

Louisiana State Uniform Construction Code Council (LSUCCC)
May 13, 2008
10:00AM
Office of Management and Finance
7979 Independence Blvd., Suite 308
Baton Rouge, Louisiana 70806-6409

Meeting Minutes

The Chair welcomed all present and **called the meeting to order at 10:05AM**

The Pledge of Allegiance was recited.

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

Members Present: Mr. Bourgeois; Mr. Deshotel; Mr. Fabra; Mr. Hackworth; Mr. Henderson; Ms. Jobe; Mr. Kothe; Mr. Lucky; Mr. Landry; Ms. McKinney; Ms. Mire; Mr. Randy Noel; Mr. Touchet; Mr. Trosclair; Ms. Weems.

Members Absent: Mr. Guthans; Mr. Mayo; Mr. Simmons; Mr. Sullivan.

Excused absence: Mr. Guthans.

15 members present and 4 members absent constitute a Quorum.

The Chair introduced Mr. Mike Edmonson, Colonel of State Police, and Ms. Jill Boudreaux, Undersecretary with the Department of Public Safety (DPS). The Col. provided information relative to the procedures in place at DPS as they relate to activities allowed by employees and boards and commissions operating under DPS. The Col. was very specific about the procedures relating to proposed legislation, and indicated that the role within DPS was to provide information only, and through his office. The Col. also talked about any other actions by the LSUCCC that required other state office responses such as Attorney General, and Ethics Board opinions. The Col. reminded the LSUCCC that all of those types of request from the LSUCCC are required to go through his office by chain of command. The Col. indicated that his office has investigated the concerns of the LSUCCC relative to the new financial disclosure requirements, and indicated that it was his opinion that these regulations were not applicable to the LSUCCC, but that he would provide further investigation, and consultation with the Governor via the Council Chair and Administrator.

A **motion** was made by Ms. McKinney to adopt the minutes, from the April 8, 2008 LSUCCC meeting and received a second from Mr. Trosclair. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted**.

A **motion** was made by Mr. Touchet to hold the June LSUCCC meeting in Baton Rouge with the July meeting to be conducted in Terrebonne Parish, and received a second from Mr. Fabra. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted**. The June meeting in Baton Rouge will be conducted at the regular location, and the meeting details for Terrebonne Parish will follow.

The chair opened the floor for Committee reports. Mr. Kothe, Chair of the Code Enforcement Advisory Committee, offered a verbal report of the status of the complaint investigation process by the Council Administrator. Mr. Kothe indicated that there was a resolution to the complaint investigations to date, and that this information will be presented to the full Council at the June meeting for ratification. Ms. Weems, Chair of the Administrative Advisory Committee, requested a verbal report from the Council Administrator relative to the request for additional grant funding for new code enforcement initiatives. The Council Administrator informed the members that he had requested proposed code enforcement projects from the members and received five (5). The proposed projects were 1) Development of a statewide soil map; 2) Development of a statewide E-permitting system; 3) Development of training programs to prepare all code officials for damage assessment after catastrophic events; 4) Additional funding incentives to code offices that demonstrate the continued code proficiency; 5) Development of professorships at the Louisiana colleges and universities for study of new materials and methods. Additionally, The Council Administrator included expanded training courses at the Louisiana Technical College for additional residential inspector classes to include a campus in north Louisiana as well as south Louisiana. The total requested grant funding was Sixteen and One Half Million Dollars (16,500,000.00). The Council Administrator informed the LSUCCC members that he has contacted the Governors Office of Homeland Security and Emergency Preparedness (GOHSEP) to discuss these proposed projects, and was informed that these projects do not comply with the standard hazard mitigation grant program (HMGP). Standard HMPG funding is required to indicate a Benefit to Cost Analysis (BCA) to equal or exceed one (1). GOHSEP officials indicated that these types of programs could qualify under the Five percent (5%) program, but that there are no funds available at this time. **No action required at this time.**

The chair provided a legislative update, and discussed the proposed legislation effecting code enforcement and others. **No action required at this time.**

The chair opened the floor for discussion of proposed revisions to the By-Laws. The Council Administrator informed the members that the revisions were necessary to correct contradictory language. With no further discussion a **motion** was made by Mr. Fabra to adopt the By-Law revisions, and received a second from Ms. Weems. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted.**

The chair opened the floor for discussion of LSUCCC support of the Community Building Code Administration Grant Program Act, and after much discussion, a **motion** was made by Mr. Kothe to instruct the Council Administrator to request authorization from DPS to grant authorization to the LSUCCC to provide a resolution in support of this federal legislation, and to request that authority by email correspondence, and received a second from Mr. Lucky. The chair requested a vote of the members present which reflected a vote of 14 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 Mr. Lucky to approve the GOHSEP grant reallocation requests from the Parish of Bossier and the City of Maurice to include office facility breakdowns from the jurisdictions that have contracted with Bossier Parish, and received a second from Mr. Touchet. The Chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted.**

A **motion** was made by Mr. Touchet to resend the motion on the table to oppose House Bill 41 by Rep. Geymann and request an expedited Attorney General opinion in the event that the Undersecretary reiterates the position of the Department, and received a second from Mr. Lucky. The Chair requested a vote of the members present which reflected a vote of 12 yes and 2 no with 1 abstention. The no votes being cast by Mr. Bourgeois and Mr. Fabra, and the abstention coming from Mr. Kothe, and the **motion was adopted**.

A **motion** was made by Mr. Kothe to promulgate an emergency and permanent rule after May 20, 2008 to adopt the Louisiana One-and-Two Family Supplement to the 2006 International Mechanical Code, and received a second from Mr. Fabra. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted**.

The Chair opened the floor for discussion of additional insurance requirements for third-party providers (TPP) by the City of Monroe. The specific issue was that the City of Monroe was imposing additional insurance requirements (not required by state law) on TPP's that require TPP's to procure professional insurance to show the City of Monroe as an additional insured. After much discussion it was determined that the LSUCCC has no authority relative to this specific issue, and a **motion** was made by Mr. Kothe to instruct the LSUCCC Legal Counsel to develop a document to be presented to the Mayor of the City of Monroe to indicate the statute and rule requirements as they relate to TPP involvement, and received a second from Mr. Henderson. The chair requested a vote of the members present which reflected a vote of 14 yes and 0 no, with Mr. Lucky being out of the room at the time of the vote, and the **motion was adopted**. (See draft letter date 5/29/08).

The chair opened the floor for discussion of the Residential Plans Examiner test now being offered by ICC. Mr. Mark Roberts with ICC provided the detailed information relative to the test and its availability, and informed the LSUCCC members that this test will be available beginning May 1, 2008 by computer. Mr. Roberts also indicated that this test, as developed, was developed for a national exposure, and was not developed specifically for the State of Louisiana, and therefore does not include the Louisiana State Plumbing Code (LSPC). This fact was problematic to some of the LSUCCC members. After much discussion a **motion** was made by Mr. Kothe to establish May 1, 2008 as the prescriptive date, by rule, for code officials to obtain the certification as a residential plans examiner, and grandfather existing commercial plans examiners until May 1, 2009 at which time all residential plans examiners will be required to be certified in this category, and received a second from Mr. Lucky. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted**.

The chair opened the floor for discussion of the requirements of Subsection R403.1 of the International Residential Code (IRC). This Subsection deals with foundation requirements for support of exterior walls for one and two family dwellings and townhouses. The Council Administrator informed the LSUCCC members of the issues at present relative to the requirement for an exterior stem wall. The Council Administrator informed the LSUCCC members of a conversation with ICC, by telephone, on June 15, 2007 in which he was informed, by ICC, that the stem wall was required by the code, and this information was in concurrence with Mr. Mark Roberts with ICC.

The Council Administrator also informed the LSUCCC members of conversations with TPP's that corroborated this requirement, as confirmed by ICC, and of other conversations with TPP's that did not. Based on this conflicting information, and after much discussion, a **motion** was made by Mr. Kothe to instruct the Council Administrator to request a formal ICC Committee interpretation, and refer this item to the Technical Codes Study and Advisory Committee for development of the questions and recommendation to the LSUCCC for ratification, and received a second from Mr. Lucky. The chair requested a vote of the members present which reflected a vote of 15 yes and 0 no, and the **motion was adopted**.

Ms. Karen McKinney left the meeting at 12:09PM.

The Chair opened the floor for discussion of approval of equivalencies by the local building official. At the previous meeting the LSUCCC members verbally informed the building officials that the LSUCCC has no objection to approval of equivalencies. The Council Administrator and Legal Counsel informed the LSUCCC members that this approval should be by rule although this type of rule needs to be scrutinized closely so as to not interfere with the constitutional issues relating to home rule charter government abilities to administer the codes. Due to the sensitivity of this issue a **motion** was made by the chair to send this item to the Code Enforcement Advisory Committee for further study, rule development and recommendation to the LSUCCC, and received a second from Mr. Touchet. The chair requested a vote of the members present which reflected a vote of 14 yes and 0 no, and the **motion was adopted**.

The Chair opened the floor for discussion of specific issues relating to exemptions for industrial facilities. Some questions have been raised relating to buildings that are associated with these exempted facilities such as administrative buildings where the general public might have access to these types of building in question are also exempted by the statute. The chair informed the LSUCCC members that he spoke with the author of this piece of the legislation, and informed the LSUCCC members that the intent of this exemption was limited to "inside the gates." A **motion** was made by the chair to identify the limits of exemptions for industrial facilities to any structure that is located inside the gates of the facility which is not accessible to the public, and any building not located inside the gates and not accessible to the public would be regulated by the Louisiana State Uniform Construction Code (LSUCC), and received a second from Mr. Trosclair. The Chair requested a vote of the members present which reflected a vote of 14 yes and 0 no, and the **motion was adopted**.

A **motion** was made by Mr. Deshotel to adjourn, and received a second from Mr. Lucky, and with **no action required the meeting was adjourned at 12:48PM**.

END OF MINUTES