

**Hospital Building Safety Board**

400 R Street, Suite 200
Sacramento, California 95811-6213
(916) 440-8453
Fax (916) 324-9118
<http://www.oshpd.ca.gov/Boards/HBSB/index.html>

**HOSPITAL BUILDING SAFETY BOARD
Board Procedures Committee**

**Wednesday, December 9, 2014
1:00 p.m. - 4:00 p.m.**

Office of Statewide Health Planning and Development
400 R Street, Suite 452
Sacramento, CA 95811
(916) 440-8453

Committee Members Present

Michael Foulkes, Chair
Trailer Martin, Vice-Chair
John Egan
Scott Karpinen
Carl Scheuerman
Richard Tannahill

OSHPD Staff

Chris Tokas

HBSB Staff

Kathi Zamora, FDD/HBSB
Cathy Kane
Evet Torres

1 1. Welcome and Introductions

2 Committee Chair Michael Foulkes called the meeting to order. He invited everyone
3 present to introduce themselves.

4

5 2. Policies and Procedures of the Hospital Building Safety Board**6 • Review and discuss any recommended changes**

7 Mr. Foulkes stated that OSHPD had not requested for the committee to discuss any
8 specific Policies and Procedures.



1 • **Discussion and Public Input**

2 Mr. Scheuerman stated that a correction was required to section II, page 1, last item:

3 “...*through 7-171*” should read “...*through 7-173.*”

4

5 Mr. Foulkes commented that OSHPD feels that the appeals process is more
6 cumbersome than necessary.

7

8 Meeting quorums are also an issue; Mr. Martin suggested that Board members need to
9 be reminded that the timeframes listed on Meeting Notices are a commitment they
10 should make.

11

12 Mr. Karpinen asked about committee chair duties. Mr. Foulkes responded that in
13 general, the voting members on a committee are those listed on the roster. Committee
14 chairs fill the committee slots. Mr. Egan commented that non-members attending
15 meetings for informational purposes do not vote. Mr. Foulkes noted that in the past, if a
16 quorum was needed to hold a vote, the Chair had the latitude to draft attendees as
17 emergency committee members.

18

19 Mr. Egan offered the example that when he was Board Chair and Joe La Brie was Vice-
20 Chair, they agreed that one or the other would attend the committee meetings to ensure
21 Board leadership representation.

22

23 **3. Review Committee Assignments and Meeting Schedules for 2015**

1 Mr. Foulkes stated that the Board Procedures Committee typically advises the Board
2 Chair and Vice-Chair on issues such as the next year's goals, committee assignments,
3 etc. Mr. Karpinen stated that as the new Board Chair, he and the HBSB Executive
4 Director would be meeting with FDD Deputy Director Paul Coleman shortly to start
5 making committee assignments and 2015 meeting schedules.

6
7 Mr. Scheuerman commented that changes that OSHPD is interested in bringing forward
8 to the next code cycle should come before the Administrative Processes and Code
9 Changes Committee during the first meeting of 2015.

10

11 • **Discussion and Public Input**

12 Mr. Foulkes suggested reviewing each committee's upcoming activities so that the
13 group could offer input.

14

15 • Administrative Processes and Code Changes Committee – Mr. Karpinen will not
16 chair the committee, as he is the incoming Board Chair. Mr. Foulkes pointed out
17 that as consulting committee members serve one-year terms, Mr. Karpinen will
18 need to meet with each committee chair to assign new ones or extend terms of
19 old ones; letters are sent to all incoming consulting members stating the one-year
20 term length.

21 • Technology Committee – Mr. Foulkes stated that the challenge will be focusing
22 on topics related to the seismic side, as well as making contributions that are
23 measurable, in terms of work product, to OSHPD.

- 1 • Board Procedures Committee – Mr. Foulkes stated that this had been a slow
2 year, mostly because OSHPD had cancelled meeting dates because of other
3 meetings or because they were not quite ready.
- 4 • Education and Outreach Committee – Mr. Egan noted that new leadership is
5 needed because of Arlee Monson’s retirement. Mr. Trailer commented that there
6 is much expressed interest in the committee’s work, and OSHPD is pleased with
7 their seminars. Mr. Egan commented that it has been the most active committee
8 in terms of output; its outreach to the health care community has been
9 tremendous. Mr. Foulkes commented on the increase in the volume of small
10 projects coming in, and that OSHPD is very keen on better dialogue with the
11 design community.
- 12 • Instrumentation Committee – Mr. Martin noted that the early warning issue may
13 gain momentum. Mr. Egan added that if so, the committee may need to meet
14 more than once per year. Mr. Martin commented that sensor technology is
15 operating well throughout the state. 64 hospitals are already laid out fairly well
16 with Advance Warning; the question is what to do with the warning when it
17 comes. Mr. Tokas raised the question of who pays for telemetry. He stated that
18 OSHPD’s telemetry representative is Dr. Hussain Bhatia – he participates in the
19 California Office of Emergency Services (CalOES) meetings which will no doubt
20 be held more frequently since the recent hearing. As OSHPD learns more they
21 will share with HBSB.
- 22 • Standard Details Committee – Mr. Karpinen stated that the committee has been
23 working hard to complete the bulk of the work – fire partition details and ceiling
24 details. Now they just need to be updated. Mr. Tokas said that it is fairly

1 premature to start thinking about bringing those details up to 2016 code.

2 However, there are still more details that need to be developed – particularly
3 Fire/Life Safety.

4

5 (Mr. Foulkes raised the topic of having an HBSB structure that maintains standing
6 committees versus a structure that forms ad hoc committees that meet for one year until
7 their work is done.)

8

- 9 • Structural/Nonstructural Committee – They did not meet last year but will meet in
10 February. The coming year will be busier because of the code cycle. Mr.
11 Karpinen hoped to focus on the nonstructural this year – to reach agreement and
12 develop some standards. Mr. Tokas commented that although the codes are in
13 place and the industry has been trained again and again, the industry doesn't do
14 what code requires, which creates havoc on the nonstructural side when
15 earthquakes occur.

16

17 Mr. Foulkes emphasized that when OSHPD has a specific project, the HBSB
18 committees can be helpful. This includes forming ad hoc committees.

19

20 The group agreed that assignment of chairs is crucial to the effectiveness of
21 committees. If many new chairs are coming in, training is warranted for them as a
22 group.

23

1 Mr. Karpinen asked how often the full Board has been meeting. Mr. Foulkes replied that
2 it had been four times per year until the recession struck and the budget became tight;
3 then the summer meetings had been dropped. Perhaps in the future the Board should
4 meet four times a year again if necessary.

5

6 **4. Discussion: Definition of “Break in Service”**

- 7 • **Board members are entitled to two four-year consecutive terms of office. After**
8 **a break in service, board members may be reappointed to the board.**

9 **Discuss/make recommendations on what constitutes an appropriate “break”**
10 **before members can be reappointed.**

11 Mr. Foulkes did not think a Board member had ever been reappointed. On most public
12 boards that he had sat on, the break usually constitutes one year. There is nothing in
13 the HBSB Board statute or procedures that defines the length of the break. At the local
14 level in California, when a person leaves office he or she can run again after two years.
15 In terms of appointed positions, the break is one year.

16

17 • **Discussion and Public Input**

18 The group discussed the possibility of one person switching between member roles
19 such as General Contractor and Owner.

20

21 Mr. Foulkes stated his view: the point of term limits is to have turnover on the Board
22 rather than having the same person switching roles. However, where particular
23 expertise is needed, people should be allowed to return; in such cases he felt that a

1 year's break should be enough time. Further, if someone's term expires and there is no
2 replacement person, he or she can serve an additional year.

3
4 Mr. Scheuerman had asked whether a "member" is defined as a person or as a role;
5 statute defines it as a person.

6
7 The group discussed the length of break for a person who is having the one-year
8 extension of office. They felt that the break should entail not having voting rights.

9
10 **MOTION:** (M/S/C/) [Martin/Karpinen]

11 The Board voted unanimously to recommend a definition of "break in service" as
12 "at least one year following the cessation of service, regardless of when that
13 comes."

14
15 **5. Discussion: Director-Appointed Ex-Officio Board Members' Voting Rights**

16 Mr. Foulkes stated that he and Mr. Martin had talked to OSHPD about the problem that
17 the original succession of leadership going on and off the board regularly every two,
18 four, six, and eight years has gone off-kilter.

19
20 **• Discussion and Public Input**

21 Mr. Foulkes said that the statute is unclear between the terms "appointive" and
22 "appointed." He stated that years ago, the HBSB had held a long discussion with
23 OSHPD Legal Counsel about this issue. They concluded that the intent of the law was
24 that if you are appointed by the Director to serve on the HBSB, whether you are in a

1 four-year term or not, you vote. If you serve because your state department has a slot
2 (i.e., the State Geologist or the Building Standards Commission) you cannot vote.

3
4 The question of ex-officio had arisen. OSHPD decided to interpret the law such that the
5 ex-officio members can vote in committees but not in the Board meetings; they cannot
6 make motions, nor can they count for a quorum. Mr. Foulkes believed that this was
7 incorrect. However, because OSHPD legal staff was not present at this meeting, the
8 committee was not able to hear their explanation.

9
10 Mr. Scheuerman also disagreed with this interpretation. Because the committees are a
11 functional arm of the Board, they originate most of the business that the board
12 conducts. If you have a vote on a committee, then you are voting to bring motions
13 before the full Board. Those motions must then be seconded by a person not on the
14 committee. If that is the case, how would your vote in the committee be valid if you had
15 no vote on the full Board?

16
17 Mr. Foulkes surmised that OSHPD legal staff would say that consulting members also
18 can vote at the committee level but not at the full Board level (they cannot even sit on
19 the full Board).

20
21 He added that he and Mr. Martin had made several hundred motions over the years;
22 would they be invalid?

23

1 Mr. Foulkes distinguished between “*appointive*” and “*appointed*” for Mr. Egan. In the
2 statute, there are two types of appointments: appointive members with four-year
3 appointments and ex officio members are appointed by the Director, while appointed
4 members (who do not vote) are appointed by the departments.

5
6 He continued that for the record, since the statute went into effect on January 1, 1994,
7 the Senate has always had a member on the Board and that member has always voted.
8 Department designees have never voted. Mr. Foulkes felt that this makes the
9 designees second-class citizens of sorts. It will be difficult to entice people to go into
10 those roles in the future – they will wish to be members with a vote.

11
12 Mr. Egan asked if ex officio members can hold positions of Chair and Vice-Chair of the
13 Board – according to HBSB Procedures, they can. Mr. Foulkes said that OSHPD’s new
14 interpretation was that they cannot. This committee needed to have OSHPD legal staff
15 present to hear their rationale; hopefully that will occur at the next meeting.

16
17 Mr. Martin recalled an appeal in which he and Mr. Foulkes had both voted in favor of the
18 appellant, but the vote had been very close. The outcome could have been different
19 without their votes.

20
21 Mr. Foulkes felt that until this issue creates a problem, no one has much appetite to
22 challenge it.

23
24 **6. Comments from the Public/Board Members on Issues not on this Agenda**

1 Mr. Karpinen stated that at full board meetings, committee chairs now give PowerPoint
2 presentations to report on their committee's activities, where before, the chairs would
3 read from the meeting notes. Mr. Foulkes responded that PowerPoints force the chairs
4 to be more organized in what they present. When there was more controversy within
5 the HBSB, the full Board would vote on each committee motion separately, then vote on
6 the report as a whole. If committees start having close votes, we may want to consider
7 taking up that practice again.

8
9 Mr. Karpinen recalled a contentious vote on the Codes Committee about whether to
10 implement the Green Building Standards. When that was reported on at the full Board
11 meeting, there had been no discussion. Mr. Martin suggested that in a case like that,
12 the Board chair should recommend addressing the meeting motions separately.

13
14 Mr. Martin added that PowerPoint presentations can be beneficial when the material is
15 dry. Mr. Foulkes commented that committee chairs could be reminded that a little of the
16 back story is useful to include when they give their meeting reports.

17
18 Mr. Egan asked if Mr. Foulkes wanted to have Legal present to give their opinions on
19 the appointed members issue. Mr. Karpinen asked if another meeting should be
20 scheduled for early next year. Mr. Foulkes replied that he would discuss the matter with
21 the Executive Director.

22

23 **7. Adjournment**

24 Mr. Foulkes adjourned the meeting at 2:50 p.m.