

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

SPECIAL VIRTUAL MEETING VIRTUAL – WEBEX MEETING AUGUST 18, 2020

COMMISSION MEMBERS PRESENT:

Justin Blunt, Stephanie Cliff, Daniel Favata, Paul Gunderson, Danny Hancock, Mitchell Hort, Kyle Lombardo (joined call at 1:33 p.m.), Lonnie Shackelford, Scott Tucker, Cary Williamson, and Donny 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), LaTisha Edwards (Office of Management and Enterprise Services "OMES" – Agency Business Services "ABS"), Amber Armstrong (Individual), Marcia Gallant (MA + Architecture), JB-JC, Bob Christian (Individual), Rhonda Harding-Hill (Oklahoma Department of Commerce), Cindy Giedraitis (Individual), Bryan Holland (NEMA), Jonathan Sargent (Omegaflex), David Smith (Individual), Robert Glass (Goodman Manufacturing Company), Sean Hudson, Andrew Bevis (National Fire Sprinkler Association), Kelly Sadler (International Code Council), Eric Lacey (Responsible Energy Codes Alliance), James Walls (Individual)

CALL TO ORDER:

Mr. Cary Williamson, Chairman of the Commission called the special meeting of the Oklahoma Uniform Building Code Commission to order at 1:30 p.m. on the WebEx call established for the meeting.

Ms. Hehnly announced that if for some reason connectivity was lost during the meeting and was not able to be reestablished within 30 minutes, the meeting would reconvene on August 20, 2020 at 1:30 p.m.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This special meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 1:30 p.m. on this 18th day of August 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 forty-eight (48) hours prior hereto. To date, two thousand eight hundred twenty-six (6) people have filed a written request for notice of meetings of this public body."

COMMISSION MEMBER UPDATES:

Welcome to new commission members

Chairman Williamson welcomed Mr. Blunt, Mr. Hort, and Mr. Tucker to the Commission.

REPORTS:

CEO Report:

Mr. Pope reported he was working with the Shepherd Center to see if there was space available to meet the agency's needs. He noted they had hired someone he was working with to draw up some plans. He brought up the staff had responded to an Executive Order (EO 2020 03) that addressed the agency's rules. He stated he had reviewed the administrative rules and determine what should be kept and what could be removed. He noted the letter and report that was submitted to the Governor was included in his CEO report packet. He stated the monthly income reports were included with his report. He added funds and construction had been consistent over the last few years. Mr. Pope added there was now a full commission and thanked the new members for volunteering their service.

Financial Report:

Ms. Edwards with OMES ABS greeted the members. She noted the reports were for the month of July which was the beginning of the new fiscal year. She reviewed each of the reports and stated the Commission had an available cash balance was \$1,096,802. She noted the total of monthly expenditures for July was \$24,806. She ended her report noting there was currently \$200,050 in outstanding encumbrances.

ACTION AND DISCUSSION ITEMS:

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

Ms. Hehnly noted the minutes were available for corrections, additions, subtractions, and if no changes were made, a motion to approve them.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO APPROVE THE JUNE 16, 2020, REGULAR MEETING MINUTES

VOTING AYE: Justin Blunt
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Kyle Lombardo
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Lonnie Shackelford

Discussion and possible approval of the Commissioners' assignments to standing Commission Committees

Chairman Williamson asked if everyone had a copy of the proposed changes and if there any questions or comments on the committee assignments. Mr. Pope explained the positions didn't have to be permanent and could be modified at any time as needed. Mr. Hancock asked if he should remain part of the Budget, Fees, and Rules Committee so there was some continuity left as he was the only remaining commissioner who had any knowledge of the budget history and process. Mr. Pope agreed that would be a good idea.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO ACCEPT THE PROPOSED COMMISSIONER ASSIGNMENTS TO STANDING COMMISSION COMMITTEES AS MODIFIED BY ADDING MR. DANNY HANCOCK TO THE BUDGET, FEES AND RULES COMMITTEE

VOTING AYE: Justin Blunt
 Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Kyle Lombardo
 Lonnie Shackelford
 Cary Williamson
 Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Scott Tucker

Mr. Favata asked to have his name corrected on the form from "David" to "Daniel."

Discussion and possible action to begin the permeant rule making process by review and approval of the proposed draft rule amendments to Title 748, Oklahoma Administrative Code as represented in the report required by Executive Order 2020-03 as items for possible revision:

I. Chapter 1 – Administrative Operations

II. Chapter 5 – Fees and Collection of Fees

III. Chapter 7 – Commission Committees – Subchapter 1

IV. Chapter 15 – Code Adopted by State Agencies and Political Subdivisions

Chairman Williamson asked Ms. Hehnly to go over the rulemaking process and review the information for the agenda item. Ms. Hehnly reviewed how the rules process worked. She explained the first step was for the Commission to determine the need for a rule. She added in this case, it was per the review requested by Executive Order 2020-03 that Mr. Pope discussed in his earlier. She noted several possible changes to the rules were found and were brought forward for consideration. She added if the Commission agreed the changes should be made, with or without further amendments, the Commission would vote to "Open the Rulemaking Record."

Ms. Hehnly stated that action taken by the Commission would allow staff to file a notice that would be published by the Secretary of State's Office of Administrative Rules, in a document called the *Oklahoma Register* that would announce to the public that the OUBCC was starting rulemaking. She added the notice would announce a public comment period of at least 30 days and a public hearing. She added after the public hearing, the Commission would vote to "Adopt" the rules, with or without further amendments, based on any public comment received. She added once the rules were adopted, they would be submitted to the Governor and Legislature. She noted no further changes to the rules could be made after they were adopted. She noted if approved during the next Legislative session and by the Governor, the rules would take effect in mid-September of 2021. Chairman Williamson suggested one change to Chapter 1, in section 748:1-1-4 where the language said, "the Charmian in his discretion" should be changed to "the Chairman in their discretion."

MR. PAUL GUNDERSON MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO APPROVE ALL OF THE DRAFT RULES FOR CHAPTERS 1, 5, 7, AND 15 LISTED IN 5F AS MODIFIED IN SECTION 748:1-1-4, TO BEGIN THE PERMANENT RULEMAKING PROCESS

VOTING AYE: Justin Blunt
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Kyle Lombardo
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Discussion and possible action to begin the permeant rulemaking process by review and approval of the proposed draft rule amendments to Title 748, Oklahoma Administrative Code, Chapter 20, Adopted Codes on the following:

I. Subchapters 1 and 2 – International Building Code®, 2018 (IBC® 2018)

II. Subchapters 3 and 4 – International Fire Code®, 2018 (IFC® 2018)

III. Subchapter 5 – International Residential Code ® 2015 (IRC® 2015)

IV. Subchapters 7 and 8 – International Existing Building Code®, 2018 (IEBC® 2018)

V. Subchapters 9 and 10 – National Electrical Code®, 2017 (NEC® 2017)

VI. Subchapters 11 and 12 – International Fuel Gas Code® 2018, (IFGC® 2018)

VII. Subchapters 13 and 14 – International Mechanical Code®, 2018 (IMC® 2018)

VIII. Subchapters 15 and 16 – International Plumbing Code®, 2018 (IPC® 2018)

Ms. Hehnlly noted as a reminder the Commission could take the items separately or as one item. She added the rules were previously approved by the Commission and rulemaking had started but were unable to complete rulemaking because the public hearing, scheduled as part of a Commission meeting, was not able to be held due to a lack of a quorum. She added the only changes between what was originally submitted and what was before the Commission were formatting changes. There was some further discussion on the history of the rules in question and on the language in one section in Subchapter 5. After discussion no further changes were made.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE ALL OF THE DRAFT RULES AS PRESENTED TO BEGIN THE PERMANENT RULEMAKING PROCESS

VOTING AYE: Justin Blunt
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Kyle Lombardo
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: None

ADJOURNMENT: (2:03 P.M.)

Ms. Hehnlly stated there were a few people who had called in that did not include a name when they signed in and asked if they could send her an email to let her know who was on the call, so that it could be reflected on the minutes correctly.

Mr. Hancock asked if there was a possibility of discussing, if the next meeting would be in person. Chairman Williamson stated it wasn't on the agenda and more than likely a decision would need to be made closer to the next meeting on the format for that meeting.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MS. STEPHANIE CLIFF TO ADJOURN

VOTING AYE: Justin Blunt
Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Kyle Lombardo
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: None

Minutes approved in the regular meeting on the 15 day of September, 2020

CARY WILLIAMSON
Cary Williamson, 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 files.