

The following e-mail is in response to **Howard "Chip" Smith, Jr.** From **John Baca, California Community Colleges Chancellors Office.**

Nelson,

In general, I agree with what Chip noted.

I would, however, suggest that either all of the state agencies having jurisdiction over facilities be noted or that none are. Only having DGS noted may cause disputes over who has jurisdiction; especially when it comes to Community Colleges. I will talk to you more about this next week.

Thanks for the opportunity to comment.

John Baca, CCCCCO

**From:** Nelson Pena [mailto:Npena@energy.state.ca.us]

**Sent:** Friday, June 22, 2007 3:50 PM

**To:** Baca, John

**Subject:** Fwd: RE: Review Section 10-105 Enforcement by the Commission

John, attached is the latest version of section of 10-105 with new text. Bill Pennington and Mazi came up with the language. If you want to submit changes, they will be added towards the 45 Day language period. There's still is time to change text a bit, if need be; however, once in 45 day language, it would be difficult to change text with out holding another public workshop or another round of public comments.

Nelson P.

From Section 10-105

(b) **Where the Enforcement Agency is a State Agency** [TMM1] [TMM1]. No construction of any state building, or any other building subject to enforcement by a state agency, shall commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property reviews the plans for the proposed building and certifies to the Commission's Executive Director that the plans conform to the requirements of Part 6 and the information described in Section 10-103 (a) 2 and 10-103 (a) 3 has been submitted to the state agency. Each state agency shall designate the person in the agency who shall be responsible for enforcement of the requirements of Part 6 and shall notify the Commission's Executive Director. The Commission's Executive Director shall annually update a list of persons responsible for enforcement of the requirements of Part 6.

**Comment:** [TMM1] New language to clarify the responsibilities of state agencies in enforcement of T24.

>>> "Smith, Howard" <Howard.Smith@dgs.ca.gov> 6/11/2007 10:06 AM >>>

Lydia / Nelson,

I have reviewed the proposed regulation changes for Part 1, Chapter 10; my comments follow:

1. I would issue this proposal to the various state agencies that authorize (and may own) construction of buildings. I do not know all of these agencies, but understand that they include DGS, Caltrans, Food & Ag (fairs), DWR (water resources), Dept. of Forestry, and probably several others.

2. I do not believe that there is typically a single "enforcement agency" for state-owned buildings, and that no agency has jurisdiction over any state property in the context of a code enforcement agency (such as a city or county building department). I do not believe that a "building permit" is typically issued, but that state agencies such as DSA and the SFM do partial review and approval of construction documents for Title 24 compliance within that agency's specific discipline (e.g. accessibility for DSA, and fire-safety for SFM).

3. It would be beneficial to discuss this proposal with someone within DGS RESD who is familiar with the state's building construction process. Within the proposed Section 10-105 (b) the phrases "subject to enforcement by a state agency" and "state agency that otherwise has jurisdiction over the property" seem unclear to me based on my comments #2 and #4.

4. Related to this code change proposal are definitions in Section 10-102 for "building permit" and "enforcement agency." For state-constructed buildings, there may not be (often is not) a "building permit" issued, nor is any state agency designated as a code enforcement agency responsible for issuing a building permit. There are certain state agencies such as DSA (accessibility) and the State Fire Marshal (fire-safety) from which the state entity that owns/authorizes construction of a building must obtain approval prior to construction. These approvals are not granted in the form of a building permit, and code enforcement beyond plan review does not necessarily occur.

Regards,

Chip

**Howard "Chip" Smith, Jr.**

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**From:** Barron, Lydia  
**Sent:** Thursday, May 31, 2007 3:58 PM  
**To:** Enzler, Jeff; Smith, Howard  
**Subject:** FW: Review Section 10-105 Enforcement by the Commission

Per Nelson's Pena request, here is draft article. We are setting up a meeting with CEC for May 24 to discuss this and other issues.

Thanks,

Lydia

-----Original Message-----

**From:** Nelson Pena [mailto:Npena@energy.state.ca.us]

**Sent:** Wednesday, May 30, 2007 2:15 PM

**To:** Baca, John; Barron, Lydia; Mehta, Mahendra; Gupta, Raghubir

**Cc:** Maziar Shirakh

**Subject:** Review Section 10-105 Enforcement by the Commission

Hello all,

Can you please review **Section 10-105 Enforcement by the Commission**, we have added new text to include state buildings need to comply with Part 6. Please provide comments, suggestions, edits or approval. I believe this is the language that was agreed upon earlier with John and Chip and the Commission.

Thanks,

NP

P.S. Can you please forward a copy to Chip, since he was involved earlier with John Baca.

Thanks,

Nelson P.