

TEXAS INDUSTRIALIZED BUILDING CODE COUNCIL

Meeting of July 29, 1999
E. O. Thompson Building
920 Colorado, 4th Floor Conference Room
Austin, Texas

Summary of Minutes

CALL TO ORDER

Acting Chairman Gary Purser called the meeting to order at 1:30 pm and welcomed everyone in attendance.

RECORD OF ATTENDANCE

Roll call verified a quorum was present. Council members absent this meeting: William Bigelow, Lon Fairless, Ruben Salinas, Rudy Gomez, and Michael Mount.

Texas Industrialized Building Code Council

Gary L. Purser	Arthur Goetz
Michael T. Slataper	Michael E. Seibold
Paul W. Lorraine	Henry L. Huneke
David L. Beicker, P.E.	

Texas Department of Licensing and Regulation

Theda Lambert – General Counsel
Jimmy Martin – Director of Enforcement Division
Donna Lipke – Engineer, Industrialized Housing and Buildings Program
Katherine Duncan – Industrialized Housing and Buildings Program
Caroline Jackson – Legal Services

NEW COUNCIL MEMBER ORIENTATION

Jimmy Martin introduced staff present and gave a brief overview of the Department's organization and functions. Mr. Martin also explained Council functions and responsibilities, how issues are brought before the Council and how complaints are handled. Theda Lambert, General Counsel, discussed procedures and rules for open meetings and briefed the Council on legislative changes to the open meetings act. Caroline Jackson discussed travel reimbursement procedures and administrative rules.

ELECTION OF CHAIRMAN AND VICE-CHARIMAN

Michael Slataper discussed the desired qualifications of potential candidates for chairman and vice chairman of the Council. Gary Purser was nominated as chairman; motion to elect (Huneke), seconded (Beicker) and passed. Paul Lorraine was nominated as vice-chairman; motion to elect (Huneke), seconded (Beicker) and passed.

ADOPTION OF AGENDA

A motion to adopt the agenda was made (Siebold), seconded (Lorraine) and passed.

APPROVAL OF MINUTES OF AUGUST 18, 1999 MEETING

Motion to approve the minutes from the August 18, 1999 meeting was made (Beicker), seconded (Lorraine) and passed.

DEPARTMENT UPDATE

The Council was advised that Executive Director, Rachelle Martin submitted her resignation effective September 1, 1999.

New Manufacturers – Currently, there are 65 certified manufacturers, 8 certifications, 81 builders, 64 inspectors, 8 inspection agencies, and 9 design and review agencies. There were increases in the number of builders and certified manufacturers.

Penalties and Complaint Cases – Most complaints were department generated. There were a total of 12 complaints on the books: 1 not licensed; scheduled for hearing, 2 inspected completed buildings, 1 failure to keep variance agreement, 1 building without a decal; incomplete paperwork, and 7 monthly reports.

Legislative Session – See handouts.

OLD BUSINESS

Arrow Mobile Structures – This case was opened approx. 2 years ago. It was discovered that some of their buildings were built with 5/16" gypsum ceiling boards supporting insulation. Codes require gypsum ceiling boards to be 1/2" or 5/8" when supporting insulation. Arrow requested a variance that was approved by the Council under the provision that Arrow would purchase a bond to cover potential repair costs in the event that the ceiling boards started to weaken. They failed to do so and the Council rescinded the variance. A letter has been sent to the owner notifying them of their non-compliance. Arrow was informed of the code violation prior to shipping the building and had agreed to correct the problem on site, which they never did. The building is currently occupied. Arrow has filed for bankruptcy and is apparently operating under a different name but with the same employees. At this time, the department can only take administrative action. The building owner, however, has the power to take Arrow to court.

Contract Criteria for Monitoring Inspector, Certification Team Leader, Certification Team Member – Surveys were sent to over 200 members of the industry in order to help establish a criteria for contracting monitoring inspectors, certification team leaders and certification team members. Only 17 have been returned. The results were presented along with the department's recommendations. A motion to accept the criteria as proposed (Huneke), seconded (Lorraine) and passed.

Variance Procedures – Staff was requested to provide written procedures for variances. After extensive discussion regarding this agenda item, it was agreed that staff interprets the rules and the Council grants the variances. It was the consensus of the Council that no further action is necessary regarding this issue.

Adoption of New Codes – A motion was proposed (Goetz) to adopt later editions of the following codes: the 1997 edition of the Uniform Building Code, the 1997 edition of the Standard Building Code, the 1997 edition of the International Fuel Gas Code, the 1997 edition of the International Plumbing Code, 1998 edition of the International Mechanical Code, the 1998 edition of the International Energy Conservation Code, the 1999 edition of the National Electrical Code, the Texas Accessibility Standards, and the 1998 edition of the International One and Two Family Dwelling Code. The motion was seconded (Beicker) and passed. The adoption is effective February 8, 2000.

NEW BUSINESS

Rule Revisions – Donna Lipke presented as an FYI the revisions to the Industrialized Builders Reporting Requirements. In the past, builders were required to report whether a site inspection was completed by the city or by a third party. Now they need to provide a notarized statement verifying that a site inspection has been completed and that the building is in compliance.

Revisions to Site Inspection Procedures – Due to a lack in number of third-party inspectors as well as the high cost of using them, a revision was proposed that allows licensed engineers and architects to perform site inspections of all unoccupied permanently installed modular buildings outside the city's corporate control. The Council amended the revision so that it included occupied buildings as well as unoccupied. A motion to accept the revisions was made (Slataper), seconded (Huneke), and passed.

Revisions to In-Plant Procedures – Revisions were proposed that would allow for an increased frequency of third-party in-plant inspections of particularly non-compliant manufacturers. Staff suggested that third-party inspectors perform more in-plant inspections in order to attempt to gain more compliance from problematic manufacturers; the idea being that increasing the money spent on inspections would cause these builders to "clean up their act". Third party agencies are reluctant to increase the frequency of inspections in manufacturing facilities due to threats from manufacturers to switch to another third party agency. The Council determined that mandatory increased frequency of inspection under certain conditions would help alleviate this problem. A motion was made to accept the revisions as presented (Huneke), seconded (Beicker) and passed.

Approval of Third Party Inspectors, Third Party Inspection Agencies, and Design Review Agencies – A motion was made to grant the following inspectors approval by the Council (Siebold): Carol Z. Teer, IHI-107, of Hilborn, Werner, Carter & Associates; Gregory Berry, IHI-105, and Robert Lee, IHI-104, of NTA, Inc.; Chad Sears, IHI-103, of Progressive Engineering; and Randall Cole, IHI-103, and Nicholas Yost III, IHI-102, of T.R. Arnold & Associates. The motion was seconded (Lorraine) and passed.

PUBLIC COMMENT

There were no public comments.

NEXT MEETING

The date of the next meeting was not set.

ADJOURNMENT

A motion to adjourn the meeting was made (Lorraine), seconded (Goetz), and passed.

Respectfully Submitted:

Minutes prepared by Robert McCann

Gary Purser, Chairman

Verbatim proceedings available on audiocassette