



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## STATE BUILDING CODE COUNCIL SUMMARY MEETING MINUTES

**LOCATION:** The meeting was held at  
DES Building – Room 1213  
1500 Jefferson St SE, Olympia, WA 98504  
with Zoom and teleconference options

**MEETING DATE:** Friday, March 15, 2024

**Members in Attendance:** Kjell Anderson, Jay Arnold, Todd Beyreuther, Justin Bourgault, Daimon Doyle, Tom Handy, Angela Haupt, Roger Heeringa, Lorin Lathrop, Tye Menser, Benjamin Omura, Representative Alex Ramel, Pete Rieke, Representative Suzanne Schmidt, Katy Sheehan, Senator Lynda Wilson

**Members Absent:** Matthew Hepner, Craig Holt, Senator John Lovick

**Staff In Attendance:** Managing Director, Stoyan Bumbalov; Assistant Attorney General Dierk Meierbachtol; Krista Braaksma; Dustin Curb; Rozanna Ghanie

**Visitors Present:** Jamie Aldred, Kurt Aldworth, Larry Andrews, Kim Barker, Erik Bedell, Trish Bennon, Andrew Bergford, Chris Bingham, Laura Bloyd, Richard Blumenthal, Andy Booth, Ali Boris, Tim Brandes, Ken Brouillette, Cody Case, Ian Casey, Micah Chappell, Mark Conroy, Brett Conway, Michael Dobbs, Kevin Duell, Jen Eliuk, Doug Engle, Michael Feerer, Angela Garcia, Joshua Garcia, Dwayne Garriss, Rafik Gindy, Jeff Hale, Randy Harwood, Seth Henderson, Kade Howard, Adam Hutchinson, Ardel Jala, James Knowles, Gregory Johnson, Jonathan Jones, Dave Kokot, Eric Lacey, Patrick Lambert, Kendall Liddicoat, LeMont Lucas, Robert Mathis, Rob Medina, Jenny Nickerson, Troy Olsen, Dallen Romriell, Kevin Rose, Michael Saponaro, Jacob Schuler, Dan Schuler, Molly Severns, Ray Shipman, Brian Smith, Andrea Smith, Michael Snook, Nick Stiltner, Steve Tapio, Gavin Tenold, KOMO TV, Nick Waggood, Kara Whittaker, Steven Wilcox, Bill Will, Tom Young, TVW

Agenda Items	Council Actions/Discussion
1. Welcome and Introductions	The meeting was called to order at 10:01 a.m. by Council Chair Daimon Doyle. Roll call was taken, and a quorum was present. Everyone was welcomed and members of the public, who wished to, introduced themselves.
2. Review and Approve Agenda	Managing Director, Stoyan Bumbalov, asked if agenda items 5 and 6 could be switched due to deadline to file CR 103E for agenda item 6, should the Council deem necessary.  <b>Motion:</b> Kjell Anderson moved to approve the agenda with the suggested revision, Justin Bourgault seconded, the motion passed.

This material in alternative formats including braille, large print, and audio recording is available on request by emailing the SBCC at [sbcc@des.wa.gov](mailto:sbcc@des.wa.gov).

<p>3. Review and Approve Minutes</p> <ul style="list-style-type: none"> <li>February 15, 2024</li> <li>February 16, 2024</li> </ul>	<p><b>Motion:</b> Jay Arnold moved to approve the minutes from February 15 and February 16, 2024, Tom Handy seconded, the motion passed.</p>
<p>4. Public Comment on Items Not on the Agenda</p>	<p>James Knowles from Amerax and the Fire Equipment Manufacturers Association provided a power point presentation about <a href="#">certification of personnel for alternative fire extinguishing systems</a>.</p> <p>Larry Andrews spoke to conflicting information presented during court hearing.</p>
<p>5. WUI Code</p> <ul style="list-style-type: none"> <li>Delete the entire 2021 WUI Code or adopt amendments in Chapter 3 and 6</li> <li>The Council's decision is dependent on the passage of ESB 6120. This agenda item may be revised accordingly after the end of the 2024 Legislative Session (March 7<sup>th</sup>)</li> </ul>	<p>Managing Director, Stoyan Bumbalov, gave an overview to the WUI Code and the request for filing of an Emergency Rule. He also shared concerns with Senate Bill 6120 being passed but pending the Governor's signature.</p> <p>Chair Daimon Doyle stated that his opinion would be to strike the 2021 WUI Code as 2018 WUI Code is effect and wait for Department of Natural Resources complete their task. Stoyan Bumbalov clarified that if the 2021 WUI code is deleted with Council action, there won't be any state-adopted WUI code effective in the State of Washington until the DNR develops new WUI maps.</p> <p><b>Motion:</b> Tom Handy moved to direct staff to file Emergency Rule to remove the 2021 WUI Code and follow up with Expedite Rule and wait for the Department of Natural Resources to complete their mapping. Jay Arnold seconded, the motion passed.</p> <p>Managing Director Stoyan Bumbalov, explained that if the 2021 WUI Code is stricken the state will not continue with the 2018 WUI Code; there will not be any state-adopted WUI code effective in the State of Washington until the Department of Natural Resources have developed their new WUI maps. Assistant Attorney General, Dierk Meierbachtol, agreed with Stoyan's assessment as SB 6120 would hold off any action by the SBCC until DNR's mapping was complete.</p> <p>Chair, Daimon Doyle, asked if the 2018 WUI Code would remain in effect. Assistant Attorney General, Dierk Meierbachtol, clarified again that SB 6120 provides that once the mapping is done, the Council may only adopt those portions of the WUI Code that is set forth in the statute. Therefore, Washington State will not have a WUI Code until DNR is complete with its' mapping.</p> <p>Jay Arnold asked would the proposed motion impact local jurisdictions with the ability to adopt their own WUI code based on their own findings of facts. Assistant Attorney General, Dierk Meierbachtol, responded that it would not.</p> <p>Kjell Anderson asked for clarification on current state of 2018 WUI Code. Managing Director, Stoyan Bumbalov, explained that the 2018 WUI Code was adopted but was later deleted via an Emergency Rule. Then SBCC started working on the 2021 WUI</p>

	<p>Code. Assistant Attorney General Dierk Meierbachtol stated that the State Building Code Council will not have a statewide WUI Code until DNR mapping is complete. Then SBCC could adopt the WUI Code with the limitations prescribed by legislature.</p> <p>Discussion continued regarding local jurisdictions that are acting with a WUI Code.</p> <p>Public comment was offered. Micah Chappell voiced agreeance with the need of the Emergency Rule to remove what was adopted but expressed concern of legislation taking away the authority of the SBCC to modify the WUI Code or amend it beyond legislation.</p> <p>The Council Members continued with discussion on what is the appropriate action to be taken.</p>
<p>6. Proposal for Emergency Rule:</p> <ul style="list-style-type: none"> <li>The Model code Section 308.1.4 <i>Open-flame cooking devices</i> in 2021 IFC was inadvertently adopted. Discuss options to rescind this adoption</li> </ul>	<p>Managing Director, Stoyan Bumbalov, explained how the 2021 International Fire Code Section 308.1.4 <i>Open-flame cooking devices</i> became effective –it started as an improper proposal, which was later modified by the Fire Code TAG, followed by misfiling’s by SBCC Staff. He asked the Council to adopt the 2018 Amendment and not adopt the model code Section 308.1.4 with an emergency rule. Multiple Council members asked for clarity on how Section 308.1.4 was adopted; Managing Director, Stoyan Bumbalov, explained the timeline in further detail.</p> <p>Ben Omura agreed with moving forward with the Emergency Rule and asked if either Dave Kokot, Ken Brouillette, or others who submitted written testimony could speak on how enforcement is being handled. Dave Kokot voiced his concern that the Fire Departments do not have the resources to enforce Section 308.1.4, but it was agreed with apartment complex owners and associations to have them enforce the requirements in their rental agreements. Dave Kokot also asked for the Council to return the 2018 amendment back.</p> <p>Roger Heeringa asked for the model code language to be presented to confirm what is being taken out from WAC 51-54A-0308, Section 308.1.4. Members of the Council clarified the language that needed to be stricken.</p> <p>Senator Lynda Wilson asked if the language in Section 308.1.4 should state <i>repealed versus not adopted</i> as it was inadvertently adopted. Assistant Attorney General, Dierk Meierbachtol, explained that if the Council does not adopt model language, the WAC will state “<i>This section is not adopted</i>”. When filing the document with the Code Revisors Office, it will be specified that this section is being repealed.</p> <p>Members of the public was given opportunity to speak. It was asked by Micah Chappell if the language discussed at the TAG could be presented. Managing Director, Stoyan Bumbalov, presented the language discussed at the TAG meeting and explained in further detail what was discussed and what was wrongly filed. Ken Brouillette stated that he proposed the adoption</p>

	<p>of model code Section 308.1.4; however, it was an error and should be fixed.</p> <p><b>Motion:</b> Kjell Anderson moved to adopt what was presented on the screen in lieu of what was previously adopted, and to direct SBCC Staff to file an Emergency Rule, followed up with an Expedite Rule for permanent adoption, Tom Handy seconded, the motion passed.</p>
<p>7. Revisions to the 2024 Code Adoption Schedule</p>	<p>Managing Director, Stoyan Bumbalov, presented and explained revisions to the 2024 Code Adoption Schedule. Council members and SBCC Staff discussed the workload required for each group and the timeframe to also address legislative bills.</p> <p><b>Motion:</b> Roger Heeringa moved to approve the schedule as presented and requested SBCC Staff to integrate the 5 mandates from the legislature into the Code Adoption process, Tom Handy seconded, the motion passed.</p> <p>Public Comment was offered and members of the public spoke.</p>
<p>8. Legislative Committee Report</p> <ul style="list-style-type: none"> <li>• Approved Bills</li> <li>• Authorize the Legislative Committee to act in Council's behalf</li> </ul>	<p>Todd Beyreuther explained that Tom Handy will take over as Legislative Committee Chair effective after this Council meeting. He also discussed having a Legislative Committee meeting soon to understand the role the Legislative Committee plays with Policy Making versus Rule Making.</p> <p>Managing Director, Stoyan Bumbalov, provided an overview of the bills affecting SBCC, and clarified that the bills with high priority were SHB 1899 Wildfire Reconstruction, SHB 2071 Residential Housing, SB 6120 Wildland Urban Interface, and SB 6291 State Building Code Council.</p> <p>Stoyan Bumbalov reviewed Budget item (15) (a) \$250,000 of the climate commitment account-state appropriation is provided solely for the state building code council to conduct a study that includes: (i) A review of the language addressing embodied carbon used in the building codes of other jurisdictions, including but not limited to the California Green Building Standards Code and the Vancouver Building By-law. He noted there were other provisions but the above was most important. He then noted item (d) The council must submit a report of the study findings to the appropriate committees of the legislature by December 1, 2024. He then noted the funding is not guaranteed as highlighted in item (e) If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection. Stoyan Bumbalov then noted that DES on behalf of the SBCC submitted a letter of concern about the funding and due date along with limited knowledge.</p> <p>Council members discussed what is needed to complete the research to meet the deadline. Kjell Anderson, Todd Beyreuther, Tom Handy, Roger Heeringa, and Ben Omura volunteered to be a</p>

	<p>part of a Task Force to address this, hopefully prior to April's Council meeting.</p> <p>Jay Arnold asked if the Council could direct the Legislative Committee to start working on a legislative agenda that the full Building Code Council could adopt that would give some direction for the Committee to move forward during the session. Multiple Council members agreed with this.</p> <p><b>Motion:</b> Jay Arnold moved that the SBCC direct the Legislative Committee to come back with a proposed legislative agenda at a future meeting and, also provide the summary of information on the bills that passed that impact the SBCC, Roger Heeringa seconded, the motion passed.</p>
<p>9. Appointment of TAG members:</p> <ul style="list-style-type: none"> <li>• Staff report</li> <li>• Designate authority for TAG member appointments</li> <li>• Potential changes to the Council's bylaws pertaining to appointment of TAG members. (If needed)</li> </ul>	<p>Managing Director, Stoyan Bumbalov, gave overview of the TAG member applications while SBCC Staff presented Group 1 TAG application seats. Stoyan explained that there are two options to approach the TAG appointments. First option is for the Council to appoint TAG members during this Council meeting. Second option is for the Council to give the authority to a committee to appoint the TAG seats. SBCC Staff and TAG Chairs will assist this committee in this process.</p> <p>Stoyan Bumbalov went on to address the current bylaws and TAG membership. First, does the Council want TAG members to be appointed for one code adoption cycle and then reappointed for a second, as it is in the current bylaws? Second, how many TAGs can one person serve on? Third, he suggested the Council establish specific criteria to help with the appointment of TAG members. Lastly, does the Council want to keep seats open until filled with the right candidate or appoint someone that already applied for another seat, but was not appointed?</p> <p>Stoyan Bumbalov presented text from the bylaws, Article III: Technical Advisory Groups Bylaw changes for sections 1-5 and 9.</p> <p><b>Motion:</b> Tom Handy moved to keep TAG seats open until filled, the terms of office to be based on the code adoption cycle, and the TAG members to be appointed for one term and one additional term after that. Jay Arnold seconded. Council members discussed further.</p> <p>Motion called for question by Tom Handy with no second.</p> <p><b>Amendment to the Motion:</b> Tom Handy moved to add that TAG members may be reappointed for a third code adoption cycle on a case-by-case basis, Jay Arnold seconded.</p> <p>Members of the public who wished to speak were given the opportunity to do so.</p> <p>Roll call was taken, motion passed.</p> <p><b>Motion:</b> Roger Heeringa moved that all TAG members are, recommended by the TAG chair and approved by the Council or</p>

Executive Committee, Justin Bourgault seconded. Roger spoke to his motion. Brief discussion was held by the Council members.

Members of the public were given the opportunity to speak. Micah Chappell asked for clarification why the Bylaw document presented was not available to the public. It was clarified that the topic regarding changed to the Bylaws is listed on the agenda and did not break any protocols.

Other members of the public expressed concerns of the SBCC's lack of transparency with regards to changes to the Bylaws. Jay Arnold explained that the changes being proposed will help make SBCC more transparent and more flexible in the future. Other members spoke to Bylaw transparency.

Ken Brouillette asked questions regarding if the TAG application process is going to be extended, and if there is a disagreement between the TAG chair's nomination on a TAG seat the Executive Committee, how does it get resolved. Chair, Daimon Doyle clarified that if there is disagreement, final decision will fall to the Council.

Roll call was taken, Motion passed.

Jay Arnold left the Council Meeting at 2:00 p.m. The Council Chair's vote is needed to meet the two-thirds vote in order to change the bylaws.

**Motion:** Roger Heeringa moved to extend the Council meeting to 2:30, Kjell Anderson seconded, motion passed.

**Motion:** Kjell Anderson moved to approve item #2 as amended, Tom Handy seconded. Council members nor members of the public had comments.

Roll call was taken, motion passed.

**Motion:** Kjell Anderson moved to approve item #4 as amended, Ben Omura seconded. The Council held brief discussion. No members of the public had comments.

Roll call was taken, motion passed.

Chair, Daimon Doyle, brought forth item #9 and spoke to concerns of previous Council meeting's motion to limit all TAGs to 15 seats. However, the WSEC-C TAG was extended to 18 seats which raised concerns. Assistant Attorney General, Dierk Meierbachtol, explained that Robert's Rules does allow a body to change their minds and can either rescind or amend a prior motion. Robert's Rules say that if someone is going to make a motion to rescind or amend a previous action, there must be notice that this is going to happen in the meeting and will need majority vote. If the notice is not provided, two third's vote is required for it to pass.

Council members discussed whether WSEC-C truly requires 18 seats on the TAG. Members of the public offered comments.

	<p><b>Motion:</b> Roger Heeringa moved to extend the meeting for an additional 15 minutes, Kjell Anderson seconded, motion passed.</p> <p>Roger Heeringa suggested that item 9 be added to next Council meeting. It was confirmed that no formal motion is needed.</p> <p><b>Motion:</b> Tom Handy motioned to accept item #9 as written as a change to the Bylaws, Kjell Anderson seconded.</p> <p>Kjell Anderson explained that the WSEC-C is contentious and there has never been an issue to meet quorum, therefore supporting the 18 TAG seats. Council members held further discussion and members of the public spoke to this issue.</p> <p><b>Motion to table:</b> Todd Beyreuther motioned to table item #9, Kjell Anderson seconded.</p> <p>Roll call was taken, motion passed 8 to 1.</p>
<p>10. TAG Seats for the 2024 Code Adoptions Cycle:</p> <ul style="list-style-type: none"> <li>• Residential energy Code TAG</li> <li>• Residential and WUI Codes TAG</li> </ul>	<p>This item is tabled for the next Council meeting.</p>
<p>11. Other Business</p>	<p>Kjell Anderson asked when will ethics training be provided and by whom. Assistant Attorney General, Dierk Meierbachtol, confirmed that it is provide by the Executive Ethics Board.</p>
<p>12. Staff Report</p>	<p>This item is tabled for the next Council meeting.</p>
<p>13. Adjourn</p>	<p><b>Motion:</b> Tom Hady moved adjourn the meeting, Justin Bourgault seconded, motion passed. Meeting was adjourned at 2:44 p.m.</p>