

**Louisiana State Uniform Construction Code Council (LSUCCC) Meeting**

**May 2, 2006**

**10:00am**

**Office of State Fire Marshal  
Baton Rouge, Louisiana 70806**

**MEETING MINUTES**

Mr. Henry Fry opened the meeting by welcoming all present and calling the meeting to order.

The Pledge of Allegiance was recited.

Mr. Fry asked the LSUCCC (council) members to introduce themselves, and tell a little about themselves relative to background and experience levels. All the members present provided the requested introduction.

Mr. Fry requested a roll call. Mr. Curt McCarty conducted a roll call of the members present which reflected the following results:

Members present: Mr. Lavern Bourgeois, Mr. Kevin Derbigny, Mr. Jeremy 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. James Simmons, Mr. Wayne Touchet, and Mr. Todd Trosclair. This constituted a quorum. Mr. James Mayo and Ms. Prisca Weems arrived shortly after the start of the meeting.

Members Absent: Mr. Donald Denese, and Mr. Leroy Sullivan.

Mr. Fry introduced himself, Mr. Steve Hymel, and Mr. Curt McCarty, he then talked about the initial scheduling of this first meeting, the Office of State Fire Marshal's (OSFM) involvement to date, requirements for election of the Chairperson, and requested Mr. McCarty to provide a brief introduction and overview of Act 12 of the First Extraordinary Session of 2005 by the Louisiana Legislature (Act 12).

Mr. McCarty talked about Act 12 creating the council along with the construction codes that are referenced in the statute. He discussed the authority of the council to promulgate future construction code adoption within the state, which was previously performed by the OSFM. He discussed the requirements for certification of all state Building Code Enforcement Officers (BCEO), specific duties and requirements imposed on the council, and the approved and proposed legislation to amend Act 12. He offered copies of that specific legislation upon request, and reminded the members about the summary of the terms and duties for the council.

Mr. Steve Hymel, Undersecretary for the Department of Public Safety (DPS), Public Safety Services, explained the appointment process for the council, and indicated that there was one additional outstanding appointment from the Governor. Mr. Hymel began discussion on the Management and Finance requirements of DPS and explained that DPS is the "umbrella agency" for the council. The council was not created as an independent state agency, but rather as an arm of DPS. He talked about the other existing boards and commissions under DPS, and some of their functions as they relate to DPS. He explained how OSFM is an agency of DPS. He reiterated that OSFM was responsible for compliance during the emergency provision period, and has responded to questions and information requested to date. He discussed the Louisiana Recovery Authority (LRA) plan to rebuild Louisiana, with one issue being the cost to rebuild to the new standards. He introduced discussion relative to DPS employment and supervision of personnel necessary for administration of Act 12.

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Mr. Hymel explained that the council will not receive any per diem or other compensation for their services, and thanked them for their dedication. He talked about the requirement for DPS to develop an operating budget for the council for cost incurred between now and June 1, 2006 (end of the State fiscal year) for staffing and other professional services needed. He indicated that by a supplemental bill, \$360,000,000.00 was the State budget for the next fiscal year. He informed the council about the 12 governmental agencies that report to the Governor, with each agency having a Secretary and Undersecretary (of which he is one). He announced Col. Whitehorn as the head of DPS. He talked about his specific duties that included, but were not limited to, Human Resources, Accounting, Capital Outlay, and all other management and finance issues. Mr. Hymel indicated that DPS had requested an initial operating budget of \$300,000.00 to include staffing requirements beginning July 1, 2006 for fiscal year 2006-2007, and this budget was approved by the Appropriations Committee, and should be approved by the floor within the next few weeks. He stated that using other agencies under DPS with commissions or councils determined the starting point for recommendation of three (3) staff positions. First, an Executive Director (unclassified position) and not part of civil service, to attract a well qualified individual, second, a high level clerical (Executive Services Assistant) position, and third, a Technical Director (architect or engineer) to provide the needed technical advise for the Executive Director and council. He stressed the importance of communication and interaction skills between the council and their Executive Director. He indicated that the staff will be appointed by Col. Whitehorn, not the council, but welcomed council participation in the process. He discussed the promulgating authority for the council being similar to other boards and councils under DPS. He indicated that DPS will support the council in that effort along with attorneys. At this time Mr. Lavern Bourgeois requested presence by the staff attorney at all council meetings, and was informed that this would not be possible, but legal counsel would be provided on an as needed basis. Mr. Bourgeois again stressed the importance for the presence of legal council at all meetings. This concludes Mr. Hymel's presentation.

Mr. Curt McCarty talked about the requirement for development of council rules in compliance with the Administrative Procedures Act (APA) and Roberts Rules of Order (RROO), and offered access to the act to all members.

Mr. Fry opened the floor for discussion regarding the election of a chairperson, and he introduced recommendations, by Mr. Wayne Touchet, for choosing an Interim Chair and Vice-Chair for a temporary period until the members were comfortable with election of a permanent Chair and Vice-Chair. A question was asked if anyone was interested in serving as Chair, and Mr. Randy Noel announced his desire to serve. Mr. Noel provided information relative to his involvement with the development of Act 12.

**A motion** was made by Mr. Wayne Touchet to nominate Mr. Randy Noel as Interim Chair, Mr. James Simmons seconded that motion, with no other nominations from the floor, by a vote of 16 yeas and 0 nays Mr. Randy Noel was elected Interim Chair of the council.

The floor was presented to the Interim Chair by Mr. Fry.

Mr. Noel made an introductory statement about the status of implementation of the emergency provisions and the difficulties involved. He talked about Parishes without code enforcement, intergovernmental agreements and difficulties associated with reluctance to provide help from code

officials that had codes in place. He discussed the lack of certified code officials within the state of Louisiana, registry of qualified third-party providers and the requirements for that process.

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Mr. Noel requested that Mr. Lavern Bourgeois and Ms. Denise Jobe begin working on guidelines for implementing the certification process for BCEO's. He mentioned the provisional period for BCEO's, and suggested that the effective date for commencement of the provisional period be January 1, 2007. Mr. Lavern Bourgeois suggested consideration of existing BCEO's to be allowed a "grandfather clause" for exemption to this certification requirement. Mr. Noel talked about LSUCCC and ICC assistance with the certification process to help existing BCEO's. Mr. McCarty reminded the Interim Chair of the requirements to proceed with the order of business, as it relates to the agenda, prior to introduction of new business not on the agenda.

The Interim Chair opened the floor for discussion of election of an Interim Vice-Chair.

**A motion** was made by Mr. Randy Lucky to nominate Ms. Denise Jobe as Interim Vice-Chair and seconded by Mr. Lavern Bourgeois and with no other nominations from the floor. The Interim Chair closed the nominations and called for a vote. The result of the vote was 16 yeas and 0 nays and the **motion was adopted**.

The Interim Chair introduced discussion of procurement of code books for the council members, and inquired as to what code edition should be purchased. At that time Mr. Curt McCarty introduced Mr. Mark Roberts with the International Code Council (ICC). Mr. Roberts announced that ICC will donate 21 compact disc formatted for PDF to the council of the 2006 edition of all of the "I" codes. The Interim Chair requested the same for the 2003 editions for comparison analysis. Mr. Roberts responded by stating that he will need to check with ICC for acceptance of that request, and would respond at a later date to the council. Mr. Roberts also announced to the council that he is available to assist the council with other issues related to the "I" codes, but requested advance notice from the council for scheduling purposes. It was noted, by Mr. Roberts, that the generosity of ICC did not include the Louisiana State Plumbing Code and the National Electrical Code. The Interim Chair requested copies of the Plumbing and Electrical code from the OSFM. The Interim Chair requested a cost analysis for procurement of those codes. Mr. Lavern Bourgeois requested that ICC include the code book for permit clerks. No resolution to this request at this time.

By a unanimous vote of the members present (16 yeas and 0 nays) the meeting was open for introduction of new agenda items.

**A motion** was made by Mr. Bourgeois to form a BCEO's Certification Committee and was seconded by Mr. Touchet, and was followed by discussion of the members to this committee. The members that volunteered are Mr. Randy Lucky, Mr. Mark Roberts from ICC (advisory capacity only) Ms. Denise Jobe, Mr. Lavern Bourgeois. The interim Chair reminded the members that all information compiled by committee was subject to the Public Meetings Law, and requested an outline for the next scheduled meeting. A vote by the members reflected 16 yeas and 0 nays and the **motion was adopted**

The interim Chair requested floor discussion for other agenda items.

Ms. Karen McKinney requested floor discussion on future meeting dates. She requested development of a regular meeting schedule. The Interim Chair suggested a minimum of one (1) meeting per month, and recommended Tuesday as the day.

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**A motion** by Mr. Ray Kothe to set the second (2<sup>nd</sup>) Tuesday of each month at 10:00am at the OSFM conference room as the regular monthly meeting of the council, and was seconded by Ms. Karen McKinney. Additional floor discussion revolved around additional meeting requirements as needed, and all agreed that could be necessary. A call for a vote by the Interim Chair resulted in 16 yeas and 0 nays and the **motion was adopted**. The following dates will constitute the regular meeting dates for the remainder of calendar year 2006:

June 13, 2006

July 11, 2006

August 8, 2006

September 12, 2006

October 10, 2006

November 14, 2006

December 12, 2006

The Interim Chair may call a meeting at his own initiative or at the request of at least three (3) other members for additional meetings as needed.

Mr. James Mayo questioned if it was allowed to have a designated representative present for the appointed member. After consultation with the staff attorneys the conclusion was that only the appointed member could participate for official actions by the council.

The Interim Chair opened the floor for a motion to schedule the next meeting. **A motion** was made by Mr. Ray Kothe to have that meeting on May 23, 2006 at 10:00am at the OSFM the motion received a second from Mr. Wayne Touchet. With no further discussion, the Interim Chair called for a vote, and the result was 16 yeas and 0 nays and the **motion was adopted**.

Mr. Lavern Bourgeois opened floor discussion relative to the Public Notice requirements for these meetings, and questioned the process. Mr. McCarty and Mr. Fry explained the minimum requirements, and confirmed that the staff had assured compliance with that law for the meeting at hand.

The Interim Chair introduced discussion on public participation and comment. Mr. Bourgeois talked about the public law. Mr. McCarty noted allowance for public participation and comments as required by law and indicated that time limits on those comments and participation would be allowed. Mr. Kothe suggested setting time limits on public comment and participation. Mr. McCarty reminded the council members of the administrative rules and by-law requirements as a method to establish the limits that the council will impose on public comment and participation, until then this can be accomplished by the Interim Chair by agenda item for the next meeting with a majority vote of the members present. Mr. Lucky suggested suspension of the rules for public comment until development of the by-laws and administrative rules. The Interim Chair suggested prior written notice of intent to speak and to what issue one was requesting comment.

**A motion** was made by Mr. Ray Kothe to form a By-law and Administrative Rule Development Committee the motion received a second from Ms Denise Jobe, Mr. Bourgeois requested sample by-

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laws and Administrative Rules, and the OSFM agreed to furnish sample by-laws and copies of the Administrative Procedure Act for council guidance. Mr. Fry offered assistance from the OSFM for the process.

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Members that volunteered to serve on this committee are Mr. Wayne Touchet, Mr. Ray Kothe, and Ms. Karen McKinney. Without further discussion the Interim Chair closed the floor for discussion and called for a vote on the motion resulting in 16 yeas and 0 nays and the **motion was adopted**.

The Interim Chair opened the floor for discussion of formation of a wind speed committee. The purpose of the committee would be to investigate the potential of development of a “cookbook” method of compliance to the wind speed requirements of the code for a simplified method to assist with expediting reconstruction along the Gulf Coast. This “cookbook” would be utilized on a temporary basis until the BCEO’s are “up to speed” (no pun intended) with the new required standards, and can implement those requirements at the local or parish level. Floor discussion ensued as to whether the “cookbook” method would mirror the referenced standards, and why do we need this when we have the codes in place. The response from the Interim Chair was that there is a present difficulty with the design professionals understanding the specific requirements as well as the BCEO’s.

Mr. Kothe announced the plan by the Capitol Region Builders Association to construct several residential houses for compliance with Act 12 to use as a model for Building Officials, Inspectors, Home Owners, Craftsman, and Contractors for understanding of the minimum requirements for compliance.

Mr. James Mayo and Mr. Todd Trosclair had to leave the meeting at this time (11:25AM).

**A motion** was made by Mr. Wayne Touchet to form a Hurricane Wind Speed Study Committee which received a second from Mr. Kevin Derbigny. The Interim Chair opened the floor for discussion, and with no further discussion the Interim Chair called for volunteers from the council for members to this Committee. The members are Mr. Lavern Bourgeois, Mr. Ray Kothe, Mr. Kevin Derbigny, Mr. Wayne Touchet, Ms. Prisca Weems, and Ms. Denise Jobe. At this time the Interim Chair called for a vote, and the results were 16 yeas and 0 nays and the **motion was adopted**.

The floor was opened for discussion with the committee meetings being the topic relative to requirements that all committee meetings were subject to the Public Meetings Law. For clarification, as long as the meeting of the committee does not constitute a quorum, then the meeting is not subject to the Public Meetings Law, but the reports that the Committee present to the council are.

A question was raised relative to procurement of the code standards referenced in the International Residential Code (IRC) and by the Statute for council use. Mr. McCarty will investigate the possibility of procurement of the standards, and report to the council.

Mr. Ray Kothe introduced changes from the 2003 to the 2006 Editions of the IRC with reference to the change for the wind speeds. He noted that the 2006 IRC wind speed requirements for hurricane protection and wind borne debris will change from 110 miles per hour (mph) to 100 mph, which will effect the state as far north as Saint Francisville, and reminded everyone that we need to be aware of this change when the council adopts the 2006 codes.

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Mr. Wayne Touchet discussed the lack of certified plans examiners within the State of Louisiana, especially in Vermilion Parish. He proposed less stringent guidelines for plans examiners, and suggested we needed more training for those individuals, and limits of liability for those individuals also. Ms. Denise Jobe offered assistance from other Building Officials and the Building Officials Association of Louisiana. No action taken on this discussion.

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The floor opened for discussion of a public relations representative for the council.

Mr. Fry added that there is a need to continue to educate the Authorities Having Jurisdiction (AHJ) for the new requirements, and offered the OSFM as a resource with interaction with the council. Mr. McCarty talked about utilizing the Executive Director for public relations for the council. Mr. Hymel announced development of the job description to demonstrate what functions are required by DPS and the council. Mr. Hymel suggested someone that has extensive code knowledge. Mr. Hymel discussed interaction between the Louisiana Municipal Association, Police Jury Association, LSUCCC, and OSFM in a partnering effort to accomplish this objective.

A question was raised from the floor relative to DPS allocating additional funding and resources to provide assistance, as needed, for the LSUCCC. Mr. Hymel reiterated that DPS and the Governor are committed to provide those additional resources.

The Interim Chair talked about the \$11 million funded by the LRA set-aside plan for BCEO's if approved by the Louisiana Legislature and the Housing and Urban Development Agency (HUD) for potential use by the council.

The Interim Chair talked about development of intergovernmental agreements and assistance from the council with that development process.

Mr. Bourgeois talked about the need to limit the number of referenced standards by amendment to the statute. Discussion ensued about the use of the standards and the need and importance for additional options for design. Mr. Bourgeois reiterated the need for the amendment. The Interim Chair expressed concerns about amending the statute as being negative and could lead to questions about the need for the law, and this would be counter productive.

Ms. Joan Mire was added as a member to the BCEO Certification Committee at this time.

Mr. McCarty, at this time, asked for clarification on two (2) issues. First, what will be the involvement by the OSFM relative to continuation of services provided to date, and second, which agency will continue to develop and generate the future council agenda? **A motion** was made by Ms. Denise Jobe to request the OSFM to continue to provide those services until the council Executive Director was appointed. That motion received a second from Mr. Ray Kothe, and without any further floor discussion, the Interim Chair called for a vote resulting in 14 yeas and 0 nays, and the **motion was adopted.**

The Interim Chair requested an information package from the OSFM to indicate what was accomplished to date. Mr. McCarty reminded the council that this package was included in the handouts to the members at the start of the meeting, and included, but is not limited to, summary of Act 12, letters relative to the emergency provisions requirements, terms and duties required of the LSUCCC, general information relative to Act 12, recommended flood and wind design and submittal guidelines, development and maintenance of the registered Third-Party Provider List, proposed rules relative to clarifications and interpretations to Act 12, formal rule change relative to temporary additional options for Third-Party Providers, recommendation for implementation of a Permit and Inspection agency, list of information for organizations that publish the referenced standards.

The Interim Chair announced that he will work with the OSFM for development of future agenda at this time.

Mr. Ray Kothe recommended that the minutes reflect that the next council meeting might be lengthy due to the volume of issues to be discussed and required action by the council. Mr. Kothe suggested that this meeting could last between 4 to 6 hours.

A motion came from the floor for adjournment and received a second, and the meeting was adjourned.

## **End of Minutes**

Prepared by:

Curt McCarty  
State Building Official  
Office of State Fire Marshal