

**Louisiana State Uniform Construction Code Council (LSUCCC)**  
**April 10, 2007**  
**10:00am**  
**220 West Willow Street, Building "C"**  
**Lafayette, Louisiana 70502**  
**Town Hall Auditorium**

**Meeting Minutes**

The Chair welcomed all present and **called the meeting to order at 10:23 am.**

The Pledge of Allegiance was recited.

The Chair requested a roll call of the members which reflected the following:

Members Present: Mr. Lavern Bourgeois; Mr. Chad Deshotel; Mr. Anthony Guthans; Mr. Steven Hackworth; Ms. Denise Jobe; Mr. Ray Kothe; Mr. Randy Lucky; Ms. Karen McKinney; Ms. Joan Mire; Mr. Randy Noel; Mr. Wayne Touchet.

Members Absent: Mr. Kevin Derbigny; Mr. Michael Landry; Mr. James Mayo; Mr. Scott Murphy; Mr. James A. Simmons; Mr. Leroy Sullivan; Mr. Todd Trosclair; Ms. Prisca Weems.

11 Members present and 8 members absent constitute a Quorum.

Mr. Landry and Ms. Weems provided cause to be excused prior to the meeting.

The chair addressed the LSUCCC and the audience relative to meeting protocol.

A **motion** was made by Mr. Touchet to adopt the minutes from the March 13, 2007 meeting and received a second from Mr. Deshotel. The chair requested a vote of the members present which reflected a vote of 11 yes and 0 no, and the **motion was adopted.**

The Chair opened the floor for discussion of the location for the May and June LSUCCC meeting locations. A **motion** was made by Mr. Deshotel to conduct the May 8, 2007 and June 12, 2007 LSUCCC meetings in Baton Rouge, Louisiana, at 10:00am at 7979 Independence Blvd., Suite 308, Louisiana State Department of Public Safety, Office of Management and Finance building, and received a second from Mr. Kothe. The chair requested a vote of the members present which reflected a vote of 11 yes and 0 no and the **motion was adopted.**

A **motion** was made by Ms. McKinney to adopt the LSUCCC Staff proposed Building Code Enforcement Officer (BCEO) and Third-Party Provider (TPP) registration certificate forms and received a second from Mr. Guthans. The chair requested a vote of the members present which reflected a vote of 11 yes and 0 no and the **motion was adopted.**

A **motion** was made by Mr. Lucky to adopt the structure and format for the LSUCCC website and to add the locality and affiliation of the LSUCCC members along with a link to the Department of Health and Hospitals (DHH) and received a second from Mr. Deshotel. The Chair requested a vote of the members present which reflected a vote of 11 yes and 0 no, and the **motion was adopted.**

A **motion** was made by Ms. McKinney to allow the Building Officials Association of Louisiana (BOAL) to provide an informational booth at future LSUCCC meetings and request of the Administrative Advisory Committee to formulate recommendations relative to guidelines for any subsequent request for booth displays and received a second from Ms. Jobe. The chair requested a vote of the members present which reflected a vote of 11 yes and 0 no and the **motion was adopted**.

The chair opened the floor for discussion of establishment of procedures for complaint resolution relative to complaint receipt, investigation of complaints, and the resolution for non-compliance of Act 12 by the Authority Having Jurisdiction (AHJ). The Council Administrator informed the LSUCCC that this issue is under review by the Code Enforcement Advisory Committee (CEACOMM) and will be addressed for recommendation to the LSUCCC by the CEACOMM. **No action required at this time.**

The Chair opened the floor for discussion of establishment of procedures for complaint resolution relative to complaint receipt, investigation of complaints, and the resolution of non-compliance of Act 12 by Building Code Enforcement Officers (BCEO's) and Third-Party Providers (TPP's). The Council Administrator informed the LSUCCC that this issue is under review by the CEACOMM and will be addressed for recommendation to the LSUCCC by the CEACOMM. **No action required at this time.**

The Chair opened the floor for discussion of the status of proposed rule 505 relative to the Office of State Fire Marshal (OSFM) involvement with plans examination for portions of the Louisiana State Uniform Construction Code (LSUCC). The Chair stated that the LSUCCC will move forward with promulgation of proposed rule 505. **No Action required at this time.**

The Chair opened the floor for discussion of the proposed By-Law revisions. The Council Administrator informed the LSUCCC about the problems associated with certain aspects of the current By-Laws relative to the 1) Timeline for approval of the agenda by the Chair prior to the public notice; 2) By-Law requirements for member absenteeism; and 3) By-Law introduction requirements. The Council Administrator suggested staff development of the proposed changes for distribution to the LSUCCC members for action at the May 8, 2007 meeting. **No action required at this time.**

A presentation was made to the LSUCCC by Mr. Jim Bell from ASSA ABLOY relative to products designed and labeled for the high wind regions of the country.

The Chair provided an up-date on the Grant and Aid to Local Governments Funding for State Code Enforcement.

The Chair opened the floor for discussion of an Aid to Local Government adjustment for the Rapides Area Planning Commission from \$828,349.00 to \$828,606.00 for cause as recommended by the Aid to Local Government and Grant Review Committee. A **motion** was made by Mr. Noel to approve the adjusted amount and to recommend adoption of the approval by the LSUCCC, and received a second from Ms. Jobe. The Chair requested a vote of the members present which reflected a vote of 11 yes and 0 no and the **motion was adopted**.

The Chair opened the floor for discussion of a revision to the application from St. Tammany Parish for Aid to Local Government as recommended by the Aid to Local Government and Grant Review Committee. A **motion** was made by Ms. McKinney to approve the revised application from St. Tammany Parish and to recommend adoption of the revised application by the LSUCCC, and received a second from Mr. Deshotel. The Chair requested a vote of the members present which reflected a vote of 10 yes and 0 no with recusal from Ms. Jobe, and the **motion was adopted**.

After completion of New Business on the agenda, the Chair opened the floor for discussion to open the meeting for Other New Business. A **motion** was made by Mr. Kothe to open the meeting for Other New Business, and received a second from Mr. Bourgeois. The Chair requested a vote of the members present which reflected a vote of 11 yes and 0 no, the **motion was adopted**, and the meeting was open for introduction of New Business.

A **motion** was made by Mr. Kothe to adopt the recommendation from the CEACOMM and to instruct the LSUCCC staff to register only one (1) Building Official from each jurisdiction, and received a second from Mr. Bourgeois. The Chair requested a vote of the members present which reflected a vote of 10 yes and 0 no, with Mr. Deshotel being out of the room at the time of the vote, and the **motion was adopted**.

A **motion** was made by Ms. Jobe to adopt the recommendation from the CEACOMM relative to revisions to promulgated rule 703 (C) (II) (1) (a-d) and 703 (C) (II) (2) (a-d) and received a second from Mr. Kothe. The Chair requested a vote of the members present which reflected a vote of 11 yes and 0 no, and the **motion was adopted**.

The Chair opened the floor for discussion of the Louisiana State Attorney General's (AG) Opinion relative to the ability of the LSUCCC to re-instate the Administrative Chapters into the LSUCC, and enforcement procedures allowing the affidavit process in lieu of requirements for plans examination and construction inspections. The LSUCCC Legal Counsel briefed the LSUCCC relative to the two (2) opinions. The LSUCCC Legal Counsel stated that the AG rendered an opinion relative to the question from the LSUCCC of 1) "Can the Louisiana State Uniform Construction Code Council amend the Uniform Construction Code by promulgating a rule adopting the International Residential Code's Administrative Chapter?" The AG opinion is as follows: "We are of the opinion the Council can amend the state's uniform construction code to include the International Residential Code's "Administrative" chapter so long as: (i) the Council does so in accordance with Administrative Procedure Act; (ii) the Senate and House committees on commerce are given notice of the Council's intent to make such an amendment; and (iii) those committees have supervision over any such modification under the Administrative Procedure Act." 2) "More specifically, you asked whether the proposed ordinance, which allows a homeowner to execute an affidavit attesting to the fact that the house was built in compliance with the Louisiana State Uniform Construction Code, subject to a penalty, is an acceptable "enforcement method?" The AG opinion is as follows: "It is our opinion that a municipal ordinance that allows the homeowner or building owner to certify that his or her structure is in compliance with the Uniform Construction Code would violate the Louisiana State Uniform Construction Code. Thus, the proposed ordinance should be rejected." **No action required at this time.**

The Chair opened the floor for discussion of proposed revisions to promulgated rule 905. After much discussion, a **motion** was made by Mr. Lucky to close the debate and call for the question, and received a second from Mr. Kothe. The Chair requested a vote of the members present which reflected a vote of 7 yes and 4 no with the no votes being cast by Mr. Bourgeois, Mr. Deshotel, Mr. Hackworth, and Ms. Jobe. **The motion failed due to a lack of 2/3's affirmative vote**, and the debate ensued.

A **motion** was made by Mr. Touchet to revise promulgated rule 905 as follows: In the first sentence after the word "organization" delete the words "for their specialty work only", and delete the second sentence in its entirety, and received a second from Ms. McKinney. The Chair requested a vote of the members present which reflected a vote of 10 yes and 1 no with the no vote being cast by Mr. Bourgeois and the **motion was adopted**.

The Chair reported to the LSUCCC and audience the progress of the Information Technology workshop to be conducted on April 25, 2007 and submitted the report to the LSUCCC for review and comment.

A **motion** was made by Mr. Noel to request of the LSUCCC staff to recommend to the Louisiana State Legislature to adopt the Electrical and Mechanical Chapters from the International Residential Code as part of the Louisiana State Uniform Construction Code, and received a second from Mr. Touchet. The Chair requested a vote from the members present which reflected a voter of 11 yes and 0 no, and the **motion was adopted**.

A **motion** was made by Mr. Deshotel to adjourn and received a second by Mr. Lucky and the meeting was adjourned at 12:42pm.

END OF MINUTES