

Louisianan State Uniform Construction Code Council (LSUCCC) Meeting
July 11, 2006
10:00am
Office of State Fire Marshal
Baton Rouge, LA 70806

MEETING MINUTES

Mr. Randy Noel opened the meeting by welcoming all present and called the meeting to order at 10:30am.

The Pledge of Allegiance was recited.

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

Members present: Mr. Lavern Bourgeois, Mr. Chad Deshotel,
Mr. Steven Hackworth, Mr. Randy Lucky,
Ms. Karen McKinney, Mr. Randy Noel,
Mr. Leroy Sullivan, Mr. Wayne Touchet,
Mr. Todd Trosclair, Ms. Prisca Weems.
Members absent: Mr. Donald Denese, Mr. Kevin Derbigny,
Mr. Tony Guthans, Ms. Denise Jobe, Mr. Ray Kothe,
Mr. James Mayo, Ms. Joan Mire, Mr. James Simmons.

10 members present and 8 members absent constitute a quorum.

A motion was made by Mr. Chad Deshotel to adopt the meeting minutes from June 13, 2006 and received a second from Mr. Trosclair and with no further discussion the **motion was adopted**. No action required.

Ms. Paeton Burkett was introduced to the LSUCCC members by Mr. Curt McCarty as the legal counsel to the LSUCCC.

Henry Fry discussed the status of the appointment of the LSUCCC Executive Director and stated that the appointment had not officially been made because Col. Whitehorn was out of the country, but he expected the appointment to be made next week.

The Interim Chair requested the notification letter from the LSUCCC, relative to Act 12 requirements, be sent to the insurance industry and lending institutions.

The Interim Chair opened the floor for discussion of the Third Party Provider (TPP) council registration requirements. Ms. Karen McKinney introduced the proposed amendments to the ICC certification requirements for licensed architects and engineers as Third Party Providers for plans review and inspections. Ms. McKinney talked about the six (6) items listed and discussed each item in detail. Conceptually this proposal would remove the ICC certification requirements for architects and engineers, as previously adopted by the LSUCCC, and the proposal provided for the criteria for TPP.

A motion was made by Ms. McKinney to adopt the proposed amendments, as discussed, and received a second from Mr. Noel. The Interim Chair opened the floor for discussion. Mr. Bourgeois questioned the Chair's status as a voting member. Mr. McCarty reminded the members that the Chair had the same rights and privileges as all other members. The Interim Chair deferred his second to Mr. Touchet and the motion received a second from Mr. Touchet. Mr. Bourgeois requested clarification to the title of architect or engineer and was informed by Ms. McKinney that the architects and engineers are regulated by their individual license registration requirements. Ms. Weems requested an explanation of a justification to revisit and issue that the LSUCCC had already adopted. Ms. McKinney explained the architects and engineers have previous unique education, experience, training to separate these individuals from other TPP. These individuals have a previous licensure from the State of Louisiana to perform these related activities, and it was not necessary to require the ICC certification process, and time was of the essence to keep these individuals involved. Ms. McKinney reminded the LSUCCC of the legal requirement for the architects and engineers, by law, to perform professional services. She stated that the licensing law advises these individuals not to practice in areas which they are not competent. The Interim Chair expressed concerns with the lack of competent state inspectors and the certification requirements for these individuals would further reduce the field of qualified plans examiners and inspectors. Mr. Bourgeois questioned the authority of the Building Official (BO) to critique the TPP if deviancies were discovered by the BO and what authority does the BO have to intervene and stop the project to assure compliance. Ms. McKinney requested that appeals could be handled by the AHJ. Ms. Weems suggested additional training requirements imposed by the council for the architects and engineers. Mr. Hackworth suggested invoking a grace period for ICC certifications for architects and engineers for one year. Ms. McKinney recommended a three year provisional registration to be consistent with the requirements for BO's. An amendment was made by Ms. McKinney to allow a 3 year provisional period for ICC certification of architects and engineers effective 1/1/2007, and received a second from Mr. Randy Lucky. Ms. Alyson Lapuma, from the audience, questioned the legal and management requirement for the TPP's acting as a CBO. Mr. Lucky withdrew his second to the amendment. The amendment received a second from Mr. Trosclair. The Interim Chair requested a vote by the members which reflected 5 yes and 5 no, with the no votes being cast by Mr. Bourgeois, Mr. Lucky, Ms. McKinney, Mr. Sullivan and Ms. Weems. For lack of a 2/3's vote the **motion failed**.

A motion was made by Mr. Bourgeois to table this issue for further study and investigation by the LSUCCC Council Administrator relative to how other states regulate this subject, and received a second from Mr. Lucky. The Interim Chair requested a vote by the members present which reflected 9 yes and 1 no with the no vote cast by Mr. Trosclair, and with 2/3's vote for adoption the **motion was adopted**.

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The Interim Chair opened the floor for discussion on regulation of “farm” and “private outdoor recreational” structures. The LSUCCC Administrator quoted from the memorandum relative to these structures and reminded the LSUCCC that this a recommended starting point for regulation of these structures. Mr. Richard Billings of the Rapides Parish Police Jury, from the audience, questioned whether these regulations were intended for all “farm structures” or just for those with utilities. Mr. Deshotel stated the law was applicable to all “farm structures” regardless of utility connections. Mr. Bourgeois questioned satellite facilities and permitting. The Interim Chair stated that this did not affect the permitting process. The LSUCCC Administrator recommended allowing these types of structures be removed for the proposed restrictions if the building owner could satisfactorily demonstrate to the BO or AHJ that the structure was brought into compliance. The Interim Chair suggested including only structures with utility connections. Ms. McKinney quoted the definition of a “farm structure” for clarification.

The Interim Chair requested formation of an Administration Chapter Study and Development Committee which will consist of Mr. Noel, Ms. McKinney, Mr. Bourgeois, Mr. Chad Deshotel, Mr. Randy Lucky, Mr. Ray Kothe, and called the first meeting for July 25, 2006 at 10:00am at the OSFM. The Interim Chair suggested discussion of legal aspects after the development, with no action required the floor discussion was closed by the Interim Chair.

The Interim Chair opened floor discussion for development of a LSUCCC website. The Interim Chair suggested posting minutes and announcements on the website. Mr. Lucky requested notification of both the Louisiana Municipal Association (LMA) and the Police Jury Association for future meetings. Mr. McCarty indicated that this had already been accomplished.

The Interim Chair opened floor discussion on receipt of the 2003 to 2006 International Code change analysis. The Council Administrator (CA) offered to make copies of these documents available to all LSUCCC members. The CA reminded the LSUCCC that these documents were given to LSUCCC by International Code Council (ICC) at no cost for exclusive use by the LSUCCC and the documents have copy rights attached. The Interim Chair opened floor discussion for adoption of the 2006 edition of the International Codes and the 2005 edition of the National Electrical Code (NFPA 70). The CA explained to the LSUCCC about the time constraints associated with formal adoption of rules made by the LSUCCC. **A motion** was made by Mr. Lavern Bourgeois to adopt the 2006 Edition of the International Codes, and the 2005 Edition of the National Electrical Code (NFPA 70) as referenced in Act 12 of the 2005 First Extraordinary Session of the Louisiana Legislature, and received a second from Mr. Leroy Sullivan. **A motion** was made by the Interim Chair to amend the original motion to change the wind speed requirements in section R301.2.1.1 in the 2006 International Residential Code (IRC) from 100mph to 110mph and received a second from Mr. Chad Deshotel and the

Interim Chair opened the floor for discussion. Mr. Jeff Burton from IBHS, from the audience, stated his opposition to the amendment because it “waters down” the code. The Interim Chair requested a 15 minute recess and the meeting recessed at 12:13pm. The meeting was reconvened at 12:29pm with 10 members present which constitutes a quorum. The Interim Chair called for a vote on the amendment to the original motion which reflected 6 yes and 4 no, with Mr. Lavern Bourgeois, Ms. Karen McKinney, Mr. Leroy Sullivan, and Ms. Prisca Weems casting a no vote. For lack of a 2/3’s vote for adoption the **motion to amend failed**. The Interim Chair called for a vote on the original motion which reflected 7 yes and 3 no, with Mr. Chad Deshotel, Mr. Randy Noel, and Mr. Todd Trosclair casting a no vote. The motion received a 2/3’s vote and the **motion was adopted**.

The Interim Chair opened the floor for discussion of the CA meeting with Louisiana State University (LSU). The CA informed the LSUCCC about the discussion and that LSU was interested in working with the LSUCCC for the development of a training program through the LSU Ag Center, but finding issues, such as the need to compensate LSU staff for development, would need to be resolved prior to implementation. The CA informed the LSUCCC about his communication with the Louisiana Recovery Authority (LRA) to attempt to negotiate with LRA for funding to the LSUCCC for training. Ms. Weems asked if another university or college had developed a training program, and could the LSUCCC recognize that program. The Interim Chair stated that he would like to critique the program and ask the LSUCCC to approve if the program was suited and acceptable. **A motion** was made by Mr. Randy Noel to encourage universities, colleges, and technical institutes to develop training programs for code officials to be used for the LSUCCC certification process and received a second from Ms. Karen McKinney. With no other discussion from the floor the Chair called for a voted, which reflected 10 yes and 0 no, and the **motion was adopted**.

The Interim Chair opened the floor for discussion of moving the LSUCCC meeting to different site locations throughout Louisiana. Mr. Lucky proposed having regional meetings similar to the PJA, and/or in conjunction with the PJA regional meetings. Mr. Lucky requested adding an agenda item for the August 8, 2006, meeting to discuss consideration of an alternate meeting site location for the Sept. 12, 2006 meeting.

The Interim Chair asked for committee reports. Ms. Weems, Chair of the Act 12 Notification and Assistance Committee, stated the report will be presented at the next meeting. No other committees have presentations at this time. No action required on this item.

The Chair moved to new business.

The Interim Chair discussed the development of the South Central Planning and Development Commission's regional concept for a regional code office to include the regional governments in that region. The Interim Chair discussed the details as developed. This is conceptual at this time. There being no other discussion, the floor discussion was closed by the Interim Chair. No action required.

The Interim Chair offered discussion for ramifications to civil service code officials as it relates to mandated code certifications for BCEO. The CA talked about his investigation with the City of Baton Rouge Human Resources Department and was informed that if a city-parish employee was mandated by state law to obtain a certification of employment, that employee could be subject to termination, among other options, if the employee could not obtain the mandated certification.

A motion was made by Mr. Chad Deshotel to open the meeting for discussion of other agenda items and received a second from Mr. Lucky. With no floor discussion the Interim Chair called for a vote which reflected 10 yes and 0 no, the **motion was adopted**.

The CA stated the Fire Marshal website address for reference to flood and wind information also includes the TPP list and he gave navigation instructions for access.

The Interim Chair requested investigation by the CA for potential venues for public service announcements or press releases.

A motion was made by Mr. Wayne Touchet to remove the interim title from the Chair and Vice Chair, and to officially elect Mr. Randy Noel as Chair, and Ms. Denise Jobe as Vice-Chair to the LSUCCC. The motion received a second from Mr. Todd Trosclair, and with no floor discussion the Chair called for a vote which reflected 10 yes and 0 no, the **motion was adopted**.

Mr. Deshotel questioned procedure requirements by the LSUCCC for absenteeism. Mr. Lucky suggested establishing a procedure to be incorporated into the by-laws. The CA will develop by-laws language to deal with absent members to present to the council for discussion and adoption at the next meeting.

Mr. Lucky volunteered to write a letter to the governor to express the LSUCCC concerns with absent members and the Chair suggested sending the current and past meeting attendance record to the governor. **A motion** was made by Mr. Chad Deshotel to write a letter to the governor to inform the governor of the absent members, and received a second from Mr. Lavern Bourgeois with no floor discussion the Chair called for a vote which reflected a vote of 10 yes and 0 no, the **motion was adopted**.

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A motion was made by Mr. Chad Deshotel to adjourn and received a second from Mr. Randy Lucky and with no other discussion the meeting was adjourned at 1:47pm.