 It's just in a bathroom right now you've got
22 compartments, with water closets. I'm thinking right now,
23 you're kind of talking about a larger compartment, but what
24 about for existing facilities? Are you going to require
25 basically somebody to blow out walls or whatever to now

1 comply, or if they've got an alternative suggestion, can
2 they do a first aid station? If they already have a first
3 aid station, can they alter, at relatively low cost the
4 first aid station to comply with this reg?

5 MR. SHAW: Well, we've looked at that. And we
6 did receive the Disneyland I think it was communication on
7 that.

8 You know, it's fundamental to toileting that
9 you've got the ability to dispose of the human waste. And
10 washing up afterwards is also fundamental for our general
11 expectations of sanitary level. And when the legislation
12 indicated that it would be provided within a single user
13 toilet room now we know that the feature as a water --

14 MR. RAYMER: Actually, that isn't what the
15 legislation said. But by the way I'm agreeing with a lot
16 of what you're saying. It's just being familiar with the
17 Building Code process, there are going to be substantial
18 opposition from other groups. It's just I'm aware of that.
19 It's not necessarily where I may be coming from. You know,
20 I kind of like the idea of having the water closet and the
21 lavatory there.

22 MR. BOURNE: Okay. So we really need focus in
23 here on a specific question and a specific feedback.

24 Gene, you're next, then Dara. Then let's try to
25 wrap up this if we can by 15 after, so we can talk about

1 the personal planning control group. We'll have made it
2 through two bullets.

3 MS. MOE: Yes, go ahead.

4 MR. BOURNE: Go Vidal.

5 MR. MEDINA: Now, I had a question about how was
6 the width determined. Is that maximum weight for the table
7 at 300 pounds?

8 MS. CLAIR: That's the minimum acceptable.

9 MR. SHAW: No. Yes, that's the minimum weight of
10 a 300-pound capacity.

11 MR. MEDINA: Okay. It's not a maximum?

12 MR. SHAW: No, you can exceed 300 pounds without
13 any problem under this outline.

14 MR. MEDINA: Okay. And does it have a maximum
15 amount of weight?

16 MR. SHAW: No.

17 MR. MEDINA: That it can hold or should hold?

18 MS. DUNLOP: That would depend on the equipment.

19 MULTIPLE SPEAKERS: Yes.

20 MR. BOURNE: Okay. Gene.

21 MR. LOZANO: Is there going to be an exception in
22 the requirement, so that you don't need the baby changing
23 facility since the baby could be in theory be changed there
24 on the adult one?

25 MR. SHAW: Our regulations don't mandate baby

1 changing facilities.

2 MR. LOZANO: Okay.

3 MR. SHAW: Those are provided electively.

4 Although I understand there is some legislation and some
5 cities that are looking to make that mandatory.

6 MR. LOZANO: Okay. I understand this is
7 amusement. Just having been two weeks ago, a little less
8 than two weeks ago at the Disney properties in Anaheim, the
9 first aid station, the accessible restrooms, the two of
10 them they had in the -- the one right near the customer
11 service area. It's big, but I don't think they're big
12 enough to accommodate a table that easily without
13 encroaching in some of what's your turning space.

14 The other thing is I missed the -- is it one of
15 these units per acre what you're proposing? Because again
16 usually the Disney property, I was pleased to see large
17 numbers of persons in mobility devices. And I overheard
18 some complaints, because the zoning like the California
19 Adventures, there's only six restrooms, single-user
20 restrooms there. And there were people looking for those,
21 competing with the strollers and everything like that.

22 And it just seems like some facilities like that
23 that there could potentially be -- that could be an
24 inadequate number if it's only one of these for an acre
25 with a large population, like a Disney property.

1 MR. SHAW: Yeah. We have not drafted or even
2 outlined one per acre. What we've done is we've recognized
3 the legislation. And it says that these large facilities
4 of 2,500 or more shall provide a or an adult changing
5 facility.

6 MR. LOZANO: Okay. And then just a side note,
7 because potentially I've seen (indiscernible) amusement in
8 facilities, arenas and so forth, do what some of the
9 airports are doing. They're starting to put service animal
10 facilities within the single user restrooms.

11 MR. SHAW: Oh, say that again please?

12 MR. LOZANO: Sacramento airport. A lot of the
13 airports right now you'll have the one single user
14 restrooms, a section that you would imagine like maybe
15 would be a shower stall. It is a place where you leave
16 your dog.

17 Now, Disney has several relieving spots outside
18 of that area. But there are people that may need multiple
19 uses of those restrooms. Maybe changing, they have a
20 service animal. And so I was just wondering if that was
21 something that's considered. That like a Disney place may
22 end up building one that -- not that they are going to
23 (indecipherable) they've got these other areas, but will
24 have a dog relieving area service right there in single
25 user restrooms. But it's in Sacramento International

1 Airport and Phoenix and all over, they're doing those.

2 MR. SHAW: Yeah. We haven't contemplated that as
3 part of the requirements --

4 MR. LOZANO: Well, it's something I noticed. I
5 know it's not in the legislation, but it's something to
6 think about.

7 MS. CLAIR: So wait, Gene, I want to be clear.
8 You're saying you disapprove to have them combined?

9 MR. LOZANO: No, I'm just saying -- no, I'm
10 saying space-wise when you're looking at -- is that
11 something you may have to take into account when you're
12 looking at overall if some people are designing single user
13 restrooms in these amusement places like arenas where they
14 don't have outside spots, lawns and things that the dogs
15 can relieve themselves. They may decide they want to
16 provide that and put it in single user restrooms like the
17 airports are doing.

18 So you have single user there. You have the
19 relieving area for the dog. You have the human beings.
20 You have the changing station for the baby. And you're
21 going to add a change room for adults, building it so
22 there's adult there and the baby use there. It's going to
23 probably take more space and width, and taking into account
24 if people decide they want to put a service animal
25 relieving area in the same room.

1 MR. SHAW: Well, that's probably something we'll
2 need to educate ourselves more about in the future.

3 MR. LOZANO: And again, places like Disney are
4 going to have lawns and things like that, so it won't be an
5 issue. But other areas like arenas and stadiums may decide
6 they'd start doing that.

7 MR. SHAW: Okay.

8 MR. BOURNE: Dara. Do you have a comment?

9 MS. SCHUR: Just a quick question. I'm sorry.
10 This is a whole new topic for me, for sure.

11 I just want to check with the requirements for
12 the shelf and other accessories, ensure that they don't
13 interfere with paths of travel, etcetera.

14 MR. SHAW: Well, there is the general requirement
15 in the code that any shelves that are there, they would
16 only be able to extend a maximum of four inches into any
17 accessible area.

18 MS. SCHUR: Okay.

19 MR. SHAW: So that would still be consistent with
20 what we have in the code. So we can rely on that.

21 MS. CLAIR: Okay. Just checking, okay.

22 MR. BOURNE: Kaylan, you get the last question or
23 comment on this topic.

24 MS. DUNLOP: Oh, this'll be easy. I was on that
25 taskforce, so it might be helpful for you guys to share

1 some of those documents, like the -- I was on the Access
2 Board's Accessible Medical Diagnostic Medical Equipment
3 Advisory Committee. And I know we talked about that a good
4 bit when talking about this table, particularly the height
5 adjustability and the size of it.

6 There was also some other documents, technical
7 assistance and research type documents that we read and
8 talked about, so that might be helpful to give everybody
9 that can wrap their minds around it.

10 MR. BOURNE: Great, thank you.

11 Okay. Well, this first time around good digging
12 into these issues and I understand from talking to DSA
13 staff some of these -- they knew it was going to be much
14 more complicated and longer discussions and others will be
15 shorter. We didn't get to the shorter ones today.
16 (Laughter.) And I'll be curious to see if there are
17 shorter ones at the DSA. So we like to talk, so we'll see.
18 But this will maybe help us gauge how much time we'll need
19 to go through the rest of them for our next meeting. And
20 we'll try to do a little better job of biting off not too
21 much that we can chew on.

22 But the one thing I wanted to do before we close
23 at 4:30, and we want to honor that 4:30 time for everybody,
24 is the three- person planning committee. And again the
25 idea of that is just they have -- it's hard to reach out to

1 like 12 people and get input from 12 people on stuff. So
2 the idea would be to have three people that can kind of
3 link to other people on the committee and give us some
4 input on agenda items, schedule and things like that.

5 One of the things that I thought might be helpful
6 along those lines is I kind of look at it and say there are
7 kind of three groups that we could kind of clump together,
8 the stakeholders in those groups to say we kind of touch
9 on, you know?

10 And so what I thought about is thinking do we get
11 one representative from individuals with disabilities and
12 disability advocates, get one representative from code
13 enforcement and certified access, and one rep from design
14 professionals, building facility owners and building
15 construction industry reps.

16 And would that be a reasonable kind of clumping
17 into three groups, so we kind of get distribution across
18 the different interests; is that a reasonable thing to do?

19 If so what I would suggest then is maybe we have
20 those three kind of group of stakeholders confer to see who
21 they would like to have represent you on that group? Who
22 has the time, who has the interest? And does that make
23 sense and this is an assignment we can give you guys to do
24 over the next few days just to say who would be on that.
25 And then that way we could put that group in place in

1 anticipation of our January meeting. Does that sound like
2 a reasonable solution?

3 So what we can do is put an email together and
4 group up each of these three groups of stakeholders. And
5 then you guys can self-connect at your leisure. Does that
6 make sense? Okay great. And then we'll put some
7 instruction in an email that gives you the information you
8 need to contact each other and then maybe a deadline to get
9 back to us with who you're suggesting would be on that
10 team. Okay, great.

11 Any other? Anything that any of you want to say
12 in closing about how we could do this better or whatever
13 and I'll start with Gene and any other closing comments.

14 MR. LOZANO: Not to do better or perhaps maybe
15 enclose these items. You might be thinking what are the
16 "considers the shorter items less controversial," so
17 something that could be like the removal of the striping on
18 the poles for the traffic controls. That is controversial
19 in the low-vision community.

20 But I'd like to see on the agenda, and it was
21 supposed to be at this meeting and our agenda is really
22 full, Government Code 4459 which was going to kind of
23 influence all the direction of what we can or can't do.
24 And we discussed that at the last meeting and agreed upon
25 we'd have that.

1 MR. BOURNE: And that's what, say again, I'm
2 sorry?

3 MR. LOZANO: Government Code 4459.

4 MR. BOURNE: 4459, okay.

5 MR. LOZANO: Yeah.

6 MR. BOURNE: So that needs to be an agenda item
7 for the next meeting?

8 MR. LOZANO: Yes.

9 MR. BOURNE: Okay. And then, yeah let's see.
10 Arfaraz, did you have comment?

11 MR. KHAMBATTA: Oh, I was just wondering if we
12 want to just throw out some dates by when things like the
13 Doodle poll will get done or?

14 MS. CLAIR: We'll work on it this week, just so
15 you guys can plan.

16 MR. BOURNE: We'll try to be very timely. Doodle
17 poll, really soon, because I think everybody's sensing the
18 schedule really is coming up.

19 MR. KHAMBATTA: Right, holidays coming up.

20 MS. CLAIR: Absolutely.

21 MR. BOURNE: Drafts to this Charter might take a
22 few days, there's quite a bit of stuff there, but we'll try
23 to crank that out within a week for sure. And get you all
24 looking at that.

25 And we'll send out the emails to put the planning

1 team together again by the end of the week should be
2 reasonable. So yeah, let's try to keep everything moving
3 forward in a timely way as best we can. Understanding some
4 people are going to be out of the office over the next few
5 days, right?

6 So yes, Dara?

7 MS. SCHUR: I just don't know if this is a good
8 idea or a bad idea, but we may want to consider discussing
9 the option of the Housing Subcommittee or having a
10 committee of this group to have some preliminary
11 discussions. I don't know if -- I got the sense that
12 there's only some subsection of us who are interested in
13 that issue in the first -- I mean, not that everybody isn't
14 ultimately, but that would want to work through some of the
15 details. So I don't know, we don't have to decide it right
16 now. But I just want to throw it out there.

17 MR. BOURNE: Yeah, that's fine.

18 MS. DUNLOP: I think there's just some catch-up
19 that needs to be done.

20 MS. SCHUR: Okay.

21 MS. DUNLOP: That was such as a high-level
22 discussion and a discussion that had already started and
23 the rest of us hadn't had the chance to catch up to that.

24 MS. SCHUR: Okay.

25 MR. BOURNE: I think though it's a good idea to

1 think about when there's a highly nuanced, very complex
2 topic like this that has many different co-paths to go
3 down. And maybe having a group get together to kind of
4 consolidate ideas and tee it up, because it would have been
5 really nice just maybe to have some bullet points to just
6 kind of track the conversation. And after a subcommittee
7 were to get together we could maybe have something like
8 that that says here's where we are and here's some of the
9 key outstanding issues. And that just helps tee it up and
10 will help these meetings be more efficient.

11 So it might be on housing, it might be on some of
12 these other issues. Maybe the one we just talked about, so
13 we just need to think about that.

14 MR. KHAMBATTA: I kind of would agree with Dara's
15 suggestion there, just because the housing topic just can
16 really lead us into the weeds as Susan develops the
17 language, proposed language I guess. And I'm not sure how
18 some of the committee members, whether they want to join us
19 on that ride or would rather it be sorted out in a
20 subcommittee and then be presented to the entire committee.
21 I'd be open to either.

22 MS. SCHUR: Yeah, so there could be issues or
23 agreement that we could work and then we can bring some
24 differences that are open wide, just less technical to the
25 group of whatever. But I know that either way if people

1 want to continue to being an active participant.

2 MR. BOURNE: That's good.

3 MR. KHAMBATTA: Yeah. So I mean, let's throw it
4 open to the group right here and see how --

5 MR. BOURNE: We could have an early morning
6 meeting on the subcommittee for two hours and then
7 everybody come (indiscernible). (Laughter and overlapping
8 colloquy.)

9 MR. KHAMBATTA: I'm in for that.

10 MR. BOURNE: Okay. Okay, that's good.

11 MR. KHAMBATTA: Unless you are.

12 MR. BOURNE: Kaylan?

13 MS. LOEFFLER: I think the terms that I had is
14 being able to pull in everything that I'm reading,
15 interpret it, and have it make sense to me and then be able
16 to express. And so for me the need to have any written
17 information from either review makes my notes better,
18 because my notes are my memory. And so the least notes I
19 have to take means that I can focus more and listen, so it
20 would be very helpful to have anything to review ahead of
21 time.

22 MS. CLAIR: Thank you, and we will. This was
23 again, as we said our introductory meeting. We do need to
24 move forward with our language, so you may see regulatory
25 language written for discussion, which I'm assuming that's

1 amenable to everyone as long as everyone understands that
2 there's no regulation that's final until the Building
3 Standards Commission approves it. So that when we propose
4 language that it's not meant to be set in stone, which is
5 the way it's perceived a lot.

6 And then also too, if you're going to go out to
7 your stakeholder groups and discuss issues that you make it
8 very clear where mistakes are that we're answering.
9 Because when we do that language it can be perceived by
10 others not in this group as being something that is set in
11 stone. And then we get the feedback that's kind of the --

12 MS. LOEFFLER: And I'm not even at that point.
13 I'm at the point that I really wanted to be prepared and I
14 mean, through this. And what was presented on the screen,
15 I was just so focused on having to do so much writing. And
16 to be able to pull it all back in, to be able to share what
17 my concerns are. There are more, but I couldn't do that.
18 So it's more my own disability as for how I really need it,
19 because I lost a lot, because of how many notes I had to
20 take. And I know there was such breadth of discussion and
21 that maybe would have been more beneficial had I not had to
22 take the notes of what I was seeing.

23 MS. SCHUR: So would it be helpful sometimes if
24 people were doing PowerPoints they handheld or sent
25 electronically a written copy of the PowerPoint that people

1 can take notes on?

2 MS. LOEFFLER: Yes. And the thing that I think
3 people are so afraid of is it's going to go somewhere.
4 Well, no it's not. It's my tool and I think that that's
5 the thing that's so important, is that. And it doesn't
6 have to be perfect. I mean, it can be the draft. We got
7 the draft of the Charter, I made my notes on that Charter
8 and I compared it to what was given today. And my notes
9 and my concerns were addressed by the revision of the
10 Charter.

11 I was so much more prepared, because I had both.
12 Had I not had a written copy of that Charter I would have
13 been a mess today. I mean, I was mess anyway. but you guys
14 were tolerant (indiscernible) saying.

15 MS. CLAIR: And so I want you to know that we
16 hear you and that is our goal for all meetings. This
17 meeting was set on the agenda, because everyone here
18 reserved that date, so we did not want to postpone it.
19 Plus DSA has its work to do.

20 But thank you to Greg, he actually came onboard a
21 week ago, so a lot of this work --

22 MR. RAYMER: You've had a week to get ready?

23 MR. BOURNE: No problem.

24 MS. SCHUR: Wow.

25 MR. RAYMER: Wow.

1 MR. BOURNE: No problem

2 MS. CLAIR: Literally a week, and there's a
3 process in state government in selecting a replacement for
4 what we're doing. So we were fervently trying to get that,
5 so what I'm saying is that this is not the way it will be
6 moving forward. We are sensitive to those issues, just
7 take our apologies that for this meeting there was a very
8 big push at the very end to get the information out. And
9 working with Greg and getting a meeting, so that we could
10 get these collaborative tools in place.

11 So thank you for that and we listened and we will
12 work to get more information to you in a timelier manner.

13 MS. LOEFFLER: And I appreciate you, and I had
14 talked, and then you shared that I could always call.

15 MS. CLAIR: Absolutely.

16 MS. LOEFFLER: And I think that's the important
17 part, so I thank you. It was a good discussion. I just
18 would love to listen to it again.

19 MS. CLAIR: Well, that's the other thing. We do
20 have the transcript and it will have a box available where
21 everyone will have a link if you want to go back and review
22 the transcript of the meeting, it will be in there.

23 MR. KHAMBATTA: Like a drop-box or a link or
24 something?

25 MS. CLAIR: Yeah, a drop-box, yeah.

1 MS. LOEFFLER: Perfect, awesome. Thanks.

2 MS. CLAIR: And then we will also share the link
3 to the adult changing facilities drop-box, so you can
4 research all that information at your leisure. There's
5 quite a lot.

6 MR. BOURNE: Thanks everybody for a good
7 productive day. Hey, it's only 4:29! (Laughter.)

8 MS. CLAIR: Thank you, all.

9 MR. BOURNE: Thank you Vidal and Rachelle, for
10 being on the phone.

11 (Whereupon, the ACC Working Meeting was adjourned
12 at 4:29 p.m.)

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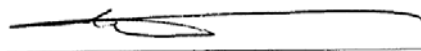
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of January, 2018.



PETER PETTY
CER**D-493
Notary Public

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of January, 2018.



Myra Severtson
Certified Transcriber
AAERT No. CET**D-852