

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 JANUARY 16, 2018 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Amber Armstrong, Ross Barrick, David Hall, Chris Henderson, Curtis McCarty, Joe McKenzie, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Danny Hancock, Rick Lueb, and David Timberlake

OTHERS PRESENT:

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), Sean Hutson (Simpson Strong Tie), Tim Yaciuk (IEC-OKC), Jason Vandever (SPEER), Prock Saynyarack (ODOC-SEP), and Charles Snyder (GWS).

CALL TO ORDER:

Mr. Curtis McCarty called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:30 p.m. in the Construction Industries Board/Uniform Building Code Commission Board Room at Shepherd Mall, 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73107.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This regular meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 1:30 p.m. on this 16th day of January, 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, seventy-nine (79) people have filed a written request for notice of meetings of this public body.

REPORTS:

CEO Report:

Mr. Curtis McCarty stated Mr. Pope was out ill and he would review the CEO report. Mr. McCarty reviewed the update provided on the continuing education classes. He noted there were still five positions that needed to be filled for the Electrical Technical Committee. He asked Mr. Ross Barrick if he was helping to find people to fill those positions. Mr. Barrick replied he was. Mr. McCarty asked if there was a deadline for the applications. Ms. Hehnly replied there had been one but the website had since been updated to keep the deadline open until the positions could be filled.

Mr. McCarty reviewed the remaining reports provided that covered monthly and year-to-date revenues, permit reports, and website information. There was no further discussion.

Financial Report:

Ms. LaTisha Edwards with OMES, ABS greeted the Commission. She reviewed each of the reports provided to the Commission, noting the agency was well within the budget limits for the fiscal year. After her review, there were no questions for Ms. Edwards.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the November 14, 2017 regular meeting minutes

Mr. McCarty noted the minutes were after tab "C" in the Commission books and stated once everyone reviewed them, he would accept a motion for approval.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE THE NOVEMBER 14, 2017 REGULAR MEETING MINUTES

VOTING AYE: Amber Armstrong
 Ross Barrick
 David Hall
 Chris Henderson
 Curtis McCarty
 Joe McKenzie
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
 Rick Lueb
 David Timberlake

Discussion and possible action on the OUBCC Internal Purchasing Procedure revisions requested by OMES Central Purchasing

Ms. Hehnlly addressed the Commission. She stated in November, the Commission had approved an updated Internal Purchasing Procedure. She added those changes were made to meet some of the new and revised purchasing statutes. She noted after the Commission's approval, the procedure was sent to OMES Central Purchasing for their review and approval. She stated the changes before the Commission were requested by OMES Central Purchasing. She added the changes did not affect any of the agency processes, they were just a different way to state items.

Mr. McCarty requested everyone take a few minutes to review the changes. He added the Commission would need to have a motion to accept the updated procedure. Mr. Williamson asked Mr. Neal if he was okay with the modifications made. Mr. Neal stated he had not heard about the last round of changes from OMES but he didn't see anything that jumped out at him as a matter of concern.

MR. CARY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. JOE MCKENZIE TO ACCEPT THE CHANGES PROPOSED BY OMES CENTRAL PURCHASING TO THE AGENCY'S INTERNAL PURCHASING PROCEDURES

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Curtis McCarty
Joe McKenzie
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Rick Lueb
David Timberlake

Discussion, review, and possible action on the OUBCC Code Adoption Survey results

Mr. McCarty noted the survey results were behind tab "E." He stated the survey was sent out to everyone the Commission could send it to, industry people, cities, and anyone the Commission had email addresses for. He noted the survey asked about the three- or six-year code cycle. He added there were four questions and the responses were in front of them, broken out by jurisdictions or private industry and the total numbers received. Mr. McCarty noted the need of the survey came up a few months ago, after many meetings and discussion about the three- or six-year code adoption cycle. He noted this was the Commission's best way to see what the public thought. He added he didn't think the Commission had to take any action, but was good information for them to have. He stated eighty-seven (87) people had responded and filled out the survey. He reviewed some of the responses received and how close the votes were on some of the codes. He asked if there was any further discussion.

Mr. Barrick stated the NEC® was the closest with only one vote cast between the three- and six-year options and the survey supported the three year cycle.

Mr. McKenzie asked if there had been any further discussion on code cycles at the legislative level. Mr. Mike Ervin with Oklahoma Capitol Strategies addressed the Commission. He noted the legislative session was just about to get started and the bill filing deadline was Thursday at 5:00 p.m. He added he expected there to be somewhere near 2000 bills filed by the deadline. He stated legislatively, there had been some change over in the committees that oversaw the construction industry. He stated he had visited with the new Chairman of the Senate committee, Senator Leewright from Sapulpa, and had agreed to keep meeting with him throughout the session. He added Senator Leewright was a roofing contractor and had knowledge of the construction industry.

Mr. Jason Vandever with SPEER addressed the commission. He stated he applauded the work they did as he sat on a code review board in North Central Texas. He added he fully supported a six year cycle, but the only issue he saw was with the current adoption of the International Building Code®, (IBC®) which referenced the 2006 International Energy Conservation Code® (IECC®). He noted to show code compliance at permit, the vast majority of applicants would use ComCheck and with the 2018 codes out, the DOE did not support the 2006 ComCheck. He added, they hadn't supported it in a while. He noted the DOE only supported the last three cycles so towards the end of this year, they would only be supporting the 2018, 2015 and 2012 editions. He added he was encouraging the Commission, if

they did move to a six-year cycle, to update the edition of the IECC® to an edition that could be utilized through ComCheck. He added he was friends with an inspector in Norman, who said that if a designer needed ComCheck, the City of Norman had it on an old desktop in their office and it could be used there. He added he didn't think that option was very practical.

Mr. Scott Hopkins with the Oklahoma National Electrical Contractors Association addressed the Commission. He thanked the Commission for putting out the industry survey, adding it was something he and Mr. Yaciuk had mentioned some time ago. He asked for more details on the breakdown of the results which were broken down by jurisdiction and private industry. He added, he wanted to understand the breakout of total number of responses. He asked if the Commission knew what the breakdown was for those that responded, such as how many Mechanical industry people responded verses how many Plumbers and Electricians. He stated his only thought was the Commission should only consider the responses received for each code by those within the code. Mr. McCarty clarified the handout the audience had did not have the breakdown of the responses. Ms. Hehnlly replied they only got the front page. Mr. McCarty noted there was a breakdown and it may not be to the level that Mr. Hopkins would want to see it. He added there were five responses from the electrical industry and all five responses said three year. Mr. Hopkins said the only thing they've ever supported was each trade should look at their own code and decide as an industry what should be adopted. Mr. McCarty noted there was no reason the full report couldn't be given out and to email Ms. Hehnlly if anyone wanted the full breakdown.

Mr. Charles Snyder addressed the Commission. He noted he was a professional engineer and what he wanted to mention was he felt the most important question on the survey was how soon after the codes had been adopted by the state, should they be adopted by local jurisdictions. He noted there were still jurisdictions within the state that were still on the 2009 codes. He noted as a forensics engineer when he went out in the field, there were houses still being built with staples in the sheathing, which was an amendment, made at the state level. He added when he went to look at a house in a few years from now, as they were getting cracked sheet rock and blaming it on all kinds of things, if the house looked like it was cracked, at that point, how did he call it. He asked if it would be a deficiency on the builder's part to build it at the 2009 standard or were they supposed to be building it at the state adopted standard. He added when he had spoken to jurisdictions about the problem, they were obviously dragging their feet, they didn't want to adopt the new energy codes and didn't want to deal with the headache of it. He stated if left up to the local jurisdictions, to be frank, they didn't care what the OUBCC had to say. He added unless they put some teeth into the code, one way or another, and he was working with his local legislator to see if something could be put forward, the OUBCC could make up all the pretty rules they wanted and put them on paper, but unless the local jurisdictions were forced to do it, people were still going to be building houses that didn't meet anything close to the newest code standards. Mr. McCarty thanked him for his comments and noted that was the third question on the survey. Mr. Snyder added how the jurisdictions felt was available to see, but all he could infer from the results was that it was not in their best interest to ensure the housing being built in their jurisdiction was up to the current code.

There were no further comments from the audience. Ms. Armstrong noted one of the things she noticed in the responses was there seemed to be a lack of understanding and a lack of knowledge of what the process was and it seemed like some of them didn't even know what the codes were. She added it looked like there was a lack of understanding for what the Commission did. She stated, if nothing else, to her, the survey showed that the OUBCC should be doing more education and outreach to the public

and the cities. Mr. McCarty agreed and added behind the breakout were all the comments that came in from every question. He added those were the comments Ms. Armstrong was referring to. He noted there seemed to be a broad range of understanding of exactly what was happening in the state and was something the Commission could work on. He noted it should be part of the strategic plan with some guidance to their director of some things that could be done better. Mr. Henderson noted he tried to work with the Oklahoma Municipal League at their annual meeting in September. He added he contacted them about setting aside time for him to address the group, but was not placed on their agenda. He wasn't sure why, but he did make an effort to reach out. Mr. McCarty noted if there was no further discussion, the Commission could move on. He added the survey was very valuable and would help the Commission figure out what should be done better.

Discussion and possible action to begin the permanent rule making process by review and approval of the proposed draft rule amendments to Title 748, Oklahoma Administrative Code, on the 2015 Editions of the International Building Code® (Subchapter 1), International Residential Code® (Subchapter 5), International Mechanical Code® (Subchapter 13) and International Plumbing Code® (Subchapter 15)

Mr. McCarty asked Ms. Hehnly if there would be a presentation given on the item. Ms. Hehnly noted if the Commission approved the draft rules, the rulemaking process would be started which included an announcement published in the *Oklahoma Register* that would list a public comment period and a public hearing. She noted most of the proposed changes came out of the presentation approved at the last meeting. She added there were some corrections that had been found and those errors were typos to be fixed to make sure the rules were correct. She stated all the changes were highlighted for the Commissioners and were marked in the audience copies. Mr. McCarty asked Mr. Neal if he needed to read through all the changes. Mr. Neal replied it could be done as a whole, as it was available to the audience and there had already been some public meetings that dealt with the changes as well as the discussion held at the last meeting. He added Mr. McCarty could read the items aloud if he chose, but was not required to.

Mr. McCarty asked if there were any comments from the Commission. Ms. Armstrong noted one correction to be made, on page 5, item number 18. She noted in several of the other items, in the commentary language, there was an inclusion of what section out of the ICC 500® was being modified by the changes. She noted it was somehow missed on item 18. She proposed adding after the words "this section has been added to" the wording "modify the requirements of ICC 500® section 702.2.2.2" and then continue with the remaining language. She noted the same language was added to several of the other sections. Ms. Armstrong noted the actual code language in the rules was that section out of ICC 500® with a few modifications and the committee had added language to the end of the section relating to privacy enclosures. She asked if she needed to make a motion to amend it before making a motion to approve the draft rules. Mr. McCarty asked if they could do it all at once. Mr. Neal noted that they could if there were no other amendments. Mr. McCarty asked if there were any other amendments or corrections. There were none. Mr. McCarty asked if anyone from the audience had any comments. There were no comments from the audience. Mr. McCarty noted there was the one amendment proposed by Ms. Armstrong and stated he would entertain a motion to accept the modification to Item 18 and approve the rules to start the rulemaking process.

MS. AMBER ARMSTRONG MADE A MOTION WITH A SECOND BY MR. CHRIS HENDERSON TO APPROVE THE DRAFT RULES TO START THE RULEMAKING PROCESS WITH THE MODIFICATION TO THE INTERNATIONAL BUILDING CODE®, SUBCHAPTER 1, ITEM 18

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Curtis McCarty
Joe McKenzie
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Rick Lueb
David Timberlake

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

Mr. McCarty proposed postponing the executive session until the next meeting as there were several commissioners who were not in attendance.

MR. JOE MCKENZIE MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO POSTPONE THE EXECUTIVE SESSION UNTIL THE NEXT MEETING

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Curtis McCarty
Joe McKenzie
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Rick Lueb
David Timberlake

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT: (2:07 P.M.)

MR. CHRIS HENDERSON MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO ADJOURN

VOTING AYE: Amber Armstrong
Ross Barrick
David Hall
Chris Henderson
Curtis McCarty
Joe McKenzie
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Danny Hancock
Rick Lueb
David Timberlake

Minutes approved in the regular meeting on the 20th day of March, 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.