

**OKLAHOMA UNIFORM BUILDING CODE COMMISSION**

**REGULAR MINUTES**

**UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM**

**2401 NW 23<sup>RD</sup> STREET, SUITE 82**

**OKLAHOMA CITY, OK 73107**

**JANUARY 18, 2022 – 1:30 P.M.**

**COMMISSION MEMBERS PRESENT:**

Wayne Allen, Daniel Favata (arrived at 1:33 p.m.), Warren Goldmann, Paul Gunderson, Danny Hancock, Dee Hays, Kyle Lombardo, Lonnie Shackelford, Scott Tucker, and Donny Williamson

**COMMISSION MEMBERS ABSENT**

Stephanie Cliff, Mitchell Hort, and Cary Williamson

**OTHERS PRESENT:**

Billy Pope (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff) Kathy Hehnlly (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Steve Funck (OMES ABS - Office of Management and Enterprise Services, Agency Business Services), Amber Armstrong (A & E Professional), Dan Grovin (AIA COC), and Susan Winchester (Governor's office)

**CALL TO ORDER:**

Mr. Danny Hancock, 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 1:30 p.m. on this 18<sup>th</sup> day of January 2022, 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, 4,596 (four thousand five hundred ninety-six) people have filed a written request for notice of meetings of this public body."

**REPORTS:**

CEO Report:

Mr. Pope greeted the Commission. He noted there was an outbreak of COVID in the office, but everyone was over it. He added they had signed a contract with Goodwill Industries to spray the office, lobby and conference room as needed. He noted if item 4G was passed, they would begin rulemaking on the 2018 IRC® and 2020 NEC®.

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 had a total available cash balance of \$1,310,834. He stated the difference between the revenue received and expenditures paid for the year so far was \$58,404. He added that number was not on the report but was the revenue minus the expenditures. He reviewed the expenditures for the month and the total year-to-date expenditures for the first six months of the fiscal year. At the end of his report, Mr. Donny Williamson asked if the change orders related to the build out had been resolved. He added there were items Mr. Pope had brought up that were not in the lease and who was to pay for them. Mr. Pope noted it was resolved as far as they were concerned. Mr. Favata asked about the \$37,795 payment to Techsico Enterprise Solutions and what it was for. He asked if that was the reporting equipment. Ms. Hehnlly confirmed it was all the equipment in the conference room and equipment room related to recording for meetings.

**ACTION AND DISCUSSION ITEMS:**

Discussion and possible approval of the November 16, 2021 regular meeting minutes.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO APPROVE THE NOVEMBER 16, 2021 REGULAR MEETING MINUTES

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Discussion and possible action on authorizing a 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 2022, due no later than January 31, 2022

Mr. Pope noted this was for the licenses he carried that allowed them to do what they were doing and puts the Commission on the same level as the contractors out there doing work.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO AUTHORIZE PAYMENT OF LICENSURE FEES FOR THE AGENCY DIRECTOR TO THE CONSTRUCTION INDUSTRIES BOARD

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Discussion and possible action on a request from the Energy Conservation Technical Committee (ECTC) to reconsider which edition of the International Energy Conservation Code (IECC) the ECTC committee should review

Mr. Donny Williamson stated the evaluation committee had discussed the edition years a few times. He noted his original opinion was they should stick with the 2015 edition of the code. He added he didn't have as much experience in the review process then, as he did now. He stated after the IRC® review and input by others he felt the committee should review the 2018 edition and adjust it through the committee and what the commission felt needed to be done. He added it would help with overlap with the 2018 IRC®. Mr. Pope noted it was his understanding that there were some elements in the 2015 code that had been revised in the 2018 to be a bit less stringent.

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARD TO APPROVE THE COMMITTEE TO REVIEW THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

Mr. Gunderson noted he was a member of the International Code Council (ICC) and they were currently having forums and discussions and online meetings related to the energy code if anyone wanted to know more information.

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None  
ABSTAIN: None  
ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Discussion and possible action on creating and approving a slate of positions (not applicants) for the Fire and Rural Water Technical Committee (FRWTC)

Mr. Hancock noted there was a list of positions for the committee, and they could go ahead and assign the commissioner liaisons and they could go out for the other positions. Ms. Hehnly noted the list was just a suggestion and the commission could make any changes to the list of positions to address who needed to be on the committee. The commission discussed adding a third Commission Liaison to the committee as when the committee was initially discussed, Mr. Gunderson, Mr. Donny Williamson and Mr. Hancock all volunteered to serve on it. There was further discussion on the purpose of the committee, which was to work to find ways to resolve the need for fire marshals to enforce the requirements of the code against the abilities of the rural water districts to supply the needed water, that Mr. Jimmy Seago, the Chief Executive officer of the Oklahoma Rural Water District Association was interested in volunteering on the committee; and being cautions that the Commission didn't try to tell the water districts what they had to do. The commission discussed the rural water districts were varied and served different communities with different needs; that it was unreasonable to expect a developer to put in miles of water lines; if the Commission should be working to clarify what they wanted to accomplish with the committee; providing continuity to developers on what would be needed to meet the codes when creating developments in the many rural water districts; if the Commission was going off into site development; how the committee tied into the code commission purview and to the building codes; and an example of someone building an assembly building in an area where there was no way to meet the fire code requirements for that type of building as the rural water district couldn't supply the necessary amount of water, that it was a very common problem. There was further discussion on finding ways to allow the fire marshals to feel comfortable with life-safety issues if water wasn't available; that it affected the codes as some options could be cost prohibitive if the water could not be provided; issues related to the federal government who loaned money to the rural water districts and the requirement those districts had to follow; and adding a position for a rural water construction association representative to the committee makeup.

There was discussion regarding the fire marshal positions listed on the committee slate and if they had to be a fire marshal or if it could be a fire fighter; that those positions would be filled by the State Fire Marshal, who could recommend someone who was not a fire marshal but had a lot of experience in the area. The commission discussed the number of rural water board positions and determined there should be three to represent the western, northeastern and southern areas of the state; how often and how long the committee would meet; concerns that if the Commission made changes to the rural water districts that could have a financial impact on the residents in those districts; that the Commission wouldn't be enforcing requirements on the rural water districts, they were asking for input from the water districts on how to accommodate the codes and work around them; developing guidelines for developers; and that despite what had been said so far in the meeting, rural water districts were not the wild west, they had a purpose for being there. There was further discussion on the term "wild west" and that it dealt more with the fact that there were so many rural water districts and all of them varied which made it hard for the contractor or developer; trying to keep the number

of water district representatives and fire marshal representatives even as those were the ones that had the most conflict, as well as keeping the committee small enough to be effective; specifying one of the fire marshal representatives should be from a rural area of the state; that often times the rural fire departments were voluntary, but they fell within the fence line of a municipality and that municipality was the one dictating the need for water per the code. At the end of the discussion, commission consensus was the committee would set out their review guidelines and that the fire marshal positions would list one state and one county/rural fire representative to be called a fire department representative; that there should be a developer position; that the two positions listed as state rural water representatives would be modified to be the developer and then the State Rural Water District Association Representative. After the discussion, the final breakdown for the committee was as follows:

- 3 Commission liaisons (Mr. Hancock, Mr. Gunderson, and Mr. Donny Williamson).
- 1 State Rural Water Association Representative
- 3 Rural Water Districts (1 Western, 1 Southern, and 1 Northeastern state area representatives)
- 1 State Fire Marshal Representative
- 1 Fire Department Representative
- 1 Developer

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE A SLATE OF POSITIONS, AS MODIFIED IN THE DISCUSSION AND APPOINT COMMISSIONERS DONNY WILLIAMSON, DANNY HANCOCK AND PAUL GUNDERSON AS THE COMMISSION LIAISONS TO THE COMMITTEE

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Discussion and possible action to begin the permanent 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:

1. Subchapters 5 and 6 – International Residential Code® 2018 (IRC® 2018)
2. Subchapter 10 – National Electrical Code®, 2020 (NEC® 2020)

Mr. Hancock noted the commission could vote on them individually or under one vote. Mr. Pope noted Subchapters 5 and 6 dealt with the adoption of the 2018 IRC® and Subchapter 10 dealt with the adoption of the 2020 NEC®.

MR. DONNY WILLAIMSON MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO APPROVE THE DRAFT RULES FOR SUBCHAPTERS 5, 6 AND 10

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

**PUBLIC COMMENT**

Mr. Hancock stated he wanted to bring the public comment section forward before item H and asked if there needed to be a motion/vote on it. Mr. Neal replied they did not need to do that so long as it was an item on the agenda. Mr. Hancock asked if there were any comments from the public. There was no public comment.

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

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO CONVENE IN EXECUTIVE SESSION

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None  
ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

The Commission convened in an executive session at 2:21 p.m. and reconvened in an open session at 2:48 p.m.

MR. PAUL GUNDERSON MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO RETURN TO OPEN SESSION

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None  
ABSTAIN: None  
ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Discussion and possible action on a CEO job description in preparation for a search

Mr. Hancock noted everyone had already seen the description and they had the option to make any changes. Mr. Williamson indicated he didn't see the description in the book. Ms. Hehnly noted she wasn't given anything to distribute. Mr. Hancock noted it had been emailed out to the members. There was a pause while OUBCC staff copied Mr. Hancock's description and passed them out to the commission members.

Mr. Hancock started with the "Summary" section of the job description. He noted he had been involved with the committee that created the job description they were reviewing back in 2016 or 2017. He added he didn't have any necessary changes. He asked if anyone had any changes in the summary section. Mr. Neal asked if there was any reference to the supervision of agency staff in the description. Mr. Hancock noted that was on the back side of the page. He noted looking at the title, he wanted to know if they needed to advertise the job as an "interim" director. Mr. Neal stated they may need to do something due to the overlap of hiring a new director while Mr. Pope was still employed. He noted it was one of the questions they still needed to find an answer for.

Mr. Hancock reviewed the "Essential duties and responsibilities" section and said if anyone had an issue to interrupt him. There was some discussion of clarifying the need for the CEO to be available

to work after hours as needed to work with some of the trade organizations as that was the only time available for the organizations to meet; what licenses the CEO should be required to have at the state and national levels; thinning the pool of potential candidates if they limited the position to a Master Code Official or Certified Building Official only; what licenses Mr. Pope had and his overall experience level; and that the license or licenses the candidate had should be unlimited in Oklahoma. Mr. Hancock took a moment to confirm the area of the description they were discussing was the second item from the bottom of the list on the back page of the description. The commission discussed ways to alter the language for the experience required; that a lot of the people that they might want as the director would not have a bachelor's degree as they went to a trade school and ways to address the education requirements; that if someone wasn't a code official that there should be a requirement to obtain that license within a set period of time once hired; that if a candidate did not go through the trade, they would not be able to test for the license for that trade as they wouldn't have met the apprenticeship hours; and other options to address the issue such as looking for inspector license rather than a trade license. There was further discussion on the testing requirements for an unlimited trade license; obtaining an inspector license within a set period of time after they are hired; specifying which trades licenses the job description was applicable for; the time frame for which an inspector license could be obtained by a candidate.

At the end of discussion, consensus for the item was to read as follows: "The individual shall have a minimum of one unlimited license in plumbing, mechanical, or electrical trades issued by the State of Oklahoma and obtain an unlimited inspectors license within 12 months of date of hire." There was further discussion on the wording as it was pointed out that some code officials were never licensed in the trades listed in the description. The requirement was modified to add at the end of the first sentence, the following was added: In lieu of these requirements, certification as a MCO or CBO is required. There was further discussion on the requirement for an unlimited license as an inspector; differences between a "limited" and "unlimited" license; and what would happen if the required licenses were not achieved in the specified timeframe. At the end of that discussion, the time frame allowed to acquire the inspector licenses was changed to read "a limited inspector's license within 12 months and unlimited within 24 months." There was further discussion on the requirement for the number of trade licenses the candidate was required to have. Concern was expressed as there was a big difference between inspectors that had a working knowledge of all the codes, the intent of the code and were able to make allowances that met the intent of the code, as opposed to a book guy. There was further discussion on the need for both field and book knowledge; what the CEO's position did; that the CEO was on the technical committees and if they leaned a little too much towards one trade, tell them intent of the code or point out problems with changes the committee was suggesting; the need for the CEO to be someone who could address things in the technical committees; and that the CEO would not be making interpretations of the code. The commission discussed the need for the CEO to be able to deal with the trade organizations and if they didn't know anything about the trades and had no field experience, they would have no credibility to the trades; other aspects of the job requirements that didn't have to do with the code, like having management experience; but that licensing shouldn't be the sole basis for the job description. At the end of the discussion the commission consensus was to change the requirement for the trade licenses from one to at least two. There was further discussion on clarifying the trade licenses should be contractor trade licenses.

Mr. Hancock returned the discussion to the items at the front and suggested adding wording to address the need for the CEO to attend after-hours functions, such as trade association meetings, as part of their duties. Consensus was to add that requirement to a bullet on the back side related to

maintaining a flexible work schedule. They reviewed the remaining items. There was a change to one of the items from "Promotes the safety of all Oklahoman's and visitors of the State of Oklahoma through proper code adoption" to "Promotes the safety of the general public in the State of Oklahoma through proper code adoption." The commission discussed the requirement that stated: "Must have an extensive background in all types of construction, at least ten years of approval experience in the trade builds and have extensive knowledge in development application, inspection services in all trade builds and minimal at least ten years in inspection services and enforcement of all building codes." Suggestions included breaking the item into two different requirements; if the changes they made earlier addressed the requirements listed in the current item; and ultimately determined the item should be modified to read: "Must have ten years extensive background in construction." They discussed the requirement that stated the candidate must have "experience in management supervision, planning and budgeting, preferably in both the public and private sectors of at least ten years." After discussion, the commission consensus was to remove the reference to change the wording from "private and public sectors" to "private or public sectors." They changed another line to reference "public or private sectors" when related to deadlines as well. They discussed the word "rapid decisions" in the same line. Concern was expressed about the definition of what a "rapid decision" was; and that taking time to consider options to make good decisions; and if the line item was needed; consensus was to leave the requirement in but only specify that the candidate should be able to multitask. The commission expanded the bullet point requiring maintaining a flexible work schedule to add language at the end to read: "including after hours as may be required." There was some discussion on the requirement related to working with the Oklahoma legislature. The commission consensus was to modify the requirement to read "Preferred knowledge with working with the Oklahoma Legislature." There was discussion on the requirement for a bachelor or master's degree. Ms. Hehnly noted that in a lot of state positions announcements they listed the requirement and added language to say: "or equivalent years of experience in the area." Commission consensus was to change the wording to "Preferred bachelor's or master's degree or equivalent work experience."

Mr. Lombardo noted there was something he felt hadn't been addressed, which was the training requirement the agency was charged with. He added there wasn't anything in the job description that stated the candidate would be responsible to oversee the training efforts the agency was providing. Mr. Favata suggested going up two lines to the item "Individual will have a provable history of public speaking" and want to add "and training." There was further discussion with Mr. Pope how much he was involved with setting up and overseeing the training the commission was supposed to be providing for continuing education. The commission and Mr. Pope discussed the continuing education with Mr. Lombardo suggesting there needed to be a line item that the director was responsible for it. Mr. Goldmann asked about what the agency did as he thought all of that was provided by the Construction Industries Board. There was discussion on the training, the way the commission sponsored and set it up, the need for CIB to approve the classes for CEU credits; what types of classes CIB would approve for CEU credits and the fact that if CIB didn't approve the classes for the CEU credits for the training classes, there would be few attendees as people were too busy to attend classes that didn't count towards their required CEUs. There was further discussion on the fact that anyone hosting a class had to use CIB's forms to submit them for approval, and that Mr. Pope knew which classes offered by ICC that would meet CIB's requirements and would be approved for CEU credits. After discussion the commission consensus was that the item was covered under another item and no change was needed.

Mr. Hancock asked everyone if they were comfortable with everything after the discussion, they could make a motion to approve it. He added he would make a cleaned up version for everyone to review so they could get it going.

**MR. KYLE LOMBARDO MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO ACCEPT THE CEO JOB DESCRIPTION AS MODIFIED IN THE DISCUSSION**

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

**NEW BUSINESS**

Mr. Donny Williamson noted during the last few years during COVID he's noticed in many restaurants they were moving chairs and tables and blocking egress. He asked if there was any way the Commission could get notice out or have another group get notices out to the danger of blocking egress. He added when he saw it, he let the facility know it was a life safety issue and they were liable to a lawsuit if there was a fire. Mr. Pope noted either the Fire Marshal or the jurisdiction in which the facility was located could be notified as they had the approval to require those items to be moved.

**ADJOURNMENT: (3:44 P.M.)**

**MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO ADJOURN**

VOTING AYE: Wayne Allen  
Daniel Favata  
Paul Gunderson  
Warren Goldmann  
Danny Hancock  
Dee Hays  
Kyle Lombardo  
Lonnie Shackelford  
Scott Tucker  
Donny Williamson

VOTING NAY: None  
ABSTAIN: None  
ABSENT: Stephanie Cliff  
Mitchell Hort  
Cary Williamson

Minutes approved in the regular meeting on the 15<sup>th</sup> day of February 2022

DANNY HANCOCK  
Danny Hancock, Chairman  
Oklahoma Uniform Building Code Commission

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

*Office Copy: Original with signatures in office file.*