

Louisiana State Uniform Construction Code Council (LSUCCC) Meeting
June 13, 2006
10:00 AM
Office of State Fire Marshal
Baton Rouge, Louisiana 70806

MEETING MINUTES

Mr. Randy Noel opened the meeting by welcoming all present and calling the meeting to order at 10:00am.

The pledge of allegiance has recited

Mr. Noel requested a roll call of the members which reflected the following results:

Members present: Mr. Lavern Bourgeois, Mr. Chad Deshotel, Mr. Tony Guthans, Mr. Steven Hackworth, Ms. Denise Jobe, Mr. Ray Kothe, Mr. Randy Lucky, Ms. Karen McKinney, Ms. Joan Mire, Mr. Wayne Touchet, Ms. Prisca Weems

Members present: Mr. Donald Denise, Mr. Kevin Derbigny, Mr. James Mayo, Mr. James Simmons, Mr. Leroy Sullivan, and Mr. Todd Trosclair

12 members present and 6 members absent constitutes a quorum.

LSUCCC member Mr. Todd Trosclair arrived at 10:25 am

A **motion** by Mr. Wayne Touchet to adopt the minutes from 5/23/06 **received a second** from Mr. Chad Deshotel and with no further discussion the **motion was adopted**.

A **motion** was made by Mr. Ray Kothe to adopt the by-law revisions and **received a second** from Ms. Prisca Weems and the floor was opened for floor discussion by Mr. Noel. Mr. Bourgeois referenced Page 3 Number 2 to allow one public speaker to give parts of their time to another speaker. Mr. Noel asked if the question was to shorten or lengthen the time to speak, and asked if the council should vote to alter the time or give the chair the discretion to decide. Ms. McKinney suggested for speakers with presentations, a longer time period could be allowed, if pre-arranged. Five (5) minute limit otherwise. The pre-arrangement would be prior to the meeting so as to be placed on the agenda for the meeting. Mr. Kothe talked about procedure at code hearings for public speaking and suggested that this should be at the discretion of the chair. Mr. Noel suggested removing the substitute motion to amend the by-laws by Ms. McKinney and second by Mr. Bourgeois and develop language to be placed on the agenda for the next meeting, by the by-laws committee.

Mr. Hackworth offered a friendly amendment to add the words “or lengthen” after the word “shorten” in article II “conduct of meetings”, section number 2, third line. A vote of the members present reflected 12 yes and 0 no and the **motion was adopted**.

Mr. Noel opened the floor for discussion for adoption of LSUCCC notification letter to all municipalities. Mr. McCarty requested a clarification of item number 4 on page 2. Mr. Noel stated that the Office of State Fire Marshal (OSFM) shall enforce, if requested, for the emergency provision period, and may enforce, if requested, there after. The LSUCCC authorized Mr. Noel to sign the letter and Mr. McCarty would be the contact person. Ms. McKinney suggested revising the letter to indicate that the letter should inform all interested persons to contact the LSUCCC members directly. Mr. Kothe suggested placing the names and telephone numbers of the members on the letter. Mr. Fry suggested giving the letter to Louisiana Municipal Association (LMA) and the **Police Jury Association (PJA)**. Mr. Lucky stated this could be accomplished. Mr. Frank Morris from Tri-State consultants, from the audience, suggested a personal contact. Mr. Lucky suggested sending an invitation to the LMA and PJA. Mr. Noel suggested sending the letter to Building Officials Association of Louisiana (BOAL) and the Louisiana Home Builders Association (**LHBA**). A **motion** by Mr. Noel to distribute the notification letter, as revised, **received a second** from Mr. Bourgeois. A vote by the members present reflected 13 yes and 0 no and the **motion was adopted**.

Mr. Noel requested a response relative to the request for legal opinion for proposed changes to the codes used during the emergency provision period. Mr. McCarty stated the legal opinion was that the LSUCCC could not alter the emergency provisions, but could propose amendments to the required codes.

Mr. Noel presented the floor to Mr. Jeff Burton, from the audience, from Institute for Business and Home Safety (IBHS) for his presentation. Mr. Burton talked about training options and suggested minimum required training for Building Code Enforcement Officers (BCEO) to register with the LSUCCC. Mr. Burton introduced **Building Media** as a recommended resource for training options and suggested that some training could be provided via the internet and the LSUCCC might be able to generate funding should the training be structured in a fashion to allow the LSUCCC to receive funds. Mr. Burton talked about the various features to be provided that would diversify the training process. Mr. Noel asked if the training could be specialized for the needs of the LSUCCC and Mr. Burton stated that this could be done. Mr. Hackworth questioned the procedure for contracting for business with the LSUCCC. Mr. McCarty suggested this contract should be done through the “request for proposal” (RFP) process, by the state. Mr. Bourgeois suggested consideration of the extra time and cost to the Authority Having Jurisdiction (**AHJ**) to require training in addition to that required by the International Code Council (ICC) to maintain certification. Mr. Kothe suggested prudence with accepting donations from sponsors that would subsidize the training cost.

Mr. Morris from Tri-State Consultants, from the audience, expressed concern relative to going overboard with training, as is done in Florida, and informed the LSUCCC that he could also provide these services.

Mr. Noel offered the floor to Mr. Trosclair for the presentation by the Associated Builders and Contractors (ABC). Mr. Trosclair indicated that ABC could not make the meeting, but would be interested in talking with the LSUCCC to assist with training development and that the ABC had not such training at this time.

Mr. Noel opened the floor to Ms. Prisca Weems who represents the ACT 12 Notification and Assistance Committee. She indicated they are working on implementing and setting up the systems and best practice for computer and other streamlining systems and the recommendations will be presented to the council when completed. The third will provide a package used as handouts. The last would be strategies for expediting permitting during unforeseen conditions. Mr. Bourgeois asked if this work would be performed in-house by the committee or contracted out. Ms. Weems stated it would depend on the difficulty involved and that was not determined at this time. Mr. Kothe suggested input from certain state agencies for help with the effort. Mr. Mike Wood, President of the Building Officials Association of Louisiana (BOAL), from the audience, asked if this recommendation was intended to be centralized. Ms. Weems stated that **direction** had not been determined to date, but would follow the committee recommendation. Mr. Burton, from the audience suggested data collection from any future catastrophic events to gage the progress of the code adoption.

Mr. Noel moved at this time to new business

First topic under new business was LSUCCC Executive Director employment status. Mr. Fry, Acting State Fire Marshal, from the audience, indicated receipt of four (4) résumés and forwarding of the resumes to the LSUCCC for recommendation to the Superintendent of State Police for DPS. Mr. Fry returned the floor to Mr. Noel for the recommendation announcement. Mr. Noel indicated that Mr. Curt McCarty was recommended by the LSUCCC to the appointment of Executive Director of the LSUCCC.

Mr. Noel opened the floor for discussion of adoption of a Construction Code Administration Chapter. Mr. Noel explained the recent developments in the Louisiana Legislative involving deletion of the Administration Chapter from the International Building Code (IBC) and the original deletion from the International Residential Code (IRC) by Act 12. Mr. Noel explained that prior to Act 12 most AHJ's have their specific amendments to Chapter 1 of the codes. Mr. Kothe stressed the importance of adopting Chapter 1 unamended for specific reasons such as regulating townhouses in the IRC, and recommended proceeding carefully with amending Chapter 1.

Mr. Lavern Bourgeois expressed concern with the LSUCCC amending Chapter 1 of any of the "I" Codes. Mr. Morris, from the audience, stated his agreement with the comments of Mr. Kothe and Mr. Bourgeois. Mr. Bourgeois stated his agreement with the comment of Mr. Morris. Mr. Chad Deshotel asked if the decision of the council would be final. Mr. Noel stated that there is a public comment period for all LSUCCC code adoptions or amendments. Mr. John Haluska from Horbord, from the audience, recommended **peer** review by the International Code Council (ICC), American Forest and Paper Association (AF&PA), and IBHS prior to adoption. Mr. Morris, from the audience, stated his agreement with Mr. Haluska. Mr. Bourgeois suggested that the Executive Director provide recommended modifications to Chapter 1 to the LSUCCC. Mr. Bourgeois recommended reinstallation of Chapter 1 by law.

Mr. Noel opened the floor for discussion of BCEO Committee report. Mr. Bourgeois stated the committee has discussed certification of BCEO for return to the Legislature for changes to Act 12. Mr. Noel introduced Mr. George Traylor building off Denham Springs, LA, from the audience, and he expressed concern with lack of understand for what certification process will be applied to individuals like himself. Mr. Noel explained the intent of Act 12 for provisional time period for certification and employment of Building Officials. Mr. Bourgeois stated he thinks a Certified Building Official (CBO) can do all plan reviews and inspections. Mr. Bourgeois requested a clarification for provisional period for new hires. Mr. McCarty quoted from Act 12 on Page 13 Line 25 and he indicated a new hire was under the same provisional requirements as existing employees as stipulated in Act 12 and the LSUCCC by consensus was in agreement.

Mr. Noel presented the floor to Mr. Frank Morris from Tri-State Consultants from the audience for his presentation and recommendation for certification of BCEO. Mr. Morris express his main concern to be certification, and he requested that the LSUCCC make a decision today. Mr. Morris recommended that BCEO be certified, by ICC, for the code craft that they practice, including the Residential Energy Code. Mr. Morris recommended requiring Third-Party Providers (TPP) be held to the same standard as municipal employees. Mr. Morris recommended the Coastal Construction Inspector for enforcement of high wind and flood provisions. Mr. Noel requested of Mr. Morris to itemize his recommendation to an importance level. Mr. Morris stated 1) What certification process to be used, 2) Implement what certification classification will be required for discipline. A **motion** was made by Mr. Kothe to use the ICC Certification process, including the plans examiner process for all BCEO. The motion **received a second** from Mr. Bourgeois. Mr. Noel opened the floor for discussion. Mr. Chad Deshotel questioned what cost was involved to obtain these certifications. Ms. Jobe indicated there was a cost associated with the process, and it varies for different certifications and training. Mr. Kothe stated his motion would include TPP. Mr. Noel requested Mr. Kothe repeat the motion for all to understand.

Mr. Kothe did so and it did no change from the previous statement; the effective date would be January 1, 2007, and would be under the same provisions as BCEO. Mr. Lucky called for the question and Mr. Noel requested objection to call for the question. With no objection to the call for the question, Mr. Noel requested repeat of the motion by Mr. McCarty. Mr. McCarty repeated the motion as stated above by Mr. Kothe. Mr. Noel requested a vote on the motion. Mr. McCarty conducted a voice vote by the members present which reflected the following results. 9 yes and 4 no with the no vote coming from Ms. McKinney, Mr. Noel, Mr. Touchey, and Mr. Trosclair, which constitutes a $\frac{2}{3}$ vote in favor of the motion and the **motion was adopted**.

Mr. Noel offered floor discussion of Adoption of the 2006 Codes. Mr. McCarty recommended that the LSUCCC be cautious with this adoption. Mr. McCarty recommended review of changes from 03 to 06 codes as published by ICC prior to adoption of the 2006 "I" Codes. Mr. McCarty will request that this information be provided by ICC. Mr. Bourgeois informed the LSUCCC of the statute requirements for adoption of the latest edition of the codes as referenced by the statute. Mr. Morris, from the audience, questioned whether the LSUCCC can adopt code amendments that are less stringent. Mr. McCarty stated the importance of adoption of 2006 codes. Mr. Kothe stated that the LSUCCC must adopt the 2006 Edition. A **motion** was made by Mr. Bourgeois to adopt the 2006 "I" codes and **received a second** from Mr. Touchet. Mr. Noel opened the floor for discussion Mr. Chad Deshotel asked what the effective date would be. Mr. Noel stated the effective date would be January 1, 2007. Ms. Jobe cautioned the LSUCCC about adopting less stringent code amendments. Mr. Morris, from the audience, reminded the LSUCCC about the National Electrical Code. Mr. Noel stated that he would prefer to wait to review the change analysis, and **Mr. Touchet withdrew his second** to the motion at this time. **The motion failed for a lack of a second.**

Mr. Noel opened the floor for discussion of partnering with LSU for development of Code Training Programs for BCEO. Mr. McCarty announced a meeting scheduled with LSU for this purpose and invited LSUCCC members to attend, and stated he would provide a report to the LSUCCC at the next meeting. Ms. McKinney suggested pursuing this idea with other State Universities. Mr. Morris, from the audience, requested that the LSUCCC consider Tri-State Consultants for this endeavor. **No action required.**

Mr. Noel opened the floor for a vote to discuss any other new business. A **motion** was made by Mr. Randy Lucky to open the meeting for other new business and **received a second** from Ms. Denise Jobe. A vote by the members reflected 13 yes and 0 no and the **motion was adopted**. The meeting was open for introduction of other new business.

Mr. Lucky talked about development of a website. A **motion** was made by Mr. Lucky to investigate funding sources for development of a website and **received a second** from Mr. Kothe. Mr. Kothe suggested allowing website links for training providers. Mr. Noel called for a vote. A vote of the members present reflected 13 yes and 0 no and the **motion was adopted.**

Mr. Deshotel offered discussion from the floor for discussion of “Recreational Facilities”, and suggested establishing definitions for those facilities. Ms. Mire stated the insurance industry viewed these facilities based on occupancy length and offered this as a solution. Ms. McKinney also stated “Farm Structures” would need to be related to a farming operation as the principal business. Mr. Noel offered conveyance recording requirements establishing the difference between a “Recreational Facility” and a “Primary Residence”. Mr. Burton suggested participation from the Property Assessment Association. Mr. Touchet suggested allowing the AHJ to make that determination. Mr. Noel suggested inviting someone from the Property Assessment Association to speak at the next meeting. Mr. Kothe suggested further study and input from the State Health Manage. Mr. Noel suggested for Mr. Deshotel to work with McCarty for development of a process. Ms. Jobe suggested that the statute suggest discretion by the AHJ by use of word “may” in the statute. This will require a legal opinion for clarification of intent. **No action required** at this time.

Mr. Trosclair suggested investigating development of a newsletter. Mr. McCarty questioned funding sources.

Mr. Fry, from the audience, introduced Mr. Kevin Belanger, Director of the South Central Planning & Development Commission who share his development of a Regional Code Authority and invited all interested parties to attend an initial presentation on June 22, 2006. He provided times and location for the presentation. **No action required.**

Mr. Noel distributed the IBHS Guidelines to the members present for reference purposes.

A **motion** to adjourn was made by Mr. Deshotel and **received a second** from Mr. Lucky and with no further discussion and no action required the **meeting was adjourned at 12:53p.m.**