

**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
JULY 19, 2016 – 1:30 P.M.**

COMMISSION MEMBERS PRESENT:

Amber Armstrong, Ross Barrick, Jim George, Danny Hancock, Chris Henderson, Larry Herzel, Joe McKenzie, Curtis McCarty, David Timberlake, and Cary Williamson

COMMISSION MEMBERS ABSENT:

None

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 Liston (Plumbers, Heaters, and Cooling Contractors), Rhonda Harding-Hill (Oklahoma Department of Commerce), Albert N. Janco, (P.E.), Kenny Whitson (344 Training Center), John Harrod (P.E.), and Orin Johnston III (Jag Engineering, LLC)

CALL TO ORDER:

Mr. David Timberlake called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:30 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 July, 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-nine (69) people have filed a written request for notice of meetings of this public body.

REPORTS:

CEO Report:

Mr. Billy Pope, Chief Executive Officer reviewed his written report, noting the paperwork for the rules had been filed and listing the dates the rules would be effective. He noted there were some changes throughout the office implemented for security issues. He reviewed some discussion that had occurred with the Oklahoma Insurance Department regarding the "Fortified Home" program. Mr. Pope noted the Code Academy Committee had started meeting again. He added SB1616 had been signed into law, which took \$800,000 from the OUBCC revolving fund to help offset the budget deficit. He added

those funds had been removed from the OUBCC account. He reviewed the OUBCC reports showing funds received and stated the construction industry was still holding steady. The commission discussed some of the security measures in the conference room and that the State's Risk Management Office recommended a security officer at public meetings.

Financial Report:

Ms. LaTisha Edwards with OMES, ABS greeted the Commission. She reviewed each of the reports and noted Commission had \$106,875 remaining in the FY16 budget for any miscellaneous June invoices that may be received. She noted expenditures for the 2016 fiscal year-to-date totaled \$476,754. Ms. Edwards confirmed the \$800,000 was taken after the June reports were completed, on July 1, 2016. She noted the withdrawal would be reflected in the July reports. There was some discussion on the total amounts taken from all the state agencies.

Alternative Fuels Program Technical Committee Update:

Mr. Cary Williamson reported to the Commission. He noted the last meeting was June 27, 2016. He noted there was a quorum until 3:00. After the loss of a quorum the rest of the meeting was just discussion. He noted the committee was shooting to wrap up their work in the next two meetings. He added all that was lacking was a recommendation on the hydrogen fuel requirements and some changes on repair garages.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the May 17, 2016 regular meeting minutes

Mr. Timberlake asked if everyone had reviewed the minutes and if there were any additions or corrections. Mr. Herzel noted he found a few typos but nothing that changed the content of the minutes.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO APPROVE THE MEETING MINUTES OF MAY 17, 2016

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 Danny Hancock
 Larry Herzel
 Curtis McCarty
 Joe McKenzie
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: Chris Henderson

ABSENT: None

Discussion and possible action on the creation of a Storm Shelter Technical Committee to review all storm shelter requirements for residential and commercial construction

Mr. Herzel stated storm and tornado shelters were a very hot issue in Oklahoma. He noted there were requirements incorporated into the adopted codes for both commercial and residential construction. He added he felt it was important that the Commission get a comprehensive review of all of the storm shelter requirements and incorporate them into the codes in place or come up with a new document. He noted he was not sure what path the committee would need to take, but would be reviewing all of the codes that covered storm shelters or safe rooms. He noted there was the ICC 500® document which was referenced in the adoption of the ICC codes and there were FEMA guidelines, adding those guidelines were not hard, fast codes. He stated the FEMA documents did refer to ICC 500® as a portion of their standards. He noted a lot of organizations utilized FEMA as kind of a catchall phrase stating it was at the highest standard if it met all the FEMA guidelines. Mr. Herzel stated the FEMA P-361® was a thick document that had a lot of pages that did not mean anything to an architect or engineer that was designing a shelter, but it did mean something to organizations and families that were contemplating having a storm shelter. There was discussion on the number of questions about storm shelters received by staff, confusion for architects and engineers in designing shelters, new editions of the documents published after the commercial code adoption and the differences between those editions.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO CREATE A TECHNICAL COMMITTEE TO REVIEW ALL STORM SHELTER AND SAFE ROOM REQUIREMENTS

There was some discussion on how the committee should be set up and if it should be just commissioners or if volunteers from the different trades should be included. Mr. Herzel stated he thought it should include members of the commission and volunteers. There was discussion regarding the composition of the technical committees and the number of commissioners that could be on the committee based on the OUBCC's rules.

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action on potential or proposed changes to the Oklahoma Uniform Building Code Commission Act, 59 O.S. §1000.20 to §1000.29, and/or the Commission's rules at OAC Title 748: OKLAHOMA Uniform Building Code Commission

Mr. Pope noted the agenda item was in response to an issue with listing all code adoptions by the jurisdictions on the OUBCC website. He stated the issue dealt with the language in the OUBCC Statutes that required only those code adoptions with higher standards be listed on the website. He noted the idea was to look at both the rules and the statutes that address the requirements and allow the Commission to decide if there needed to be a committee that reviews all the jurisdictional ordinances adopting codes to determine if they should be listed, or if the rules and legislation ought to be modified. Mr. Pope reviewed the statutory language and the rules language referencing where there were some discrepancies between the statutory requirements and the language in the rules. There was discussion on if the Commission should request the statute be modified in the next legislative session, lack of enforcement to make the jurisdictions adopt a code and provide the OUBCC with their information, cities with less stringent requirements than the OUBCC requirements getting posted to the website, home rule charter powers for some municipalities, authority to the jurisdictions provided in the OUBCC act, providing the most information possible on the OUBCC website and if there was any prohibition to listing all jurisdictional ordinances on the website. After discussion, the commission determined a review should be done by the Budget, Fees, and Rules committee. No further action was taken.

Discussion and possible action on a request to change the Oklahoma Department of Labor alternate representative to the Alternative Fuels Program Technical Committee from Mr. Robert Lassiter to Mr. James Buck

Mr. McCarty asked if there was any kind of a resume for Mr. Buck. Mr. Timberlake replied the Commission did not have one, but it was his understanding that Mr. Buck was the supervisor of the person who was assigned to the committee and he was recommended.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO REPLACE THE DEPARTMENT OF LABOR'S ALTERNATE REPRESENTATIVE MR. ROBERT LASSITER WITH MR. JAMES BUCK

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
Danny Hancock
Chris Henderson
Larry Herzel
Curtis McCarty
Joe McKenzie
Cary Williamson
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action on employment, evaluation, and compensation of the Chief Executive Officer

Notice of Possible Executive Session

In accordance with 25 O.S. §307(B)(1), the OUBCC, upon majority vote, may convene in executive session for the purpose of discussing the employment, evaluation, and compensation of the Chief Executive Officer

Possible vote to convene in Executive Session

Mr. Timberlake noted in regard to the agenda item, he would entertain a motion to enter into an executive session.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO CONVENE IN AN EXECUTIVE SESSION

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Curtis McCarty
 Joe McKenzie
 Cary Williamson
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Vote to return to Open Session

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO CONVENE IN A REGULAR OPEN SESSION

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 Danny Hancock
 Chris Henderson
 Larry Herzel
 Curtis McCarty
 Joe McKenzie
 Cary Williamson

David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Orin Johnston, III (OJ) with Jag Engineering, LLC addressed the Commission. He recommended with regards to storm shelters and safe rooms that it might be beneficial to have separate residential and commercial technical committees. He noted a lot of the information was the same as far as requirements, but from what he had experienced, most residential storm shelters were below grade, pre-manufactured safe rooms whereas commercial shelters were going to be above grade and larger built-on-site safe rooms. He stated he understood there needed to be continuity between which versions of the documents to utilize, but he felt the requirements for the types of storm shelters were different. He added he didn't agree with the state minimum standards for codes but understood why it was there. He stated he had issues with the state adopting one code and a city adopting another code and having to design by both codes, because one version was more stringent than the other. He recommended if the Commission was going to review safe rooms, instead of saying it was a minimum standard, the OUBCC say this was the only way to design them. He added if it was put out as a minimum requirement there would be 5 to 10 percent of people who would not worry about trying to figure out what really was the minimum and would do what they wanted to no matter what the requirement was. He cited for example not getting the design peer reviewed which was required for certain sizes of safe rooms. Mr. Johnston noted he had seen safe rooms that he thought didn't meet the requirements in ICC 500 and were not peer reviewed. He added his concern was for the people who would gather in the shelters that would not receive the adequate protection needed. He stated he would be happy to help find answers to the issues. Mr. Timberlake thanked Mr. Johnston for his input.

ADJOURNMENT: (3:07 P.M.)

MS. AMBER AMRSTRONG MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Danny Hancock
Chris Henderson
Larry Herzel
Joe McKenzie
Curtis McCarty
Cary Williamson

David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Minutes approved in the regular meeting on the 16th day of August, 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*