

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 MAY 16, 2017 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Amber Armstrong, Ross Barrick, Jim George, David Hall, Larry Herzel, Curtis McCarty (left at 2:22 p.m.), David Timberlake, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Danny Hancock, Chris Henderson, 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), Bill Kite (Mechanical, Electrical, and Plumbing Contractors of Oklahoma)

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 16th day of May, 2017 has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 O.S. 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, seventy-three (73) 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. He stated Mr. David Hall and Ms. Amber Armstrong were reappointed to the Commission on May 4, 2017. He added Mr. Rick Lueb was appointed to take over the architectural position starting July 2, 2017. He noted Mr. Lueb was appointed on May 11, 2017. Mr. Timberlake asked if Mr. Lueb's first meeting would be the July meeting and if Mr. Herzel's last meeting would be the June meeting. Mr. Herzel noted that was correct. Mr. Pope stated the month of May was both the National Electrical Safety Month and the National Building Safety month. He stated he had attended a conference from April 25, 2017 through April 28, 2017 for the Construction Codes Education Coalition of Oklahoma. He reviewed the different entities

that made up the coalition, noted the attendance for the different classes, and what information he provided to the attendees. He noted the office had contacted six auditors as directed to request proposals for conducting our annual audits.

Mr. Pope asked Mr. Mike Ervin with Oklahoma Capitol Strategies to provide a review of several legislative bills. Mr. Ervin greeted the Commission and reviewed four bills that dealt with administrative rules, noting HB 1552 and HB 1553 were vetoed by the Governor. He added HB1999 that required agency rules to sunset every four years was still alive. He noted SB 697 had been sent to the Governor but had not been acted on. He noted it would require all rulemaking authority delegated be based on implementing law or policy set by the Legislature. He added within three years, the bill would require all rules to have a reference to the authority granted in the statute in order to pass that rule. Mr. Ervin noted SB 312 was signed by the Governor and would be covered by an agenda item later in the meeting. He stated one new bill, HB 2404 had just come about required sales tax to be charged to state agencies as well as other political subdivisions of the state. Mr. Herzl asked about a bill that allowed the State Fire Marshal to turn over plan reviews to architects or engineers if his office couldn't complete those reviews within forty-five (45) days. Mr. Ervin noted the bill did not make it out of committee. Mr. Timberlake and Mr. Ervin discussed HB 1168 and the possibility the language could be added to another bill. Mr. Timberlake thanked Mr. Ervin for his time.

Financial Report:

Ms. LaTisha Edwards with OMES, ABS greeted the Commission. She reviewed the Budget to Actuals report pointing out the annual budget, expenses, and remaining balances. She noted the Commission had more than enough available for the remainder of the fiscal year. She reviewed the Allotment Budget and Available Cash and the Summary of Receipts and Disbursements, noting when comparing revenue to expenditures there was a net gain of \$107,500. She reviewed the Six Digit Object of Expenditure Report; Six Digit Expenditure Detail Report; and Outstanding Encumbrances Report. Mr. Timberlake asked Ms. Edwards to explain the term "Treasurer's account" that she used while reviewing the Summary of Receipts and Disbursements. Ms. Edwards replied that was another term for the clearing account which was where all funds received for the month were deposited until the reconciliation was completed.

Storm Shelter Technical Committee Update

Mr. Timberlake asked Ms. Armstrong for the update. Ms. Armstrong stated she didn't realize she was to present the update and was not prepared. Mr. Herzl noted the committee had met and discussed a lot of items. He added the committee had voted on three or four of those items and felt the committee was on track and would have a presentation ready for the Commission by September or October.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the April 18, 2017 regular meeting minutes

Mr. Timberlake asked if there were any additions or corrections to the minutes and if not, would entertain a motion.

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO APPROVE THE APRIL 18, 2017 REGULAR MEETING MINUTES

VOTING AYE: Amber Armstrong
 Ross Barrick
 Jim George
 David Hall

Larry Herzel
Curtis McCarty
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Joe McKenzie

Discussion and possible action on the OUBCC response on SB 312 requested by OMES budget analyst for the Governor's office

Mr. Timberlake stated the bill was presented to the Governor and her office in doing their due diligence had contacted the OUBCC to respond if the Commission supported or did not support the bill as well as a little history on the bill. He added with a lot of help from Mr. Ervin and Ms. Hehnlly, a response was submitted which was in their books. He added the key element was the last short sentence of the last paragraph which stated "Therefore we cannot support SB 312." Mr. Timberlake noted despite a very short period of time and a lot of effort, the Governor signed the bill into law. He added he wanted the Commission to see the response, so they would be aware of exactly what went on. Mr. Timberlake noted for the record that he was opposed to the bill and didn't think it was a good plan. He added it completely undermined the spirit of the Commission to be challenged with arriving at minimum codes for the state and then allowing special groups an exemption to those codes. He added the codes were there for a good reason and an injustice was done when that was signed and put into play without the Commission's concurrence and he felt very strongly about it. He added it was now the law so the churches could now have groups that could stay in the church for up to seventy-five (75) days. He noted the Commission was mentioned specifically in the bill as it was contrary to some of the OUBCC rules and codes of the state. He added the bill, paraphrased by him, stated the OUBCC had no authority to challenge the modifications or take any challenge or offence to it, even though it was in violation to the OUBCC codes. He asked if anyone had any questions or comments.

Mr. Herzel asked if the State Fire Marshal had been consulted on the bill. Mr. Williamson replied the Fire Marshal's Association of Oklahoma had been contacted, but as far as direct involvement by the State Fire Marshal's office he was unsure. Mr. Hall stated it may create an insurance issue. He added when the code was circumvented, it created a grey area, and from his perspective, he would have a real question about insurability. Mr. Timberlake reviewed some of the provisions in the bill, but noted one of the things in issue was that the bill now allowed a door or a window to suffice. He added the window wasn't described in the bill and didn't specify a size or if it was operable. He added most of the life safety requirements were overridden. He added there was no mention in the bill regarding sanitary facilities or the number of people who would be allowed to stay in the church. The Commission briefly discussed the localities of the authors of the original bill and the amended version just approved by the Governor. Mr. Barrick noted he was opposed to the seventy-five (75) consecutive days in the facility.

Discussion and possible action to approve the fiscal year 18 (FY18) budget

Mr. Curtis McCarty reviewed the modifications made to each section of the budget as it related to the FY18 budget request submitted in October, 2016. He noted the total decrease to the budget was \$244,989. He added the total anticipated budget was \$700,741.88. The Commission discussed

confirming the D&O insurance costs were included in the budget; if there were any concerns that expenditures could exceed revenue; and the number of staff positions budgeted for FY18. Mr. Pope noted the fourth position budgeted would be needed if the Commission voted to go to a three-year code adoption cycle.

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO APPROVE THE FISCAL YEAR 18 (FY18) BUDGET

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Larry Herzel
Curtis McCarty
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Joe McKenzie

Discussion and possible action on a special election of Vice-Chairman (July 1, 2017 through December 31, 2017), per rule 748:1-1-3(b)

Mr. Timberlake noted Mr. Herzel termed out in June and a new architect, Mr. Rick Lueb had been appointed. He added with Mr. Herzel's departure, there was a need to vote for a new Vice-Chairman.

MR. LARRY HERZEL MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO NOMINATE MR. CURTIS MCARTY AS VICE-CHAIRMAN

Mr. Timberlake asked Mr. McCarty if he would accept the position. Mr. McCarty replied he would accept the duty.

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Larry Herzel
Curtis McCarty
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Joe McKenzie

Discussion and possible action on employment, appointment, evaluation, promotion, demotion, disciplining, and compensation of the Chief Executive Officer

Notice of Proposed 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 discussion of the employment, appointment, evaluation, promotion, demotion, disciplining, and compensation of the Chief Executive Officer

Possible vote to convene in Executive Session (2:02 P.M.)

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MR. JIM GEORGE TO CONVENE IN AN EXECUTIVE SESSION

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Larry Herzel
Curtis McCarty
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Joe McKenzie

Vote to return to Open Session (2:47 P.M.)

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DAVID HALL TO RETURN TO AN OPEN SESSION

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Larry Herzel
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Curtis McCarty
Joe McKenzie

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Pope thanked Mr. Herzel for eight years of service to the Commission. He stated Mr. Herzel should be recognized for his eight years of service and for giving back to the State of Oklahoma. He added it showed great citizenship. Mr. Herzel thanked Mr. Pope. Mr. Timberlake noted he agreed and was going to say the same thing. Mr. Herzel noted he had enjoyed it and it had been a pleasure to serve. Mr. Timberlake stated he would be missed.

ADJOURNMENT: (2:50 P.M.)

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. JIM GEORGE TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
Jim George
David Hall
Larry Herzel
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Chris Henderson
Curtis McCarty
Joe McKenzie

Minutes approved in the regular meeting on the 20th day of June, 2017

DAVID TIMBERLAKE
David Timberlake, Chairman
Oklahoma Uniform Building Code Commission

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

OFFICAL COPY: *Original with signature in office file*