

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

**REGULAR MINUTES
UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM
2401 NW 23RD STREET, SUITE 82
OKLAHOMA CITY, OK 73107
JUNE 21, 2022 – 1:30 P.M.**

COMMISSION MEMBERS PRESENT:

Daniel Favata, Warren Goldmann, Danny Hancock, Dee Hays, Mitchell Hort, Kyle Lombardo, Lonnie Shackelford, Scott Tucker, Cary Williamson, and Donny Williamson

COMMISSION MEMBERS ABSENT

Wayne Allen, Stephanie Cliff, and Paul Gunderson

OTHERS PRESENT:

Billy Pope (OUBCC Staff), Kathy Hehnly (OUBCC Staff), Lindsay Heinrichs (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Zachary Tippet (Plumbing Solutions Incl), Amber Armstrong (A & E Code Professionals), Steve Funck (OMES – ABS), and Melody Kellogg (OMES – ABS)

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.

COMMISSION MEMBER UPDATES:

Acknowledgement of service for commission members leaving.

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 21st day of June 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, 4,750 (four thousand seven hundred fifty) people have filed a written request for notice of meetings of this public body."

COMMISSION MEMBER UPDATES:

Mr. Hancock stated both he and Ms. Stephanie Cliff were leaving the commission. Mr. Pope presented Mr. Hancock with a plaque and thanked him for his service to the State of Oklahoma. Mr. Hancock noted he had served for slightly over eight (8) years.

REPORTS:

CEO Report:

Mr. Pope asked everyone to look at his report behind tab "A." He noted the Legislature did not act on the agency rules and they were waiting to see if the Governor approved them. He added if they were not approved, they would need to go back through next year. There was some discussion to clarify that the rules would not need to go back to a technical committee, just back through the rulemaking process. There was further discussion on why the Legislature didn't act on the rules, with Mr. Pope clarifying the lack of action was not directed at the OUBCC, that it was related to all agencies that had submitted rules. Mr. Neal added there were several hundred agencies that were all dependent on action from the Legislature and for whatever reason, they did not act. He added the Governor had the ability to pick and choose and he remembered when Governor Fallin was in office, she pulled a few and they were not able to proceed. He added by default the Governor can act on the rules and the Commission just needed to wait, along with all the other agencies. Mr. Donny Williamson noted he spoke with his cabinet secretary who had asked for a summary of what was in the rules.

Mr. Pope noted the second item on his report was the Fire and Rural Water Technical Committee. He added they were waiting to get that in motion. He noted they needed to help the fire departments having problems not getting water needs met. There was further discussion on what the commission could do, and the intent of the committee would be. Mr. Neal added the commission had authority to adopt codes but didn't have unlimited authority and within the bounds of the codes they could try to address needs that have been identified. He added the intent of the committee was to come up with code that would fill the needs in areas. There was further discussion on what the committee would be doing, if it was an exercise in futility, issues fire marshals had for new structures in unincorporated areas, and options that could be written in the rules to allow concessions to the code such as reducing travel to exits where the fire marshal could agree that was a good solution.

Mr. Pope noted his last item was related to a new commissioner Mr. Zachary Tippett. He noted he met with him online on the 16th to give him some background on the commission and bring him up to speed so he would be ready at the July meeting. He added there was one more orientation to do, shortly. Mr. Pope noted the new commissioner represented the Plumbing industry and noted he was in the audience.

Financial Report:

Mr. Steve Funck with the Office of Management and Enterprise Services, Agency Business Services, greeted the Commission. He reviewed the monthly reports ending on May 31, 2022. He noted while reviewing the report entitled "Summary of Receipts and Disbursements," that the Commission had brought in more revenue in the amount of \$126,700 over expenditures through May 2022. At the end of the review there were no questions for Mr. Funck.

ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the May 17, 2022, regular meeting minutes

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. SCOTT TUCKER TO APPROVE THE MAY 17, 2022, REGULAR MEETING MINUTES

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

Discussion and possible action to elect a new Chairman and possible Vice-Chairman to begin serving on July 1, 2022, through December 31, 2022, as per Oklahoma Administrative Code (OAC) 748:1-1-3(b)

MR. WARREN GOLDMAN MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO NOMINATE MR. MITCHELL HORT AS CHAIRMAN AND MR. PAUL GUNDERSON AS VICE-CHAIRMAN AND MAKE A MOTION THAT ALL MOTIONS CEASE FROM THE COMMISSION FOR NOMINATIONS FOR THE CHAIRMAN AND VICE-CHAIRMAN

MR. LONNIE SHACKLEFORD MADE A MOTION TO NOMINATE MR. MITCHELL HORT AS CHAIRMAN AND MR. DONNY WILLIAMSON AS VICE-CHAIRMAN

Mr. Hancock noted he had a motion on the floor and a second so they would need to deal with that first before addressing Mr. Shackelford's motion. Mr. Neal noted the motion also ceased the nominations. Mr. Hancock noted it was seconded so they would need to address that first.

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

Mr. Neal noted the motion failed. Mr. Hancock noted he wanted to make sure they did this the right way, and he wasn't sure about holding the motions closed. He added they could make separate motions or one motion for both positions.

MR. LONNIE SHACKLEFORD MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO NOMINATE MR. MITCHELL HORT AS CHAIRMAN AND MR. DONNY WILLIAMSON AS VICE-CHAIRMAN

VOTING AYE: Daniel Favata
Warren Goldmann
Danny Hancock
Dee Hays
Mitchell Hort
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: Kyle Lombardo

ABSTAIN: None

ABSENT: Wayne Allen
Stephanie Cliff
Paul Gunderson

Discussion and possible action to approve the Fiscal Year 2023 (FY23) contract for legal services with the Oklahoma Attorney General's Office

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO APPROVE THE FY23 CONTRACT FOR LEGAL SERVICES WITH THE ATTORNEY GENERAL'S OFFICE

VOTING AYE: Daniel Favata
Warren Goldmann
Danny Hancock
Dee Hays
Mitchell Hort
Kyle Lombardo
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Wayne Allen
Stephanie Cliff
Paul Gunderson

Discussion and possible action to update the OMES/OUBCC Master Service Agreement with the Office of Management and Enterprise Services – Appendix "C" for Information Services Division (ISD) fees for FY23

Ms. Hehny noted the document came in that morning and she had copies for everyone to review. She noted the price overall was a little bit less than the current year due to CARES Act funds and that it provided for all of the agency's IT support.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. SCOTT TUCKER TO ACCEPT THE UPDATE TO THE OMES/OUBCC MASTER SERVICE AGREEMENT WITH THE OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES – APPENDIX "C" FOR INFORMATION SERVICES DIVISION FEES FOR FY23

VOTING AYE: Daniel Favata
Warren Goldmann
Danny Hancock
Dee Hays
Mitchell Hort
Kyle Lombardo
Lonnie Shackelford
Scott Tucker
Cary Williamson
Donny Williamson

VOTING NAY: None

ABSTAIN: None
ABSENT: Wayne Allen Paul Gunderson
Stephanie Cliff

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

Mr. Pope noted if the committee looked at pages behind tab "G" they could see the highlighted individuals who were leaving the commission. He added behind that page there were recommended replacements for those positions. Mr. Hancock reviewed the proposed changes.

MR. KYLE LOMBARDO MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO ACCEPT THE PROPOSED RECOMMENDED CHANGES TO THE COMMISSION STANDING COMMITTEES BY REPLACING ON THE BUDGET, FEES, AND RULES COMMITTEE, MR. DANNY HANCOCK WITH MR. CARY WILLIAMSON; ON THE LEGISLATIVE COMMITTEE REPLACING MS. STEPHANIE CLIFF WITH MR. WARREN GOLDMANN AND REPLACING MR. DANNY HANCOCK WITH MR. DANIEL FAVATA; ON THE PERSONNEL COMMITTEE REPLACING MS. STEPHANIE CLIFF WITH MR. WARREN GOLDMANN; AND ON THE CODE ACADEMY ADVISORY COMMITTEE REPLACING MR. DANNY HANCOCK WITH MR. PAUL GUNDERSON

VOTING AYE: Daniel Favata Lonnie Shackelford
Danny Hancock Scott Tucker
Dee Hays Cary Williamson
Mitchell Hort Donny Williamson
Kyle Lombardo

VOTING NAY: None

ABSTAIN: Warren Goldmann

ABSENT: Wayne Allen Paul Gunderson
Stephanie Cliff

NEW BUSINESS:

Mr. Goldmann noted it came to his attention that one of his friends serving on a Construction Industries Board (CIB) committee, that he was not required to do continuing education (CEUs) as he served on that committee. He asked if that was the case for them, the OUBCC put together the stuff that became the code and those individuals spent a lot of hours reviewing and working on the code and if that wouldn't be something that the OUBCC went to the Legislature with to get that same benefit. He added the committees had inspectors and contractors who would need to get the CEUs. Mr. Hancock noted he wasn't sure that was a Legislature item, rather something the committee member could submit to the CIB. He added when he submitted to teach a class, he signed himself up as he had to cover the same things to teach the class as someone attending. Mr. Neal reminded the Commission they needed to limit the conversation as it wasn't on the agenda and the public didn't have a chance to be at the meeting if they wanted to discuss it. He added it was fine to ask the question, but the Commission couldn't discuss it. He added if they wanted to, they could put it on a subsequent agenda.

Mr. Neal noted the way the Legislature defined "new business" was that it was something that couldn't have been known about 24-hours before the meeting. There was further discussion on how to handle the item.

Mr. Donny Williamson noted he wanted to circle back around to the Fire and Rural Water Technical Committee. He asked if there had been anyone who had turned in an application to be on that committee. Mr. Pope noted they had the names of some people. Mr. Williamson asked if there was anyone certain yet. Mr. Pope noted there were some fire marshals that would be on there. Mr. Williamson asked if there was something they as commissioners needed to do to make sure people applied to serve on the committee. Ms. Hehnlly noted there were some commissioners that mentioned specific rural water people they wanted on the committee and that she needed the contact information to reach out and start the ball rolling. She added even though there were some specific people that commissioners wanted on the committee, they should follow the same process they did for other committees and have them fill out the volunteer forms and get an agenda item so the members could be approved officially by the Commission.

Mr. Hancock noted that last week he hosted a program called "Educate the Engineers" and they hosted a little over 20 teachers, actually 100 total for Tulsa Tech, but took about 20 of them to job sites and walked teachers through the jobsite and showed them all the aspects of construction jobs. He added it was very well received and the teachers were surprised by the number of jobs, things that took place and things that had to be known. He added they had one spot where they set up a Total Station in a layout and took them to the hottest spot of the job and when he went to take them into the air conditioned part, he couldn't get them away from the hot spot. He recommended any chance they had, to invite teachers and students to see jobs as that's how they would get people interested in those careers.

PUBLIC COMMENT:

Mr. Tippett asked in his role coming up, was it acceptable for him to go talk at the CIB on issues at hand or was that something that had to go through the Chairman first. Mr. Hancock noted in public comments, they couldn't have a two-way conversation, but afterwards he would be glad to talk to him about the process. Mr. Neal noted the reason they couldn't have a conversation was due to the fact that the public didn't know they would be discussing the topic and someone else might have been there to hear it, had they known.

Mr. Favata stated he wanted to take a moment to thank Mr. Hancock for his service.

ADJOURNMENT: (2:15 P.M.)

VOTING AYE:	Daniel Favata	Kyle Lombardo
	Warren Goldmann	Lonnie Shackelford
	Danny Hancock	Cary Williamson
	Dee Hays	Donny Williamson
	Mitchell Hort	
VOTING NAY:	Scott Tucker	
ABSTAIN:	None	

ABSENT: Wayne Allen
Stephanie Cliff

Paul Gunderson

Minutes approved in the regular meeting on the 16th day of August 2022

MITCHELL HORT
Mitchell Hort, 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.