

**MINUTES OF THE REGULAR MEETING OF THE
CONSTRUCTION INDUSTRIES BOARD
Conference Room
2401 NW 23rd Street, Ste. 2F
Oklahoma City, OK 73107**

April 26th, 2023

CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT

The regular meeting of the Construction Industries Board was called to order by Chair Scott Soder at approximately 1:30 p.m. on Wednesday, April 26th, 2023, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Lupe Ibarra, Jamey Mullin & Scott Soder

MEMBERS ABSENT: Todd Finley

CIB STAFF PRESENT: Janis Hubbard, Administrator; Stephanie Brown, Board Secretary/ Executive Assistant; Windy Nunnery, Office Manager; Debra Wojtek, Public Relations & Outreach Officer; Richard Hager, Plumbing & Roofing Supervisor and Gary Kirk, Mechanical Supervisor

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; Melody Kellogg, OMES/ABS; Tim Yaciuk, IEC; Kenneth Shepherd, K & J Plumbing; Larry Brouk, Local 344; Dale Hudson, CIB Applicant

STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT

This regular meeting of the Construction Industries Board, scheduled to begin at 1:30 p.m. on this 26th day of April, 2023, has been convened in accordance with the Oklahoma Open Meeting Act, Oklahoma Statutes Title 25, §§ 301 through 314.

Further, this meeting was preceded by advance public notice filed electronically with the Secretary of State specifying the time and place of the meeting here convened. The Agenda was posted and displayed in public view on the office site of the Construction Industries Board and notice of this meeting was given at least twenty-four (24) hours prior hereto. Fifty people have filed a written request for notice of meetings of this public body to date.

Read aloud this 26th day of April, 2023.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

Tim Yaciuk with IEC stated that on today's agenda there are items that the IEC and its members would like to address. He stated that items (X)(i) – (X)(iii), concerning staff pay and salary ranges is of interest to IEC. He stated that one of the biggest problems they see facing CIB is filling current open positions as well as maintaining the current staff levels. He stated that they believe that pay plays a large part in that issue, especially with the inspector positions. He stated that CIB office staff and inspectors are highly trained, dedicated, and qualified

employees. He stated that they deserve to be fairly compensated and for the agency to be competitive with other government entities and with their respective industries. He stated that by not being able to fill inspector positions it becomes difficult for the CIB to fulfill its mission of inspection of the licensed trades and protecting the health, life and safety of the public. He stated that they appreciate the Boards diligence and research of this issue and hope the appropriate action is taken.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that there was a request for an activity report on Home Inspectors and that Home Inspectors and Building Inspectors numbers have been added to the Roofing Division page. She stated that she would like to remind the Board that the Home Inspectors and Building Inspectors statutes have different procedural requirements and allowances, especially concerning complaints and prior approval for testing so not all of the numbers would be a complete or fair reflection of activity, and were not included to prevent unnecessary confusion when comparing those numbers to the other Division reports.

Ms. Hubbard reported that the agency has been able to make some changes to the website to better reflect descriptions on the committee charts. She stated that the main change is in the header on the far right that used to say "Statutory Qualifications" and now says "Represents" since there was not room to accurately reflect all of the statutory qualifications and the short synopsis was causing confusion. She stated that "Represents" of course is the group listed in the statutory authority like what will be seen in the items listed later in the agenda.

Ms Hubbard reported that in addition to the vacancies listed later in the agenda, our Administrative Program officer for Roofing and Home Inspectors is leaving next week to take a position at another state agency in the area of her college degree. She stated that this employee has been with the CIB for 8 years and that the agency very much appreciates her contribution to the CIB. She stated that the position has been posted and the agency will work quickly to fill that vacancy.

Ms. Hubbard reported that regarding the Plumbing Field Investigator position that was posted, the agency has received applications and has identified 3 people qualified to be interviewed. She stated that she would keep the Board posted on the interview process.

Ms. Hubbard reported that the Plumbing Taskforce meeting last Thursday, April 20th, was a good meeting with a diverse turnout. She stated that discussion was very lively at times. She stated that Mr. Means had to leave at 11:00 a.m., but the group decided to continue the discussions and did not stop until 12:30 p.m. She stated that some CIB staff were present to answer questions. She stated that the taskforce was very generous with their time and went an hour over what had been scheduled. She stated that the taskforce also gave attendees until Friday, April 28th, to submit any additional comments in writing to the CIB. She stated that the taskforce would consider everything and then determine the next steps.

Ms. Hubbard reported that this is Administrative Professionals Day and she thanked all of CIB's Administrative Professionals, and the entire team for all their dedication and hard work on behalf of the CIB.

FINANCIAL REPORT

Written financial reports for the month ended March 31st, 2023, prepared by OMES/ABS were provided for review and discussion.

PUBLIC RELATIONS REPORT

Workforce Development

Ms. Wojtek stated that she met with several industry groups on Workforce Development to increase collaboration and sharing of information for recruiting into the industries.

Ms. Wojtek stated that Monday was the Skills USA event in Tulsa and that it was great seeing CIB's inspectors and supervisors judging and seeing all of the participants.

Communications & Outreach

Ms. Wojtek reported that she is continuing to provide CIB information when requested about the trades and the industry to various industry groups and the public.

Ms. Wojtek reported that she reached out to several legislators that had significant storm damage in their districts with information on CIB's home repair tips and how to verify licensure/registration. She stated that she received positive feedback from them.

Ms. Wojtek reported that to answer some questions she had received at the last meeting she wanted to go through some of the social media analytics. She stated that Facebook does not provide a lot of in-depth information or demographics such as jobs or education, but what she was able to pull out was that at the time of making this report the page had 1,064 followers, and of those 73.4% were male and 26.6% were female. She stated that 33% of the followers are in the 35-44 age group, and 26% are in the 45-54 age group.

Ms. Wojtek reported that she was able to get a copy of the document that goes out with renewal information and that it does have a "get information, sign up for notices on CIB's website and connect with us by liking and following us on Facebook and Twitter" statement and includes a QR code for people to use. She stated that this is the same form that has been used by the agency since before she started her employment.

Ms. Wojtek reported an update on the agency's email subscribers.

Ms. Wojtek reported that she has continued researching and producing infographics, memes and artwork to assist in the agency's communications plan.

**Ms. Wojtek showed a few of the recent posts on the overhead screen.*

Legislative Update

Ms. Wojtek reported there have been two deadlines since the last meeting. She stated that March 23rd was the deadline for bills to be voted off the floor of origin, so House bills voted out of the House and Senate bills voted out of the Senate. She stated that April 13th was the deadline for non-appropriations bills to be out of the opposite chamber committee.

Ms. Wojtek reported that approximately 800 bills and joint resolutions are still alive out of just over 3,080 that were originally filed this year.

Ms. Wojtek reported that one bill that did not survive the last deadline was:

- HB 2556 by Rep. McBride which would have placed OUBCC within the CIB.

Ms. Wojtek reported that a few bills are continuing to move through the process and those are:

- HB 2858 by Rep. Wallace, contains clean up language to CIB's statutes.
- SB 652 by Sen. Rogers which exempts non-profits from the Plumbing, Electrical and Mechanical License Laws.
- SB 621 by Sen. Pugh creates the Oklahoma Workforce Commission, which seem to be working with Executive Order 2023-02 issued by the Governor on January 17th creating the Workforce Transformation Taskforce.
- HB 1798 by Rep. Osburn, which modifies the State Employee Compensation Program. The bill increases state employee compensation over three fiscal years until their pay levels are at least 90 percent of compensation for comparable private sector positions.

Ms. Wojtek then gave a brief summary of bills that affect the industries that are still alive:

- HB 1738 by Rep. Townley which would increase the workers compensation death benefit to surviving children.
- HB 1956 by Speaker McCall would change those with a license who are not in compliance with the state income tax laws, from being unable to renew their license to a garnishment.
- HB 2375 by Rep. Kannady modifies the permanent partial disability benefits structure.
- HB 2484 by Rep. Banning and SB 168 by Sen. Coleman regard refrigerant and its continued use.

Ms. Wojtek then gave a brief summary of bills that directly affect the agency that have already been signed by the Governor:

- HB 2810 which extended the agencies sunset for three more years.
- SB 515 by Sen. Bergstrom which modifies the Administrative Procedures Act.

Ms. Wojtek stated that tomorrow is the deadline for the third reading of bills and joint resolutions from the opposite chamber. She stated that May 26, 2023, is Sine Die.

Mr. Mullin asked if he could get a copy of the legislative information.

Ms. Wojtek stated that she would get him one.

MECHANICAL DIVISION REPORT

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of March. Mr. Kirk reported on activities of the Mechanical Division since the last Board meeting.

Mr. Mullin asked if Mr. Kirk could share something that surprised him or something he learned from the trade show that he attended. He asked if anyone had any specific questions or comments for him.

Mr. Kirk stated that there were a lot of positive things. He stated that quite a few people had complaints or would give them names of people that they thought should be investigated.

Mr. Mullin stated that he was glad to see him out in the public making himself available.

ELECTRICAL DIVISION REPORT

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of March.

PLUMBING DIVISION REPORT

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of March. Mr. Hager reported on activities of the Plumbing Division since the last Board meeting.

Mr. Ibarra asked out of the 42 new licenses how many were contractors and how many were journeyman.

Mr. Hager stated that he does not have that information at this point and is not sure if it can be tracked that way or not but can check.

Mr. Mullin asked Mr. Hager if like Mr. Kirk, he could share something from the trade show.

Mr. Hager stated that it is really all over the place. He stated that he gets licensing questions, recommendations of social media pages to check for violations, but mostly received general questions regarding rules, regulations and the industry itself.

Mr. Mullin stated that this is the first he has heard that they were even there.

Mr. Hager stated that they have been there many years, possibly even every show that they have had. He stated that they do a lot of the build my future presentations and talk to the vo-tech and high school students.

Mr. Soder stated that at Skills USA he was really impressed with the diversity of the age groups and who was there. He stated that he was very impressed with the groups that were there.

Mr. Buxton stated that he noticed that there were more women in participation and competition, including in brick laying, which he had not seen before. He stated it was great all the way around to see the participation.

Mr. Mullin asked what competition would have been plumbing related.

Mr. Hager stated they have a trainer that has a cast iron condense system and a cup of water and they compete and have 1st, 2nd, and 3rd place in students and in the adult program. He stated that the top two in each division moves on to compete at Nationals which is in Atlanta, Georgia this year.

ROOFING & OTHER DIVISION STATISTICAL REPORTS

The Board was provided a written report on roofing written warnings, citations, complaints, renewals, and applications received and new registrations and endorsements processed during

the month of March along with Home Inspector and Building inspector numbers. Mr. Hager reported on the activities of the Roofing Division since the last Board meeting.

CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARING WAIVED -- REVIEW AND POSSIBLE VOTE TO APPROVE ALL FINES, PENALTIES AND FEES ASSESSED AND COLLECTED ON UNCONTESTED MATTERS WHERE ADMINISTRATIVE HEARING WAS WAIVED AND FINES HAVE ALREADY BEEN PAID, AS REFLECTED ON THE MANAGEMENT STATEMENT OF ACTIVITIES BY TRADE REVOLVING FUND

Mr. Dutton stated that this consent agenda item is related to individuals who paid their fine and waived their right to a hearing.

MOTION BY LARRY BUXTON WITH SECOND BY KEITH DEEVER TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

Due to action taken on this item, Agenda Items 7(I) and 10(J) were not needed.

DISCUSSION ON OVERVIEW AND REMINDERS ABOUT THE OPEN MEETINGS ACT

Mr. Dutton stated that as opportunities present themselves with stories in the newspaper regarding open meetings he likes to pass on reminders to the Board. He stated that he sent out an email to Board members regarding a City of Tulsa council case where council members were texting each other during an open meeting about an agenda item. He stated that the case is currently in litigation, so he does not have the outcome for it and the Open Meeting Act does not specifically address texting, but he wanted to bring it to the attention of the Board as a reminder that it is important to stick to the agenda and speak in the open meeting to make the business of the CIB transparent to the public. He stated that when Board members text each other in an open meeting, or lean over to discuss something, even if it is not about the meeting, the public does not know that. He stated to have best practices his suggestion is for members to leave their phones off during meetings or at least do not use them during the meeting and to not lean over to discuss something with another member, but to discuss it openly. He stated that there are consequences for violations of the Open Meeting Act and we do not want those to happen. He stated that this is just a reminder that the Open Meeting Act should be fully followed to stay out of trouble.

Chairman Soder said he wanted to get clarification on it not just being texting between Board members but also anything that would be meeting related being communicated externally between Board members.

Mr. Dutton stated that is correct.

Mr. Mullin asked if they could expand on what they are calling external.

Mr. Dutton stated that if you are getting information or input that the public is not aware of about the meeting that could possibly be an issue under the open meeting act, especially with what we just saw about this story in Tulsa. He stated also there should not be email conversations between Board members about business of the Board because it could look like a meeting outside of the scheduled meeting. He stated that the public is only aware of the meeting when the agenda is posted with what the topics are as well as the time, place and location so that is what they are expecting and that is what the law is set up for in order to let the public be aware of the state's business.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD MARCH 22, 2023

The Board was provided a draft of the Minutes of the Regular Meeting of the CIB held in March.

MOTION BY LUPE IBARRA WITH SECOND BY JAMEY MULLIN TO APPROVE
THE MARCH 22, 2023, MEETING MINUTES AS PRESENTED

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON AUDIT ENGAGEMENT WITH OFFICE OF STATE AUDITOR AND INSPECTOR FOR FY 20 AUDIT

Ms. Hubbard reported that the letter provided was a standard letter from the State Auditor & Inspectors Office. She stated that the estimated cost was listed in the letter.

Mr. Mullin asked when the audit would be expected to be completed.

Ms. Hubbard stated that she cannot speak for what they have going on. She stated that CIB was contacted about a year ago to start the FY 20 audit but they have not reached back out since, so the agency has been anticipating starting it but are waiting for the auditor's office to reach back out.

Mr. Mullin stated that it seems with the delay it would be hard to make any changes in the years since when they are auditing so long ago still. He asked when the last audit was.

Ms. Hubbard stated that the last audit was the FY 19 audit, but she does not remember when it was presented to the Board. She stated that all audits are presented to the Board when they are finished.

Mr. Boevers stated that he does not remember when it was, but he does not believe there were any findings and if so it was minor. He stated that when he first got on the Board in 2011 there had not been an audit in a couple of years. He stated that when they got the first audits in there were 4-5 findings but they have worked to where there have been really good audits ever since.

Mr. Mullin asked Ms. Hubbard to get back to the Board on when the FY 19 audit was completed and presented to the Board to see how far behind this audit is.

Ms. Hubbard stated she would report back on when the FY 19 audit was presented to the Board.

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO APPROVE THE AUDIT ENGAGEMENT WITH THE OFFICE OF STATE AUDITOR AND INSPECTOR FOR FY 20 AUDIT

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON AUDIT ENGAGEMENT WITH OFFICE OF STATE AUDITOR AND INSPECTOR FOR FY 21 AUDIT

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO APPROVE THE AUDIT ENGAGEMENT WITH THE OFFICE OF STATE AUDITOR AND INSPECTOR FOR FY 21 AUDIT

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT MIKE BASS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1683(B)(5)

Ms. Hubbard stated that Mr. Bass is willing, able, and honored to serve. She stated that he is current with his license, has no citations and was originally appointed in 2017 to replace Daryl Andrews.

Mr. Mullin asked when this appointment expires and what he is filling exactly.

Ms. Hubbard stated that he is filling a two-year term that is going to expire in September of 2025 and that he represents Electrical Journeyman. She stated that she knows there has been some discussion about expiration dates and she wants to caution everyone that every licensing act, including the CIB act has language that says something along the lines of a member shall continue in office until a successor is appointed and qualified. She stated that there was a year that Tony was sitting expired, and she would not want to give the public the perception that he did not have the authority to attend meetings, vote and be a participating member of the Board because the statute says that they sit until a successor is appointed by the Governor and qualified. She stated that it makes her nervous to put expiration dates on the website since it

could give the wrong impression but on committees they will have their appointment dates on there and it does say expires, but language has been added at the bottom that says see the Oklahoma Statutes for full description of statutory qualifications.

Mr. Mullin said that the Governor does not appoint this position.

Ms. Hubbard stated correct, and I can read you the language in the Electrical Licensing Act for this position. She stated that in Title 59 O.S. § 1683(C) it says vacancies which may occur in the membership of the committee shall be filled by appointment of the Board. Each person who has been appointed to fill a vacancy shall serve for the remainder of the term for which the member he or she succeeds was appointed and until his or her successor has been appointed and has qualified.

Mr. Mullin stated that it is this Board that makes that appointment.

Ms. Hubbard agreed.

Mr. Mullin stated that he just got the letter yesterday and asked how is it that he is on the Board making that decision with others and somebody has that information ahead of him that there is going to be an appointment made and it is September. He stated that there is a letter so somebody knew to write a letter and asked how they would know that there is an opening and how the public would know that there is an open seat available on the committee.

Mr. Deaver stated that he sent an email to Ms. Hubbard and Chairman Soder asking this question, asking why they are not involved with finding people to replace.

Ms. Hubbard stated that she wanted to take their attention to section B under 1683. She stated that under 1683(B)(5), the statute wording says one member shall be a journeyman wireman selected from a list of names submitted from the electrical construction industry.

Mr. Mullin stated he has not seen a list of names.

Mr. Soder stated that to clarify the Board is making an appointment based on a recommendation from an external group, they do not solicit.

Mr. Mullin asked how the public would know there is even a seat available and how is it that the person that does know is being reappointed. He stated that to the public it would appear that it is just a good ole' boy club and we just reappoint ourselves, that is my concern because if I do not know and I am sitting on this Board how could the public know that there is an open seat available.

Ms. Soder stated that he believes that the duration of time an appointment is for is public information.

Ms. Hubbard stated that is correct and the information is on the website.

Mr. Buxton stated that if he recalls part of this nomination and appointment process involves an association affiliation. He stated that the Board does not see it but a notification goes to the members of the associations when an appointment is up. He stated that when it comes up association members are notified and they make the nominations. He stated that if there is more than one there is discussion had, but this is how it has come to the Board now.

Mr. Mullin stated that Mr. Buxton mentioned a notification goes out and asked where that notification comes from.

Ms. Hubbard stated that it was probably a phone call.

Mr. Mullin asked who makes the phone call.

Ms. Hubbard stated that the Executive Director of IEC is present and comes to meetings and is very engaged with industry so it probably would not even have taken a phone call to remind him that the appointments were coming up.

Mr. Mullin asked but who makes the phone call. He stated that his point is that this may be the best candidate in the world, he might be invaluable, and his recommendation might be also but he is wondering how the public would know there is a seat available if he is sitting on this Board and he did not know.

Mr. Deaver said that September 2023 is when the term expires but nobody told him that it was going out to be asked to these associations.

Mr. Soder stated that again the Board does not solicit.

Mr. Boevers said that each seat is represented by different organizations and asked if that was according to statute.

Ms. Hubbard stated that it is according to statute and the agenda item tells you which statute it is.

Mr. Boevers stated that Mr. Bass is representing journeyman on the committee.

Mr. Mullin asked if there was any other agency that can make that nomination.

Ms. Hubbard stated that the statute says submitted from the electrical construction industry so it would have to be an association that represents the electrical construction industry.

Mr. Mullin asked how many there were.

Ms. Hubbard stated that she is only aware of one statewide.

Mr. Mullin asked so there is only one that can make that nomination and that is them.

Mr. Boevers read the wording in § 1683 for each committee position and said that as seats come up, if there is a seat that is represented by journeyman non-union or union, those organizations know when the terms are up and they submit us letters with names.

Mr. Mullin stated they submit a name, he has yet to see more than one name.

Mr. Boevers stated that it is up to the organization to submit names. He stated that in years past he has kicked letters back when he was chair and requested more than one name. He stated that committees have had members who have sat expired for a year waiting for a second name and cannot get it. He stated that if they get one name, then you are pretty much stuck

with that one name. He stated you can accept it or you can let the person currently there sit expired.

Mr. Mullin stated that he would like some further understanding because he has asked counsel about how committee appointments are made to better understand. He stated that he understands that mechanical is made by the legislature that the Board does not make that one, but on the appointments that this Board makes he does not feel they have adequate choice besides what one group gives the Board. He stated that since these appointments do not come up until September he would like to make a motion to table these appointments until there is a meeting to better understand how committee appointments work.

Mr. Boevers stated that IEC controls this particular seat that is being discussed, they are the statewide organization that is recognized and asked if Tim Yaciuk could come explain how Mike Bass was selected.

Chairman Soder stated that since Tim Yaciuk was not on the agenda it would not be appropriate. Mr. Soder stated that he thinks the conversation is getting off track. He stated that the Board is following what the statute says and that has nothing to do with a better understanding since what has been presented to the Board is what is being considered.

Mr. Mullin stated that he does not think that the Board is understanding it correctly, that one trade organization should not have control over it and if that is the case why would the Board even mess with it if it is their seat to fill. He stated that his understanding is that it is this Board's seat to fill.

Chairman Soder stated that is not correct, it is based solely on the statute.

Mr. Boevers stated that the organization is going to put a name forward and it is up to the Board if they are going to accept that name. He stated that if anybody on the Board had a problem with that person being put forward, they can vote to not accept.

Mr. Mullin stated that it might be a person that we could accept but he has further reservations about how the process is worked and handled.

Mr. Deaver asked for clarification on if IEC was the only organization that could give a name.

Chairman Soder stated yes, for this position.

Mr. Deaver asked if the statute was tied to IEC.

Mr. Boevers stated no, what it is saying is that it has to be a statewide organization that represents journeyman and IEC is the only statewide organization non-union. He stated that ABC has a program up in Tulsa but he does not believe they reach down here.

Mr. Mullin asked so there is more than one.

Mr. Boevers stated not that reaches the whole state.

Mr. Mullin asked what qualifies that.

Mr. Boevers stated that they have to have a presence and be recognized as a federally acceptable training program.

Mr. Mullin asked why they are all not notified that there is a seat up for filling four months from now.

Mr. Boevers stated that they do that through their membership.

Mr. Deaver stated that actually ABC did submit a letter but it was for a different seat on the same committee.

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO TABLE THE RE-APPOINTMENT OF MIKE BASS UNTIL THE FULL BOARD BETTER UNDERSTANDS HOW THE APPOINTMENTS ARE MADE

MOTION FAILED

Voting Aye: Keith Deaver
Lupe Ibarra
Jamey Mullin

Voting Nay: Tony Boevers
Larry Buxton
Scott Soder

Mr. Dutton noted that when there is a tie vote, the motion fails.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RE-APPOINT MIKE BASS TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Lupe Ibarra
Scott Soder

Voting Nay: Keith Deaver
Jamey Mullin

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT KYLE WILLIAMSON AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1683(B)(2)

Ms. Hubbard stated that Mr. Williamson is willing, able, and honored to serve. She stated that he is current on his licensing and has no citations. She stated that he was originally appointed in April 2021 to replace Joe Hutmacher. She stated that the statutory language in (B)(2) states that one member shall be selected from a list of names submitted by a statewide organization of electrical contractors representing union contractors. She stated that a letter from OK NECA has been provided in the materials.

MOTION BY KEITH DEAVER WITH SECOND BY TONY BOEVERS TO RE-APPOINT KYLE WILLIAMSON TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Scott Soder

Voting Nay: Jamey Mullin

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT STEVEN ROBERTS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1683(B)(3)

Ms. Hubbard stated that Mr. Roberts was originally appointed in 2022, for the remainder of the term to replace Don Beach. She stated that he is willing, able, and honored to serve. She stated that he is current on his licensing and has no citations. She stated that the statutory authority reads that one member shall be selected from a list of names submitted by a statewide organization representing builders and contractors. She stated that there were two letters provided in the materials, one letter from ABC and one letter from AGC.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RE-APPOINT STEVEN ROBERTS TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Scott Soder

Voting Nay: Jamey Mullin

CONSIDERATION AND POSSIBLE VOTE REGARDING APPOINTMENT OF THE ELECTRICAL INSPECTOR SEAT TO THE COMMITTEE OF ELECTRICAL EXAMINERS (POSITION FORMERLY HELD BY DAVID ADCOCK) FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING SEPTEMBER 2023. TITLE 59 O.S. § 1683(B)(1)

Ms. Hubbard stated that at the time of posting the agenda it was believed the agency would have a letter from the only association that is a statewide electrical inspector association (IAEI), but the agency has not received that letter, so there is nothing to present to the Board.

**No action was taking on this item.*

DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (MECHANICAL TRADE) FORMERLY HELD BY CHARLES SCOTT

Ms. Hubbard stated that Charlie Scott was a long-time employee of CIB and after 18 years he is retiring. She stated that the agency is requesting to post that position.

Mr. Ibarra asked where the agency was advertising positions.

Ms. Hubbard stated that the agency advertises positions through the state and wherever else they can find. She stated that sometimes the agency even posts notices at supply houses in rural areas since it is hard to find people to fill positions in those areas. She stated that the position would also be posted on the agency's website.

MOTION BY LARRY BUXTON WITH SECOND BY JAMEY MULLIN TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (MECHANICAL TRADE) FORMERLY HELD BY CHARLES SCOTT

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR THE SOON TO BE VACANT FIELD INVESTIGATOR POSITION (ELECTRICAL TRADE) CURRENTLY HELD BY GARY WILLIAMSON (RETIRING)

Ms. Hubbard stated that Gary Williamson has worked for CIB for 26 years and will be retiring on July 1. She stated that the CIB wants to post the position as quickly as possible due to the other vacancies.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO ADVERTISE POSITION OPENING FOR THE SOON TO BE VACANT FIELD INVESTIGATOR POSITION (ELECTRICAL TRADE) CURRENTLY HELD BY GARY WILLIAMSON

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON ADMINISTRATOR'S RECOMMENDATION OF CANDIDATE TO FILL THE VACANT MECHANICAL FIELD INVESTIGATOR POSITION PREVIOUSLY HELD BY MIKE GOERTZEN

Ms. Hubbard stated that the agency received 8 applications, interviewed 4 applicants and the top scoring candidate, Dale Hudson is here today. She stated that the agency received great references for him and that he would be her nomination to the Board.

Gary Kirk provided a brief bio for Mr. Hudson for the Board.

Mr. Hudson introduced himself to the Board and offered to answer any questions.

Mr. Deaver asked if there were any other applicants for the position.

Ms. Hubbard stated that there were 8, and 4 were interviewed.

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO HIRE DALE HUDSON TO FILL THE VACANT MECHANICAL FIELD INVESTIGATOR POSITION PREVIOUSLY HELD BY MIKE GOERTZEN

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION WITH POSSIBLE VOTE ON RENEWAL OF THE FOLLOWING CONTRACTS FOR FY 24:

i. Sunset Courier

Ms. Nunnery stated that Sunset Courier provides the agency with courier service for the daily bank deposits. She stated that there is no increase in cost from the previous fiscal year for this service. She stated that the agency is continuing to research other courier services available to the agency for use and could possibly bring other options to the Board in the future.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RENEW THE CONTRACT WITH SUNSET COURIER FOR FY 24

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

ii. AT&T

Ms. Nunnery stated that AT&T wireless provides the agency with cell phone service. She stated that the agency is requesting to contract with AT&T wireless for FY 24 in what would be the first year of a new two-year contract. She stated that CIB currently has 24 mobile phone lines. She went over the rates included in the current contract and the increase with the new contract and what comes with that increase including unlimited hot spots.

She stated that agency polled two other cell phone providers. She stated that T-Mobile's pricing was less or more depending on the plan choice, but the coverage was not adequate for CIB needs with staff covering the entire state of Oklahoma, including remote areas.

She discussed Verizon's cost for the same plan, and the savings to the agency. She stated that when polling field staff most said that they were currently satisfied with AT&T's service. She stated that having to change from AT&T to Verizon would result in considerable time and work for CIB staff. She stated that all of the current cell phones would have to be backed up to the cloud, deactivated and then decommissioned. She stated that all cell lines would have to be ported over from AT&T to Verizon which historically has been technically difficult due to OMES/ISD security on the phones. She stated that in addition the agency would have to work with OMES/ISD to port the new cell phones over to the new provider with the state security program which would likely prove to be difficult and very time consuming for staff. She stated that two years ago when the agency switched to new cell phones, it was very difficult to get the state security programs to sync with the phones. She stated that field investigators would have to make multiple trips in to perform phone switchover and setup which would result in additional mileage costs. She stated that changing providers would add another element of technical difficulty to an already difficult, time-consuming task. She stated that further there is a possibility that changing cell providers and cell phones could result in a loss of data, including photos, documents, etc., which are legal open records documents for the agency. She stated that AT&T service works in most areas the field investigators cover. She stated that if the agency switches to Verizon there is a chance that the agency could experience a situation where one of the field staff does not have cell phone coverage available at a time of need. She stated that in reviewing the coverage maps from AT&T and Verizon, which she has available if the Board wants to look at them, you can see that it appears AT&T has better and more available 5G coverage. She stated that CIB has never used Verizon so there is no way to know if the coverage would be sufficient. She stated that in looking at the data she believes that changing cell phone providers would prove to significantly cost the agency and staff time, resources and could result in the loss of critical data and the unavailability of phone service in an emergency. She stated that the data does not appear to make it beneficial to change cell phone providers at this time, but the Board has the final decision.

Mr. Mullin asked for clarification on the hot spots on the new contract versus the old contract.

Ms. Nunnery explained the current cost of hot spots versus them being included now on the new AT&T contract.

Mr. Ibarra asked what the additional costs would be and if they included tax.

Ms. Nunnery stated state agencies are tax exempt so there is no tax, but there is a standard cell phone fee for each phone per month per line with 24 lines.

Mr. Boevers asked if the cost includes insurance on all the phones to replace them if they are damaged or lost.

Ms. Nunnery stated that insurance is not included in the cost. She stated that the agency has insured certain phones in the past, but it is an added expense.

Mr. Boevers asked if the agency has had an issue with damaged phones.

Ms. Nunnery stated that there have been a few. She stated that since she started 8 years ago there have been 2 lost phones and 1 damaged. She stated that the agency has the option to keep the older phones that have been decommissioned and use those when a phone has been lost or damaged.

Ms. Nunnery showed the maps of coverage to the Board members and explained the areas where coverage is more lacking with each service provider.

Mr. Mullin asked if there was any feedback about AT&T being inadequate in areas where investigators need to be.

Ms. Nunnery stated that a couple of field investigators have had an issue with dropped calls in certain areas, one in northeastern Oklahoma but that it is to be expected since there are areas on all three coverage maps that do not have coverage, but out of the three AT&T had the most coverage.

MOTION BY LUPE IBARRA WITH SECOND BY LARRY BUXTON TO
CONTRACT WITH AT&T FOR CELL PHONE SERVICE AT THE COST AS
DISCUSSED FOR FY 24

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

iii. GALT

Ms. Nunnery stated that GALT provides the agency with 3 temporary administrative support staff. She stated that the agency is requesting renewal with GALT for FY 24 at the same rate as FY 23.

MOTION BY KEITH DEEVER WITH SECOND BY LUPE IBARRA TO RENEW
THE CONTRACT WITH GALT FOR FY 24

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

iv. Xerox

Ms. Nunnery stated that Xerox provides the agency with its two copy, printer, and fax machines. She stated that the agency is requesting the third renewal of a five-year contract for FY 24 with no increase in cost.

MOTION BY KEITH DEEVER WITH SECOND BY LUPE IBARRA TO RENEW THE CONTRACT WITH XEROX FOR FY 24 AT THE SAME RATE AS FY 23

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

v. VTA

Ms. Nunnery stated VTA provide the agency with lease of its office space. She stated that the agency is requesting the first-year renewal with no change in cost from FY 23.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RENEW THE CONTRACT WITH VTA FOR FY 24 AT THE SAME RATE AS FY 23

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

vi. OMES – D&O, Liability & Tort

Ms. Nunnery stated that OMES provides the CIB with Directors and Officers, Tort and Liability insurance. She stated that agency is requesting to renew the contract for these services with a 2% increase due to market conditions to this specific line of commercial insurance, impact to the pool due to losses and experience based coverages.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO RENEW CONTRACT WITH WITH OMES FOR D&O, LIABILITY AND TORT INSURANCE FOR FY 24 AT THE SAME RATE AS FY 23

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin

Scott Soder

vii. Office of the Attorney General

Ms. Nunnery reported the Office of the Attorney General provides CIB with its attorney services. She stated that the agency is requesting to renew the contract for FY 24 at the same rate as FY 23.

Mr. Mullin asked if this was for Mr. Dutton's service.

Ms Nunnery stated yes.

MOTION BY JAMEY MULLIN WITH SECOND BY LARRY BUXTON TO RENEW CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL FOR FY 24 AT THE SAME RATE AS FY 23

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

viii. GL Suites

Ms. Nunnery stated that GL Suites provides the agency with its licensing software. She stated that the agency is requesting the first renewal of the current five-year contract with GL Suites for FY 24. She stated in the renewal contract is one project concurrently, with the possibility of two to four projects per year, twenty-four tasks, thirteen users and no total, limit free defect correction. Ms. Nunnery then broke down the total costs of the contract including the CPI increase and an additional increase in user costs.

Mr. Boevers asked if the state is doing a new software program moving forward.

Ms. Hubbard stated that the agency receives regular inquiries about changing to whatever the new licensing software program is for that period of time but that this contract, in the first year of it which was last year, was fully approved by OMES/ISD so they are fully aware of the program and have approved it.

MOTION BY KEITH DEEVER WITH SECOND BY LARRY BUXTON TO RENEW CONTRACT WITH GL SUITES FOR FY 24 AT THE RATE WITH INCREASES AS DISCUSSED

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra

Jamey Mullin
Scott Soder

IF AT&T IS NOT APPROVED, CONSIDERATION AND POSSIBLE VOTE TO CONTRACT WITH VERIZON OR T-MOBILE FOR PHONES SERVICE

Due to AT&T being approved no action was taken on this item

DISCUSSION AND POSSIBLE VOTE ON EMPLOYEMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ALL CIB STAFF SPECIFICALLY CONCERNING THE EVALUATION OF POSSIBLE STAFF PAY ADJUSTMENTS FOR ALL ELIGIBLE CIB STAFF

- (i) Possible vote to convene into Executive Session -- Pursuant to 25 O.S. § 307(B)(1), the Board may convene in Executive Session to discuss changes to existing salaries, or setting salary ranges, for all eligible CIB employees as follows: Stephanie Brown, Cody Davis, David Fox, Alicia Gaytan-Hernandez, Araceli Gomez, Richard Hager, Brittany Haywood, Carla Hipkins, Janis Hubbard, Basel Kilani, Gary Kirk, Brandy Lermon, Timothy Mahoney, Ron Morris, Robert Newberg, Windy Nunnery, Buddy Osborn, Derric Pruitt, Amanda Riley, Stanley Scheilz, Michael Smith, Tamara Solano, Kim Stell, Ronnie Terry, David Veteto, Gary Williamson, Debra Wojtek, Shereice Word, Christopher Wyre and Dannette Yousey.
- (ii) Possible vote to return to Open Session
- (iii) Possible vote on matters discussed in Executive Session related to possible action on changes to existing salaries, or setting salary ranges, for all eligible CIB employees as follows: Stephanie Brown, Cody Davis, David Fox, Alicia Gaytan-Hernandez, Araceli Gomez, Richard Hager, Brittany Haywood, Carla Hipkins, Janis Hubbard, Basel Kilani, Gary Kirk, Brandy Lermon, Timothy Mahoney, Ron Morris, Robert Newberg, Windy Nunnery, Buddy Osborn, Derric Pruitt, Amanda Riley, Stanley Scheilz, Michael Smith, Tamara Solano, Kim Stell, Ronnie Terry, David Veteto, Gary Williamson, Debra Wojtek, Shereice Word, Christopher Wyre and Dannette Yousey.

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

Note: The Board went into Executive Session at approximately 2:58 p.m., and Mr. Dutton and Ms. Hubbard joined the Board in Executive Session.

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO RETURN TO OPEN SESSION FROM EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

Mr. Dutton noted that there were no votes taken in Executive Session.

MOTION BY LARRY BUXTON WITH SECOND BY TONY BOEVERS TO INCREASE THE SALARIES OF ALL ELIGIBLE FIELD BY 15%, ALL ELIGIBLE FIELD STAFF SUPERVISORS BY 10%, ALL ELIGIBLE OFFICE STAFF BY 7% BASED ON CURRENT MARKET CONDITIONS AND REQUIRED QUALIFICATIONS. THIS WOULD ALSO INCLUDE AN EXTRA 5% INCREASE TO STANLEY SHEILZ FOR ADDITIONAL DUTIES AS ASSIGNED TO HIM AS DISCUSSED IN EXECUTIVE SESSION AND FOR ALL INCREASES TO BEGIN ON JULY 1, 2023, FOR FY 24.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

Mr. Boevers stated that he would like to thank Larry Buxton for all of the work he put in on the presentation given in executive session.

Mr. Buxton explained that the Board looked at the current revenue over expenses that the agency has for this year, looked at five year historical data, looked at all of the cash flows, what the growth rate has been historically, and historical expenses and took all of that and looked at a calculation and forecasted where the agency would be with these increases and how far it could run based on the revenue received and the cash reserves it has, and how long it would take to deplete where the agency sits to be able to stay current and stay a viable employer as the agency moves forward in the market that it is in.

DISCUSSION AND POSSIBLE VOTE TO APPROVE THE FY 24 BUDGET WORK PROGRAM

Ms. Hubbard stated that she wants to remind the Board that they look at the budget twice a year, once in September for the Budget Request and now for the Budget Work Program. She stated that the Board approved increases for the Budget Request last September but since then the agency needed to make more adjustments. She stated

that the budget being presented does not include the salary increase that was just approved on the previous item that was just voted on. She stated that this Budget Request included a total 4.49% increase, which is well below the current inflation rate. She stated that she wants to remind the Board that the Budget Work Program is not a statement of what the agency will spend but it establishes the amount the CIB would have the ability to spend. She stated that the approval is not a blanket approval of all expenditures and does not mean that the Board is approving any particular contract as contracts will still be brought before the Board individually for approval. She stated that the Budget Work Program simply reserves the funds so that the Board would have the funds available to pay contracts and expenses as they have been doing. She stated that the Budget Work Program must be inputted by July 1 for the agency to continue paying bills. She stated that she is happy to go through each line item if the Board chooses or answer any questions.

Mr. Boevers asked if the Budget Work Program needs to be revamped to include the salary increases that were just voted on in the previous item.

Ms. Hubbard stated that what the Board has done in the past is to make a motion to accept the proposed budget as amended by adding the amount of the expenses as a result of the previous agenda item.

Mr. Boevers asked if that means it needs to be ratified at the next meeting.

Ms. Hubbard stated no, that it could be approved based on the amended numbers from the previous item. She stated that she could provide a new printout if they requested at the next meeting, but no further action item would be needed.

Mr. Buxton stated that these numbers were part of his forecast.

MOTION BY LARRY BUXTON WITH SECOND BY TONY BOEVERS TO APPROVE THE FY 24 BUDGET WORK PROGRAM AS AMENDED BY THE SALARY CHANGES APPROVED IN ITEM X ON THIS AGENDA

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

ADJOURNMENT

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

The meeting was adjourned at approximately 4:13 p.m.

Minutes approved in Regular Session on the 21st day of June, 2023.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary