

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MEETING MINUTES CONSTRUCTION INDUSTRIES BOARD/UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM 2401 NW 23RD STREET, SUITE 2F OKLAHOMA CITY, OK 73107 APRIL 19, 2016 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Ross Barrick, Jim George, David Hall, Danny Hancock, Chris Henderson, Larry Herzel, David Timberlake, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Amber Armstrong, Curtis McCarty and Joe McKenzie

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Bryan Neal (Attorney General's Office), LaTisha Edwards (Office of Management and Enterprise Services – Agency Business Services), Mike Ervin (Oklahoma Capitol Strategies), Orin (OJ) Johnston III (JAG Engineering, LLC), and Kelly Parker (GWS)

CALL TO ORDER:

Mr. David Timberlake called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:31 p.m. in the Construction Industries Board/Uniform Building Code Commission Board Room at Shepherd Mall, 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73107.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This regular meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 1:30 p.m. on this 19th day of April, 2016, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 Sections 301 through 314.

Further, this meeting was preceded by an advance public notice that was sent to the Secretary of State electronically specifying the date, time, and place of the meeting here convened.

Notice of this meeting was given at least twenty-four (24) hours prior hereto. To date, sixty-four (64) people have filed a written request for notice of meetings of this public body."

REPORTS

CEO Report:

Mr. Pope gave his update to the commission. He pointed out the monthly fiscal year-to-date total for the month of March was steady with previous years. He added construction was holding steady in the state. He stated the Commission was watching some bills in the legislature and asked Mr. Mike Ervin to provide a recap of legislation that could affect the OUBCC. Mr. Mike Ervin stated House Bill 2758 had direct relationship to the OUBCC and reviewed the bill's status. He stated Senate Bill 1329 has been a bill of interest for the OUBCC. He noted it was the bill that allowed churches to house residents

for a temporary period of time. The Commission and Mr. Ervin discussed the language changes in the bill, length of stay at each church, the Oklahoma Promise program, and that the number of days would apply to the structure not to the family.

Financial Report:

Ms. LaTisha Edwards with OMES, ABS greeted the Commission. She reviewed each report and pointed out the budget-to-actual report showed the OUBCC was operating under budget for the fiscal year. She pointed out the available cash balance and the revenue received to date. There were no questions for Ms. Edwards at the end of her presentation. Mr. Timberlake asked Ms. Hehnly about the big expenditure to the International Code Council. Ms. Hehnly noted he was looking at the outstanding encumbrances report and which showed money tied up that was not yet expended. She added the funds were tied up for the training classes.

Alternative Fuels Program Technical Committee Update:

Mr. Ross Barrick gave the committee report. He noted the next meeting would be Monday, April 25, 2016. He added the committee was reviewing hydrogen requirements and learned there was a new edition of the NFPA 2® standard. He added the committee had just received the new standard at the last meeting. He noted there were a lot of changes between the previous edition published in 2011 and the 2016 standard. He stated the committee was reviewing information from other states that were already using hydrogen fuel to see what issues they were dealing with. He noted the committee had contacted a manufacturer of electric vehicles to see if they had any issues with the current codes and their charging station installations and no reply had yet been received. He stated the committee was on track and had been working on their assignment for a year and a month. There were no questions for Mr. Barrick.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the February 23, 2016 regular meeting minutes

Mr. Herzel noted he had a few grammatical corrections. Mr. Timberlake confirmed Mr. Herzel had given those corrections to Ms. Hehnly.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO APPROVE THE MEETING MINUTES OF FEBRUARY 23, 2016

VOTING AYE: Ross Barrick
 Jim George
 David Hall
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Amber Armstrong
Curtis McCarty
Joe McKenzie

Discussion and possible action on the Fiscal Year 2017 (FY17) Budget

Mr. Danny Hancock stated the Budget Fees and Rules committee had reviewed the budget via a conference call. He noted the call included himself, Mr. Barrick, Ms. Armstrong, Mr. Timberlake, Mr. Pope, and Ms. Hehnly. He noted the budget was lower than the current budget. Mr. Herzel asked what the difference was between the estimated FY17 figure and the submitted FY17 figure. Ms. Hehnly noted the estimated was a ten percent markup for each line and the submitted figure was based on the actual anticipated cost. Mr. Timberlake noted it was a similar budget to previous years.

Mr. Neal stated he had received some information from another Assistant Attorney General who worked with the Office of Risk Management in the Oklahoma Management and Enterprise Services office. Mr. Neal stated the information received was that OMES would allow the OUBCC to budget funds sufficient to the retainage or deductible on the D & O coverage for the Commission. Mr. Neal stated the amount of the deductible could be changed if that was the will of the Commission when the policy was renewed. He noted in the event a claim was made against the Commission, Risk Management would look to the Commission for that deductible if there was settlement or judgement. He stated OMES would allow for the provision of the funds for the deductible and asked if the item was budgeted. Mr. Timberlake asked if it would be appropriate to approve the budget as presented, assign someone to do some research, and amend the budget if necessary at the next meeting. Mr. Hancock asked if the Commission had D&O insurance and if other agencies budgeted for it. Mr. Hall noted what Mr. Neal was saying was that the Commission should be budgeting for the deductible. He volunteered as the insurance representative to review the Commission's policies and deductibles and premium information. Mr. Timberlake asked Mr. Hall to work with Mr. Pope and Ms. Hehnly to review the Commission's policies and to come back with a recommendation next month. He added the Commission could approve the current budget and then amend it next month if that was the recommendation. Mr. Hancock asked if it was a recommendation or requirement to budget for the deductible. Mr. Neal replied it was a recommendation and would allow the Commission to be prudent stewards of the public funds.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO APPROVE THE FISCAL YEAR 2017 BUDGET AS PRESENTED

VOTING AYE: Ross Barrick
Jim George
David Hall
Danny Hancock
Chris Henderson
Larry Herzel
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Amber Armstrong
Curtis McCarty
Joe McKenzie

Discussion and possible action to approve the FY2017 contract with the Attorney General's Office

Mr. Pope stated the contract was behind tab "F" and reviewed the terms and costs of the contract. He pointed out it would equate to forty-five percent of Mr. Neal's time. He noted his recommendation would be to approve the agreement.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE THE CONTRACT FOR LEGAL SERVICES WITH THE ATTORNEY GENERAL'S OFFICE

VOTING AYE: Ross Barrick
Jim George
David Hall
Danny Hancock
Chris Henderson
Larry Herzel
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Amber Armstrong
Curtis McCarty
Joe McKenzie

Discussion and possible action to form a committee to review all storm shelter requirements

Mr. Timberlake noted he was tabling the item for discussion at another meeting.

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Kelly Parker with GWS addressed the Commission. He noted the original OUBCC statute language provided for education of inspectors. He added he knew there was legislation out there dealing with the free training of builders and others, but his question was, where was the Commission on training of inspectors from A to Z. Mr. Timberlake noted the issue was a topic of conversation with a lot of people and asked Mr. Pope to address Mr. Parker's question. Mr. Pope noted last year some legislation was submitted to create a code academy which would train an inspector from A to Z. He added the legislation was passed by both houses but was vetoed by the Governor. He noted the reasoning given for the veto was because there were a lot of vo-techs that were already providing such training. Mr. Pope added the Commission has not found that to be the case. Mr. Parker noted it wasn't

there and the Governor's office must have been misinformed. Mr. Pope noted that was where the Commission was and that there was no legislative authority to create the academy. Mr. Parker said it was part of the original language. Mr. Pope replied the Governor's office felt the language was to allow only for the training of what was happening in the code change process. Mr. Parker expressed concern that the legislative wording going through the process now was turning from inspectors to more builders and contractors. Mr. Hancock asked if Mr. Parker was opposed to it and if so why. Mr. Parker replied it should be focused on the inspectors first and to take it away from inspectors would be wrong. He stated most inspectors didn't have the funding or time for training. He added the training for inspectors should be available at night and felt the Commission had adequate funding to provide that. There was further discussion on the Commission's intent to give back not only to the cities through the inspectors training, but back to the contractors who paid the fees to begin with, refunding to groups the cost of the instructor without changing focus from training the inspectors, clarification that the changes requested would allow the Commission to host a class for fifty and if only twenty inspectors signed up, filling the class with others who utilized the codes since the cost would be the same regardless of the number of people in the class. Mr. Kelly stated the only thing he would add was that the Commission shouldn't just be doing continuing education, they should be providing A to Z training as well. He added it should be available at any time not just during working hours. Mr. Timberlake thanked Mr. Parker for his comments.

Mr. Orin (OJ) Johnston with JAG Engineering addressed the Commission. He noted he was a licensed professional engineer with a main discipline of structures. He noted he was looking for an interpretation of the language in the Commission's rules. He noted the language in the adoption of the 2015 Edition of the International Building Code® stated the code was "the statewide minimum code for commercial building." He asked were the requirements within the code or the code itself considered the minimum. He stated he had to draw several different sets of plans because the cities did not have the same codes as the Commission. Mr. Neal responded to provide clarification, the OUBCC was charged by the State to adopt minimum building codes to apply in all the jurisdictions. He added unfortunately, a lot of the jurisdictions were behind in adopting the minimum codes. He noted the Commission had no enforcement authority over any of the jurisdictions, cities, or counties. He noted the process was done through rulemaking which was approved by the Legislature. He noted the issues Mr. Johnston had were really the issues that the Commission was created to address, but there was no authority to do so. He cited for example, charter cities, that were required to comply with minimum state law, but could have extra requirements if they chose to. Mr. Johnston stated he just wanted to make sure he understood what the rules language was trying to say, was it the information in the code or the code itself that was the minimum. Mr. Neal stated the code as amended and adopted by the OUBCC and approved by the Legislature and Governor's office was the law, as with any agency, the regulations that were properly promulgated had the force and effect of the law. He stated he wasn't sure if that answered Mr. Johnston's question or not, but the ICC documents were model codes that were modified by the OUBCC's adoption. Mr. Timberlake pointed out the OUBCC had done what it was charged with doing and did not have any authority to require the cities to adopt the minimum code. Mr. Barrick noted each city should have a Board of Variance and Adjustments that had an appeal process, which could overrule the requirements by the city's inspector. Mr. Timberlake thanked Mr. Johnston for his comments.

ADJOURNMENT: (2:29 P.M.)

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ADJOURN

VOTING AYE: Ross Barrick
 Jim George
 David Hall
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Amber Armstrong
 Curtis McCarty
 Joe McKenzie

Minutes approved in the regular meeting on the 17th day of May, 2016

DAVID TIMBERLAKE
David Timberlake, Chairman
Oklahoma Uniform Building Code Commission

PREPARED BY: KATHY HEHNLY
Kathy Hehnly, Executive Assistant
Oklahoma Uniform Building Code Commission

OFFICIAL COPY - *Original with signatures in office file*