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

APPEARANCES

DSA 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

INDEX

PAGE

1. Opening Remarks & Introductions 4

2. Principles of Collaboration 23

3. ACC Draft Charter

1) Access Code Collaborative Purpose 69

2) DSA Roles and Responsibilities 71

3) Organizational Structure 87

4) ACC Role 93

5) Decision Making 140

6) Length of Service 160

7) Meetings 185

8) Communications 194

9) Ground Rules 205

4. Proposed Code Changes 218

5. Adjournment 302

P R O C E E D I N G S

9:08 a.m.

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

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

MR. BOURNE: Thank you.

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

COURT REPORTER: Petty, Peter Petty.

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

And I think all of us here know each other. I want to welcome Rachelle Golden on the phone who's been sick with the flu for two weeks. So she is joining us remotely.

MS. GOLDEN: Hello.

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

MS. GOLDEN: Thank you.

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

MR. MEDINA: Yes, I am. Hello.

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

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

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

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

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

MS. CLAIR: Great. Thank you so much.

MR. MEDINA: Sure.

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

Okay, so great.

MR. BOURNE: Okay. Ida, thank you very much. Good morning, everybody. Let me just give you a quick word about myself. As Ida said my name is Greg Bourne. I actually help run a nonprofit called Leap for Tomorrow, but I also consult to UC Davis, a collaboration center there. And basically I've been mediating public policy issues for about 30 years and so I do a lot of work similar to this. And so I'm pleased to join you all in this endeavor. And I understand there's some history of this process. And so I'm going to jump in and try to be as conversant as I can be, as quickly as I can be.

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

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

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

MR. BOURNE: Great. Okay. Thanks.

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

MR. BOURNE: Great. Okay. Thanks.

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

MR. BOURNE: Great.

MR. KHAMBATTA: Good morning. I'm Arfaraz Khambatta. I have about a couple of decades worth of accessibility experience, working with numerous state and local entities across the country. Currently, I'm at the San Francisco Mayor's Office on Disability, overseeing a group of inspectors and plan reviewers that verify compliance with California Building Code requirements as well as the ADA Standards for all projects receiving funds administered by any city agency.

MR. BOURNE: Okay. Great, thanks.

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

MR. BOURNE: Okay. Thank you.

MR. RAYMER: I'm Bob Raymer. I am Technical Director and Senior Engineer with the California Building Industry Association. I also represent -- which is an organization that represents 3,500 member companies involved in residential construction, but also in commercial construction. I also represent the Building Owners and Managers Association and the California Business Properties Association. So there's a commercial/residential crossover there. And this disabled accessibility regulations was my first assignment when I came on board with CBIM in 1981.

MR. BOURNE: Okay, a long history there.

MR. RAYMER: Yeah.

MR. BOURNE: Okay. Thanks.

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

MR. BOURNE: Okay. Thank you.

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

MR. BOURNE: Okay. Thank you.

MR. WUETHRICH: I'm Ernest Wuethrich. I'm representing Certified Access Specialists, CASps, and I currently work for an architecture firm in Santa Rosa, so it's San Francisco, North Bay. Working mainly on retail, commercial projects, restaurants and doing CASp inspections.

MR. BOURNE: Great.

MS. CLAIR: Thank you.

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

MR. BOURNE: Okay.

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

MR. BOURNE: Thank you.

MR. LOZANO: And I'm sorry to interrupt, but one request. They'll help the people on the phone, but myself is if each of us as we talk if we could identify who we are, so it would help me connect a name with the voice. It may take a little while. And I also as you may -- those of you who were here last time I have a back problem. And the compression of my sciatic nerve, so sometimes I may have to stand to try to avoid some back spasms and legs issues. So I apologize if I'm standing during the deliberations. Thank you.

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

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

MR. BOURNE: Okay.

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

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

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

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

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

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

MR. BOURNE: Okay. Thank you very much.

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

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

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

And I know from just listening to you all talk now, and from previous conversations I've had with Ida that you all are very experienced in working in this environment. So I don't want to spend a lot of time repeating things you may know, but as much as anything, it will hopefully help you kind of understand how I see this work in terms of kind of facilitating groups. But to the extent it might be also helpful to just lay out some principles of collaborative problem solving. Hopefully I won't bore you all too much. We won't take up a lot of time with that, but just kind of walk through some material, answer any questions you might have, and just make sure we're all kind of on the same page with that.

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

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

MR. BOURNE: We know.

MR. LAYMAN: I'm here.

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

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

We should be able to finish that up hopefully before lunch and then spend the afternoon on kind a first cut at some of the potential code changes. And who knows, we might even get to that some before lunch. We'll see how the timing goes.

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

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

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

So in order to again demonstrate our commitment in providing the necessary outreach we established this ACC with the assistance of UC Davis and in support of Department of General Services, our parent agency, Government Operations Agency and also in collaboration with the Building Standards Commission.

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

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

Others at the meeting, hearing that the promised collaboration was in jeopardy and not wanting to be part of a potentially combative process had determined they would leave the group. And in response to the concerns of others in the group, and in response to preserving the ACC, and in response to preserving the commitment that we made to each other to work in a collaborative manner, we had asked her to leave, or the Department, the Director had asked her to leave.

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

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

MR. BOURNE: Okay. Any comments or questions?

Yes, Dara?

MS. SCHUR: This is Dara. I circulated a letter to most folks. I didn't have your email, Greg, I don't know if you looked at it and the new member.

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

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

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

So I think that -- at least that's my understanding. So I must say that I don't know what the process is that we are going to use here to deal with disagreements, but the fact that some people found her disturbing I can appreciate. And I know there's some disagreement about that, but I found that she made a number of good points and I think the process by which she was terminated was very troubling.

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

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

MR. BOURNE: Good. Yes, absolutely.

Yes, Eugene? You go by Gene?

MR. LOZANO: Yes, I go by Gene.

MR. BOURNE: Okay. Thanks.

MR. LOZANO: Yes, Thank you. I have to concur that I've heard from the segment of the disability community I'm involved in, cross disability, there was some dismay about HolLynn's removal and the thought that her experience was going to be lost not having her involvement in the development of codes over the years.

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

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

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

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

Very good. Any other --

MR. MEDINA: Excuse me.

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

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

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

MS. CLAIR: Yeah, on --

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

MR. MEDINA: There it goes.

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

Yes, Dara?

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

MR. BOURNE: Oh, there we go.

MS. SCHUR: But the big mics are recording.

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

MS. SCHUR: Yeah.

MS. CLAIR: Yeah.

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

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

MR. MEDINA: Great. Thank you.

MR. BOURNE: Uh-uh. Thanks for letting us know.

Any other comments or questions on this issue?

(No audible response.)

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

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

MS. CLAIR: We do have WebEx.

MR. BOURNE: Oh, you do?

MS. CLAIR: Yeah.

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

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

MR. BOURNE: That'd be fine.

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

MR. BOURNE: Okay.

MS. CLAIR: Yeah.

**Principles of Collaboration**

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

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

So I wanted to kind of transition from material you have seen, to some new material that I'd like to share with you that I think helps us, it helps any group work through the collaborative process. And understanding that people have different interests, different values, different perspectives, different lenses through which we see this.

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

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

This is what was put up last month. "That a consensus agreement is reached when each participant can honestly say I may or may not prefer this decision. But I can and I will support it, because it was reached fairly, nobly, with genuine understanding of the different points of view. And it's the best solution for us at this time."

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

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

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

But our goal though is to try to get everybody supportive of whatever recommendation or decision you're making. So that even if there's one voice that says, "I'm having problems with this," we want to find what is the problem and can we create a solution that meets those needs? So we'll talk in a minute about some of the tools we can use to help us get to that point, where everybody feels like they've been heard, has an opportunity to have their idea incorporated into a final decision. So if you would change that?

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

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

MR. BOURNE: Okay.

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

MR. BOURNE: Right, right.

MR. RAYMER: But I'd say probably four or five of us in this room are involved with this process, start-to-finish. And so as it goes finally before a Code Advisory Committee of which some of us actually -- actually there's at least three of us that serve on code advisory committees and then in front of the Building Standards Commission. Are we supporting all this stuff the entire way through? Is that being inferred here?

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

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

MR. BOURNE: No, go ahead.

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

And so that will be on the record. And because it is on the record then you can come forth, you know, and speak it at the Code Advisory Committee. Because obviously you're concerns are here and if they need to hear what they are --

MR. RAYMER: Perfect.

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

MR. RAYMER: Great. Thanks.

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

MR. RAYMER: Absolutely, got you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And then using collaborative approaches, this is kind of a final myth, that using collaborative approaches are a sign of weakness and will decrease your likelihood of success. That somehow if I kind of give in to somebody else's interests and try to help them figure out how to meet their interests as well as mine, that somehow that's demonstrating you know weakness. And now I'm going to be taken advantage of.

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

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

(No audible response.)

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

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

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

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

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

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

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

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

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

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

Clearly threatening other people is a barrier to negotiation, when none of like to be threatened. And it really kind of diminishes trust and the willingness actually to sit with somebody. And a lot of people are just going to walk away from that. You know, "If that's going to be the way this is going, then I don't need to be part of that. I'll find another way."

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

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

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

MR. BOURNE: And so at the time after Jimmy Carter was President, they were developing a library, a presidential library. And it was going through a neighborhood. It was actually in a very nice area of Atlanta. And they were going to have to, of course, build a building and build roads and all that, and the neighborhood, even though many people liked Jimmy Carter since he was from Georgia -- this happened in Atlanta, by the way -- a lot of people in the neighborhood opposed the library. And why can you imagine you might oppose a library in a semi-residential area?

MULTIPLE SPEAKERS: Traffic. Traffic.

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

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

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

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

And so basically you break it down into the interests behind the positions and then you've got a way to solve the problem. And they did mediate it. They figured out how to put a road in that satisfied everybody and it worked out fine.

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

Okay, accusations, obviously accusing people of other things.

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

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

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

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

MS. CLAIR: Last ditch effort.

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

MS. CLAIR: Last ditch effort.

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

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

And that can be, even in like buying a house or any -- do we have a realistic expectation of an outcome? And a lot of times people bring other ideas in and they're not very accurate and that's a barrier to a successful negotiation.

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

(No audible response.)

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

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

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

So, Kilmann and Thomas are these social psychologists, they put this structure together years and years ago. Some of you maybe have seen this. But I think it's worth going through, just so we all again kind of have the same idea. So one way that people respond to conflict is to avoid it. And in fact, research varies on this, but probably something in the neighborhood of 60 percent of people avoid conflict.

Why do people avoid conflict?

MS. SCHUR: It's unpleasant.

MR. BOURNE: Pardon.

MS. SCHUR: It's unpleasant.

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

MR. RAYMER: It's stressful.

MR. BOURNE: Stressful.

MS. DUNLOP: It's easier.

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

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

And so we do, we kind of fear conflict. And because we haven't really been trained in how to deal with conflict we avoid it, because it's easier and it's less stressful. All the things you just mentioned. So that's why I think probably a good chunk of people tend to avoid conflict unless they're just kind of backed into a corner. And of course, that's really not a great time, because now we respond in a very different kind of way.

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

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

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

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

But if it's truly not that important then maybe you do accommodate, because it's just not -- you know, on your priority scale it's not that high. But if there's a rationale for accommodating that makes sense, it's fine. But if you're accommodating just because you don't want to deal with it, the stress or whatever, then that's not a good approach to solving conflict.

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

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

Okay, what's next? Compromising.

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

MR. LOZANO: There's sometimes residual dissatisfaction.

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

Any other thoughts on that? Yes, Carol?

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

MR. BOURNE: Okay.

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

MR. BOURNE: Okay. Great, great.

Kaylan?

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

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

MR. MEDINA: Hello?

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

MR. MEDINA: Yeah, I have a comment.

MR. BOURNE: Yes, sir.

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

MR. BOURNE: Yeah. Absolutely.

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

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

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

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

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

So the collaborating takes the most energy. It's also the most productive. But it's also the thing that a lot of times people don't do, because it seems too difficult or being realistic sometimes the time, the resources or whatever are not there. That's why there are argument modes of decision making.

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

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

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

The first time when you hear that if you don't say interest-based slow it can sound like "inter-space". That's what I heard one time. Inter-space negotiation. What is that? That's sounds interesting, but it's interest-based. You have to pronounce all those letters.

But anyway, yes, Carol?

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

MR. BOURNE: Yeah. Okay.

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

MR. BOURNE: Okay.

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

MR. BOURNE: Yeah, so passive-aggressive suggests that you kind of withdraw a little bit right, and let things role. But then if they're not rolling the way you want, so it's almost like flipping from avoiding or accommodating to competing, right? Where in the early stages you're just kind of going along and then it's like, "Hey, nobody," or "Nobody's listening to me," which is what you're saying, "So I'm going have to do this. I'm going to have to really get out there and be aggressive."

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

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

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

MR. BOURNE: Right, that I --

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

MR. BOURNE: Okay. Good.

So let me just give a quick example of the difference between collaboration and compromise. And this is an example they use in "Getting to Yes," which is I guess what I was saying -- not to get side tracked off that -- if you haven't read it I highly recommend reading it. They lay out this idea of principle negotiation, where you actually have some principles on which you base your style of negotiation that through -- and I mean Roger Fisher, who wrote this book with Bill Ury, I mean he was involved with Middle East Peace Accords. I mean, he's been the most difficult situations. And it works from if you're trying to work out peace arrangements in the Middle East all the way to working out an issue with a friend or a spouse or somebody in your family. I mean, it just is a great tool across that range.

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

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

Now, if they had talked about what their interests were one person could have had the entire peel. The other person could have had the entire orange, the fruit. See the difference?

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

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

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

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

The most important -- well, they're all important -- but this idea of focus on the interests and not the positions, I've already referred to that. And in the example I just gave the position was, "I want the orange." And they didn't ever move beyond their position. So they were left with a half of a solution. Whereas if they had explored their interests and they knew what the other person wanted and it's asking the why question, "Why do you want the orange?" If they had just explored why they wanted the orange they both could have had exactly what they wanted and needed.

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

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

So in this process when we're talking about potential code changes you're going to hear this a lot, "What are your interests? Why do you want that?" Because you may think the only solution to a problem is Solution A. But if you explore other interests, Solutions B, C, D and E might emerge and one of those might meet your interests as well as Solution A. So part of it also means we have to be willing to be flexible to see that they may be a different solution than the one I imagined, once you understand and explore all the other interests. And maybe create new ideas. So we'll get to that in a second.

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

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

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

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

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

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

Because if we're just going to make a decision on what feels good or what seems to be right if there's no objective base, then how do you kind of decide how you're going to make a decision? So it's always important in a decision-making process to say, "What are the criteria that we're going to use for making a decision?" and have those be as objective as possible.

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

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

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

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

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

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

Well, we went through a year-and-a-half long negotiation process. And when we came out we had everybody at the table pretty much in agreement. It went to the Legislature. They immediately said, "Oh, we can come up with a better solution." (Laughter.)

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

Then the reality is though having a realistic assessment of that. Because going to the Legislature to try to effect change may or may not be a realistic assessment. That person may have enough clout to make a change. They may not. And if you do that and other people find out that you've done that and think that you're kind of going back door then that creates resentment, undermines trust, all those things. So we really have to calculate this very carefully. And really understand what's realistic.

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

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

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

MR. BOURNE: Yeah.

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

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

MS. DUNLOP: Uh-huh.

MR. BOURNE: And then so everybody in the room basically has a BATNA. And that BATNA is either whatever comes out of this process. Or I'm part of the coalition and that coalition carries a lot of weight and that may carry the day or whatever, right? But everybody has a BATNA if you do that analysis.

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

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

So I think we always have to look at negotiations in the long term. And I think this is another mistake that people make. They kind of think that, "I'm going to be able to do that in this negotiation and get away with it."

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

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

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

MR. BOURNE: Yeah.

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

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

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

If you wake up the next morning and say --

MR. MEDINA: (Indiscernible.)

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

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

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

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

So yeah, Dara?

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

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

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

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

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

The other thing I wanted to mention real quickly that pertains to this is when I'm doing communication with either consumers or collaborative partners sometimes I look at their point of reference. Because all of us, no matter what we do, we have a point of reference. And sometimes that influences how we look at things, how we negotiate things, what is our point of reference as to what we do in our lives that affect our decisions and opinions on things like that you have to negotiate. So that's kind of one of the comments I wanted to make on that.

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

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

So their point of reference kind of has an influence, a lot of influence, on how they just start the conversation with me to try to get a collaborative partnership. And that's happened once before with an agency here in town. But it wasn't so much that they didn't -- they weren't listening to what my proposal was or my discussions were, because of their point of reference. They just had a negative feeling about working with nonprofits.

MR. BOURNE: Uh-huh.

MR. MEDINA: That's what I meant.

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

Yes, Dara?

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

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

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

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

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

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

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

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

MR. BOURNE: But I know it's going to be difficult for our visually-impaired friends. And so I think we're just going to read through it.

MR. RAYMER: Cool.

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

MR. RAYMER: Thanks, thanks.

MR. BOURNE: Anybody else with any comments?

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

MR. BOURNE: Absolutely.

MS. SCHUR: Okay.

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

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

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

MR. RAYMER: Sure

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

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

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

MR. BOURNE: Are you both on the phone?

MR. MEDINA: Yes.

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

MR. BOURNE: Okay, great. Thank you.

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

MS. GOLDEN: I think not.

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

**ACC DRAFT CHARTER**

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

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

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

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

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

**Access Code Collaborative Purpose**

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

And I think at your last meeting you had the diagram that kind of talked about how the ACC is going to interface and work at the front end and then later in the more formal rulemaking process, right? So everybody hopefully is familiar with that and if not you should definitely let us know. Is everybody familiar with kind of the overall context there? Okay.

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

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

Oh, yes. Sorry, Gene.

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

MR. BOURNE: No, that will actually --

MR. RAYMER: That's covered later on.

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

MR. LOZANO: Okay. Thank you.

MR. BOURNE: No, your question, we'll certainly get to that.

**DSA Roles and Responsibilities**

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

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

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

There are five bullets under this.

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

Bullet number two: "DSA develops accessibility regulations, based on executive action, legislative mandate, or a demonstrated need identified by DSA or proposed by others."

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

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

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

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

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

MS. CLAIR: What do you mean by referencing?

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

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

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

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

Is in the essence of cross-regulation it does get a little bit more confusing, because it is tailored and specific. As opposed to having the regulations apply under the scope of public housing instead of specifying a particular agency, because there's other public housing projects. So sometimes that could actually lead to confusion. So I think it would have to depend on what we are actually trying to write into regulations.

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

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

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

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

MS. CLAIR: Yeah. So --

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

MR. KHAMBATTA: Right, I mean while they're -- to Ida's point there is a memo that DSA issued last year that addresses that. However, local jurisdictions and building departments don't necessarily either look at DSA memos. They look at what's in the Building Code and so that seems to be a problem.

MR. BOURNE: Bob is next and then Dara.

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

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

MR. MEDINA: Okay.

MR. BOURNE: So Bob and then Dara.

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

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

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

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

MR. BOURNE: Okay. Dara.

MS. SCHUR: So this is Dara. I think it is important, particularly in the housing arena where there are additional regulations that apply and I think we'll get into that substantively. But also, I think there needs to be some process for involvement in those kinds of determinations, because many of us believe that that memo that was sent is not entirely in compliance with the law. So I think that is -- you know, there just needs to be some opportunity to talk about how those interagency -- it might be a topic for us down the road a little bit about how to reconcile various sets of regulations. It's fairly -- there are a number of public agencies that have regulations that exceed those in 11B or are different than those in 11B and so it is an important discussion for topic in housing at some point.

MR. BOURNE: Okay. Very good.

Yes, Gene?

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

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

And that went through the code and I provided that information to DSA, which DSA then after confirming and all that, went through the regulatory process. And what was in the Finance Code, it's reflected in the Building Code. It's great, but the thing is I'm not even clear who, whether it's the Department of Finance, who oversees the Finance Code, because everyone has been, "I don't know." But it's outside of the Building Standards Commission arena. And is there some way of finding out if these other government entities that have the authority over these Finance Codes, aware of the existence of DSA? And when they have things that will deal with access like point-of-sales machines, using it as an example that there is some way working, so that they work harmonized. So that if they want changes it's just not by accident somebody finds out what they've done, and then telling DSA about it.

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

MR. BOURNE: Okay. Thoughts?

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

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

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

Now, there are other agencies, which certainly have a vested interest in perusing that portion of law, which is under their authority, for example, the Treasurer's Office. There's nothing that DSA can do to prevent the Treasurer's Office from adopting regulations as they see fit. We could certainly, as other outside parties we can provide commentary for them if we're aware of their process in developing their regulations.

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

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

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

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

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

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

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

So I just wanted to piggy on that and thanks for making that comment.

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

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

I don't think anybody is suggesting that DSA should adopt a 10 percent that has been -- I mean, it might be a good idea for accessibility, but I don't think the proposal was on the table that they got 10 percent. But there needs to be some other conflicts resolved and some other coordination discussed, because that's been a really important issue for people in the accessibility and the disability community, is getting housing that is accessible. This is the main place that this comes up, because of different rules under several federal laws and now the state.

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

MR. BOURNE: Sure. Okay.

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

MS. SCHUR: You're right.

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

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

(Overlapping colloquy.)

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

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

Some of the first attendees of that training session were the City and County of Los Angeles. They now use our training materials to train their employees. We've also done training for different jurisdictions. We've done it for San Francisco. I'll be going to Santa Barbara in January to deliver that same message to them. The thing is what we also need to understand. And I don't want to get too deep into this. When we cover this public housing training, we talk about HUD Section 504 and those requirements. We also talk about the Unruh Act and what's required for senior housing. So we do very comprehensive training.

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

MS. SCHUR: Okay. I really appreciated that.

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

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

MS. SCHUR: Well, let me just say this was not intended as a criticism, because this is a complicated arena. And I appreciate the Department's efforts. It was intended as to put, I don't know a parking lot or a place holder, the issue came up about kind of how it relates. And I think all I was suggesting it's a complicated discussion and it would helpful to have it at some point in the future.

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

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

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

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

MR. KHAMBATTA: So I just want to summarize real quick, Greg, if that's okay? I totally concur with and support what Dara said. And I appreciate all the efforts that the DSA has taken in terms of training the 500 jurisdictions out there around this issue. The only reason I brought it up, again just to be clear, wasn't any kind criticism towards the Department. It was just to bring up issues that the code user have around this issue and see what we can do as a group to clarify that.

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

MR. KHAMBATTA: Yes, exactly

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

MR. KHAMBATTA: Absolutely.

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

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

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

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

MR. BOURNE: Okay. So add technical assistance and training; was that your language?

MS. DUNLOP: Uh-huh

MR. BOURNE: Okay.

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

MR. BOURNE: Okay.

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

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

(No audible response.)

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

**Organizational Structure**

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

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

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

Second, are disability advocates, two representatives.

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

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

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

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

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

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

The first is a DSA headquarters principal or senior architect. And both of these are non-voting members, by the way. And the second is someone with the housing and community development accessibility specialist. So those are the two ex-officio members that will participate on this group, both non-voting.

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

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

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

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

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

MS. CLAIR: Well, they do as a resource. In other words if we have identified that there is an issue that perhaps is not appropriate to the Building Code but is appropriate for business outreach, I will make a list of those. I will meet with Angela. We'll discuss those items further. Probably establish some methods, so that all of you here know that that's been done.

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

MR. BOURNE: Great.

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

MR. BOURNE: Okay. Anything else?

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

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

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

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

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

I mean, we're wide open.

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

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

MS. DUNLOP: Who are we going to volunteer?

MR. BOURNE: Very wise. Okay.

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

MR. BOURNE: That's right.

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

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

MULTIPLE SPEAKERS: Yeah, Uh-huh.

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

MR. MEDINA: Yes.

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

MR. RAYMER: I nominate her as Chair.

MR. BOURNE: Yeah.

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

**ACC ROLE**

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

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

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

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

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

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

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

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

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

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

So, we'll start with Bob.

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

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

MR. BOURNE: Good

MS. SCHUR: And phone participation, on occasion.

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

MS. CLAIR: Okay. We do.

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

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

MR. BOURNE: Yes, so there is language under, let's look at -- if you look on Page 3 and under the "Length of Service" section, which is a relatively new section. This is again one where DAS's intention is to have these be three-year terms. But to make sure that not everybody's rotating out at the same time, so this is just a little preview of the section to come. To make sure that the whole committee doesn't rotate out at the same time.

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

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

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

MS. CLAIR: We did. So we have an application process to be on the ACC. And it is our goal that at every 18 months we open it up to let the individuals which positions are open again. I mean this is the ACC and they can throw their feedback on this. It's our intent if someone wants to continue they can reapply for another term if they want to. But that we do have -- so that we're not consistently trying to get somebody involved or interested. We'd like to keep those who have submitted application are the pool from where we contribute or we pull from a selected alternate.

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

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

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

MR. BOURNE: Okay.

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

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

But Gene, go ahead.

MR. LOZANO: Yeah, I don't want to just get a repeat there for about the last meeting. There was the sentiment of most people that if they are here and they can't attend, and let's say it's for whatever reason, a good and legit reason and wanted to be -- did not want to be reappointed, but they wanted to send somebody like Bob wanted to send somebody in -- and sounds like there's some language there.

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

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

MR. BOURNE: Okay. Good. Thank you.

Let's hear from Carol and Ida.

MS. LOEFFLER: Hi there. I'm Carol Loeffler. And I have two concerns about this ACC role.

MR. BOURNE: Okay.

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

MR. BOURNE: Okay, so --

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

MR. BOURNE: Okay.

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

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

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

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

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

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

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

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

MR. BOURNE: Okay. So typically in a group like this the report might often be written either by the staff listening to everything and putting together. And then it comes back here for your review and editing. And then once you are satisfied with that, it gets --

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

MR. BOURNE: Okay.

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

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

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

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

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

MR. BOURNE: That's okay.

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

MR. BOURNE: Correct.

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

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

MS. LOEFFLER: Okay.

MR. BOURNE: This is basically on today's agenda, which is to develop this. And I don't think there's any better time than now to do that, in a way. But I think we should hear other people's views and then we'll see if something emerges. Now, if you have a specific idea it would be great to have it out. And even if you don't there'll be some process for putting a recommendation on paper, which then you'll react to. And that process, frankly is probably going to be me talking to the DSA staff about putting it in the document if you don't do it yourselves.

MS. LOEFFLER: Okay.

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

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

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

MR. RAYMER: So am I.

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

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

MR. BOURNE: Okay. Sounds good.

Dara?

MS. SCHUR: I think that's a great idea whenever and however we want to discuss it, but my questions is related but a little different. I need to have a better understanding of how we proactively bring ideas here. I think I have a really -- I think I understand that when DSA is bringing proposals forward that they'll get an input and the discussion. And that's wonderful.

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

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

MR. SHAW: Good question.

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

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

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

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

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

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

Now, for those that didn't meet the code, we would need to understand why it is that they might not meet the code. For those that might meet the code, but not meet the needs of the particular individual then we view those differently. And those might be appropriate for consideration for a future code change, or they just simply might not be appropriate for the code.

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

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

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

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

Understand that when you're thinking about at the federal level, improvements happen every 20 years. We have an opportunity to do this every 18 months. And that that while your needs are pressing, you do need to respect that we also have work that we need to do behind the scenes to make sure that regulations are something that we can actually put forward, because that we have the authority to do that and we have responsibility for it. And then we are accountable for it. And so when we say, "Yes, you can bring issues to this group, but they need to come to DSA for homework first," you are welcome to air them here at the next meeting.

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

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

If we need to send information out before the meeting, in order to address that proposal efficiently at the meeting we will do that as well. But bringing all the proposals here without having that necessary study really misses an important integral step.

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

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

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

So I'm just am really trying to understand more what our role is, in prioritizing your work and what is the extent of your gatekeeper and pre-homework. I know you need to do homework before things move out of this committee, but which proposals you work on and don't, I thought we were going to have some input on that and now I'm not sure if that's true.

So I'm really asking for clarification.

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

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

(Overlapping colloquy.)

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

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

But and they're not all going to be put forth for discussions all at one time. These are potential changes. They have a priority to them that DSA has identified, maybe from this discussion. Others may be. Maybe some might be prioritized by the group or with others. But these that we're discussing, a lot of them have either had the homework necessary to bring forth, or we have done our homework and we're still at a crosswords and we are bringing it forth to you for some feedback.

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

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

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

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

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

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

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

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

So I think there are two different issues and I want to just make sure that we separate them out. Is everybody fine? Let's take it one at a time. And I haven't forgotten you, Gene, or anyone else with your cards up. But let me just try to get to this.

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

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

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

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

MS. LOEFFLER: We're on decision making?

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

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

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

(Overlapping colloquy.)

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

MS. LOEFFLER: We are?

MR. BOURNE: Yes.

MS. LOEFFLER: Of the ACC's role?

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

Bob?

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

But they're going to have to -- it's not just DSA that's going to have to do the background. Everybody here is going to have to do the background on this stuff. So DSA could make sure that everybody gets the background information that they need to do a thorough review and get prepared for when we come to these things to be able to look at it. So I like the latter one. You have one simple forward hose into the funnel for determining what's going to come to the group.

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

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

MR. RAYMER: Cool, cool.

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

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

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

MS. SCHUR: So I have two concerns.

MR. BOURNE: Yep.

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

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

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

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

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

MR. RAYMER: Sounds good.

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

MS. CLAIR: Right. And I think to address your concerns, when a proposal is approached or sent to us, we make every effort we can to outreach to the proposer to try to understand what is that proposal? Let's discuss it further. Through that discussion, many times that issue is resolved. Either we show them where it is in the Building Code, the Building Code path. Or we say, "Okay, you made a really good point. We'll put this on our agenda. We plan to change it." We have those discussions.

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

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

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

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

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

So it's difficult. It is challenging.

MR. BOURNE: Would it be onerous to Dara's specific point about hearing other proposals that come in that the group may not be aware of. Do you get so many that would be onerous to like just list out what they are for people or I mean I just have no idea. But would that be an onerous task?

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

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

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

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

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

MS. CLAIR: Right. Yes, and I guess what part of my concern that I wanted to address is back to what Greg was discussing about. You know, when we have those individual discussions with an individual and usually, really, 75 percent of the time they work out. If there is the 25 percent that don't it may be that the language we're using to communicate with each other is not effective. So that's why bringing it to this group, using collaboration skills and having more people express the need, or the concern, or the priority, or the urgency, is a great forum to do that.

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

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

MS. SCHUR: It's not a criticism.

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

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

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

MS. SCHUR: You have.

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

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

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

Gene, you're next.

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

And let's say DSA feels they're not too certain whether to reject it or not and that perhaps through this entity that you create a subject taskforce to help give them some advice there. So pulling those people that feel they have expertise in here. And that could be a role of us to help out, which may be then that might help DSA to make a final decision on. Not taking anything away from the staff, but getting an outsider's perspective, which means that was one thing to suggest for consideration and be in the Charter.

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

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

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

And also there might be -- I'm not trying to make this whole length longer, the Charter -- but maybe just a general code of conduct of what is acceptable behavior? And I can offer something that the county, the Sacramento County Disability Advisory Commission addressed both these issues in their bylaws, which is slightly different from a Charter though. The text would give you an idea of some of the things that might be something for you folks to consider. And that's it.

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

MR. LOZANO: Okay.

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

MR. LOZANO: For removing and appeal.

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

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

MR. KHAMBATTA: All right, so Greg, this is Arfaraz. First, I just have a recommendation vis a vis the proposed changes that DSA receives from the public.

MR. BOURNE: Okay.

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

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

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

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

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

MR. BOURNE: No, go ahead.

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

Now, Gene had mentioned a little bit earlier about some of the sections of the Form 665. We don't anticipate that every code proposer has the depth of knowledge to be able to identify the costs that it would impose, statewide, on some of these things. But to the extent that we can receive the greatest amount of information that helps to get DSA going in the right direction in reviewing these proposals. Because sooner or later if this proposal does actually become formal proposal coming from DSA to the Building Standards Commission, we need to include that information.

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

MR. BOURNE: Go ahead, Gene.

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

MR. SHAW: If possible, sure.

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

MR. SHAW: Yes.

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

MR. SHAW: I would support that form.

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

MS. CLAIR: Or me, or yeah either.

MR. KHAMBATTA: Or either.

MR. BOURNE: Go ahead, Gene.

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

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

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

MR. LOZANO: And before you implement anything like that, I'd like to ask that we have a future meeting. Let's talk about the form and how it works and the limitations of being a .pdf where with word at least you can add something so you can -- you don't have to put supplements and things. It's all legally on the form. But the contents and things like that, maybe we could just talk about the form at a future meeting?

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

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

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

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

MR. BOURNE: Wait if you would. Thank you.

Ernest?

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

Is the intent of that at the formal recommendations are what's shown in the proposal forms of what's used in the proposal forms, or what would that look like versus -- when I read it, I interpret that what we're doing right here is kind of the informal discussion. And if there's something that's going to be used as a formal, some kind of formal recommendation that the proposal form is used.

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

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

MR. BOURNE: Derek?

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

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

MR. SHAW: Oh gosh. It varies. But at least 5 a week I think is not unusual.

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

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

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

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

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

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

MS. CLAIR: No. But we'd prefer that. (Laughter.)

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

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

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

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

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

MR. BOURNE: Okay, good.

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

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

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

MR. BOURNE: Okay. Good.

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

MS. CLAIR: Well, here's basically a suggestion when it comes to prioritization. From the ones that we receive directly from stakeholders, some of our prioritization like I said depends on legislative mandate, immediate need and also the ability to address it quickly if it's simple. So that's kind of how we prioritize.

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

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

But it really does need to come from your outreach to the people you represent and from those bringing it to you. They can bring it to us. We take it a certain level. Many times they're happy about it. I mean we get them from code enforcers on clarity as well as code users on more accessibility needed. We address those pretty sufficiently. It's those issues that the priority, we're getting them from different people who have different priorities. So they need to use you as a voice on here. And that way at least that's a group that's determining that collectively it is a priority for that group. Does that make sense?

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

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

(Overlapping colloquy.)

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

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

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

I mean, I think what I was suggesting earlier is that when you get into discussions and things that are like presented this afternoon, you will naturally as a group help DSA decide where you think the priorities ought to be right, even if they prioritize something differently.

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

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

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

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

So we'll get clarity on all that. I think that covers most of what I've heard. Is anything outstanding that anybody else -- and then again I'm coming to Gene.

(No audible response.)

Okay. Gene?

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

MR. BOURNE: Right.

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

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

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

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

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

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

MR. LOZANO: I don't.

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

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

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

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

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

A final comment, Arfaraz.

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

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

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

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

And to respond for those that made it through the first pass and actually got into our heavy development portion, then we've been able to respond later on through our code cycle. So we're really trying to do a better job of that.

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

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

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

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

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

MS. MOE: Yes.

MR. BOURNE: Is everybody hungry?

MULTIPLE SPEAKERS: Yes.

MR. BOURNE: So why don't we break now. Let's see if we can do it in 30 minutes. Come back at 10 'till 1:00, pick up here, try to get through this by 1:30, so that we still have the bulk of time left to get onto the content of the code. Does that make sense? Okay, thank you very much.

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

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

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

**Decision Making**

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

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

That's the end of paragraph one. The second paragraph reads:

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

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

MS. LEE: What percentage is considered majority?

MR. BOURNE: Well, I don't think -- it's a great question. I mean, obviously a majority would be 7 to 6, but that to me in no way reflects a consensus. I mean, if you barely have -- you've got equal numbers on both sides we haven't done very well on moving towards consensus. I think if we had something like that we'd just say, "Look, the group is really split on this. There was -- you know, we didn't make much progress with the report."

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

Does that make -- does that answer your question?

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

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

MS. LEE: Everybody?

MR. LOZANO: 100 percent?

MS. LEE: 100 percent?

MR. BOURNE: 100 percent.

MS. LEE: Oh, wow.

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

Yes, Carol and Derek?

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

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

MS. LOEFFLER: Okay.

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

MS. LOEFFLER: See I like that.

MR. BOURNE: Okay.

MS. LOEFFLER: I like it that way.

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

MS. LOEFFLER: Okay.

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

MULTIPLE SPEAKERS: Sure. Okay. (Indiscernible)

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

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

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

So Gene, you can go next, please?

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

MR. BOURNE: So that's an interesting thing. I mean it's an important point to talk about, because typically in a meeting in a collaborative like this we'd want to focus on like the stakeholder groups and their interests. And so I think we'd probably be wiser to express more as a stakeholder group that expressed that opinion. Now, it may not even be unanimous within a stakeholder group. You know, it's possible with four members from that group or four individuals representing people with disabilities, it's possible they could have a split opinion.

MR. LOZANO: Yes.

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

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

MR. BOURNE: Yeah, no I appreciate that.

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

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

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

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

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

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

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

That's typically the way you would do this, just to take the pressure off the individuals, because we want people to be honest and candid. And sometimes if people think, "Oh, my name's going to get associated with this," that might actually impact. They might hold their hand up in consensus and then go around the back side and talk to people and say naught if they think they're going to take heat for it. So I think that's the danger of actually naming names.

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

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

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

MR. SHAW: Yeah, something like that.

MR. BOURNE: Yeah, we can do that.

MS. CLAIR: Can I clarify? I just want to express that we completely understand the Building Code development process. And that if there is not unanimity and that you do hold out a different opinion, that you present those opinions through at the appropriate time in the process. And the appropriate time would always be in here, in Development meetings, and in the 45-day comment period as well.

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

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

Do you want to add anything to that?

MR. SHAW: No. I think that's really good. I think the only thing, Ida, that I would add to that is that Ida is summarizing what Building Standards law says. Now, that doesn't mean necessarily that's what the Building Standards issue does. And sometimes they deviate a little bit from strict compliance with the letter of those laws.

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

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

(No audible response.)

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

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

(Laughter, overlapping colloquy.)

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

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

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

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

MS. CLAIR: You mean it's an enforcement issue or it's unenforceable as written?

MS. DUNLOP: It's saying --

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

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

MS. MOE: Or operational issues?

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

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

MS. DUNLOP: Yes, yes.

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

MS. DUNLOP: So (indiscernible) --

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

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

MS. CLAIR: Yes.

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

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

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

MS. CLAIR: Yes.

MS. DUNLOP: Okay.

MS. CLAIR: Well, it may be. I mean, it could be that we would touch upon it here, but if we determined it wasn't something we effectively could not address in the regulatory process we would start directing it. I don't want -- I guess my fear is that the Building Code is not Civil Rights law, so discussing those issues and executing those issues is not always what our goal here is in the Building Code.

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

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

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

MS. CLAIR: Yes.

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

MS. MOE: And I don't know if I could offer one other -- a couple other venues. I mean, some of these things we address in our training, because we make it very clear what are the responsibilities under the Americans with Disabilities Act and what are the responsibilities for somebody under the Building Code. But what I see and hear from a lot of the certified access specialists when they're going out and doing surveys for people, they're actually starting to educate some of the business owners on what their responsibilities are outside of looking at whatever barriers are going to be removed. So we're seeing that there is more training going on from the certified access specialists as well.

MS. CLAIR: You know we do take that -- when I do CASp training and Debbie as well, we let them know that the CASp program was created as that resource for businesses. And that beyond providing the inspection they really should discuss some of those operational service issues that are overlooked in the -- you know, really related to construction accessibility, and really go beyond it too. Because they're that educational resource, they're not getting it anywhere else.

So we're trying to like I said, close the loop in many different ways.

MR. BOURNE: Okay. So we really want to keep focused on the decision making for this group. I think we've clarified the unanimity aspect of it. We've clarified the report will move away from the majority/minority. We just talked about expressing the full range of perspectives. Any other -- Bob, did you have anything else?

MR. RAYMER: Yeah, just looking at past practice for those of you that aren't familiar with California's process. The Building Standards Commission most certainly does give great weight. They're really interested in what the code advisory committees and a group like this would be saying. If you come up with a unanimous vote that's going to give DSA incredible, I guess, a comfort level with the BSC in going forward with the proposal. If they show up with a unanimous vote it's going to be huge with the BSC.

MR. BOURNE: Yes. That's good, thank you.

Yes, Stoyan?

MR. BUMBALOV: Just some notes in regards to enforcement, if we disregard the access, in just the general statement of the Building Code there is a section which says the building shall be maintained in compliance with the effective code at the time of an inspection. So not necessarily everything needs to be in the code, so it applies throughout, including for us.

MR. BOURNE: Dara, you're next and then Lewis.

MS. SCHUR: I really think what Ida said is important about expressing views early, because it is far more effective to express them here and at the early stages. And I also heard you say but people are free to do it later if they choose, but I certainly agree in here that earlier is better.

I have to say I think it is important to do a minority report. And I think it is important to identify, if not by individual names at least the constituency groups that are represented in that minority report. I don't think it's appropriate to depend on people to show up and express. I think the public reading the report and the Commission need to understand what perspectives the dissenting views are coming from. I'm sorry if that's sort of not the collaborative process, but this is ultimately there are political decision makers who need to know what the source of the dissenting or differing opinions are. If we get there, hopefully we won't, but if we do.

MR. BOURNE: Right. No, absolutely and it's fine. I mean, it's consistent with the collaborative process to name the stakeholder group.

MR. LOZANO: Sure.

MR. BOURNE: You know, we just try to keep it from going to that next level of personal attribution, but I think there is no problem doing that.

MS. SCHUR: Okay.

MR. BOURNE: Lewis?

MR. SPRINGER: The last time we talked about using hand signals 54321 for the consistent-making process. Are we not doing that anymore?

MR. BOURNE: We're not using that. It's not appropriate.

MR. SPRINGER: Okay.

MR. BOURNE: Any other -- thanks for asking though for clarifying, because I know it was introduced at the last meeting. And I very specifically did not include that in the material we're covering today.

MS. SCHUR: So, do we need to talk about how we are going to reflect consensus or not consensus?

MR. BOURNE: Well, basically there's a number of ways to do it. I like to just see if I feel like we're at a point where people are ready to weigh in I just kind of sit and do a little straw poll. And you'll be let's support this, maybe you have a show of hands. And then kind of see where we are and if there's three or four people that still are not in, onboard, we talk to them.

Yes, Gene?

MR. LOZANO: At the last meeting I asked for this, for access is that when we do a show of hand polls that also I hear who the names of the people are.

MR. BOURNE: We can certainly do that.

MR. LOZANO: Especially for those who are on the telephone.

MR. BOURNE: Exactly.

MS. SCHUR: Absolutely.

MR. BOURNE: Yeah, so that we'll make sure that is a part of our protocol of doing that kind of preference polling or whatever, yeah.

MS. SCHUR: That just reminds me, I think it would be important to make part of this document some ground rules about disability etiquette and best practices for inclusiveness. I'm not sure I want to spend a lot of time given where we are discussing it, but I'd be willing to work with a few folks to come up with some recommendations for the group. So that we're all on the same page about things like the point that was just raised by Gene and your -- you know, the decision you made not to use hand signals for obvious reasons.

So if other the people want to work with me on that, my office has a bunch of rules and guidelines about effective disability inclusiveness in meetings and in communications. But other people may have other good ideas, so I would like to just propose that I work with a couple of people to bring back some suggested guidelines for the group's consideration.

MR. BOURNE: So is there anybody that would like to work with Dara on that? And the alternatives, just before you put your hand up, you could present because you've done a lot this week -- you could present some ideas and then the group could add or comment on that too, would be another approach to do. But would anybody like to work with Dara on it? Because it sounds like a good idea to me to just have, you know, so we're all kind of working from that same place.

MS. LOEFFLER: Can I clarify?

MR. BOURNE: Sure.

MS. LOEFFLER: Are you talking about inclusiveness among us?

MS. SCHUR: During our discussions.

MS. LOEFFLER: Okay.

MS. SCHUR: Things like what Gene just suggested, which was voice acknowledgement and not just hands or not using PowerPoints unless people read out what's on the PowerPoint in references.

If nobody wants to -- I mean, the other alternative is I could just make some suggestions to Greg and he could bring back a proposal to the group, whatever people want to do is fine.

MR. LOZANO: That might be the quickest.

MS. SCHUR: For me to do that?

MR. LOZANO: Yeah.

MS. SCHUR: All right, why I don't do that. I'll get you our materials.

MR. BOURNE: Okay. Good, thank you.

MS. SCHUR: Thanks, but I think we should at the next meeting include in here some guidelines about utilizing -- all of us learning and trying to use good disability appropriate inclusive behavior. I know I'm bad sometimes about identifying myself, we all have to learn.

MS. DUNLOP: This is Kaylan, thanks for volunteering. (Laughter.)

MS. SCHUR: Luckily I just follow what my office already does. And I know Jihee did something similar at the last meeting. We had an agreement that people could inquire further about disability issues and understand that not everybody shares the same understanding. I don't want to misrepresent what you said, but we had some agreements about that I'd like to carry forward. Did I get it right?

MS. LEE: Uh-huh.

MR. BOURNE: Great, okay any other comments on the decision-making section, everybody comfortable with that as is?

**Length of Service**

MR. BOURNE: Okay. Good, then let's move to the "Length of Service." Now here as noted earlier there has to be this initial group, there has to be some staggered terms to make sure everybody doesn't rotate off at the same time.

Now, there's more than one way to do this and I think maybe some people have some ideas on that. But the way that it's being proposed right here by DSA is to have one group have 18-month terms. As Ida said earlier the process could allow people to re-up to nominate into that position, but at least for a mechanism to make sure that we get the rotations. And let me read this, so the title of this section is "Length of Service." It's primarily just comprised of two lists of names or positions and then a very short sentence at the end. It says:

"The following six initial ACC positions will serve an 18-month term."

Bullet one, individuals with disabilities, there will be two people, so half of the individuals with disabilities group would rotate off after 18 months.

Disability advocates, again there are two, so one would rotate off after 18 months.

Design officials, there's just one design official right? And presumably that spot would rotate off or the person doing that, another person representing that would rotate in; is that the idea?

MS. CLAIR: Apply.

MR. BOURNE: Yeah. The fourth item is a building and facility owner representative would rotate off and then a code enforcement representative would rotate off.

Then it says, "The following seven initial ACC positions will serve the full three-year term: two of the individuals with disabilities, one disability advocate, one building owner representative, one core code enforcement representative, one certified access specialist and one building/construction industry rep."

So let me just read the final sentence and then we'll kind of break this into two parts. "Thereafter, all members will serve three-year terms. In the event that a member is unable to complete service the selected alternative may be called to serve the remainder of the term."

So let's first of all talk about the divisions into the 18-month and three-year and then we'll talk about the situation for somebody who has to leave before their term is finished. And then Gene has brought up previously the need to look at are we going to codify a process for removal and appeal?

And Gene, you're up in one second, but Ida is going to jump in and then to you.

MS. CLAIR: Thanks. I just want to clarify that due to where we are in the code cycle it is anticipated that that 18-month term will actually finish at the end of December 2018. It's important that individuals are involved for the entire code cycle and where our -- this code cycle turn actually technically began in August and just due to the delay in starting this group it's going to be less than an 18-month term for the first individual, because it really does need to align with the code cycle process. So I just wanted everyone to understand that when we're talking about that 18-month term it's going to be the end of December and then the alternatives December and July every 18 months after that: December, then July, then December.

MR. BOURNE: Maybe we could just say down here with the initial six people will serve a term, just say "a term that ends December 31, 2019 -- 2018."

MS. CLAIR: And that actually -- yeah, I mean it really -- yes.

MR. BOURNE: And then that will just make it real clear everybody else is serving a three-year term. Okay. And then the --

MR. RAYMER: And then July 3021.

MS. CLAIR: Right.

MR. BOURNE: Is that right?

MS. CLAIR: Right.

MR. BOURNE: Okay. And it'd be July 31, '21; is that right?

MS. CLAIR: Actually it's June 30th.

MR. RAYMER: June 30th, '20.

MS. CLAIR: Because July 1st is when the code --

(Overlapping colloquy.)

MR. BOURNE: Okay. So June 30th of '20; is that right?

MR. RAYMER: '20, 2020 right?

MS. CLAIR: 2020.

MR. RAYMER: I went to public schools.

(Laughter.)

MR. BOURNE: Okay. So we'll add that clarity in there to make that. Okay, thanks.

Gene, you're up.

MR. LOZANO: Clarification, of those four individuals I'm one of them that's under the category of representing the disability community. Not an advocate, but disability community and when we filled out the application we were asked to -- those of us that applied for that -- to identify the disability.

And I'm just thinking are there actually categories for those four positions, because I would hope that let's say I'm an 18-month person that the person that fills me, fills my position, is somebody that's from the blind community or low vision, that's there that fills in that category. So that it doesn't end up maybe a possibility there's a long list that maybe all four people turn out to be representing the blind and low vision, which would be totally unfair to other disability categories. And I'm just wondering if this kind of goes over both areas that you want to cover.

But I'm just thinking about the rotation. And if there are actual categories officially then I think it should be put into that, that there are within the -- or the representation that -- the disability and that it be filled by somebody who could fill that category.

MR. BOURNE: Okay. Ida has a response to that.

MS. CLAIR: Thank you, Gene. You know, it was our goal when we established this group that as we worked for those four positions a variety of individuals with disabilities, whatever those disabilities were would be represented. And that's still our goal. In the initial process we had 60 applications total and from that we were able to have pretty good representation on that spectrum. Unfortunately, we didn't have a whole lot from the hearing-impaired community, which was difficult.

So our goal is to continue that balance, however we can write it in to this turnover and charter would be ideal, so we'll take recommendations.

I think what's important to realize too is that if you -- in writing that into this that we also have a responsibility to reach out to our stakeholder constituency groups and find those individuals to apply. So that that continues, right? So that we're not -- you know, because it's difficult for us to go seek out a lot of those individuals and encourage them to apply. That's what we rely on a lot of you to do here, so knowing that you're going to term off it would be great if you could solicit two or three people to apply on behalf of your specific disability or your constituency group.

But however I agree with you, I think that there needs to be some balance addressed in the turnover to ensure that balance is provided. But I'd rather those decisions come from the group on how that's going to be best executed.

MR. LOZANO: Yeah. Well, I'd like to see ensured cross disability, that those four categories that it is truly cross disability.

MR. BOURNE: Thanks, Gene.

Yes, Vidal?

MR. MEDINA: Yes, well I can say something on this matter. I think it's important in that we do have a representation from all the disabilities as possible. Of course, that means you'd have to do the outreach, but I think those that have a disability and identify their disability right now on this committee, repeating there should be something written to replace them even with their assistance in and they're approval when their term is up.

But then there has to be something written where we're actually doing some outreach with the deaf and hard-of-hearing community or any other communities that aren't being represented, because we don't want it to appear as if we're leaving them out. That would be my concern.

MR. BOURNE: Very good, thank you. So additional outreach to communities that aren't currently as represented in the process.

MR. MEDINA: Yeah.

MR. BOURNE: Okay. Eugene, yes Gene and then Dara.

MR. LOZANO: I'm not in disagreement at all. Unfortunately, it's very, very hard to get somebody from the deaf or hard-of-hearing community and this is from being on committees on the national, the U.S. Access Board, and down to locally. I'm just saying I'm not opposed to it. I really think they should participate. We can't force them, but it is something that that's a group that's a challenge to really get a representation.

MR. BOURNE: Okay. Thank you.

MR. LOZANO: Just not in disagreement.

MR. BOURNE: Dara?

MS. SCHUR: Two questions, one is can people be appointed to a second term? We haven't talked about that and it might make sense for some people if they're willing particularly in the first group, to volunteer or go through a process of being considered for a second term. And that's a question for the group.

The second one is in light of the fact that kind of this discussion we're having about specialization and cross disability and also just other specializations, I'll just kind of speak for myself. I'm working with someone closely in my office who shares my expertise and didn't apply for the collaborative, because I was applying. But it might make sense for me to propose that she apply for future consideration as an alternate, because then we would get to have someone who has a lot of housing expertise or in addition to whoever else.

And it might be a way that some of these other categories could also do it and I just want to know if that's something we could consider. I don't want to necessarily create legacy positions, but in some circumstances it might make sense for us to have somebody who might be able to step in, particularly if we might be forced to come out early.

MR. BOURNE: Yes.

MS. CLAIR: I just want to address that we worked with a facilitator to start this group, a lot of moving forward really comes from this group. I don't know that we have that defined on how people re-up. It really isn't and so maybe we have a facilitator again who can advise on some of those dynamics and taking some suggestions. I don't know if now is the appropriate time, because I know that we do have an agenda. But maybe as we near the end of the term like in our meetings that were as needed maybe that's where we start, after we've worked collaboratively with each other for a few meetings. And we think about that, that maybe we have a teleconference where it's just this kind of close-out stuff near the end. We do have a meeting scheduled where we'll reflect back and I don't want to keep it until the end, but I do want to -- you know, I know that there's some things that we can't really address today, because of time. And maybe some of these things would be better addressed a little bit later on in the year to determine the best way to do it.

I do know that one of the main goals of the ACC was really to increase stakeholder participation and not have it always be a small group of people. And so the interest is really something we're looking to everyone to encourage, right? That you're going to be on here. We're hoping this participation of this group is very positive for you. You feel it's productive. You feel it's moving forward. You feel like it's making a difference and therefore you want to contribute to the interest just so that it can keep going. And also that if you want to continue you know, I think we need to make room for that as well.

But those parameters, I don't know, they're not defined yet. So I don't know if now is the appropriate time or leave it to a little bit later.

MR. BOURNE: Yeah, I'll throw out my recommendation. And that would be that we actually do this offline and include it with the next draft of this. But I'll tell you two things that are typically used.

I mean, the whole idea of these collaboratives is to encourage participation and get different voices out, so there's really only I think a couple of reasons for moving somebody off a committee. One is lack of attendance and one is not complying with the agreements they made to begin with.

So and in terms of the latter, I think you all when you applied you agreed that you would work in a collaborative manner. And I haven't seen the form, but there were some things that you agreed. So presumably you're complying with that, you're good. But I mean, but if people were just overtly not acting in good faith is really the way I think you would call that. If somebody's not acting in good faith that would be potential grounds for a talking to that person and just saying, "Hey, we need to figure this out, because the appearance is that you're really not abiding with the agreement."

The other would be just missing meetings. So I mean if there's four meetings in a year and I mean, a reasonable criteria would be if you miss two meetings that you get replaced. Because there are not very many meetings and if you can't make more than 50 percent of them, then you probably need to have somebody else serving.

So those are usually the two criteria that I've seen used for grounds for removing people. If they're -- I mean it's rare. It's a rare thing to do. There have to be real concrete guidelines as the basis for doing that.

Yeah, Gene I'm sorry.

MR. LOZANO: And I'll provide you what the Disability Advisory Commission for Sacramento uses, but there are some things, which -- first somewhat it's hard to be objective. But it is people's behavior toward and respect, or lack of respect, to one another during the meetings, things like that. And that is some of the criteria that we have.

MR. BOURNE: Right.

MR. LOZANO: And again, I'm just offering that for you folks to consider.

MR. BOURNE: Yeah, well we're going to talk about ground rules. We're almost there.

MR. LOZANO: It just sounded like you were talking about the ground rules.

MR. BOURNE: Yeah, we're really not --

MR. LOZANO: Attendance being part of the --

MR. BOURNE: Well, you know it's really not part of the ground rule, but it would be part of a basis for saying if you're not participating actively that we can find somebody else.

MR. LOZANO: Yeah.

MR. BOURNE: So yes, and I think if you're not abiding by the ground rules that we adopt together as a team, which is what we're trying to do today then that would be -- you know, I would typically talk to somebody who I feel is not acting in good faith. And if that behavior continues then sometimes the agency does step in and say we probably need to find somebody who can. But as I say it doesn't happen very often.

Any other -- so if it's okay with you -- oh, Dara, I'm sorry.

MS. SCHUR: Just a clarification.

MR. BOURNE: Yeah.

MS. SCHUR: I think we're talking about two different things, or three different things. One is when do we ask somebody to leave. Two, is do we have term limits and if so it could be two terms, for example --

MR. BOURNE: Thank you, yes.

MS. SCHUR: -- which is like how boards often function, so you have continuity, but you don't have the same people forever so you build a new base. And then the other is, and I guess involved in term limits is can people continue, so I think they're two different issues and I think we should keep them separate.

MR. BOURNE: Great point, and yeah sorry we didn't come back to that, because you did raise the issue I mean, earlier. I would say yes you can ask to continue, but I think the idea of terms so that it's not an in perpetuity kind of thing. So we can recommend what you're suggesting, a two-term limit. You know, you have it pass, you can re-up, but a two-term limit. And that's a reasonable guideline to put in and then you guys can respond to that.

Gene and then Carol.

MR. LOZANO: I'd like to see (indiscernible) --

(Radio music interrupts the meeting.)

MS. MOE: Somebody put us on hold.

MS. CLAIR: It's Vidal, he put us on hold.

MR. BOURNE: Sorry, go ahead.

MR. LOZANO: Two consecutive terms and then --

MR. MEDINA: I'm still here.

MS. CLAIR: Oh, it wasn't Vidal. Maybe someone else put us on hold.

MR. BOURNE: Sorry, Gene.

MS. CLAIR: Sorry, I didn't mean to accuse you, Vidal. Usually that's what happens and you were the only one that we knew you were on the phone.

MR. BOURNE: Sorry, Vidal. We had some rock-n-roll music going on there for a second.

MS. CLAIR: Yeah. Okay, sorry. I didn't mean to accuse. I just assumed.

MR. MEDINA: Well, no I had it on mute too.

MS. CLAIR: Okay. Sorry.

MR. BOURNE: Okay. Sorry, Gene.

MR. LOZANO: Two -- that you're permitted up to two consecutive terms and then after one year of being off that you can reapply and be considered, because you may want to be on, and then maybe also a challenge of finding somebody. I think that a lot of groups have that. And I also think there might be building the thing is that if you reach the end of your two terms and they don't have any applicants, that you can continue on until that slot can be filled by somebody that has sort of that expertise or can represent that group that you are currently representing, okay?

MR. BOURNE: Okay. These are good ideas for putting in to address this issue and we'll do that.

Carol?

MS. LOEFFLER: I'm sort of disjointed here. This is Carol Loeffler. Under the Accessibility Committee for the Building Standards Commission they have four disability positions. One of them is called mobility impairment. The other one's hearing impairment, cognitive impairment and visual impairment. So there are four specific categories and maybe we could vote and see if we wanted to have different names for the four categories, so I'm proposing that.

MR. BOURNE: I'm sorry, could you repeat that? So it was visual, cognitive, what are the other two?

MS. LOEFFLER: There's mobility impairment, hearing impairment, cognitive impairment and visual impairment.

MR. BOURNE: Okay. Thank you.

MS. LOEFFLER: And then the other, there's two components is if we said you -- these people that when you finish your term they could -- and your concern was about whether or not people would stay in perpetuity? Well, if you're a design professional you might also be a code enforcement representative, so then you can apply for another position. And so then that would negate that this person might be here until they die, I mean you know? And that they could fulfill more than one role. And I think that when we make a decision we need to make sure we include that and adjust for that.

And then the people that are serving the term until the end of December then would -- there's a new term. So it sounds like we're going to be going every 18 months and then term would come into play. And so taking a look at how that would play, because the design professional doesn't come back.

MS. CLAIR: No, there would a new design professional and that's Bob who would start a new three-year term.

MS. LOEFFLER: Capice, all right. Thank you. (Laughter.)

MS. CLAIR: Or depending on the terms that are decided, that person could re-up if there's a term limit.

MS. LOEFFLER: Capice, okay. Thank you.

MR. BOURNE: Okay. Anything else on this subject? We have two or three topics we've identified. We'll make some revisions and get it back to you for review. Is everybody okay with that? I think the concerns have been heard or voiced.

MS. CLAIR: Can I just address one more thing?

MR. BOURNE: Yeah, sure.

MS. CLAIR: It may be -- sorry about that -- it may be a bit premature, but we have identified at least for right now there hasn't been a comment on those individuals that will cycle off on the 18-month. You could either, for those that have more than one position that straddle we would look for you to self-identify as voluntarily wanting to have a shorter term or wanting to stay on longer first before we say, "here, here, here," perhaps. So I'm just putting that out there unless we then define specifically to disability and if we do or even to government, private owner since the individual facility owners -- all those requirements that's fine. Again, we just stress that if we get down to those specifics we really need to rely on you to recruit people to fulfill that same role, because it's very difficult for us to do it. They have to actually be in our database and we have to know them. And you would know them better, so we really look for you to recruit if you want to either cycle off or you want others to encourage to fulfill a specific role that we identify for our specific --

MS. SCHUR: Can I just suggest that the answer to these questions might be different if we're going to know we're going to have two terms? Like, if we're going to two terms then it may not matter who's the 18-year -- I mean the (indiscernible) --

MS. CLAIR: (Overlapping) Right, right. I'm just saying to keep it in mind that we will first start to get perhaps volunteers if it's --

MS. SCHUR: Right, and people can always -- anyways, so I think we need to resolve that question in order to resolve your question.

MR. BOURNE: You proposed the idea of the two-term thing. Does anybody object to a two-term limit and then maybe include some language that says you take one term off and then you can reapply? Something like that, does that make sense? Something of that ilk, does anybody have a problem with that and if so please say it?

MS. LOEFFLER: Well, I guess -- you had your hand up first.

MS. CLAIR: I was just considering that two terms is voluntarily. You have to voluntarily want to serve a second term and request it more so than just --

MR. BOURNE: In perpetuity, yeah.

(Overlapping colloquy.)

MS. CLAIR: I just wanted to make sure that that whole two-term thing wasn't just assumed. Indentured servitude.

MR. BOURNE: So we'll include the two-year --

MR. LOZANO: But it's got to be voluntary, you know, that you can vote for two years. But at least then if there's a cap then there's a year off and then you can reapply if you're interested.

MR. BOURNE: So we'll plan to put the two-year max in there.

MS. LOEFFLER: It did have a comment.

MS. CLAIR: Okay.

MS. LOEFFLER: But I thought -- I didn't want to take her turn -- this is Carol. My concern is whether or not the -- how the process of selection and the people that are coming in. And if you say you can only have two terms, but people are coming up that might not meet what is needed and wanted, whether or not now you're saying that the people that would have otherwise applied no longer can apply. And so you're opening it up.

So I'm going to say this as my concern and it carries with it a little bit of history. But when we were making term limits for the Legislature and everything, in essence by voting somebody and voting them out we have made them have a term limit when we vote them out. And so I don't know if by making two term limits that's going to be to our advantage or disadvantage. So I would like to revisit that as whether or not it really is the pool of applicants a pool in which you get the breadth and the experience that you're looking for? And then the two-year, two-term limit then would give new blood, or would you not have the breadth that you're looking for and you're just filling the position?

So that's what I just want to revisit.

MR. BOURNE: Well, we could even include that as a goal that when that process of filling that position comes, and somebody's asking to re-up for a second term, look at this issue of breadth and what is the apparent goal in there. But I'll plan to put that kind of language in here and address the admissions we've discussed as well.

I guess the only following question I have on this is are the people that are just a sole representative and you have now been placed in one of these two positions to either 18 or which is actually now a 12-and-a-half month term or a 2-and-a-half year term. Is everybody comfortable with where you are particularly I'm talking about this, because if you have multiple rep in that stakeholder group you're going to get together and join with the side whose going to go earlier and later. But if you're a single rep the question is are you fine where you are or would you like to be reconsidered?

So Gene, just a second, I want to get an answer to this first. And then I'll --

MR. LOZANO: No, but it's related to that and it sounds like you're saying we know already which one of us is 18 months and which one is --

MR. BOURNE: No.

MR. LOZANO: Okay. It just came across to me like that.

MR. BOURNE: No. I'm asking that those of you that have multiple stakeholders -- Ida was saying the DSA would like you to get together amongst the four of you in this case and decide amongst yourselves, who would like to be off in 12-and-a-half months and who would like to stay the full term. The DSA would like that to be an internal decision amongst the people in that group.

MS. LOEFFLER: You have two other groups that would -- three other groups that would need to --

MR. BOURNE: There are other groups that have two people.

MS. LOEFFLER: Yeah.

MR. BOURNE: Those two people would get together and figure out who's going to be in one and who's going to be in the other. So if there's latitude there's kind of self-determination, in a group that has two or more people there's self-determination. You will work that out with your colleagues. Where there's no self-determination is if you're the only representative you've been placed in one of these two categories. And my question is are you fine where you've been placed? Anybody not?

MR. SPRINGER: No. I'm fine with it as long as I can serve a second term. (Laughter.)

MR. BOURNE: Okay.

MR. SPRINGER: I mean, I don't want to be here for just 12 months. I mean, it's silly then.

MS. SCHUR: And I was going to say the same thing. I would be willing to volunteer among the disability advocate group to serve 18 months, so assuming there's a second term.

MR. BOURNE: Sure.

So is everybody okay -- so let me now that we've got that part done is everybody okay that where we have multiple representatives working with your other colleagues to figure that out? Is there anybody that is uncomfortable with that, because if not then we would just ask you all to do that. Yes?

MR. LOZANO: I guess if we all wanted either the 18 or the 3 years I think it would be easier just to pull the straw.

MR. BOURNE: Sure, and that --

MR. LOZANO: And I think that would be easier and I think it would be less pressure than to do one to get off or not. Another thing there, because if everyone is wanting it and then somebody knows that you have to and if -- well, I just think it's more objective.

MR. BOURNE: Here's what I would recommend you do. The four of you get together and where you have two, you get together. And you say to each other, "Do you have a preference?" If one of you says, "I don't," and the other one says, "I do," you've got it solved. If all of you say the same thing or if three out of four say the same thing then you have to have a mechanism for deciding that and drawing straws or whatever mechanism you want to use would be fine, flip a coin, whatever you think is fair. Does that make sense?

MR. LOZANO: Uh-huh.

MR. BOURNE: Okay.

MS. DUNLOP: This is Kaylan. And it may that four or six months from now that as we get into this we see how much time this is going to take, and so --

MR. LOZANO: And a shift in how much pay we're getting.

MS. DUNLOP: -- and that might affect somebody's answer. You know, how I answer that question today may be different six months from now once I see what a time investment it is or maybe any number of things.

MR. BOURNE: So maybe a little bit of latitude if you guys could shift if need be right, towards the end of that period of time. So you come up with it does that -- would that work?

MS. CLAIR: Right, my goal was let's work through this and then probably around September, October we revisit this issue. Even if we do it over a teleconference or whatever, so we'll have an idea of almost at the end of a code process what the time entailed would be, involvement entailed. And then you can self-identify or we have a mechanism to move forward. I just wanted to keep that in mind and clarify the terms, the length of the service.

MR. BOURNE: Great. Does that work for everybody?

MR. LOZANO: Uh-huh. Uh-huh.

MS. CLAIR: Sorry, direct.

MS. SCHUR: I just have one clarifying question. Will you accept applications from potential members now, like during the length of the term so you can start to build a pool?

MR. SHAW: Not to jump on your recognition, but I was going to suggest something along the same lines.

MS. SCHUR: Oh, we think alike, yeah.

MR. SHAW: That building that pool of candidates continuously is going to keep us from getting into a time crunch as we get to the end of these terms.

MR. RAYMER: It's what good advisory committees often do.

MS. SCHUR: Yeah, and I was just going to say we started this with assistance in a lot of these (indiscernible), so they're a good idea and that --

MR. BOURNE: So you want to just make it that somebody can apply at any time to be considered for a next available position for that stakeholder group kind of thing?

MR. SHAW: Sure.

MR. BOURNE: Okay.

MS. CLAIR: We can put that on our website and you guys can encourage those individuals as you encounter them to fill an application and send it to us.

MR. BOURNE: Does that make sense everybody, everybody good with that? Okay. Can we declare victory on Length of Service and move on? Okay.

MS. CLAIR: Woo-hoo! (Laughter.)

**Meetings**

MR. BOURNE: Okay, "Meetings," this is the next heading and I'll read this.

"Tentative meetings," excuse me, "tentative meeting dates will be scheduled at the start of each code development cycle to optimize coordination with the ongoing regulatory process. Meeting are designed as face-to-face vents although video or phone conferencing options will be provided as needed. Most meetings will be one day in length. Reimbursement for travel and parking will be provided for ACC members, reimbursement for accommodations will be provided according to contract terms."

And I believe I saw in some document that I was sent an initial calendar, right or tentative dates.

MS. CLAIR: Yes.

MR. BOURNE: There was January the 31st --

MS. CLAIR: The 31st and then there's one that we need to decide which occurs mid-April and that needs to be collected among the group to determine what that is. Those three we have identified would be beneficial in person, because that increases the collaborative effort. There are two additional meeting opportunities as needed. Once we get on the code development cycle we may not need them, because there's a lot less change that can occur once it's in the formal process. And then of course, a meeting at the end of the year to recap and determine, which could be handled either together or via video conference. We have four regional offices if it's easier to get there, but the working meetings when we're actually working on code sometimes I think it's better especially as we kick off to be here in person.

MR. BOURNE: So January, April and what would be the third one in that?

MS. CLAIR: It's well this was the first.

MR. BOURNE: Okay. This was the first meeting.

MS. CLAIR: And I don't know if we will need another seeing that we're still on the charter and we haven't gotten to business.

MR. BOURNE: Right.

MS. CLAIR: So we will need to perhaps discuss that, but it is within the code cycle, because we have deadlines. So January 31st, I believe has been decided upon. It's that mid-April meeting that we need to agree on a date.

MR. BOURNE: Okay. Dara?

MS. SCHUR: Just a question, are initial submittals due -- did we confirm that initial submittals are due on May 31st?

MS. CLAIR: Between May 1st and May 31st is they are excepting proposals during that month.

MS. SCHUR: I recommend that we have an April meeting in the middle or end of April.

MR. KHAMBATTA: I didn't hear that?

MS. SCHUR: I recommend that we have an April meeting in the middle or end of April.

MS. CLAIR: That one was not determined as needed, that one was actually one we needed. The ones as needed were after that.

MS. SCHUR: Oh, okay.

MS. CLAIR: So we need to just decide on a date for that.

MR. BOURNE: Today's, January 31, and a mid-April meeting are all needed for the face-to-face. And then the other two meetings later or three -- now and the issue that just came up is depending on where we are at 4:00 or 4:30 today are we far enough to pick up in January 31st or will we need another meeting? So that will be determined, but everybody has January 31st on your calendar I trust?

(Chorus of yes, yeah.)

MR. BOURNE: So any other comments on the meetings? It's pretty straightforward.

MR. RAYMER: So, what are we going to decide about the middle of April? What date? Are you going to do a Doodle poll or?

MS. CLAIR: We can do a Doodle poll.

MR. BOURNE: Yes, Doodle poll.

MS. DUNLOP: Yeah, well -- this is Kaylan. Something had been thrown out, I think last time, about mid-March. So does that go away?

MS. CLAIR: It was dependent upon the BSC schedule and the BSC schedule indicated that they shifted a little bit, May 1st through May 31st is when they're accepting the proposals, so.

MS. DUNLOP: Okay.

MS. CLAIR: And understand and respect the fact that we're still required to go out to the general public, so we still have two meetings to the general public that we need to also -- that we have planned. So (indiscernible) --

MR. SHAW: (Overlapping) And those will be running on parallel tracks, right?

MS. CLAIR: They will be running on parallel tracks, yes.

MR. RAYMER: And for whatever it's worth the BSC has its schedule out now for these Commission meetings. April 17th is a full Commission meeting. That's a Tuesday.

MS. CLAIR: Yeah, we would be in Code Advisory Committee meetings. I don't believe that one is -- that's not one that would impact us.

MR. SHAW: Yeah, that won't be for their hearing on the final --

MR. RAYMER: Well, I'm just suggesting you wouldn't want to conduct the April meeting on top of their meeting.

MS. CLAIR: Oh, got it, got it. I'm sorry, thank you Bob. I was misunderstanding what you were saying.

MR. RAYMER: When you guys are there, right? So yeah we're all in a meeting without you.

MR. BOURNE: When we put agendas together you try to assess the amount of time and obviously we didn't know exactly how long it would take to go through this document. But for a variety of reasons it's taking longer, but I mean that's good. I mean, it's important for us to start out with well, clarity and it'll pay off in the long run. So it may well be that we'll have to look at another meeting to get everything done. We'll see how far we get today and then you guys will assess how that looks.

Okay. Anything else on meetings? We've got two sections left.

MR. KHAMBATTA: Yes. I'd like to suggest or I'd like to propose to the group that we start our meetings earlier than 9:00 o'clock. And I don't know if we can do a quick show of hands if anyone would be -- would not be open to starting earlier than 9:00 o'clock?

MR. BOURNE: How do other people feel about start times?

MS. LOEFFLER: I'd be fine with starting earlier.

(Chorus of fine, I'm fine.)

MR. BOURNE: So people traveling outside of Sacramento are typically coming in the night before right, so that's not a huge issue. And so they --

MS. LEE: I'd prefer staying in the same timeframe.

MR. BOURNE: Okay.

MS. SCHUR: I think I'd rather have an extra meeting. I think at some point we start to lose focus.

MR. BOURNE: Yeah, I mean really typically 9:00 to 4:00 or 4:30 is about max. I mean, if we're going to start earlier you're probably going to run out of gas --

MR. KHAMBATTA: Well, the idea was to wrap up earlier. I'm sorry if I didn't make that clear. I am trying to time it with the traffic and just hitting traffic when we leave at 4:30 is what I'm trying to avoid.

MR. BOURNE: Okay. Well, yeah because we have other people that would like to keep it where it is, so it's kind of a tough one.

MS. CLAIR: We could add that to a Doodle poll and let majority rule? I don't know, I'm just saying.

MR. SHAW: I think maybe one other way to look at this is rather than seeing a need to make a decision now is to let the group get some experience in how we work together. We're all apparently thoughtful and talkative and we like to discuss these issues and it may be that we actually and actively need that extra time.

MR. KHAMBATTA: I second that. Clearly we are to use Derek's phrase, a talkative group.

MR. BOURNE: Well, once we get to the ground rules I have a little bit more leeway to step into that. (Laughter.)

MR. KHAMBATTA: Okay. All right.

MR. BOURNE: We'll talk about that.

MR. KHAMBATTA: Okay. Are we still going to do that Doodle poll of an earlier start, even if it's 8:30? You know, I mean Jihee, what do you think, half an hour?

MS. LEE: So like 8:00 to --

MR. KHAMBATTA: Not 8:00, I was proposing it to follow --

MS. LEE: Yeah, yeah, I mean like a day trip like today I drove from Walnut Creek and then I'm driving back, so traffic can be the issue. But I'm not really like a morning person. (Laughter.) But if I have to I will wake up earlier and come, but just my preference will be to stay where it is, but...

MR. KHAMBATTA: Would it be easier if you came the night before?

MR. BOURNE: From Walnut Grove?

MR. KHAMBATTA: Walnut Creek.

MS. LEE: No, I prefer not having to do overnight, because I have my family obligations.

MR. SPRINGER: Yeah, same here.

MS. DUNLOP: I have a suggestion. Can you all come to Birmingham? (Laughter.)

MR. BOURNE: Well, look what we might think about doing is starting 30 minutes earlier and just seeing if that's doable. And if it's hard to get everybody here at 8:30 traffic will tell, because the traffic actually is worse earlier. So I mean, if you -- at least I come from Davis. I'm better off coming to a 9:00 o'clock meeting than in an 8:30 meeting from a traffic standpoint, because coming across the Causeway everybody's trying to --

MR. RAYMER: So roll the dice, yeah.

MR. BOURNE: Yeah, so it's totally -- I think it's still highly variable depending on where you come from, which is actually less time in the car. So but if you want to try 8:30 we can and then people can weigh in next time. Do you want to try 8:30 and see how it goes? Okay. Well, that's what we'll do.

MS. MOE: I think we could -- you know, it worked well for us today. I think what the other thing we could consider is don't allow an hour for lunch, because we have lunch here. So let's stick with half hour lunches.

MR. BOURNE: You know, ideally I would -- I mean, I think we can save a little time there, but I would ideally say 45 minutes. Because part of when you come together is it's a time that many of you made that's maybe the only time that you see each other. It'd be nice to have a little more time to kind of get to know each other and to chat and just to have some downtime. But yeah, 45 minutes when you're having lunch in the building is plenty. Yeah, we don't need an hour, you're absolutely right.

So yes, Dara?

MS. SCHUR: I like the Doodle poll, the idea of a Doodle poll, but I'm not sure they're accessible to people with visual disabilities.

MR. BOURNE: Okay.

MS. SCHUR: So we may just need to back up.

MR. BOURNE: Great point, yeah. Very good, so maybe what we can do is start. Round one is a Doodle poll, I mean we kind of narrow it down and we can touch base with our visually-impaired friends or anyone else who's having -- either they're just not using computers -- I mean, I know people that just don't like using those things. So how about that? We take a first cut via Doodle poll and then we do some follow-up, okay?

MR. RAYMER: Sure.

MR. BOURNE: Thank you for pointing that out.

Okay. Now we've got two seconds left and by golly we're going to fix this before we move to the next section, because we haven't gotten around to the three-person planning team yet. We'll save that until -- so we'll figure it out.

**Communications**

Okay, "Communications."

"A listserv containing the contact information of all ACC members will be established to ensure all members receive information in a timely fashion. The listserv is to be used however only for ACC-sanctioned communications. If an ACC members wishes to share information with the remainder of the ACC, she/he should send that information through DSA, the Principal Architect, for distribution upon acknowledging that it pertains to ACC issues and discussions."

There's one more paragraph, but let me give a quick aside on this one. This is often times included in ground rules, because some people in the past -- I've actually seen people use listservs like this to sell vitamins or whatever it is they're doing on the side. And, you know, the intent of this being business oriented, so I think that's one aspect of it.

The other aspect of it is, because it is a listserv and to keep you from just getting inundated from other members with a variety of things, if you bring it through to Ida then she can be the conduit through. And if it comes to her and she somehow feels that it's not an appropriate one she'll just get back to you and say, "Help me understand why you need to send this out." And you guys can have conversations. Does that make sense as a policy?

MR. RAYMER: Absolutely.

MR. BOURNE: Okay.

MS. SCHUR: Question, can we -- for folks who are willing would they -- I mean people can opt out of this, but I would love to have emails and phone numbers. There may be times I want to reach out to have a dialogue with someone about an issue or about --

MR. BOURNE: Sure.

MS. SCHUR: -- something and if people are willing to share I would be.

MR. BOURNE: Is everybody comfortable with roster, which basically has name, phone number, and email.

MR. RAYMER: I think it's obvious we've already got that.

(Overlapping colloquy.)

MS. CLAIR: Yeah, we sent that out. That phone number is not -- but it needs to be updated.

MR. BOURNE: Oh, okay. Vidal, are you good with that?

MR. MEDINA: (Indiscernible)

MR. BOURNE: Okay. So it sounds like everybody's okay with this? Rachelle, are you back with us?

(No audible response.)

MR. LOZANO: I think she's pretty sick.

MR. BOURNE: Well, she said she was leaving to go to a meeting or something and she would be back.

UNIDENTIFIED SPEAKER: She was coughing like crazy.

MR. BOURNE: So is everybody good? Oh, I'm sorry, Gene?

MR. LOZANO: No. I just wanted to say that the process you're proposing and the (indiscernible) I agree with. And I apologize for the proposal that I worked on with HolLynn. The only reason I -- since she had initially sent it to everyone on the committee and staff that's what I just did there, but I have no problem with going through Ida in the future, so I apologize.

MR. BOURNE: Okay. Great, thanks. No apology necessary, thank you very much.

MR. LOZANO: The idea was for people to see it, since it was a long document.

MR. BOURNE: Sure, sure. Okay. Thank you for that.

MR. KHAMBATTA: A point of a clarifying question? Is this to say that we are prevented from reaching out to our colleagues here on an individual basis to work on proposals?

MR. BOURNE: No. I don't see why not.

MR. KHAMBATTA: So, I'm not sure what Gene was referencing?

MR. LOZANO: Oh, what I did was there was a -- sorry, HolLynn D'Lil had submitted a proposal on December 7th and then she asked for input from me on it, because it pertained to some issues on the blind. And I then expanded on it, she liked it and she said one, go ahead and submit it as a replacement for what I had done. And since she had initially sent hers out to the whole group, which then I replicated that. And then I found that a lot of the EPONs were no longer any good; they were bouncing back. So some of you got it and some of you didn't. I know Bob got it and --

UNIDENTIFIED SPEAKER: I didn't.

MR. LOZANO: Yeah, and yours was one of them that bounced back. I can't even vouch what -- I just used what HolLynn had provided. I didn't have the time to do the research. I assumed you all redirect (phonetic) emails. I'm going to say process-wise I'm totally in agreement with the ground rules. That's all the bottom line.

MR. BOURNE: Thank you.

MS. CLAIR: Yeah. And I just want to clarify, first of all with regard to the emails some of it was some input somewhere. Because Jihee's email actually had my name associated with it, so I'm just letting you know, so I don't know where that was but we'll make sure that gets corrected.

Secondly, if it's an issue you want to bring before the ACC it must come through DSA. If there's individual outreach you want to do to collaborate prior to bringing an issue that's fine. But if it affects a meeting agenda, it really needs to come through us, so we can control -- not control the meeting agenda, but control that it gets addressed in the meeting control. You know, all the content and understanding of what we need to do, so I think that that's the clarity and communication.

MR. SHAW: And I think to piggyback on what Ida was saying, is that when items are being considered we certainly don't want to short circuit the good benefit of the entire group. You know, we come from a lot of different perspectives and I have to question whether slate building on a particular item ahead of time, is the most effective way to achieve that collaborative ends.

MR. KHAMBATTA: I'm sorry, what building?

MR. SHAW: Slate building.

MR. KHAMBATTA: I'm not familiar with the phrase.

MR. SHAW: In essence, deciding on a topic, collecting representatives together, and then advocating the topic as a slate, a group of people.

MS. CLAIR: I have to agree with Derek. You know, we don't want the ACC -- we don't want to disturb or go around the collaborative process. So we don't want to disturb or go around the collaborative process, so we don't want to build these alliances that then the group is heard without being the individual constituency being heard. So just be sensitive to that, I think is -- and mutual respect of everyone here that what you're bringing forth is the perspective of the group that's behind you.

Now, if you need to work collaboratively on a project once something's determined as an avenue to get something resolved that's fine. But just to be careful of the alliances that get built to get some kind of -- I'm just being sensitive to everyone here that they respect everyone else.

MR. BOURNE: Carol?

MS. LOEFFLER: My question then is the listserv then is owned by DSA; is that correct?

MS. CLAIR: Well, the listserv is just our emails here collectively.

MS. LOEFFLER: Okay. So then our email --

MS. CLAIR: It's not our entire listserv though.

MS. LOEFFLER: Okay, so our emails who would be visible to the other members of this group?

MR. BOURNE: Well, you can do it two ways. You can just do it as a blind copy where nobody sees who it's going to, right? The sender is the only person that knows who it's going to or yes, you can see everybody's email on that to know that it made it around to everybody.

MS. LOEFFLER: Okay.

MR. BOURNE: So that's why a typical listserv like something like this would include everybody, so that you can make sure everybody got it.

MS. LOEFFLER: So then what I'm wanting to clarify, so a listserv containing the contact member information, the listserv is owned by here and the email would come from here when that listserv is used?

MS. CLAIR: Yeah, if you're emailing everybody it should be going through DSA.

MS. LOEFFLER: Okay, bravo. And then the comment that you had is you wanted to be able to email members of the group?

MR. KHAMBATTA: If I wanted to reach out to Gene and just get his perspective or his stakeholder group's perspective on something that I was working on, I just wanted to make sure that we could do that without breaking the ACC rules or the DSA rules, right?

MS. LOEFFLER: Right.

MS. CLAIR: Right, so my goal is perspective is fine. I just don't want to get into this thing that there's like some kind of voting conspiracy where you're saying, you know, exchange. I'm not accusing anyone, but I want to make sure that the discussions are for a collaborative effort and more so than a camp efforts.

MR. KHAMBATTA: I understand.

MS. LOEFFLER: And then the only thing that I would ask is that the members that are on this list, it does not go public.

MR. KHAMBATTA: Right.

MS. LOEFFLER: Can that be written in?

MS. CLAIR: Yeah, we don't -- even on our website it is not public.

MS. LOEFFLER: No. I mean like I don't want a mass list from somebody else.

MR. BOURNE: Yeah. It's not -- you want -- I know that you want some language that says it's not shared with anybody outside of DSA and the ACC.

MS. LOEFFLER: And that the members of the ACC shall not share that with people that are not in that, so I'd like to that be in.

MR. LOZANO: And we agreed to that at the last meeting, correct?

MS. CLAIR: Yes.

MR. BOURNE: Yes.

MS. LOEFFLER: Thank you.

MS. CLAIR: I would say yes.

MS. SCHUR: Okay. So we're not sharing the emails, but we can share the contents? Right, I can share the proposals with people in my office or with other stakeholders?

MS. CLAIR: It's all open discussion, I don't -- yeah.

MR. BOURNE: Yeah, I don't think --

MS. MOE: Well, and you might want to share -- this is Susan Moe -- you might want to share the content with your stakeholders.

MS. SCHUR: Uh-huh.

MS. MOE: Yeah, so I mean there might be something that's being discussed and if you want to get some input from your constituency group you might want to share that content with them.

(Multiple voices overlap.)

MS. LOEFFLER: But I don't want -- but nobody's personal email shall be shared outside of our group, yes?

MR. BOURNE: No, correct. You don't want to start getting emails from somebody who might have a different point of view out of the blue, because of some comment at the ACC. And we get that.

MS. CLAIR: Yes, high stakes.

MR. BOURNE: And so it's finding that fine line between just good judgement and respecting each other's privacy and not trampling on your first amendment rights.

MS. SCHUR: Yes.

MR. BOURNE: So you know, I think we can all figure out where that balance is.

Okay. There's a second part of the Communications, so let me read that paragraph and then we'll be left with just the ground rules to go over.

"If contacted by the media related to the work of the ACC, ACC members commit representing their points of view only and refer questions about any general recommendations at all by the ACC to DSA. ACC members shall refrain from characterizing the views of other ACC members and ACC members must report to DSA all contact by the media."

Now, the reason this is in here is because we just want to make sure that if one of these issues gets to be really high profile, and you're contacted by the media, it's just some ground rules, so again mutual respect. So that if somebody says, "Well, what's going on?" You can say, "Hey, if you want to know where the status of this process is you need to talk to DSA. I can give you my opinion."

But in doing that you also wouldn't want to say, "But Kaylan's view on this is such and such," right? You don't want to characterize -- say Carol is in that conversation, she's not going to characterize your perspective. So all you would do -- what it's saying is you would just characterize your own perspective and leave it at that. And not try to extend to talking about other people in the process. It's just mutual respect, and let people speak for themselves in those situations.

MR. LOZANO: Good.

MR. BOURNE: So does that make sense?

MULTIPLE VOICES: Uh-huh, yes.

MR. BOURNE: Does anybody have any concern with this?

MULTIPLE VOICES: No.

MR. BOURNE: Okay. Great.

**Ground Rules**

Okay. We're on to the last topic, drum roll please and that's our ground rules. And again, I come from a place where I've been in really low-key meetings that we have like no ground rules. And I've been in public meetings on nuclear waste depositories with a thousand people where it's probably a good idea to have some ground rules. Of course, when you have a thousand people they don't care, so I mean that's -- but most processes like this, the main idea is to be civil to each other, right? I mean, that's the bottom line is just being civil and respectful to each other. And so that's -- I'm just going to make sure that that happens.

And I don't anticipate any problems, because I just sense from everybody's character that's here that you are here to be collaborative enough to work with each other and to be respectful. I don't see anybody kind of pushing the bounds on that. I mean, maybe I'll have a different opinion after the next meeting, we'll see. (Laughter.) But for now it all looks good.

But anyway here are some ground rules and the idea being I want you to adopt these, because once you say yes then you're basically saying to me as a facilitator you need to enforce these. And so if I feel like somebody is dominating the conversation I might just say, "You know it'd be great, let's hold that thought for now and let's let somebody else get in the conversation." And so I don't want anybody to ever feel like I'm somehow -- I don't want to embarrass anybody. I don't want to make somebody feel like they did something bad or anything like that. It's just I'm going to try to exercise in good judgement making sure we have good balanced conversations.

And like today I kind of let it go, but a couple of times we had conversations around some kind of process that had nothing to do with the charter. But I thought it's important to kind of let you process that and it at least had some tangential relationship with the charter. But part of my job would be to say okay, if we're talking about 11B-604-8.1 that we don't start all of a sudden jumping over to something else, right? Just let's take on this and when we finish this, we will go on to the next one. So I may interrupt somebody and say, "Hey, we really need to bring it back." So anyway, let's go through these, I will read this. So this is ground rules, the last section of the document.

"The purpose of ground rules is to ensure an opportunity for all ACC members to have an opportunity to engage effectively in the process."

I thought I would change that, so there would not be two opportunities in there, but I'll change that because that's just not good English. But anyway:

"The ground rules are intended to reinforce the collaborative nature of the process. The following ground rules once applied by ACC will be the responsibility of the facilitator," that'd be me, "to administer."

So there's about seven on here. One, vote number one, "Attempt to listen intently and understand accurately the view of others."

And I know this sounds like, "Well, ho-hum, don't we always?" But listening actually takes energy and is not all that easy to do, because it's really easy to start our mind wandering about either how we want to respond to somebody or the football game that happened last night where our team lost or whatever it might be. And so listening really takes concentration and so I'm really just going to encourage all of you to do that, because it will lead to better communication and less back and forth if we're really listening to each other.

Number two, "Be respectful to each other and the right of each individual to openly express their point of view, even if different from or in opposition to your own."

Number three, "Seek to understand the interests of others."

And that's just picking up exactly on what we talked about this morning about focusing on interests and not positions. If I see people kind of getting stuck on a position somewhere I will probably ask, "Why do you feel that way? What are you really looking for? Are there other ways to maybe achieve what you're looking for?" So we want to try to understand the interests of others.

Four, "Test assumptions rather than assume you have a full understanding of others perspectives."

And again this is just somebody may make a statement. We assume oh they're with this organization. They therefore must think this. Rather than assuming that we need to kind of test that idea out. And we can always ask the other person, "I'm wondering if this is the way you're coming from?" And the other person can say yes or, "No, not at all. I'm really thinking about it from this perspective." So that's part of this kind of active listening.

The next one, number five, "Allow room for each person to have an opportunity to contribute to the discussions."

So I'd just encourage you -- that relates to the point I was just making -- if you kind of sense that you've kind of dominated the conversation or it's maybe taken you a little bit longer than it should have to express something, maybe kind of self-regulate a little bit. And say, "I'm going to pass on this," or make sure you have something really valuable to say. So all I'm saying is just part of allowing room for everybody else is to make sure you're not dominating. And if need be I'll kind of step in, but I think again if you're just thinking about it I probably won't have to do that much.

The sixth bullet is, "If you need to speak to another member of the ACC during discussions, ask for a brief break rather than engage in sidebar conversations."

And I haven't seen any today, which is really, really nice. But I'm in a lot of meetings where we're trying to have a conversation over here and two people over there are whispering to each other, which is affecting everybody's attentiveness. And so I will, if I see that, I'll probably just give -- if two people are doing this -- a look. And if they don't pick up on that I'll probably just say, "Hey, do we need to take a break?" because if there is something really important it's okay to take a break.

You know, if we're at a point of actually making some decisions about something and you want to talk to a couple of your colleagues, that's fine. Just say, "Hey, I'd love to take a ten-minute break, so we can talk through this." It's perfectly fine, but that's a lot better than being distracting and having these sidebars.

And then finally, silence or turn off -- this is something you never had to add until the last few years, "Silence or turn off your cell phones or refrain from texting or other communications during meetings."

Again, best to silence it or turn it off. I know when we're busy there may be something pressing during the day that we have to deal with, understand. Maybe you can have your phone silenced, so you can see texts coming in and when we have a break you can respond. But again, if we're always getting interrupted with text messages coming in or checking our emails or whatever we're then not listening to other people in the conversation. So it's disrespectful to other people.

So is everybody okay with these and/or do you want to add anything else? Anything? Any comments at all? Yeah?

MS. SCHUR: I know we're going to add the disability ground rules.

MR. BOURNE: Yes.

MS. SCHUR: So that was placed for them.

MR. BOURNE: Right.

MS. SCHUR: I think that were some additional ground rules we talked about at the last meeting and I'm not sure I have them in my head. Does anybody?

MR. BOURNE: Is there something you think is lacking in these?

MS. SCHUR: Well, one was -- it probably comes under disability etiquette, yours Jihee, and then I can't remember.

MS. LEE: Oh, I think no dumb questions.

MS. SCHUR: Yeah, there is no dumb question.

UNIDENTIFIED SPEAKER: There is no dumb questions, yeah.

MR. BOURNE: Exactly.

MS. SCHUR: That was one and then I think there was something about parking lots, like making sure the parking lot items don't get lost. That we end the meeting by scheduling a time to hear them or something like that.

MR. BOURNE: We can do that, so either one of those is fine. Yeah, I mean --

MS. DUNLOP: The parking lot does not equal graveyard was our goal with that.

MR. KHAMBATTA: The parking lot from the last meeting is kind of -- is it still around?

MR. BOURNE: It's in the graveyard.

MR. KHAMBATTA: It's in the graveyard?

MS. CLAIR: We're working on getting post notes, there's --

MR. BOURNE: Yeah, if we identify things that -- when we do a meeting summary it's always good to identify the things that you agreed on or the things that everybody said, "Yeah, we need to do this." But also identify, "Here are the things that are outstanding," and whether you want to call that a parking lot or whatever, but yeah we'll try to identify those things. Because if it's important enough to raise up and say we want to get back to it we need to figure out how we're going to get back to it. But I'm fine putting that in there.

Anything else? Gene?

MS. CLAIR: Eugene has this --

MR. LOZANO: No, not right now. I have to look at my list, but I think you got everything covered.

MR. BOURNE: Okay. Good. So again, when we send this out if you see anything missing -- so the next goal here will be to take all these comments today. In many cases we have very specific resolution to issue. In three or four cases we're going to draft some language that you're going to review, of course you're going to review it all anyway. We'll do it in track changes if that's okay with everybody, so you can see what the changes are.

MR. LOZANO: Track changes really don't work.

MR. BOURNE: Okay.

MR. LOZANO: It'd be better with a nice clean version.

MR. BOURNE: Okay. Is that better?

MR. SHAW: Shall we do like we do in other documents that we share for you to have a before and after?

MR. LOZANO: Yeah.

MS. CLAIR: And Vidal too.

MR. SHAW: And for Vidal also.

MR. BOURNE: Yeah, so is that the best? What is best? Yeah, just a before and after or?

MR. LOZANO: Yeah, what is and then what the change is.

MR. BOURNE: Okay.

MS. CLAIR: Vidal, does that work for you? Two versions, what are they, what was and what will be?

MR. SHAW: Before and after.

MS. CLAIR: Before and after?

MR. BOURNE: Vidal, are you there?

MR. MEDINA: Yes, I'm here.

MR. BOURNE: All right. So --

MR. MEDINA: What was the question?

MR. BOURNE: Well, the question is in reviewing changes in a document what works best for you? And Gene is saying for him a kind of a document that is the current document and then a changed documents as opposed to track changes. So you have two clean documents to then be able to compare. Is that best for you?

MR. MEDINA: Yeah, that's fine. Are you asking about a combination as far as my vision?

MS. CLAIR: Yes.

MR. BOURNE: Yes, sir.

MR. MEDINA: Okay. Great. Now, usually with my eyes I have optic nerve damage, so I've got some vision and 16 font is ideal.

MR. BOURNE: Okay. We can --

MR. MEDINA: So that is exactly -- if you're able to do that, that's perfect. Then I can see as the magnification (indiscernible) that I do and that's fine (indiscernible) very good.

MS. CLAIR: But still you want to see the two documents?

MR. BOURNE: Would you prefer two documents or a track changes version?

MR. MEDINA: Let's go with track changes is fine. I've done those. That's fine.

MR. BOURNE: Okay. So we'll do it in both ways. We'll have track changes for those that would like to use that and we'll have two clean documents that would like to use that, okay? We can prepare it in all forms and fashions.

Okay. Let's declare a partial success. You know, we at least made it through it. We have a lot of changes to make, but Dara?

MS. SCHUR: I'm just not sure I understand where we are with scheduling. So we had the meeting in January. We're going to do a poll for the meeting in April.

MR. RAYMER: No, January 31st.

MS. SCHUR: January 31st, you'll poll the meeting in April.

MR. BOURNE: Right.

MS. SCHUR: I assume we're going to -- at our next -- in our January meeting we'll decided about later meetings?

MS. CLAIR: Later meetings are as needed. I think we'll determine if we can probably set tentative dates for them, but we may not use them.

MS. SCHUR: Okay. And then did we move -- what did we decide on the meeting between January and April? Is that something we'll decide at the next meeting?

MS. CLAIR: Well, we'll see how far we get today and determine if we need another one next meeting. And maybe that one, when it's that urgent we'll have to determine if that's something that needs to be done in regional offices on a half-day, you know, as needed. I don't know.

MR. SHAW: I would imagine that we would make special efforts and send out emails to the entire group to let everybody know about that need. And then to direct them to however we're going to do a decision making process, Doodle poll or what.

MS. SCHUR: Okay. Just I'm sure for many of us the earlier we know the better, because schedules really fill up.

MS. CLAIR: Yes.

MR. BOURNE: So presumably the Doodle poll for April can be done right away, right?

MS. CLAIR: Yes.

MR. BOURNE: And we'll try to nail that date down as soon as possible and the January 31 date. And then I guess you guys can make an assessment after today whether we need to try to look at a potential February or early March meeting, something like that; at least February or early March?

MR. SHAW: And if I can add just one more thing?

MR. BOURNE: Yes.

MR. SHAW: With the Doodle polls a lot of times for our meetings, especially when we're having meetings at various facilities like we do for video conferencing the availability of those rooms will significantly impact the dates that we can select from. So you may not have all dates available in a selection site.

MR. BOURNE: Yeah, we assume that the dates that you put out there are dates where you can get the meeting room or whatever.

MR. SHAW: Yeah, yeah. And we'll need to check on that first.

MR. BOURNE: Okay. Ida?

MS. CLAIR: And just so you know our regional offices are Oakland, San Diego and Los Angeles. So if it's easier for you to travel and we try to do a video conference there in that manner, it'd be great. And you'd be appearing on these TVs. (phonetic)

MR. BOURNE: Okay. So I think a ten-minute break is in order for whatever purpose you may need. And then we'll start in ten minutes going through the code.

(Overlapping colloquy.)

MR. SHAW: You don't need us to do that, right?

MR. BOURNE: We're going to have teams, so (indiscernible). Yes, Carol?

MS. LOEFFLER: Are these the ground rules that we got last time or where they different?

MR. BOURNE: No, these are ground rules that I developed, and so there were a couple apparently from before. And we're going to pool a couple (indiscernible)

MS. LOEFFLER: Yes, because I can't find them, so I wanted to make sure I have them.

MR. BOURNE: Yes, so this will be the next step.

(Off the record at 2:26 p.m.)

(On the record at 2:40 p.m.)

**Proposed Code Changes**

MR. BOURNE: So we're going to start and we're going to go through each one of these as listed on the agenda. We'll make it as far as we can. To Bob's point earlier we figured out we have limited time for each one, but we'll make it as far as we can. The idea is they're going to be presenting ways forward on these, and after each one we'll spend a few minutes getting your input. And we'll just have to judge the best we can, you know, when we get to move on to the next topic.

MS. MOE: Ready?

MR. BOURNE: We're ready.

MS. DUNLOP: Are we going to do the three-person committee; are we going to talk about that?

MR. BOURNE: Oh, yeah. The three-person committee.

MS. MOE: Can we do it after this?

MR. BOURNE: Right, can we do Next Steps and when we finish this we'll come back to that.

MS. DUNLOP: Thank you.

MR. BOURNE: Thanks for reminding us.

(Overlapping colloquy.)

MS. MOE: Ready? So what are we looking at for code change proposals for housing? Housing has evolved, the regulations for housing have evolved starting with the 2012 rulemaking cycle or even prior to that. There's so much history that goes into these housing regulations and I think the significant change came about in 2012 when we adopted the 2010 ADA Standards as our model code.

So what we're looking at is some of it is just sort of refinement and a little bit more cleanup work. And what we're thinking of for code change proposals for housing, we're taking a look at Section 1.9.1.3. And this talks about the authority that DSA has for writing regulations for public housing, so we're going to clean up that language a little bit. So we're looking at just a couple of amendments to that particular section, because there's still some holdovers on some of the language where it talks about publicly funded. So we wanted to be sure -- oh, go ahead.

MS. CLAIR: I just want to -- to everyone move around to specific in what chapter of the Building Code it's in.

MS. MOE: Got you.

MS. CLAIR: So that's in Chapter 1, not in 11B.

MS. MOE: Right. It's in Chapter 1.

MS. CLAIR: And that if you need to follow, I believe we're in the Advisory Manual, correct?

MS. MOE: Yeah, you can find it in the Advisory Manual.

MS. CLAIR: If you want to, but if not listening is fine as well.

MR. RAYMER: This is under DSA's authority, correct?

MS. CLAIR: Correct.

MS. MOE: Correct.

MS. CLAIR: Yeah, sorry. I didn't mean to interrupt, I just didn't want them to --

MS. MOE: Yeah, no it's fine. No problem.

So yeah, we're just looking at a little cleanup work there, because like I said there's still some of that language where it talked about publicly funded. So we're looking at a little more refinement, because per purposes of Chapter 11B what we look at is, is it public housing? Not, is it publicly funded?

MR. KHAMBATTA: Susan, do you have a proposed language for 1.9.1?

MS. MOE: We're working on that right now, but we will definitely have it in advance of the next meeting. And then what we can do is we can send that out for you, so you can take a look at it prior to the next meeting.

MR. KHAMBATTA: What actions are required by the Committee on this particular 1.9.1.3 at this point?

MS. MOE: At this point -- oh, go ahead, Derek.

MR. SHAW: Oh, I was just going to say for this series of presentations we're going to have a brief discussion of each item. We're going to discuss it more conceptually rather than strike out and underline. And we're going to be seeking comment and input from the group at the higher level, at the conceptual level. We want -- without going to the end and creating strikeout and underline and perhaps giving the mis-impression that this language is already well ahead and well developed we want you to know that it's not. You know, we're at the starting point and we just seek your input. At the beginning it helps us to push it along.

MR. KHAMBATTA: So this proposed code change, presumably there's a request for this code change. The DSA has reviewed and agreed that they need to move forward on this, so what was the rationale behind the code change?

MR. SHAW: This particular one is staff identified a need for the code and Sue is explaining what the need is.

MR. KHAMBATTA: Oh, okay.

MR. SHAW: Yeah, so that's part of her presentation.

MS. MOE: Yeah.

MR. SHAW: And Debbie and I will follow along similarly.

MS. SCHUR: Yes. I'm a little confused, because this is the heart of the proposal I've had made that you said we're not going to talk about until next week, I mean until the January meeting, so I'm a little confused.

MS. MOE: Well, you were -- I mean, you had -- we've done some pretty extensive research. And actually, I'm glad you brought that up, because we have a response that we're going to be emailing you tomorrow that you can take a look at in advance of our Wednesday meeting. And at some point if we want to, we can even share that with the group, because when we take a look at that there are some specific issues related to what you were asking for in your proposal for publicly funded as opposed to public housing. But like I said, we're going to go over all of that in the discussion that we have with you on Wednesday morning. And we'll be happy to share that with the group.

MS. SCHUR: But what I'm hearing is that you've already made a decision to do something different than the development we're going to be talking about on Wednesday.

MR. SHAW: The two issues share general topics, but they are still two separate issues on our logs.

MS. SCHUR: Okay.

MS. MOE: And I believe, Bob, you have a comment?

MR. RAYMER: No, I'm still having a hard time understanding your initial proposal. If you could finish your --

MS. MOE: Certainly.

MR. RAYMER: Yeah, you know that and the others, because I've got some questions, but I want to understand what DSA is thinking about doing with the concept.

MS. MOE: Got you.

MR. RAYMER: Yeah, thanks.

MS. MOE: So if we take a look at Section 1.9.1.3 "Application" and that reads, "Public housing and private housing available for public use." And then it says, "See Government Code Sections 4450 and 12955.1(c)," so you would take a look at that particular section. And that's on Page 10 in the Advisory Manual.

We've actually been researching this and taking a look at some of the history and some of the information that we have. And what we have found is really what this potentially should state is, "Public housing," and then -- and we don't need to include "and private housing available for public use," because if it's private housing available for public use it's covered under say a place of public accommodation. And there could be any number of social service center establishments, any sorts of uses for private housing that's available for public use. So what we're thinking of is we would then strike "and private housing available for public use."

And then if you go a bit further and you see there, "See Government Codes Section 4450 and 12955.1(c)," in actuality what we have found is that Government Code Section 4450 is not applicable to public housing. However, Section 12955.1(c)? That's where you find DSA's authority to write regulations specifically for public housing. So that's what we're taking a look at in that particular section.

And then we're also taking a look at 1.9.1.1.3, "All publicly funded buildings used for congregate residences or for one- or two-family dwelling unit purposes shall conform to the provisions applicable to living accommodations."

MR. BOURNE: She's on page 9.

MS. MOE: Yes, page 9 of the Advisory Manual. We're also taking a look at that particular section under our authority. And again, when we take a look at public housing what we're finding is, it's not publicly-funded. It's public housing. That goes along with our current definition that we have in Chapter 11B.

MR. BOURNE: So the way I think this would work best is if you for any given section go through the whole thing.

MS. MOE: Okay.

MR. BOURNE: And then let's hold questions, so that then we can see the whole thing first and then go back to specifics. I think that'll be the most efficient thing to do.

MS. MOE: All right. So basically under -- in Chapter 1 in the two sections that we're looking at for our authority, those are the two sections that we're taking a look at.

MS. SCHUR: And just to clarify 1.9 --

MR. KHAMBATTA: (Overlapping) So could you elaborate on what you're doing for 1.9.1.1.3?

MS. MOE: Sure.

MR. KHAMBATTA: You said you were looking at it, but exactly what?

MS. MOE: Actually, what we're doing there, the change that we're proposing for that we're looking at striking that language and we're going to renumber some of these sections. Because really -- and then the other thing -- let's take one last look on page 10 for that 1.9.1.1.3 under "Application."

MR. KHAMBATTA: Uh-huh.

MS. MOE: What we're going to do is point people in the direction, also not only the Government Code section, but also our definition for public housing. So in both of those sections in 1.9.1.1.3 as I said we're looking at striking that particular language.

MR. KHAMBATTA: All of this?

MS. MOE: All of that and renumbering those sections. And then in addition, wherever we need to, to really point people to that Government Code section that gives us the authority to write regulations for public housing, and the definition for public housing, we want to point code users to those different provisions.

MS. CLAIR: So to clarify, Derek, your proposal was the definition of public housing, so that you will address. This is really understanding our application and authority under Chapter 1?

MS. MOE: Uh-huh.

MS. CLAIR: So that when we're talking about public housing we're talking about consistently the same thing. And we're relying on the definition that's in Chapter 2 for Public Housing, so that it's very focused as to the direct. That's where Derek was saying it's kind of overlapped and we know that you have reservations with our definition for public housing, and so we will discuss that with you further. It's understanding, so that everyone's pointing for clarity to the same -- talking the same language to that definition and then we can address the definition.

MS. MOE: And actually, when we take a look at this particular section and it talks about the publicly funded buildings used for congregate residences or for one- or two-family dwelling unit purposes all of that is covered in our definition in Chapter 11B.

So what we're really trying to do, and we hear what everybody is saying, that there is a lot of confusion out there when it comes to housing regulations. So what we're really looking at is just kind of tightening up this language and making it a little bit clearer. And providing the correct references, again going back to page 10 where it talks about Section 4450. What we took a look at is it's *Berkeley v. Coyle* and that was when, that was in 1996. And that was a decision that basically said that Section 4450 is not applicable when you take a look at public housing, because public housing is not open to the public. It's not, so in other words if it's public housing it's not a facility like a place of public accommodation where somebody can just go and walk into your apartment or your dwelling unit.

So basically that's what we're looking at, those sections, is just really strengthening what we already have in our definition and in Chapter 11B. Yes?

MR. BOURNE: Hold it now before -- and I want to make sure we get through. Are you finished with your --

MS. MOE: With that particular -- yes, with that particular.

MR. BOURNE: Okay. So you're done with that particular section?

MS. MOE: Right.

MR. BOURNE: Then Dara and then Stoyan.

MS. MOE: Okay. Dara?

MS. SCHUR: I'm still not sure I understand, because it's so connected to how public housing is defined. And I'm hearing this as a huge cut-back in the application of 11B, but I may be hearing that wrong, which would have a result of significantly decreasing accessibility. And I'm not understanding, because the first section of 4450 says that the purpose of this is to ensure that all buildings constructed, "... by the use of state, county, or municipal funds, or the funds of any political subdivision," shall be accessible, which is all public funding. And it also says that nothing can be less than the ADA Act, than Americans with Disabilities Act, which covers all housing that is public funds.

So I'm really confused about how you could eliminate housing with public funding if that's what you're proposing to do.

MS. MOE: It was made very clear to us, because I remember going through the rulemaking for the 2012 cycle we had those discussions amongst ourselves about is it public funds that triggers compliance with the Americans with Disabilities Act. I don't know --

MS. SCHUR: Or solely public.

MS. MOE: Or solely public, well yeah, public funds or solely public funds. So I don't know how many of you know or have met John Wodatch, Kaylan has. And John Wodatch is the person who basically --

MR. RAYMER: He's been around.

MS. MOE: He's been around and basically John Wodatch was the attorney Department of Justice who basically authored the ADA. So we specifically had a discussion with John Wodatch and another attorney from Department of Justice, Irene Bowen, and I asked them a question. And I said, "For purposes of the ADA, it's reliant on public funds, correct?" Well, they set me straight pretty quickly and Irene Bowen said, "You really need to go back and read the rule." And I thought, okay.

And basically when you look at the Americans with Disabilities Act, what they explained to me is the programs, services and activities of the Title II entity, state or local government. It could be public funds that the Title II entity uses to implement their program. In the case of California developers can get a density bonus. They could get a variance. They could be allowed to construct an extra two floors on their buildings and the city will say, "We're going to set aside height restrictions." It could be a piece of property that is given to or sold to a developer at less than market rate. It could be any number of things.

And the other one is substantive assistance, so they said it's very clear however a Title II entity, however they implement their program services and activities, whatever methodology they use, that's what you look at and not the receipt of public funds.

We also took a look at the definition for federal financial assistance, which really if you take a look at that in Title VI that is really where the ADA gets some of this terminology and this language. And the same thing, if you look at federal financial assistance it could be funds, it could be a grant, it could be a loan, assignment of personnel.

So that's the research and what we looked at, because we wanted to be very clear. So if we were to state that this housing, the only thing that triggers compliance with Chapter 11B is the receipt of funds. We would have an issue, because there's a whole lot of projects out there that don't get public funds where the developer would say, "I'm not getting any public funds, 11B isn't applicable."

MS. SCHUR: I absolutely agree with everything you said, because there is no question under the ADA that if you're a public entity you have to comply with a heightened level of accessibility in 11B. And any program that the public entity does including things that it does to contractors on subversive (phonetic) bids has to comply.

I think the only place -- so I agree with everything you just said and I know John. I think the one thing that troubles me, and maybe it's just that we're talking a different language, is that I think it's both that and a receipt of public funds. And maybe the receipt of public funds is subsumed, because if you have a receipt of public funds you have a public program.

MS. MOE: Uh-huh.

MS. SCHUR: But I just want to make sure we're not -- it's pretty clear, from my perspective in reading this Government Code and the ADA and financial assistance in Section 505, that if ADA covers anybody that has any program implemented to whoever of a government agency at whatever level --

(Overlapping colloquy.)

MS. SCHUR: -- right, and so it applies to contractors on subversive bids if -- speaking personally if the City of L.A. gives the developer money then the developer and the City are bound by 11B or the higher accessibility standards. But it's also true that if you got public money from whatever source you're covered.

MS. MOE: Sure.

MS. SCHUR: Okay. So then it seems like we do have a meeting of the minds --

MS. MOE: You're right.

MS. SCHUR: -- is that public funding is a subsection of a government entity.

MS. MOE: Exactly. I

MS. SCHUR: And that all activities of government entities of government entities would have to meet 11B; is that what you're saying?

MS. MOE: Yes, by/for/on behalf of --

MS. SCHUR: Yes, and then --

MS. MOE: Yes, constructed and altered by -- owned/operated

-- construction or altered, owned or operated, by/for/on behalf of a Title II entity.

MS. SCHUR: Yeah, but that also --

MR. KHAMBATTA: And that's important: by/for/and on behalf of. And is there plans to include by/for and on behalf of?

MS. CLAIR: It is already in our definitions.

(Overlapping colloquy)

MS. SCHUR: But it also includes "funded by." There's a lot of confusion around there by/for/and on behalf. So --

(Overlapping colloquy.)

MR. KHAMBATTA: On behalf of, here.

MR. BOURNE: Dara, please.

MS. SCHUR: It also needs to include for clarity, I think, publicly funded as a subset, just like by/for/and on behalf, because not everybody understands that. And that would also make it consistent with 4451.

MS. MOE: Right, and we just -- well but again and if you take it's really important also to take a look at that decision in *Berkeley v. Coyle*, because I think helps the understanding of the applicability of 4450 and 4451

MS. SCHUR: But you know --

MR. SHAW: If I could add to that, also if you look further down in 4450, and I think it's 4450(c), that that section limits the applicability of 4450 to those facilities that are available to the public.

MS. SCHUR: No, (c) says in no case shall these standards prescribe a lesser standard of accessibility than ADA does.

MR. SHAW: Then I'm citing the wrong section, but it is --

MS. SCHUR: But that section is critical, but ADA says it has to apply to every function of every public entity and publicly funded.

MR. SHAW: Okay. Well, here the DSA's code as writing the Building Code is we have these side rails. And it's the side rails established in California law, okay? Within that certainly the Legislature has seen fit to tell us to go out and to be no less restrictive than the ADA Standards, to being no less restrictive to other federal standards.

But nonetheless we still need to work within the brackets of California law. Now, I can get you the exact citation. If you have it in front of you I could look over your shoulder, if you like.

MS. SCHUR: Yes, I have it.

MR. SHAW: But the provisions of 4450 are limited to those facilities that are available to the public.

MS. SCHUR: That's 4450.

MR. KHAMBATTA: 4451.

MS. SCHUR: Right, yes. Correct.

MR. KHAMBATTA: It's 4451.

MR. SHAW: It's 4451?

MS. SCHUR: Right, he's right.

MR. KHAMBATTA: 4451 clarifies that.

MS. SCHUR: But you have to comply with all of the law and all of the law includes you can't do anything less than ADA Act, right?

MS. MOE: What is that?

MR. SHAW: Within our brackets.

MS. SCHUR: The 2010 ADA Act Standards, ADA Act Standards.

MS. MOE: Right, but --

MR. SHAW: No, no, no, no. If for example if the ADA Standards at some point in the future decided to include regulations that were outside of those regulations that we were authorized under California State Law to write Building Code for, we could not touch it.

MS. SCHUR: But these guidelines, as they currently exist, they were authorized and apply to all publicly funded and government entities.

MR. SHAW: Let's take a look at 4450.

MR. KHAMBATTA: 4450 (indiscernible)

(Overlapping colloquy.)

MS. SCHUR: You know what, guys? I think -- anyways let me back up a second, because this is a very terminal discussion, but this is a really important discussion. Because what's happening on the ground is -- and we were just talking about that -- is a) a great deal of confusion among builders, architects and code enforcement and b) a huge crisis for people with disabilities who can't find accessible housing.

And so it really important that this group and the Department, take as an expansive perspective as possible, which is consistent with the federal laws or whatever. And so I just want to make -- I just feel like I have to make that statement, because this is a really important issue even if it plays out in a really technical way.

MS. MOE: Oh, absolutely. And the other thing that we needed to be very careful of, and we had extensive discussions with people at HUD and then other people at Department of Justice, and they made it very clear. It's housing programs by/for/on behalf of a public entity. So you have to be really careful when you take a look at all these. And yes, we want to be sure that people comply with the regulations and what is required. But that's really we need to be that pragmatic and understand.

And we need to be sure that we give correct information when we're out there doing these training sessions or answering emails or phone calls or whatever we get. Because really what will happen, we look at what we address in the California Building Code, but we need to take a look at this and be sure our information is valid including what we have in our Advisory Manual. Because understand that any of this can end up in litigation as it did in Los Angeles County.

MS. MOE: Kaylan?

MR. BOURNE: No, Kaylan's not up yet, so what I'd like to propose, because Stoyan's actually next and then Kaylan. But because you guys are going to have a good robust discussion on this, it sounds like on Wednesday, I would suggest you get other people's views into the mix. Then you guys will have to have a good discussion and maybe at the next meeting come back, and hopefully there will be a meeting of the minds or at least clarity on what is this group --

MS. CLAIR: Sure.

MR. BOURNE: So let's hear from Stoyan and Kaylan and anybody else that hasn't had an opportunity yet and then we may be in a position to move on to the next topic

MR. BUMBALOV: I won't be talking too much internally, but this is one of the topics that I will be talking too much, because this is why I'm here.

First, to clarify and I'll make the connection with houses in Los Angeles and the issue in San Francisco, HCD had similar issues. Not to give you a (indiscernible) you know, just talking in general, okay?

So HCD is the agency that -- HCD is the proposing agency. We propose building standards including for accessibility, Chapter 11A. At the same time HCD is an enforcing agency for factory-built housing, which is 90 percent of the subsidized housing right now is built by this process called factory built housing. And also HCD runs at least 25 programs that addresses subsidized housing, okay? So we have a lot of say in regards to your proposals.

In general we support the clarification, of clarifying this open application. We will be evaluating very carefully what exactly you're proposing, because the language matters.

MS. MOE: Yes.

MR. BUMBALOV: We totally disagree with moving back the term "publicly funded," because HCD was enforced by the code to take out this term and use public buildings and public use areas. So there is a reason why publicly funded is not there and I have the Berkeley or whatever it's called, the Coyle decision, the Building Code?

MS. MOE: Yeah, I've got it up here on my phone.

MR. BUMBALOV: Yes, okay. So we don't need to discuss it here, but we want it to be included in future discussions.

MS. MOE: Yes, perfect.

MR. BOURNE: Thank you.

First we'll hear from Kaylan and then back to Bob.

MS. DUNLOP: And I'm just going to be very frank. I have no idea what you all are talking about or where we are. I feel like you all had a discussion that --

MR. RAYMER: It's been around for two decades.

MS. DUNLOP: No, I know that. And I know a little bit about the code, so for the people in here that don't I can imagine how lost they are. If you had to put the Building Code different sections on a difficulty level with zero being easy and ten being the most difficult, what you all are talking about is a twenty-five. (Laughter.)

So can I suggest that we skip down the list a couple of items and look at something easier? So that I don't know what our goal is right now or what we're supposed to even be talking about?

MR. BOURNE: So let's reiterate, the goal is to move through these and then the DSA is presenting their proposal to deal with that issue and then (indiscernible) same way. And then if you have specific thoughts that you want them to consider as we move forward you're supposed to express those.

We are not going to work out any of these issues today. So kind of like what Stoyan just did, say I've got concerns about this, that or the other. I want to make sure you pay attention to those, so we can begin the conversation. That's about the level we want to be at today. We're not going to be able to solve the nuances of all these things. So we really ought to be thinking about ten minutes or less on to each one of these just to say okay, on that topic, I wanted to make sure you're thinking about X, Y or Z. Does that make sense?

MS. DUNLOP: Yes.

MR. BOURNE: Okay.

MS. CLAIR: So thank you for that, Greg, and I just want to clarify that now that we've discussed it what's important is you've heard the foundational reason of why we're considering it. We have already a meeting established with Derek to discuss it further. We have a meeting now that we know that Stoyan also wants to also be included in the discussions and more in depth. We will develop these in the background. You're aware it's on our agenda as an important item.

We will bring it back to these discussions and it will get clear as we discuss it. Because we understand it's technical, but we wanted to introduce it.

MS. DUNLOP: So these things are -- this is Kaylan -- are you're just starting to think about them.

MS. CLAIR: Or we have been, but there's no language yet.

MS. DUNLOP: But they haven't gotten to the comment period or --

MS. MOE: No, huh-uh.

MS. CLAIR: Right, absolutely. It's really throwing it out there saying we're going this direction, what issues do you anticipate? We know that there's some who have issues. We've set up meetings in the background. We'll see if we can resolve what those issues. If we can great, we'll present what they are. If we can't we'll have an opportunity to --

MS. DUNLOP: That's what I need to hear twenty minutes ago.

MS. CLAIR: Yeah, okay.

MS. MOE: So we've only got two other things that we'll briefly touch upon here that we're looking at for housing. What we did in the 2012 rulemaking cycle, previously the DSA adopted all of Chapter 11A. Well, when we went through the rulemaking for the 2012 cycle we realized that we couldn't do that anymore. So what we did, we still adopted the Site Impracticality Test, now we're talking about Chapter 11B. We adopted the Site Impracticality Test.

MS. CLAIR: Real quick, what's site impracticality?

MS. MOE: Site impracticality comes from the Fair Housing Act and the guidelines that basically says that for sites that have difficult terrain and varying slopes and you can't -- basically there's a limited amount of access that you can put on this particular site, that you can go through a Site Impracticality Test. But then there are still buildings that are required to be accessible, the number of units, and it's a whole test that you have to go through.

And then the other thing that we continue to adopt from Chapter 11A is the Division 4, which is the characteristics of the dwelling units themselves. So we still adopt that out of Chapter 11A. All of the scoping for the ground floor units, all of that during the 2012 rulemaking cycle we pulled that into Chapter 11B. Well, now what we're looking at is an amicable separation between ourselves and Chapter 11A. So what we're looking at rather than adopting Division 4, the characteristics of the dwelling units from Chapter 11A, and adopting the Site Impracticality Test from Chapter 11A, we're going to pool that all into Chapter 11B.

So if you were doing a public housing project you would look at Chapter 11B. You're going to pick up all the requirements for what's in the 2010 ADA Standards for the units with mobility features, the units with communication features. It's also going to cover everything that you would need to take a look at that meets or exceeds what's in the Fair Housing Act Accessibility Guidelines. So that's what we're looking at in Chapter 11B. So it's basically then going to be a standalone chapter for housing.

MR. BOURNE: Bob is next.

MR. RAYMER: This is Bob. And on the last issue we were talking about, that thing we skipped down?

MS. MOE: Oh, okay.

MR. RAYMER: I just wanted to say I ditto Stoyan's comments. CBI has been very interested in this topic since the late 1980s and particularly post the Coyle Decision. So when you bring Stoyan in we'd like to be apprised as well.

MS. MOE: Perfect.

MR. RAYMER: On this I have to see a product, but I think I know what you're doing and it sounds good. One of the benefits that could come from this is someone like myself having a better understanding of the distinct differences between a DSA housing reg and an HCD housing reg. There may be some subtle differences there that we might feel fine having HCD adopt to have more similar standards or whatever. And so it's just, I've got to tell you, between the zero net energy stuff, the Administration, the water conservation, the drought stuff, we haven't had time to kind of look at that.

MS. MOE: Okay.

MR. RAYMER: If somebody has done that kind of stuff we would love to see it, because quite frankly it may make sense to tweak HCD's regs to look like that stuff over there. We don't know, but this sounds interesting.

MS. MOE: Okay.

MR. BOURNE: Jihee, you're next.

MS. LEE: Okay. What I'm -- let me see if I'm hearing right -- so ultimately your effort will actually help us only just need to look at 11B for public housing? We won't have to go back and forth between 11A and 11B?

MS. MOE: Correct.

MS. CLAIR: That's correct.

MS. MOE: Right, you wouldn't have to go back and forth.

MS. LEE: So I love that.

MS. CLAIR: If you have private housing you'd go to 11A. If you have public housing you'd go to 11B.

MS. LEE: Yeah. That's always been very confusing.

MS. MOE: Now, there's only -- and one thing what we're thinking of, because HUD in order to comply with their Section 505 regulations, which is basically the Rehab Act, they're one of the few federal agencies that still uses the Uniform Federal Accessibility Standards. Back in March of 2014, they actually in the Federal Register said that basically you can use Chapter -- I'm sorry -- you can use the 2010 ADA Standards in lieu of UFAS. But they have 11 exceptions. Two of those exceptions we didn't adopt. They're not written into Chapter 11B. But those are specific programs that if you receive federal financial assistance from HUD, like say tax credits administered through the Treasurer's Office you would also have to take a look at those regulations as well.

What we're looking at potentially is maybe we'll write a note into Chapter 11B directing the code users, but we haven't even thoroughly discussed that and thought that through yet. But we're trying to educate people as much as we can and make the code as clear as we possibly can, because we know there's a lot of issues with housing.

MR. BOURNE: Arfaraz, you're next.

MR. KHAMBATTA: Clarifying question, is most of what we're trying to do here replicate what's in Division 4 of Chapter 11A include Chapter 11B?

MS. MOE: Correct.

MR. KHAMBATTA: Why?

MS. MOE: Because then like I said, what you would take a look at for those ground floor units, that's over and above the 5 percent of the units with mobility. Because really when you take a look at Chapter 11B you have two different types of units, well three types. You have the units with mobility features, the units with communication features. Those are based on percentages.

MR. KHAMBATTA: Right.

MS. MOE: Then you have all of the other ground floor units. All those other ground floor units have to meet the provisions in Division 4 in Chapter 11A.

Now, what would happen if this proposed code change, if this becomes effective, all of those characteristics for the dwelling units whether it's mobility or communication or the ground floor units you would look to Chapter 11B.

MS. CLAIR: And we can be more clear on the requirements, because there's three as opposed to 11B there's -- I mean 11A there's not. It's an attempt to be more clear and be more code user friendly to those who need to use the code without referencing.

MS. MOE: Going back and forth, right.

MR. BOURNE: Stoyan's next and then Dara.

MR. BUMBALOV: As a general statement again HCD will agree on this only if Division 4 and what you are proposing are identical. And I don't want to get into details, I just will mention yes, it sounds great. You know, you give everything in 11B, but we may end up creating two different sets of standards, because we have two state agencies developing standards for the same type of buildings. Yes, this is public housing; however this also covers multi-family dwelling units. And again, HCD has more than 20 programs that provide funding for subsidized housing and we may get in trouble.

MS. MOE: Yeah, and really what's --

MR. BUMBALOV: We may. If we have identical regulations in Chapter 11A and Chapter 11B great, we will support it 100 percent. Unfortunately, for reasons that are above my pay grade HCD is not going to propose anything during this (indiscernible) rulemaking cycle. But based on your experience creating this Committee, we may be lucky and start working seriously for the next intervening cycle.

MS. MOE: Great, and really what we're looking at is the same provisions. But the format, the way it's written is going to match the format and the section numbering that we have in 11B. So in other words, the terminology is going to be tweaked. It'll give you the same effect and it's going to basically be the same requirements. But it's written more in the language that we use in 11B.

MR. BUMBALOV: I understand why and I agree with you, but the usual is for so many years HCD and DSA have been arguing about authority based on, you know, un-coordinating, not enough coordinating in (indiscernible) relations. And the only reason we stopped doing that a few years ago was two reasons, we stopped communicating on an everyday basis. The second one, we stopped arguing about authority and we just added 4. And we added 4 to 11B for public housing based on common use areas and you guys referred to Division 4.

Yes, there are a lot of complaints about this copying of public housing and the only reason is because the City of L.A. is a good example. The Building Department is enforcing the Building Codes, so really the City of L.A. is just distributing money for public housing. So the disconnect is there, not on the same level.

MS. MOE: Yeah. And we hear that all the time in the emails and the questions that we've gotten. We've even gotten questions from people in various development agencies in Southern California. And they said they were trying to get their Building Department not to make them enforce certain requirements in the code. And they said, "Our Building Department is reading this is Chapter 11B and saying we have to do that." And I've actually gotten emails from people and they say, "Can you help us get around that?" And I'm telling them, "No, no. That's what the code says." "What do we do? Our Building Department is making us meet what's in the code." "Okay. Go by what your Building Department says."

MS. SCHUR: So I think people may be getting a sense of why housing is very complicated. (Laughter.) There are like five different people promulgating codes at the moment in the housing arena and it's very confusing. But let me just say that they cover the same buildings, so I actually think we can work it out with HCD with the idea of moving these into 11B, so people only have to look in one place is a really good idea.

I would suggest if we're going to do that we include 233.3.1.1 as well. It's the same issue where people have to go back and cross-reference 11A to figure out what they're supposed to do. And things get really lost in the translation and really complicated. So I just want to suggest that we put point 1 on the agenda as well as point 2. I think it's very similar and we could deal with some of the same issues at the same time. I would support this proposal assuming we can find a way to work it out. And assuming the language doesn't have accessibility problems.

MR. BOURNE: Lewis?

MR. SPRINGER: I mean this is a problem in the design community in understanding, you know, especially when you use the term public funding. Does any money make it public funding?

MS. MOE: Yes.

MR. SPRINGER: And the language you just used about funded by that other program, I don't think anyone understands that when you're trying to design a building. And so --

MS. MOE: Right, yeah.

MS. CLAIR: And to be clear public funding means for a housing program. If it's a public funding for a sustainability program --

MR. RAYMER: Like Solar?

MS. CLAIR: -- exactly. That's not a housing program, right.

MR. SPRINGER: Sure, yeah. And that just makes it more unclear when you're trying to design something.

MS. MOE: Well, and that's why like I said we clarified that in our Advisory Manual and we're looking at maybe even strengthening that a little bit more, so we can really clarify that for people. Even when you take a look at HUD and their website, you look at what they have for community development block grants they said you have to look at what that community development block grant is for. It could be for employment and job training, so it isn't even a block grant for housing. So you have to pick that apart.

And in the case of Title II entity, we've gotten this question from nonprofit organizations. And they said, "Well, we've been doing this for 25 years and we don't have to comply with the ADA, because we're not a Title II entity. Yeah, we contract with the county to build these housing projects, but we're a Title III entity." If you are a Title II entity you cannot contract away your obligations, so that Title III entity needs to comply.

MR. SPRINGER: That's crazy.

MS. MOE: So really we're -- yeah.

MR. KHAMBATTA: So you know for years -- sorry, Lewis.

MR. SPRINGER: So I mean this is kind of a crazy proposal because I know that HCD has their own set of laws and DSA has -- you're working under different laws. Is there any way to combine and create a Chapter 11 that would cover housing and clearly explain where your public funds -- (Laughter.)

MS. CLAIR: So, you know really what gets complicated is the authority is vested in statute. So to say to relinquish that authority, we don't have the ability to do that.

But just to let you know while it may be confusing, it is our mission here at DSA to work collaboratively with HCD and with other concerns to make sure we can provide that clarity for everyone. These are not essentially our goals alone to serve an end that we want. It's really to provide clarity. And we have the ACC here to vet. We have individuals. We brought Stoyan to the table as ex-officio, understanding that housing is a huge component. We've got professionals here that provided a perspective.

And for all the rest of you who are lost, you are not alone. You are like among the rest of the California design and code enforcement community in trying to seek the clarity.

So if we keep in mind the mission of what we're trying to do here and work collaboratively, hopefully that's our goal is to get there. We're trying to bring the people and the discussions and the formats forward to bring that clarity. So this is just a start.

MS. MOE: And we've got one more item that we want to talk about on housing in Chapter 11B.

MR. BOURNE: Arfaraz?

MR. KHAMBATTA: So just a quick statement on this proposal is from the stakeholder group that I'm representing. One of the things that we constantly hear is there's federal requirements and there's state requirements. And I wish there was just one requirement. Now, we're creating requirements for adaptable features in Chapter 11A and requirements for adaptable features or adaptable units, or units with adaptable features in 11B. And we're just almost replicating it, but there are going to be some minor changes and they won't be identical as Stoyan wants or HCD wants them to be.

It just seems that we're going counter to what our stakeholder group is asking us to do, which is come together. And just have one place for it all, even if it means cross-referencing. And there's a lot of cross-referencing that happens in the Building Code. Chapter 11B references Chapter 10 and so forth.

So I mean what next? Are we going to start copying everything, you know, specific sections from Chapter 10 into 11B as well?

MS. MOE: Well understand though that the provisions for -- I mean the scoping for the units with adaptable features, that wasn't new to the 2012 code. I mean that's been around forever.

It's just that when you look at what happened, and I can't believe the amount of confusion. And really this has taken me a lot of discussions with people from Department of Justice and a lot of thinking on this. And sometimes you wake up in the middle of the night and you have an "Aha!" moment and you realize, "I've got it."

I think part of the problem, and what happened with the 2010 ADA Standards -- and I'm going to move this along, because we're spending way too much time on housing. But I had discussions with people who -- access specialists who have been looking at the code and the ADA and UFAS for decades. And they thought that there was a change in the 2010 ADA Standards that all of a sudden there was a requirement for 5 percent of the units with mobility features and 2 percent with communication features. Because they didn't realize that prior to the change in the 2010 ADA Standards they would take a look at the 1991 ADAG, the guidelines.

They didn't put two and two together and say if it's a housing program you have the option of using the guidelines. You also have the option of using UFAS. If you go to UFAS it had the scoping for those units. They never picked up on that. They never caught that.

So I understand, believe me, just how convoluted this is. But we're trying to do everything that we can to make it as clear as possible.

And to that end, we have one other change that we're looking at in this rulemaking cycle. Prior to in the 2010 code and the previous editions, when we adopted all of Chapter 11A, that also included that trigger date of March 13th, 1991. So basically if you had covered multi-family dwellings. And a building was constructed for first occupancy as housing after that date, then from that point forward those units would have to be maintained in this applicable standard at the time.

Well, we dropped that. We still adopted it, but only as a note that's in Division 4, that trigger date. And it points you back, I think over to the March 13th, 1991. Well, what we want to sure is we want to make it very clear that that trigger date is applicable for those units that are the ground floor units, the adaptable units.

So because basically the Fair Housing Act, the guidelines, it does not include alterations. So basically after March 13th, 1991, it had to be constructed to meet the requirements in the guidelines in Chapter 11A, for the purposes of California Building Code.

So what we're looking at is we want to clearly reinstate that March 13th, 1991 trigger date. So basically, let's say a Title II entity purchases an existing building. It was built prior to March 13th, 1991. They're going to make alterations to that building. Five percent of the units would have to have mobility features. Two percent would have to have communication features. Any of the other ground floor units would not -- whatever alterations they did, would not have to comply with either Chapter 11A or Chapter 11B, because the building was constructed for first occupancy prior to March 13th, 1991.

MS. CLAIR: And why this is critical is that when individuals misconstrue that the adaptability needs to be applied to all those units for a building that was built prior to 1991, a lot of those projects are not moving forward, because the costs are too great. So instead of getting the necessary mobility and communication units that we need they're not doing any improvements at all, because it's too costly to make those changes, so.

MS. MOE: Right.

MR. KHAMBATTA: So first of all, I'd just like us to refer to the Division 4 units as covered units rather than ground floor units, because in an elevator building it's not just the ground floor units that are covered units, but all the units that are covered.

MS. MOE: Well, all the ground floor units.

MR. KHAMBATTA: No, in an elevator building all the units are covered units.

MS. MOE: All the floors that are served --

MS. CLAIR: No, that are served by ground floor units too. It's the way ground floor (indiscernible) --

(Overlapping colloquy.)

MR. KHAMBATTA: Okay. So but it's misleading when you say ground floor, because I mean if you just say covered it's more encompassing. Okay.

MR. SPRINGER: In California.

MR. KHAMBATTA: Now, what I'm hearing you say is that when a Title II entity purchases a building that was built prior to 1991 or that's the date in 1991, and they do an alteration they'll only be required to provide 5 percent mobility and 2 percent communication units. And if this were an elevator building --

MS. MOE: And the covered units are being altered, correct. Yes.

MR. KHAMBATTA: And none of the other covered units or not the other units in an elevator building would be even deemed covered, because that building was built before '91?

MS. MOE: Correct.

MR. KHAMBATTA: Currently, that's not how it's being enforced and correct me if I'm wrong, Gary. But in buildings that were built before 1991 that are being altered, as far as public housing goes all the covered units that are aware, where there's substantial alteration, those alterations are meeting Division 4 requirements in Chapter 11A.

MR. SHAW: So are you reducing accessibility here?

MS. MOE: It's not more --

MR. KHAMBATTA: So I'm confused.

MS. MOE: It's an issue was when we made that transition the references that were made were not picked up. So depending on enforcement, it could be -- it's an enforcement issue more than it is a reducing accessibility issue. Am I clear?

MS. CLAIR: Yes, that's correct.

MR. BOURNE: Dara. And then I think if we can bring the housing part to a close.

MS. MOE: Yeah, to a close.

MR. BOURNE: Because I think we'd like to get into some of the other issues that other people are here for and we know we have a lot more on this topic.

MS. SCHUR: So let me just say, I need to see the language to see if or make sure I understand what you're doing, so I'm looking forward to that. But will this include accessible routes to the accessible units?

MS. CLAIR: Well, of course. Yeah. I mean, well they need to have an accessible route.

MS. SCHUR: But I mean that is a big issue, because (indiscernible)

(Overlapping colloquy.)

MS. CLAIR: Right, no absolutely. You need to access it, to be able to.

MS. SCHUR: Okay. I'm just checking, okay.

MS. MOE: Yep, so basically that's what we're looking at for housing stuff.

MS. SCHUR: Okay. Lots to digest here.

MS. CLAIR: And there's more to come.

MS. DUNLOP: This is Kaylan. There's really nothing to digest for me though without seeing something, this is -- I don't know that this is a useful task for me right now.

MS. LEE: Yeah, there's a lot to preview.

MS. CLAIR: It is a preview and you see where the passions lie, just so you understand. It's kind of really just setting the foundation right now. But easing you guys in slowly, but it's (indiscernible) --

MS. DUNLOP: Gene, I'm kind of indicating up in the clouds, it's way up in the clouds. And I stay down in the weeds, so this to me is (indiscernible)

(Overlapping colloquy.)

MS. MOE: If any of you are thinking about becoming a Certified Access Specialist there will be questions on this in the exam. (Laughter.)

MR. BOURNE: Okay. Let's go on to the next topic, Debbie?

MS. CLAIR: Debbie?

MR. BOURNE: Thank you.

MS. CLAIR: Oh, no. Okay, have you got it?

MR. SHAW: I've got it. I will muddle my way through here.

(Overlapping colloquy.)

MR. SHAW: Okay, this next item is one of those items that was passed by the Legislature and signed by Governor Brown to require adult changing facilities in certain, what they term commercial places of public amusement.

Now an adult changing facility is where adults who need assistance in diapering and toileting activities, where they can go and with their attendants they can satisfy those functions.

Okay. So we've been looking at this for the last year. We conducted a focus group. What did we have, five or six meetings?

MS. CLAIR: Five meetings.

MR. SHAW: Five meetings.

MS. CLAIR: With about 40 representative stakeholders involved.

MR. SHAW: Okay. And this included individuals that would be impacted by this law and able to use these facilities. It included manufacturers of the facilities as well as some representatives from the building and facility types that are identified here.

MS. CLAIR: And caregivers.

MR. SHAW: And caregivers. Yes.

Okay. So what I'm going to do is read through these sections and first what we're going to do is to talk briefly about the definitions. These definitions were largely provided within the legislation. So we haven't really elaborated or expanded on some of these definitions.

So let's first take a look at the first definition, that's commercial place of public amusement. That's where the Legislature said that these adult changing facilities were going to need to be provided. And they provided a definition within the legislation.

In essence it's an auditorium, a convention center, cultural complex (for example: art galleries, symphonies, concert halls, and museums) exhibition halls, permanent amusement park, sports arena or theatre or movie house for which the maximum occupancy is determined to be 2,500 or more people. This definition does not include any public or private higher education facility or district agricultural association.

So in general these are facilities where over 2,500, they're larger facilities. If we look at it at that occupancy level, 2,500 is pretty large for a facility. Okay.

The next question I think that was on our mind when we first started looking at this, and what may be on your minds now is what is a district agricultural association? There actually is, under the California Department of Food and Agriculture, they maintain the section on district agricultural associations. And these would include facilities like county fairs or the State Fair here at CalExpo. There are a few other facility types, but that's generally what the district agricultural associations are, okay? So those are excluded from this requirement under law.

MR. RAYMER: Because they excluded in statute, not because it makes sense.

MR. SHAW: Under law, yes exactly. Exactly.

MS. LOEFFLER: Can I ask a question?

MR. SHAW: Okay. Actually can you hold it just until I get to the end of the definitions and then let's break for a couple of questions?

MS. LOEFFLER: Sure.

MR. SHAW: Okay, good. Thank you. I'll come right back to you when we're done.

MS. LOEFFLER: Okay. Not a problem.

MR. SHAW: And then adult changing facility. This was the definition that was provided in law. Actually, this is a derivative of that. But the adult changing facility generally would be a facility that is for use by persons with disabilities who need help with diapering.

Now, I can break for a moment and take questions about the definitions. And then we can go ahead and look at some of the scoping requirements.

MS. RAYMER: She had a question, then I do.

MR. SHAW: Yes, Carol?

MS. LOEFFLER: The district agricultural associations, you're saying that if I needed to use a public facility for diapering and I'm an adult. And I go to the state fair, the state fair property does not have to provide this, because the law did not include the district agriculture associations?

MR. SHAW: Yes, for all of that. But I would say, take it even one step further. The law purposefully and explicitly excluded the district agricultural associations.

MS. LOEFFLER: Did they say why? (Laughter.)

MR. SHAW: Well, Bob was right there.

MS. LOEFFLER: Yeah, Bob can share that.

MR. RAYMER: Yeah, I was right there. And while first off, the building industry and the building officials have for the past 20 years not liked stat building codes and statutes. We like it when the statute directs one or more agencies, the appropriate agencies, to go forth and do building standards. And then give them some general direction and statute, but that isn't in certain instances, that's not what happened here. I have no clue how you would go ahead and have certain commercial occupancies that are up higher that would be like an exhibition hall per se would be required to do this and not require a state fair.

MS. LOEFFLER: Yeah.

MR. SHAW: Because I've seen a number of individuals who may well need this type of facility, going to a state fair. And just it just baffled me.

And the same thing with the private higher education facilities, once again you had other educational -- you had lobbyists going in or whatever. And I've got to tell you, as this was building along that got plugged in we think -- and this is just an assumption, but there's fiscal committees that bills have to get through. And this would have created an additional cost to the state. Now, the appropriation committees are always worried about how much is it going to cost DSA to draft regulations. And how much is it going to cost the State of California as a whole to comply with the regulation? That may have played into it, but it just doesn't make sense. But, it's in statute, so.

MS. LOEFFLER: And this is what is proposed as a result of this statute. And so this now is implemented. Does this go through the Legislature?

MS. CLAIR: No, no, no. Derek, maybe you can clarify that.

MR. SHAW: Okay. Sure.

MS. LOEFFLER: And then I have one more thing.

MR. SHAW: No, the Legislature has done their work --

MS. LOEFFLER: Can I ask one more question? If I want to go to the California State Museum or some small museum that doesn't have 2,500 or more, that excludes that. So basically all of those things must have an occupancy of 2,500 or more? So the minimum is 2,500, correct?

MR. SHAW: Correct. That's our reading of that portion of the statute.

MS. LOEFFLER: Oh, okay.

MR. RAYMER: But keep in mind, a lot of these entities that aren't mandated by the statute and ultimately by DSA's regulations to do this, may well end up doing it. One of the nice things that's going to come out of the DSA work effort is the development of a building standard that many other smaller entities may find, "What's the big deal, let's go ahead and do that." You know, or at least do a portion of it. And so that'll kind of get the ball rolling.

MS. LOEFFLER: Is that stay tune for 2020?

MR. RAYMER: Yeah. And but once again, figure out how this happened.

MS. LOEFFLER: Okay. I want to be part of that one, that.

MR. BOURNE: Go ahead, Ida. And Bob, do you still have a question?

MR. RAYMER: I do but it's with number three, so go ahead.

MS. CLAIR: I just want to be clear a little bit that once regulations are developed it really is a lot of the constituency demanding it of those entities to provide it. "So and so's providing it down the street, why aren't you?" There's a lot of this that even comes up from fair pressure. We don't know why the Legislature excluded them. It doesn't mean they're prohibited from doing it. It just means they are not included. They don't have to. And so a lot of it comes from demand.

Once the regulations are developed if they're used a lot, a lot of times it's a marketing issue, it's beneficial. So it will evolve. I just want to be clear that the Legislature did not prohibit them. They just excluded them purposefully.

MS. LOEFFLER: Okay.

MS. SCHUR: But that doesn't mean we couldn't go back once the regs are enacted and seek to expand coverage at some point at the Legislature.

MS. LOEFFLER: Or like you said that the Legislature or peer pressure will spread, yes.

MS. CLAIR: Marketing pressure.

MR. SHAW: And DSA's concept, as we've been studying this and starting to generate our internal studies is to craft the scoping and the technical requirements. So that it relies on where the adult changing facilities are provided and we'll have a list of where they're specifically required.

But then in the technical requirements, we would craft that, so that where they're provided anywhere, either in required facilities or non-required facilities, that they still could meet a specified and delineated set of requirements for those facilities. Okay.

MS. SCHUR: Thank you.

MR. BOURNE: Next up Bob and then Jihee.

MR. SHAW: Okay, Bob. You had a question about number three?

MR. RAYMER: Number three. Well, your number three. In the statute it was number two. In the statute the definition of adult changing station was specifically defined. And for purposes of discussion, I'm going to read that now.

Adult changing station, "means an adult changing table placed within an enclosed restroom facility or other similar private facility that is for use by persons with physical disabilities who need help with diapering."

I just want to give you a heads up that your definition of adult changing facility is potential broader than what the statute has.

And the reason why I bring this up is that towards the end of this bill's journey through the Legislature, the theater association and I believe one other commercial entity, withdrew their opposition when the author and the Appropriation Committee staff made it abundantly clear all they're talking about is a table. And so, once again I'm going to have to see the rest of where you're going here, but there may be concern that you've gone beyond statutory authority or whatever.

MR. SHAW: Okay. Well, that's fine and we have included the technical requirements as we them for the table.

MR. RAYMER: By the way, will you make all this available for us after today, so we can -- I don't have --

MR. SHAW: It's all in real rough form and --

MS. CLAIR: Yeah, no. It's just it's until we actually start developing requirements and are working on language, anything that's premature if it's public we get a lot of feedback. And it prevents us from moving forward, because it can be misconstrued.

MR. RAYMER: Fine, fine. Go ahead and do what you've got to do.

MR. SHAW: Okay. Any other questions or can we -- oh Jihee, I'm sorry.

MS. LEE: In the definition, 2,500 that number?

MR. SHAW: Yes?

MS. LEE: That applies to those individual types of buildings, so an auditorium that's 2,500 or more needs to comply, and separately of a convention, 25, all of those things?

MR. SHAW: Yes. That's the way we interpret this.

MS. LEE: And then for like movie theaters. If there are multiple theaters within the complex of theaters, so are we looking at the total number or is it like each individual viewing theater has to be 2,500?

MR. SHAW: We're interpreting it in-house right now as being the collective occupancy.

MS. LEE: 2,500.

MR. SHAW: So that if you have eight screens in your multiplex, then you would add the occupancy for all of those as well as the common spaces.

MS. LEE: You may probably get to it, but I'm curious on what kind of activity, probably in the technical parlance like what activity or how, what kind of -- you mentioned a table?

MR. SHAW: Uh-huh.

MS. LEE: What kind of things need to be provided in that?

MS. CLAIR: Forget that right now.

MR. SHAW: We're getting to that, so if nobody has any objection we'll move on to the next portion.

MS. MOE: Great.

MR. SHAW: Okay, so then the next portion, and Ida if you could?

MS. CLAIR: Oh sure. That's me. (Laughter.) I'm going who's moving that up?

MR. SHAW: Okay, so the scoping requirements and these dates are provided in the statute. We are considering -- well, we know that this first scoping requirement upon commercial place of public amusement that are newly constructed on or after January 1, 2020? That's very timely. That's going to occur within the lifespan of the next Building Code. So it's necessary for us to get our regulations in on that part.

Now the second scoping provision that's in the statute is for the same commercial place or public amusement that are altered either on or after January 1st, 2025. That's down the road a little ways. We may or we may not decide to include scoping on this in this next code cycle and we may defer that for one additional code cycle, to coincide more closely with the 2025 date. Okay.

Bob, you had a question?

MR. RAYMER: Just a technical observation on number one and number two. You know our Health and Safety Code 1893.5 discusses how a Building Standard in California is implemented. Namely the building codes are in effect on the date, you submit your building permit application to the Building Department are the codes you comply with.

Up there, it's somewhat unclear. "Newly constructed on or after," I would suggest instead of newly constructed saying, "For which a building permit application is submitted on or after January 1st, 2020 and 2025."

MR. SHAW: Okay good.

MS. CLAIR: Thank you.

MR. SHAW: Good, thanks.

MR. BOURNE: Carol, do you have a questions?

MS. LOEFFLER: Yeah. My question is whether or not we can take a look at is the table attached or free-standing?

MS. CLAIR: We're getting there.

MS. LOEFFLER: Pardon?

MS. CLAIR: We're getting there.

MS. LOEFFLER: Oh, that's coming up. I didn't know if it was part of the scope, okay.

MR. SHAW: So I've brought this up and it'll follow in the conversation.

MS. LOEFFLER: Okay. I'll wait.

MR. BOURNE: So let's just go through the entirety of it and then see what questions there are.

MR. SHAW: Okay, very good.

MS. LOEFFLER: I can wait

MR. SHAW: You want to wait, okay sounds good.

All right, so these are the areas of scoping and we may consider deferring the alterations until the next code cycle.

Okay. So Ida, if you wouldn't mind scrolling this up to the top of the screen?

MS. CLAIR: Sure.

MR. SHAW: Great. Okay, so now the technical requirements for these facilities, where we would want these. Our initial assessment of this is that we would want them within an enclosed type of facility that is like the gender neutral, single user toilet room. Okay and/or a similar private room. So that's our first level of where they need to be provided.

Now, what features would be mandated when those are provided? We would mandate an adult changing table, okay?

And if you could just scroll up just a little bit? That's great.

And that the changing table was fixed to either the wall or the floor. That the minimum length was 70 inches in length and 30 inches minimum in width. We've researched the available changing tables and that works very with the products that are available today. The height adjustable from 17 inches on the low end is minimum to 38 inches above the finished floor or ground. And remember what we have is we have users who are often times transferring from a mobility device and then their attendants have given assistance with their changing needs. Okay?

So for transfer we need the 17 inches or so on the low end. And then as a work table, in essence, bringing it up 38 inches for the benefit of the attendants and having it variable in their height adjustable seemed to be very important to our CASp group that we consulted with.

A minimum capacity of 300 pounds, and then for clearances around the changing table we would look for a clear floor space 30 inches deep along the full length of the table on one side. That would be the minimum side clearance. And then at both ends of the table, in essence for the use of the attendants, to have 36 inches deep by as wide as the table width plus the additional 30 inches minimum side clearance. Okay, so that's going to allow attendants, maybe if you have a two-person transfer to have an attendant on both ends, and be able to assist the person over on to the table.

Here is a caveat that the adult changing table in any position can't obstruct the required width of an accessible route, except for those obstructions allowed in 11B of 307.2. And, shall not be located within the toilet compartment, for example in a multiple-accommodation facility.

MR. KHAMBATTA: But didn't we say that it's only for a single user, or single accommodation restrooms?

MR. SHAW: Well, we did. We did say that it was in either a single-user restroom or a similar private facility.

MR. KHAMBATTA: Uh-huh, so if there's a multi, what's it called?

MS. CLAIR: Multiple accommodations.

MR. KHAMBATTA: Multi, thank you.

MR. SHAW: It probably would be provided in a multiple accommodation facility if it was a private portion of that. That may require a door. It may require a partition.

MS. CLAIR: Yeah, I think I want to clarify an item and maybe you can address this. The law specifically said that it was not in a gender-specific multiple accommodation restroom.

MR. KHAMBATTA: Right.

MS. CLAIR: Because caregivers could be different genders.

MR. KHAMBATTA: Right.

MR. SHAW: Uh-huh.

MS. CLAIR: So we know that there's this trend to multiple accommodation all gender restrooms and so that would be fine. But the law was specific that it would not be in gender-specific multiple accommodation restrooms.

MR. KHAMBATTA: So maybe we should put that in here. That if you're going to put it in a multi-accommodation restroom then it's got to be all gender of the accommodation restrooms. Good luck with that then. (Laughter.)

MS. LOEFFLER: I like all gender.

MR. BOURNE: You like the all gender?

MS. LOEFFLER: I like that "all".

MR. SHAW: Okay.

MR. BOURNE: Are you making a comment?

MR. KHAMBATTA: No. I think it was clarified.

MR. SHAW: Okay. All right, great.

Okay, so those are the -- oh, I'm sorry.

MS. CLAIR: Do you need me to move up one?

MR. SHAW: Just a little bit would be great.

So then additionally, a water closet would be required within that room in compliance with 11B 604, so that's an accessible water closet. A lavatory, in compliance with Section 11B 606, that's an accessible lavatory and then a waste receptacle in compliance with 11B 603.5, for the disposal of soiled products. Again, accessible height available and (indiscernible) and all of that.

Let me --

MR. BOURNE: Go ahead and finish.

MR. SHAW: Let me go ahead and finish up here then.

Okay. And Ida if you could -- I think there's (indiscernible) I'm sorry.

Okay. And so then optional features that we've identified so far is -- we heard a lot of call for this from our focus group. They were looking for a shelf that would be located adjacent to the adult changing table, so that products can be placed on the shelf while the changing table is in use. We were looking at having that comply with 11B 603.4, so it would be at an accessible height for availability, and then other accessories, just generally a reference over for the other accessories that would be in compliance with Section 11B 603.5.

Okay. So I think with that, we could entertain some questions, comments?

MR. BOURNE: Jihee.

MR. SHAW: Jihee?

MS. LEE: So, as far as I know our Building Code doesn't requirements for a GIS yet, gender-inclusive restroom yet?

MS. CLAIR: We don't have that yet, not in California. No.

MS. LEE: Right. And then height-adjustable table, are you going to require certain -- like can you call a requirement if it's going to be -- you know, how easy is it going to be moving it up and down?

MS. CLAIR: Yeah.

MS. LEE: Like is it going to be an electrical button or something. I'm curious whether that's going to be in there somehow.

MR. RAYMER: You mean manual versus mechanical?

MS. LEE: It's a height-adjustable table, so if it's heavy, I don't know if people will be able to handle it.

MR. RAYMER: On applying the force?

MS. LEE: Yeah, and then --

MR. SHAW: Yeah, most of the products that we researched all had electric control operators, so that's very common. And it's a narrow field. There's not a lot of products out there, but all the ones what were out there were adjustable with electric control.

MS. SCHUR: But I agree with you, it seems important to make sure that it's usable by people with limited strength.

MS. LEE: Yeah. And then if there will be some sort of requirement on the disposal products for sanitary reasons and smell and things like that. If there will be some sort of requirement? I don't know how you would manage it, but something that will manage it.

MR. BOURNE: Go ahead, Ida. You had a response?

MS. CLAIR: No, I just want to clarify this is kind of a new venture for us at DSA, because this is not independent access. This is assisted care. So understanding that difference for everyone here is that's how we have to view every provision we provide. Like we want to make it obviously every (indiscernible), everything still accessible. But understand that some of this use is as an assisted means as opposed to independent means. So it's kind of an interesting way to think. It's very different from what we're used to thinking, all of us here.

MR. BOURNE: Gene, we have a couple of people in front of you, but I've got you up in the queue.

MR. LOZANO: Okay.

MR. BOURNE: Let's just start with Ernest.

MR. WUETHRICH: So I just had a couple of quick questions. So for the -- it looks like it can be in a multi-accommodation restroom. However, it needs to be within a room that also has its own water closet and lavatory within the multi-accommodation restroom.

MR. SHAW: If it was an all-gender multiple accommodation restroom, yes.

MR. WUETHRICH: Okay. So that would be -- because it can't be the same as a baby-changing station? It can't be within the compartment itself?

MR. SHAW: No, because if you go to Disneyland, okay?

MR. WUETHRICH: Yeah.

MR. SHAW: Your attendant may be male or may be female. And it appeared that the legislation wanted to address that by making sure that it was either in a single-user facility, which of course would be all gender. Or a similar place what was available for both men and women.

MR. WUETHRICH: Okay. And then the other thing is so this would be scoped as if you have greater than 2,500 occupancy then one adult changing facility is required? Or would you see it as where we see a single-occupancy restroom or if you have one set of restrooms, and you have another set of restrooms in another area in a building, both need to be accessible, right? Would it be something along those lines or is just one per 2,500 occupancy?

MR. SHAW: Well, the staff, we were exploring potential scoping for even larger facilities than 2,500 or so. We explored that. We haven't come up with a firm opinion on that level of scoping, yet. And so if anybody wanted to provide comments for that now would be a good time. Did you want to make a comment?

MS. CLAIR: Yeah, I just wanted to say, but I don't want to interrupt you.

You know how I said this is kind of a new venture for us? And what's important I think always to keep in mind when we're writing code, because we're all kind of new to this process here, a lot of you, is that once regulations are in place it's very difficult to move backwards. So we want to make sure that everything we do is purposeful and we have an opportunity every 18 months, every three years to further develop. So just to be careful that if we're unsure on how to proceed, it's always best to proceed providing what we think is appropriate and suitable, and then determining once it's been installed to if we need to move beyond it or additionally.

So just understand. You know what I'm saying? It's like we can all agree that providing everything all at once would be great, so these are a lot of really good questions. And some of them we will look to you to get some guidance. And I think that how many in a facility, depending on size, might be something.

The law says only one and so that's our starting point. But understand that everything we move forward, we do get public comment on that as well. So just kind of keep the perspective, I guess, or the expectations and the perspective reasonable, in the course of what we're doing.

MR. SHAW: And that additionally in our Building Standards code proposal process we have to be able to justify just about anything that we propose, especially on a cost basis too. Is that being a reasonable cost to the public?

You know, here the legislation set specific language. It just said "a" or "an," so they were indicating singular in that case. Certainly DSA has the authority to address scoping issues larger, under the State Architect's general authority to address building code for accessibility.

But at this point we just haven't seen a clear method to apply scoping to larger facilities. We explored the option briefly with our focus group based on an acreage criteria. And then it was pointed out to us that if you go through some of the wildlife type of outdoor facilities where you drive through, that's a lot of acreage. (Laughter.) And the actual occupancy was much lower.

MR. WUETHRICH: Right, um-hmm.

MR. BOURNE: But so we have Carol, then Bob, then Gene, then Dara.

MS. CLAIR: And we're at four.

MR. BOURNE: And we're at four, so let's try and keep both the questions and the responses as succinct as possible.

MS. LOEFFLER: Thank you. I wanted to capitalize on your question. Is the sink in the same space as the changing table?

MR. SHAW: Yes

MS. LOEFFLER: Okay. That needs to be mandatory in my opinion, because it's not going to be placed there.

MS. CLAIR: Right. So our understanding, when it said a table in a restroom is that there would be a water closet and a lavatory in the room, because it's necessary for caregivers to clean up. And it's also critical that if it's in an all gender, multi-accommodation facility that that's perhaps not in the accessible stall. Because individuals with disabilities who need to use just the accessible stall for independent transfer, that could take a lot of time if it was kind of combined. And so it would probably need to be separate.

MS. LOEFFLER: So the lavatory is in the room with the table?

MR. SHAW: Table, toilet, lavatory.

MS. LOEFFLER: I'm afraid that it's not going to be put in there.

MS. CLAIR: Oh, no. It will. We'll be clear.

MS. LOEFFLER: Okay.

MS. CLAIR: And this is not the last you're seeing of this. We'll get language developed.

MS. LOEFFLER: Okay. Now, if you got less than 30 inches in width for a 300-pound person is not appropriate. And I know you said you were with a focus group. I pulled up one thing and it's 31 and 3/8ths is what I pulled up. So I don't where you were getting your focus group and what all you looked at, but I'd love to collaborate with you.

MR. SHAW: No. It was a minimum width of 30 inches, so 31 and 3/8ths would satisfy that.

MS. LOEFFLER: Wow. But I wouldn't -- I mean, 30 inches I wouldn't be able to be changed.

MR. BOURNE: Carol is suggesting that 30 is not sufficient.

MS. LOEFFLER: It's way too small.

MR. SHAW: Okay. Well, a lot of the -- these dimensions were vetted before our focus group. And they are users of these types of facilities --

MS. LOEFFLER: Well, I wouldn't accept that at all and I'm a user of those types of facilities.

MR. BOURNE: So again, giving additional feedback on this, which is helpful.

Bob?

MR. RAYMER: Yeah, with regards to the water closet and the lavatory, on the compliance. Whenever, I'm doing a Building Standard, development of a Building Standard for new construction or for existing construction I'm thinking not only of 2020, but I'm thinking of what's going to happen in 2025.

And for those of you unfamiliar with the legislation the trigger in 2025 is the $10,000 permit. Okay, so that's everything. That will be absolutely everything. And while some of us had problems with 10,000, that's what made it in the statute. And so whatever we look at, in terms of compliance now with the new stuff, I've got to be thinking well is that what's going to be triggering? And then what will that be for compliance for an existing facility?

And the Disneyland and the Amusement Park Association sent me, and I think they sent DSA, a proposal. And I think they were looking at what happens for the existing facilities. How would you go ahead and merge us into the existing facility in 2025, or earlier?

One of their requests was to be able -- an alternative use -- is a first aid station. You know, like Disneyland has these rather large first aid stations. And some of the other amusement parks do as well. And they've got these larger facility rooms okay, where they could have the changing station over there. They do have a bathroom. They do have a lavatory. But it's not in the same containment area. It's not like within the same stall, or whatever. You have to walk 15-20 feet over to the other side of the room to have access to the toilet, to have access to the lavatory.

Is it your understanding that this would be considered a lavatory and a water closet within the same facility, or does it have to be within the same compartment area? It's a huge difference. And you could be potentially talking about $50,000 to $100,000 or more of alteration, which means you're going to see people not pulling permits.

MR. KHAMBATTA: Bob, are you saying when you lock the doors you are in a huge room and the lavatory may be 50 feet away?

MR. RAYMER: Well, I don't know about being 50 feet away. But in some of the facilities you have curtained rooms where indeed you could do something like this and the attendant would then have access to a lavatory on the other side of the room. They could walk out from behind the curtain area or whatever and have access to the lavatory and to the water closet area etcetera.

It's just in a bathroom right now you've got compartments, with water closets. I'm thinking right now, you're kind of talking about a larger compartment, but what about for existing facilities? Are you going to require basically somebody to blow out walls or whatever to now comply, or if they've got an alternative suggestion, can they do a first aid station? If they already have a first aid station, can they alter, at relatively low cost the first aid station to comply with this reg?

MR. SHAW: Well, we've looked at that. And we did receive the Disneyland I think it was communication on that.

You know, it's fundamental to toileting that you've got the ability to dispose of the human waste. And washing up afterwards is also fundamental for our general expectations of sanitary level. And when the legislation indicated that it would be provided within a single user toilet room now we know that the feature as a water --

MR. RAYMER: Actually, that isn't what the legislation said. But by the way I'm agreeing with a lot of what you're saying. It's just being familiar with the Building Code process, there are going to substantial opposition from other groups. It's just I'm aware of that. It's not necessarily where I may be coming from. You know, I kind of like the idea of having the water closet and the lavatory there.

MR. BOURNE: Okay. So we really need focus in here on a specific question and a specific feedback.

Gene, you're next, then Dara. Then let's try to wrap up this if we can by 15 after, so we can talk about the personal planning control group. We'll have made it through two bullets.

MS. MOE: Yes, go ahead.

MR. BOURNE: Go Vidal.

MR. MEDINA: Now, I had a question about how was the width determined. Is that maximum weight for the table at 300 pounds?

MS. CLAIR: That's the minimum acceptable.

MR. SHAW: No. Yes, that's the minimum weight of a 300-pound capacity.

MR. MEDINA: Okay. It's not a maximum?

MR. SHAW: No, you can exceed 300 pounds without any problem under this outline.

MR. MEDINA: Okay. And does it have a maximum amount of weight?

MR. SHAW: No.

MR. MEDINA: That it can hold or should hold?

MS. DUNLOP: That would depend on the equipment.

MULTIPLE SPEAKERS: Yes.

MR. BOURNE: Okay. Gene.

MR. LOZANO: Is there going to be an exception in the requirement, so that you don't need the baby changing facility since the baby could be in theory be changed there on the adult one?

MR. SHAW: Our regulations don't mandate baby changing facilities.

MR. LOZANO: Okay.

MR. SHAW: Those are provided electively. Although I understand there is some legislation and some cities that are looking to make that mandatory.

MR. LOZANO: Okay. I understand this is amusement. Just having been two weeks ago, a little less than two weeks ago at the Disney properties in Anaheim, the first aid station, the accessible restrooms, the two of them they had in the -- the one right near the customer service area. It's big, but I don't think they're big enough to accommodate a table that easily without encroaching in some of what's your turning space.

The other thing is I missed the -- is it one of these units per acre what you're proposing? Because again usually the Disney property, I was pleased to see large numbers of persons in mobility devices. And I overheard some complaints, because the zoning like the California Adventures, there's only six restrooms, single-user restrooms there. And there were people looking for those, competing with the strollers and everything like that.

And it just seems like some facilities like that that there could potentially be -- that could be an inadequate number if it's only one of these for an acre with a large population, like a Disney property.

MR. SHAW: Yeah. We have not drafted or even outlined one per acre. What we've done is we've recognized the legislation. And it says that these large facilities of 2,500 or more shall provide a or an adult changing facility.

MR. LOZANO: Okay. And then just a side note, because potentially I've seen (indiscernible) amusement in facilities, arenas and so forth, do what some of the airports are doing. They're starting to put service animal facilities within the single user restrooms.

MR. SHAW: Oh, say that again please?

MR. LOZANO: Sacramento airport. A lot of the airports right now you'll have the one single user restrooms, a section that you would imagine like maybe would be a shower stall. It is a place where you leave your dog.

Now, Disney has several relieving spots outside of that area. But there are people that may need multiple uses of those restrooms. Maybe changing, they have a service animal. And so I was just wondering if that was something that's considered. That like a Disney place may end up building one that -- not that they are going to (indecipherable) they've got these other areas, but will have a dog relieving area service right there in single user restrooms. But it's in Sacramento International Airport and Phoenix and all over, they're doing those.

MR. SHAW: Yeah. We haven't contemplated that as part of the requirements --

MR. LOZANO: Well, it's something I noticed. I know it's not in the legislation, but it's something to think about.

MS. CLAIR: So wait, Gene, I want to be clear. You're saying you disapprove to have them combined?

MR. LOZANO: No, I'm just saying -- no, I'm saying space-wise when you're looking at -- is that something you may have to take into account when you're looking at overall if some people are designing single user restrooms in these amusement places like arenas where they don't have outside spots, lawns and things that the dogs can relieve themselves. They may decide they want to provide that and put it in single user restrooms like the airports are doing.

So you have single user there. You have the relieving area for the dog. You have the human beings. You have the changing station for the baby. And you're going to add a change room for adults, building it so there's adult there and the baby use there. It's going to probably take more space and width, and taking into account if people decide they want to put a service animal relieving area in the same room.

MR. SHAW: Well, that's probably something we'll need to educate ourselves more about in the future.

MR. LOZANO: And again, places like Disney are going to have lawns and things like that, so it won't be an issue. But other areas like arenas and stadiums may decide they'd start doing that.

MR. SHAW: Okay.

MR. BOURNE: Dara. Do you have a comment?

MS. SCHUR: Just a quick question. I'm sorry. This is a whole new topic for me, for sure.

I just want to check with the requirements for the shelf and other accessories, ensure that they don't interfere with paths of travel, etcetera.

MR. SHAW: Well, there is the general requirement in the code that any shelves that are there, they would only be able to extend a maximum of four inches into any accessible area.

MS. SCHUR: Okay.

MR. SHAW: So that would still be consistent with what we have in the code. So we can rely on that.

MS. CLAIR: Okay. Just checking, okay.

MR. BOURNE: Kaylan, you get the last question or comment on this topic.

MS. DUNLOP: Oh, this'll be easy. I was on that taskforce, so it might be helpful for you guys to share some of those documents, like the -- I was on the Access Board's Accessible Medical Diagnostic Medical Equipment Advisory Committee. And I know we talked about that a good bit when talking about this table, particularly the height adjustability and the size of it.

There was also some other documents, technical assistance and research type documents that we read and talked about, so that might be helpful to give everybody that can wrap their minds around it.

MR. BOURNE: Great, thank you.

Okay. Well, this first time around good digging into these issues and I understand from talking to DSA staff some of these -- they knew it was going to be much more complicated and longer discussions and others will be shorter. We didn't get to the shorter ones today. (Laughter.) And I'll be curious to see if there are shorter ones at the DSA. So we like to talk, so we'll see. But this will maybe help us gauge how much time we'll need to go through the rest of them for our next meeting. And we'll try to do a little better job of biting off not too much that we can chew on.

But the one thing I wanted to do before we close at 4:30, and we want to honor that 4:30 time for everybody, is the three- person planning committee. And again the idea of that is just they have -- it's hard to reach out to like 12 people and get input from 12 people on stuff. So the idea would be to have three people that can kind of link to other people on the committee and give us some input on agenda items, schedule and things like that.

One of the things that I thought might be helpful along those lines is I kind of look at it and say there are kind of three groups that we could kind of clump together, the stakeholders in those groups to say we kind of touch on, you know?

And so what I thought about is thinking do we get one representative from individuals with disabilities and disability advocates, get one representative from code enforcement and certified access, and one rep from design professionals, building facility owners and building construction industry reps.

And would that be a reasonable kind of clumping into three groups, so we kind of get distribution across the different interests; is that a reasonable thing to do?

If so what I would suggest then is maybe we have those three kind of group of stakeholders confer to see who they would like to have represent you on that group? Who has the time, who has the interest? And does that make sense and this is an assignment we can give you guys to do over the next few days just to say who would be on that. And then that way we could put that group in place in anticipation of our January meeting. Does that sound like a reasonable solution?

So what we can do is put an email together and group up each of these three groups of stakeholders. And then you guys can self-connect at your leisure. Does that make sense? Okay great. And then we'll put some instruction in an email that gives you the information you need to contact each other and then maybe a deadline to get back to us with who you're suggesting would be on that team. Okay, great.

Any other? Anything that any of you want to say in closing about how we could do this better or whatever and I'll start with Gene and any other closing comments.

MR. LOZANO: Not to do better or perhaps maybe enclose these items. You might be thinking what are the "considers the shorter items less controversial," so something that could be like the removal of the striping on the poles for the traffic controls. That is controversial in the low-vision community.

But I'd like to see on the agenda, and it was supposed to be at this meeting and our agenda is really full, Government Code 4459 which was going to kind of influence all the direction of what we can or can't do. And we discussed that at the last meeting and agreed upon we'd have that.

MR. BOURNE: And that's what, say again, I'm sorry?

MR. LOZANO: Government Code 4459.

MR. BOURNE: 4459, okay.

MR. LOZANO: Yeah.

MR. BOURNE: So that needs to be an agenda item for the next meeting?

MR. LOZANO: Yes.

MR. BOURNE: Okay. And then, yeah let's see. Arfaraz, did you have comment?

MR. KHAMBATTA: Oh, I was just wondering if we want to just throw out some dates by when things like the Doodle poll will get done or?

MS. CLAIR: We'll work on it this week, just so you guys can plan.

MR. BOURNE: We'll try to be very timely. Doodle poll, really soon, because I think everybody's sensing the schedule really is coming up.

MR. KHAMBATTA: Right, holidays coming up.

MS. CLAIR: Absolutely.

MR. BOURNE: Drafts to this Charter might take a few days, there's quite a bit of stuff there, but we'll try to crank that out within a week for sure. And get you all looking at that.

And we'll send out the emails to put the planning team together again by the end of the week should be reasonable. So yeah, let's try to keep everything moving forward in a timely way as best we can. Understanding some people are going to be out of the office over the next few days, right?

So yes, Dara?

MS. SCHUR: I just don't know if this is a good idea or a bad idea, but we may want to consider discussing the option of the Housing Subcommittee or having a committee of this group to have some preliminary discussions. I don't know if -- I got the sense that there's only some subsection of us who are interested in that issue in the first -- I mean, not that everybody isn't ultimately, but that would want to work through some of the details. So I don't know, we don't have to decide it right now. But I just want to throw it out there.

MR. BOURNE: Yeah, that's fine.

MS. DUNLOP: I think there's just some catch-up that needs to be done.

MS. SCHUR: Okay.

MS. DUNLOP: That was such as a high-level discussion and a discussion that had already started and the rest of us hadn't had the chance to catch up to that.

MS. SCHUR: Okay.

MR. BOURNE: I think though it's a good idea to think about when there's a highly nuanced, very complex topic like this that has many different co-paths to go down. And maybe having a group get together to kind of consolidate ideas and tee it up, because it would have been really nice just maybe to have some bullet points to just kind of track the conversation. And after a subcommittee were to get together we could maybe have something like that that says here's where we are and here's some of the key outstanding issues. And that just helps tee it up and will help these meetings be more efficient.

So it might be on housing, it might be on some of these other issues. Maybe the one we just talked about, so we just need to think about that.

MR. KHAMBATTA: I kind of would agree with Dara's suggestion there, just because the housing topic just can really lead us into the weeds as Susan develops the language, proposed language I guess. And I'm not sure how some of the committee members, whether they want to join us on that ride or would rather it be sorted out in a subcommittee and then be presented to the entire committee. I'd be open to either.

MS. SCHUR: Yeah, so there could be issues or agreement that we could work and then we can bring some differences that are open wide, just less technical to the group of whatever. But I know that either way if people want to continue to being an active participant.

MR. BOURNE: That's good.

MR. KHAMBATTA: Yeah. So I mean, let's throw it open to the group right here and see how --

MR. BOURNE: We could have an early morning meeting on the subcommittee for two hours and then everybody come (indiscernible). (Laughter and overlapping colloquy.)

MR. KHAMBATTA: I'm in for that.

MR. BOURNE: Okay. Okay, that's good.

MR. KHAMBATTA: Unless you are.

MR. BOURNE: Kaylan?

MS. LOEFFLER: I think the terms that I had is being able to pull in everything that I'm reading, interpret it, and have it make sense to me and then be able to express. And so for me the need to have any written information from either review makes my notes better, because my notes are my memory. And so the least notes I have to take means that I can focus more and listen, so it would be very helpful to have anything to review ahead of time.

MS. CLAIR: Thank you, and we will. This was again, as we said our introductory meeting. We do need to move forward with our language, so you may see regulatory language written for discussion, which I'm assuming that's amenable to everyone as long as everyone understands that there's no regulation that's final until the Building Standards Commission approves it. So that when we propose language that it's not meant to be set in stone, which is the way it's perceived a lot.

And then also too, if you're going to go out to your stakeholder groups and discuss issues that you make it very clear where mistakes are that we're answering. Because when we do that language it can be perceived by others not in this group as being something that is set in stone. And then we get the feedback that's kind of the --

MS. LOEFFLER: And I'm not even at that point. I'm at the point that I really wanted to be prepared and I mean, through this. And what was presented on the screen, I was just so focused on having to do so much writing. And to be able to pull it all back in, to be able to share what my concerns are. There are more, but I couldn't do that. So it's more my own disability as for how I really need it, because I lost a lot, because of how many notes I had to take. And I know there was such breadth of discussion and that maybe would have been more beneficial had I not had to take the notes of what I was seeing.

MS. SCHUR: So would it be helpful sometimes if people were doing PowerPoints they handheld or sent electronically a written copy of the PowerPoint that people can take notes on?

MS. LOEFFLER: Yes. And the thing that I think people are so afraid of is it's going to go somewhere. Well, no it's not. It's my tool and I think that that's the thing that's so important, is that. And it doesn't have to be perfect. I mean, it can be the draft. We got the draft of the Charter, I made my notes on that Charter and I compared it to what was given today. And my notes and my concerns were addressed by the revision of the Charter.

I was so much more prepared, because I had both. Had I not had a written copy of that Charter I would have been a mess today. I mean, I was mess anyway. but you guys were tolerant (indiscernible) saying.

MS. CLAIR: And so I want you to know that we hear you and that is our goal for all meetings. This meeting was set on the agenda, because everyone here reserved that date, so we did not want to postpone it. Plus DSA has its work to do.

But thank you to Greg, he actually came onboard a week ago, so a lot of this work --

MR. RAYMER: You've had a week to get ready?

MR. BOURNE: No problem.

MS. SCHUR: Wow.

MR. RAYMER: Wow.

MR. BOURNE: No problem

MS. CLAIR: Literally a week, and there's a process in state government in selecting a replacement for what we're doing. So we were fervently trying to get that, so what I'm saying is that this is not the way it will be moving forward. We are sensitive to those issues, just take our apologies that for this meeting there was a very big push at the very end to get the information out. And working with Greg and getting a meeting, so that we could get these collaborative tools in place.

So thank you for that and we listened and we will work to get more information to you in a timelier manner.

MS. LOEFFLER: And I appreciate you, and I had talked, and then you shared that I could always call.

MS. CLAIR: Absolutely.

MS. LOEFFLER: And I think that's the important part, so I thank you. It was a good discussion. I just would love to listen to it again.

MS. CLAIR: Well, that's the other thing. We do have the transcript and it will have a box available where everyone will have a link if you want to go back and review the transcript of the meeting, it will be in there.

MR. KHAMBATTA: Like a drop-box or a link or something?

MS. CLAIR: Yeah, a drop-box, yeah.

MS. LOEFFLER: Perfect, awesome. Thanks.

MS. CLAIR: And then we will also share the link to the adult changing facilities drop-box, so you can research all that information at your leisure. There's quite a lot.

MR. BOURNE: Thanks everybody for a good productive day. Hey, it's only 4:29! (Laughter.)

MS. CLAIR: Thank you, all.

MR. BOURNE: Thank you Vidal and Rachelle, for being on the phone.

(Whereupon, the ACC Working Meeting was adjourned

at 4:29 p.m.)

--oOo--

**REPORTER’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 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, Notary Public Signature

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.

ZZ-MYRA SEVERTSON

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Myra Severtson

Certified Transcriber

AAERT No. CET\*\*D-852