

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 NOVEMBER 14, 2017 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS ABSENT:

David Hall

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (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), Steve Funck (OMES -ABS), Larry Herzel (HSE Architects), Adam Shupe (Burns & McDonnell), Andrew Zagorski (Oz Safe Rooms), James Caruso (Oz Safe Rooms), A. Zagorski (Oz Safe Rooms)

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 14th day of November, 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, eighty (80) 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 noted staff was in the process of the 2016 Financial Audit and things were moving along well. He noted there had been five (5) scheduled classes so far for the fiscal year, although one (1) had been canceled due to a lack of attendance. He noted the next class, scheduled for December 5, 2017 in Shawnee might be canceled as there were only six (6) registrants signed up. Mr. Pope stated there had been discussion with the Construction Industries Board (CIB) and their desire to relocate the OUBCC office space from the southwest corner to the northwest corner of the office space. He added CIB had another use for the

space currently occupied by the OUBCC. He stated the CIB needed to sign a new lease and had to settle on what would be remodeled before the lease could be signed. He added, the change in space would give the agency its own entrance separate from the CIB but would still access the conference rooms. He stated they were still trying to see what could be worked out. He noted the agency funds were up from the previous month and thought the agency was in good shape.

The Commission discussed the minimum number of students needed for any of the continuing education (CEU) classes; how staff advertised and notified inspectors of the available CEU classes; that the International Code Council (ICC) was the provider of the classes; and if the square footage of the proposed space was adequate for the agency and allowed for growth of the agency personnel.

Financial Report:

Ms. LaTisha Edwards with OMES, ABS greeted the Commission. She reviewed each of the reports, noting both of the departments set up for the agency were operating well under budget. She stated so far for the fiscal year there was a net gain of \$33,448. Ms. Edwards noted in October, the agency had paid out \$54,214.21 including payroll. She added the total vendor payments for October were \$23,576. She stated the Outstanding Encumbrances report listed all the vendors and remaining balances for each purchase order. Mr. McCarty asked about the AT&T mobility amount and if the figure was a monthly payment due or the remaining balance on the account. Ms. Edwards noted that was the remainder of funds on the purchase order. Mr. McCarty asked if Cox Cable was providing internet services or if that was provided through OMES. Mr. Pope noted Cox was providing cable service for the agency in the office.

ACTION AND DISCUSSION ITEMS:

Presentation of the Storm Shelter Technical Committee (SSTC) on proposed changes to the 2015 Editions of the International Building Code® (IBC®) and International Residential Code® (IRC®)

Mr. Adam Shupe, Chairman for the Storm Shelter Technical Committee (SSTC), greeted the Commission. He thanked the Commission Liaisons, Ms. Armstrong, Mr. McCarty, and former Commission Liaison and now Member at Large, Mr. Herzel for their work on the committee. He thanked OUBCC staff for their support. He noted he was there to represent the entire SSTC.

Mr. Shupe noted the SSTC was tasked to review the 2015 editions of the IBC® and IRC® to provide potential recommendations for changes related to storm shelters. He noted the committee commenced meeting on December 13, 2016 and had taken almost a year to produce the presentation. He noted the three resources the committee reviewed were the 2014 Edition of the ICC 500®, *Standard for Design and Construction of Storm Shelters®*, the 2015 publication of FEMA P-361®, *Safe Rooms for Tornadoes and Hurricanes®*, and the 2014 publication FEMA P-320®, *Taking Shelter from the Storm®*. He added there were thirty-six (36) comment forms received, including revised versions and twenty-one (21) of those forms were approved. He stated there were no comment forms from the public and all comment forms reviewed were derived from the SSTC members.

Mr. Shupe noted he would summarize all the changes, but if anyone had questions or wanted more detail, to stop and ask him. He reviewed the changes for the IBC® first, and noted they would be in the order of how the sections flowed in the chapters of the ICC 500®, 2014 edition.

Mr. Shupe noted the first proposed change related to deleting the existing modifications in the IBC® rules. He noted there was discussion very early on in the technical committee on how the committee would deal with the ICC 500® and the FEMA documents. He noted both were good reference

documents, used individually or together in the construction of storm shelters. He noted the committee consensus was to eliminate the references to FEMA for multiple reasons, but the main one was because the FEMA documents were not written in code language so they were difficult to reference and enforce. He added they were written in the form of guidelines and in some cases there was language regarding considerations and not actual code. He stated the committee decided ICC 500® was the base line which was already referenced in the IBC® and IRC® and the committee would review the FEMA documents and bring over those provisions the committee felt could be included as code requirements. He noted the change deleted all language regarding "Safe Rooms" and all references to the FEMA documents and the approved rule modifications in Chapter 4, Section 423. He stated the reason for that was the previous reference to ICC 500® adopted with the IBC® was the 2008 edition. He added a lot of the changes in the rule modifications were to bring the requirements up to the 2014 edition, which had not been officially released at the time of the IBC® review.

Mr. Shupe noted the next proposed change was related to defining "Permanent Sanitary Fixtures" as there had been confusion in the past with what was required in terms of permanent versus temporary sanitary fixtures within storm shelters. He noted after discussion the proposed change was withdrawn.

Mr. Shupe noted the next proposed change dealt with defining the term "Tornado Shelter." He noted ICC 500® used the term "storm shelter" but broke down a storm shelter into two terms: "Tornado Shelter" and "Hurricane Shelter." He noted the committee determined a hurricane shelter was probably not a likely use of ICC 500® for the State of Oklahoma. He added, the committee, after discussion determined a "storm shelter" was a universal term that was acceptable for how the state would apply the rules and a definition of a "tornado shelter" was not needed. He noted the committee comment form was tabled and no revision was ever received.

Mr. Shupe noted the next proposed change dealt with storm shelter documents and was the first example relating to language in the FEMA documents being brought over into the rules for the IBC®. He noted the change required the construction documents for the shelter to be maintained and protected within the storm shelter and was approved by the committee.

Mr. Shupe noted the next proposed change dealt with the signage requirements in the ICC 500®. He reviewed the first part of the change required the signage requirements to comply with ICC A117.1 and the second part dealt with clarifying when outdoor signage on a building was not required. He noted the change was approved.

Mr. Shupe stated the next proposed change dealt with impact protective systems. He noted the committee spent a lot of time discussing if ICC 500® did a good job requiring components of the construction of a storm shelter to be tested and assembled in the right manner. He noted the form was produced to add clarification of what was required in ICC 500® and after a lot of discussion, the committee decided it was repeat information already in ICC 500® and was not needed. He noted the proposed committee comment form died due to a lack of a motion to approve.

Mr. Shupe noted the next proposed change dealt with roof live loads for shelters. He noted ICC 500® specified the roof live load requirements for a shelter, but when a building was built according to IBC® there were provisions to allow reductions to those live loads. He noted the structural engineer on the technical committee recommended the committee make clear that the provided reductions in the

IBC® would not be allowed for storm shelters. He added the committee agreed and the change was approved.

Mr. Shupe noted the next proposed change dealt with design wind speed. He noted both ICC 500® and FEMA both had requirements for the minimum design wind speed. He noted the entire State of Oklahoma was under the 250 miles per hour wind speed, except two counties in the panhandle. He explained the proposed change required the entire state to be at the minimum design wind speed of 250 miles per hour. He added the change was approved.

Mr. Shupe noted the next proposed change dealt with the usable storm shelter floor area. He noted when designing a storm shelter and looking at the occupancy of the number of people who would be in the shelter during an event, there were calculations that had to be made that gave a maximum occupancy for the shelter. He noted the concern was in storm shelters where sanitary facilities were required, the committee didn't want the space designated for the sanitation facilities to be included in the usable storm shelter area. He noted the proposed change excluded the privacy enclosure areas for sanitary facilities from the usable floor area. He noted the change was approved.

Mr. Shupe noted the next proposed change dealt with door operation and was a result of concerns that means of egress be operable from the inside of a shelter without the use of keys or special knowledge. He noted the concern was that keys could be lost or, if the people with the special knowledge were not available, the shelter could not be secured. He added there was a second paragraph that dealt with doors and shutters protecting windows or other openings into the shelter that were not in a means of egress. He stated the second paragraph required the doors or shutters be operable from the inside without the use of keys or special tools. He added the change was approved.

Mr. Shupe stated the next proposed change was on the direction of swing for egress doors. He added the committee comment form submitted was the result of discussion about where a shelter was located within a host building and the normal use of that space having different door swing requirements. He noted after further discussion the committee comment form was withdrawn.

Mr. Shupe noted the next proposed change dealt with height of a storm shelter. He explained the comment form related to a storm shelter when natural ventilation requirements needed to be calculated. He noted ICC 500® required openings to be installed in the wall or roof of the shelter within a certain distance within the highest point in the storm shelter. He noted there had been situations where it was hard to define the "highest point" if the ceiling was sloped or pitched. He added the change made reasonable sense to promote the air movement and was approved.

Mr. Shupe noted the next proposed change was regarding sanitary fixtures. He noted the intent of the committee comment form provided was to make ICC 500® clearer with trying to define temporary sanitary fixtures verses permanent sanitary fixtures and what was and was not required. He added after a thorough review of ICC 500® the committee consensus was that the clarification was not needed. He noted the committee comment form was denied.

Mr. Shupe noted the next proposed change addressed additional sanitary facilities for storm shelters. He noted the comment form provided, addressed situations where sanitary fixtures were required and the host building already had sanitation fixtures within it. He stated the comment form provided clarity that any sanitary fixtures that were required for the storm shelter that were beyond what was required

for the normal occupancy of that building, could be temporary. He used the example of a school that had a restroom not in the shelter that totaled to the minimum required fixtures, and without a storm shelter didn't require additional fixtures, but when a storm shelter was added, the additional required sanitary facilities could be temporary. He added the committee comment form also addressed privacy enclosures. He noted neither ICC 500® nor the FEMA documents had any provisions for privacy associated with those sanitary fixtures. He stated the form provided a provision for 5 feet by 5 feet minimum space for privacy enclosures along with privacy curtains, walls, etc. Mr. Shupe added the changes were approved. Mr. Barrick asked if the 5 feet by 5 feet enclosures were okay with ANSI A117.1 Mr. Shupe replied the committee determined ADA compliance was never a consideration for those sanitary fixtures so the committee didn't specifically address it. He added the committee did not want to make the requirements too stringent and wanted to protect someone from emotional or physical distress by not providing privacy.

Mr. Shupe noted the next proposed change addressed sanitary facilities support systems. He noted the committee comment form submitted clarified the support systems for temporary sanitary support systems had to be sized for the occupancy of the shelter. He noted the committee approved the committee comment form.

Mr. Shupe noted the next proposed change addressed conversion of plumbing systems. He stated ICC 500® mentioned conversion of plumbing systems and the committee was confused about it initially. He noted the committee had the opportunity to have discussion with ICC staff regarding the section. He explained the section dealt with having some means for temporary water and sanitary systems (i.e. water or septic tank), to be converted in the event the municipal water system went down. He noted the problem the committee saw was that most jurisdictions would not allow the intermixing of private septic systems with their city sewer system. He noted the committee felt the requirement should be omitted as a part of the ICC 500® requirements and the change was approved. Mr. Shupe and Mr. Williamson discussed a school under construction in Ardmore that had a storm shelter and if there was a need for a circulating water tank.

Mr. Shupe stated the next proposed change addressed first aid kits. He noted ICC 500® required first aid kits in shelters with an occupancy of 50 or more. He added FEMA P-361 required ANSI compliant first aid kits sized for the occupancy of all shelters, not just with an occupancy of 50 or more. He noted it was one of the FEMA provisions submitted as a committee comment form, where it was more stringent than what was required by ICC 500®. He added it brought FEMA requirements into the IBC®. He noted the committee researched to make sure the request was reasonable in relation to cost and the committee comment form was approved.

Mr. Shupe noted the last proposed change for the IBC® dealt with the referenced standards. He stated in the current approved rules, both FEMA documents were referenced. He stated the committee recommended the removal of those references to avoid confusion. He explained previously the thought was it could be an either/or option to follow FEMA or ICC 500®, but in order to specify the minimum code requirement, the committee went to ICC 500®. He added the form removed those references and updated the ICC 500® edition to the 2014 edition. He noted the form deleted the section references, with the intent of adding in updated section references when the rules were written. He stated the comment form was approved.

Mr. Shupe asked if there were any questions on the IBC® changes before moving on to the IRC® changes. Mr. Lueb asked if the committee had discussed the issue that storm shelter doors were not designed to be constantly operated and used the example of them being used as the main door for a classroom. He added in Texas some jurisdictions allowed for a normal operating door and then an interior shelter door that was kept open until needed. Mr. Shupe noted the committee did discuss that, but not to the level of detail in the example Mr. Lueb provided. He replied the committee discussion focused more on which way they opened and crash hardware. He noted the committee determined the issue of continuous operation was too complicated of a question to answer with code, and an architect or owner could always add additional doors to the shelter or change where the shelter would be located in a structure. He added the work the committee did was very challenging as they had to review all kinds of scenarios. He noted it was a great committee with broad experience and good representation by all aspects of the industry. He added the review was taken very seriously with lots of discussion. He stated ultimately the committee found itself trying to balance what was reasonable and what was safe. He added there would always be those areas where there was still a challenge.

Mr. Shupe noted he would review the IRC® changes the same way he did the IBC®. He stated some of the changes were very similar to those in the IBC®. He added ICC 500® covered both commercial and residential storm shelters. He noted the first proposed change was similar to the IBC® in the definitions and the removal of terms or language relating to FEMA. He noted they were making ICC 500® the baseline then bringing in those provisions from FEMA that the committee felt were necessary. He noted the introductory language for future changes to the IRC® was added. He clarified that in both the IBC® and the IRC® the rule modifications fell into a parent paragraph within the code. He added the comment form was approved.

Mr. Shupe noted the next proposed change was on pre-manufactured storm shelters and was trying to solve a concern about storm shelters that were potentially not manufactured to the way they were designed and were installed without any inspections on the manufacturing. He stated the committee discussed the proposed change and determined ICC 500® already did a good job of trying to enforce those standards to make sure the shelter was constructed in the manner it was designed. He noted at the end of the discussion the committee comment form was withdrawn.

Mr. Shupe noted the next proposed change was on the design wind speed and made the same change as what was made to the IBC®, setting the minimum design wind speed to 250 miles per hour. He noted the committee comment form was approved. He added as far as the committee could tell, since residential shelters tended to be pre-manufactured, verses custom engineered shelters, that the requirements were already being met by the manufacturers.

Mr. Shupe noted the next proposed change was on below-grade storm shelters. He noted there were multiple discussions about in-ground storm shelters located in garages. He noted FEMA had changed over the years and at one point did not allow those shelters to be located in areas where a vehicle could be parked. He noted the challenge with the change dealt with current in-ground storm shelters that were typically installed relatively close to the garage door openings. He noted in order to create an area where there was a no parking zone, the zone would have to be designated in other areas of the garage. He added the discussion covered how difficult it would be to install those types of shelters. He noted the next thing the committee did was try to understand what FEMA's intent was by saying to locate it outside of parking areas, and balancing that requirement with the resident that decided to pull their vehicle out of the garage when the storm was approaching and would not be located over the top of the

shelter. He noted at that point it was a question of if the resident would then be allowed to install the shelter in a garage. He added another consideration was to add language to the code to require designation of parking areas in the garage. He noted the committee comment form located the in-ground shelter in a "no parking" area of the garage with the intent for it to not be at the garage door, but in a corner. He noted the next provision in the form required it to be located at an elevation of four (4) inches above the floor of the garage to keep someone from parking a car over the shelter. He noted after a lot of discussion on the matter, the committee comment form died due to lack of a second.

Mr. Shupe noted the next proposed change also addressed in-ground storm shelters as it related to one of the concerns that the previous commenter tried to mitigate with the "no parking" area. He added there were three scenarios discussed by the committee: when a shelter was located underneath a vehicle and there was the possibility for a fuel leak to drain into the shelter and become a hazard; chemicals stored in the garage that could fall and cause a spill that would drain into the shelter; and the possibility of a water heater or water pipe located in the garage breaking and flooding the garage. He noted by locating the shelter on the 4-inch curb as the previous comment form proposed, it would help mitigate those concerns. He noted there was a suggestion to create a comment form that would put some sort of slope or curb around the shelter to help mitigate a spill naturally draining in the shelter. He added the comment form required the floor surrounding the shelter to slope away from the flood rim of the shelter. He added the term "flood rim" was used as the term "top of the shelter" could mean a lot of things and the committee wanted to identify the flood rim was the point at which fluid would drain into the shelter. He noted the height the committee decided on was a minimal one of one-inch to help for the minor spills. He added the thought process for most of the committee was the change addressed the non-catastrophic event. He noted there wasn't any real data provided to support the potential hazard of something draining into the shelter, but it seemed a practical and reasonable solution and there were manufacturers who were already doing what the change proposed. He noted the comment form was not agreed on by everyone on the committee, but did pass.

Mr. Lueb stated there had been a lot of catastrophic events in Oklahoma and asked if any data on either side of the issue was researched. Mr. Shupe replied data was discussed extensively and there were differences of opinion. He added there were some who felt everyone in a shelter survived and on the other side, there were people that drowned in shelters or were severely harmed by chemical spills draining into the shelter. He noted he would argue there were probably situations out there where those scenarios had occurred and he felt the committee would probably agree there were potential hazards. He added what the committee didn't know was how often something happened. He stated the issue of a catastrophic flood event was discussed several different times and the majority of the committee felt there was no way to mitigate a catastrophic flood event in an in-ground storm shelter. He noted there were requirements in place that prevented an in-ground storm shelter from being installed in a flood plain. He noted the committee couldn't predict when someone decided to put a shelter in their garage and their driveway sloped towards the garage door, so if a roadway flooded there was potential for the water to flood into the shelter. He added there were a lot of situations to discuss about potential hazards, but there wasn't a clear understanding and consensus of how much risk there was and how often it would occur.

Mr. Shupe noted the next proposed change was about floodway siting. He noted the committee discussed there were already provisions in ICC 500® and the IRC® and in most jurisdictions that had requirements for what was and was not allowed to be installed, in terms of a 100-year flood plain. He noted ICC 500® defined the elevation for the evaluation of the shelter to be the bottom of the shelter

which would need to be out of the 100-year flood plain. He added he spoke to someone at a local jurisdiction recently and there was some difference of opinion on if the bottom of the shelter was the flood level elevation. He stated some jurisdictions had additional requirements for the shelter to be installed so many feet above the 100-year flood plain. He added the committee comment form was withdrawn after discussion.

Mr. Shupe stated the next comment form dealt with occupant density. He stated some of the members on the committee were seeing situations where a residential owner wanted to build a house that was essentially classified as a storm shelter. He noted the concern was that once a structure was built to a certain size, at what point would it become a community shelter and have extra requirements. He added just because someone wanted a house built to the standards of a storm shelter, the committee did not want to make those requirements stringent on the resident. He noted the committee comment form submitted allowed residential shelters that were large enough to be considered a community shelter to still be considered residential. He added the committee approved the change.

Mr. Shupe noted the next proposed change was on the referenced standards and was a request to keep the references to FEMA in the IRC®. He noted the committee did not approve the request.

Mr. Shupe stated the last proposed change also dealt with the referenced standards and addressed changing the reference code section numbers to address the changes presented for approval and would be in the final rules. He noted that concluded his presentation and asked if there were any more questions.

Mr. Barrick asked if there was any discussion on clearances for electric vehicle charging stations, floor mounted, and located in a garage. Mr. Shupe replied there was not. Mr. McKenzie asked about concerns with existing spaces or areas of refuge meeting the recommended code requirements, and if that space was verified to meet the requirements, would it be considered appropriate for the space to be called the safe room. He added he was asking because as he remembered it, one of the discussions was about people claiming to have a shelter and determining if it was under FEMA or under ICC 500®. He added it might be a question for the Commission, but it seemed if something was built and met the requirements of the new code, it would be appropriate to say if a homeowner was selling their residence, that the structure had a safe room per the current code. Mr. Shupe noted from the SSTC perspective, they didn't have that discussion and he didn't know if there was a way for the issue to be addressed. He noted they reviewed the code for new construction only. Mr. Lueb stated in his recollection, he received a certificate of compliance when his shelter was built that it met a certain standard in construction and design at the time of construction and something like that should satisfy the concern. After further discussion, the consensus was that it would be like any other code requirement and it would be based on what the code was when the shelter was constructed.

Mr. Barrick noted going to the flexible gas tubing issue that the CIB now required on home inspections if there was yellow flexible gas tubing in the residence, the home inspector had to recommend or notify the purchaser that the electrical grounding of the tubing should be checked by a licensed electrical contractor. He added there might be something similar that would eventually address storm shelters with a notation or caution given.

Mr. Timberlake invited any public comment on the presentation prior to any action taken by the Commission. Mr. Andrew Zagorski with Oz Safe Rooms addressed the Commission. He stated he had

worked with FEMA since 1998, with the top engineers from the federal government on the FEMA P-320® publication. He added his company built F5 proof above ground safe rooms. He noted he started his company in Oklahoma and brought the FEMA rebate program to Oklahoma. He stated he had worked with Senator Nichols and Governor Henry on the second FEMA rebate program. He stated he was going to start another rebate program with Governor Fallin and was a part of the Storm Shelter Technical Committee. He stated the other members led him to believe that if FEMA was removed, anything important could be brought in. He noted he wanted to bring in one thing, that in-ground storm shelters could not be installed at the lowest end of the garage. He noted he was with the catastrophe units and the seal on the bottom of the garage stopped the water if a water line broke or there were torrential downpours. He stated he wanted to put the safe rooms where FEMA said "No Parking" and that requirement had been there since day one. He noted the requirement was in the FEMA illustrations which showed the shelters being put in at the top of the garage so that people might have a fighting chance. He added the committee wouldn't even vote on his change. He stated when he found out that people on the committee had in-ground storm shelters in their garages that were not up to code, and found out there were more than three of them, he felt there was a conflict of interest on the committee and tried to explain it to the rest of the members.

Mr. Zagorski stated when they first started the review, he wanted everyone to know when FEMA was pushed out there was big liability on the State and the Code Commission. He stated he tried to explain to the rest of the committee members that he was trying to help them. He stated there were 2000 structures in garages that were not to code. He added one contractor came to a meeting and he asked the contractor how he was able to install a shelter in a garage that was not to code. He noted the contractor stated the owner of the residence got the permit and the owner told the contractor where to put the shelter. He added the contractor stated he signed an affidavit, just like Mr. Zagorski did all the time that stated the shelter met or exceed FEMA's criteria and had to be notarized. He stated the contractor said he signed those affidavits too, but had the owner get the permit. He noted the others on the committee didn't want to hear it. He stated he had spoken to Governor Fallin's personal assistant, who was a first responder and when Mr. Zagorski explained what was going on, the assistant said, "You've got to be kidding me." Mr. Zagorski stated Governor Fallin's signature would be on the rules.

Mr. Zagorski stated his company dealt a lot with the issue of homes that were sold and when the new owner found out the shelter was not to code, they made the seller install one to code. When his company had provided the new shelter, the underground shelter was filled in or he removed them. He noted there were so many structures now that were not to code, but he didn't think it was too many, but what happened when there were 50,000 or 100,000 of them. He noted one of the committee members said "it was convenient for the contractor to dig in that location with their equipment." He added the whole thing was about making it convenient for contractors and to make shelters owned by the committee members that were not to code, legal. He stated he thought the Commission should really think about it. He stated if any of the Commission members were first responders and went the next day after the F5s went through, it was not a hurricane it was an F5 tornado, it was "the devil's finger" as he called it, it was worse than an atomic bomb and asked how would first responders take a car off the structure when they heard a family in there. He answered saying they dug them out by hand as equipment couldn't be brought in. He added it took a couple of days and that was something for the Commission to really think about. He stated he tried to tell other committee members, to be trapped with your family and have water, chemicals, or gas pouring in, had to be the worst way in the world to die. He added that was where they were, in tornado alley. He stated he wanted everyone on the Commission to know that he would not vote for it. He noted FEMA started the project with the best

engineers in the world and now there was a group of people that thought they were smarter than those engineers and he didn't feel they were. Mr. Timberlake thanked Mr. Zagorski for his comments.

Mr. Timberlake asked for any additional public comments and there were none. He stated he would entertain further discussion or comments from the Commission or a motion to approve first part of the presentation on the IBC®. There was discussion that the motion made by the Commission would be to approve or accept the presentation to build the draft rules.

Mr. Hancock asked if the committee had saved any costs for people wanting to have storm shelter. Ms. Armstrong stated there were some changes that could increase cost, but she didn't think any changes made would decrease costs. She added the goal of the committee was not to make it more or less affordable, it was more about what was appropriate. She stated behind the presentation was an excerpt out of FEMA P-320®, which contained the language that Mr. Zagorski had referred to. She noted under Section 3.6.3 it said "possible locations" and although the yellow marked area for the placement of the shelter in the illustration was at the top of the garage, the language said "possible." She added she contacted FEMA and spoke to someone in their building sciences division, who would be sending an email that she hoped to have before the rules were discussed. She stated the words he used were that FEMA's documents were guidelines for operation and maintenance and they all referred back to ICC 500® for the construction of storm shelters. She stated she asked about the rebate program and was told FEMA would grant a rebate to someone who located the shelter flush in the garage floor, underneath a vehicle. She added the person she spoke to wanted to clarify that as far as the possible location of a shelter under a vehicle, it was just the entrance, and not the whole shelter that shouldn't be where a car was parked. She stated she was pointed to the front cover of ICC 500® which showed an in-ground shelter flush with the garage floor.

Ms. Armstrong stated there was nothing in any of the codes adopted by the Commission that stopped anyone from following something that was more stringent than the minimum standard for the state. She added if FEMA's documents had guidelines that were more restrictive or stringent or were more safety oriented, there was nothing to say a person could not follow those guidelines. She added she didn't feel like the committee had eliminated the use of FEMA from within the state, they were just saying it was not a requirement as it contained unenforceable language. She added both FEMA documents had language that stated "shall be built according to ICC 500®," so FEMA was saying that ICC 500® was the construction document. She added FEMA just wanted to go after things like the first aid kits, as ICC 500® talked about them, but FEMA required them to be rated for the number of occupants in the shelter. She added the committee entertained any comment form that was brought forward and every one of them was listened to, but some were not in code language and were hard to act on. She stated there were offers to help write them in code language, some were acted on and some were not. Mr. McCarty stated there were some areas that were very confusing in ICC 500®, especially when it came to sanitary facilities and the committee had clarified a lot of that language to make it easier to understand and save money. He added the committee had the commentary that helped understand the intent behind the ICC 500® and that was why some of it was changed, to explain and make sure everyone was on the same page. Mr. Hancock said he just wanted to make sure the committee hadn't made it more expensive.

Ms. Armstrong stated, she did make available the gentleman who was the Secretariat for ICC 500® and the lady who was the "handicap guru" at ICC who would be the Secretariat of the new edition of ICC 500®. She added ICC had a call out for committee members and proposed changes. She noted if

anyone on the committee had questions with regards to anything in the code, they were on the phone for about forty-five (45) minutes and were available to answer questions. Mr. Lueb stated that was the reason he had asked if there was any statistical data on the various calamities and deaths that might have occurred and the correlation between the shelter construction verses the deaths. He added it seemed like in the country there were statistics on everything, he was surprised there was not any of that data out there and asked if there was a way to get some of that data between now and when action needed to be taken on the rules themselves. Mr. Timberlake asked if Mr. Shupe had anything to add. Mr. Shupe noted there was a professor on the committee from the University of Oklahoma that had been involved in some of the studies after storms and there were other written reports. He noted there were differences of opinions in those reports so the statistics are skewed because a flood death was not a tornado death. He noted they were not able to find any data that would be transparent enough to help the committee to make those decisions and recommendations.

Discussion and possible action on the presentation by the SSTC on the proposed changes to the 2015 Editions of the IBC® and IRC®

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO ACCEPT THE PRESENTATION ON THE 2015 EDITION OF THE IBC® RECOMMENDED RULE CHANGES AS PRESENTED TO BUILD DRAFT RULES

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Mr. Timberlake asked if there was any more conversation or questions on the IRC® portion of the presentation. Mr. Lueb asked to confirm that no public comments were received on the residential either. Ms. Hehnly confirmed that was correct.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO ACCEPT THE PRESENTATION ON THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE® RECOMMENDED RULE CHANGES AS PRESENTED TO BUILD DRAFT RULES

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock

Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Mr. Timberlake stated before the Commission moved on, he wanted to thank Mr. Shupe for all his effort and thank the Committee members present as well as those on the committee that were not there. He noted the committee had spent a lot of time and effort and it was all for a good cause and he appreciated their work.

Discussion and possible approval of the September 19, 2017 regular meeting minutes

Ms. Armstrong stated she had provided a few corrections to Ms. Hehnly that were not substantive in nature, they were grammatical, but didn't think Ms. Hehnly was able to include those changes in the copies before them.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO APPROVE THE MINUTES

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Discussion and possible action on the annual election of Commission Officers (January 1, 2018 through December 31, 2018), per rule 748:1-1-3(b)

Mr. Timberlake noted the item was always a little bit of an awkward situation but the Commission needed to elect a chairman and vice-chairman. He added if someone wanted to nominate anyone else or themselves, the positions were available and it was the opportune time to do that. Mr. Barrick asked Mr. Timberlake if he would consider keeping the position of Chairman. Mr. Timberlake stated if nominated and elected, he would continue to serve.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MS. AMBER ARMSTRONG TO NOMINATE AND RETAIN MR. DAVID TIMBERLAKE AS CHAIRMAN

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO NOMINATE MR. CURTIS MCCARTY AS VICE-CHAIRMAN

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Discussion and possible action on the updated OUBCC Internal Purchasing Procedure

Mr. Pope noted the last time the document was updated was in December of 2014. He added OMES had requested all agencies submit an updated procedure, as some of the purchasing statutes had changed. He noted the updated version reflected those changes and had been reviewed by Mr. Neal. He noted the agency's purchasing privileges could be suspended if it was not approved. He added the cutoff date to submit them to OMES was November 15, 2017. Mr. Timberlake asked if there was anything new about the procedure that would affect the Commission's operating ability. Mr. Pope replied there was not.

MR. RICK LUEB MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO ACCEPT THE INTERNAL PURCHASING PROCEDURE AS PRESENTED

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Discussion and possible action on the fourth and final renewal of the previously awarded Oklahoma Capitol Strategies legislative liaison contract from February 4, 2018 through February 3, 2019

Mr. Pope noted Mr. Ervin wanted him to pass along his regrets that he was not able to stay through the meeting, he had to leave to pick up his child. Mr. Pope added the State had come up with a process for any goods or services where the agencies had to ask vendors if they would allow a discount to pay within a certain amount of time. He noted Oklahoma Capitol Strategies had agreed to take a 1.5 percent discount if the invoice was paid within 10 days of receipt by the office. He added it would save at least six hundred dollars a year. He noted it was the last renewal option and the contract would need to be rebid next year. Mr. Pope noted early pay discounts were a standard industry practice and while it was not fun to ask, it was part of the program now. He discussed the state statutes that allowed agency's forty-five (45) days to make a payment for all invoices. He added his recommendation was to renew the contract.

Mr. McCarty asked if there was a timeframe now from the time submitted to the time a vendor was paid. Mr. Pope noted Ms. Hehnly controlled that. Ms. Hehnly added the instructions for the process came from the State Comptroller that all invoices that were from an outside vendor were to be held and processed so they paid on the forty-fifth (45th) day. Mr. McCarty asked how long it took for the vendor to be paid, once Ms. Hehnly submitted the invoice to OMES ABS. Ms. Hehnly noted OMES ABS had a three (3) day turn around period and then there was a three (3) day turnaround for the OMES Transaction Processing Group and the payment being made. She added she had a six (6) day window, which was why a vendor might get paid a bit sooner, if either area completed their process in less than three (3) days. Mr. Timberlake asked if it was possible to make the payments within ten (10) days. Ms. Hehnly replied it was. Mr. McCarty asked if it was ten (10) business days or calendar days. Mr. Neal replied it was calendar. He added the purpose in the forty-five (45) days was because beginning on day forty-six (46) the state would be required to pay interest and it was all geared to minimizing the cost to the state.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO RENEW THE OKLAHOMA CAPITOL STRATEGIES CONTRACT WITH THE EARLY PAY DISCOUNT PROVISION

VOTING AYE: Amber Armstrong

Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

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

MR. CURTIS MCCARTY MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO CONVENE IN EXECUTIVE SESSION

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. CURTIS MCCARTY TO RETURN TO OPEN SESSION

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT: (4:06 P.M.)

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. RICK LUEB TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
Danny Hancock
Chris Henderson
Rick Lueb
Curtis McCarty
Joe McKenzie
David Timberlake
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: David Hall

Minutes approved in the regular meeting on the 16th day of January, 2018

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.