

**Louisiana State Uniform Construction Code Council (LSUCCC)**  
**April 8, 2008**  
**10:00AM**  
**Office of Management and Finance**  
**7979 Independence Blvd., Suite 308**  
**Baton Rouge, Louisiana 70806-6409**

**Meeting Minutes**

The Vice-Chair welcomed all present and **called the meeting to order at 10:00AM**

The Pledge of Allegiance was recited.

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

Members Present: Mr. Bourgeois; Mr. Deshotel Mr. Fabra; Mr. Guthans; Ms. Jobe; Mr. Kothe; Mr. Landry; Ms. McKinney; Ms. Mire; Mr. Touchet; Mr. Trosclair;

Members Absent: Mr. Hackworth; Mr. Lucky; Mr. Mayo; Mr. Noel; Mr. Simmons; Mr. Sullivan; Ms. Weems.

Excused absence: Mr. Hackworth; Mr. Lucky; Mr. Mayo; Mr. Noel; Ms. Weems.

11 members present and 7 members absent constitute a Quorum.

A **motion** was made by Mr. Deshotel to adopt the minutes, from the March 11, 2008 LSUCCC meeting and received a second from Mr. Kothe. The vice-chair requested a vote of the members present which reflected a vote of 11 yes and 0 no, and the **motion was adopted**.

The Vice-Chair reminded all present that the next LSUCCC meeting will be in Baton Rouge, LA Office of Management and Finance on May 13, 2008, at 10:00AM, and with no action required there was no further discussion.

The Vice-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, after consultation with the Council Administrator and Legal Counsel, advised the LSUCCC members of potential problems with the informal investigation procedures, and informed the LSUCCC members that he had requested suspension of the current complaint investigations until the promulgated rule could be revised to provide clarity for the process. Mr. Kothe announced revisions to the rules needed to correct deficiencies with the current rule. The revisions will be discussed later in the meeting. There were no other committee reports at this time.

The Vice-Chair moved the Legislative Update to later in the meeting.

The Vice-Chair opened the floor for discussion of proposed revisions to the rules as outlined in Chapter 11 – Disciplinary Proceedings. The Council Administrator informed the LSUCCC members of the specific issues relating to the current deficiencies noted in Rule 1102 – Informal Proceedings, and presented the LSUCCC members with the proposed revisions for consideration.

After much discussion a **motion** was made by Mr. Kothe to adopt the proposed revisions to Rule 1102 to include additional language to authorize the Council Administrator to contact the local building official of the complaint in the event that the Council Administrator believes that there is an eminent safety concern. The Council Administrator shall make initial contact by phone with a written follow-up to document the contact. The motion was to promulgate both an emergency and permanent rule, and received a second from Mr. Bourgeois. The Vice-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. Landry to approve the GOHSEP grant reallocations requests from the City of Lafayette, City of Kenner, and Parish of Saint Bernard, and received a second from Mr. Touchet. 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 Vice-Chair opened the floor for discussion of a previous adopted motion by the LSUCCC relative to opposition to proposed House Bill 41 by Rep. Geymann. The Council Administrator informed the LSUCCC members of a conversation with the Undersecretary that contradicted the actions of the LSUCCC, and as such required reconsideration of the adopted motion. The Council Administrator informed the LSUCCC members that neither the LSUCCC staff nor the LSUCCC is authorized to state opposition or support for any proposed legislation. After much discussion, the Council Administrator requested authorization to revisit this issue with the Undersecretary for further clarification. A **motion** was made by Mr. Deshotel to request an expedited Attorney General opinion in the event that the Undersecretary reiterates the position of the Department, and received a second from Mr. Fabra. 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. Bourgeois to authorize the LSUCCC Chair to write a letter in opposition of House Bill 41 by Rep. Geymann. The **motion failed due to a lack of a second**.

Mr. Randy Noel arrived at 11:10AM.

The Chair opened the floor for discussion of an adopted motion to correspond with Mr. Steve Duke with the Louisiana Manufactured Housing Association relative to code enforcement of modular housing. The Council Administrator requested reconsideration of the letter to Mr. Duke until after the 2008 legislative session to see if the proposed legislation relative to modular housing gets adopted. After much discussion the Chair reiterated the adopted motion and requested the Council Administrator to forward the letter to Mr. Duke, and with no further discussion there was **no action required on this item**.

The Chair gave a legislative update and talked about the proposed legislation. Some of the proposed legislation pertained to the LSUCCC, and some did not. With no further discussion there was **no action required on this item**.

The Chair and Legal Counsel gave a brief update of the status of the GOHSEP grant, and with no further discussion there is **no action required on this item**.

The Chair opened the floor for discussion of proposed legislation for local adoption of the International Property Maintenance Code (IPMC). The Chair expressed his concern that the IPMC could be considered a construction code, and had potential conflicts with the Louisiana State Uniform Construction Code (LSUCC). Mr. Mark Roberts, with the International Code Council (ICC), from the audience, read a part of the intent of the IMPC that indicated that the IMPC was not a construction code, but rather a maintenance code. The issues discussed relative to the IMPC was that local government has the option to adopt this code where the need arises. Mr. Jeff Charlet, Building Official with the Parish of Jefferson, from the audience, expressed the concerns from Jefferson Parish relating to blighted structures in their community, and the need to adopt this standard in addition to the other existing standards in the parish, and further reiterated that, in his opinion the IMPC was a maintenance code and not a construction code. For a point of clarification, the proposed statute clearly states that the adoption of the IMPC can not conflict with the LSUCC. The Chair stated that the consensus of the LSUCCC was that the IMPC was not a construction code, but rather a maintenance code, and had no objection to local adoption as long as the local adoption did not conflict with the provisions of the LSUCC. With no further discussion there is **no action required on this item.**

The Chair opened the floor for discussion of potential conflicts between the application of NFPA 101 (Life Safety Code) as published by the National Fire Protection Association and the 2006 Edition of the International Building Code. The Chair expressed concerns with these potential conflicts, and suggested looking at a comparison between the two (2) documents to determine a plan of action to study coordinating these conflicts. Mr. Joe Delaune, with the Office of State Fire Marshal (OSFM), from the audience, informed the LSUCCC of an ongoing effort by the OSFM to begin an identification process of the conflicts for future reference. A **motion** was made by Mr. Deshotel to request a report of the comparative analysis from the OSFM to be forwarded to ICC and the LSUCCC technical committee for further study and recommendation, and received a second from Mr. Guthans (Chair of the technical committee). The Chair requested a vote of the members present which reflected a vote of 11 yes and 1 no, with the no vote being cast by Mr. Bourgeois, and the **motion was adopted.**

The chair opened the floor for discussion of the cost increases by the Office of State Register (OSR) for rule publication. The Council Administrator informed the LSUCCC members of this increased cost, and cautioned the LSUCCC members of the budgetary constraints with the current budget. The Chair requested legal counsel to investigate the ability of the OSR to increase cost without rule or statute authority. With no further discussion on this item there was **no action required on this item.**

The Chair opened the floor for discussion of specific ethics issues raised by Mr. Kothe. Mr. Kothe expressed concern with the new ethics laws and how these new laws effect the actions of the LSUCCC members as it relates to the members being reimbursed by private organizations. A **motion** was made by Mr. Kothe to request legal counsel to request an Attorney General opinion as to the effects of the new ethics legislation relative to this specific issue, and received a second from Mr. Guthans. The Chair requested a vote of the members present which reflected a vote of 12 yes and 0 no, and the **motion was adopted.**

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The Chair opened the floor for discussion of proposed use of the GOHSEP grant funds to develop a statewide geotechnical mapping system to assist the building officials with soil classifications or load bearing capacities. The Council Administrator advised the LSUCCC members of communications with Mr. Michael Wich, Building Official with the South Central Planning and Development Commission (SCPDC) requesting assistance from the LSUCCC for initiating services to develop this map. Mr. Wich, from the audience informed the LSUCCC that the SCPDC would return portions of the GOHSEP funds awarded for this intent should the state entertain the proposal to contract this initiative statewide. The members of the LSUCCC requested clarification from the Undersecretary's Office as to the procedure for contracting this scope of services. With no further discussion on this item, there was **no action required on the item.**

The Chair opened the floor for discussion of the Congressional legislation created for grant funding from the federal Community Building Code Administration Grant Program Act of 2007. Mr. Mark Roberts, with ICC, from the audience, provided information about the Act and requested support of this legislation from the LSUCCC in the form of a resolution from the LSUCCC to the ICC to coincide with National Building Safety Week. The Chair request placing this item on the next agenda for further discussion, and clarification from the Undersecretary's office as to the LSUCCC's authority to resolve such support. With no further discussion on this item there was **no action on this item.**

A **motion** was made by Mr. Deshotel to adjourn and with **no action required** the **meeting was adjourned at 1:10PM**

END OF MINUTES