

DRAFT
MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

March 16, 2005
Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Bob Lee, Cave Creek	*Unappointed, Mesa
*Dennis Dixon, Apache Junction	V - Armando Rivas, Paradise Valley
Mary Dixon for Ken Sowers, Avondale	David Nakagawara, Peoria
Phil Marcotte, Buckeye	George Ritchie for Tom Wandrie, Phoenix
*Mike Tibbett, Carefree	Tim Wegner, Queen Creek
A - Alex Banachowski, Chandler	*Larry Francis, Salt River Pima Indian Community
*Art Swanson, El Mirage	*Michael Clack, Scottsdale
*Unappointed, Fountain Hills	Forrest Fielder, Surprise
V - Lynn Farmer, Gila Bend	A – Michael Williams Proxy, Tempe
A - Jo Rene DeVeau, Gila River Indian Community	Mario Rochin, Tolleson
A – Ray Patten, Gilbert	*Lyle Murdock, Wickenburg
Jim Fox 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

Cosimina Panetti, Building Codes Assistance Project (BCAP)	Mike Gallop, SQD
Cheryl Levandowski, Peoria	John Kight, Haskins Electric
Rober Palmer, Southwest Gas	Kevin Hutch, VWDig
Dave Fizzell, City of Prescott	Bob Greifzu, GE
Erin Patterson, Home, Builders Association of Central Arizona (HBACA)	Keith Hake, Mitchell Electrical
Rachel Aja, HBACA	Dave Nichols, ICC
Connie Wilhelm, HBACA	Mark Ptashkin, City of Glendale
Lanny M ^C Mahill, City of Phoenix	Charlie Gohman, Department of Commerce, Energy Office
Clint Mueller, Protex	Ken Hussain, MAG
	Elaine Trammell, MAG
	Michelle Green, 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. HB 2278 Energy Code Bill for Commercial and High-Rise Buildings

The Chairperson, Bob Lee, introduced Cosimina Panetti, a Technical Associate with the Building Codes Assistance Project (BCAP). Ms. Panetti noted that BCAP has 11+ years of experience in assisting States and local jurisdictions adopt modern energy codes. Ms. Panetti then noted that BCAP is a national, non-profit organization dedicated to the adoption and implementation of Energy Codes.

Ms. Panetti related her experience working with Texas to adopt a Statewide Energy Code. She also noted that although Texas is a very strong home rule state, Officials agreed to adopt a statewide energy code because of air quality issues. Ms. Panetti noted that many of the counties in Texas are in non-attainment status for certain pollutants. She added that 22 Counties adopted the 2001 International Energy Conservation Code IECC and the entire State adopted the 2001 IRC including the energy Chapter being chapter 11 of the IRC.

Cosimina Panetti discussed Arizona air quality issues, noting that according to her EPA data, retrieved from their website, there are 7 Counties in Arizona that have non-attainment status.

Ms. Panetti then referred to her experience in Illinois where they adopted the 2000 IECC with the 2001 supplement Commercial Code. Ms. Panetti explained that although 9 counties in Illinois are EPA non-attainment, the main driver for this statewide adoption was uniformity. Ms. Panetti also noted that the bill was highly supported by architects and designers.

Ms. Panetti then mentioned that the City of Phoenix adopted the 2003 IECC with the 2004 supplement and later amended it to refer to ASHRAE 90.1-2004. Ms. Panetti continued by explaining that approximately half of Arizona's population, is covered by some form of a commercial energy code if the City of Phoenix adopting an energy code is included in the calculation.

Ms. Panetti referred to HB 2278, which requires the adoption of a State Energy Code. Ms. Panetti noted that the Sponsor of that Bill is Lucy Mason. She then added that although BCAP is not allowed to lobby, they can accept invitations to speak with legislators and that Lucy Mason invited BCAP to speak to people working on this Bill at the Legislature in February. She noted that the Bill is not expected to pass this

year, but it may be reconsidered next year. Ms. Panetti explained that a Study Committee named Renewable Energy and the Environment is reviewing the bill.

Ms. Panetti then outlined the potential impact of the State adopting ASHRAE 90.1 - 2004, which affects buildings that are four stories or greater in height, in terms of preventing tons of pollution; energy cost savings; reduction in demand for energy; water saved; and energy saved.

Ms. Panetti explained that the energy codes window provisions are especially important in Arizona - both the U-values and the Solar Heat Gain Coefficient (SHGC). In commercial buildings the SHGC requirement is based on the Projection factor or overhang of the window. She continued, adding that the smaller the SHGC number, the better the ability to reflect away the sun's radiation. Ms. Panetti made the point that the U-value is not synonymous with the SHGC, and noted that both are specified separately on National Fenestration Rating Council (NFRC) window labels.

Cosimina Panetti then presented a list of basic requirements under the energy code, noting that new requirements for lighting systems result in the most energy and cost savings.

Ms. Panetti then referred to 90.1-2004 Appendix G, which explains how to get Leadership in Energy and Environmental Design (LEED) credits from the US Green Building Council. Ms. Panetti asked the Committee if there were any questions.

Harry Wolfe of MAG staff noted that the EPA has re-designated Maricopa County as in attainment for Carbon Monoxide and has proposed that Maricopa County be re-designated as in attainment for the one-hour ozone standard. He said that he believed that the information on the EPA website for Maricopa County should be updated.

George Ritchie, asked to clarify that the City of Phoenix is considering adopting the 2003 IECC with the 2004 supplement and later amending it to refer to ASHRAE 90.1-2004. Mr. Ritchie wanted to be clear that the City has not adopted it yet.

Bob Lee stated that he is in favor of an energy code on some level. The question, he explained, is how to do it. Mr. Lee explained that this requires more discussion and cooperation on the part of interested parties. Mr. Lee then referred to a recent effort to get an electrical code adopted statewide that met with resistance, the preference being to discuss what is appropriate and work together to get everyone on the same code. Mr. Lee then referred to Arizona's experience with the State Plumbing Code which is not considered by many as a success. Mr. Lee then explained that legislation requiring the adoption of a state code is considered as an infringement on the right of a Council to decide what is best for a community given its needs. Mr. Lee explained that ultimately, the local jurisdiction is responsible. Mr. Lee then noted that Cave Creek did adopt an energy code by reference.

Steve Burger added that, based on his experience, State Codes need a State department to support and enforce them.

Lanny M^C Mahill, an electrical inspector with the City of Phoenix asked about the LEEDs Program and wondered why someone would wait three years to get a building certified. He explained that he had heard that people do this and was wondered if there was a particular reason anyone could think of for doing it.

Charlie Gohman with he Department of Commerce, Energy Office, explained that the only reason he could think of is that it adds between 2 and 20 percent to the cost of a building. This figure, he explained, depends on whom you talk to.

Bob Lee then referred to Executive Order 2005-05, which requires, to the extent practicable, that new State buildings achieve a LEED certification of at least the silver level. Mr. Lee also noted that it requires buildings to be energy efficient and to use renewable energy sources

Tim Wegner then explained that Councils are the legislative body for the community and their job is to make decisions that are best for that specific community. He added that all communities are not alike so it is important that the Council, the Legislative Body, is able to make decisions that are relevant to their community.

With the concurrence of the chairperson, items #7 and #7a were moved forward and heard prior to agenda item #4. The chairperson explained that for item #7 it is necessary to first pass motion to reconsider the NEC enforcement resolution, and if that motion passes then the Committee would then consider item #7a on the agenda.

7. Reconsideration of the NEC Enforcement Resolution

The Chairperson asked for a motion to reconsider the resolution regarding NEC enforcement, adopted at the December 16th, 2004 meeting of the Committee. Rus Brock moved that the Committee reconsider the resolution regarding NEC enforcement, adopted at the December 16th, 2004 meeting of the Committee. Steve Burger seconded the motion, a roll call vote was taken and the motion passed with 15 members voting in favor of the motion.

7a Consideration of a NEC Enforcement Resolution

David Nakagawara described the issue of not enforcing the codes as a four-legged stool with the following four legs: Code and Practice; Life Safety Issues; an effort has been made to validate current practice; code alternatives.

Mr. Nakagawara then explained that there were photos distributed during a previous presentation on this issue depicting situations that may not have been the result of current practice. He felt that this was important to note. However, he explained that the issue remains that there is a prescribed code not being enforced. He continued by

explaining that he voted yes to reconsider the motion because what the committee wants to achieve is not possible in the timeframe indicated in the resolution.

George Ritchie added that the City of Phoenix met with the homebuilders and electrical contractors last week and he is expecting to see a technical argument on the enforcement of the NEC.

Lanny M^C Mahill noted that not enforcing the NEC with respect to conduit box installation is a code issue that has been allowed for a number of years; and that he would like to see a solution developed through a cooperative effort. He then pointed out that in the City of Phoenix, people in the office and field will require re-training for the residential side, noting that the City of Phoenix never allowed the same method of installation of conduit boxes for commercial buildings as it does for residential buildings.

Bob Lee then added that this resolution did not just arrive at the committee in December for a vote, noting that there were 6, 9, maybe more months of meetings preceding the resolution arriving at the committee for a vote in December of 2004. He then referred to the fact that he has received several communications on the topic, some that are in favor of continuing current practice; some are in favor of finding an alternate solution; and others in favor of continuing with the resolution.

It was noted that Lanny is a known expert in electrical code change matters and it is Lanny's feeling that current practice would not make it through the code change process.

Forrest Fielder asked if extending the date would not just put the committee in the same position down the road.

John Kight, a member of the audience, added that extending the deadline for the resolution would allow people to work together to make adjustments and comply with the code.

Rus Brock noted that they will work with the City of Phoenix to resolve the situation and that the Homebuilders would like to work with all the jurisdictions to do the same, maybe over a two year time frame. Mr. Brock added that the Homebuilders would not ask the Committee to turn their heads if something is wrong, rather they would prefer to work with jurisdictions to find a solution.

Bob then noted that the basis for this Committee is to be consistent and uniform. If the Homebuilders address each jurisdiction separately, he explained, that it would to some extent, undermine the Building Officials attempt to be consistent and uniform in their approach. Mr. Lee noted that AZBO and the ICC offer avenues for discussion and a code change process, adding that what Rus Brock suggests, to some extent, undermines those existing processes.

Rus Brock replied by stating that he would like to see a uniform solution but the immediate need for the homebuilders is to provide technical documentation to the City of Phoenix. He also noted that Terry Vosler, of southern Arizona, did some work on this issue. Mr. Brock stated that he would like to review that work to see if their approach has merit. Mr. Brock then added that jurisdictions are going to be asking us to move at different speeds and the homebuilders need to be able to respond to that.

Bob Lee then explained that the resolution is still in effect, pending the outcome of the committees discussions and whether or not a resolution is put forth at the end of this agenda item. The motion for agenda item #7, he explained, allowed the committee to discuss the resolution that is in place and possibly take action on it under agenda item #7a. Mr. Lee explained that the issue is back because there was a real question as to whether the outstanding issues could be addressed by the BI/PE/RPR group or any other group within the timeframe of the existing resolution with an effective date of April 1, 2005.

David Nakagawara noted that the issue is not going to disappear. Given that fact, Mr. Nakagawara suggested that one option is to rescind the resolution and assign it to a particular body for discussion. That body would then provide information to the committee so that they could choose an appropriate approach.

Bob Lee raised the concern that if that happened, the urgency to find a solution may disappear, noting that the matter should be resolved as quickly as possible for the benefit of all.

Forrest Fielder noted that he would be prepared to support a motion that set an effective date at a reasonable time in the future, allowing homebuilders more time to look at options that would reduce the use of generators in the homebuilding process.

Mario Rochin then made a motion to change the effective date of the resolution to Dec. 1, 2005 to allow a group of interested parties such as contractors, homebuilders etc. to discuss the issue, including a reduction in the use of generators, and come up with a viable solution.

Forrest Fielder seconded the motion.

The chairperson asked if there was any discussion on the motion.

Rus Brock explained that he did not want to mislead anyone and have them thinking that the homebuilders are going to pursue an NFPA revision. Mr. Brock wanted to make it clear that the intent is to tweak the current method of installation in a reasonable way and then convince jurisdictions to allow it. Mr. Brock noted that the homebuilders have to determine what specific issues need to be addressed before they can address them.

Tim Wegner then voiced concern about the fact that the Building Officials in this region have been working very hard at cooperating on issues at a regional level. Mr. Wegner is concerned that the approach of going to individual jurisdictions as described by Mr. Brock will fracture those efforts.

Rus Brock then noted that while he appreciates MAGs efforts to be consistent, ultimately it is a City level decision, necessitating discussions with individual jurisdictions.

Jim Fox added that it is important to identify the group that will work on a solution to this.

Steve Burger noted that the committee should determine whether this is a life-safety issue or if it is something that needs to change without urgency. Mr. Burger then noted that the committee should have code experts to review the information and make that determination.

Bob Lee then noted that there are no documented cases of fires or electrocution caused by the current method of installation. Mr. Lee noted that it might be that they were not reported but he added that extending the deadline would give the committee time to review additional information and make an informed decision.

The chairperson then asked for further discussion, seeing none, a vote was taken and passed with 11 members voting in favor of the motion.

4. February 16, 2005 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 Jim Fox noted that at the top of page 5 the minutes should read Square D not Square B. Hearing no more changes the Chairperson asked for a vote and the motion to accept the minutes as amended passed unanimously.

5. Call to the Audience

No members of the audience asked to comment.

6. Comments From the Committee

Bob Lee asked if anyone adopted Chapter 11 of the IRC.

Bob Lee noted that the U.S. Department of Housing and Urban Development announced that it has approved the conditional use of the 2003 International Building Code (IBC), published by the International Code Council (ICC), as a safe harbor for compliance with the accessibility requirements of the Fair Housing Act.

Mr. Lee then noted that the Plumbing Code Commission meeting scheduled for March 17th was cancelled because of an inability to achieve a quorum.

Mr. Lee then asked if everyone received a letter concerning sediment traps, adding that this might be an agenda item for the meeting next month.

8. Building Codes Compilation and Web Addition Project

Michelle Green explained that Bob Lee and Tim Wegner are assisting with this project and providing input on an ongoing basis. Ms. Green noted that the full Committee would see a draft table of the actions of the committee since 1994 the May meeting.

9. Adopting The Most Recent Version of the NEC

Bob Lee explained that no bill related to this topic was introduced at the legislature this session; however, the dialogue on the subject has begun.

10. Commercial Condominiums

David Nakagarwa explained that the City of Peoria is currently dealing with a situation where there is a desire to change lessees in a commercial strip mall into owners using the condominium form of ownership. Mr Nakagawara explained that this item is really a call for input from the committee. Mr. Nakagarawa explained that the usual ownership format for a condominium is to have common areas that are taken care of by all tenants in some fashion, either by hiring a management company or contracting with trades people through a condominium board with an owner, owning their own space inside the walls. In this instance, he explained the set-up is such that the owners would own up to what would amount to a property line with no common space. This causes an issue with respect to fire rating.

George Ritiche noted that he would respond directly to Mr. Nakagarawa. Mr. Nakagarawa asked that anyone with information relevant to this situation contact him at his office in Peoria. Mr. Nakagarawa thanked the committee for their time.

11. Updated MAG Building Codes Committee Membership

Updates will be incorporated into next months list as appropriate.

11. Update Survey of Code Adoption

There were no updates provided during the meeting. Forrest Fielder asked who has deleted the reference to Chapter 13 in the IBC. Mr. Fielder then asked if MAG staff would call each member agency and determine the status of energy codes for each.

12. Topics for Future Agendas

Topics suggested for future meetings include: Water Hammer Arrestors, SES Installations.

13. Adjournment

Steve Burger made the motion to adjourn, David Nakagawara seconded the motion, and the meeting was adjourned at 3:59 pm. The next meeting will be held on April 20th, 2005 at 2 pm in the Cholla Room.