

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MINUTES

UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM

2401 NW 23RD STREET, SUITE 82

OKLAHOMA CITY, OK 73107

NOVEMBER 16, 2021 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Wayne Allen, Stephanie Cliff, Daniel Favata, Paul Gunderson, Danny Hancock, Mitchell Hort, Kyle Lombardo, Lonnie Shackelford, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT

Warren Goldman, Dee Hays, and Scott Tucker

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff) Kathy Hehnly (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Steve Funck (OMES ABS - Office of Management and Enterprise Services, Agency Business Services), Bart Bartholomew, Richard Mize (The Oklahoman), Rhonda Harding-Hill (OK Dept. of Commerce), Jenny Longley, CSR (Professional Reporters), Amber Armstrong (A&E Code Professionals), Charles Snyder (ASRC Federal), Mike Means (OK HBA), Kelly Parker (GWS), Jonathan Jackson (A-1 Electric Heat and Air), Todd Booze (Calidad Development), Michael Hoffner (AIA COTE), Blake Catanzano (Next Phase Roofing), Michael Bridges (Next Phase Roofing) and Jeremiah Bryant (Match Enterprises, Thrice Energy Sol.)

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. in the Oklahoma Uniform Building Code Commission Board Room at Shepherd Center, 2401 NW 23rd St., Suite 82, 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 10:30 a.m. on this 16th day of November 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 twenty-four (24) hours prior hereto. To date, 4,530 (four thousand five hundred thirty) people have filed a written request for notice of meetings of this public body."

Chairman Williamson stated before they moved on to the reports section, were there any requests to rearrange anything on the agenda.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO MOVE ITEM 6 ON THE AGENDA (PUBLIC COMMENTS) AFTER ITEM 3 REPORTS

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

REPORTS:

CEO Report:

Mr. Pope noted he had back surgery and was working hard to rehab. He added he hoped to be back to full speed by the end of the month. He reviewed an invoice from Infinity Restoration Company who did the build out in the new space. He noted the first invoice received from them was for \$6720.80 and it had since been reduced to \$3524.00. He noted he felt like those items belonged to Shepherd Center as the agency was paying a substantially increased lease for five years to pay for the build out. He added they were still working on the invoice to try and get them to work with Shepherd Center. Mr. Donny Williamson asked if there were any change orders signed and Mr. Pope replied there were not any signed by staff.

Financial Report:

Mr. Steve Funck greeted the commission. He noted he was the Deputy State Comptroller and Director of OMES Agency Business Services. He reviewed the monthly reports for the Commission, starting with the agency's budget. He noted the agency's cash balance at the end of October was \$1,313,901. He noted the clearing account, where agency checks were held until they cleared had a balance at the end of October of \$60,576. He added that amount was transferred into the operating funds in the first 10 days of November. He noted the total expenditures paid in October was \$63,406.93. He reviewed the outstanding encumbrances report, noting there was \$204,973 in purchase orders and contracts in place still waiting to be utilized. There was some discussion on the amount listed as an outstanding encumbrance for the CIB and if that was still owed to them. Ms. Hehnlly noted when setting up the purchase orders for the fiscal year, the lease was set up for the entire year, but since they had moved, she would close out the purchase order and have the funds released. There were no other further questions.

Technical Committee Review Updates

Energy Conservation Technical Committee Update

Mr. Shackelford noted the meeting for yesterday was cancelled and the next meeting was scheduled for January of 2022.

PUBLIC COMMENT

Mr. Kelly Parker noted he would like to speak after the Commission discussed the items 4H and 4I. He noted he didn't have much to talk about until somebody proposed something. Chairman Williamson noted, they were in the public comment section of the meeting. Mr. Parker stated he would speak on items not yet proposed. He explained he was chairman of the Energy Conservation Technical Committee (ECTC) for the IRC. He stated: "At the last meeting I gave a presentation that was turned down. Today, on Action and Discussion Item 4H four members of my committee, which were the commissioners, had proposed a new energy code as a new agenda item to be proposed. My question is, of the four members of this committee, who were on my committee, has now proposed a new alternate energy code for the 2018 IRC. My question as I have gone through this, is to say, the changes that are being proposed are deletion of the testing components, blower door and duct testing components, as I understand what the proposal is. When you delete the testing out of this proposal, you in effect put us back in to exactly where we are in the 2009 with no testing. Without the testing to verify, you don't move us even to the 2012 version of the IECC for residential. My comment, if you accept this proposal of the four commissioners, you will be accepting nothing more than what we already of have, which is the 2009 with a couple of modifications. There are a couple of modifications I agree with. There's one modification EC-17 where they are talking about mandatory duct testing but I'm not sure I understand yet what that is because it's now visual. I don't know how you do a visual duct test, but that is what is being proposed. There is one thing I do approve, it's one of the code changes which is asking for equipment sizing and a mandatory documentation at the time you get your permit for those systems. I think that's great. But effectively, the proposal being proposed in 4H without any testing has no teeth and it is still is exactly where we are today, which is effectively the 2009 IRC, Chapter 11 with a few modifications. But it doesn't get us to the next level."

Mr. Todd Booze addressed the Commission. He stated: "In regards to the testing and the proposal being made by the Commissioners. There are prescriptive requirements that we discussed at the last meeting that were back down on the walls and ceilings and windows. Economically it was established in the last meeting that those had no payback to the consumers and very little annual savings and many of the paybacks were 20 plus years that the consumer wouldn't see any return on that particular investment. On the testing, there are thousands of components in the house that don't get physically tested. We don't test water infiltration. Water is the number one thing that causes damage to homes and building structures. We are not setting up water fountains or spray riggs on the houses to make sure we don't infiltration of the weather barrier. We are not out testing and inspecting the shear strength of the house. We design things to be built a certain way. It gets inspected, visually by inspectors and looked at. What has happened in the last 20 years since we've been on this journey is that guys used to use duct tape on duct systems. They would use the duct tape that you can buy at the Home Depot that when you put it on, a year later after it got hot, it would release in the attic. Contractors are consistently across the board now, using mastic products and the biggest leakage systems in the plenums and the return boxes so they put mastic on all the start collars and seams and all those connections and that was the biggest point of leakage in those systems. We are very capable of visually inspecting these houses and we don't performance test every component of the house. The only thing we do is water in the water systems in the house."

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the October 19, 2021 regular meeting minutes.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE OCTOBER 19, 2021 REGULAR MEETING MINUTES

Mr. Pope noted there was one correction to be made. He noted on page two in the first paragraph under the financial report, it stated Mr. Donny Williamson was part of the "finance" committee and there wasn't a finance committee. He noted Mr. Williamson was on the audit committee and the language should be modified to reflect that.

MR. HANCOCK AMENDED HIS MOTION TO APPROVE AS AMENDED. MR. FAVATA AGREED WITH THE AMENDMENT

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Discussion and possible action to approve a proposed regular meeting schedule for 2022

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE REGULAR MEETING SCHEDULE FOR 2022

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

VOTING NAY: None

ABSTAIN: None
ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Discussion and possible action to update the Commissioner assignments to standing Commission Committees

Chairman Williamson asked if the additions were the underlined names. Ms. Hehnly replied that was correct.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE COMMISSION COMMITTEE ASSIGNMENTS

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Mr. Neal noted going back to item 4E that was just approved for the meeting schedule, he noted the minutes should reflect that the meeting schedule was the regular meeting schedule. He added it was assumed, but the purpose was to have a regular meeting schedule that was submitted to the Secretary of State's Office by the 15th of December for the coming year. He added it was to provide advance notice of meetings and was a requirement of the Open Meeting Act. He noted the Commission could have other "special" meetings as needed.

Discussion and possible action on the annual election of Commission officers (January 1, 2022 through December 31, 2022), per rule 748:1-1-3(b)

Chairman Williamson noted Item G1 was the chairman position.

MR. LONNIE SHACKELFORD MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO NOMINATE MR. DANNY HANCOCK AS CHAIRMAN AND MR. MITCHELL HORT AS VICE CHAIRMAN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Presentation of proposed changes to the ECTC presentation to modify the 2018 International Residential Code® (IRC®, 2018)

Chairman Williamson stated before the Commission looked at the item, he stated he was a little bit confused as in the last meeting, the Commission was sending it back to the evaluation committee to decide which edition of the energy code. Ms. Hehnly noted the item before the Commission had nothing to do with that action. She noted there were two different items on the last agenda. She stated there was a request from the Energy Conservation Committee to look at the 2018 Edition. She added previously the Commission had voted for the committee to look at the 2015 IECC Commercial side of it. The request came to reconsider that decision. That action got sent back to the Commission Evaluation Committee. She noted no further action has been taken on that yet. She stated at the last meeting, that same committee finished the review of the 2018 IRC Chapter 11 and a few other changes in other chapters they reviewed. That presentation was denied by the Commission. She noted the changes in the current agenda item were changes to that presentation for the Commission to consider. Chairman Williamson asked if the changes before the Commission had been sent back to the technical committee. Ms. Hehnly confirmed they had not. Chairman Williamson stated, with the passion involved on the subject matter, it was not something that had to be rushed and he would like to entertain a motion to send it back to the technical committee and let them do their job before it came back to the Commission.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO RETURN THE CHAPTER REVIEW BACK TO THE COMMITTEE TO CONTINUE WORKING ON A COMPROMISE

Mr. Shackelford noted if it went back through the technical committee, it was going to wind up in the same place they currently were. He noted after sitting through all of the meetings, he didn't think any minds would be changed. There was some discussion on if it would be appropriate to look at the proposed changes. At the end of the discussion Mr. Neal noted there was an open motion before the body that had to be addressed before the proposal was reviewed.

MR. DANIEL FAVATA AND MR. LOMBARDO WITHDREW THEIR MOTION

Mr. Shackelford reviewed the proposal. He added everyone had seen the document as the items came from last month's presentation. He noted tiles 2 and 3 addressed EC-10 which moved the information certificate to an appendix. He noted tiles 4 through 11 removed the R-15 wall insulation requirement and kept it at R-13 and change the charts back to where they needed to be to make sense. There was some discussion on what Mr. Shackelford meant by the term "making sense." He noted it related mainly to dollars and cents and how some of the requests would require the redesign of roof systems and ceiling joists to make room for some of the changes, so it didn't make sense as it was not done anywhere in Oklahoma. He noted tiles 12 -14 addressed EC-13 which talked about ceilings where there was a vault in a living room, and they couldn't get an R-30 batt installed, noting the exception would allow an R-19 a little of the way up the ceiling to help cut down on costs. He noted the 1-foot perimeter attic insulation where the roof came in, was shown in the study that the payback was very minimal on the perimeter edge. He added to redesign the whole house on a little bit of savings didn't make sense as the payback was over 20 years. He noted tiles 15 – 17 talked about testing and allowed for a visual testing of the air barrier and changed the ACH to 5 in Climate Zone 3. He noted tiles 18-19 changed testing language from "shall" to "may" so if a city decided to do it, they could. Mr. Shackelford noted tiles 20 – 23 addressed EC-17 which addressed the use of mastics instead of duct tape and EC-18 allowed for visual verification. He noted tiles 24-25 would add a requirement for the Manual J to be provided with the permit, which would help tremendously. He noted when living in a house where part of it was humid or anything like that, that would help solve a lot of problems. He noted it was a worksheet that the mechanical contractor should have and be working off of. There was some discussion on if the change would be only for new construction or would it be any home; the need for verbiage in it that addressed it was not required for retrofits; what information was needed for the Manual J and how that would require cutting into walls for a retrofit to determine insulation; Manual J programs for retrofits; and the language in the proposed change.

Chairman Williamson noted his concern was that there was a standing technical committee that was loaded with valuable people with lots of background and now we've just kind of thrown them away and said we'll do our own thing. Mr. Donny Williamson replied the committee had been meeting for months and debated several of the issues for hours, at more than just one meeting. He added based on those meetings and what happened at the last Commission meeting with the statements by the parties that spoke, he didn't see any changing of opinions. He stated Mr. Shackelford had presented some new proposals. He added in his opinion, it was not just the monetary costs in the length of getting those monies back, it was also the testing requirements, who would do it, and there were issues with available contractors to provide it. He added it would be a burden on the industry that was already extremely burdened. He added it could be changed in the future, but the infrastructure wasn't there to do the inspections. He added he felt what was proposed was a compromise and not everyone was going to be happy. He added the Manual J should be done on new homes. He stated indoor air quality was an issue and that they kept sealing up homes tighter and tighter and the indoor air quality was not getting addressed. He noted contractors may have to make a commitment to a specific vendor, but the vendor would provide the Manual J to the contractor. Chairman Williamson asked with it not being a life-safety issue, what was the rush and why were they pushing to not go back to the committee. Mr. Shackelford noted what he was proposing wasn't everything that would be in the rules. He noted it just changed some of the items from the previous presentation. Ms. Hehnly noted the previous presentation was denied at the last meeting, but there was an agenda item to bring it back up to include any or all of the modifications if the Commission decided to approve them. She added the Commission could also chose to send everything back to the committee. Mr. Hancock reminded everyone that they were required to set the minimum codes and the need to make sure the Legislature

would approve what was submitted. He added they could easily hold off on deciding if everyone wanted more time.

Mr. Lombardo noted he was not sure he fully understood all the changes being proposed and what the implications were for those changes. He added he had not talked with anyone about those impacts and that the experts were on the committee. He added the Commission members were not all experts that they owed it to the public to get the opinions of the people who do that stuff for a living. He noted he saw some changes in what was proposed and he could go to Home Depot and find the least efficient window they sold that met the requirement. He added he would like to have the benefit of the professionals who were dedicating and volunteering their time to give the Commission their opinions. He noted just because they didn't like the answers that were given, he thought it would be good to know what the other side thought. Mr. Donny Williamson noted they had heard the other side's opinion for months. He added he would listen to anyone opinions and facts and he did so, but when it came down to the items that were proposed to be changed, they were items with long returns on their investments. He stated the numbers used were provided by Mr. Parker in the committee, and he noted there was an issue with the independent private inspections which would be a burden in the industry. He added he didn't see how going to more meetings would change anything unless the numbers changed. There was further discussion on the changes and working with the technical committee.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO TABLE ITEMS H, I, AND J UNTIL THE NEXT MEETING

Mr. Williamson noted they were talking about moving something down the road that only a few members have spoken about. He added it made more sense to make a motion for what was on the agenda and if it failed then make a motion to move the issue to the next meeting.

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Paul Gunderson
 Danny Hancock

VOTING NAY: Wayne Allen
 Mitchell Hort
 Kyle Lombardo
 Lonnie Shackelford
 Cary Williamson
 Donny Williamson

ABSTAIN: None

ABSENT: Dee Hays
 Warren Goldmann
 Scott Tucker

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. LONNIE SHACKELFORD TO APPROVE THE PROPOSED MODIFICATIONS AS PRESENTED

There was some discussion on the ability to amend the draft rules that would be created from the approval of the presentation.

VOTING AYE: Stephanie Cliff
Daniel Favata
Danny Hancock
Mitchell Hort
Lonnie Shackelford
Donny Williamson

VOTING NAY: Wayne Allen
Paul Gunderson
Kyle Lombardo
Cary Williamson

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Discussion and possible action to approve the ECTC presentation as modified to begin writing draft rules

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE ECTC PRESENTATION AS MODIFIED TO BEGIN WRITING DRAFT RULES

VOTING AYE: Wayne Allen
Stephanie Cliff
Daniel Favata
Danny Hancock
Mitchell Hort
Lonnie Shackelford
Donny Williamson

VOTING NAY: Paul Gunderson
Kyle Lombardo
Cary Williamson

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldman
Scott Tucker

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

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO CONVENE IN EXECUTIVE SESSION

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

The Commission convened in an executive session at 2:31 p.m. and reconvened in an open session at 3:27 p.m.

MR. KYLE LOMBARDO MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO RETURN TO OPEN SESSION

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

NEW BUSINESS

Mr. Favata asked about the Education Committee and if there was a budget to develop online presence for training and other information. The Commission discussed the agency's website, online training; Construction Industries Board approval of Continuing Education Credits (CEUs); that inspectors didn't want to take training that didn't count towards their CEUs; and options for the Education Committee to work with staff to develop new subject matter to provide education. There

was further discussion on the need to have a Social Media Policy approved by OMES, website costs; and creating ways to engage with the public; and liability issues if there were instruction videos that someone followed and got hurt. The commission discussed costs associated with in-person trainings through ICC and the number of people needed for a class to justify the cost; that they were limited to only provide training building inspectors only; the CIB requirements for CEUS for inspectors; and that at one time the education committee also dealt with trying to create a training process for people interested in doing inspections prior to funds being swept from the agency during a budget crisis some years ago.

ADJOURNMENT: (3:41 P.M.)

Mr. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO ADJOURN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Dee Hays
Warren Goldmann
Scott Tucker

Minutes approved in the regular meeting on the 18th day of January 2022

DANNY HANCOCK
Danny Hancock, 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.