



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

LOCATION: The meeting was held at 1500 Jefferson St SE, Olympia, WA; Room 1213, with Zoom and teleconference options.

MEETING DATE: Friday, September 23, 2022

Members in Attendance: Tony Doan, Council Chair; Daimon Doyle, Vice Chair; Kjell Anderson; Jay Arnold; Todd Beyreuther; Micah Chappell; Al French; Bob Hamlin; Roger Heeringa; Craig Holt; Pete Rieke; Katy Sheehan; Caroline Traube; Corey Wilker; Representative Larry Hoff; Representative Alex Ramel; Senator John Lovick; Senator Lynda Wilson; Lorin Lathrop

Members Absent: Matthew Hepner

Staff In Attendance: Stoyan Bumbalov, Managing Director; Dierk Meierbachtol, Assistant Attorney General; Krista Braaksma; Dustin Curb; Annette Haworth

Visitors Present: Bryan Ahee, Kurt Aldworth, Larry Andrews, Tim Attebery, Kim Barker, Terry Beals, Stan Bowman, Ken Brouillette, Ken Brown, Elliott Brown, Andi Burnham, Paul Clark, Ray Cockerham, Chris Drone, Chris Edmark, Brian Emanuels, Neil Hartman, Angela Haupt, Andy Higgins, Luke Howard, Tara Jenkins, Ty Jennings, Dave Kokot, Eric Lacey, Scott Lang, Justin Lee, Lukasz Lisowski, Carolyn Logue, Megan McPhaden, Ryan Mumma, Dave Nakagawara, David Nehren, Scott Peterson, Joel Rasmussen, Liz Reichart, Kate Reynolds, Day Robins, Kevin Rose, Ray Shipman, Ron Shughart, Brian Smith, Andrea Smith, Al Spaulding, K Stevenson, Jennifer Strus, Kerry Sutton, David Swasey, Gavin Tenold, Quyen Thai, Sree Thirunagari, Eric Vander Mey, Amy Wheelless, Bill Will, Ron Wright

Agenda Items	Committee Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:00 a.m. by Council Chair, Tony Doan. Everyone was welcomed and roll was called. A quorum was present.
2. Review and Approve Agenda	Motion: Micah Chappell moved to amend the agenda by moving agenda items 4 and 5 ahead of item 3. Pete Rieke seconded the motion. Discussion was held on both delaying the Ethics Training for the Council members and the importance of hearing public comments. Kjell Anderson amended the existing motion by indicating a time of 11:15 am to start the Ethics Training, Micah

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	approved this amendment, Pete seconded the amendment and the motion passed unanimously.
3. Ethics Training	Training was postponed to another date to be determined later.
4. Review and Approve Minutes from 4/22, 6/17, 6/29	<p>Motion: Kjell Anderson moved to approve the minutes from 4/22 as amended on page 4 (Al French’s motion on CR-102,103,104,105 to include the proposals discussed, update the time the meeting was called back to order after the Executive Session, clarify the meeting was not ended, but paused for IT to resolve issues, in agenda item 4 reference to RCW 36.26.150 updated to RCW 39.26.150) Micah Chappell seconded, and the motion passed unanimously.</p> <p>Motion: Kjell Anderson moved to approve the minutes from 6/17 as amended on page 7 (listing “many people’s names mentioned by Joelle Robinson, as suggested by Katy Sheehan), Katy Sheehan seconded, and the motion passed unanimously.</p> <p>Motion: Craig Holt moved to approve the minutes from 6/29 as written, Daimon Doyle seconded, and the motion passed unanimously.</p>
5. 2021 WA Code Implementation Date Vote by Council	<p>Stoyan Bumbalov, Managing Director, clarified the Council had already voted on the implementation date (July 1, 2023) with the CR-103 for Group 1 codes.</p> <p>Micah Chappell asked for the CR-103 to be displayed for reference during the discussion. He then indicated the date on the CR-103 is a default date and doesn’t align with RCW 27.074 item 5c requirements. He noted during the last code cycle, WABO (Washington Association of Building Officials) assisted the previous SBCC Managing Director in trying to put together a Washington custom code which ICC (International Code Council) helped develop. He also stated that he recalled Stoyan Bumbalov saying he wasn’t going to produce insert pages, only a document containing code changes. Therefore, the reason for discussion of delaying the implementation date, not a delay in adoption, and have WABO volunteers work with SBCC staff and ICC to create one Code Book for all the documentation to live in. Micah Chapel said his intent, after discussion, would be to make a motion to extend the implementation date to November 1, 2023.</p> <p>Tony Doan, Council Chair, noted the July 1, 2023, date, listed on the CR-103 is what is used to set the timelines for the TAG, Committee and Council meetings. He then asked for Council’s input on the topic.</p> <p>Several Council members expressed concerns with delaying the implementation date and asked for more information before making a decision.</p> <p>Stoyan Bumbalov, Managing Director, noted the insert pages are difficult to maintain due to too many changes adopted by the Council through emergency, off-cycle and expedited rulemaking. He clarified the staff had a plan to prepare a document with the</p>

state amendments and rationale for each amendment, which is a better document for the code users. Stoyan Bumbalov also noted that there are still too many errors in the Washington amendments, and Washington codes cannot be published before all errors are corrected through off-cycle and expedited rulemaking. He suggested that the Council staff may be able to provide help for WABO if staff wasn't directed to create the insert pages.

The public provided comments both in favor of delaying the implementation date to publish the WA codes and in opposition to the delay of the implementation date and eliminating insert pages. It was noted that having a delay and no written documentation would cause issues for code officials.

Stoyan Bumbalov shared that he has a plan for the 2024 code cycle, which includes changes to the Council policies and procedures and streamlining the code adoption process, which will allow more time for the SBCC staff to complete tasks related to WA code publishing. He noted he has been coordinating with the assistant attorney general on the legal aspects. He also expressed an opinion that adding additional workload for the Council staff at the end of the code adoption process isn't the right time. Stoyan Bumbalov insisted the SBCC staff needs to complete the 2021 code adoption cycle and then begin with changes to the policies and procedures for the next code cycle. He suggested eliminating Group 1 and Group 2, would be a good start, and noted he was planning on addressing this with Council along with planning to combine some of the TAGs and reevaluate the election of TAG seats and TAG members. He is in a favor of developing and publishing reliable WA codes at the right time, but also clarified WAC 51 is a legal document that all jurisdictions are required to use. Stoyan Bumbalov specified that Group 2 codes must be adopted in November, the Council staff will be working of filing the CR-103s in December and January, and the staff can spend time to resolve errors/mistakes in the codes after January. He stressed again that now is not the time to begin a new process and noted SBCC doesn't have a contract with ICC.

Council discussed the matter further with several of the members indicating they didn't have enough information to make a decision at this time and would need more information, which would include a written plan of the proposed process and staff recommendation. Some members were in favor of Micah's proposal to delay implementation and provide users with a complete document for users to refer to, while other Council members indicated insert pages were a popular choice for officials and changing the date now wouldn't be preferred but a plan for the next code cycle could be supported. Several Council members asked what additional resources staff needed to accomplish the task.

Micah Chappell responded to comments made by Council and Staff. He indicated a digital version could be partially available by the July 1, 2023, date, if working with ICC. He said it is a disservice to the public to not have a document for users to refer

	<p>to. He then said that WABO didn't have a contract with ICC but did have a Marketing Agreement. He said November 2023 would be a good balance. He showed on the screen the suggested modifications with strike through and underline of the original language as reference. He then mentioned WABO staff volunteering their time to work with SBCC staff on the project. He talked about WABO working towards additional funding for SBCC staff and wants to have legislation put in place requirements for what the SBCC should produce. He concluded with waiting until the October 21 Council meeting is understandable to provide Council with additional information and staff input.</p> <p>Stoyan Bumbalov addressed the funding comments and questions by stating the SBCC funding comes from fees charged to local building departments and if the Council gets involved in code publishing, these fees should be increased, or additional funding should come from the general fund. He did not recommend fee increase.</p> <p>Motion: Jay Arnold moved to direct staff to bring back to the October meeting some options for delivering the code in different formats, as requested, with staff time needed and in coordination with external groups and the timeframes they can do it in, Craig Holt seconded, and the motion passed unanimously.</p> <p>Discussion included a suggestion to create a group with Micah, Council members and Staff to propose paths to move forward. It was also suggested Micah/WABO provide details, in writing, how the Code Book would be produced to include who is doing what, timeframes and staff obligations, at least a week prior to the October meeting for Council to review.</p> <p>Micah Chappell responded with agreeing to provide Council with a roadmap of the process he and WABO are proposing and noted that the process he is proposing will include insert pages, for those who use them. He then mentioned he works for the City of Seattle and his team knows the process and understands what ICC needs in terms of producing a Washington Code Book.</p> <p>A short break was taken from 12:06pm to 12:11pm. Roll was taken, and a quorum was present.</p>
<p>6. Public Comment on Items Not on the Agenda</p>	<p>Al Spaulding, Washington State Department of Health, Program Manager of the Construction Review Services Program addressed the Council to support repealing the current State Amendment in Section 310.5, which cancels out the R4 occupancy classification option that the Model Code affords. He then provided some background during the review and adoption process of the 2006 ICC Model Codes which included his program being a proponent for not adopting the R4 occupancy classification and that amendment has remained and at the time there was good justification, construction remedies services no longer have any reason to support this amendment moving forward. As the Model Codes have evolved, the R4 occupancy classification and option currently provide a safe option that should be considered for use in</p>

	<p>Washington and align closer with the Model Code and provide a safe and affordable occupancy classification option for licensed residential treatment facilities providing voluntary mental health and substance abuse services.</p> <p>The question was asked about the appropriateness of voting on this request and Stoyan Bumbalov noted the Group 1 Building Code, Non-Structural Provisions was already adopted which included Section 310.5, but isn't effective, so Staff would need to confer on how to proceed. Discussion continued on the options available for use. It was then requested that Mr. Spaulding provide the Council with his request in writing and have the TAG review the request. Stoyan Bumbalov then noted that due to this section already being adopted, the request would need to be presented as an Emergency Rule or Off-Cycle Rule.</p> <p>Larry Andrews suggested having code changes put out on the server list in a color that would draw the attention of those looking for updates. He also noted that he sends articles of interest to the Council but is concerned they are not all being forwarded to Council for review.</p> <p>Council and staff responded that most information is forwarded to the Council, but during the comment period, it is difficult to determine what is considered public comment and what should be sent to Council on an individual basis so as not to overwhelm members with information. Stoyan Bumbalov then suggested creating a page or link for public comment that Council could review.</p> <p>Pete Rieke asked the Chair to consider the length of a break due to technical aspects he must go through. Chair, Tony Doan, apologized for the inconvenience and noted this consideration will be taken in the future.</p>
7. Other Business	<p>Representative Alex Ramel suggested Council discuss, at a future, less busy meeting, the priorities of agenda items, so as to not have to reorganize the agenda at the beginning of the meeting. He noted this has been happening at most of the meetings and taking the public's time into consideration by avoiding changes to the agenda should be discussed. Other Council members agreed with Representative Ramel that the public's time should be considered when creating the agenda. It was also brought up that onboarding new council members during the middle of the Code Cycle should be reconsidered and could be addressed in the Council's Bylaws.</p>
8. Staff Report	<p>Stoyan Bumbalov started his staff report by indicating he has plans to make the adoption process more effective and efficient but didn't want to start in the middle of a code cycle. His plans include discussing with Council members options for developing codes with the effective date of 2024, modifying the by-laws along with the Council's processes and procedures. He noted that SBCC is understaffed and have been trying to fill 2 more vacant positions. He then went on to explain the timeline for the remainder of the</p>

	<p>code cycle and staff's obligations during this timeline to include updating the website with all pertinent information for the public and Council to review.</p> <p>Stoyan Bumbalov reviewed the 2022-2023 budget. He then talked about the code adoption process, to include the comment period ending on October 14 at 5pm, the public hearings to be held in Yakima on September 29 and 30 and a public hearing held in Olympia on October 14. The Council will hold a work session on October 21 to discuss the information from the public hearings and comments submitted. No new comments will be accepted, nor will any decisions be made. He is planning to have a third-party Cost Benefit Analysis prepared for Council to review, as related to the Energy Code. He asked Council if anyone would like a DES email address. Pete Rieke said he tried to obtain a DES email account but wasn't able to access the account. Stoyan Bumbalov said he would follow up with IT but thought it might have to do with security issues with DES and public records requests. He then shared WAC 51-04-050 Ex parte communications – All written communications related to council business received by council members shall be forwarded to staff for inclusion in the public record.</p> <p>Micah Chappell inquired about the posted public comment guidelines being listed as "Rules of Conduct" and asked about signing up 30 minutes prior to the start of the meeting and if this is in conflict with the Public Meetings Act. Dierk Meierbachtol, Assistant Attorney General, responded that the word Rules could be replaced with Standard, and he also addressed asking people to provide contact information as opposed to asking people to identify themselves in order to conduct the hearing via Zoom. The 30-minute prior notification of request to provide oral testimony was discussed and noted that if someone shows up in person, they will be allowed to testify. There was discussion about delivery of testimony.</p> <p>Stoyan Bumbalov said the purpose for the extra Council meeting scheduled for November 4, in addition to the normal meeting on November 18, is to make sure all codes are able to be discussed.</p> <p>Todd Beyreuther asked how many people would be attending the October 21 Council meeting, in person. Stoyan Bumbalov indicated he would send an email to inquire who would attend in person, as we get closer to the meeting date.</p>
9. Adjourn	Meeting was adjourned at 1:36 p.m.