

DRAFT  
MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
BUILDING CODES COMMITTEE

January 19, 2005

Maricopa Association of Governments Office  
Cholla Room  
Phoenix, Arizona

COMMITTEE MEMBERS

Bob Lee, Cave Creek  
\*Dennis Dixon, Apache Junction  
Mary Dixon for Ken Sowers, Avondale  
Phil Marcotte, Buckeye  
\*Mike Tibbett, Carefree  
A - Alex Banachowski, Chandler  
\*Art Swanson, El Mirage  
\*Unappointed, Fountain Hills  
V - Lynn Farmer, Gila Bend  
\*Jo Rene DeVeau, Gila River Indian  
Community  
A – Ray Patten, Gilbert  
Jim Fox for Deborah Mazoyer, Glendale  
Ed Kulik for Steve Burger, Goodyear  
\*Chuck Ransom, Litchfield Park

\*Unappointed, Mesa  
V - Armando Rivas, Paradise Valley  
David Nakagawara, Peoria  
Tom Wandrie, Proxy, Phoenix  
Dennis Street for Tim Wegner, Queen  
Creek  
\*Larry Francis, Salt River Pima Indian  
Community  
\*Michael Clack, Scottsdale  
Forrest Fielder, Surprise  
A - Roger Vermillion Proxy, Tempe  
\*Mario Rochin, Tolleson  
\*Lyle Murdock, Wickenburg  
\*Bob Cooperider, Youngtown  
Tom Ewers, Maricopa County  
Erin Patterson, 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

Cheryl Levandowski, Peoria  
Mark Minter, Arizona Builders Alliance  
Nancy Levey, Independent Electrical  
Contractors of Arizona  
Marc Ramirez, Hatfield-Reynolds  
Electric Company  
Greg Russell, Sturgeon Electric

Linda Snidecor, Goodyear  
Debra Margraf  
Executive Director  
Arizona Chapter - National Electrical  
Contractors Association  
Michelle Green, MAG  
Constance Kish, MAG

1.

## Call to Order

The Chairperson, Bob Lee, Town of Cave Creek, called the meeting of the MAG Building Codes Committee to order, at 2:00 p.m.

### 2. Introductions

Members of the Committee introduced themselves.

### 3. Electrical Codes

The Chairperson, Bob Lee, introduced Debra Margraf, Executive Director of the Arizona Chapter of the National Electrical Contractors Association to discuss methods of achieving uniformity in electrical codes for the State of Arizona. Ms. Margraf explained that jurisdictions are not on the same edition of the electrical code and that her group is looking at the possibility of introducing legislation to bring everyone in the state under the same basic code.

Bill Sullivan then asked if the legislation were adopted, would jurisdictions still have the opportunity to amend the codes as needed. Ms. Margraf said that they would. She added that from their perspective, they teach to the current code and if jurisdictions are not on the current code then issues arise.

Bill then added that there would be issues for people who start an apprenticeship if in the middle of the apprenticeship the code that they were working on changes.

Greg Russell of Sturgeon Electric then added that it is not appropriate to do a code change every ten years, and that things change during that time making it difficult to continue to use old codes.

Bill then noted that amendments are for that purpose.

Greg Russell added that code change every 10 years is not appropriate given the pace at which things in the industry change. Greg continued by stating that people are trying to cut back on amendments and if a code is in place too long; the number of amendments become confusing.

Bob Lee then asked which of the following would be considered most significant to the association: having the same code, having the same interpretation of the code or having the same amendments. He explained that what he is trying to get at is whether there is a better way to achieve the goals of the association.

Debra said that it would not be practical to expect all of the amendments to be the same because they would not expect the carry through of the process. She explained that the concept is to have everyone start with the same base.

Bob then added that it is the job of this committee, which represents a large portion of the development in the State, to cooperate.

Greg Russell then added that there were issues in the past with the level of cooperation they had been able to achieve.

David Nakagawara then clarified some points by stating that the code would be put in to effect without a commission to oversee it, and that there would be no funding for it.

Debra Margraf confirmed those comments.

David Nakagawara then added that he came from a state with state codes, noting that it is important to highlight some of the differences. He also explained that he is now working in a state where home rule is important and that he respects the political environment in which he works. Mr. Nakagawara then wanted to know what the consequences would be if jurisdictions did not adopt the codes.

Representatives were unsure what the consequences would be. It was suggested that the issue may go to the Attorney Generals office.

Marc Ramirez of the Hatfield-Reynolds Electric Company then raised the issue of the code cycle being every three years and still there are approximately 4200 changes this year. He then added that the year before there were approximately 3500 to 4500 code changes. He added that there are issues with inspectors basing inspections on old codes and contractors are required to come back and fix things again and again. He explained that there is little money for training; however, NFPA has committed to provide two days of training.

Bob Lee then raised the issue of code cycles noting that the Residential Code adoption cycle is 2006 and the NEC is on a 2005 cycle. He then asked if time would be given for jurisdictions to adjust, rather than forcing them to go through another code cycle.

Debra Margraf then ended the presentation by stating that this is the beginning of a dialogue and that the proposed legislation is a protection for electrical contractors in case a resolution cannot be reached.

Bob Lee then asked Roger Vermillion why the City of Tempe is on the 1996 code.

Roger responded by stating that there were political reasons for staying on the same codes. He explained that the idea is to amend the codes at a time when things settle down politically.

Phil Marcotte then noted that the Town of Buckeye is moving to the 2003 International codes.

Bob Lee then asked Mr. Ramirez how many changes to the electrical codes affected residential construction.

Mr. Ramirez estimated that approximately 2000 of them. He then added that Article 680 was completely revised in 2002 but is now the same in 2005.

Forrest Fielder then commented that one reason he had heard for not adopting a code was an economic development one. He then explained that about 5 years ago, getting cooperation was like herding cats. He noted that while the Association has been working on its legislation, Building Officials have been working to develop a more cooperative approach to building codes. Mr. Fielder then asked if anyone representing the electrical contractors has seen a difference.

Mr. Ramirez then responded by stating that they see the issue more from a keeping people safe perspective than from a political perspective. He continued by explaining that people are not always going to see things the same way.

Bob Lee then noted the difference in approaches, adding that he has an optimistic view that cooperation is taking place to a great degree, referring to the actions of AZBO who develops a cohesive package of amendments and holds classes in the fall and spring. Bob noted that in his view the most important thing is not being on the same code but that the interpretation of the codes is consistent. Bob then referred to a list of talking points prepared by Steve Burger who could not be at the meeting, noting that most of the points had been covered. Mr. Lee's conclusion was that more dialogue is required noting that he hoped that the representatives of the electrical contractors could see that there are other alternatives to enforcing a state code.

Debra again stated that the draft legislation was an alternative if discussions failed. She again stated that it is a last resort in case discussions failed and explained that the Association is not marching ahead with the legislation, and that if there is another alternative and the goals can be achieved then that would be the preferred route; however, she explained from a contractors point of view, the outlying areas are a concern.

Debra then thanked the committee stating that she hoped that this opened the dialogue between Building Officials and the Association.

#### 4. December 16, 2004 Meeting Minutes

Tom Ewers made the motion to accept the minutes; Forrest Fielder seconded the motion. The chair asked if there was any discussion on the minutes and it was noted that the attendance indicated that Rus Brock was not at the meeting when in fact, he was. It was also noted that Ray Patten of Gilbert was not at the meeting although the attendance shows him as present. There being no further comment; Tom Ewers made a motion to accept the minutes as amended, Forrest seconded the motion and the motion passed unanimously.

5. Call to the Audience

There were no members of the audience available to comment.

6. Comments From the Committee

Bob Lee brought up the issue of ventless attics noting that a study had been completed and one of the homes with a ventless attic had a \$40 per month reduction in their electrical bill. He then added that ventless attics are included in the 2006 IRC as an option.

Erin Patterson, proxy for Rus Brock, asked to comment on the resolution regarding electrical box installation practices that was passed at the December meeting of the Committee. Erin explained that the Homebuilders Association received a number of phone calls on this issue from builders suppliers, electricians, etc. She explained that the Homebuilders Association held a meeting yesterday for people who are concerned about the resolution. She then listed some of their issues as follows: they have been doing it this way for 50 years; the April date is difficult to meet; there is a lot of change required to implement the resolution; the membership wanted to explore other options such as a code change to legitimize current practice; if it is not broken, why fix it. Erin then offered to bring people to the table to discuss the issue further.

Bob then replied by explaining that the resolution was passed at the last meeting but the issue has been discussed by this committee for at least 6 months or so. He added that electrical contractors had approached him about the issue because they had heard about what the committee was considering. He stated that it would take more than the issues she presented to open the issue again. He then explained that Jeffery Fecteau with the City of Peoria went to NFPA with this practice in an attempt to get them to legitimize it; however, they would not recognize it. Bob continued by stating that if there are valid concerns and new information, the committee would be open to hearing those. He then added that it is difficult to ignore the issue when the manufacturer of the service centers that are used stated that the existing practice being used in Phoenix is inappropriate.

Forrest then added that the committee would be willing to correct it if it is wrong. He then asked for clarification on a detail regarding the deadline and what the April 1<sup>st</sup> date was intended to mean. He then outlined options for interpreting the date. He explained that it could mean permits applied for after April 1<sup>st</sup> or it could also be interpreted to mean inspections requested.

Bob then replied by stating that it was his intention to enforce it at the inspections.

Forrest then asked David with the City of Peoria if Jeffery had discussed this with suppliers.

David explained that as the date changes so do inventories.

Cheryl then added that she did not hear if Erin had asked for an extension of the deadline or not.

Erin responded by stating that her intent at this point is to relay the information that she heard and request that the committee cooperate with the homebuilders on this issue. She then added that she could put some things on paper.

Ed Kulik with the City of Goodyear noted that he was at a meeting yesterday where he heard contractors say that the materials are readily available.

Erin then asked how the issue is being dealt with in the case of Post-tensioned slabs. She wondered if there would be more latitude in those cases.

David stated that it is a quality control issue indicating that this is not a new practice but a change in direction. The question was then asked if there is any interest in bringing this to the committee for discussion.

Bob then asked Forrest if he would be interested in having this as an agenda item at the next meeting to discuss the effective date. Forrest indicated that he would.

Bob then stated that it would be an agenda item at the next meeting and asked Erin to bring more information from the homebuilders.

Bob then moved on to a different topic by informing the committee that the NFPA Technical Committee on Occupancy has taken the step to require sprinklers in all single-family homes. He then added that it is on its way through the code process.

#### 7. Building Codes Compilation and Web Addition Project

Michelle introduced Ken Hussain, the intern hired to do our web addition and compilation project. Ken is a retired engineer who worked for ADWR for many years. He is working on this project for approximately 6 months and he indicated that he is looking forward to working with everyone.

The chair thanked Mr. Hussain and stated that the committee is looking forward to the results of the project.

#### 8. Update on the BI/PE Forum

Cheryl Levandowski was introduced to provide the committee with an update on the progress of the Building Inspectors/Plans Examiners (BI/PE) Forum. Cheryl explained that the Committee last met on January 11, 2005. She informed committee members that a copy of the minutes was at their places for review and that any comments are appreciated. She thanked everyone for allowing people to attend the

meetings stating that the discussions are very informative. She then explained that the group reached a consensus on everything they discussed. She then noted that the next meeting is scheduled for February 15, 2005 and that following that meeting the group would go back to meeting every other month unless additional meetings are required.

9. Update on the State Plumbing Commission

Bill Sullivan, the Central representative on the Plumbing Code Commission provided the committee with an update on the activities of the Commission. Mr. Sullivan began by explaining that he started in this business reviewing a copy of the Oregon 1928 codes and now he is looking at IAPMO 2003 Plumbing Codes. He then explained that the next meeting of the Commission has been rescheduled for some time in mid-February. He then noted that the State Plumbing Code is not being followed by some jurisdictions. He continued by explaining that the Commission seems to be split as to which code to go with, the IAPMO Codes or the International Codes. He then added that there are some people, who would like to scrap it all, and write a new code. Mr. Sullivan noted that scrapping it all is not a practical solution.

Mr. Lee then brought up the topic of the sizing of waterlines. He stated that waterlines are sized as though all of the fixtures in a bathroom would be in use at one time. Mr. Lee pointed out that this is highly unlikely and indicated that the pipes might be more appropriately sized to reflect what really happens.

Mr. Sullivan replied by describing some of the issues that the City of Phoenix is having with pipes being plugged from top to bottom in tall buildings and hospitals in the downtown Phoenix area. This, he explained is becoming a serious issue that needs to be addressed. He explained that the plugging of the pipes, which results in leaks and other problems, is not necessarily related to the fact that everyone is using all of the fixtures at one time. He noted it is becoming more of an issue every day and that the City of Phoenix is looking for a solution. He continued by adding that if you have not seen these problems yet then you are likely to, in the near future. There have been explanations offered such as going to low flow systems resulting in less water to flush the system.

Bob Lee then asked how this issue relates to either code, asking specifically if the International Code addressed that issue.

Mr. Sullivan responded by stating that he met with manufacturers regarding the problem and that the issue is not related to the type of piping cast iron or other types.

The question of whether going to a different code could resolve the issue arose.

Bob Lee then asked Bill if he had contacted Central Inspectors.

Bill said that he had and that they are pretty much split fifty-fifty as to which way to go. He also noted that the Homebuilders are going to want the least expensive code. He did note that the International Code is becoming more popular but that he took an oath to protect the public and that is what guides his thought process and actions.

Mr. Lee then noted that three code-writing organizations recently joined and are now the International Code Council (ICC)

Bill then began to discuss the water pipe sizing issue and noted that one theory is that the use of antibacterial soap may be the cause of clogging pipes because particles that once would have been attacked by the bacteria no longer exist, leading to the eventual clogging of pipes by the collection of particles that would have been extinguished by “good” bacteria. Mr. Sullivan explained that the issue needs to be studied to come to some conclusion and find an appropriate approach to solving the problem.

Bill then explained that he believes in uniformity for the most part, when appropriate. He continued by stating that at some point we need to reach a consensus and that new innovative ideas are necessary to find good solutions. Mr. Sullivan then noted that the rules should not be compromised to someone’s advantage.

Bob then asked Mr. Sullivan when the Plumbing Code Commission sunsets.

Bill explained that he did not think that it did sunset and he added that, that action would defeat the purpose of its existence.

Bob then stated that there would be consensus and each jurisdiction could adopt their own code.

Forrest then asked if Mr. Sullivan could refer the committee to a source regarding the leaks.

Mr. Sullivan then referred the committee to a Report From ASU completed by Larry Litchfield.

Bob Lee, the Chairperson then thanked Mr. Sullivan for his report.

10. Updated MAG Building Codes Committee Membership

Updates that were provided following the meeting will be incorporated into next months list as appropriate.

11. Update Survey of Code Adoption

There were no updates provided during the meeting.

12. Topics for Future Agendas

Topics suggested for future meetings include: Energy Code talk, Water Hammer Arrestors, Medical and Dental Gas requirements, and appendix F.

13. Adjournment

Tom Ewers made the motion to adjourn, David Nakagawara seconded the motion, and the meeting was adjourned at 3:51 pm. The next meeting will be held on February 16, 2005 at 2 pm in the Cholla Room.