

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 16, 2020 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Ross Barrick, Stephanie Cliff, Daniel Favata, Paul Gunderson, Danny Hancock, Kyle Lombardo, Lonnie Shackelford, and David Timberlake

COMMISSION MEMBERS ABSENT:

Cary Williamson

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Bryan Neal (Attorney General's Office), Rick Bruder (Tulsa Fire Department), Cody Banks (Tulsa Fire Department), and Amber Armstrong (Individual)

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 16th day of June 2020, 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, two thousand three hundred seventy-six (2376) people have filed a written request for notice of meetings of this public body."

COMMISSION MEMBER UPDATES:

Welcome to new commission members

Mr. Timberlake greeted everyone, noting it was a new experience meeting behind face masks. He welcomed the new members to the Commission. Mr. Pope introduced each of the four new Commissioners. He thanked each of them for volunteering and stated staff looked forward to working with them.

Acknowledgment of service for commission members leaving

Mr. Pope stated there were five members (Ms. Amber Armstrong, Mr. Ross Barrick, Mr. Chris Henderson, Mr. Joe McKenzie, and Mr. David Timberlake) whose service on the Commission was over or ending at the end of the month and reviewed some of their contributions to the Commission. He noted staff had a plaque for each of the Commissioners as a thank you for their service and asked Ms. Hehnlly to pass them out to those at the meeting. He thanked them for their service, noting the work could not have been done without them.

Mr. Hancock thanked Mr. Timberlake for all the work he had put in on the Commission as the Chairman. He added he would miss working with them.

Mr. Timberlake noted in 2009 he was asked by the AGC to be involved with the Commission, adding that he was told he would enjoy it and would only take a few minutes every month. He stated at the formation meeting, he was elected Chairman, was handed the gavel and told to finish the rest of the meeting. He stated that was eleven years ago, but it had been a good journey, he had met a lot of good people and had done a lot of good for the codes. He gave accolades to everyone who had served on the Commission for their contributions along the way. He challenged to the new commissioners to get involved and carry the Commission forward with training for inspectors. He added statistics showed, given the average age of inspectors, and when they were expected to retire in the next few years, there wouldn't be many inspectors left. He urged the new Commissioners to keep working towards a training academy as it was critical to the industry. He thanked everyone, especially the staff, for working with him through some interesting and exciting times. He added he wasn't going anywhere, so reach out to him if they needed him.

REPORTS:

CEO Report:

Mr. Pope reported staff was working with OMES Real Estate and Leasing (REAL) regarding dimensions for a meeting space. He noted, the Commissioners were currently spaced for social distancing, the table was full, and three members were not at the meeting. He noted the pandemic had changed a lot of things and it was unknown how long the 6-foot social distancing requirement would be necessary. He added it may be necessary to relook at the size of the meeting space if the social distancing requirements stayed in place.

He noted for the new members, the Commission had been scheduled to move to a new location on November 1, 2019. He noted there were issues with the lessor for the space and in February of 2020 after discussion with OMES REALs and the Commission, the lease contract was terminated. Mr. Hancock added, as a recap to the new members, the Construction Industries Board (CIB) needed the office space the OUBCC currently sub-leased from them. Mr. Pope noted when the move was made to the current space, the CIB didn't have as many programs, however, since then new programs had been added and they needed the space.

He reviewed some of the internal reports provided by staff, noting things were still going good in the construction industry, even in the pandemic.

Financial Report:

Mr. Pope noted normally there was someone from the Office of Management and Enterprise Services, Agency Business Services (OMES ABS) to go over the official agency reports of record, however they were not allowing any of their employees to attend in person meetings until after July 1, due to COVID-19. He added if there were any questions on the reports, to forward them to Ms. Hehnly and she would get the answers. He reviewed some of the key points in the reports. Mr. Timberlake noted the reports looked a little ominous, but the agency was in a strong financial position. Mr. Hancock noted several years ago, there was a state budget shortfall, and \$800,000 was removed from the agency’s account to help make up the difference. Mr. Pope reviewed for the new commissioners, how the agency was funded, via a fee attached to each construction permit issued in the state.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the February 18, 2020 regular meeting minutes

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. LONNIE SHACKELFORD TO APPROVE THE FEBRUARY 18, 2020 REGULAR MEETING MINUTES

VOTING AYE: Ross Barrick
 Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Kyle Lombardo
 Lonnie Shackelford
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Discussion and possible action to approve the fiscal year 2021 (FY21) annual budget

Mr. Hancock noted there was a budget committee that met usually by conference call, two to three times a year. He noted the version of the budget before the Commission was the final budget for the next fiscal year. He reviewed some of the changes between the budget request submitted to the legislature in the fall and the final version before them. He added they tried to maintain a common-sense budget.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. ROSS BARRICK TO ACCEPT THE FY21 ANNUAL BUDGET

Mr. Lombardo asked if they felt comfortable with the amount budgeted for leasing of a new office space. There was discussion on how OMES REALS had rules that addressed how much space was allowed based on various items and what the rates could be for the lease space rentals.

VOTING AYE: Ross Barrick
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Kyle Lombardo
Lonnie Shackelford
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Discussion and possible action on the approval of the fiscal year 2021 (FY21) contract for legal services with the Oklahoma Attorney General's Office

Mr. Pope noted there was no increase in cost and was the same contract as the current FY20 contract. He noted his recommendation was to approve the contract.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO APPROVE THE FY21 CONTRACT WITH THE ATTORNEY GENERAL'S OFFICE

VOTING AYE: Ross Barrick
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Kyle Lombardo
Lonnie Shackelford
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Discussion and possible action on the approval of the FY21 Rose Rock audit contract renewal to audit FY20

Mr. Pope noted initially the OUBCC contracted with the State Auditor's Office, but their cost kept rising each year. He stated a few years ago the cost was about \$12,000 for the same audit and was expected to rise annually. He added the Commission had legislative authority to use a private auditor. He added a bid was sent out and Rose Rock won the bid. He added this renewal would be the same cost at \$8,000 for the audit. He added they did an excellent job for the Commission and recommended the contract be renewed.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ACCEPT THE FY21 AUDIT CONTRACT FOR THE FY20 AUDIT

VOTING AYE: Ross Barrick
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Kyle Lombardo
Lonnie Shackelford
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Discussion and possible action to update the OMES/OUBCC Master Service Agreement with the Office of Management and Enterprise Services as follows:

- (i) Appendix “C” for Information Services Division (ISD) fees for FY21
- (ii) Appendix “D” for Human Capital Management (HR and Payroll Services) fees for FY21
- (iii) Appendix “F” for Agency Business Services (Financial Services) fees for FY21

Mr. Pope stated three different appendices were listed for the Commission to act on, however only the Appendix “C” had been received and was all the Commission would need to address. He added if changes came in for the other two, the Commission could act on them at a future meeting. He noted Appendix “C” was for information services and recommended approval. There was some discussion on the wording of the motion and if it needed to address the missing appendices. After discussion, the consensus was to address Appendix “C” only and it would be self-explanatory that the other appendices had not been approved.

MR. KYLE LOMBARDO MADE A MOTION WITH A SECOND BY MS. STEPHANIE CLIFF TO APPROVE APPENDIX “C” FOR OMES ISD FY21 SERVICES

VOTING AYE: Ross Barrick
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Kyle Lombardo
Lonnie Shackelford
David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Discussion and possible action on sublease of office space and relocation as requested by the Construction Industries Board and/or leasing of other office space and other items related to the future sublease or lease and relocation of the OUBCC office space needs

Mr. Pope noted staff felt the item should be brought back to the Commission's attention. He noted the Commission had given approval to move forward previously. He added staff had done that, however, the lease fell apart. He noted this was to report that the process would restart, and staff would work with OMES REAL to continue an effort to move forward. There was discussion regarding what OMES REAL would help with determining and setting up how much space could be provided. No further action was taken.

Discussion and possible action to elect a new Chairman and Vice-Chairman to begin serving on July 1, 2020 through December 31, 2020 as per rule 748:1-1-3(b)

Mr. Timberlake noted this would replace himself and the outgoing Vice-Chairman. Mr. Barrick noted he had previously spoke with Mr. Cary Williamson, who was the Fire Chief at the City of Ardmore. He added Mr. Williamson had been serving on the Commission for a few years and Mr. Barrick asked him, if he would be willing to serve as the Chairman. Mr. Barrick noted Mr. Williamson stated he would consider serving and would be happy to if that was the wish of the other Commission members. Mr. Barrick added he spoke with Mr. Hancock and asked if he would consider serving as Vice-Chairman. He stated Mr. Hancock had agreed.

Mr. Pope noted the reason Mr. Williamson was not in attendance was because he had been exposed to someone who tested positive for COVID-19 and was currently under a 14-day quarantine.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. LONNIE SHACKELFORD TO NOMINATE MR. CARY WILLIAMSON AS CHAIRMAN AND MR. DANNY HANCOCK AS VICE-CHAIRMAN OF THE OUBCC

VOTING AYE: Ross Barrick
 Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Kyle Lombardo
 Lonnie Shackelford
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

RULEMAKING ACTION ITEMS:

Discussion and possible action to reapprove with no changes the emergency rules necessitated by the Oklahoma Medical Marijuana and Patient Protection Act, 63 O.S. § 420-429 and related rules of the State Department of Health to clarify life safety building code requirements related to growing, processing, and processing and extraction methods utilized throughout any industry that utilizes these practices, on Title 748, Chapter 20, Subchapters 1, 2, 3, 4, and 10, originally approved on January 23, 2020, at the request of the Governor's office

Mr. Timberlake noted there had been no changes to the emergency rules, but they needed to be reapproved. Mr. Barrick added it was an item that was on the March agenda to act on, but the quorum was lost the morning of the meeting, so it still required action.

Mr. Neal explained the item in question dealt with emergency rulemaking which only required approval from the Governor's office. He added the emergency rules had previously been approved and sent over, but the Governor's office had an administrative situation and did not act on the emergency rules as they had intended. He stated the Governor's office had requested the Commission readopt the rules and resubmit them for action. He added the original effective date of the rules, supplied in the rulemaking document to the Governor's office, listed a termination date for the rules as September 14, 2020. He stated at the time the original emergency rules were submitted, they were timely, and the Commission was in the process of regular rulemaking which would have superseded the emergency rules on September 14, 2020. He added the permanent rules would have been addressed and adopted at the public hearing scheduled for March 17, 2020. He noted since then, the Legislature had gone home. He stated it occurred to him today, that the effective date would need to be addressed or the rules only be effective for 90 days. He noted, it would be appropriate to modify the date through September 14, 2021. He added, the change was administrative in nature and was not a substantive change to the rules. He noted those permanent rules that would have been presented in March so they could go to the Legislature for action in the previous session, would now allow action to be taken next year with the legislative session. He noted there needed to be emergency rules in place to cover that entire period.

Mr. Timberlake, noted for those of them who hadn't been introduced, Mr. Neal was the agency's representative from the Attorney General's Office. He noted Mr. Neal had been very helpful and full of a lot of advice. Mr. Lombardo asked for clarification if they were looking at the emergency rules or the permanent rules. Mr. Neal noted the emergency rules. He stated the emergency rule process was more streamlined as it only required approval by the Governor, but they were temporary in nature. He added the idea was, if a law changed for example, it allowed an agency to act so the will of the people through the legislature could be carried out in a timely manner. He added the change he recommended was significant and required action as if it wasn't changed, the emergency rules would only be effective for 90 days with no permanent rules to follow. He added that would create a hardship for the industry.

Mr. Timberlake noted as a point of interest, when the Commission usually considered rules, there were lengthy discussions and presentations and input from anyone in the public, but that had already happened for these emergency rules. He added the Commission would not be going through the emergency rules chapter by chapter today, just reapproving what was previously agreed upon.

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO READOPT THE OUBCC EMERGENCY RULES WITH A MODIFICATION TO CHANGE THE DATE THE RULES WILL BE EFFECTIVE THROUGH TO SEPTEMBER 14, 2021

VOTING AYE: Ross Barrick
 Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Kyle Lombardo
 Lonnie Shackelford
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT: (2:23 P.M.)

MR. ROSS BARRICK MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO ADJOURN

VOTING AYE: Ross Barrick
 Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Kyle Lombardo
 Lonnie Shackelford
 David Timberlake

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson

Minutes approved in the regular meeting on the ____ day of _____, 2020

Cary Williamson, Chairman
Oklahoma Uniform Building Code
Commission

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