

# **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 AUGUST 21, 2018 – 1:30 P.M.**

### **COMMISSION MEMBERS PRESENT:**

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

### **COMMISSION MEMBERS ABSENT:**

None

### **OTHERS PRESENT:**

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff), Bryan Neal (Attorney General's Office), Mike Ervin (Oklahoma Capitol Strategies), LaTisha Edwards (Office of Management and Enterprise Services "OMES" – Agency Business Services "ABS"), Albert Janco, P.E., Tim Yaciuk (International Electrical Contractors - OKC), Kelly Sadler (International Code Council), and Larry Herzel (HSE Architects)

### **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 Center, 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 21st day of August, 2018, 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, four hundred fifty-two (452) people have filed a written request for notice of meetings of this public body."

### **REPORTS:**

#### CEO Report:

Mr. Pope stated his report was under Tab A. He provided information on the upcoming continuing education classes; status update on relocating the agency offices; a new outreach program sponsored by the International Code Council (ICC) to bring awareness of the construction codes

and related careers to high school students; and the RFP status for both the audit and legislative liaison contracts. He noted a conference was held in July from the 24-27, 2018 and noted there were approximately sixty people in attendance. He reviewed the breakdown of where the attendees were from, and when he asked the group how many of them would like to see the Commission adopt the 2018 I-code, he was surprised by the show of hands, as only one was raised. He added the group had contractors and others in the business, not just inspectors, but about eighty percent were inspectors.

Mr. Pope and the Commission discussed the reason it was taking so long to make a decision with the technology center regarding leasing space from them and if there were any other technology centers in the area the Commission could speak to; staying in the CIB offices in the other space proposed; the subjects of instruction at the Yukon conference and if they were taught to the OUBCC code amendments; and the audit RFP deadlines.

Financial Report:

Ms. LaTisha Edwards with OMES ABS greeted the Commission. She reviewed each of the reports for the month ending July, 2018. She noted there were both FY18 and FY19 open purchase orders on the Outstanding Encumbrances Report. She stated those FY18 purchase orders would be closed out starting in September once all the final invoices had been received and paid. Mr. Timberlake asked about the differences in the cash balance totals on the Summary of Receipts and Disbursements. Ms. Edwards noted the difference was the revenue in the clearing account that had not yet been transferred into the agency revolving fund account.

Electrical Technical Committee Report:

Mr. Barrick noted there was a brief summary in the book under tab "C" of the first meeting held on Tuesday, August 14, 2018. He noted one member was absent because he couldn't travel after surgery, but that individual had served on previous committees. He noted there was no public in attendance. He added staff reviewed the procedures for the committee, how to fill out forms, and the timeframe the committee would be working within. He noted the next meeting was scheduled for Wednesday, September 12, 2018.

**ACTION AND DISCUSSION ITEMS:**

Discussion and possible approval of the July 17, 2018 regular meeting minutes

Mr. Timberlake noted this was item "D" in the commission books. Ms. Armstrong stated she had found three errors that were communicated to Ms. Hehnly. She added the errors were correctly spelled words, but were auto-filled with the wrong word. Mr. Timberlake asked if there were any other material changes, and if not, he would entertain a motion to approve.

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

VOTING AYE:       Amber Armstrong  
                          Ross Barrick  
                          David Hall  
                          Danny Hancock  
                          Chris Henderson  
                          Rick Lueb  
                          Curtis McCarty

Joe McKenzie  
Robert Soder  
Cary Williamson  
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Presentation and discussion of Open Meeting Act and Oklahoma Uniform Building Code Commission Act

Mr. Bryan Neal addressed the Commission. He reviewed aspects of the Open Meeting Act, (25 O.S. 304.1) to clarify the definition of a public body, in light of the agenda item that might create a new commission committee. He cited a 1987 Oklahoma Supreme Court decision that clarified if the subordinate entity created had any decision making authority, it was subject to the Open Meeting Act. He added, if the subordinate entity was purely fact finding, information, recommendatory or advisory, with no decision making authority, the committee was not required to hold open meetings.

The Commission and Mr. Neal discussed where the information Mr. Neal provided came from; when creating a new committee, spelling out if the committee was intended to be fact-finding, recommendatory, etc. to make it clear what the committee should do; and if within a subcommittee there was debate on issues of finding, and the committee felt a finding needed to be brought before the Commission, and the committee made a decision of bringing one finding but not another before the Commission, if that was a decision making process subject to the Act.

Mr. Timberlake noted it was an important topic and given there was some new individuals who had not been through a formal training, it was good to talk about so that nobody got into a splinter group discussion of some sort, that was construed inappropriately by someone outside. He added the Commission always wanted to do things right. He stated if anyone had any questions over the information provided, they could contact Mr. Neal or Mr. Pope. There was further discussion on if there was any other information on what the current standing committees were charged with, other than their names; what the legislative committee charge was verses what information was provided by the legislative liaison; and what within the Act, with regards to Executive Sessions, was going to be changing on November 1, 2018.

Discussion and possible action on approving the slate of volunteers for the Electrical Technical Committee (ETC) tasked with reviewing the 2017 National Electrical Code®, (NEC®)

Mr. Pope noted the first time the slate came up, there was discussion on changing or adding some members and the item was tabled. He added at the last meeting in July the motion was only to put those new members on the committee. He noted the Commission did not make an official ruling that those presented were appointed.

**MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO APPROVE THE SLATE OF VOLUNTEERS FOR THE ELETRCIAL TECHNICAL COMMITTEE**

There was discussion on the open position and if the slate could be approved with a missing member. Commission consensus was if someone was interested in serving, their application could be brought before the Commission at another meeting.

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action on the review and changes to the OUBCC Strategic Plan and the possible creation of a Strategic Plan Commission Committee

Mr. Pope reviewed the information provided, adding the items highlighted in blue did not offer a specific change to the plan and the items highlighted in yellow, gave an alternative to the plan to make it more workable. He noted there were comments throughout the plan. Mr. Hall stated with a little bit of concerted effort, it wouldn't take much to update the information and make it a living document that the Commission went back to on a regular basis that gave guidance for things like committees. He added they could provide some purpose from the strategic mission to some of the areas. He added he liked the format and appreciated all the comments received from the Commission members. He added if a small subcommittee was brought together to review everything, it could be brought together in pretty short order.

Mr. Pope noted one of the reasons the Commission was looking at the plan, was because it needed to go to OMES in September. He added, the only change he saw to do that, was on page seven, to replace the champion there from Larry Herzel to Rick Lueb. He added after that, the Commission could move forward in any manner to rework the document. Mr. Hall noted he would love to have a little help, maybe three people, to work closely together to check and balance each other on thoughts and ideas, and bring a recommendation forward for the entire code Commission for review and adoption. Mr. Pope stated in item K the Commission would be looking at all the Commission Committees and it might be good to move it to do all at the same time.

**MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY TO MR. DANNY HANCOCK TO APPROVE THE STRATEGIC PLAN AS AMENDED AND CREATE A COMMISSION COMMITTEE FOR STRATEGIC PLANNING WITH MR. DAVID HALL AS CHAIRMAN OF THE COMMITTEE**

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

There was further discussion on when the strategic plan was created, when it had been updated, and how often the document needed to be submitted to the Legislature. There was discussion on how often the Commission should be looking at the strategic plan and if a specific Commission meeting should be created to discuss only the strategic plan. Commission consensus was to schedule such a meeting once the subcommittee updated the plan.

Discussion and possible action on modifying the Commissioner assignments to standing Commission Committees.

Mr. Pope noted behind tab "K" was a list of who was currently assigned to committees with a place to put any new assignments. He added the only committee not on there was the Strategic Planning Committee. Mr. Pope and Ms. Armstrong discussed the role of the Education Committee with the continuing education classes, with the agreement that the Education Committee would be reviewing the classes and schedules before they were finalized.

The Commission discussed who would be assigned to different committees, the total number of members that could serve on the same committee; if there was a chairperson for each committee, with consensus being the chair should be appointed by the members of each committee; why the vice-chair was not listed on the Personnel Committee, and when traditionally that position was the one who handled the Chief Executive Officers annual review. There was discussion on who wanted to or could serve on the Strategic Planning Committee, making sure to have both a new voice and someone with experience on the committee.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. CURTIS MCCARTY TO APPROVE THE COMMISSIONER ASSIGNMENTS TO THE STANDING COMMISSION COMMITTEES AS AMENDED BY ADDING MR. CHRIS HENDERSON TO THE LEGISLATIVE COMMITTEE, ADDING MR. CURTIS MCCARTY TO THE PERSONNEL COMMITTEE, AND ADDING MR. DAVID HALL, MR. ROBERT SODER, MR. RICK LUEB AND MR. CARY WILLIAMSON TO THE NEWLY CREATED STRATEGIC PLANNING COMMITTEE

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action on the review of the 2018 Editions of the International Building Code®, International Existing Building Code®, International Fire Code®, International Fuel Gas Code®, International Mechanical Code®, and International Plumbing Code®; and to authorize solicitation of volunteers for such purpose to serve on appropriate technical committee(s)

Mr. Pope stated the Commission needed to determine if they wanted to move forward with the 2018 codes and set up technical committees to work towards that goal. He added behind tab "H" were some comments, including a document by Mr. Lueb.

Mr. Lueb stated he created the document when he was first appointed to the Commission and there was discussion on the Electrical Code adoption cycle. He added staff gave him the history on the adoption process for the various committees and he turned it into the graph in the book. He explained he did this so he could get a handle on the overall length of the process, from first setting up the committee to review through the final adoption by the Legislature. He noted the graph did not include staff time after formal adoption to implement the rules onto the website, publications, etc. and did not include any jurisdictional adoption timeframe. He noted the commercial code reviews were approved the fastest with a 1.8 year cycle and the residential took about 1.11 and the specialty codes were the ones that took the longest and that was nearly 2.8 years. He stated the graph was for informational purposes to aid in the decision on the viability of implementing a three year cycle on all codes.

Mr. McKenzie stated he had been involved with the review of two code cycles and something for the new members to note, was the requirement to review of every issue to determine if it applied to Oklahoma. He added during the process of the first cycle of code reviews the committee took a long time for some of the code review as some of the changes were seen for the very first time. He added when the next code was reviewed, he would think only the changes that came from the publisher and any changes submitted to the committee would need to be reviewed, and the timeframe could be reduced. He asked Mr. Barrick since he was previously on the Electrical Committee and one of the specialty committees, did he see the ETC reviewing the entire code again, or just the changes made and any submissions given to the committee. Mr. Barrick responded the NEC® had been reviewed twice. He noted the assignment from the first ETC

meeting last week was to review the changes in Chapters 1 and 2. He added he didn't think all of the text needed to be read, if it wasn't marked with the black bar, there was no change and it had already been reviewed. He stated the committee should also review each change previously made to the code.

Mr. Pope noted the 2018 editions were out and the commentaries were out or would be shortly, and the 2021 editions should be releasing in the spring to fall of 2020. He noted by the time the 2018's would be adopted and through the entire process, the earliest it could go into effect would be September 2020. There was further discussion on the need for the NEC® to be adopted due to reciprocity issues with other states and that the Construction Industries Board was working on those reciprocity agreements; if the 2018 codes were skipped, when the 2021 codes could be adopted and in effect; and on the impact of State Question 788 and changes that might be needed to the code and how those changes could be adopted.

Ms. Armstrong stated she missed the item from last month, but wanted to make sure everyone understood that item "H" excluded the IRC®. There was further discussion in reference to the code editions and their effect on ISO points. At the end of the discussion, Mr. Timberlake asked if Ms. Armstrong was in favor of a three year code adoption cycle.

Mr. Pope reminded the Commission the conversation needed to be on the 2018 codes, not a three or six year cycle adoption based on what was listed on the agenda. Mr. Timberlake clarified, the 2018 codes were under discussion and he had morphed that into a three year cycle, which was kind of one and the same. Mr. Neal noted the only thing on the agenda was the 2018 codes and the Commission needed to be mindful of what the agenda item said. Mr. Timberlake noted that was a good point, but he thought a vote for the 2018 code was a precursor for what direction the Commission wanted to go. Ms. Armstrong stated whatever cycle or year the Commission adopted, they knew they came out every three years, and the Commission needed to be talking about it in advance of that year, not in that year. Mr. Timberlake noted to be consistent the Commission needed to stick to the 2018. After further discuss, Mr. Timberlake noted he would take it upon himself to keep the discussion going and moving towards a decision.

Mr. McCarty noted he was not in favor of reviewing the 2018 codes because by the time it was adopted the 2021 codes would be coming out. The Commission discussed volunteers, survey results and responses, the cost of training for inspector's licenses, and the ability of the Commission to adopt rules based on life safety issues.

Mr. Larry Herzel representing himself addressed the Commission. He stated he recommended the Commission vote no on appointing committees to review the 2018 family of codes. He cited lack of volunteers and municipalities still on the 2009 codes as issues. He did add he agreed the electrical committee should be on a three year cycle due to technological advances. Mr. Timberlake thanked Mr. Herzel for his comments.

**MR. CHRIS HENDERSON MADE A MOTION WITH A SECOND BY MR. CARY WILLAIMSON TO REVIEW THE 2018 CODES OUTLINED IN AGENDA ITEM "H" AND RECRUTE VOLUNTEERS TO SERVE ON TECHNICAL COMMITTEES FOR THOSE CODES**

VOTING AYE: Amber Armstrong

Ross Barrick  
David Hall  
Danny Hancock  
Chris Henderson  
Joe McKenzie  
Robert Soder  
Cary Williamson  
David Timberlake

VOTING NAY: Rick Lueb  
Curtis McCarty

ABSTAIN: None

ABSENT: None

Discussion and possible action on approving the FY2020 Budget Request

Mr. Hancock stated the Budget Fees and Rules Committee had a conference call last week to review the early budget request. He reviewed the changes in each section of the budget, noting the final budget was an increase of \$6,759.00. Ms. Armstrong noted she had a question more for the Commission body, than the committee. She asked if there were any funds in the current year budget allocated for anything but the adoption of the NEC®, and would that need to be discussed at some point. Mr. Pope noted there were funds budgeted because they were not sure what the Commission would be doing with regards to the issue. Mr. Lueb asked if any moving expenses had been included in the budget to relocate the office. Mr. Pope replied the Commission could take that up at any time once the costs were known. Mr. Hancock noted the budget would be reviewed again in February.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO APPROVE THE FY2020 BUDGET REQUEST AS PRESENTED

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action to approve meeting dates for 2019

Mr. Timberlake asked if there was any discussion on the dates. There was no discussion.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DAVID HALL TO ACCEPT THE 2019 MEETING DATES AS PRESENTED

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

**NEW BUSINESS:**

There was no new business.

**PUBLIC COMMENTS:**

Ms. Kelly Sadler, Government Relations Regional Manager with the International Code Council (ICC) addressed the Commission. She noted there was a lot of insightful discussion regarding the adoption of the 2018 and no matter how the Commission moved forward, the ICC always wished to serve as resource for the Commission. She noted if there was anything the ICC could do to help support the review committees, they would be willing to work with the Commission. She noted Mr. Pope had earlier talked about a new program the ICC had, regarding High School Technical Training Program and also a Technical Training Program, to bring knowledge of the building codes into the high schools and community colleges. She added as the Commission moved forward, the programs would be good to help support the Commission. She added she could provide information regarding the programs if anyone wanted to look at it. She added there has been a lot of conversations at the federal level concerning funding after disasters and she knew the discussions have included that in order for states to get federal funding, part of that would be to have updated codes after disasters. She noted she wasn't sure where that was going to go, but there had been multiple conversations going on at that level and it was something to think about as the State moved forward. She asked the Commission to feel free to reach out to her at any time and thanked them for their service.

**ADJOURNMENT:** (3:07 P.M.)

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ADJOURN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Minutes approved in the regular meeting on the 13 day of November, 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.*