

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

December 17, 2003
Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Bob Lee, Cave Creek	*Orion Goff, Mesa
*Ken Sowers, Avondale	V - Armando Rivas, Paradise Valley
*Phil Marcotte, Buckeye	David Nakagawara, Peoria
*Mike Tibbett, Carefree	*Rick Doell, Phoenix
*Alex Banachowski, Chandler	Tim Wegner, Queen Creek
*Jeff Sterling, El Mirage	*David Potter, Scottsdale
*Unappointed, Fountain Hills	Forrest Fielder, Surprise
*Unappointed, Gila Bend	A - Roger Vermillion temporarily unappointed, Tempe
A - Robert Carlston for Jo Rene DeVeau, Gila River Indian Community	Mario Rochin, Tolleson
A - Ben Cox for Ray Patten, Gilbert	*Skip Blunt, Wickenburg
Bill Griffith for Deborah Mazoyer Glendale	Bob Cooperider, Youngtown
Steve Burger, Goodyear	Tom Ewers, Maricopa County
Chuck Ransom, Litchfield Park	*Rus Brock, Home Builders Association

*Those members neither present nor represented by proxy.

A-Those members participating via audioconference

V-Those members participating via videoconference

OTHERS IN ATTENDANCE

Robert Palmer, Southwest Gas	Richard Gomez, AHPBA
Bruce Johnson, Town of Queen Creek	Michelle Green, MAG
Frances K. Smith, Southwest Gas	Constance Kish, MAG
Larry Grogan, AHPBA, diversified builder supply	

1. Call to Order

The chair called the meeting to order at 2:00 p.m.

2. Introductions

Members of the Committee introduced themselves.

3. Approval of Meeting Minutes for November 19, 2003

Mario moved to accept the minutes as amended and Tom seconded the motion. Mr. Lee asked if there were any comments prior to taking a vote. Bob commented that the minutes being approved are the minutes from November 19, not August 13 as the minutes state. It was also noted that on page 3 where Bob asked committee members if they recalled adopting a standard related to ADA, he related his comment to model home offices. On page 4, second paragraph, it was noted that the second sentence should read Building Codes Advisory Program not Group. Page 5 the second sentence, last word required was spelled wrong and should be corrected. On page seven, item 11, the second paragraph should have read that 10 or 11 of the proposals were approved at the ICC hearing as opposed to were reviewed at the ICC hearing a roll call vote was taken and the motion passed. Also in item 11, first paragraph should have stated that the review was based on the 2000 codes updated to 2003. Following these comments, a roll call vote was taken and the motion passed.

4. Call to the Audience

Fran Smith of Southwest Gas introduced herself to the committee and indicated that she was handing out copies of the Hearth, Patio & Barbeque Association Gas Fireplace Installers Information Handbook dated 2003, which some members of this committee assisted in editing. She stated that the booklet would be used nationally. The National Fireplace Institute, she explained, participated in the preparation of the handbook. Ms. Smith indicated that more information is available on the internet at www.fireplacesofarizona.org.

Bob thanked Ms. Smith for her presentation and asked for a couple of extra copies of the document for the audio and video-conference participants. Fran stated that she brought a few extra copies that she would leave with Constance.

5. Comments From the Committee

The chair asked if any member of the Committee had any comments they would like to make.

Mr. Burger spoke, asking how committee members dealt with a gasline that was stubbed for a future barbeque. More specifically, his question was whether members required a stub and a valve or if they required a stub and a cap. Tom Ewers indicated

that the County does not allow a stub for an outside appliance. Bill added that Glendale allows a stub, does not require a valve and has a 6-foot maximum for a barbeque. Chuck indicated that they require the same, as did Mario. Tim said that they allow a stub without a valve but he also stated that they were unable to approve the size of the pipe. Peoria, Surprise and Gilbert indicated that they had similar policies. Roger Vermillion of Tempe stated that they did not require a valve; Youngtown said cap and no valve and Bob Lee said the same thing.

Steve thanked everyone for their input and explained that Goodyear has a new inspector that is requiring a valve. He added that the State code referred to just a cap and explained that he was interested in what other municipalities were doing.

Bob said that he attempted to contact the Insulfoam guy regarding approval of the ½ inch product but that he had not received a reply. He also called Nick Lomas who is in charge of glass block. He explained that the solar heat gain coefficient for their product, Zinch glass block was over .7 with a NEG of .399. His thought is that there is no glass block product currently that will meet our heat gain coefficient. He added that people are allowing a 1% variance but technically there is no product that meets our coefficient.

Bob then referred to hazard mitigation and urged members of the committee to look at hazard mitigation issues when amending their codes.

The meeting dates for 2004 were then discussed Tim noted that there may be a conflict with the AZBO meeting. Michelle said that she would check on it, revise the schedule, if necessary, and circulate it to the committee again.

6. New Article In 2002 NEC

Mr. Lee noted that there is a new article in the 2002 NEC that may have an impact depending on how you adopt it. For example there is a penalty for people that would use a badge or clothes to impersonate an inspector.

Tom noted that the clause could be removed upon adoption.

Robert Carlston added that unless a jurisdiction specifically adopts article 80 then it is not enforceable.

It was noted that the IBC covers these issues in chapter 1, it is organized differently.

Steve added that you do not really need to adopt it.

Mario stated that they deleted the qualifications because, he explained, their human resources department takes care of the qualifications.

Forrest explained that Adopting the IEC is a viable option for addressing administrative issues.

7. Greater Phoenix Chamber of Commerce Public Affairs Committee Discussion Regarding the City of Phoenix's Building Code Development Process.

Bob explained that the Chamber appeared to be pro ICC, commenting on the hundreds of pages of amendments necessary to make the NFPA 5000 code useable.

Steve then asked whether or not the Chamber is going to take an official position or any action on this.

Michelle stated that she would try to find out prior to the next committee meeting.

8. Carstens vs. City of Phoenix

Bob explained that this case the inspectors were held harmless. He then summarized the case by stating that the homeowners bought a house that had an addition built on to it before they bought it. The homeowners then began to discover problems with the house that were so bad they needed to demolish it. They also found code violations in the construction of the addition. They then sued the City and three inspectors, attempting to hold them responsible for the damage as a result of poor inspections. The case was dismissed. It is case # CV00-011417 Court of Appeals, Division 1. Paul Katz was the judge.

Tim then added that he had a discussion with their City Attorney when they thought about removing the indemnification clause.

Forrest explained that the indemnity of Building Officials has long been established and asked if there was some other angle that might make the homeowners think that they could win such a lawsuit.

Bob replied stating that the suit was based on a tort claim looking for specific damages that they felt were caused by negligent inspectors.

Steve stated that the key is that we have a duty to the public and not to individuals. Some judges are interpreting the public to mean one person. This is of some concern. Building officials are immune unless they maliciously do something to someone.

9. Constructive Comments For The Chair

Tom asked if Bob intended to continue as chair of the committee.

Bob responded by stating that he feels that it is an important committee and that he enjoys being chair although the time commitment is difficult at times. Ultimately, if the committee would like him to continue, he would.

Steve began the comments by saying that Bob is doing a great job and that he attends the meetings, largely because he is the chair and he would like to see that continue. The only comment is that last month's agenda was overloaded with items.

Bob responded by saying that he understood and that he accidentally booked an extra speaker, adding that he would keep this in mind in the future.

Forrest Fielder then spoke commending Bob for the good job that he is doing. He states that he is very optimistic about the future of the committee under Bob's direction. He noted that one of the key achievements, in his view, is getting everyone closer to using the same codes.

Mario stated that Bob is doing a great job; one that he himself would not choose to do, even if he could. He echoed the sentiment of Forrest saying that he is also optimistic about the future of the committee.

Chuck added that he too is happy with the direction the committee is taking and is optimistic about the future as well.

Bill said that Bob is doing an excellent job, and that he understands that it requires Bob to put in extra personal hours. He too is optimistic about the future of the committee. He also offered that it might be helpful to have the committee provide some applications and procedures. Mr. Griffiths then announced that he is about to leave the City of Glendale to go into business.

Tim said that Bob is doing an outstanding job adding that the issue of level of commitment to the committee will not be an issue if Bob continues as chair. If you lead then the committee members will follow, it is the duty, he added of the members of the committee to be committed to it.

Armando asked why the question is being posed. He enquired if there was anything negative that Bob had heard.

Bob responded by saying that it is more related to where we are going and why we are here, which ties in to the next agenda item.

10. Level of Commitment to the Committee

Bob explained that some members are still using codes other than the International Code but generally jurisdictions are moving in the right direction. We have many opportunities to meet and discuss codes and issues. Some jurisdictions are very strong in maintaining their own way of doing things, which he said, there is some virtue in that approach but there is value in meeting, discussing, voting and agreeing and making a conscious effort to enforce what the group has agreed upon. If we don't voluntarily participate, Bob explained, there may come a time when it is not

voluntary. Bob then concluded his comments by encouraging people to come participate and argue their point of view with great vigor, and then, hopefully accept the will of the group.

Tim added to this referring to the concept of being a pioneer on your own or working with others to pioneer, concluding that it should be a cooperative effort. There should be discussions, he continued, where ideas are received openly and the group, a collection of wisdom, is involved in coming to a consensus.

Armando then asked Steve if the City of Goodyear will now require a cap and not a valve after hearing the comments of the committee.

Steve responded by saying yes, he will go with the committee on that issue and he will let staff know that that is the policy. He then raised a concern with respect to the Dryer tag vote. That vote, he explained was a close one, usually the votes are unanimous. Possibly this is an issue worth revisiting to build more consensus.

Bob agreed and added that the Dryer Plaque issue will be brought before the committee again to gain a better understanding of it.

David indicated that while he supports the efforts of the committee, he is sometimes frustrated by the slowness of it. He is happy to hear that it will continue and that the issue of home rule will be respected at the same time, as this is important to his City. He added that split votes are difficult to support. He also stated that he sees the benefit of the committee but that he will press for unanimous votes on issues.

Forrest stated that the nature of the leadership of the committee is what will determine the commitment of its participants. In terms of leadership he added, it is important to be ahead of the pack, but not so far ahead that you lose touch with the direction that the committee members would like to be led in. It is important to strike the right balance between those two.

11. Building Inspectors/Plans Examiners (BI/PE) Forum

Bruce explained that he had been asked to be the facilitator for this group and that he was here to introduce himself. Bruce explained that at the last meeting the group questioned the need for all of the meetings that they go to, wondering if there is an alternative that would meet everyone's needs.

Bob explained that the BI/PE Forum is a kind of subcommittee to the building codes committee. Representatives, he explained are hands-on, technical people that can do research, answer questions posed by the building codes committee and provide a consensus opinion to the Building Codes Committee, when asked. This group Bob added, provides a valuable service to the Building Codes Committee. It has been proposed that the Regional Plan Review (RPR) group meet with the BE/PE forum

since many of the same people attend both meetings. Bob indicated that this might work as long as it is understood that the BE/PE Forum has a broader scope.

David agreed stating that Peoria has staff people that participate. One thought is to append the group.

Steve said that the timing is better because most of us are moving to the same codes and are beginning to speak the same language.

Tim then asked if you needed and active IGA to be a voting member of the RPR group.

Bob reminded committee members that this group would be looking to all member agencies for info and indicated that it would not be good to limit it to RPR members.

David stated that the resolution of an issue could be presented in the form of a report, possibly the meetings could be held separately with everyone being allowed to participate in the discussion voting members of the RPR could vote on issues at that portion of the meeting while the BE/PE Forum could come to consensus on issues after the RPR group meeting.

Bob thought that this would be an acceptable solution.

Tim then voiced his concern about limiting voting to RPR members only, indicating that it is important to benefit from the experience and expertise of all participants with respect to BE/PE Forum issues.

Steve suggested that the RPR members could vote on only those issues that would go specifically back to the RPR Committee.

Bob indicated that the process should certainly be as inclusionary as it can be.

Forrest then recommended dividing the agenda for the meetings so that it would be clear to people which issues were specifically RPR issues and which were the broader BI/PE Forum issues.

Bob then addressed Bruce Johnson, the facilitator of the BI/PE forum if he could work with the agenda so that it was divided.

Bruce responded by stating that he did not see a problem with that and added that this seems like a viable option to get more participation in the Forum.

Steve then referred to the November meeting minutes of the BI/PE Forum and said that this appeared to be the recommendation of the Forum and then asked what the committee should do with it.

Bob replied by stating that proposals should come forward to the committee in a different format. Bob said that he would provide one to Bruce.

Michelle added that MAG would work with the group to provide a meeting room.

Steve stated that recommendations should come forward for us to support and then asked what the committee would do with them.

Ben then said that he would be happy to help Bruce put together some standard formats for communicating with the committee.

Steve then added that just because jurisdictions adopt the same code does not mean uniformity, uniformity is achieved through the same interpretation and enforcement of the code as well.

Bill added that the founders of the committee agreed to do just that, that is the one item that has been constant.

12. Update On The State Plumbing Commission

Steve reported that there was a meeting Nov. 6 at which the commission voted to move the 2000 UPC with some amendments. He added that Terry Vosser has minutes but he received tapes. To have copies transcribed you need to go through the chair. He then added that if paper copies become available that he would pass them along to anyone who was interested.

13. MAG Adobe Construction Amendments to the Uniform Building Code

Michelle reported that there was an inquiry regarding the use of these standards and whether or not they are still valid. They were adopted in 1984.

It was reported that these are not as important as they once were and they are not worth the effort to update.

Michelle then said that this leads to the next item on the agenda, next years work program.

14. MAG Work Program FY2004/05

Michelle explained that work is beginning on the work program for the next fiscal year. She mentioned the last agenda item in conjunction with the committees ongoing desire to have a record of the actions that they have taken and a way to track future actions of the committee and have them available to jurisdictions and others so that the committee can better achieve its mission of uniformity in interpretation and enforcement of building codes.

Generally there was support for this idea with no objections being raised.

Tim asked if he could help in any way to support the project such as speaking with his mayor.

Michelle said that any help would be greatly appreciated, as would any other suggestions that anyone had. She added that committee members could call, fax or e-mail any suggestions they may have.

15. Topics For Future Agendas

Bob reminded members that next months agenda would include a presentation from Sky Harbor Airport.

Forrest also suggested that the committee discuss uniform evaluation.

16. Adjournment

The next meeting will be held on January 21, 2004 at 2 pm in the Cholla Room. Mario Rochin made the motion to adjourn, Steve seconded the motion, and the meeting was adjourned at 3:55 pm.