

BUILDING CODE ADVISORY BOARD  
MEETING MINUTES

**APPROVED**

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**DATE:** April 30, 2013  
**TIME:** 2:00 p.m.

**LOCATION:** 501 North 44<sup>th</sup> Street, 1<sup>st</sup> Floor  
Phoenix, AZ 85008

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**MEMBERS PRESENT:**

Mr. Tracy Finley, Chairman  
Mr. John Kight  
Mr. Robert Ghan  
Mr. Arthur Luera

**STAFF PRESENT:**

Tom Ewers, Plan Review Manager/Chief Building Official  
Lynn Favour, Deputy Director  
Ralph Shepard, Plan Review Supervisor  
Kathy Semder, Administrative Assistant

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**ROLL CALL**

Chairman Finley called the meeting to order at 2:03 p.m.

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**APPROVAL OF MINUTES**

Chairman Finley asked if everyone looked at the minutes from the previous April 9, 2013 meeting and were there any comments. Member Ghan made a motion to approve the minutes. Member Kight seconded the motion. Motion passed unanimously.

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**REPORT OF COMMITTEES**

None

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**UNFINISHED BUSINESS**

None

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## **NEW BUSINESS**

### **2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda**

Mr. Ewers explained that the meeting packet is similar to the one from the previous meeting however this one is more robust with leg-edits of the amendments to be more in line with the processes of our other County departments and regulations. Also, they use a process of adopting several motions, one to initiate a text amendment and another to recommend and approve that text amendment. Mr. Ewers will be asking this Board to do those same two types of motions at the end of this meeting.

Although there is no new information from what was presented at the previous meeting, Mr. Ewers did follow up on some questions that were raised on April 9, 2013. Returning to Vice Chairman Territo's question regarding ADA Standards, Mr. Ewers confirmed that the references in the Local Additions and Addenda that point directly back to the 2010 Standards that have been adopted as the Federal Standards for Accessibility. Public attendee Mr. Jackson Moll had questioned the energy code to which Mr. Ewers has determined that we do in fact allow the give-and-take of the MAG and AZBO Energy Code by adopting their Energy Code Amendments, which allows for mix-and-match ways to meet the energy standards.

Aside from those questions there is no other public input or opposition. Mr. Ewers explained that part of the suggested motion would allow us to initiate the text amendment and by a separate motion, recommend approving as an expedited EROP processing for the Planning & Zoning Commission and the Board of Supervisors to approve the Local Additions and Addenda and 2012 I-Codes and the 2011 NEC Code.

Chairman Finley pointed out that there are several letters from the public in the meeting packet and most seemed to be concerned with the Green Code, which he confirmed is a voluntary code that the public may not have understood. Mr. Ewers confirmed that all those questions raised by the letters have been addressed. Mr. Luera asked if the questions were answered verbally or in writing and Mr. Ewers replied that emails and letters were sent in response and they are included in the meeting packet. Mr. Luera requested further clarification for Mr. Paul McAllister's letter to which Mr. Ewers confirmed Deputy Director Darren Gerard sent an email explaining the code was voluntary.

Before adopting a motion there are some procedural items that need to be read into the record by Mr. Ewers. The second motion, after initiating, which recommends in favor of an expedited program, is allowable because we meet the requirements of the Enhanced Regulatory Outreach Program (EROP) as follows:

- The amendment was the subject of at least one (actually two) stakeholder-type public meetings
- Advance notice was provided on the County website
- A draft of the regulatory change was available on the EROP website at least two weeks prior to the Board Hearing
- The BCAB has received no opposition to the request

Ms. Favour clarified that the EROP is a new procedure as discussed with the BCAB Members and the Assistant County Manager in January. The BCAB Members are really the EROP Board for these types of amendments because it is their expertise that is needed to work with the public. This text amendment is also going through the Planning Commission (it was initiated on April 25, 2013), so we have two processes running parallel; the one mandated by the State and the County process. Today you have two choices; you can initiate and have yet another meeting or initiate and ask to expedite where it would just go straight to the Planning Commission in June and the Board in July.

Mr. Luera asked where the initiation process starts and Mr. Ewers explained that the start of the process is via memo to the County Manager then a Stakeholders' meeting with participation and then the technical initiation of the text amendment follows a vote by the BCAB members. Ms. Favour advised that the focus of the EROP process is to be more transparent and push more information to the public before things really get moving through the regulatory process. If people have an interest or comments they have the option to participate through various mediums before the formal initiation of the text amendment. Mr. Luera then asked if, by following this process of initiating and expediting, it prohibits the public from commenting to the BCAB and/or the County. Ms. Favour confirmed we are in compliance with all the required criteria as Mr. Ewers read aloud earlier to everyone. There are still two public hearings remaining, one at the Planning Commission in June and the other at the Board of Supervisors a month later. At both of these hearings the public can comment before the Board makes a final decision.

Member Kight made a motion to initiate TA2013001, Member Ghan seconded and the motion passed unanimously. Member Kight made a motion that TA2013001 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopt and amend the 2012 ICC Codes and the 2011 NEC Code. Member Luera seconded the motion and it passed unanimously.

### **OTHER BUSINESS**

None

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**SET DATE OF NEXT MEETING**

Chairman Finley confirmed the next regular meeting is scheduled for July 9, 2013, at 2:00 p.m., and that no special meeting is required at this time.

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**ADJOURNMENT**

Member Ghan made a motion to adjourn the meeting. Member Kight seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:17 p.m.

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Minutes prepared by Kathy Semder, Administrative Assistant  
May 2, 2013

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Minutes Reviewed by Thomas F. Ewers, Chief Building Official