

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

SPECIAL MEETING MINUTES VIRTUAL – WEBEX MEETING FEBRUARY 24, 2021 – 1:30 P.M.

COMMISSION MEMBERS PRESENT ON WEBEX VIDEO:

Stephanie Cliff, Daniel Favata, Paul Gunderson, Danny Hancock, Mitchell Hort (logged onto the call at 1:38 p.m.), Lonnie Shackelford, Scott Tucker, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Justin Blunt, Kyle Lombardo, and Donny Williamson

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Travis Southerland, David Grothe, Don I., Jim Loeller, Lew Goidell, Pamela Dunlap, Kelly Sadler, Robin Cromwell, Lee Fithian, Madison Schultz, Eric Lacey, Jason Vandever, Garen Ewbank, Greg Clark, Robert Glass, Larry Brouk, K. Whittson, John Smaligo, and Bob Christian

CALL TO ORDER:

Mr. Cary Williamson, Chairman of the Commission called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:31 p.m. on the WebEx call established for the meeting.

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 24th day of February 2021, 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, 3950 (three thousand nine hundred fifty) people have filed a written request for notice of meetings of this public body."

REPORTS:

CEO Report:

Mr. Pope noted that Senate Bill 1031 allowed the Commission to meet online again and the bill which amended the Open Meeting Act, would be in effect until February of 2022. He added provided the Governor still had a State of Emergency in place for the pandemic. He added there was a two-hour block with the WebEx meeting and to keep that in mind as the meeting went forward.

Financial Report:

Mr. Williamson stated ABS was not able to be a part of the call and asked if everyone had looked at the financial reports. He noted if anyone had any questions, to route them through Ms. Hehnlly and she would coordinate a response to the Commission.

Technical Committee Review Updates:

1. Residential and Commercial Ice and Water Barrier Technical Committee

Mr. Shackelford noted the committee had had their first meeting and reviewed the main issue was jurisdictions that were not filling out in the table if they needed or didn't need an ice damming. He added the committee went back and forth in the discussion from different members. He added the Commission would be looking at adding a residential builder to the committee later in the meeting.

2. Residential Building Technical Committee

Mr. Shackelford noted the committee met on Monday and elected Mr. Todd Booze as Chairman. He noted the committee was going to look at Chapter 2, 3 and 4 and would be meeting every three weeks to review chapters. He added the next meeting was on the 15th of March.

3. Electrical Technical Committee

Mr. Pope noted the committee was scheduled to meet on February 23, 2021 however there was not a quorum present, so the meeting was adjourned with no action taken. He added staff was working to reschedule the first meeting of the committee.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the October 20, 2020 regular meeting minutes

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

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

Update on location options, discussion and possible action on the OUBCC new office space

Mr. Pope stated he had spoken with OMES Real Estate and Leasing (REALS) about the new space. He noted REALS indicated there were some state-owned facilities that were not available

when he had first started looking for the new space, that were not available. He explained, if the Commission decided to go with one of those facilities, the agency would have to pay the complete buildout up-front, estimated at about \$150,000 and could take up to a year to complete, then pay a lease fee each month. He added the second option was a facility at Shepherd Center and the buildout would be amortized over a five-year lease, with approximately 3900 square feet and would amount to \$6,329.98 per month. He added this estimated out to approximately \$19 per square foot and after the five years, the lease amount would drop to standard lease comparable square foot leasing costs at that time. He added right now that was about \$12.50 per square foot. He noted the estimated buildout time after the lease was signed and permits were issued would be approximately eight to nine weeks. He asked the Commission which way they would like to move forward with. There was discussion between Mr. Pope and the Commission regarding if there was an advantage to being near the Construction Industries Board; what Mr. Pope's preference was; and if the estimate to build out for a state property was a set number. Mr. Pope noted the estimate was just that and the state wouldn't lock in a number until a bid process was completed on a space. There was further discussion on possible costs changes to the estimate provided; if there was a better space design between the choices; and if there were some written documents that could be provided to the members. Mr. Pope noted he could provide some information. The Commission and Mr. Pope discussed when a decision was needed, a review of the costs again; and advantages timewise for going with the Shepherd Center.

MR. PAUL GUNDERSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE AND MOVE FORWARD WITH THE SHEPHERD CENTER OFFICE SPACE

There was some discussion on floor plans and providing Mr. Pope some direction, and if they should postpone a vote. After discussion, consensus was to continue with a vote.

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

Discussion and possible action on the results of the fiscal year 2020 (FY2020) annual audit

Mr. Garrett Morelock with Rose Rock CPA's reviewed the audit on fiscal year 2020. He noted there were two documents and reviewed the audited financial statement first. He noted the independent audit report expressed the opinion on the statement. He added the statement was on a regulatory basis. He noted there was an adverse opinion in the document which clarified the

statement was not in accordance with GAP. He noted they were not aware of any material misstatements on the financial statements. He added there was an additional report required by government auditing standards that followed the footnotes. He stated the financial statement was on page three of the document and reviewed the numbers. He noted the total receipts received for year ending June 2020, were approximately \$602,000 which was slightly up from the previous year. He noted the total expenditures for the fiscal year was approximately \$458,000, which was down approximately \$30,000 from the prior year. He added overall the net increase for receipts over expenditures was up from the prior year. He stated the ending cash balance was \$1,121,610 as of June 30, 2020. He noted following the statement were the notes and reviewed those. He noted the last item was a report on compliance and other matters. He stated they were not aware of any significant noncompliance issues because of the audit.

He noted the second document was the SAS 114 letter, which was a required communication with those charged with governance. He noted it was always issued after an audit to summarize significant matters related to the audit. He noted they encountered no difficulties, no proposed adjustments to the financial statement, and no disagreements with management. He added there were no findings or other issues. He stated overall the audit went well. He added it was his second year working on the audit. He noted due to the pandemic it was done remotely. He noted they issued the report in early December. There was some discussion between Mr. Morelock and the Commission confirming there were no deficiencies found.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. MITCHELL HORT TO ACCPET THE FY2020 AUDIT AS PRESENTED

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

Discussion and possible action on authorizing a reimbursement to the Chief Executive Officer for the payment to the Construction Industries Board for the annual renewal fees of State licensure as an Inspector, Electrical Contractor, Plumbing Contractor and Mechanical Contractor for the calendar year of 2021, due no later than January 31, 2021

Mr. Pope stated up until last year, if someone had an inspector's license, they didn't have to pay for the contractor licenses, it was considered part of it. He noted last year the Construction Industries Board changed their process and started charging for each license carried. He noted last year the Commission approved payment of these licenses on his behalf but this year with the

way the meetings happened, the Commission was not able to address the issue until after the deadline. He added he was requesting a reimbursement for those fees.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. DANNY HANCOCK TO APPROVE THE REIMBURSEMENT TO THE CHIEF EXECUTIVE OFFICER

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

Discussion and possible action on any possible proposed legislation related to the OUBCC

Mr. Pope noted he wanted to bring the Commission up to speed on two bills working their way through legislation this year. He reviewed House Bill 1818 and Senate Bill 148 providing some explanation as to what each bill would do if passed, who had submitted them, and where they were in the legislative process.

After his review, the Commission discussed the two bills and if there was any action that could be taken. Mr. Pope clarified, there wasn't any action the Commission could take as whole, but a commissioner could contact the industry they represented to let them know about the bills and determine if they were for or against supporting the bills. He encouraged the commissioners and through them, their industry groups, to contact their legislators and let the know what they thought. No further action was taken.

Discussion and possible action to amend the Ice and Water Barrier Technical Committee to add a residential builder to the slate of positions for the committee

Mr. Shackelford noted he wanted to also ask for a building science person who could provide more input. He noted Ms. Cliff was also on that committee and asked if she had any suggestions or comments. She added she thought that was a good idea to add another builder. She also agreed adding a building science person would be a good idea. Ms. Hehnly noted before any motion, she wanted to bring forward a comment in the chat by Mr. Means, who objected to having the committee at all since there was a residential building technical committee that could handle the issue. There was some discussion on possibly merging the two committees and why the committee was initially created. At the end of the discussion, consensus was to leave the two committees separated moving forward.

MR. LONNIE SHACKELFORD MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO ADD A RESIDENTIAL BUILDER AND BUILDING SCIENCE POSITION TO THE ICE AND WATER BARRIER TECHNICAL COMMITTEE

VOTING AYE: Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Kyle Lombardo
Donny Williamson

Discussion and possible action to amend the Residential Building Technical Committee slate of positions to change the alternate residential builder position to an alternate engineer position

Mr. Pope there were several empty positions on the committee and there were some interested persons wanting to serve on the committee. He added by changing the position, it would allow for more input. He added this change had to be approved by the Commission.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. LONNIE SHACKELFORD TO ACCEPT THE PROPOSED CHANGE OF POSITIONS TO THE RESIDENTIAL BUILDING TECHNICAL COMMITTEE

VOTING AYE: Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Kyle Lombardo
Donny Williamson

Discussion and possible action on approving volunteer applications for vacant positions, if any, for the following committees:

1. Residential Building Technical Committee

Mr. Pope noted there were applications for review and approval. He noted Mr. Thad Jennings applied for the roofing position, Mr. Andrew Seamans applied for the architect position, and Mr. Chris Ramseyer for the newly approved alternate engineer position.

MR. LONNIE SHACKELFORD MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE THREE APPLICATIONS

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

2. IRC and IBC Ice and Water Barrier Technical Committee

Mr. Pope noted there was one application submitted by Mr. David Timberlake to fill the vacant commercial building position.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO APPROVE THE APPLICATION

Mr. Shackelford asked if they would still be able to add people to the committees in the future. Mr. Pope noted yes if any applications were received, they could be voted on in the next meeting.

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None
ABSENT: Justin Blunt
Kyle Lombardo
Donny Williamson

3. Residential Electrical Technical Committee
No applications were submitted for consideration.

4. Residential Fuel Gas, Mechanical and Plumbing Technical Committee
No applications were submitted for consideration.

Discussion and possible action on a recommendation by the International Energy Conservation Code Commission Evaluation Committee to assign a technical committee to review Chapter 11 of the 2018 International Residential Code® and the 2015 Edition of the International Energy Conservation Code® for possible adoption

Mr. Gunderson noted the Commission committee had several virtual meetings and had input from those in the industry. He noted the committee voted to recommend the 2015 edition. He added the differences between the editions were discussed and consensus was the 2015 edition would be better as the 2018 had some significant differences that could greatly affect the cost of construction for commercial builders. Mr. Shackelford stated he agreed with Mr. Gunderson. Mr. Hort asked if there had been any determination on who would be on the committee or what entities would be represented. Mr. Pope replied that was the next item on the agenda.

MR. PAUL GUNDERSON MADE A MOTION WITH A SECOND BY MR. LONNIE SHACKELFORD TO APPROVE THE REVIEW THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE®

VOTING AYE: Stephanie Cliff
Daniel Favata
Paul Gunderson
Danny Hancock
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
Kyle Lombardo
Donny Williamson

Discussion and possible action on a slate of positions for a technical committee to review Chapter 11 of the 2018 International Residential Code® and the 2015 International Energy Conservation Code®

Mr. Pope noted this was a new committee for the commission and if the slate of positions was approved, it didn't mean that it couldn't be modified in the future if another discipline should

need to be added. He noted this would affect a lot of the industry. There was some discussion on the fact that the list was large and if there was trouble filling the positions, how that would affect getting a quorum and holding meeting. Mr. Pope noted the thought was to create a committee that wouldn't leave any of the industries out on it. There was more discussion on the issue.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE SLATE OF POSITIONS FOR THE INTERNATIONAL ENERGY CONSERVATION CODE TECHNICAL COMMITTEE

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

PUBLIC COMMENT

Ms. Madison Schultz addressed the Commission. She noted she was a managing partner in OKBCO and an active member in and ASHRAE both locally and internationally. She wanted to discuss the legislative issues regarding the Commission. She thanked Mr. Pope for his update on the legislation and thought it was a comprehensive review. She noted for HB1818 she was going to contact her legislators about it and let them know she wanted them to vote no on it. She stated she thought it was very important for the Commission to remain independent. She stated in regards to SB148 and expanding the Commission, she firmly believed that projects worked best when all experts worked together and had an equal seat at the table. She noted the Commission heavily influenced which codes were adopted and design professionals were bound by those codes but had nearly no voice in what building codes were in play. She stated there was an Architect on the board, and why they were well versed on high-level aspects of all disciplines, they were not as well versed in detail and demands in the code guiding individual engineering disciplines. She noted the Commission reserved two spots for inspection individuals, one insurance, one for fire officials and six positions for contractors, yet only one for a design professional. She stated she believed it was imperative for the Commission to be balanced and inclusive of design professionals who were affected by the codes recommended by the Commission. She noted she would be reaching out to her legislators to ask them to vote yes on SB148. She thanked the Commission for their time.

Ms. Hehnlly noted there were a few comments in the chat. She noted Ms. Kelly Sadler asked if there could be some clarification between the IECC for residential and commercial. She added Mr. Mike Means stated he agreed with Ms. Sadler and suggested subcommittees one for

residential and one for commercial. She noted the plan in place was to have the committee review Chapter 11 of the IRC® first and then moving on to the IECC®. She noted the idea being that the rest of the residential code was under review and if it took the committee longer than the allotted deadline to review the IECC®, if they addressed the IRC® portion first, any changes could be submitted with the rest of the IRC®. She noted she wasn't sure what the Commission wanted to do or if it needed to be an item on the next agenda for discussion. Mr. Pope noted they could start recruiting for the positions and the Commission could address the issue at the next meeting. He added, it would take a while to get all the volunteers for the committee.

ADJOURNMENT: (2:42 P.M.)

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO ADJOURN

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock
 Mitchell Hort
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Justin Blunt
 Kyle Lombardo
 Donny Williamson

Minutes approved in the regular meeting on the ____ day of _____, 2021

Cary Williamson, Chairman
Oklahoma Uniform Building Code Commission

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