

Industrialized Buildings Commission

◆ An Interstate Compact ◆

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MINUTES

Industrialized Buildings Commission Wednesday, July 16, 2008 Herndon, Virginia

Michael Baier called the annual meeting of the Industrialized Buildings Commission to order on Wednesday, July 16, 2008, at 9:04 a.m. at the Dulles Crowne Plaza in Herndon, Virginia. Attendance was taken as noted below:

Members Present: Michael Baier, State of New Jersey
Bob Blatchford, Dynamic Homes
Warren DuCharme, State of Rhode Island

Others Present: Debbie Becker, NCSBCS
Ujjval Dave, State of Maryland
N. Kevin Egilmez, NCSBCS

Approval of Minutes

On a motion by Warren Ducharme, seconded by Bob Blatchford, the minutes of the July 18, 2007, meeting were unanimously approved as submitted.

Correspondence

The secretariat noted that a list of correspondence received since the last meeting was available along with copies of two subpoenas to produce documents. New Jersey and Rhode Island charge a staff hourly rate for searching and coordinating along with a copy fee that can be obtained through their websites, "Open Public Records Act."

Kevin Egilmez volunteered to develop a procedure for the IBC to recover some of the costs for future subpoenas to be approved by letter ballot.

Commissioners' Reports

Warren Ducharme reported that Rhode Island will adopt the 2008 National Electrical Code effective August 1, 2008 and will update its 2007 energy code on January 1, 2009 which will primarily affect non-residential buildings.

Warren Ducharme reported that New Hampshire has expressed interest in IBC and that he and John Leyden will meet with their representatives within the next few weeks to discuss the compact and its advantages. Two IBC marketing binders will be provided.

Michael Baier reported that New Jersey Governor has appointed his position, Chief of Bureau of Code Services, as the state commissioner. He will provide the Commission with a copy of the governor's letter.

Unfinished Business

Attachment A, a revised Application of Building Systems Documents, was reviewed. Kevin Egilmez reported that a notice was sent on April 28, 2008, instructing manufacturers to submit copies of "as-built" designs (Attachment B). A separate electronic notice was sent to designated agencies on June 11 soliciting comments on the proposed revisions. Typical designs submitted by manufacturers as well as the sample submitted by PFS were reviewed and discussed.

After a lengthy discussion, the Commission reaffirmed its position to issue two separate notices: Items 1, 4, 5 and 6 to address application of building systems and items 2 and 3 requiring copies of "as built" designs. Item 3 would be changed to a note and would clarify major building components and major structural elements referred to in items 2b and 2d.

Proposal to accept ICC certification renewals under UAP, Part VI, Section 4, was tabled because RDC did not have an opportunity to discuss it due to a lack of quorum. Jerry Brosius volunteered to draft the language at the July 2006 RDC meeting.

New Business

The Commissioners discussed adoption of the July 2007 editions of the Model Rules and Regulations and Uniform Administrative Procedures. Kevin Egilmez reported that Minnesota is currently in the process of adopting the revised UAP and MRR. Mike Baier will draft a proposal for New Jersey. Warren Ducharme will check on status regarding Rhode Island's adoption of the revised documents and request assistance from IBC if needed.

The Commission discussed the Draft Model Consumer Complaint Procedures (Attachment C). Although states are responsible for handling consumer complaints, the Commission needs to be involved and should serve as a central repository for all complaints. Currently, when a complaint is forwarded, the Commission gathers basic information on the building based on available records on file and performs a cursory design review. This process needs to be formalized and states need to have a method for requesting detailed reviews or investigations from the Commission when warranted. Non-code related complaints will not be addressed by the IBC as these are typically warranty issues. The Commission did not see any need in issuing a consumer fact sheet as consumers typically report any problems directly to their manufacturer. Attachment C will be revisited at the next RDC meeting.

Kevin Egilmez briefed the Commission on Modular Building Institute's efforts to pass

legislation which would allow Pennsylvania to recognize the IBC program for commercial modular buildings. The original bill authorized the Department of Labor and Industry to develop rules and to enter into interstate agreements for the purpose of regulating such buildings. It was later amended placing the program under the Department of Community and Economic Development and requiring the rules to be based on IBC's Model Rules and Regulations. The bill has passed the House and will be considered by the Senate when it reconvenes mid-September.

Mark Conte with the Housing Standards Division, Pennsylvania Department of Community and Economic Development, requested to have a meeting with an IBC state program administrator and to view copies of various documents to familiarize himself with IBC's program. Mike Baier stated that he would be available to meet with Mark Conte.

North Dakota entered into an interim reciprocity agreement with the IBC in 2003. Although these agreements are not supposed to exceed five years, the Commission agreed that the reciprocity was unique since North Dakota adopted IBC Model Rules and Regulations. On a motion by Bob Blatchford, seconded by Warren Ducharme, the Commission unanimously agreed to a resolution extending North Dakota's reciprocity for two years. The Commission will send a letter informing North Dakota of the resolution and ask whether it intended to become a full member by passing legislation.

The format for permit sets was discussed. The concern expressed by New Jersey's local building officials was regarding permit sets with approval dates that predated the latest code adoption. Although it was agreed that not all drawings need to be revised with each code change, local building officials could not determine if a design was outdated or simply did not require any revisions. It was suggested that the cover sheet list each drawing number and the date it was approved or revised. Kevin Egilmez stated that it was not the intent of the UAP to strictly define the contents or composition of permit applications but to be flexible to accommodate each state's requirements.

On a motion made by Bob Blatchford, seconded by Warren Ducharme, the Commissioners unanimously reappointed Ed Landon, Emory Rodgers, Neal Moss, James Rothman, and William Bryant to the RDC for three-year terms.

Kevin Egilmez reported that two new vacancies were created in the RDC as a result of personnel changes. Scott Zweifel (Modular Space) representing consumers and Craig Simpson (Penn Lyon Homes) representing the commercial-industry were no longer with their respective companies. Kevin Egilmez suggested contacting the same companies for potential replacements.

Kevin Egilmez reported that the workload for the RDC was diminishing and that it may not be necessary to meet annually. The Commission agreed that the RDC is not mandated to hold annual meetings and should meet when necessary rather than on predetermined intervals. The Commission also discussed the feasibility of holding Web conferences. The staff would send out a notice informing RDC members of the change.

Financial Report and Approval of FY '09 Budget

The Commission's draft audited financial statement for FY 2007 was reviewed. Kevin Egilmez pointed out that the management letter contained three comments: Supporting documentation is not provided to the Commission by NCSBCS for monthly charges; NCSBCS' existing accounting manual has not been updated in several years; and a recommendation was made to create an investment advisory committee for the purpose of establishing a formal investment policy.

The existing contract with NCSBCS was discussed. The current contract extends automatically for three-month intervals. It was suggested that the IBC and NCSBCS reverse roles, e.g., the IBC become the secretariat to NCSBCS. Currently, the IBC is NCSBCS's only contract and reimburses NCSBCS for 95 percent of the overhead.

The draft budget for fiscal year 2009 was discussed. A loss of approximately \$38,000 is projected. Kevin Egilmez reported that production was slowing down resulting in lower label sales and smaller reimbursements to states. A motion was made by Bob Blatchford, seconded by Warren Ducharme, and approved unanimously to adopt the budget as proposed.

On a motion made by Bob Blatchford and seconded by Warren Ducharme, the Commission entered an executive session to discuss designated agency annual performance reports. A motion to reconvene into an open session, made by Bob Blatchford and seconded by Warren Ducharme, carried unanimously.

Bob Blatchford made a motion, seconded by Warren Ducharme, to redesignate HWC, Minnesota, MCC, NTA, PEI, PFS, Pyramid1, RADCO, TRA, and Vendola subject to limitations or conditions, if any, established during the executive session. The motion carried.

A motion was made by Warren Ducharme, seconded by Bob Blatchford, and approved unanimously to extend Andrew Carlson's existing certification to 12/31/08 with the condition that Mr. Carlson attend the 2008 fall training seminar. He would be required to attend an additional training seminar over the next three-year period.

Election of Officers

On a motion made by Warren Ducharme, seconded by Bob Blatchford, and unanimously approved, Minnesota commissioner was elected IBC Chairman. On a motion made by Warren Ducharme, seconded by Bob Blatchford, and unanimously approved, New Jersey commissioner was elected treasurer.

Secretariat's Work Assignments

Michael Baier reviewed secretariat's work assignments:

1. Develop procedure to recover costs for producing documents for any future subpoenas.
2. Provide Mark Conte with requested documents and set up a meeting.
3. Forward copies of the 2007 annual report to the Commissioners.

Date and Location of Next Meeting

The next annual meeting is tentatively scheduled for July 15, 2009. The secretariat reported that notice would be sent regarding the location.

Warren Ducharme, seconded by Bob Blatchford, moved to adjourn the meeting and the motion carried. The meeting adjourned at 4:15 p.m.

Respectfully submitted,

/s/ N.K. Egilmez

N. Kevin Egilmez
Secretariat Staff

Attachments