

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

REGULAR MINUTES

UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM

2401 NW 23RD STREET, SUITE 82

OKLAHOMA CITY, OK 73107

FEBRUARY 20, 2024 – 1:30 P.M.

COMMISSION MEMBERS PRESENT:

Todd Booze, Daniel Favata, Bradley Flatt, Warren Goldmann, Paul Gunderson, Mitchell Hort, Zachary Tippett, Scott Tucker, and Cary Williamson

COMMISSION MEMBERS ABSENT:

Wayne Allen, Dee Hays, Kyle Lombardo, and Donny Williamson

OTHERS PRESENT:

David Adcock (OUBCC Staff), Kathy Hehny (OUBCC Staff), Misty Arnett (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), Amber Armstrong (A & E Code Professionals), Curtis Maxwell (PSO), Megan Patton (Office of Management and Enterprise Services, Agency Business Services - OMES ABS), and Kelly Parker (GWS)

CALL TO ORDER:

Mr. Mitchell Hort, Chairman of the Commission, called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 1:31 p.m. in the Oklahoma Uniform Building Code Commission Board Room at Shepherd Center, 2401 NW 23rd St., Suite 82, Oklahoma City, OK 73107.

CONFIRMATION OF COMPLIANCE WITH THE OPEN MEETING ACT:

Mr. Adcock confirmed the meeting was in compliance with all requirements of the Open Meeting Act.

REPORTS:

CEO Report

Mr. David Adcock stated it had been some time since he had updated on the number of people subscribed to meeting notices. He noted at his second meeting he had reported there were 5125 people signed up to receive meeting notice and the number had been growing. He added there were 5,515 subscribers. He introduced the newest staff member Misty Arnett and announced the passing away of Ms. Davidson. He discussed some of the meetings he had attended to include a meeting with Representative Lonnie Sims, the author of HB 3819 and Mr. Tim Yaciuk, the Director for the Independent Electrical Contractors. He added he had also attended both MABO meetings in Oklahoma City and Tulsa. He noted both meetings covered the state statute passed a few years ago relating to fireplace installations. He added there would be a fireplace installation class at the OUBCC office on Wednesday, February 21, 2024. There was some discussion on fireplace installations and the different kinds of fireplaces that were popular and in use right now, that the license was through the Construction Industries Board, that the bill was passed two years ago, who was providing the national certification training, and costs for that training.

Mr. Adcock reported he had scheduled upcoming training on generator installations, PEX piping and tankless hot water heating systems. He reviewed HB 3819 in more depth noting it would allow for more than just code officials to attend the training sponsored by the agency. He noted HB 2425 passed last year required amendments to the state codes to be submitted to the OUBCC for consideration. Mr. Adcock noted that there were a few changes being suggested in statutes related to the Fire Code and that he had sent those to Ms. Winchester, the agency cabinet secretary. He added he had asked how that process was supposed to work. There was some discussion on what the term “consideration” meant, and that Mr. Adcock took it to mean the Commission should review the proposed language and then provide their recommendation to the legislature on it. There was some discussion to clarify the language was discussing changes made in statutes not what the local jurisdictions amended, although those were also supposed to be sent to the OUBCC. Mr. Adcock noted the new website was up and reviewed some of the changes related to the jurisdictions and the ICC codes with the OUBCC amendments on their website.

Financial Reports

Ms. Megan Patton with OMES ABS greeted the Commission. She reviewed each of the six (6) monthly reports for the month ending January 2024. She stated the Commission had an available cash balance of \$1,634,948. She noted there was a payroll withholding amount of \$12.24 that needed to be addressed and the total expenses for the month of January were \$42,126.45. There were no questions for Ms. Patton at the end of her presentation.

Technical Review Committee Reports

Building, Existing Building and Fire Technical Committee

Mr. Adcock noted the committee had met and if they could get beyond storm shelters, they would be going well. He added the committee was discussing creating a sub-committee to go in more depth on the storm shelter subject. Mr. Goldmann asked if there were any people from the school system to represent them. Mr. Adcock noted the architects on the committee dealt with schools and were representing them very well. He summarized some of the issues they had been going over related to finding a balance between when a shelter should be required in schools, and the funds needed for them. There was some discussion related to the Commission creating a committee to look at storm shelters with the consensus being to give the current committee another meeting to come to a resolution and if not, Mr. Adcock would bring an item at the next meeting for the Commission to create a storm shelter committee.

Fuel Gas, Mechanical, and Plumbing Technical Committee

Mr. Adcock noted the committee had met and was working through their items and they had been productive.

RULEMAKING ACTION ITEMS
PUBLIC HEARING ON RULEMAKING

Discussion (including but not limited to the acknowledgement of receipt and discussion of written public comment forms, received to date on Oklahoma Administrative Code Title 748: Chapter 20 Adopted Codes, Subchapters 2, 4, 6, 8, 10, 12, 14, and 16, with possible action on permanent rulemaking on:

Written public comment, if any, has been provided in advance, to the Commission, for their consideration.

Verbal public comment on the proposed rulemaking will now be heard if any

Mr. Hort noted there were two written comment forms received and confirmed with Ms. Hehny no other forms were submitted.

Public comment form 1

Mr. Hort noted the first form was from Mr. Kelly Parker who proposed changing the referenced standard to the IECC from the 2006 edition to the 2018 edition in the IBC referenced standards chapter. There was further discussion on the proposed change, that the Commission was amending the referenced standards sections of each code to update the references to the NEC to 2023 and the former adoption of the International Residential Code from 2015 to 2018.

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. WARREN GOLDMAN TO REJECT PUBLIC COMMENT FORM 1

VOTING AYE:	Todd Booze	Mitchell Hort
	Daniel Favata	Zachary Tippet
	Bradley Flatt	Scott Tucker
	Warren Goldman	Cary Williamson
	Paul Gunderson	

VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen	Kyle Lombardo
	Dee Hays	Donny Williamson

Mr. Neal stated that it was a public hearing and he had not heard Mr. Hort call for any comments on the form and asked if he could do that. Mr. Hort stated he had asked earlier if there were any verbal public comments and there were none.

Public comment for 2

Mr. Hort reviewed the proposed change in the second comment form modified the language proposed to in Section 748:20-10-10 on Chapter 4 of the NEC®

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. WARREN GOLDMAN TO ACCEPT PUBLIC COMMENT FORM 2

There was some discussion on what the change would do. The Commission discussed grounding conductors, what some other states did, and with the cord option it could be unplugged; other disconnecting means; and that the Electrical Code gave a list of appliances that could be cord and plugged connected and a furnace was not one of them. There was some discussion from the public as to what the proposed change to code language was and where it was in the rules. OUBCC staff had the proposed language available on the overhead projector then pulled up where the change would take place in the rules and showed where the proposed rules were available for review on the agency's website. Mr. Hort asked if there was any further discussion on the proposed comment form. There was no further discussion.

VOTING AYE:	Todd Booze Daniel Favata Bradley Flatt Warren Goldman Paul Gunderson	Mitchell Hort Zachary Tippett Scott Tucker Cary Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen Dee Hays	Kyle Lombardo Donny Williamson
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Mr. Neal asked Ms. Hehnly for the record, if those were the only two comment forms received. Ms. Hehnly confirmed they were the only ones she had received.

Chapter 20, Adopted Codes

Subchapter 2, IBC® 2018

748:20-2-40. IBC® 2018 Referenced Standards [AMENDED]

Subchapter 4 ~~IBC~~ IFC® 2018 [AMENDED]

748:20-4-85. IFC® 2018 Referenced Standards [AMENDED]

Subchapter 6 IRC® 2018

748:20-6-49. IRC® 2018 Referenced Standards [AMENDED]

Subchapter 8 IEBC® 2018

748:20-8-21. IEBC® 2018 Referenced Standards [AMENDED]

Subchapter 10 NEC® ~~2020~~ 2023 [AMENDED]

748:20-10-1. Adoption of the National Electrical Code®, ~~2020~~ 2023 Edition (NEC® ~~2020~~ 2023) [AMENDED]

748:20-10-2. Effect of Adoption [AMENDED]

748:20-10-3. NEC® ~~2020~~ 2023 Informative Annexes [AMENDED]

748:20-10-4. NEC® ~~2020~~ 2023 Provision Adopted and Modified [AMENDED]

748:20-10-6. NEC® ~~2020~~ 2023 Article 90 Introduction [AMENDED]

748:20-10-7. NEC® 2020 Chapter 1 General [REVOKED]

748:20-10-8. NEC® ~~2020~~ 2023 Chapter 2 Wiring and Protection [AMENDED]

748:20-10-10. NEC® ~~2020~~ 2023 Chapter 4 Equipment for General Use [AMENDED]
748:20-10-11. NEC® 2020 Chapter 5 Special Occupancies [REVOKED]
748:20-10-12. NEC® 2020 Chapter 6 Special Equipment [REVOKED]
748:20-10-13. NEC® 2020 Chapter 7 Special Conditions [REVOKED]

Subchapter 12 IFGC® 2018

748:20-12-13 IFGC® 2018 Chapter 8 Referenced Standards [AMENDED]

Subchapter 14 IMC® 2018

748:20-14-20 IMC® 2018 Chapter 15 Referenced Standards [AMENDED]

Subchapter 16 IPC® 2018

748:20-16-20 IPC® 2018 Chapter 15 Referenced Standards [AMENDED]

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. TODD BOOZE TO APOPT THE PROPOSED RULES AS AMENDED BY THE CHANGE PREVIOUSLY APPRVOED IN PUBLIC COMMENT FORM 2

VOTING AYE:	Todd Booze Daniel Favata Bradley Flatt Warren Goldman Paul Gunderson	Mitchell Hort Zachary Tippett Scott Tucker Cary Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen Dee Hays	Kyle Lombardo Donny Williamson
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ACTION AND DISCUSSION ITEMS:

Discussion and possible approval of the December 12, 2023, regular meeting minutes

Ms. Hehnlly noted she had a typo on the agenda and item "d" was listed twice. She added she had moved the remaining items down one letter in the commission books.

MR. SCOTT TUCKER MADE A MOTION WITH A SECOND BY MR. BRADLEY FLATT TO APPROVE THE DECEMBER 12, 2023, REGULAR MEETING MINUTES

VOTING AYE:	Todd Booze Daniel Favata Bradley Flatt Warren Goldman Paul Gunderson	Mitchell Hort Zachary Tippett Scott Tucker Cary Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen Dee Hays	Kyle Lombardo Donny Williamson
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Discussion and possible action to update the Commissioner assignments to standing Commission Committees

MR. DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. CARY WILLIAMSON TO APPROVE THE CHANGES TO THE COMMISSION COMMITTEES AS PROPOSED

VOTING AYE:	Todd Booze	Mitchell Hort
	Daniel Favata	Zachary Tippett
	Bradley Flatt	Scott Tucker
	Warren Goldman	Cary Williamson
	Paul Gunderson	

VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen	Kyle Lombardo
	Dee Hays	Donny Williamson

Discussion and possible action to start the review of the 2021 and 2024 Editions of the International Residential Code® (IRC®)

MR. TODD BOOZE MADE A MOTION WITH A SECOND BY MR. BRADLEY FLATT TO BEGIN THE REVIEW OF THE 2021 AND 2024 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE® (IRC®)

VOTING AYE:	Todd Booze	Mitchell Hort
	Daniel Favata	Zachary Tippett
	Bradley Flatt	Scott Tucker
	Warren Goldman	Cary Williamson
	Paul Gunderson	

VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen	Kyle Lombardo
	Dee Hays	Donny Williamson

Discussion and possible action to approve a slate of positions for technical review committees to review the 2021 and 2024 IRC®

Mr. Booze stated on the makeup for the Residential Building Technical Committee in the past it had always had an engineer and he recommended they add an engineer with an "S.E." (structural engineer) designation issued by the state, not just a professional engineer. He added another thing he noticed that was different was that in the past there were always two builders, one a large production builder and a small custom-type builder and he made a recommendation the second position be added to the list. He stated he wanted to bring up in the past the Residential Building Technical Committee had reviewed chapters 1 - 11 and he proposed that again. He added there was a fourth committee proposed just reviewing one chapter and if the Commission continued to do that, then the roofers could come in and demand their own committee and each

chapter could be spun off to individual committees. He stated there were plenty of opportunities for people to present their changes and for the public to be involved in the process.

Mr. Adcock and Mr. Booze discussed Chapter 11 and that it covered requirements for all three of the committees. Mr. Booze noted if he remembered correctly, those committees had looked at their applicable sections in Chapter 11. They discussed further how that would work and who those committees would need to make their recommendations to, the Commission or the Building committee. Mr. Booze agreed they would need to make their changes to the Commission as part of their committee presentations. Mr. Adcock noted he had recommended separating the committee out as all the different groups were affected by the Chapter. He added the committees were designed to be balanced with equal numbers of trades to inspectors on the committees. After their discussion Mr. Neal noted the agenda item was to discuss the slate of positions, not what each committee would be charged with reviewing and the public was not informed about which chapters/sections each committee would be charged with reviewing.

MR DANIEL FAVATA MADE A MOTION WITH A SECOND BY MR. PAUL GUNDERSON TO TABLE ITEM UNTIL THE NEXT MEETING

There was discussion regarding the ability to make changes to the proposed committees if the item was tabled. At the end of the discussion consensus was to have the motion on the floor withdrawn.

MR. DANIEL FAVATA WITH DREW HIS MOTION AND MR. GUNDERSON WITHDREW HIS SECOND TO THE MOTION

MR. TODD BOOZE MADE A MOTION WITH A SECOND BY MR. BRADLEY FLATT TO REJECT THE PROPOSED SLATES OF POSITIONS FOR TECHNICAL REVIEW COMMITTEES TO REVIEW THE 2021 AND 2024 IRC®

VOTING AYE:	Todd Booze	Mitchell Hort
	Daniel Favata	Zachary Tippet
	Bradley Flatt	Scott Tucker
	Warren Goldman	Cary Williamson
	Paul Gunderson	

VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen	Kyle Lombardo
	Dee Hays	Donny Williamson

NEW BUSINESS:

There was no new business.

PUBLIC COMMENTS:

Mr. Kelly Parker addressed the Commission. He thanked the members for volunteering and taking their time to be a part of the Commission. He noted he understood his proposal to adopt the energy code was rejected. He stated he wanted to comment on the proposed change to the committees to restrict the building technical review committee to limit the engineer to an S.E. designation only. He noted if the commission went with that suggestion, the Commission would shrink the approximate state licensed engineers from 9000 candidates down to about 900 engineers that would have the "S.E." designation in the State of Oklahoma. He noted of 900 engineers about 400 or so were from out of state and wouldn't be able to attend. He stated his issue was reducing and restricting the position limited who could be on the technical committee with that specific discipline. He stated he felt it was important that the makeup of the committees be balanced as that what allowed for both positive and negative comments to be discussed. There were no further public comments.

ADJOURNMENT: (2:37 P.M.)

MR. PAUL GUNDERSON MADE A MOTION WITH A SECOND BY MR. BRADLEY FLATT TO ADJOURN

VOTING AYE:	Todd Booze Daniel Favata Bradley Flatt Warren Goldman Paul Gunderson	Mitchell Hort Zachary Tippet Scott Tucker Cary Williamson
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VOTING NAY: None

ABSTAIN: None

ABSENT:	Wayne Allen Dee Hays	Kyle Lombardo Donny Williamson
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Minutes approved in the regular meeting on the 21st day of May, 2024.

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 signature in agency file.