

OSHPD Office of Statewide Health Planning and Development

Hospital Building Safety Board

2020 West El Camino Avenue, Suite 800

Sacramento, CA 95833

(916) 440-8453

(916) 324-9188 Fax

www.oshpd.ca.gov/Boards/HBSB/index.html



AMENDED

***** SPECIAL NOTICE *****

Because of the COVID-19 emergency, this meeting will only be held by teleconference. Committee members and members of the public may fully participate from their own locations.

NOTICE OF PUBLIC MEETING

HOSPITAL BUILDING SAFETY BOARD

Board Procedures Committee

Date:

Thursday, October 15, 2020

9:00 a.m. – 1:00 p.m.

(Please note early start time)

Teleconference Meeting Access:

[HBSB GoToMeeting BP Committee](#)

Access Code: 609-532-149

For more detailed instructions on how to join via GoToMeeting, see page 3.

Committee Members:

Michael Foulkes, Chair; Louise Belair, Vice-Chair; Bruce Macpherson; Bruce Rainey

OSHPD Staff:

Joe LaBrie; Carl Scheuerman

OSHPD Director (Acting):

Marko Mijic (or designee)

FDD Deputy Director:

Paul Coleman

Executive Director:

Ken Yu

AGENDA

1. Welcome and Introductions

Facilitator: Michael Foulkes, Committee Chair (or designee)

2. Review and discuss Board Members attending committee meetings as non-members of the Committee

Facilitators: Michael Foulkes, Committee Chair; James Yi, OSHPD Attorney (or designees)

- Bagley-Keene Open Meeting Act section about this (Government Code section 11122.5) and related legal issues
- Discussion and public input

3. Review and discuss changes to the Policies and Procedures of the Hospital Building Safety Board ([attached](#))

Facilitator: Michael Foulkes, Committee Chair (or designee)

- Review possible changes resulting from the discussion in Agenda Item 2
- Discuss other changes the Committee may wish to bring forward
- Discussion and public input

4. Discussion: Committees and subjects of importance to Facilities Development Division in 2021

Facilitator: Michael Foulkes, Committee Chair (or designee)

- Discuss possible Committee changes and goals for the upcoming year
- Discussion and public input

5. Discussion: Items for future Board *Procedures Committee* meetings

Facilitator: Michael Foulkes, Committee Chair (or designee)

- Discussion and public input

6. Comments from the Public/Committee Members on issues not on this agenda

Facilitator: Michael Foulkes, Committee Chair (or designee)

The Committee will receive comments from the Public/Committee Members. Matters raised at this time may be taken under consideration for placement on a subsequent agenda.

The Committee may take action under any agenda item. Every effort will be made to address each agenda item as listed. However, the agenda order is tentative and subject to change without prior notice. A 30 to 60-minute lunch may be taken some time during the day. This agenda and other notices about meetings are posted on the Internet at <https://oshpd.ca.gov/public-meetings/hbsb/>.

Individuals with disabilities may request an accommodation or modification to observe or participate in the meeting by contacting Evett Torres at (916) 440-8453, at evett.torres@oshpd.ca.gov or sending a written request to HBSB Staff at 2020 West El Camino Avenue, Suite 800, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

Tentative schedule of Board Procedures Committee meetings:

- To be determined
-

GoToMeeting Instructions

For best results, please use Google Chrome or Mozilla Firefox browsers to join meeting.

- **Run a system check a few minutes before the meeting starts:**
 - Click: <https://support.goto.com/meeting/system-check>
- **To join the meeting from your computer, tablet or smartphone:**
 - Click: <https://www.gotomeet.me/FDDWebinar/hbsb-bp-committee-meeting-october-2020>
- **To use your phone (instead of your computer's microphone and speakers):**
 - Dial: +1 (646) 749-3112 (United States)
 - Enter Access Code: 609-532-149 #
- **If you have trouble being automatically launched into session:**
 - Click: <https://www.gotomeeting.com/meeting/join-meeting>
 - Enter Access Code: 609-532-149

Policies and Procedures
of the
Hospital Building Safety Board
January 2020

I. Introduction

The purpose of this document is to provide information regarding the policies and procedures under which the Hospital Building Safety Board (Board) performs its functions and duties.

II. Hospital Building Safety Board

The Board was statutorily created in 1973 (Senate Bill 519 - Alquist - Chapter 1130, Statutes of 1972). Subsequently, Senate Bill 961 (Chapter 303, Statutes of 1982) reauthorized the Board. In January 1994, Senate Bill 785 (Chapter 260, Statutes of 1993) significantly changed the composition and duties of the Board, and also changed the name of the Board to the Hospital Building Safety Board. The governing provisions are contained in Health and Safety (H&S) Code, Division 107, Part 7, Chapter 1, Article 5, Sections 129925 through 129960 and the State Building Standards Code, Part I, Title 24, CCR, Article 5, Sections 7-159 through 7-171.

III. Objectives of the Hospital Building Safety Board

In accordance with H&S Code, Section 129925 of the Health and Safety Code, the Board advises the Director of the Office of Statewide Health Planning and Development (OSHPD) and acts as the Appeals Board in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration, and seismic safety of health facility projects submitted to OSHPD. The Board also acts as the Appeals Board in matters relating to all fire and panic safety regulations and alternate means of protection determinations for health facility projects submitted to OSHPD.

Board Members serve the people of California, and as such their role includes their commitment for full participation in the Board's activities. The Board maintains continuing contact with professional groups and certain industry organizations through its committees. In this manner, the Board maintains an awareness of state-of-the-art knowledge of seismic structural theory and application, architectural, mechanical, geological, seismological, electrical, fire safety theory and application,

and of requirements for the disabled with regard to those health facilities constructed under the jurisdiction of OSHPD.

All actions of the Board shall be transmitted in writing, on a regular basis, to the Director of OSHPD.

In accordance with the Government Code, Chapter 13, Section 8870.95 of the Seismic Safety Commission Act, the Board shall produce an annual report addressed to the Seismic Safety Commission summarizing the year's accomplishments, studies, and appeals, as well as listing future goals and direction.

IV. Executive Director

- A. In accordance with H&S Code, Section 129950, the Board shall be served by an Executive Director, who shall be a member of the OSHPD staff.
- B. The Chair and Executive Director are authorized spokespersons for the Board. Only appointed Board members may speak on behalf of the Board upon authorization by the Chair or Executive Director.

V. Board Members - Membership and Responsibilities

- A. The Director of OSHPD appoints members of the Board. When requested by the Director, prospective nominees will be interviewed by the Chair of the Board or Vice-Chair of the Board and the Executive Director. The Board consists of appointed members and six statutory ex-officio members.
 - 1) The statutory ex-officio members include the Director of OSHPD, the State Fire Marshal, the State Geologist, the Executive Director of the California Building Standards Commission, the Director of the Department of Public Health, and the Deputy Director of the Facilities Development Division of OSHPD, or their officially designated representatives.
 - 2) The appointive members are as follows: two structural engineers, two architects, one engineering geologist, one geotechnical engineer, one mechanical engineer, one electrical engineer, one hospital facilities manager, one local building official, one general contractor, one fire/life safety representative, one hospital inspector of record, and three public members.
 - 3) The Director of OSHPD may also, with the advice of the chair, appoint up to three additional ex-officio members.

- B. Appointive members, except for the public members, shall be qualified by close connection with hospital design and construction and highly knowledgeable in their respective fields with particular reference to seismic safety. Appointive members shall be appointed from nominees recommended by the governing bodies of California based professional organizations that represent appointive members as specified in Section 129930 including but not limited to: the Structural Engineers Association of California; the American Institute of Architects (California Council); the Earthquake Engineering Research Institute; the Association of Engineering Geologists; the American Council of Engineering Companies; the California Association of Local Building Officials; the American Society for Heating, Refrigerating, and Air-Conditioning, Inc.; the California Hospital Association; the Associated General Contractors of California; the American Construction Inspectors Association; and the California Fire Chiefs Association.
- C. Director appointed ex-officio members shall provide additional technical expertise to the Board. These members can participate and vote on issues during committee meetings.
- D. Although members are selected from nominees submitted by those nominating organizations listed above, no position on the Board is necessarily connected to any particular nominating organization. Board members are appointed to represent the various technical/specialty membership categories and not any specific organization.
- E. Board members shall be residents of California.
- F. The appointed members of the Board serve four-year terms and none shall serve as a member of the Board for more than two consecutive terms. Members with expired terms continue to serve until replaced or until one year has elapsed since the expiration of their term, whichever occurs first.
- G. Delegates Only ex-officio Board members who represent state government may appoint delegates. Such delegates shall only have committee voting privileges. The name of the delegate must be provided in writing to the Chair of the Board and the Executive Director prior to the delegate's participation on the Board.
- H. Resignation When a member resigns from the Board, the member shall send a letter of resignation to the Director of OSHPD, noting the effective date of the resignation. A copy of the letter shall be sent to the Chair of the Board and the Executive Director. In the event of a resignation, death, or removal of any member by the Director of OSHPD, the Director will appoint a new member to fill the vacancy in accordance with V (D) above and a new term will begin at the time of the appointment.

- I. The Director may terminate any member's appointment for neglect of duty or other just cause.
- J. Attendance - Members shall attend meetings of the Board, serve on committees and perform other functions as assigned by the Chair. If a member is unable to attend Board or assigned Committee Meetings, the member must contact the Board's Executive Director at least 48 hours prior to the scheduled meeting. If a member is consistently absent or unable to attend committee and/or Board meetings, the Chair and/or Executive Director will meet with the member to explore appropriate remedies.

VI. Chair and Vice Chair – Roles and Responsibilities

A. Election Process:

- 1) The Chair and Vice Chair of the Board are appointed members elected by a majority of the appointed members.
 - a. The Chair and Vice Chair of the Board are nominated by a committee for each two-year term and shall not serve more than two consecutive terms. The nominating committee shall be two voting members appointed by the existing Chair at least 30 days prior to the election.

The Chair and Vice Chair shall be elected at the next to last regular Board meeting in each even numbered year. The Chair and Vice Chair shall assume office on January 1st of the following year.

- b. The Chair and Vice Chair election process shall include:
 - (1) A call for interested candidates and issues at the first regular Board meeting of the even numbered year allowing a two- to four-week response to the Executive Director. Only members with at least two calendar years remaining with their term of service are eligible to be Chair or Vice Chair candidates.
 - (2) If no candidates come forward to express interest in Chair position, nominating committee recruits candidate(s).
 - (3) Nominating committee shall seek input and advice from the outgoing Chair, Executive Director, and OSHPD Director.

- (4) Nominating Committee shall develop questions for Chair/Vice-Chair of the Board candidates based on issues and discussions with (3) above.
- (5) Nominating committee interviews all candidates.
- (6) Nominating committee recommends candidate(s) or may give no recommendation at the last Board meeting of the calendar year.
- (7) Nominations are invited from the floor.
- (8) Call for vote.
- (9) Candidates with simple majority will be elected to Chair of the Board and Vice Chair of the Board positions.

B. The Chair has the following duties:

- 1) Calls all meetings
- 2) Serves as presiding officer at all meetings of the Board
- 3) Approves Board meeting agendas
- 4) Designates standing and ad-hoc committees, committee chairs, membership, their functions and objectives; as appropriate; subject to Board approval
- 5) Appoints consulting members, as appropriate, to serve on committees
- 6) Appoints newly appointed Board members to committees or fill vacancies, as needed, to establish committees
- 7) Dissolves or establishes additional committees, as appropriate, subject to Board approval
- 8) Advises OSHPD's Director of Board activities

C. Upon absence of or upon delegation by the Chair, the Vice Chair of the Board shall assume the duties of the Chair. Should the Chair become unable to serve out the full term, the Vice Chair shall serve as Chair until the end of the two-year term and an election for Vice Chair shall occur during the next scheduled meeting of the Board. The Vice Chair shall serve until the end of the Chair's term.

VII. Meetings

In accordance with Government Code, Sections 11120 through et seq., all meetings are open to the public as required by the Bagley-Keene Open Meeting Act.

A. The types of Board meetings that can be held are:

1) Regular Board Meetings

The Board convenes on the call of the Chair. The Board will meet three times a year, usually in April, August, and December. It is the intent that the meetings are held in various areas throughout the state.

2) Special Board Meetings

The Chair may call special meetings at any time for any specific business. Special meetings are convened at various locations selected throughout the state.

3) Meetings Held Via Videoconference

Holding a meeting via video conference may be used to improve participation and communication of regularly scheduled Committee meeting. All Open Meeting requirements (Bagley-Keene) apply. All votes taken during a videoconference meeting must be conducted through roll call. At the request of the committee chair, the executive director will conduct the vote and announce the result.

4) Emergency Meetings

The Chair may call a meeting in emergency circumstances by providing telephone notice to media outlets at least one hour prior to the meeting. An "emergency" situation includes a disaster, which severely impairs the public health, safety, or both. In the event telephonic services are not working, notice must be given as soon as possible after the meeting.

B. Conduct of Board Meetings

1) Meeting Notices and Agendas

a) Notice of all public meetings and their agendas shall be made available to all members, to any person who so requests, and posted to the OSHPD webpage, at least ten (10) days in advance of the meeting.

b) The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each item.

- c) As a general rule, items not appearing on the agenda shall not be discussed or voted on. However, when an item is raised by a member of the public, the Board may accept comments and discuss the item for a limited time, and no action is taken until it is properly noticed for a subsequent meeting.

2) Quorum

A quorum for a meeting of the Board will consist of one more than half the voting members. For example:

- a) Five voting members; quorum is three (3) or more
- b) Nine; quorum is five (5) or more
- c) Ten; quorum is six (6) or more

3) The Board adopts the latest version of Robert's Rules of Order as the guideline for the conduct of its business.

4) Voting

- a) Only appointed members can vote at a Board meeting. Director-appointed ex-officio and statutory ex-officio members may not vote at a Board meeting.
- b) All voting will be conducted in open meetings, except as provided in the Board's appeals hearing procedures.

5) Conflict of Interest

During Board meetings, members shall abstain from voting when they believe they have, or would be perceived as having, a conflict of interest. Members that believe they have a conflict of interest should consult with Board Counsel at (916) 326-3610.

6) Meeting Minutes and Reports

- a) Minutes of each Board meeting shall be taken and presented for approval at a subsequent Board meeting.

Board meetings shall be recorded electronically for the purpose of developing accurate meeting minutes and to preserve the essence of the meeting.

- b) A summary meeting report of each Board meeting will be prepared and presented at a subsequent regular Board meeting for approval. Reports of Committee meetings held between

Board meetings shall also be presented to the Board for approval. Approval of a summary report will serve as adoption of the minutes of the Board or reporting Committees.

- c) Minutes of the Board or Committees as presented may be amended as proposed by a Board member at the time of the report and subsequently adopted in the motion to approve the minutes or the report.

C. Committee Formation and Conduct

The Chair of the Board shall appoint members for all standing and ad hoc committees. The Chair and Vice-Chair of each committee shall be a member of the Board. Of the appointees to a committee, the majority must also be members of the Board pursuant to Health and Safety Code, Sections 129930 or 129940. The Chair-elect shall present a list of committees, committee scope and membership to the Board at the last meeting of the even numbered year for its approval. The Chair may assign incoming Board members to committees at any time. The Chair may propose changes to the list of approved committees and membership at the last Board meeting of the odd numbered year.

- 1) The Committee Chairs have the following duties:
 - a) Carries out assignments from the Chair of the Board.
 - b) In consultation with the Board Chair, designates a Vice Chair for the committee.
 - c) Assists staff in the development of the committee meeting agenda.
 - d) Conducts meetings and presents a report of the committee's proceedings at the next scheduled Board meeting.
 - e) Reviews the committee meeting reports or assigns another member of the committee to do so.
 - f) Works with the Committee to establish Committee Goals.
 - g) Identifies the need for Consulting Members.
 - h) Defines the Work Product Deliverables.
 - i) Develops a Production Plan.
 - j) Defines Milestones and Action Items.

2) Meeting Notices and Agendas

- a) Notice of all public meetings and their agendas shall be made available to all members, to any person who so requests and to the OSHPD webpage, at least ten (10) days in advance of the meeting.
- b) The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each item.

As a general rule, items not appearing on the agenda shall not be discussed or voted on. However, when an item is raised by a member of the public, the Board may accept comments and discuss the item for a limited time, and no action is taken until it is properly noticed for a subsequent meeting.

3) Quorum

A quorum for a committee meeting will consist of one more than half the voting members. For example:

- a) Five voting members; quorum is three (3) or more
- b) Nine; quorum is five (5) or more
- c) Ten; quorum is six (6) or more

4) Meeting Minutes and Reports

- d) The proceedings of Committees will be recorded in the same manner as described in Section VII.B.6 for Board meetings.
- e) Minutes of Committee meetings shall be reviewed and approved by the Committee.
- f) Reports summarizing the minutes of Committee meetings shall be presented to the Board for approval. Acceptance of Committee reports by the Board may serve as approval of the minutes in lieu of Committee adoption when the Board meeting precedes the next meeting of the Committee.

5) Meetings Held Via Videoconference

Holding a meeting via video conference shall conform to Section VII.A.3.

6) Voting

- g) Only Committee members including the Chair of the committee can vote at committee meetings. Members may include appointed members, director-appointed ex-officio members, statutory ex-officio members, and consulting members appointed to a committee by the Chair of the Board. State staff, invited guests and members of the audience may not vote at committee meetings.
- b) Decisions are reached by a simple majority vote. Any member shall abstain from voting on any issue where there may be a possible conflict of interest. No issues can be voted upon unless a quorum is present. No voting by proxy will be allowed.
- c) All voting will be conducted in open meetings, except as provided in the Board's Appeal Hearing Procedures.

7) Special Committee Assignments

A Chair of a standing committee of the Board may assign special duties to members of the committee to advance development of issues properly noticed. Committee members assigned to special duties may not exceed two per task. Committee members assigned special duties must report their findings to the committee.

8) Conflict of Interest

During committee meetings, members shall abstain from voting when they believe they have, or could be perceived as having, a conflict of interest.

9) Meeting Reports

Meeting reports shall be taken of all meetings and submitted, including recommendations, to the committee and then the Board for consideration and approval.

D. Appeal Hearings

When the appellant wishes to continue an appeal after OSHPD's decision following the Comment and Process Review conference, a formal hearing may be requested of the Board in accordance with the State Building Standards Code, Part I, Title 24, CCR, Article 5, Chapter 7.

1) Notice of Appeal Proceedings

Notice of appeal hearings shall be made available to all concerned parties in accordance with the State Building Standards Code, Part I, Title 24, CCR, Article 5, Chapter 7.

2) Conflict of Interest

During appeal proceedings, the appellant has the right to question conflicts of interest of any voting member. The Chair shall rule on such potential conflict in appeal matters.

3) Voting

Voting at appeal hearings shall be in accordance with the State Building Standards Code, Part I, Title 24, CCR, Article 5, Chapter 7.

VIII. Compensation

A. Eligibility for Reimbursement:

- 1) It is the policy of OSHPD to pay subsistence and to reimburse reasonable and necessary travel and incidental business expenses to individuals who perform services as members of the Board, its committees, and consultants appointed by the Chair.
- 2) No payment of expenses to Board members can be made unless, prior to the time the expenses are incurred, an Oath of Office is on file with OSHPD.
- 3) Members and ex-officio members shall be reimbursed in accordance with current State rules and regulations.
- 4) Transportation expenses will be reimbursed for all charges essential for transportation to and from the meeting place. Reimbursement shall be made only for the method of transportation which is in the best interest of the State. Travel should be via the shortest, usually traveled route. An explanation is required for any deviation or unusual delay.
- 5) Expense claims should be submitted within 30 days of the event at which the expenses were incurred. Board members should submit their claims to the Board staff. Failure to furnish receipts must be explained on expense claims. The amount involved cannot be allowed in absence of a satisfactory explanation. All expense claims must contain a brief statement of the purpose or objective of each trip or business-related meal for which reimbursement is claimed.

- 6) The Chair shall, for the good of the State of California, schedule hearings and meetings to minimize travel and per diem costs.

B. Meeting Per Diem

In accordance with H&S Code, Section 129960, Board members and ex-officio members of the Board are eligible to claim \$100.00 per day in performance of official duties on behalf of the Board and authorized by the Chair of the Board.

C. Expenses and Reimbursements

In accordance with the Victim Compensation and Government Claims Board rules, Members of the Board and consultants are reimbursed from the Hospital Building Account - Architectural Public Building Fund, for their reasonable actual expenses incurred in attending meetings. The meetings are conducted to carry out the provisions of H&S Code, Division 107, Part 7, Chapter 1, Article 5, Section 129925.