MINUTES

SPECIAL MEETING OF BOARD OF TRUSTEES
SANTA BARBARA COMMUNITY COLLEGE DISTRICT

April 30, 1974

4:00 p.m. - Board Room
Santa Barbara City College
Santa Barbara, California

The Special Meeting of the Board of Trustees of the Santa Barbara Community College District was called to order by President Kathryn O. Alexander at 4:07 p.m. in the Board Room at Santa Barbara City College, Santa Barbara, California.

Members present:

Mrs. Kathryn O. Alexander, President
Mrs. Ann Cutshall, Vice-President
Dr. Joe W. Dobbs (arrived at 4:13 p.m.)
Mr. Sidney R. Frank
Mr. James R. Garvin

Members absent:

Mrs. Joyce H. Powell
Mr. Benjamin P. J. Wells

Others present for all or a portion of the meeting:

Dr. Glenn G. Gooder, Superintendent-President and Secretary-Clerk to the Board of Trustees
Dr. Donald K. Sorsabal, Administrative Dean, Business Services and Assistant Secretary-Clerk to the Board of Trustees

Dr. Martin M. Bobgan, Administrative Dean, Continuing Education
Dr. Al Silvera, Administrative Dean, Student Services and Activities
Mr. Jim M. Williams, Director, College Information

Dr. John Forsyth, President, Academic Senate
Mr. Jeremy Kramer, Santa Barbara News & Review
Mr. Steve Sullivan, Reporter, Santa Barbara News Press
Mr. Andy Warfield, Reporter, THE CHANNELS

Mr. Dean H. Ankeny, Director of Purchasing
Mr. Chester F. Arthur, A.S.P.E.
Mrs. Shirley Barbezat, Taxpayer
Mr. Charles Bonvie, Taxpayer
Mr. J. P. Clossen, Santa Barbara Plumbers & Fitters Local
Mr. Nicholas R. Conrad, Taxpayer
Mrs. Elizabeth R. Cook, Taxpayer
Mr. Marvin Cook, Taxpayer
Ms. Elaine Crum
Mr. Firmin F. DePonce, retired plumbing contractor
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Others present for all or a portion of the meeting - continued:

Mr. Firmin F. Feuerborn, Santa Barbara Building Trades
Mr. Danny Foreman, Santa Barbara High School student
Mr. Ray Foreman, Business Manager-Financial Secretary,
    Plumbers and Fitters Local #114
Mr. Terry L. Foreman, Santa Barbara City College student
Mr. James H. Graham
Mr. Bill Ingalls, Ingalls Plumbing
Ms. Debbie Samuel, technician
Mrs. Charlotte Spafford, Administrative Aide, Business Services
Mr. Ron Strahl, Strahl & Associates, Mechanical Engineers
Mr. Donald L. Trent, Director, Facilities Development
Mr. Francis A. Welch
Mr. John J. Zabzdyr, U.A. Local #114

Mr. Theron E. Barnes, CSEA President and Audio-Visual
Mrs. Elsie M. Brandt, Secretary to the Superintendent-President

Mrs. Alexander, Board President, announced a quorum of Board members
were present.

Mrs. Alexander stated that a request had been made as to whether the
meeting could be taped. A ruling stated prior to the start of the meeting
had been questioned by a member of the audience, Mr. Steve Sullivan, re-
porter for the Santa Barbara News Press.

Dr. Gooder indicated that after researching the matter, it was found
that there is a Government Code, Section 54593, which resolved that a
governing Board can not prohibit taping of a public meeting.

Mrs. Alexander, therefore, announced that taping of the meeting would
be allowed.

Mrs. Alexander briefly reviewed the high points of previous meetings
at which both Mr. Ray Foreman, Business Manager-Financial Secretary of
Plumbers and Fitters Local #114, and Mr. William L. Hess, President of
Extrusion Control Technology, Inc., had made their hour-long presentations
on the pros and cons of the use of plastic pipe. Both gentlemen had dis-
tributed to Board members a considerable amount of material and there was
not time to review all of it at that meeting. Allowing for a few days for
review of the materials, a Special Meeting was, therefore, called for
April 30 to consider:

1. Adoption of Change Order No. 13 on Humanities Building
    project approving installation of ABS plastic pipe and
    fittings in lieu of cast iron for drain-waste-vent
    plumbing systems.

As this was a Special Meeting, this item would be the only order of business
and the meeting was declared open.
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Dr. Gooder indicated that in the notice for the meeting there was a
typographical error in that the word 'fillings' should be 'fittings'. He
requested a report from Dr. Donald K. Sorsabal, Administrative Dean of
Business Services, before general participation began.

Dr. Sorsabal stated that he had requested information from the archi-
tect, Daniel, Mann, Johnson and Mendenhall (DMJM), and that information
was distributed to Board members at the last meeting. It contained a list
of 11 projects using plastic pipe, but three of those listed were obtained
through second-hand information. It was not completely accurate. There is
no plastic pipe in the Santa Maria High School additions except for two
traps. At Brandon and Cathedral Oaks Schools in Goleta, it was found there
are only line water leaders in plastic pipe. There is all copper pipe at
Cathedral Oaks except for a few external pieces. He added that, according
to Jeff Kendall of R. P. Richards Plumbing, ABS was used externally only
for sinks in portables at Kellogg and Foothill Schools.

Mrs. Alexander inquired if there were any other members on the Board
who wished to speak. She then opened the meeting to the audience and ac-
knowledged Mr. Ray Foreman.

Mr. Foreman stated he was pleased that the Board had received informa-
tion from DMJM. He pointed out though that the memo Dr. Gooder had sent to
DMJM clarifying his complaint did not result in statements with documented
backup material as he had presented previously. He had, also, checked the
list of projects and commented on some of the listed projects as follows:

Butte College, Chico: Change order was for PVC gas line out-
side of building to within 5' of building; waste-vent-drain
lines were all steel pipe.

Moorpark College: Plastic pipe was used under photo lab sinks;
rest of project was steel pipe.

Elementary Schools in Corona: had not yet received callback
with information from the agent in the area.

Brandon, Cathedral Oaks and Santa Maria High Schools: Dr.
Sorsabal had given correct information on those schools; in
Cathedral Oaks addition heavy cast iron had been used because
of a hot soil condition.

Abbott Laboratories, Thousand Oaks: Fuseal was used under the
science sinks; rest of project was steel pipe.

La Cumbre Convalescent Hospital: was all cast iron or steel
pipe except for a 3" plastic line for the water.

Casa Dorinda-Retirement Center: informed that the project had
originally been classified "H" occupancy; Planning Commission
rezoned it to "H" occupancy; was residential and 2-story, so
plastic pipe was allowed.
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Singing Springs Condominium: a 3-story project constructed in 1969 which had slipped by the officials; it was appealed and accepted as it was already completed.

Holiday Inn: a private, 2-story project falling under "H" occupancy and by law and code plastic pipe was allowed.

Mr. Foreman stated that it should be noted that the architect had given false information. The Board was being misled in believing the projects on the list were all done in plastic pipe. He also stated he felt it was the intent of the parties involved to get the Board to accept the change order as a cover-up. He questioned why the change was not approved before the State approved it.

Mr. Foreman referred to a Supreme Court ruling of 1956, Taft case, (copy sent by DMJM) in which "The State Department of Education shall: "Establish standards for school buildings", review and approve all plans and specifications for buildings and disapprove those not meeting the standards, furnish plans, specifications and "building codes", and make rules and regulations to carry out those activities". (After 1956 the State adopted Title 24, he added.) "The governing board of any school district may, and when directed by a vote of the district shall, build and maintain a schoolhouse." "To enable it to do so, the governing board of each school district and any other school authority before adopting any plans for a school building shall submit the plans to the Division of Architecture for approval, and shall pay the fees prescribed in this article." "Before letting any contract for any construction or alteration of any school building, the written approval of the plans, as to safety of design and construction, by the Division of Architecture, shall be first had and obtained."

Mrs. Alexander interjected that Mr. Foreman was now moving to the point the Board has come to see as in one sense the Board had been asked to consider legal questions and legal technicalities. She stated that Mr. Foreman was pointing out where the real authority in the State lies. As she understood the problem, preliminary approval had been obtained from this authority.

Mr. Foreman stated that there are procedures to be followed to obtain approval and installation is not made until approval is obtained. He stated the installation had been made in January-February of this year and that he had brought the matter to the attention of the staff and the State at that time and they assured him that they had approval for the installation.

Mrs. Alexander questioned whether Mr. Foreman was speaking to the presence of plastic pipe in the building or to the procedures.

He replied that he spoke to both matters and that it was illegal according to Title 24.
Dr. Gooder commended that a flat statement as to it "being illegal" was only a personal opinion of Mr. Foreman's. He stated that the Board has to rely on OAC to determine whether plastic pipe meets the State of California requirements. As Dr. Gooder understood it, OAC said it does conform to Title 24 and the 'footnote' in Mr. Foreman's previous presentation showed that OAC's position was that they are the authority for interpreting Title 24, therefore, OAC had ruled that this installation was in keeping with Title 24 as they interpreted it.

Mr. Foreman stated that he had talked with OAC and the Fire Marshall's office and questioned where, after he had brought the problem to the Board's and staff's attention, they had gone to obtain answers.

Mrs. Alexander responded that after his original presentation with the specific question if plastic pipe conforms to Title 24 written approval had been received from OAC. Also, the Board and staff had requested information of DMJM.

Dr. Gooder indicated that the staff had contacted DMJM as they are responsible to the Board, and direct contact had been made with OAC.

Mr. Foreman wished to know how much of the delivered cast iron pipe was rejected and claimed that proper procedures were not being followed in the issuance of the change order. He had had long discussions (by telephone) with Mr. Frank McCarthy of the Fire Marshall's office and also with Mr. Stein of the OAC office and stated that where the plastic pipe comes through the slab floor created an illegal condition. He advised Board members to investigate all avenues within the law before accepting or rejecting the change order.

Mrs. Alexander replied that the Board agreed to find out about the acceptability of the building and a check was made with OAC and the Board was told OAC had given their approval. After approval by OAC, routinely the change orders go to the Fire Marshall's office.

A very lengthy discussion on the procedures and channeling of change orders and sequence of approvals of OAC and the Fire Marshall, and the interpretations of Title 24 followed. The College staff assured the Board members that it was not unusual for on-site material substitutes to be made and for change orders to be requested at a later date.

Many members of the audience were recognized by Board President, Mrs. Alexander, and allowed time to give their views and comments. Much time was also devoted to costs of plastic pipe versus cast iron pipe.

In his concluding remarks, Mr. Foreman urged the Board to check the validity of the change order and claimed that whether OAC and/or the Fire Marshall approved it had no bearing whatsoever.
Mrs. Alexander then directed the meeting to Board members for their comments and questions.

Mr. Garvin stated he would prefer to reserve his decision until the representatives of the architect and general contractor had been heard from. Dr. Dobbs concurred in that he would, also, like to hear from the architect as the Board was faced with very unusual circumstances. Mr. Frank indicated that the arguments seemed to be divided into two segments: 1) Safety -- in that the Board is responsible for a building to be safe according to the authorities who have jurisdiction to so state; and 2) Economics -- is there a cost savings between the different materials. He insisted that the main concern is and should be safety. He was in agreement with Mr. Garvin and wished to abstain from voting and delay until further information is presented.

Board members agreed that many questions were unanswered and directed the staff to contact the architect and general contractor to get verification of detailed subcontractor's costs, and to request an on-site safety inspection by OAC and the Fire Marshall's office. Also, facts were needed on amounts and delivery dates of two loads of rejected cast iron pipe.

The Board of Trustees delayed consideration of the no-cost Change Order #13 on the Humanities Building project regarding installation of ABS plastic pipe and fittings instead of cast iron pipe for drain-waste-vent plumbing systems.

A motion was made by Mrs. Gutshall, seconded by Mr. Frank, and passed by the Board to refer the matter to the next Board meeting.

Dr. Gooder urged all the members of the Board not to be drawn into the controversy over the relative merits of plastic pipe versus cast iron pipe, but to consider whether the project is safe according to Government Code, Title 24, as interpreted by OAC, and if the project is proceeding properly.

Upon motion of Dr. Dobbs, seconded by Mr. Frank, the Board of Trustees of the Santa Barbara Community College District adjourned their Special Meeting at 6:26 p.m.

Attest:

MRS. KATHRYN O. ALEXANDER  
President, Board of Trustees  
Santa Barbara Community College District

DR. GLENN G. GOODER  
Superintendent-President and Secretary- Clerk to the Board of Trustees

Approved by the Board of Trustees:

on May 23, 1974.