

# **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 JUNE 20, 2017 – 1:30 P.M.**

### **COMMISSION MEMBERS PRESENT:**

Amber Armstrong, Ross Barrick, David Hall, Danny Hancock, Chris Henderson, Larry Herzel, Curtis McCarty (left at 3:50 p.m.), Joe McKenzie, David Timberlake, and Cary Williamson

### **COMMISSION MEMBERS ABSENT:**

Jim George

### **OTHERS PRESENT:**

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Bryan Neal (Attorney General's Office), LaTisha Edwards (Office of Management and Enterprise Services "OMES" – Agency Business Services "ABS"), Mike Ervin (Oklahoma Capitol Strategies), Cathy Menefee (OMES), Tim Yaciuk (International Electrical Contractors Association), Lauren Kellieher (OMES), Conner Kohlscheen (Oklahoma Attorney General's Office), Dave Nichols (International Code Council), Patricia Wheeler (OMES), Mike Means (Oklahoma State Home Builder's Association), Sean Hutson (Simpson Strong-Tie), Rick Lueb (TAP Architecture), Steven Hawkins (OMES), Mike Bass (Delco Electric), Bill Kite (Mechanical, Electrical, and Plumbing Contractors of Oklahoma), and Carrie Towery (OMES)

### **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 20th day of June, 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-four (74) 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 Governor Fallin signed a Governor's Declaration to approve rules on June 13, 2017. He stated staff was working on the final document submission and the effective date of the agency rules would be September 15, 2017. He noted that completed his report, unless there were any questions. There were no questions.

### 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 reviewed the Allotment Budget and Available Cash report, pointing out the available cash balance. She reviewed the Summary of Receipts and Disbursements, pointing out the May revenue and the total revenue for the fiscal year. She noted the total expenditures and stated it gave the Commission a net cash gain of \$114,259.00 for the fiscal year to date. She reviewed the Six-Digit Object of Expenditure Report and the Six-Digit Expenditure Detail reports. She noted the total of the expenditures for the month of May, was \$45,322.00. She stated the last report was the Outstanding Encumbrances report showing the list of all current purchase orders and their remaining balances. There were no questions for Ms. Edwards.

### Storm Shelter Technical Committee Update

Mr. Herzel noted the committee was working on getting some items passed. He stated he felt the committee would be on schedule to present their recommendations in September or October. He noted the next meeting was scheduled for July 5, 2017. He added there would be a couple of guests attending, Mr. Kurt Roeper with Assa Abloy. Mr. Herzel noted Mr. Roeper wrote a lot of the commentary for the ICC 500® pertaining to the doors and hardware requirements. He stated the second presenter would be Mr. David Dodge with McKeon Doors to discuss tornado resistant overhead doors and shutters and the roll those shutters can have in storm shelters. Mr. Herzel stated he hoped the committee would be able to use the information from both presenters to modify code requirements, if need be.

### **ACTION AND DISCUSSION ITEMS:**

Mr. Timberlake stated he would like to change up the order of the items on the agenda and start with agenda item "h."

### Discussion and possible action on approving the Master Service Agreement with OMES for shared services and Appendix C listing the fees for Information Technology Service for the remainder of FY17

Mr. Pope reviewed the agreement provided by OMES. He noted there were several representatives from OMES in the audience that could answer any questions the Commission may have. He noted the first seven pages were the initial agreement between the two agencies. He reviewed each appendix, explaining what services were covered and the costs for each of those services. When reviewing Appendix C, he noted the costs associated for ISD services was different than what had been previously approved by the Commission. He noted OMES ISD had not charged for services they had provided and now the Commission would be paying for all services provided. He stated the contract and appendices had been reviewed with the Budget, Fees and Rules Committee. The Commission discussed the one-time charge listed on Appendix C, which was a pass through fee for the online jurisdictional reporting system. Mr. Pope noted it was set up as a separate one-time fee on the agreement but was billed each month based on the number of reports submitted on the system, at a rate of \$2.00 per report entered. The Commission discussed how the reports were entered in the online system and who could enter them. Mr. Pope asked the OMES representatives to confirm that if the OUBCC approved the contract, the new fees would start with the amount due for June of 2017. Ms. Cathy Menefee with OMES addressed the Commission and confirmed the agreement stated "billing started the first month of execution." Mr. Pope asked Ms. Menefee if the Commission approved the next item, which was the updated fees for FY18, should it be signed in July, if it took effect in July. Ms. Menefee stated that was correct. Mr. Timberlake asked in relation to the one-time charge fee that addressed the online jurisdiction charges, what work OMES did to the report. Ms. Menefee noted

OMES didn't do anything to the report. She stated OMES was a pass-through entity and the only charge was the \$2.00 fee for the actual transactions that occurred. She noted there was an agreement in place between OMES and the provider and OMES received a list of the transactions each month and billed the fee based on that. Mr. Barrick asked if the subsidy on Appendix F, page F4 was subject to change. Ms. Menefee noted not for the current fiscal year. Mr. Steven Hawkins with OMES addressed the Commission and stated the subsidy would be in place for FY18 but that could change for subsequent fiscal years.

**MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO APPROVE THE SHARED SERVICES AGREEMENT BETWEEN THE OKLAHOMA OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES AND THE OKLAHOMA UNIFORM BUILDING CODE COMMISSION FOR FISCAL YEAR 2017**

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Jim George

Discussion and possible action on approving an updated Appendix C of the OMES Master Service Agreement for listing the fees for Information Technology Service for FY18

Mr. Timberlake noted it was a separate item for the Commission to approve and asked if there was any discussion or questions on it. Mr. Pope noted the fees had been modified for FY18. He added he recommended the Commission approve of the contract.

**MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. CURTIS MCCARTY TO ACCEPT THE REVISED APPENDIX C OF THE OMES/UBCC AGREEMENT FOR FISCAL YEAR 2018**

Mr. Pope stated he recommended signing the contract in July. Mr. Barrick asked for clarification if the fees presented were changing. Mr. McCarty noted the costs between the two fiscal years had changed, but the amounts presented for each fiscal year were correct.

VOTING AYE: Amber Armstrong  
Ross Barrick  
David Hall  
Danny Hancock

Chris Henderson  
Larry Herzel  
Curtis McCarty  
Joe McKenzie  
David Timberlake  
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Jim George

Discussion and possible action on future code adoption cycles

Mr. Timberlake noted he would like to continue taking items out of order and wanted to discuss item "J" on the appendix. Mr. Pope stated the information behind the tab in the books contained points of consideration for each adoption cycle option. He reviewed some of the points to consider for each option, as well as the costs associated with the 2015 code adoption cycle. He noted there were several letters from different individuals and companies with their recommendations for the OUBCC code adoption cycles. The Commission discussed the information provided, the status of legislation limiting the Commission to adopting every six years, the origination of that legislation, and the compromise different stakeholders had proposed with regards to that legislation - to adopt code commercially every three years and residentially every six years. Mr. Pope was asked if there had been discussion at the national code level to change the code adoption cycles. Mr. Pope noted at the national level there was concern with the amount of new technology and going to a longer code cycle would delay response to those new technologies. There was discussion regarding the costs associated with purchasing code books and what books had been donated during the previous code adoption cycle.

The Commission discussed the issue with some commissioners concerned with the cost hardship to the jurisdictions. They discussed the percentage of small to large jurisdictions and the population breakout between the two types of jurisdictions; the issue of jurisdictions adopting or not adopting the codes adopted by the OUBCC; the process used by jurisdictions to adopt codes; how some jurisdictions adopted codes every three years for their Community Rating System (CRS) programs; volunteers for committees; the time needed to review codes if adopted every three years and the amount needed if adopted every six years; and that new technologies were primarily in the Mechanical, Electrical, and Plumbing (MEP) areas. There was discussion on inspectors showing up for training with the new codes and that the electrical industry was already teaching on the 2017 edition of the National Electrical Code® (NEC®, 2017). They discussed most, if not all, of the electricians in the state supported a three-year code cycle; how the electrical code was taught before the OUBCC or any state licensing requirements were created; and public access to the codes provided by the International Code Council. The Commission discussed the modifications made in the code and how it was usually behind the new technologies to begin with. Mr. Barrick noted the 2017 had five new articles which was catching up to the new technologies already in use. He stated the three things the electrical code dealt with were: electrical shock safety, fire safety, and emerging new technologies.

Mr. Timberlake noted the results of the discussion, so the commissioners could be thinking ahead would be one of a few choices: no action at all, vote for a three year cycle across the board, a six year cycle all across the board or three-year cycle for commercial and a six-year cycle for residential. He

noted the last option had been discussed and proposed by industry supporters and he wanted to make sure everyone knew where the Commission was heading and what the actions should be. There was discussion on breaking up the commercial and residential codes and how that would work; the different code cycles of the NEC to the I-codes; that the Commission was fairly young and was already on a six year cycle that seemed to be working well; the ability of the Commission to address safety items to be addressed or caught up on by doing emergency rules or looking specifically at those things and adopting them if the Commission felt it was needed; the cost of a full set of code books for a city and that the cities were required to have more than one set available.

Mr. Herzel noted most of the life safety aspects for new technologies appeared to be in the electrical code. He noted architecturally the requirement for the width of a stair hasn't been changed in at least 20 years. He noted he wasn't sure there were that many real differences in the life safety aspect of the building code. He asked if it would be possible to get the NEC® on its own schedule of every three years and deal with the referencing problem with the I-codes. There was further discussion on the electrical code cycle verses the I-code cycle; that previous technical committees had the newest version of the NEC® available during their review and grabbed some of that information and substituted it into the IRC® adoption as it was more applicable; and that there was not an ability to collate all of the codes together regardless of adopting on a three- or six-year cycle. The Commission discussed that the adopted codes were the worst possible job that could be done legally as they were the minimum standard and new technology emerged, there was nothing stopping anyone from going above and beyond the minimum standards of the code; what local jurisdictions in the metro area had adopted and that cities were often hindered by outside influences; that the Commission was adopting codes for unincorporated areas of the State; and time frames for adopting codes in the future so there wouldn't be as big a rush in a short period of time to adopt codes. Mr. Timberlake stated it was an important issue and he would like to make a slight departure in the process and invite anyone in the audience to address the Commission if they wanted before any action was taken.

Mr. Tim Yaciuk, Executive Director for the Independent Electrical Contractors Association (IEC) addressed the Commission. He stated his association was in favor of the three-year code cycle, adding it affected them in ways that hadn't been addressed yet, and cited the apprenticeship program as an affected area. He noted all national electrical apprenticeship program curriculums were on the most recent codes available. He stated it would require teaching each apprentice more than one code, as the OUBCC code would be used in the field. He noted the OUBCC's one concern, according to the mission statement, was life safety. He stated it wasn't economics or expenses. He noted to be up with the newest technologies, the most recent code needed to be adopted. He added technology was developing at a faster pace than the codes could address it. He added the IEC's concern was life safety, but the OUBCC's decision would affect their school and contractors. He noted the Construction Industries Board (CIB) was no longer accepting CEU's for classes on the 2014 code. He thanked the Commission for the opportunity to speak and asked them to consider his comments. The Commission and Mr. Yaciuk discussed items addressing life safety that were either modified or added to the 2017 NEC; if those items could be addressed without going through a full review; the reason changes were made to the code - usually based on someone being hurt or killed or something burnt down; if electrical apprentices had the modifications made by the OUBCC; how the code process worked to develop national codes and who was involved in them; and if there would be an issue with adopting the NEC® on a three-year cycle, but leaving all the I-codes on a six-year cycle.

Mr. Mike Bass, General Superintendent for Delco Electric addressed the Commission. He stated he was a little disappointed the issue was still going on, as he felt like this was something that should never have been an issue. He noted he was in favor of the three-year code cycle. He noted it not only protected the personnel that worked on a project, but it protected the end user as well. He stated there was a reason the codes were changed and it was usually something disastrous that happened to cause the change. He added if it was OSHA standards or some kind of fire codes, he didn't think it would be a debate and it would have gone through no problem. He added the electrical code was not like plumbing, mechanical or carpentry it was a little bit different. He noted he had guys who had been injured and had to go to the hospital, as everyone did, but the electrical component could damage them. He cited the use of GFI's as an example of how the changes could save lives. He added for the electrical industry it was critical. He noted, the other codes may not need to be adopted as often. He mentioned LED lighting and photovoltaic lighting and that when people didn't follow the code or know it when dealing with those, they could easily get hurt. Mr. Hancock stated he agreed, but what the Commission was debating was the right thing to do. Mr. Bass noted earlier he heard the number of \$40,000 to do the code adoptions and asked how much was someone's life worth. Mr. McCarty noted it wasn't a money issue that was just to provide the Commission with an idea of the expenses for a code cycle. Mr. Hancock added the cost was just for knowledge and if needed would be spent every year in his opinion. Mr. Bass noted as far as volunteers, he had done it before and would be happy to do it again. He added it was important and it was what was right for the electrical industry. There was discussion on why jurisdictions may not be on the current code and that there was a lack of authority to force them to adopt the OUBCC codes.

Mr. Mike Means, Executive Vice President of the Oklahoma State Home Builders Association addressed the Commission. He stated one thing he wanted to correct was, the bill limiting the OUBCC adoption cycle to every six years was not a request bill. He stated it was a dream bill he discussed when he was visiting with a senator, but it was never requested. He added he was happy to put his name behind it, as it was something his association supported. He noted a lot of different states didn't have a six-year code cycle, some had no cycle at all, only changing the edition when needed, as far as the residential building construction. He added that was the only area he was worried about. He noted what the Commission should look at was the cumulative effect of the codes and what it did for the building of a home. He stated he understood the electrical groups concerns and that he was in favor of the new idea discussed which was to keep them on the three-year cycle and everyone else on the six-year cycle. He added when the groups met during session, his idea was to keep residential on the six-year cycle and everyone else at the three-year cycle. He noted the reason his association looked at a six-year cycle had nothing to do with the cost and everything to do with implementation. He added it held the builders to a standard that could not be accomplished in today's environment, due to a lack of inspections and code inspectors across the state. He stated in response to Mr. Williamson's comment about unincorporated areas, a study had been done that showed almost one third of all homes built in the state were built in unincorporated areas that have no inspections done. He added using a six-year cycle gave the communities and inspectors time to understand what the changes were and be taught to inspect them. He added his association provided annual training to their builders, and a caveat was that the State Home Builders Association recognized that not every builder was a member. He added his goal was to keep the members up-to-date, but the public may go out and use a builder who wasn't a member of a professional association. He noted the builder may not have any idea that the codes were updated along with an inspector that had no idea. He added this was the first year the City of Oklahoma City had started doing insulation inspections. He noted it was required under the code three years ago, and that was only part of the requirements. He stated he liked the approach of keeping the

electricians on the three year cycle and keep everything else on the six year code cycle, which would provide the opportunity to implement the code changes as well as provide training to everyone necessary before going to the next cycle. Mr. Hall stated it seemed it was a real implementation problem as each city still seemed to be on their own codes. Mr. Means replied that was how the OUBCC had come about. He added he was one of several people talking one day and they realized as builders in the OKC metro area, they had to deal with seventeen different codes. Mr. Hall asked what would be the difference with what the Commission did, since the jurisdictions were not adopting the codes now. Mr. Means noted the HBA was one of the Commission's biggest advocates that pushed the adopted codes from the bottom up. He added they supported the Commission because then the training they provided was to what the current code was. He added the reason the City of Oklahoma City was now doing the insulation inspections was because several builders went to the City and pushed for it to help insure the homes being built were meeting the minimum insulation properly. Mr. Timberlake asked Mr. Means if he was for a six-year cycle due to implementation basis and seventeen different codes. Mr. Means replied, before the Commission was created there wasn't anyone on a uniform building code. Mr. Timberlake said the issue was if the codes were refreshed every three or six years. Mr. Means replied his association would train on whatever the current code was, but knew that it took longer to train and fully implement those changes on the job. Mr. Timberlake noted if the HBA was training on the latest code, if some city had not yet adopted it, would that be a problem that couldn't be fixed. Mr. Means stated in a way they could because if the cycle was stretched out, it gave everyone more time to be on the same page. Mr. Barrick asked if he built to the current code, if the city was behind one or two, and it didn't meet the old cycle, did the city make you redo it. Mr. Means noted when that happens, they have fights with the city on it.

Mr. David Nichols, Senior Government Relations Regional Manager for the International Code Council (ICC) addressed the Commission. He noted his area was the southwest states including Arizona, New Mexico, Utah, Colorado, Nevada and Wyoming. He noted his peer was Mr. Mark Roberts and he was filling in for him. He added his general thoughts had been provided to them through Mr. Pope. He stated the ICC supported the Commission and the work the Commission did. He noted it was the best possible environment for a state to address the needs for the building codes. He noted ICC's primary members were governmental jurisdictions. He noted they were non-profit in the public interest association and existed primarily to serve the governmental associations. He added what the ICC did in terms of code development was what would otherwise be very difficult for a state jurisdiction or large city jurisdiction to do. He noted it was a new trend for those states and jurisdictions who had previously written their own codes to turn to the ICC codes and enjoy the benefits of the nationally developed codes. He added the codes reference a number of standards and the standards are developed in different time frames. He noted the ICC code development process tried to keep the standards up-to-date and current in whatever code edition that came out. He added for a jurisdiction to try to do that on their own and keep track of all that would be a huge job. He stated it was one of the major benefits to be enjoyed when using the model code process the Commission was a part of. He noted by the OUBCC keeping up with the current codes, it allowed industry to keep up with the current standards. He stated it allowed developers to compete regionally with other states. He noted there used to be an 18 month supplement but after discussions with all the stakeholders and industry the ICC had determined a three-year cycle was the best option. He reviewed what the State of Utah had done through their Commission. He added, Utah had historically been on a three-year cycle and would update to the newest edition of the electrical code as quickly as possible after review. He noted ICC contracted with the National Fire Protection Association (NFPA) to extract the residential electrical provisions from the NEC® and put them in the IRC® chapters. He added if the two groups

were on the same code cycle, that wouldn't be able to happen as there wouldn't be enough time to bring those electrical provisions in for publishing. He noted the complete collection of 2015 codes in the soft cover book for members would be \$822.00. He added the inspector's collection was \$570.00. He noted the ICC did have electronic codes and in-the-cloud codes where some jurisdictions were reducing the number of hard copies purchased and purchasing a subscription with typically five seats and anyone with the password could have access to the codes. He added they were mixing the access types and sometimes kept a password at the library for public access to the codes, and then in the city attorney's office, etc. He added it allowed them to provide access to more people without having to purchase all the sets of code books. He added for ICC to develop and promulgate the codes, it did cost money and that was one of the reasons the code books were sold, to cover the cost of the development process. He stated he saw trends in code adoptions in the states he worked with and one of the trends he saw, was to modify the codes as little as possible. He added another trend was the delay of certain items for implantation when adopting the codes. He congratulated the Commission for the good work they did and added he felt the Commission was setting a legacy and should make the decision now in terms of what would work for Oklahoma. He concluded by saying that ICC supported the Commission whichever way they decided to go.

Mr. Bill Kite, Executive Director of the Mechanical, Electrical, and Plumbing Contractors Association of Oklahoma (MEPA) addressed the Commission. He noted the one thing he was looking at, was that there were already cities and towns that were three, four or five years behind on codes and that would not change if the Commission went to a six-year cycle. He added the state was already behind in a lot of areas in the codes and to stress what had been said before, safety of personnel and property should be what the Commission looked at. He added if the Commission was behind in those areas, it put a lot out there that could happen. Mr. Hancock asked if Mr. Kite felt the plumbing and mechanical industry would have any issue if the electrical code was renewed every three years and the others every six. Mr. Kite added he didn't think there were as many issues right now on plumbing and mechanical as there was on electrical, but it was coming. He stated on the mechanical heating and air side, more new technology was being developed than could be imagined. He added some things changed daily. He added if some of the cities were ten years behind, there could be problems. He added the most important one to him was venting. He added there were contractors right now that didn't know if they could use a certain type of vent piping. He stated he would like to see more enforcement on codes on a regular basis. He added, if the Commission went to six-year cycles, he'd echo what ICC did and do an implementation and at the three-year cycle see if there were things that needed to be brought in to stay ahead of the curve. He added the cities and towns behind in adoption now, would always be behind regardless of how often the Commission adopted the codes.

Mr. Barrick asked Mr. Williamson and Mr. Hall about the Insurance Office Ratings (ISO) for homeowner's insurance rates and how the code adoption could affect that. Mr. Williamson noted the last questionnaire he filled out wanted to know if the city's codes had been adopted within five years. Mr. Barrick noted doing a six-year cycle could affect those ratings. Mr. Williamson noted it was in relation to the ISO audit they were getting ready for. Mr. Barrick noted it looked at what was adopted and what was actually enforced. He added, they also looked at the water lines and fire apparatus and amount of personnel available. He noted all of those items were factored into how much the homeowner or business was going to pay in insurance premiums per year. Ms. Armstrong noted ISO allowed the city a grace period and would change the rating if the city were to adopt more current codes. Mr. Barrick noted there was still a potential to affect those costs for homeowners. Mr. McCarty noted the ratings were very complex and there had been a guest speaker a few years ago from the ISO

who talked to the Commission about the rating systems. He added from what was explained to the Commission at the time, the code cycle was a minimal number or small percentage of the overall rating. Mr. Hall noted the ISO ratings didn't affect individual policy pricing, it was a class rating system and it was regionally based system that was adjusted based on the answers to the questions and audit. He added the rating would be different for different cities, based on all the different variables that were measured against each other. He added a Class One rating in Oklahoma City would be different from a Class One rating in Norman or Tulsa because of the different factors measured against each other.

There was discussion by the commissioners if a vote should be postponed to get more industry input, the length of time the electrical industry had been trying to get the 2017 NEC adoption process by the Commission started, and what the CIB Electrical Committee was approving for continuing education.

#### MR. ROSS BARRICK MADE A MOTION TO REVIEW THE NATIONAL ELECTRICAL CODE® ON A THREE-YEAR CYCLE BEGINING WITH THE 2017 EDITION

Mr. Timberlake asked if the motion had anything to do with the rest of the code cycles. Mr. Barrick stated he thought it could be used as a starting point and grow from there, but there could be further discussions on those codes, but right now his electrical industry was screaming for a three-year cycle review.

#### MR. LARRY HERZEL SECONDED THE MOTION

Mr. Timberlake asked Mr. Neal if his take on the motion was correct, as there had been several options discussed and if the motion passed, then it was a pass vote. He added if it failed, then he could hear any other motions that someone wanted to bring up. Mr. Neal replied that was correct so long as the item the motion was for was on the agenda. Mr. Pope asked if the motion was only on the NEC®. Mr. Barrick replied his motion was just for the NEC® but if there was a question to modify it, he was open to considering it. Mr. Timberlake asked Mr. Barrick if his motion intended to cover both the commercial/industrial and residential aspects in the NEC®. Mr. Barrick replied that was correct. Mr. Williamson stated he supported Mr. Barrick's motion, but felt the Commission would be remiss if they didn't look at the Building and Fire Codes as well. He cited the 2003 Station's Night Club Fire and noted if the industry had waited six years to react to that before the sweeping changes were made in the code that included sprinklers for assembly occupancies over 100, then think of how many other incidents could have happened in that time period. He added to say the Building and Fire codes didn't change, was wrong. Mr. Timberlake asked if Mr. Williamson was asking the author of the motion to amend it. Mr. Williamson replied he was asking for an amendment to include the other codes. Mr. Hancock noted he didn't think Mr. Barrick was against discussing adopting the other codes at another meeting, but just wanted to address the Electrical code. He added, he wanted to do what was right based on what the industries wanted, not on what he thought was right. Mr. Williamson noted the same push was coming from the Fire and Building Code people as well. He added the fact that they were not in attendance at the meeting, didn't matter. Mr. Barrick noted to get the discussion rolling, he would modify his motion.

MR. ROSS BARRICK AMENDED HIS ORIGINAL MOTION WITH A SECOND BY MR. CURTIS MCCARTY TO REVIEW THE COMMERCIAL AND INDUSTRIAL PORTIONS OF THE NEC® ON A THREE-YEAR CYCLE AND THE RESIDENTIAL PORTION OF THE NEC® ON A SIX-YEAR CYCLE

Mr. McCarty asked when Mr. Barrick thought the code would be reviewed. Mr. Barrick replied as soon as possible, maybe within 60 days to get the application forms out. Mr. McCarty asked if Mr. Barrick thought the review could be done before the next legislative session. Mr. Barrick noted that was possible as the committee would only be reviewing the changes as the base of the code would remain the same. There was further discussion on the need for the NEC® to be reviewed on a three-year cycle, how quickly the committee could meet and complete their review, CIB continuing education credits (CEUs), and what the CIB had the authority to approve for those CEUs. Mr. Neal noted with regards to CIB, as he understood it, there was an electrical group that was somewhat autonomous apparently within the CIB who determined that only updates could be taught. He added he felt that was part of what had complicated the issue, and his impression from speaking with the assistant Attorney General who represented CIB was that the group had their own course they set. He added he wasn't saying their course was good or bad, but just trying to explain part of why there was a difference of opinion on the issue. He recommended some coordination with the CIB might be worthwhile see what could be done. He noted he wasn't sure why they were focused on updates to the code only, but he was sure they had their reasons. He added it would be beneficial to get feedback from them on what those reasons were. Mr. McCarty noted that was one of his concerns as well and why he asked his question. He added he felt like the screaming could potentially be over what was just discussed that there was a conflict regarding the CEUs. He added if the Commission was being pushed to go to the 2017 NEC® so they could continue to get their CEUs that was a problem. There was further discussion on what the other CIB committees approved for CEUs, the ability of the Commission to add to the minimum code any requirements out of a subsequent code that were needed, when the 2018 I-codes and commentaries would be available, ways technical committees could be combined as well as extending the review period for the committees, the CIB's previous adoption cycle of the NEC®, prior to the creation of the OUBCC, if there was any data on accidents that had happened that could have been prevented by an adoption of a new code during the time between the 2009 I-code adoptions and the 2015 I-code adoptions, and if the Commission was setting itself up for unintended consequences if all the codes were not adopted at the same time.

MR. ROSS BARRICK WITHDREW HIS AMENDED MOTION WITH A SECOND BY MR. CURTIS MCCARTY

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. LARRY HERZEL TO RETURN TO HIS ORIGINAL MOTION TO REVIEW THE ENTIRE NATIONAL ELECTRICAL CODE® ON A THREE-YEAR CYCLE STARTING WITH THE 2017 EDITION

Mr. McKenzie asked for clarification, both the commercial and residential portions of the NEC® would be looked at every three years. Mr. Barrick replied that was correct. Mr. Neal asked Mr. Pope if there would be any practical implications to that. Mr. Pope replied he wasn't sure what they would run into because everything in the IRC® was one thing, and now the Commission would do the NEC® out of sync of the IRC®. Mr. Neal asked for the ramifications of the vote, as that could impact the vote.

Mr. Hancock noted the only thing he could think was that it would potentially affect the decision making on the ICC adoption cycles. Mr. Timberlake noted to add his thoughts to the discussion, he believed the Commission had a lot more work to do and the motion was the first step of cleaning up the cycle issues and in thirty days, the Commission would meet again and in those 30 days, if it was a successful vote, no major outcome would happen except it being in print. He added the Commission would continue working on it and get the rest of the ICC items on some compatible cycle. Mr. Timberlake noted for clarity, a "yes" vote would be to put the NEC® on a three-year cycle for commercial, industrial and residential.

VOTING AYE:        Ross Barrick  
                      David Hall  
                      Danny Hancock  
                      Chris Henderson  
                      Larry Herzel  
                      Curtis McCarty  
                      Joe McKenzie  
                      David Timberlake  
                      Cary Williamson

VOTING NAY:        Amber Armstrong

ABSTAIN:            None

ABSENT:             Jim George

**MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO ADOPT ALL OTHER CODES CURRENTLY ADOPTED BY THE OUBCC ON THE SAME THREE-YEAR CYCLE**

Mr. Timberlake noted the motion would be to review and adopt all codes on a three-year cycle. Mr. Hancock asked if there was any way to talk Ms. Armstrong into a thirty-day table on the issue as he felt he needed to ask more industry people, so he wasn't voting based on what he thought, but rather on what the industry thought. Mr. Herzel noted he would like to defer the topic for another meeting and allow his successor to make that decision. Ms. Armstrong noted, when the Commission did something that was different, there was the potential for unintended consequences that would cause more confusion out in the field. Mr. Hancock noted he didn't disagree with that sentiment, but he wanted to talk to the industry and feel more comfortable about the issue first. Ms. Armstrong noted the only reason she voted no above was because she felt the motion should have encompassed all the codes.

**MS. AMBER ARMSTRONG WITHDREW HER MOTION WITH A SECOND BY MR. CARY WILLIAMSON**

Mr. Timberlake stated the Commissioners had thirty days before the item was discussed again and he wanted to get it settled, so everyone should do their homework and so the Commission could have a meaningful discussion and get it resolved in the best interest of the public at the next meeting. He noted going back to the top of the agenda, the Commission would now address item D.

Acknowledgment of Larry Herzel's service on the Oklahoma Uniform Building Code Commission

Mr. Timberlake stated Mr. Herzel had been faithfully serving on the Commission for eight years, probably half of the time as the Vice-Chairman. He added Mr. Herzel had done an outstanding job and brought a lot to the table from the architectural community and from the built environment in general. He added, because of his efforts, the code system was better off. Mr. Timberlake stated, his challenge to the rest of the Commission was that there was a long way to go and room to continue to improve. He added to Mr. Lueb, he had some big shoes to fill. He stated he appreciated Mr. Herzel's service and he presented Mr. Herzel with a plaque. Mr. Herzel noted it had been an honor and pleasure to serve on the Commission and he would miss coming to the meetings. He stated his successor, Mr. Rick Lueb, would serve admirably in the capacity as well. Mr. Timberlake noted Mr. Herzel was on the agenda for another item to still be addressed.

Discussion and possible approval of the May 16, 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. DAVID HALL MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO APPROVE THE MAY 16, 2017, REGULAR MEETING MINUTES

VOTING AYE:       Amber Armstrong  
                      Ross Barrick  
                      David Hall  
                      Danny Hancock  
                      Larry Herzel  
                      Joe McKenzie  
                      David Timberlake  
                      Cary Williamson

VOTING NAY:       None

ABSTAIN:           Chris Henderson

ABSENT:            Jim George  
                      Curtis McCarty

Discussion and possible action on modifying the slate of volunteers for the Storm Shelter Technical Committee to allow Larry Herzel (currently approved as a Commission Liaison), to remain as an active member of the committee

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO AMEND THE SLATE OF STORM SHELTER TECHNICAL COMMITTEE VOLUNTEERS TO CREATE A NEW POSITION CALLED "MEMBER AT LARGE" AND TO APPOINT MR. LARRY HERZEL TO THE MEMBER AT LARGE POSITION

VOTING AYE:       Amber Armstrong  
                      Ross Barrick  
                      David Hall  
                      Danny Hancock  
                      Chris Henderson

Larry Herzel  
Joe McKenzie  
David Timberlake  
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Jim George  
Curtis McCarty

Discussion and possible action to select an auditor for the fiscal year 2016 (FY16) audit

Mr. Pope noted there was information behind the tab, showing the proposal from the State Auditor which listed his fees at \$12,500. He added there was a separate audit proposal from Rose Rock, CPA for a cost of \$6,400. He noted there was a list of auditors contacted, some of them who didn't respond and others that responded they did not conduct those types of audits. He added his recommendation was to go with Rose Rock for the cost of \$6,400. Mr. Barrick asked if it was an outside contractor. Mr. Pope replied it was. Ms. Armstrong asked if they had audited another state agency. Mr. Pope noted their information was in their proposal. Mr. Timberlake asked if the scope of work satisfied all the required auditing procedures the Commission needed. Mr. Pope replied they certified that.

**MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ACCEPT THE AUDIT PROPOSAL FROM ROSE ROCK CPA TO COMPLETE THE OUBCC FY16 AUDIT**

VOTING AYE: Amber Armstrong  
Ross Barrick  
David Hall  
Danny Hancock  
Chris Henderson  
Larry Herzel  
Joe McKenzie  
David Timberlake  
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Jim George  
Curtis McCarty

**NEW BUSINESS:**

Mr. Neal stated, not that it was new business, but he had a guest in the audience, Mr. Conner Kohlscheen, an intern with the Attorney General's office over the summer. Mr. Neal noted he brought him along so he could see the public's business in action.

**PUBLIC COMMENTS:**

There were no public comments.

**ADJOURNMENT: (4:04 P.M.)**

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO ADJOURN

VOTING AYE: Amber Armstrong  
Ross Barrick  
David Hall  
Danny Hancock  
Chris Henderson  
Larry Herzel  
Joe McKenzie  
David Timberlake  
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Jim George  
Curtis McCarty

Minutes approved in the regular meeting on the 19 day of September, 2017

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.*