

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MEETING MINUTES VIRTUAL – WEBEX MEETING OCTOBER 20, 2020 – 1:30 P.M.

COMMISSION MEMBERS PRESENT ON WEBEX VIDEO:

Stephanie Cliff, Daniel Favata (logged on at 1:39 p.m.), Paul Gunderson, Danny Hancock, Mitchell Hort, Kyle Lombardo, Lonnie Shackelford, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT:

Justin Blunt and Scott Tucker

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff), John Crittenden (Oklahoma Attorney General's Office), LaTisha Edwards (Oklahoma Office of Management and Enterprise Services – Agency Business Services "OMES ABS"), Brian Blakely, Justin Blunt, Mark Gilmore, T DeTar, Kelly Ransdell, Robert Glass, Bryan Holland (NEMA), Dennis Bloye, Lew Goidell, Richard Felton, Luke Thompson, (High Tech Tronics), Rhonda Harding-Hill (Oklahoma Department of Commerce), Joseph Briscar, Greg Clark (City of Norman), Nancy Graham, Anita Mann, Marc Bradley, Adrienne Gautier, Stephan Dugas, Bob Christian, Kelly Sadler (ICC), Amber Armstrong, Jeff Forman, Kenny Whitson, Suzette McDowell, Marc Bradley, and Robin Cornwell

CALL TO ORDER:

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

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 20th day of October 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, 3317 (three thousand three hundred seventeen) people have filed a written request for notice of meetings of this public body."

REPORTS:

CEO Report:

There was some technical difficulty with Mr. Pope's sign into the virtual meeting and Chairman Williamson elected to move to the financial reports then come back for Mr. Pope's report.

Financial Report:

Ms. Edwards with OMES ABS greeted the members. She reviewed each of the reports provided to the commissioners. She noted there had been no budget revisions, so the annual budget remained the same. She stated the cash balance in the agency's only fund at the end of September, was \$1,124,071.00. She noted there were still a few FY20 purchase orders open and those would be closed as the final invoices were paid. At the end of the presentation, there were no questions for Ms. Edwards.

CEO Report:

Mr. Pope reviewed the status of the office move, noting things were moving forward with the new office layout for Suite 82 in Shepherd Center. He reviewed Governor Stitt's executive order 2020-03 and that permission had been given by the Governor's office to continue moving the rules through, but some of the requirements could be hard to meet with the agency's rules related to code adoption. Mr. Pope reviewed the status of the current rules noting they had gone through rulemaking with the previous commission members, but the rulemaking stopped due to the loss of a quorum at the March 2020 meeting where they would be finally adopted. There was further discussion on the history of the rules before the commission, the rules were all related to the commercial side of the codes and anything proposed for the residential side wouldn't go to the legislature until the 2022 session. They discussed the Executive Order 2020-03 and the history of why the commission had not adopted an energy code in the past. There was further discussion on the IECC® technical committee makeup; if members from the IRC® building technical committee would be on that committee and how the IECC® committee would deal with Chapter 11 of the IRC®. They discussed Executive Order 2020-03 and working with the Governor's office to further lineout how the order affects the agency; correlating between the codes and if the committees or commission were responsible.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the September 15, 2020 regular meeting minutes

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE MINUTES

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Scott Tucker

Discussion and possible action on the annual election of Commission officers (January 1, 2021 through December 31, 2021), per rule 748:1-1-3(b)

Mr. Hancock asked if Chairman Williamson would consider continuing to serve as Chairman. Chairman Williamson agreed he would.

(1) Chairman

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO NOMINATE MR. CARY WILLIAMSON TO CONTINUE AS CHAIRMAN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Scott Tucker

(2) Vice-Chairman

CHAIRMAN WILLIAMSON MADE A MOTION WITH A SECOND BY DANIEL FAVATA TO NOMINATE MR. DANNY HANCOCK TO CONTINUE AS VICE-CHAIRMAN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Scott Tucker

RULEMAKING ACTION ITEMS:

Discussion (including but not limited to the acknowledgement of receipt of and discussion of written public comment forms and transcribed comments from the Public Hearing held through Commission Staff on October 16, 2020 at 10:00 a.m., if any, received to date on Oklahoma Administrative Code, Title 748, Chapter 1 Administrative Operations; Chapter 5 Fees and Collection of Fees, Subchapters 1 and 3; Chapter 7, Commission Committees, Subchapter 1, Subchapter 15 Code Adopted by State Agencies and Political Subdivisions; and Chapter 20, Adopted Codes, Subchapters 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, if any) with possible action on permanent rulemaking on:

Multiple written public comments have been received, copies of which have been provided in advance, to the Commission for their consideration.

Chairman Williamson asked Ms. Hehnly to provide a report about the public hearing that was held. Ms. Hehnly replied she opened the in-person public hearing on Friday, October 16, 2020 at 10:00 a.m. and closed it at 10:30 a.m. She noted no one showed up to speak for or against any of the agency rules. She noted the only thing the Commission had were the public comments that were received during the public comment phase of the agency's rulemaking. Chairman Williamson asked if everyone had an opportunity to review the comments received. The commission discussed how to handle the public comments and if they should be referred back to the technical committees. Ms. Hehnly noted it was her understanding that the commission didn't have to take any action if they wished. She added Mr. Crittenden with the Attorney General's office was on the virtual meeting covering for the agency's regular representative and if he could confirm if her statement was correct. Mr. Crittenden noted the significant thing was the Commission needed to be aware of what the comments said so they could either vote on the rules as presented or modified within a narrow parameter. Consensus after further discussion was to refer the energy code comments to the upcoming energy code technical committee. There was further discussion on the comments that addressed the other sections of those codes and if they should be referred back to the committees for review.

Ms. Hehnly noted the commission could take action or not take action on the comment forms, but the rules were at the end of the rulemaking process and if the comment forms were referred back to committees, it wouldn't affect the rules before the commission today. She noted if the members wanted to make changes to the rules based on the comments before them, they could. She noted the commission could stop rulemaking, refer the comments back to committees, but then rulemaking would have to be restarted with a new public comment period and hearing. She stated she couldn't guarantee that getting the committees back together going back through rulemaking could be done in time to still submit the rules for this next legislative session. Ms. Hehnly was asked if the comments were out of the normal sequence for review. Ms. Hehnly noted, some of them were new never seen before, but some had already been reviewed by a technical committee and not passed at that time and the submitter was bringing them forward for consideration directly to the Commission as allowed through rulemaking. She added there were emergency rules in place on the 2015 adoptions that would expire in September and these rules would supersede them. She noted if rulemaking was held up, those emergency rules would just go away. She reminded everyone the emergency rules were a result of the OMMA passage and dealt with the growing and processing aspects of plant material.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE RULES AS PRESENTED WITH NO CHANGES

There was discussion to clarify the motion approved the rules as presented with no changes from the public comments.

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Scott Tucker

NEW BUSINESS:

There was no new business.

ADJOURNMENT: (2:29 P.M.)

There was some discussion on how the next meeting would be held, the changes to the Open Meeting Act and that they would expire on November 15th. Consensus was to have Ms. Hehnly survey the commissioners to select a date that would work for a "special" meeting if needed before the expiration of the changes that allowed for virtual meetings. Mr. Lombardo asked if there was a schedule for the IECC Commission Committee to get together. Ms. Hehnly noted she was waiting for confirmation from one more commissioner to confirm they got the books she sent. She noted she was on a deadline to file the rules and the agency annual fiscal audit was happening next week, so she was looking at the beginning of November for that committee to get together. Mr. Pope was asked if he thought the Commission would need to take any action on the new space in either November or December. Mr. Pope replied he didn't think so.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO ADJOURN

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

VOTING NAY: None

ABSTAIN: None
ABSENT: Justin Blunt
Scott Tucker

Minutes approved in the regular meeting on the 24 day of February, 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.