

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
BUILDING CODES COMMITTEE

January 18, 2012

Maricopa Association of Governments Office  
302 N. 1<sup>st</sup> Ave  
Chaparral Room  
Phoenix, AZ

COMMITTEE MEMBERS

Michael Williams, Tempe, Chair  
Randal Westacott, Avondale  
Phil Marcotte, Buckeye  
\*Mike Tibbett, Carefree  
Mike Baxley, Cave Creek  
\*Martin Perez, Chandler  
Mary Dickson, El Mirage  
\*Peter Johnson, Fountain Hills  
A-Ray Patten, Gilbert  
Tom Paradise, Glendale  
Bill King for Ed Kulik, Goodyear  
\*Chuck Ransom, Litchfield Park

Tom Ewers, Maricopa County  
Steven Hether, Mesa  
Bob Lee, Paradise Valley  
A-Dennis Chase for Dennis Marks, Peoria  
Julie Belyeu, Phoenix  
\*Dean Wise, Queen Creek  
Dustin Schroff for Michael Clack,  
Scottsdale  
Dale Crandell, Tolleson  
Rick DeStefano, Wickenburg  
\*Jim Fox, Youngtown  
Jackson Moll, Home Builders Association

OTHERS IN ATTENDANCE

Scott Wilken, MAG  
Steve Gross, MAG  
Shannon Acevedo, MAG  
Jami Garrison, MAG

Nathan Pryor, MAG  
Ken Kirschmann, Southwest Gas  
Dan Marks, Stego Industries

\*Those members neither present nor  
represented by proxy.  
A-Those members participating via  
audioconference

1. Call to Order

Michael Williams, Chair, called to order the January 18, 2012 meeting of the MAG Building Codes Committee (BCC) at 2:01 p.m.

2. Introductions

Voting members Dennis Chase and Ray Patten attended via telephone conference call. All members and guests introduced themselves.

3. October 19, 2011 Meeting Minutes

It was moved by Steven Hether, seconded by Dale Crandell and unanimously recommended to approve the October 19, 2011 meeting minutes.

4. Call to the Audience

There were no comments from the audience.

5. Comments From the Committee

Bob Lee said that the Arizona Building Officials (AZBO) Educational Institute will take place at the Phoenix Crescent Hotel at Dunlap and Interstate 17 from April 23-27. He said there will be 19 new classes this year.

Tom Paradise said that he had previously requested that a representative from the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) to conduct a class on ASHRAE 62.1, which is ventilation, and that he noticed a class like that is not being offered. He asked if a class like that could be added to the AZBO training schedule. Mary Dickson said that the schedule is set for the spring educational institute, but that it would be possible to add that class to the fall schedule. Tom Paradise asked what he should do to get this class added to the next available AZBO educational institute schedule. Bob Lee said that one of the problems the educational committee has is finding instructors who are qualified. He said that they have contacted ASHRAE about becoming a member of AZBO, but found out that ASHRAE does not do memberships for organizations. He suggested that the creation of an ASHRAE chapter may be appropriate, which would allow them to get instructors straight from ASHRAE. He said that this process does not happen quickly. He said that if anyone knows someone who is qualified to teach such a class, the AZBO education committee would be interested in talking to them and setting up a class. Bill King said that Tom should talk to him and Mary Dickson about getting that class on the fall schedule.

Rick DeStefano said that last summer AZBO send out an email regarding computerized software for permitting. He said that Wickenburg is considering new software for permitting, and wanted to know if anyone had used Paladin Smartgov or any other permitting system. He asked members to email him if they could tell him how software they have used is working.

Scott Wilken asked if the members would be open to receiving an Outlook invitation to the Building Codes Committee meetings, rather than having MAG staff call each member on the phone to ask if they would be attending. He said this could save time for both the members and

MAG staff. He noted that no members in attendance indicated that this would be a problem. He said that for the next meeting, MAG staff will send an Outlook appointment and asked members to respond to that. He also said that MAG staff will follow up with phone calls to any members who do not respond. Steve Gross said that he would likely send the Outlook invitation shortly after sending out the meeting notice and agenda through GovDelivery.

Michael Williams said that there is a new Americans with Disabilities Act (ADA) 2010 standard that takes effect March 15, 2012. He said that there was a problem with the state law, Arizonans with Disabilities Act, referencing the 1991 standard. He said that this means one would have to use the more restrictive of the ADA laws after March 15. He said that the state law has been changed, and a Notice of Final Rulemaking came out on December 30, 2011 with an effective date of February 7, 2012. He said that the state law will now reference the 2010 ADA standards. Tom Ewers asked if there was a citation or section of state law pointing to this new rule. Michael Williams said that it is difficult to find, but he could send it out in a PDF form. He said he would provide a copy to MAG staff, who will forward it to the BCC mailing list.

#### 6. MAG Building Codes Amendments and Standards Book

Scott Wilken introduced this item saying that the BCC has done great work in the past reviewing and recommending building code amendments and standards. He said that in the time since some of these documents were reviewed by the committee, they may need some updating, clean-up, or organization. He referred to Attachment One, saying that the documents he found were divided into five sections: Code Amendments, Supplements to Standard Codes, Documents Not Found, Strive to Adopt New Code Year, and Reporting Policy. He said that he wanted the committee to get the documents reviewed to see what is still relevant, what needs to be updated, etc. He said that ultimately his goal was to get the documents into a consistent format and create a publication similar to the MAG Standard Specifications and Details publication. He said that at the end of the process, member agencies could adopt the publication in whole or in part to supplement their adopted building codes.

Tom Ewers said that some of these documents used to be on the MAG website, and seem to not be there anymore. He said that when the publication is finished, he would hope that it is posted on the website. He also said that, looking at Attachment One, he doesn't know what some of these documents are. Scott Wilken said that the ultimate goal would be to put the publication on the MAG website.

Bob Lee said that he hopes this can be done in a timely fashion, but does not think it can be done in the two to three months that Scott Wilken had hoped for. He said that a few years earlier, MAG had hired an intern who went through all the documents of the past with some committee members and those documents were put on the MAG website. He said that his understanding was that they were pulled off of the website because the committee rules had been changed. He said that he understands that now BCC recommendations have to receive approval from Regional Council to become MAG-approved standards. Nathan Pryor said that he wanted to talk about the MAG process, saying that MAG is made up of 20-some technical committees and, typically, recommendations flow upward to Management Committee and Regional Council. He said that technical committees typically don't conduct approval actions, but will recommend approval. He said that over time not everything that BCC has voted on has gone through that process. He said that the goal is to get these documents approved through the MAG process to be consistent with other technical committees.

Bob Lee said that the BCC had always recommended, and not demanded, that everyone adopt the codes and standards discussed. He said that the BCC should have some guidance as to what the committee is able to do. Scott Wilken asked Nathan Pryor to describe the process that the Specs and Details committee follows, because their product is similar to what BCC will be producing. Nathan Pryor said that the Specs and Details Committee works on updates to their documents throughout the year and puts the results on the Management Committee and Regional Council consent agendas at the end of the year for adoption.

Tom Ewers said that he thinks the publication should have building specs and details, but also a historical section to maintain a record of what the committee has looked at, even after items are no longer relevant or have been incorporated into the standard building codes.

Bob Lee suggested that the committee take the next month to go item by item to review and see what needs to be included and moved up the through the process and come back the next month to vote on the items and what categories they should fall in.

Michael Williams asked if the committee should end up with three categories: historical, items that have value but need to be updated, and one which are not needed at all. Bob Lee commented that some items are okay as written, too. Michael Williams said that the end product will be a document of formalized recommendations that could be adopted by each jurisdiction.

Bob Lee asked for clarification that the BCC is able to recommend approval. Nathan Pryor indicated that this is correct.

#### 7. SB 1598 – Regulatory Bill of Rights, Licensing and Inspections

Scott Wilken said that the Arizona Legislature passed Senate Bill 1598 in April 2011, and parts of the bill have taken effect, and other parts will take effect in the coming months. He said that BCC talked about this bill in August 2011, and in November 2011 MAG held a roundtable workshop for municipal and county planners to discuss their preparations for compliance with the bill. He said that, because some member agencies have done more than others so far, at this meeting the committee could have a roundtable discussion to talk about what they have done, and at a near future meeting those members who have been more active in preparations for compliance with the bill can discuss what they have done. He said that he hopes to help member agencies understand what everyone else is doing.

Tom Ewers said that Maricopa County is trying to load up their website with every substantial policy, directive, or policy statement they have. He said that the second step they are taking is to link everything directly to state statute.

Steven Hether said that in Mesa, they are trying to figure out what the bill means for them. He said that they currently have guaranteed turnaround times, but they're considering extending them out to help ensure that they don't miss those times. He said that one approach they are thinking about is to consider all applications in the administrative review phase until it is determined that they can be approved, and then accepting them for the substantive review phase. He said that the inspections portion is more problematic. He said that they have two differing legal opinions: one says that the bill won't affect their inspections at all, and the other that says that, unless the person who requested the inspection is available to be present at the inspection, the City won't do the inspection. He said that there is a fear that, if the decision ends up on the

more restrictive end, it may cause homebuilders' construction schedules to be missed or slowed down significantly.

Jackson Moll said that in the brief discussions he's had on this bill, his understanding is that the intention wasn't to have the effect on review and inspections that a restrictive reading of the text would suggest.

Tom Ewers said that attorneys at Maricopa County have the opinion that building inspections are requested, and, therefore, not subject to this legislation. Michael Williams said that they have the same opinion in Tempe, with the exception of code enforcement officers who visit properties without a request. Steven Hether said that in Mesa they were of the opinion that code enforcement inspections are not subject to the bill.

Tom Ewers said that part of the legislation says that it doesn't apply to anything that can be turned around in seven days or less. He said that they are planning to have staff conduct those reviews in less than seven days to take those processes out of the question.

Michael Williams said that some cities have discussed the possibility of a waiver from the plan review regulations. Tom Ewers said that Maricopa County attorneys say that the review portion of the bill can't be waived, and that the only thing that can be done through a waiver is an extension of review time by up to 25%.

Scott Wilken said that he is hoping to have someone speak at a future BCC meeting who was involved in the writing of the bill to provide background and maybe more information on intent.

#### 8. City Clearances for Energizing Electric Services

Michael Williams said that Mark Ptashkin was ill and not able to attend the meeting, but that Tom Paradise has some information on this item.

Tom Paradise said that Glendale has recently seen several different properties have their power turned on by APS or SRP without clearance from the city. He said that the majority of the properties had been in abatement or gone through foreclosure, and had not been safe to occupy before being sold. He said that when they have contacted the utilities about specific properties, the utilities say the city gave clearance, but the city has no record of that.

Tom Ewers said that, usually in Maricopa County, if a property owner asks a utility to turn on power at their property and they don't have a green tag or clearance in the last six months, the utility tells the property owner to get a permit from the County first. Tom Paradise said that Glendale had seen the same procedure until about a year ago. Dale Crandell said that they have seen the same problem in Tolleson.

Tom Paradise said that he would like to also talk about Southwest Gas and their clearances. He said that he has been told that, unless it's a new building, Southwest Gas does not require the city to clear the gas before turning it on if the property has been vacant for six months, or eight months, or a year. Ken Kirschmann said that the only time Southwest Gas requires a clearance is if it is at a new facility or if the house line was taken offline during repairs. Tom Paradise said that he has been told by customers that Southwest Gas told them they needed a city clearance before their gas would be turned on after the house sat vacant. Ken Kirschmann said that the only time a meter is removed for inactivity is after three years. Steven Hether said that he has

heard similar statements, but that he typically doesn't have a permit that can be issued if there was no work done or no hazard found.

Steven Hether asked if the properties in Glendale that were referenced had been condemned. Tom Paradise said that they had been condemned. Steven Hether said that Mesa typically sends a courtesy letter to the utilities when a building has been condemned, to tell the utilities not to turn on electricity or gas.

Ken Kirschmann said that if a Southwest Gas technician goes out to turn the gas on at a location that has been vacant for a year or two, and they don't have an inspection for that account, customer service will tell them to turn on the gas if the line passes the field test. He said that it would be a rare occasion that a technician would turn on the gas when it shouldn't be turned on. Dennis Chase said that they have had people come to the counter in a situation like this, and Peoria will issue a permit for a property that has been vacant for six months. Tom Paradise said that he has been told by customers that Southwest Gas said they need a clearance from the city to get a meter, but now they're hearing from Ken Kirschmann that that is not the case, and that a clearance would only be required if some damage had occurred. Ken Kirschmann confirmed that this is accurate. Dennis Chase asked what Southwest Gas wants municipalities to do when a customer says Southwest Gas said they need a permit, and no permit is required. Ken Kirschmann said that they should tell the customer to call Southwest Gas.

Bob Lee said that in Paradise Valley they have heard over the last year or so customers saying that Southwest Gas told them to get a permit if the property has been vacant for six months. He said that their minimum permit costs \$23.50, so the town will issue a permit and the customer takes that to Southwest Gas. Ken Kirschmann repeated that Southwest Gas has no rule regarding time frame, and that he will take this information back to his peers and let them know what is happening in the field.

Dennis Chase asked for a follow-up email or contact number for Ken Kirschmann. Randal Westacott asked for clarification that, unless new work has been done or safety issues exist, at that point Southwest Gas would "106 it." Ken Kirschmann said that they refer to that as a "red tag" and at that point, they would leave the meter off and locked. Randal Westacott asked if, when a customer comes to the city and says that Southwest Gas told them they need a permit to get gas turned on, the city can ask if there is a red tag on the line into the house. Ken Kirschmann said that's correct, or they can ask if Southwest Gas left a hazardous condition form. Phil Marcotte asked if customers could be confused because they need electricity before Southwest Gas will turn on their gas. Ken Kirschmann said that they do ask the customer to have electricity before the gas is turned on so they can check the appliances, but they will turn the gas on and the appliances off if there's no power.

Scott Wilken asked if Ken Kirschmann could provide his contact information right now. Ken Kirschmann said members can call him at any time, and his work phone number is 602-484-5371 and his cell number is 602-723-0618. He said he is the superintendent for customer service for the west side, but anyone can call him and he can help.

Michael Williams said that Mark Ptashkin will be invited to come to next month's meeting to provide additional information on this item if he has any.

9. Updated MAG Building Codes Committee Membership

Randal Westacott said that the phone number and fax number are incorrect on the list. Scott Wilken said they will be corrected.

10. Update Survey of Code Adoption

There were no updates.

11. Topics for Future Agendas

There were no suggestions for future agenda items other than those that were previously discussed.

12. Adjournment

Mike Baxley made a motion to adjourn and Phil Marcotte seconded the motion. The meeting was adjourned at 3:13 PM.