

Louisiana State Uniform Construction Code Council (LSUCCC) Meeting

May 23, 2006

10:00 AM

Office of State Fire Marshal
Baton Rouge, Louisiana 70806

MEETING MINUTES

Ms. Denise Jobe opened the meeting by welcoming all present and calling the meeting to order.

The pledge of allegiance was recited

Ms. Jobe requested a roll call. Mr. McCarty conducted a roll call of the members which reflected the following results:

Members Present: Mr. Lavern Bourgeois, Mr. Chad Deshotel, Mr. Tony Guthans, Mr. Steve Hackworth, Ms. Denise Jobe, Mr. Ray Kothe, Mr. Randy Lucky; Ms. Karen McKinney, Ms. Joan Mire, Mr. Randy Noel, Mr. Wayne Touchet, Mr. Todd Trosclair, Ms. Prisca Weems

Members Absent: Mr. Donald Denese, Mr. Kevin Derbigny, Mr. James Mayo, Mr. James Simmons, Mr. Leroy Sullivan

13 Members present and 5 members absent constitute a quorum

A motion by Mr. Lucky to adopt the minutes from 5/2/06 received a second from Mr. Kothe and with no further discussion the motion was adopted.

Mr. McCarty introduced the agenda and talked about the donation of 2006 "I" code by ICC. He then talked about the donation of the Wood Frame Construction Manual (WFCM) and commentary by the American Forest and Paper Association and thanked both organizations for their generosity. No action required.

Mr. Randy Noel arrived at this time.

Mr. Kothe talked about the WFCM being separated into wind speed sections.

Mr. Noel introduced discussion of the LSUCCC executive director job specifications. Mr. Noel recommended appointment ASAP. He recommended interviews by himself, Ms. Jobe, and Henry Fry. He recommended appointment prior to June 13, 2006.

A **motion** by Mr. Bourgeois to approve the job specifications for the Executive Director of the LSUCCC, and received a second from Mr. Chad Deshotel. A vote by the members reflected 13 yeas and 0 nays and the **motion was adopted**.

A **motion** by Mr. Touchet to request that the interim chair, interim vice-chair and Mr. Henry Fry conduct interviews with LSUCCC Executive Director Applicants for LSUCCC recommendation. The motion received a second from Mr. Lucky. Mr. Kothe inquired about advertisement requirements and was informed by Mr. Fry that due to the appointment process there are no advertisement requirements. Mr. Lucky inquired about the salary parameters.

Mr. Fry provided a proposed budget for staff positions that reflected a salary of \$70,000. After clarification of the motion a vote reflected 13 yeas and 0 nays and the **motion was adopted**.

Mr. Noel requested reports of the standing committees.

Mr. McCarty introduced the draft by-laws to the members and requested a critique from the by-law and administrative rule development committee. Mr. McCarty further indicated he would attempt to complete the draft for the next meeting June 13, 2006.

Mr. Noel requested a report from the BCEO certification committee. Mr. Bourgeois was requested by the committee to present the report. Mr. Lucky suggested that the report was just a proposal. Mr. Bourgeois requested that all members review the proposal.

Upon the effective date the BCEO would be given a “grandfather” allowance without any certification to continue to work in their trade or capacity or field of experience with 5 years minimum experience with letter from the Authority Having Jurisdiction (AHJ). Any future conduct outside of the original registration would require certification, including relocation to another jurisdiction in the same capacity. Mr. Bourgeois stated it was the recommendation from the committee that architects and engineers doing TPP plan review have 2 years experience. New hires will be given 1 year from date of employment to become certified. Recommended ICC plan review and inspection certification for TPP with a minimum of 4 hours of CEU’s per year. Mr. Bourgeois reiterated that the report is simply a proposal and can’t be implemented at this time due to current law. The committee recommended amending Act 12 during the next available legislative session.

A **motion** by Mr. Bourgeois to develop and propose recommended legislation to amend Act 12 relative to certification requirements for BCEO. The motion received a second from Mr. Kothe, with Mr. Kothe stating he would recommend all individuals that are not required to be certified must have additional CEU’s as established by the council for minimum requirements. Mr. Kothe suggested architects and engineers need CEU’s in codes as a minimum. Ms. McKinney stated architects and engineers are required to have CEU’s now to continue practice. Mr. Lucky reiterated the committee recommendation with floor discussion. Mr. Noel recommend going to the regular session of 2007. Ms. Weems recommended that architects and engineers would need ICC training and certification for plan review and inspection. Mr. Noel suggested that the committee formulate a comprehensive recommendation. Mr. Noel talked about proposed legislation for limits of liability for TPP contacted with this AHJ. Mr. Deshotel stated that jurisdictions without code enforcement would need to have certified BCEO. Mr. Bourgeois referenced the existing 3 year and 6 month provisional period within Act 12. Mr. Touchet asked why existing BCEO could not be grandfathered. Mr. Noel reminded the council of the provisional requirements of Act 12, and expiration of allowance for licensed contractor participation after December 31, 2006. Mr. Noel called for a vote and the result was 13 yeas and 0 nays and the **motion was adopted**.

Mr. Noel asked for discussion from the Wind Speed Advisory Committee. Mr. Bourgeois introduced the new wind speed requirements for the 2006 IRC. Mr. Noel talked about his “cookbook” method for wind speed compliance, as discussed with Mr. Tim Rienholt with IBHS, and that Mr. Rienholt had reviewed damage, tested, and engineered homes for IBHS’s SSTD-10. Ms. Mire asked if the “cookbook” method would be utilized only for the emergency period or for the duration of the Act? Mr. Noel stated that this is proposed only for a temporary period to stimulate the housing economy and would not extend beyond the emergency period. Mr. Jeff Burton with IBHS volunteered to provide a checklist for building officials and contractors to help aid in the consistency for the construction process. Ms. Weems asked if any thought had been given to visual or graphic development of the “cookbook” methodology for better communication. Mr. Noel suggested that graphics could be considered. Mr. Kothe expressed concern with over design for simplification purposes. Ms. Jobe expressed concern relative to use of the “cookbook” method. Additional floor discussion from Mr. Touchet, Ms. Jobe, Mr. Deshotel, Mr. Noel relative to pros and cons of the “cookbook” method. Mr. Kothe suggested additional refinement of the document. Ms. McKinney reminded the members of the existing code requirements and suggested additional training could be provided, for BCEO, contractors and carpenters. Mr. Noel stated that training has occurred but all folks are not up to speed. Mr. Kothe suggested that the training programs presented to date are not effective at this time at the grass roots level.

A **motion** by Ms. Mire to recess for lunch and return at 1:00pm. **No action required.**

Mr. Noel discussed providing the “cookbook” to IBHS for peer review and talked about the similarities of SSTD 10 and the WFCM. A **motion** by Mr. Touchet to forward the outline developed by Mr. Noel to IBHS for peer review and recommendation to the council for ratification. The motion received a second from Mr. Chad Deshotel. Mr. Lucky questioned if this action would lower the required standards. Mr. Noel did not respond specifically but suggested that the guideline was more stringent. Mr. Noel stated is attempting to make modifications to what is already approved to simplify the process. Mr. Kothe clarified that the guidelines would only be used during the emergency provisions. Mr. Guthans inquired as to how the guidelines were developed. Mr.Noel responded that the guidelines were developed from inspection of building failures after hurricane Katrina. Ms. Weems expressed concerns and recommended a comprehensive guideline. Mr. Kothe recommended additional documentation to indicate the method of development and the applicability of the document. Ms. Jobe requested a legal opinion to determine if the council can adopt the guidelines for application during the emergency provisions and she requested the opinion be rendered now. A vote on the motion reflected 9 yeas & 4 nays with the nay vote from Mr. Lavern Bourgeois, Ms. Denise Jobe, Mr. Randy Lucky, and Ms. Karen McKinney. With a 2/3 margin for approval the **motion was adopted.**

A **motion** by Mr. Kothe to request a legal opinion to be provided to determine the legality of ratification of the guidelines prior to the next meeting. The motion received a second from Mr. Lucky and a vote reflected 13 yeas and 0 nays and the **motion was adopted.**

Mr. Noel talked about the code interpretations issues. Mr. Lucky supported use of the comment form at the meetings for public comment. Mr. Noel suggested receipt of comment at the current meeting and resolution of the issue either prior to or at the next meeting. Ms. Jobe asked if this was done at the local level and Mr. Noel stated that she is correct, but in the event of a dispute the council would be the last approach with exception to litigation. Mr. Roberts (ICC) from the audience questioned the intent of Act 12 relative to code interpretations and appeals. Mr. Noel responded no, that the Council shall review, modify, and promulgate the building codes. Mr. Burton (IBHS) from the audience, suggested to the council that code text interpretations should come from ICC not the council and the council should only hear amendments to the technical body of the code (with exception to the Plumbing Code). Mr. Noel stated no code interpretation with exception to the amendments ratified by the council. Mr. Larry Manuel (Lafayette) from the audience suggested involvement by the council due to consumer complaints relative to building official interpretations. Mr. Noel suggested this could be regulated by the BCEO registration and certification process. The consensus of the council was to not involve the council with appeals or interpretations other than those required for code amendments and this should be included in the **by-laws**. No action required.

Mr. Noel recommended placing Act 12 interpretations within the council **by-laws**. Mr. Noel talked about examples of areas of Act 12 that are being misinterpreted and that the council needs to get involved with clarifications to the act.

Mr. Noel questioned how the council will handle BCEO certification issues and third-party providers. Mr. Noel suggested that the BCEO committee develop a process to address these issues. Mr. Noel asked if external help could be utilized to assist the committee for peer review of the registration and certification process? Mr. Kothe suggested development of subcommittees to address these issues and formulate **by-laws** to that end.

Mr. Noel talked about builder and third-party concerns and suggested that could be regulated at the local level. Mr. Kothe added that the licensing board would handle builders. Mr. Noel suggested to let the authority having jurisdiction (AHJ) handle the builder issues. Mr. Noel suggested that the BCEO could be handled by the council and this should be incorporated into the **by-laws**. No action taken.

Mr. Noel introduced discussion on code change request. He suggested that the council could propose a change request to ICC. Ms. Jobe stated that if a local AHJ had an amendment that the council would need to approve the amendment. The amendment process should be developed and incorporated into the **by-laws** with some form of public comment.

A **motion** by Mr. Touchet to not incorporate product approvals within the **by-laws** and refer those requests to ICC. The motion received a second from Ms. McKinney with no further discussion Mr. Noel called for a vote which reflected 12 yeas and 1 nay from Ms. Mire and the **motion was adopted**.

Mr. Noel introduced floor discussion relative to proposed legislation to amend Act 12.

Mr. Noel asked for a vote to open the floor for new agenda items. A **motion** by Mr. Lucky to open floor for introduction of new agenda items received a second from Mr. Bourgeois. A vote reflected 13 yeas and 0 nays and the **motion was adopted**. The floor was open for new agenda items.

Mr. Lucky asked if the Executive Director salary was established. Mr. Noel stated that it was \$70,000. Mr. Kothe asked where the staff would be housed? They will be located at the Office of State Fire Marshal (OSFM) for now.

Mr. Lucky suggested using alternating sites for future meetings. Mr. Lucky volunteered to assist with alternate site location scheduling. Mr. McCarty reminded the members of the draft by-laws do allow alternate sites.

Mr. Deshotel asked if LSU has or offers any training for BCEO. Mr. McCarty informed the council that LSU does not offer code courses in the construction management dept. Mr. Noel requested an item be placed on the June 13, 2006 meeting to have IBHS provide introduction of a potential training source. Mr. Todd Trosclair offered to introduce a potential trainer from Associated Builders and Contractors (ABC).

Mr. Kothe discussed the issue of complacency with the affected parishes and local governments with development of enforcement procedures to date and expressed concerns with non compliance beginning January 1, 2007. Mr. Noel suggested the LSUCCC development of a letter to notify all local and parish governments about the requirements of Act 12. A **motion** was made by Mr. Kothe to develop and distribute said letter and receive a second from Mr. Lucky. A friendly amendment was proposed by Ms. Weems for form an **Act 12 Notification and Assistance Committee** to develop a strategy for development of the notification document. Mr. Noel suggested developing an intergovernmental agreement to assist local and parish jurisdictions expedite the process. Mr. Noel instructed the committee to follow-up with Mr. Henry Fry and IBHS for assistance with development of the intergovernmental agreement for the next meeting including the funding sources. Mr. Bourgeois talked about certification of Plumbing Inspectors and it was determined that Plumbing Inspectors will be required to be certified to provide plumbing code enforcement. With no further discussion a vote reflected 13 yeas and 0 nays and the **motion was adopted** with Ms. Weems, Mr. Ray Kothe, Ms. Karen McKinney and Mr. Henry Fry (ex-officio) as volunteer members.

Mr. Deshotel talked about what constitutes exempted structures. Mr. McCarty suggested that the council establish the parameters for allowances for exempted structures.

Mr. Bourgeois expressed concerns relative to the lack of appointment of the 19th member.

A **motion** was made by Mr. Todd Trosclair to adjourn and received a second from Mr. Lucky; with no action required the **meeting was adjourned at 2:12pm**.