

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

**REGULAR MINUTES
UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM
2401 NW 23RD STREET, SUITE 82
OKLAHOMA CITY, OK 73107
MARCH 22, 2022 – 1:30 P.M.**

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS ABSENT

Warren Goldmann and Cary Williamson

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Steve Funck (OMES ABS), Amber Armstrong (A & E Code Professionals), Mike Means (Oklahoma Home Builder's Association), Kelly Parker (GWS), and Alan Manche (Schneider Electric)

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 22nd day of March 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, 4,678 (four thousand six hundred seventy-eight) people have filed a written request for notice of meetings of this public body."

REPORTS:

CEO's Report:

Mr. Pope addressed the Commission. He noted he had put together some of the questions and answers the staff received and answered. He provided copies of three emailed questions with responses and a breakdown of the types of questions received over the phone. He noted the majority of calls came in about the building codes, both residential and commercial. He added he didn't want to go over it in detail at the meeting since there was a lot to get through, but he wanted the commissioners to have it. There was some discussion between the commissioners and Mr. Neal, the

agency's Assistant Attorney General with regards to the staff answering questions and if it was within their purview to respond to questions; general principals of what could be answered (for example none of the staff were lawyers and couldn't provide legal advice), but could direct people to the codes and what was in the codes and areas someone may want to review; and that calls ran the gamut of people with no knowledge of the codes to professionals in the construction industries.

Financial Report:

Mr. Steve Funck with the Office of Management and Enterprise Services, Agency Business Services division, greeted the Commission. He reviewed each of the six monthly reports, starting with the Operating Budget Comparison by Department and Account report. He noted the agency still had a variance after expenditures and encumbrances of \$209,735 in the agency general operations budget. He noted the Allotment Budget and Available Cash report listed \$1, 262,426 in the agency's account. He reviewed the remaining reports and asked if there were any questions. There were no questions for Mr. Funck.

PUBLIC COMMENT:

Mr. Hancock noted he wanted to move general public comments to the Commission to the beginning of the discussion before any actions were taken by the Commission. He added there would be a separate section in the public hearing portion of the meeting to discuss the proposed agency rules.

MR. MITCHELL HORT MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO MOVE THE GENERAL PUBLIC COMMENTS TO THE BEGINNING OF THE MEETING

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Mr. Mike Means with the Oklahoma Home Builders Association addressed the Commission. He noted he wanted to comment on the CEO job description and recommended having the requirements be open ended rather than restricted to allow for a much broader group of people apply for the position. He stated you could have preferred requirements for applicants with more experience. He added he felt the CEO position should be an Administrator rather than a code professional as the Commission themselves brought their technical code expertise to the Commission.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the February 7, 2022, special meeting minutes

MS. DEE HAYS MADE A MOTION WITH A SECOND BY MR. SCOTT TUCKER TO APPROVE THE FEBRUARY 7, 2022, SPECIAL MEETING MINUTES

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Discussion and possible approval of the February 15, 2022, regular meeting minutes

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO APPROVE THE FEBRUARY 15, 2022, REGULAR MEETING MINUTES

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Discussion and possible action to approve a Chief Executive Officer (CEO) job description in preparation for a search for a new CEO

Discussion regarding Title 748 O.S. § 4257. Employment of former or ex officio state board or commission members.

Mr. Neal noted it had been brought to his attention in connection with individuals interested in employment for the CEO's position once it opened up, that there could be some members of the Commission interested. He wanted to alert them that Title 74 O.S. § 4257 (b)(1) required a former member of the board or commission to have at least one year pass, since their term of office before they could be hired. After further discussion and review, no action was deemed necessary, and the Commission moved to the next item on the agenda.

Discussion and approval of the proposed Chief Executive Officer job description from the OUBC Standing Personnel Committee

Mr. Hort noted he chaired the Personnel Committee and they had two meetings and discussed several issues and reviewed some of the changes that were made to the job description. He added under the qualifications section, the group did not want to make any changes and they felt it should be brought to the whole group to discuss the qualifications. He noted there was a copy of the original position announcement, in their packets. He noted it talked about educational requirements and reviewed the

language used when they initially hired Mr. Pope. There was some discussion that the original announcement was broader than the what was before the Commission; it opened it up for others to apply that were not one of the licensed tradespeople; that the requirements before them were much more restrictive, and the old ad from 12 years ago were much more broad; the ad before them was what was published in the paper, but was not a complete job description; and that ads were usually shorter and more condensed and may not be equivalent to an actual job description.

MR. DONNY WILLIAMSON MADE A MOTION TO REPLACE THE QUALIFICATIONS SECTION WITH THE INFORMATION PREVIOUSLY WRITTEN IN THE ORIGINAL JOB AD

The Commission discussed what the personnel committee members thought about the original language; if the original language should be modified to remove the language "continuing education units covering the codes comprising the State Building Code" as the continuing education language implied the person had to have a license in one of the trades as unlicensed individuals would not need continuing education training; other language that could be used in place of the CEU language; and finalizing the language before voting so that there were not multiple motions and votes. They discussed who would determine equivalent experience if that language was used in the description; different ways to modify the language, that they wanted to make sure that building/general contractors and others who were involved in the construction industry could apply for the position; changing the existing language to say that licensed individuals were preferred; if there was ever a second to the motion; and that without the degrees or licensing, someone would need to have at least 10 years of residential or commercial construction experience.

MR. DONNY WILLIAMSON AMENDED HIS MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE PROPOSED CHIEF EXECUTIVE OFFICER JOB DESCRIPTION AS MODIFIED TO REPLACE SOME JOB QUALIFICATIONS WITH THE FOLLOWING:

"Bachelor's Degree in Public Administration, Business Administration, Fire Administration, Engineering, Architecture, Construction Management or degree in related field. In lieu of a bachelor's degree, candidate may qualify by being a CBO (Certified Building Official), MCP (Master Code Professional), fire official, or have 10 plus years of residential or commercial construction experience."

VOTING AYE:	Wayne Allen Stephanie Cliff Daniel Favata Paul Gunderson Danny Hancock	Dee Hays Mitchell Hort Kyle Lombardo Lonnie Shackelford Scott Tucker Donny Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT:	Cary Williamson	Warren Goldmann
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Discussion and possible action on the CEO Job salary range and setting the CEO salary range, for the new CEO position's advertisement and publication.

Mr. Hancock noted his understanding after talking with Jake Smith at OMES, was that the Commission did not need to set the salary range as there was already a boundary for the position. Mr. Neal noted the boundary was set based on the previous job description and the Commission had modified it. He added his concern was that although the Commission was not required to advertise the salary, they could, and it needed to be reviewed by OMES to determine if it still fell under the same parameters for the salary, or if it would be modified up or down and making sure the Commission knew that amount. After discussion the item was deferred to the March 31, 2022, special meeting to be discussed after OMES HCM does a salary evaluation on the newly approved job description.

Discussion and possible action to approve a Chief Executive Officer (CEO) job description in preparation for a search for a new CEO

Mr. Neal noted it was the Commission's authority to hire the CEO, and there were no appropriations from the state so the Commission would determine the salary, adding the State had some parameters. After discussion, the three items under the agenda item were deferred to the March 31, 2022, special meeting to be discussed after OMES HCM does a salary evaluation on the newly approved job description.

Discussion and possible action to request and direct OMES Human Capital Management to review the revised OUBCC CEO Job Description as determined by the OUBCC and analyze salary range for possible adjustment in light of the new revisions and requirements so that upon advertisement and publication of the new CEO's position with its revised CEO Job Description, that an adjusted salary range, if any, of the CEO's position shall be advertised and published with the adjusted salary range, if any, and that the OMES Human Capital Management report its determination of an adjusted salary range to the OUBCC upon the completion of such salary analysis

Discussion and possible action to request and direct OMES Human Capital Management advertise and publish the opening of the OUBCC CEO Position with its revised CEO Job Description as determined by the OUBCC, to advertise and publish the opening of the CEO's position for a period of time of not less than sixty (60 days), to advertise and publish the opening of such OUBCC CEO's position in professional and trade publications, newsletters, newspapers, job boards, postings, and places appropriate for the professional executive position of the OUBCC CEO and in such professional and trade publications, newsletters, newspapers, job boards, and postings requested by the OUBCC

Discussion and possible action to authorize OMES Human Capital Management to gather and collect all CEO position applications/resumes in confidence on behalf of the OUBCC submitted for consideration at the office of OMES Human Capital Management and at the end of the not less than sixty (60) day period of CEO job opening advertising and publication, to analyze and screen the CEO position applications/resumes for compliance with the minimum listed requirements in the OUBCC CEO Job Description, and thereafter that OMES Human Capital Management report its analysis and screening results to the OUBCC Standing Personnel Committee Chairman or his/her designee in confidence for subsequent review and analysis by the OUBCC Standing Personnel Committee for further consideration and interviews, and that the OUBCC Standing Personnel Committee conduct interviews of appropriate candidates for the CEO position, and that the OUBCC Standing Personnel Committee make recommendations to the OUBCC as to such candidates

RULEMAKING ACTION ITEMS:

Public Hearing on Rulemaking – Opened at 2:25 p.m.

Discussion (including but not limited to the acknowledgement of receipt of and discussion of written public comment forms, if any, received to date on Oklahoma Administrative Code, Title 748, Chapter 20 Adopted Codes, Subchapters 5, 6, and 10), with possible action on permanent rulemaking on: Chapter 20, Adopted Codes, Subchapter 5 IRC® 2015, Subchapter 6 IRC® 2018, and Subchapter 10 NEC® 2020

Public comments:

Mr. Hancock noted while five written comment forms were received, there were four written public comment forms the Commission could take action on. He asked if there were any comments on the forms or other public comments.

Mr. Kelly Parker with Guaranteed Watt Saver (GWS) addressed the Commission with regards to Public Comment Form #1. He thanked them for the opportunity to speak. He noted at the last meeting when the Commission voted to approve the IRC® rules to begin rulemaking, the rules included language to allow visual inspection for air tightness on residential houses. He added there was a portion of the code in Section 303.4 that addressed Mechanical Ventilation that needed similar language that would also allow for visual testing. He reviewed his reasoning for submitting the change which brought consistency to the code and provided some sample costs for the change. The Commission and Mr. Parker discussed the proposed change noting the percentage of air makeup would depend on the size of the house; ventilation options on the thermostat that would cycle the system to run a duty cycle; what Mr. Shackelford's company used to provide that fresh air makeup; commercial air makeup systems; costs associated with the change; if the wording would impede other companies with what they currently did; and that it was cleanup to make the code consistent.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. DONNY WILLIAMSON TO APPROVE PUBLIC COMMENT FORM NUMBER 1

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Mr. Hancock reviewed Public Comment Form #2 which moved the Certificate requirement back into the code from the appendix it was put into. There was no one at the meeting who provided verbal public comment on Public Comment Form #2, and it died due to a lack of motion to approve.

Mr. Hancock noted Public Comment Form #3 was submitted by Mr. Bryan Holland and related to the National Electrical Code®. He reviewed the change requested the proposed modification to strike the section from the code, be revised and instead kept in the code with further modifications. Mr. Alan Manche with Schneider Electric addressed the Commission with regards to the same section

reference as Public Comment Form #3. He noted he served on two of the National Fire Protection Association Code committees that created the National Electrical Code®. He noted the requirement was placed in the code due to the death of a 10 year-old child. He noted there had been revisions to the section to require GFCIs on all HVAC systems and there had been issues with what was called variable speed power inverter equipment. He noted the committee he served on looked at the issues but felt it should not stop them from protecting others. He noted there was data coming out from the State of Minnesota that tracked all of the power trips on the power conversion equipment and once the language was revised, they were no longer having issues with power trips to the equipment. He noted there was another section in Chapter 4, Section 422 that required the GFCI's for plug-and-cord air handlers, and by removing the section, the Commission was creating an imbalance in the code. The Commission and Mr. Manche discussed the life safety aspect to the change; cost impact to the home if the change was approved; if there would be issues with 2-stage units and having them on there would void a warranty if they were tripped excessively; that the HVAC industry needed time to fix the issues; and which NFPA committees Mr. Manche served on. Ms. Hays noted she actually had the mini-splits in her home, and she felt they had come a long way in the last few years; and they actually addressed some of the surge problems. She noted she didn't think the GFCIs would be an issue. There was further discussion on the life safety issue; that three-tenths of an amp could stop a heart; and it was quick easy insurance to require the GFCIs.

MS. DEE HAYS MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE PUBLIC COMMENT FORM #3

VOTING AYE:	Wayne Allen Stephanie Cliff Daniel Favata Paul Gunderson Danny Hancock	Dee Hays Mitchell Hort Kyle Lombardo Lonnie Shackelford Scott Tucker Donny Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Mr. Hancock reviewed the proposed change in Public Comment Form #4. After the review, there were no verbal comments from the public and the comment form died due to a lack of motion to approve.

Mr. Hancock noted Public Comment Form #5 did not propose any specific change just support for the adoption of the 2018 IRC. No action was taken on the form.

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MS. DEE HAYS TO ADOPT THE PROPOSED RULES IN CHAPTER 20, SUBCHAPTERS 5, 6, AND 10 AS AMENDED BY THE APPROVED PUBLIC COMMENT FORMS

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

NEW BUSINESS:

There was no new business.

ADJOURNMENT: (2:54 P.M.)

MR. DONNY WILLIAMSON MADE A MOTION WITH A SECOND BY MR. WAYNE ALLEN TO ADJOURN

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

VOTING NAY: None

ABSTAIN: None

ABSENT: Cary Williamson Warren Goldmann

Minutes approved in the regular meeting on the 17th day of May 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 agency file.