



**MINUTES/AGENDA REPORT**  
for the meeting of the  
**ICC BOARD OF DIRECTORS**  
*February 21 & 22, 2003*  
*San Antonio, Texas*

**1.0 CALL TO ORDER:**

***Board Members in Attendance:*** President Paul Myers; Vice-President Anne vonWeller; Secretary/Treasurer Nick D'Andrea; Wally Bailey; Ed Berkel; Terry Cobb; William Duck; William Dupler; Gerry George; Henry Green; Dorothy "Dottie" Harris; Frank Hodge; Greg Johnson; Tim Ryan; Steven Shapiro; Jim Tidwell.

***Those unable to attend:*** Fred Herman and H.H. "Bubba" Roberts

***MCO/ICC Staff and others in attendance:*** Tom Frost; Terry Leppellere; Bob Heinrich; Cheryl Melendez; Les Moran; John Nosse; C.P. Ramani; Dominic Sims; Brad Ware; Tim Ward.

**2.0 DISPOSITION OF MINUTES AND CONSENT AGENDA ITEMS:**

**2.1 - Disposition of Minutes:**

**Exhibit 2.1** contains a copy of the minutes of the last Board meeting. All Board minutes will be printed on blue paper. All agenda reports will be printed on green paper.

**RECOMMENDATION:** Approval of Board minutes from the last Board meeting.

***Financial Impact:*** As noted in minutes.

**Discussion:** Several changes that were noted in the minutes will be shown in italics and will be reflected in the minutes.

**ACTION:** Minutes were approved as revised. Revised minutes will be resent to the Board.

**2.2 - Consent Agenda Items:**

All consent agenda items are marked with an "\*" and are included as non-discussion items. These items will only be discussed if a member of the Board of Directors desires to do so and asks to remove it from the consent agenda. A member of the Board may propose to add items to the consent agenda that are not currently marked as a consent agenda item. The consent agenda items are issues that do not require Board action, require Board action without further discussion or are verbal status reports. The consent agenda items proposed are outlined below:

10.1 – NAHB

10.2 – ACI

**RECOMMENDATION:** Approval of consent agenda.

**Financial Impact:** *None reported at this time.*

**Discussion:** No discussion occurred on this item.

**ACTION:** The Board accepted the agenda.

### **3.0 ACCEPTANCE OF AGENDA:**

**RECOMMENDATION:** Approval of Board agenda with any modifications as noted or discussed.

**Financial Impact:** *As noted under impact for each item on the agenda.*

**Discussion:** No discussion occurred on this item.

**ACTION:** Acceptance of the agenda with several items to be referred to break-out strategic planning groups.

### **4.0 EXECUTIVE SESSION:** All items to be on the Executive Session agenda have a (E) appearing before the item number.

(E) 5.1 – Consolidation Issues

(E) 5.2 – Draft Bylaw Change for Board Positions

(E) 5.3 – Board Legal Counsel

(E) 5.4 – Signature Approval Levels Policy

(E) 5.5 – Travel Reimbursement Policy (CP #4)

(E) 5.6 – Reimbursement of Board Spouse/Companion Travel

(E) 5.7.1 – Veeck Case

(E) 5.7.2 – NFPA vs ICC copyright complaint

(E) 5.9 – ICC Membership and Certification Rates

(E) 6.1 – Public Policy

(E) 6.2 – Legislation

(E) 6.3 – ANSI

(E) 9.3 – International Fire Code Council

(E) 9.4 – NFPA Appeal - added

(E) 10.3 – ICC Electrical Code

(E) 10.4 – PHCC

**RECOMMENDATION:** Approval of consent agenda.

**Financial Impact:** *None reported at this time.*

**Discussion:** No discussion occurred on this item.

**ACTION:** The Board accepted the agenda.

## 5.0 ADMINISTRATIVE ISSUES AND ACTIVITIES:

### (E) 5.1 – Consolidation Issues:

### (E) 5.2 – Draft Bylaw Change for Board Positions:

**5.2 Resignation, Disqualification and Vacancies.** Any member of the Board who ceases to be a designated Governmental Member Representative, for a period of 60 days, shall automatically forfeit their office, subject to the provisions of the below paragraph 5.2.1. Should a Director-at-Large resign from the Board of Directors or become ineligible for any reason, such position may be filled by a person named by the President with the approval of the Board of Directors, at the conclusion of the next Annual Business Meeting, until which time such position shall be filled by regular election for the remainder of the term.

5.2.1 In the event a Board member is called to active military service and in the event during such service and also during the Board member's term of office, such Board member ceases to be a designated Governmental Member Representative for a period of 60 days, then the Board may take the following actions:

- (a) Within 45 days after the end of such 60 day period, declare the seat still occupied by such Board member notwithstanding that such Board member has ceased to be a designated Governmental Member Representative.
- (b) In the event the Board fails to take the action specified in the foregoing subparagraph (a) during such 45 day period, then upon expiration of the 45 day period, the said Board member seat will be deemed vacant and the Board may thereafter act to fill the vacancy as provided in paragraph 5.2.
- (c) In the event the Board does take the action specified in the foregoing subparagraph (a) during such 45 day period, then the Board may nevertheless thereafter during such Board member's unexpired term, at any time before such Board member is redesignated as a Governmental Member Representative, act to declare such Board seat vacant and to fill the vacancy as provided in paragraph 5.2.

**RECOMMENDATION:** Discussion by the Board and approval of the bylaw change to go before the membership for a final action vote. *Upon further staff review, staff recommends not adopting proposed language above. Staff proposed new language that appears in Exhibit 5.2.*

**Financial Impact:** *Dependent upon the actions of the Board.*

**Discussion:** The Executive Committee had discussed this issue and recommended that no change in the bylaws be made at this time.

**ACTION:** Motion approved to accept the Executive Committee and legal counsel's

recommendation to not take any action at this time.

**(E) 5.3 – Board Legal Counsel:**

**(E) 5.4 – Signature Approval Levels Policy:**

**(E) 5.5 – Travel Reimbursement Policy (CP #4):**

**(E) 5.6 – Reimbursement of Board Spouse/Companion Travel:**

**(E) 5.7 – Litigation:**

**(E) 5.7.1 – Veeck Case:**

**(E) 5.7.2 – ICC/BOCA vs NFPA Copyright Complaint:**

**5.8 – Chapter Issues and Activities:**

**Exhibit 5.8.1** listed all chapters seeking approval of ICC Chapter status.

**RECOMMENDATION:** Approval of chapters requesting ICC status as submitted.

**Financial Impact:** *Impact will be determined according to the chapter policy.*

**Discussion:** The report was accepted by the Board.

**ACTION:** Approval of chapters requesting ICC status as submitted.

**5.8.2 – Board Liaisons to Chapters:**

The Board directed staff to assign Board and staff liaisons to each ICC chapter. As directed by the Board at the January 2003 meeting, the criterion to be used for Board members is geographic proximity. In order to achieve some degree of balance, some members were assigned chapters not in their general region.

**Exhibit 5.8.2** are the suggested assignments for the Board's review.

**RECOMMENDATION:** That the Board discuss the plan and make any necessary modifications then approve the plan to be implemented immediately.

**Financial Impact:** *Impact will be determined according to the chapter policy.*

**Discussion:** Discussion occurred in break-out sessions.

**ACTION:** This item was moved to the strategic planning session.

**(E) 5.9 – ICC Membership and Certification Rates:**

**5.10 – Awards Policy:**

At the October 2002, ICC Board meeting, the Board appointed an ad-hoc committee to

review and recommend proposed revisions to CP #10, Chapter Policy and develop an ICC awards policy. The committee consisted of Greg Johnson, Wally Bailey and Henry Green. The report of the committee is attached, in the form of a proposed Council Policy. Attached as **Exhibit 5.10** is the final draft of the Awards Policy, CP #17-2003 (formerly CP# 16).

**RECOMMENDATION:** That the Board take a final review of the proposed Awards Policy and then approve proposed CP #17-2003.

**Discussion:** Discussion occurred regarding editorial changes to this policy.

**ACTION:** Motion to approve the Awards Policy with editorial changes as noted.

**5.11 – Branding/Marketing for ICC:**

Attached as **Exhibit 5.11** is a report that outlines the information regarding ICC’s branding and marketing efforts, specifically regarding the ICC SAFE campaign, which includes the new tagline for email and the ICC website, “ICCSAFE”. This outline helps explain the research that has been done and why this particular concept was implemented as well as how we intend to use it in marketing ICC. A couple of Board members stated that it would be prudent to have this reviewed by the Board as it may be a border-line policy issue.

**RECOMMENDATION:** No action required by the Board at this time.

**Discussion:** Heinrich discussed the intent of the direction to change the website address and email address. Tidwell applauded the direction that this is going, but would have appreciated a heads up before the action was made. Moran noted that notice of the change to the website name was given to the Board at the last Board meeting in Las Vegas. The previous MCO website domain names will be retained. Email addresses are currently being redirected. Heinrich assured the Board that staff is not going to move away from the importance of codes by changing the domain name from Intlcode.org, but this is a marketing issue and there is a plan with the new domain name for everything to be tied together.

**Action:** No further action needed at this time.

**6.0 LEGISLATIVE ISSUES AND ACTIVITIES:**

**(E) 6.1 – Public Policy:**

**(E) 6.2 – Legislation:**

**(E) 6.3 – ANSI:**

**7.0 PRODUCTS, SERVICES AND SUPPORT ACTIVITIES:**

**7.1 – Spanish Translation of International Codes:**

At the January 2003, ICC Board meeting, the Board directed staff to provide estimates, by

code document, on the cost of translation to Spanish. Attached for the Board's review is information developed by the ICC International Services Department. Attached as **Exhibit 7.1** are the results of the RFPs at this time.

Shown in this exhibit are the translation costs for the IBC & IFC. The translation costs do not include the printing but are shown separately at the bottom of the estimate, assuming 5000 copies are done. The second page shows the costs for each individual book.

**RECOMMENDATION:** Staff recommends the Board provide direction on the translation of ICC codes and services. Several in the industry and on staff recommend that if ICC is to start on translation that we do so with the IBC and the IFC as that will have the largest impact in the Spanish speaking community.

***Financial Impact:** Dependent upon the actions of the Board.*

**Discussion:** Discussion occurred in the break-out sessions.

**ACTION:** This item was moved to the Strategic Planning Session.

## **8.0 TECHNICAL SERVICES ACTIVITIES:**

No needed actions or additional reports at this time.

## **9.0 CODES AND STANDARDS DEVELOPMENT ACTIVITIES:**

### **9.1 – Board Members Holding Seats on Committees/Councils:**

This issue was raised at the previous Board meeting and is being brought back to the Board for consideration and discussion.

**RECOMMENDATION:** That the Board have a full discussion on the issues related to Board members holding seats on Committees and/or Councils. At play is the issue of a smaller pool of Committee/Council positions for members to participate within ICC and since the seats are ratified by the Board, it may appear that Board members have an inside track. Our overall goal is to get the best people for the Committees and Councils regardless of where they come from or if they are in another position in ICC.

***Financial Impact:** Committee members' expenses are covered according to Council Policy regardless of Board position.*

**Discussion:** Issue is to get more people involved in the process. Also, is there a problem with the Board naming the councils and having Board members holding seats on these Councils. Recommendation to charge respective Councils to prepare a transition plan for moving the Board members off of the Councils. The Board should discourage Board members to not hold seats on code development committees. Regarding the Councils, there may be a possibility of creating Board liaisons. Important to have the communication both directions.

**ACTIONS:** This item was moved to the Strategic Planning Session.

## **9.2 – ICC Council Appointments:**

At the January Board meeting, the Board tabled this agenda item regarding ICC Council Appointments, directing staff to investigate and advise the Board as to whether or not the nominations have been active participants in called Council meetings. A review of the Council meeting minutes indicates that the nominees listed have been participating in Council activities, except as noted following their name(s). This list also includes the SBCCI nominations for the IBCC and IMPC that were brought forth at the January meeting. The nominations indicated are re-appointments from last year except as noted by “new”. In accordance with revised Council Policy # 9 (December 2002 BOD meeting), the terms for new appointments are to be 3 years/staggered. Each Council will assess the re-appointments for determination of the requisite stagger and terms to insure continuity between appointments.

### Building Code Council

Ronald Estep, NJ  
Stan Beeler, OH  
David Stanford, TX  
Bill Bryant, MD  
Ron Piester, NY  
Wally Bailey, AR  
William Dupler, VA  
Greg Wheeler, CO  
John Barrios, FL (new)

### IAFC:

*George H. McCall*

### Fire Code Council

Ed Berkel, MO  
Lee Wheeler, WA  
Jackie Gibbs, GA

### IAFC:

Paul Beauleiu, Victoria, British Columbia  
Tom Lariviere, MS  
Darrel Fournier, NE Division of IAFC (new)  
Mike Merwick, NE  
Wayne Senter, WA  
Robert Stahl, PA  
Jim Tidwell, TX  
Robert Weitzel, OH

### NASFM:

Dwayne Garriss, GA  
Robert Garrison, OR  
Mark Gates, LA  
Irving Owens, RI

Mechanical/Plumbing Code Council

Shahriar Amiri, MD (new)  
Dennis Daniels, NV  
Tony Price, GA  
Jud Collins, OK  
Leon McNeil, CA (new)  
Jimmy Brothers, AL (new)  
Richard Witt, VA  
Jody Hilton, UT  
Carol McLemore, TX (new)

Standards Council

Steve Regoli, OH  
Tom Thompson, CO  
Charles Danger, FL  
Sophie Zager, VA  
John Darnall, WA  
Iby George, NC  
Medard Kopczynski, NH  
Robert Guenther, CA  
Steve Landrith, SC

**RECOMMENDATION:** Approval of the names as presented.

***Financial Impact:*** None

**Discussion:** Recommendation for a letter to be sent regarding the concern of the attendance of Committee Member Owen. Jim Tidwell will send the letter. Also discuss vacancy for NASFM.

**ACTION:** Dupler had editorial issues to be added. Request for removal of references to the MCO organizations in the staff report provided above. Motion to approve as modified. *Modifications have been included within the list above.*

**(E) 9.3 – International Fire Code Council:**

**9.4 – Appeals Board for NFPA Complaint:**

**Discussion:** President Myers appointed the following board members to serve on the Appeals Board. Chairman – Anne vonWeller; Ed Berkel; Dottie Harris and Wally Bailey.

**ACTION:** Motion to approve the Appeals Board was passed unanimously.

**10.0 INDUSTRY ACTIVITIES:**

**10.1 – NAHB (\*):**

*No new reports at this time.*

**10.2 – ACI (\*):**

The staff is still working with ACI on compiling a list of items for either future discussion or areas where partnerships may be developed. It is anticipated that this list will be available for the Board to review by the next Board meeting.

**RECOMMENDATION:** No action required by the Board at this time.

**Financial Impact:** *Dependent upon the actions of the Board.*

**Discussion:** No discussion was needed on this item.

**ACTION:** No action was taken on this issue.

**(E) 10.3 – ICC Electrical Code:**

**(E) 10.4 – PHCC:**

**11.0 NATIONAL ISSUES AND ACTIVITIES:**

**11.1 – ICC Building A Safer World Foundation:**

A part-time interim executive director has been retained to help raise donations and gifts for the BASW Foundation. Richard Durant has over 25 years of experience in fund-raising and currently sits on the boards of several not-for-profit organizations. He will work with the CEO and staff and with CCS, the current fund-raising consultants to get results quickly. CCS will have a full-time resident in the Los Angeles office through the month of February and has also agreed to provide executive consulting for an extended period at no additional expense to the contract, which ended January 31, 2003.

The minutes of the first Board of Governors meeting are included under **Exhibit 11.1**.

**RECOMMENDATION:** No action is required by the Board at this time.

**Financial Impact:** *Estimate of \$3,000 a month, but staff salary was budgeted to begin in February. This amount is less than the staff compensation budgeted amount.*

**Discussion:** Heinrich presented a current update report on the Foundation.

**ACTION:** The Board accepted the report.

**12.0 INTERNATIONAL ORGANIZATIONS:**

**12.1 – WOBO Activities:**

Attached **Exhibit 12.1** provides a summary of WOBO events and related actions, including referenced exhibits, is provided for your review and action at your upcoming meeting to address ICC continued involvement with WOBO and in consideration of their request to ICC to be the WOBO permanent Secretariat.

**RECOMMENDATION:** Tim Ward, WOBO Board of Governor, still plans to attend and participate in this meeting to show our support and to monitor the actions taken. Heinrich has been invited to present a paper or to participate in the World Congress by the WOBO secretary and it is planned that Ward would give the paper or presentation on Heinrich's behalf. If George Miller becomes the next WOBO President, NFPA will likely accept the permanent Secretariat duties as well. Even if they did ask us to be the permanent Secretariat, staff would not recommend ICC accept.

Staff believes that ICC should consider other options for worldwide prominence unless enormous staff effort and money is spent to establish a major voting caucus at the meeting. Staff's opinion is that the IRCC should be the organization ICC should spend resources in aligning a partnership. ICC is assisting IRCC in organizing a Global Summit in Washington D.C. in November, 2003 which will have a very unique program and draw an international crowd of regulators in performance based systems and our policy makers.

***Financial Impact:***

**Discussion:** Ward presented an update report. WOBO doesn't appear to have an interest in the building officials in the U.S.

**ACTION:** Recommendation accepted to wait and see what happens in May and not make any changes at this point. Ward's report was accepted.

**13.0 OTHER BUSINESS:**

**13.1 – International Alliance of Interoperability:**

Staff has completed and filed the application for this Alliance with Heinrich as the initial member. Staff anticipates that further information on membership will be provided when application has been processed. The CEO may pass this membership to another staff member in the near term.

**RECOMMENDATION:** No further action required by the Board.

***Financial Impact:*** *Cost of membership \$1,000 and any further expenses for participation which are unknown at this time.*

**Discussion:** No discussion needed at this time.

**ACTION:** No action needed at this time.

**13.2 – Bank Resolution:**

As part of the consolidation, a resolution is required by the bank to provides the names of the officers and others who have financial responsibility and authority on behalf of ICC.

**RECOMMENDATION:** Approval by the Board.

**Financial Impact:** *No impact by approving the resolution.*

**Discussion:** No discussion was required.

**ACTION:** Approval of the resolution.

#### **14.0 FUTURE MEETING SCHEDULE:**

##### **14.1 – Tentative Meeting Dates:**

April 5-6, 2003, in Overland Park, KS, in conjunction with the Spring Educational Conference. **Exhibit 14.1** outlines the proposed schedule for the April Board Meeting.

**RECOMMENDATION:** Concurrence with staff's recommendation of dates and location.

**Financial Impact:** *These meetings have been included in the ICC Budget.*

**Discussion:** Directors depart on Sunday, April 6 – correction from report in 14.1.

**ACTION:** The Board accepted the report and concurred with the staff recommendations.

##### **14.2 – 2004 Code Hearings Tentative Location and Meeting Dates:**

Attached as **Exhibit 14.2** is a proposal for the 2004 Code Hearings

**RECOMMENDATION:** Concurrence with staff's recommendation of dates and location.

**Financial Impact:** *These meetings have been included in the ICC Budget.*

**Discussion:** Nick D'Andrea asked that Tampa, Florida be considered as a location. Staff will report back to the Board on their findings.

**ACTION:** A follow up report will be brought back to the Board with Tampa as a option.

#### **15.0 ADJOURNMENT:**

**ACTION:** Meeting was recessed until Saturday.

Saturday's meeting consisted of break-out groups to discuss various Board agenda issues with reports made to the full board in the afternoon. The notes from those break-out groups are attached as a separate document. Staff will review the notes and draft a plan for implementation.

**ACTION:** President Myers adjourned the meeting at 1:45 p.m.