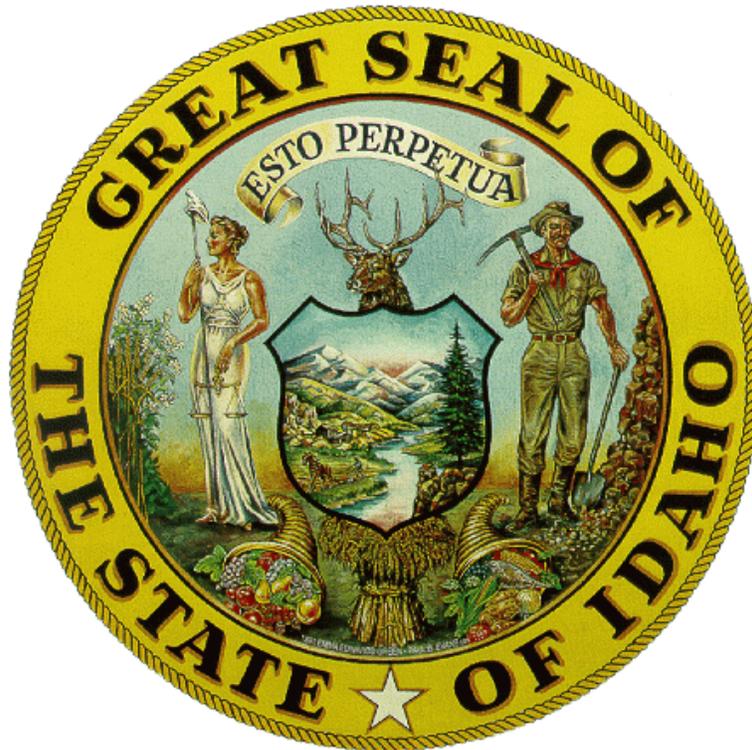


DIVISION OF BUILDING SAFETY

IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE MEETING

JUNE 14, 2011



# IDAHO BUILDING CODE BOARD

## Agenda Item No. 01

## Agenda

**PRESENTER:** Ron Whitney, Chairman

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**OBJECTIVE:** To approve the Agenda for the June 14, 2011 Idaho Building Code Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** June 14, 2011 Idaho Building Code Board tentative Agenda

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**TENTATIVE AGENDA**

**NOTICE OF PUBLIC MEETING**

**IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE MEETING**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho  
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho  
dbs.idaho.gov – (208) 332-7137**

***Tuesday, June 14, 2011  
9:30 a.m.–12:30 p.m. (MT)***

*(Note: Meeting Time is 8:30 a.m. PT)*

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**9:30 a.m. CALL TO ORDER – Ron Whitney, Chairman**

- o Roll Call & Introductions
- o Open Forum

**CONSENT AGENDA**

1. Approval of the June 14, 2011 Agenda
2. Approval of the April 12, 2011 Board Meeting Minutes

**ACTION AGENDA**

3. Board Compensation – Steve Keys
4. Statutory Change to the Building Code Act – Steve Keys

**INFORMATIONAL AGENDA**

5. International Green Construction Code (IGCC) – Kraig Stevenson, ICC
6. Code Change-IBC Section 903.2.7 – Andrew Bick
7. Deputy Administrator Report – Steve Keys
8. Administrator Report
  - a. Financial Report – C. Kelly Pearce and Kirk Weiskircher
  - b. Administrator – C. Kelly Pearce

**NEW BUSINESS**

**EXECUTIVE SESSION (If required)**

**12:30 p.m. ADJOURN**

*All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on Board preference. 05/23/11r*

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 02**

**Minutes**

**PRESENTER:** Ron Whitney, Chairman

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**OBJECTIVE:** To approve the Minutes from the April 12, 2011 Idaho Building Code Board Meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Draft minutes from the April 12, 2011 Idaho Building Code Board Meeting

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# IDAHO BUILDING CODE BOARD VIDEOCONFERENCE MEETING

Tuesday – April 12, 2011 – 9:30 a.m. (MT)

**Division of Building Safety**  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho  
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho

## **\*DRAFT MINUTES OF THE APRIL 12, 2011 MEETING**

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

Chairman Ron Whitney called the meeting to order at 9:35 a.m. (MT).

### **Board Members Present:**

Ron Whitney, Chairman  
Carol Alexander, Vice Chairman  
Scott Buck  
Michael Arrington  
Chuck Bleth  
Jan Welch  
Andrew Bick  
Mike Tracy  
Bobby Ball

### **DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator, Operations  
Janice Foster, Deputy Administrator, Administration  
Patrick Grace, Deputy Attorney General  
Kirk Weiskircher, Financial Specialist, Principal  
Chris Jensen, Regional Manager, Eastern Idaho  
Rod Freligh, Program Supervisor, Region 1  
Renee Bryant, Administrative Assistant 2/Board Secretary

### **Board Members Absent:**

Dan Hunter

#### ◆ **Approval of the April 12, 2011 Agenda**

Andrew Bick requested the topic “Code Change” be added to the Agenda under “New Business” as an informational item.

Patrick Grace explained the negotiated rulemaking process as set forth in Idaho Code (I. C.) §§ 67-5221, 39-4109.

**MOTION:** Mike Tracy made a motion to approve the Agenda with the change. Andrew Bick seconded. All in favor, motion carried.

#### ◆ **Approval of the February 8, 2011 Board Meeting Minutes**

**MOTION:** Jan Welch made a motion to approve the Minutes as written. Mike Tracy seconded. Eight ayes, one abstention, motion carried.

#### ◆ **Open Forum**

Renovation of Unoccupied Buildings – Stan Gates, building owner, addressed his apprehension to revitalize Pocatello’s downtown area due to codes and exorbitant costs. The primary areas of concern and challenges are ADA compliance and fire sprinklers.

Local jurisdictions have the authority to adopt the existing International Building Code (IBC). The code allows some leeway for when sprinklers need to be added, as well as the level of compliance for accessibility to buildings.

Bobby Ball, Executive Director of the ADA Task Force, provided Mr. Gates with her information and offered to work with Mr. Gates' architect and Pocatello's building officials on the ADA issues.

Idaho Association of Building Officials (IDABO) provides code analysis to any jurisdiction. Questions can be submitted to IDABO's official website at [www.idabo.org](http://www.idabo.org). Carol Alexander is on the Board of Directors and offered her assistance as well.

◆ **Board Compensation**

A handout from the Public Employee Retirement System of Idaho (PERSI) was distributed. Board members are considered employees of the state and are required to participate in the state's retirement system. To avoid a potential conflict between PERSI and their own personal retirement accounts, many boards have changed, in statute, their compensation from salary to honorarium.

**ACTION:** Renee Bryant will e-mail PERSI's handout to board members not in attendance at the Division's Meridian office.

**ACTION:** The topic "Board Compensation" will be added to the June Board Meeting Agenda as an action item.

◆ **Possible Statutory Change in Building Code Act**

To more accurately align the Building Code Board staff with the reorganization of the Division, a statutory amendment would need to be made in I. C. § 39-4115. The new language would maintain the executive director title; referencing the administrator or his designee as the responsible party.

**ACTION:** The topic "Statutory Change in Building Code Act" will be placed on the June 14th Board Meeting Agenda as an action item.

◆ **Legislative Update**

Two rule proposals under the Idaho Building Code Board's purview were reviewed at the 2011 legislature. The first contained modifications to the energy code provisions affecting log homes. The second modified the building permit and plan review fees; establishing a higher hourly fee for plan reviews. Both rules became effective April 4, 2011, upon the adjournment of the legislature.

H0256 – At the request of Chairman Whitney, Steve Keys explained the many challenges the Idaho Plumbing Board had in regards to presenting H0256, proposed new Idaho State Plumbing Code, to the legislature. The bill did not pass the Senate Commerce and Human Resources Committee; therefore, the 2003 UPC remains in effect as the governing base for the plumbing code in the state of Idaho.

H0207a – The bill amends existing law relating to the Idaho Building Code Act; revising provisions related to certain permits. The language essentially repeats what is already in the IBC and exempts those requirements for accessibility upgrades in alterations of buildings. As of today, the code does not affect the Board.

◆ **Deputy Administrator Report**

Agreements/Contracts – DBS continues to build on the agreement with the Coeur d’Alene Tribe in terms of plan reviews and inspections. The Sho-Ban Tribe in eastern Idaho and DBS continue to work towards an agreement to provide the same services currently afforded the Coeur d’Alene Tribe. The Division has a contract with the city of Ketchum to undertake the building inspection duties.

Economic Activity – The majority of the Building fund is generated through the building plan review process. The fund is approximately 10% ahead of where it was this time last year.

State Administrative Agency (SAA) Audit – As HUD’s monitoring contractor under the Federal Manufactured Housing Program, the Institute for Building Technology and Safety (IBTS) maintains all reported certification label applications. DBS is an SAA for HUD; therefore, IBTS is currently auditing/verifying the Division’s performance.

◆ **Administrator Report**

Eastern Idaho Report – Chris Jensen reported the following commercial growth in eastern Idaho: \$21 million Allstate building in Chubbuck, \$47 million hotel/event center and casino in Fort Hall, \$65 million expansion of the Monsanto Chemical Plant in Soda Springs, and 44 new wind towers in the Rockland/American Falls area.

AREVA – A contract is being negotiated for 95,000 square feet of temporary office space. The first phase will be erected and in operation by July 1, 2011. The final phase will be in operation by October 1, 2011.

Southeast Idaho Energy Corporation – The proposed phosphate plant outside American Falls has been put on hold pending financial considerations.

Idaho National Guard – Recently, DBS received the initial plans for plan review on the major expansion of the Idaho National Guard facility south of Boise. The expansion consists of a major maintenance facility, 300 unit barracks, and 400 person mess hall.

Project DOX – Project DOX is an electronically integrated design system used to review plans. BSU’s Architectural and Engineering Services has shown an interest in finding a way to internally collaborate on design plans. DBS has unlimited use of its Project DOX license and has consented to let BSU use/test the system.

Furloughs vs. Layoffs – Kelly Pearce explained the difference between furloughs and layoffs, and why the Division has chosen layoffs. Currently, the Agency has 112 full-time positions; however, additional layoffs will be required.

Building Remodel/Rental – The Department of Labor subleased from DBS 43% of the Meridian office space. Over the next ten years, the Division anticipates a savings of \$1.5 million in rent.

Financial Report – Kirk Weiskircher reviewed the Idaho Building Code Fund Fiscal Year 2011 Financial Statements as of February 28, 2011.

◆ **New Business**

Code Change – Section 903.2.7 of the 2009 IBC states in part, “An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists: ... 4. A Group M occupancy is used for the display and sale of upholstered furniture.”

Due to the vast amount of money required upfront to install fire sprinklers, the above section pre-empts small business owners with any upholstered furniture in their stores the opportunity to operate out of existing buildings. Upon speaking with Dave Ferguson, City of Hailey Building Official, Andrew Bick brought forth the following proposal to modify the existing clause: “... 4. A Group M occupancy is used for the display and sale of upholstered furniture where occupancy is greater than 3,000 square feet.”

Carol Alexander agreed the concept was good; however, the square footage was too high. It was recommended a meeting be held with State Fire Marshal Mark Larson and other fire industry-related individuals to come together with a more comfortable square footage.

**ACTION:** The topic “Code Change-IBC Section 903.2.7” will be brought back to the June 14, 2011 Board meeting as an informational item.

Upon searching the Division’s new website, Andrew Bick could not find where the general public can leave proposals for the Boards and/or DBS staff’s consideration. The Division agreed to provide such a place on the website.

**ACTION:** The Division will provide areas on the website for comments/suggestions.

Zero-Base Budgeting – As a part of the Supreme Court’s negotiation in regard to school construction and expenditures in the State of Idaho, one of the charges given by the legislature was for each school district to develop a ten-year maintenance program. The program was to be updated and a copy provided to the Department of Education (DOE) on a regular basis.

DOE recently determined DBS should be the appropriate facility to be the custodian of records since it performs safety inspections on all Idaho schools. At the close of the 2011 legislature, the Division was given the new responsibility with no additional funding. Upon the formulation of a plan, the Division will bring back the topic “Zero-Base Budgeting” to a future meeting.

**ACTION:** The topic “Zero-Base Budgeting” will be brought to a future Board meeting as an informational item.

◆ **Executive Session**

An Executive Session was not required.

**MOTION:** Chuck Bleth made a motion to adjourn the meeting. Andrew Bick seconded. All in favor, motion carried. The meeting adjourned at 11:15 a.m. (MT).

\_\_\_\_\_  
RON WHITNEY, CHAIRMAN  
IDAHO BUILDING CODE BOARD

\_\_\_\_\_  
C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*These DRAFT minutes are subject to possible correction and final approval by the Idaho Building Code Board 05/26/11rb

DRAFT

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 03**

**Board Compensation**

**PRESENTER:** Steve Keys

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**OBJECTIVE:** Amend the statute that provides compensation to members of the Idaho Building Code Board.

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**ACTION:** Vote to accept or reject the amendment to I.C. § 39-4106 “Idaho Building Code Board Created—Membership—Appointment—Terms—Quorum—Compensation—Meeting”.

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**BACKGROUND:** As stated in I.C. § 59-509(h), members currently receive a \$50.00 salary for each day they perform board duties; and accordingly, are required to participate in the state’s retirement plan, PERSI. It has been discovered that participation in PERSI may have adverse tax consequences to board members. I.C. § 59-409(n) permits state board members to be paid an honorarium instead of a salary and such compensation does not require participation in PERSI. Several DBS boards utilize this provision and receive the honorarium compensation.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** I.C. § 39-4106

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TITLE 39  
HEALTH AND SAFETY  
CHAPTER 41

IDAHO BUILDING CODE ACT

39-4106.IDAHO BUILDING CODE BOARD CREATED -- MEMBERSHIP -- APPOINTMENT -- TERMS -- QUORUM -- COMPENSATION -- MEETINGS. (1) The Idaho building code board is established within the division as an appeals, code adoption and rulemaking board, to be appointed by the governor, and shall consist of ten (10) members: one (1) member of the general public; one (1) local fire official; one (1) licensed engineer; one (1) licensed architect; two (2) local building officials, one (1) from a county and one (1) from a city; two (2) building contractors, one (1) residential contractor who is an active member of the Idaho building contractors association with construction knowledge based primarily on a work history of buildings regulated by the International Residential Code, and one (1) commercial contractor who is an active member of either the associated builders and contractors or the associated general contractors of America with construction knowledge based primarily on a work history of buildings regulated by the International Building Code; one (1) representative of the modular building industry; and one (1) individual with a disability from an organization that represents people with all types of disabilities. Board members shall be appointed for terms of four (4) years and until their successor has been appointed. Three (3) consecutive failures by a member to attend meetings of the board without reasonable cause shall constitute cause for removal of the member from the board by the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the effective date of this chapter and every two (2) years thereafter, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board. A majority of the currently appointed members of the board shall constitute a quorum.

(3) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509(~~hn~~), Idaho Code, for each day spent in attendance at meetings of the board.

(4) The board shall meet for regular business sessions at the call of the administrator, chairman, or at the request of four (4) members of the board, provided that the board shall meet at least biannually.

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 04                      Statutory Change to the Building Code Act

**PRESENTER:**        Steve Keys

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**OBJECTIVE:**        To more accurately align the Building Code Board with the reorganization of the Division.

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**ACTION:**            Vote to accept or reject the amendment to I.C. § 39-4115 “Personnel”.

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**BACKGROUND:**    Idaho Code § 39-4115, “Personnel”, states in part, “The division shall employ a bureau chief, who shall in addition to his other duties, function as the executive director of the board ...”

The Division eliminated bureau chief and plan examiner positions; merging their duties with other responsibilities to create three new program manager positions in the HVAC, Plumbing, and Electrical Programs.

For consistency throughout the Boards, it was recommended the Division maintain the executive director position; however, reference the administrator or his designee as the responsible party.

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### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:**   Idaho Code § 39-4115

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## § 39-4115. Personnel

The division shall ~~designate a non-classified employee to serve employ~~  
~~an bureau chief, who shall in addition to his other duties, function~~ as  
the executive director of the board, and such other personnel as  
necessary to effect enforcement of the codes herein enumerated or  
otherwise prescribed by rules promulgated by the board pursuant to  
this chapter. ~~All such employees, except the bureau chief executive~~  
~~director, shall be classified as prescribed in chapter 53, title 67, Idaho~~  
~~Code.~~

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 05                      International Green Construction Code (IGCC)

**PRESENTER:**            Kraig Stevenson, International Code Council

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**OBJECTIVE:**            Provide an overview of the scope of the IGCC to help orient the Board on the technical requirements contained in the IGCC.

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**ACTION:**                Informational

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**BACKGROUND:**        None

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:**      Letter from Kraig Stevenson

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International Code Council  
500 New Jersey Avenue, NW  
Sixth Floor  
Washington, DC 20001  
tel: 888.icc.safe (422.7233)  
fax: 202.783.2348  
www.iccsafe.org

May 13, 2011

Ron Whitney, Chairman  
Idaho Building Code Board  
Kelly Pearce, Administrator  
Division of Building Safety  
1090 East Watertower Street  
Suite 150  
Meridian, Idaho 83642

RE: Idaho Building Code Board Agenda June 14, 2011

Dear Chairman Whitney and Administrator Pearce:

Green building codes and sustainable construction is a topic that is being discussed by state agencies, construction trade boards, state and local officials, the design and construction professions and many advocacy groups from across our nation. The International Code Council (ICC) launched the International Green Construction Code (IGCC) initiative in 2009 because state and local officials and many others desired to have a set of model green, sustainable, safe and sensible construction requirements that dovetail well with the other model codes they currently use.

I request for your consideration to have an item placed on the June 14, 2011 Idaho Building Code Board's agenda. I desire to provide a brief 15-20 minute overview of the scope of the IGCC that will help to orient the board on the technical requirements contained in the IGCC.

I am having 10 copies of the IGCC Public Version 2.0 sent to the attention of Renee Bryant at DBS so she can distribute them to the board.

Thank you for your consideration.

Best Regards,

A handwritten signature in black ink, appearing to read "Craig Stevenson", is written over a horizontal line.

Craig Stevenson, CBO  
ICC Government Relations  
2122 112<sup>th</sup> Ave. NE Suite B-100  
Bellevue, WA 98004  
[kstevenson@iccsafe.org](mailto:kstevenson@iccsafe.org)  
888-422-7233 Ex 7603

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 06**

**Code Change-IBC Section 903.2.7**

**PRESENTER:** Andrew Bick

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**OBJECTIVE:** Modify section 903.2.7 of the 2009 IBC to define the requirements to install automatic sprinkler system in buildings with Group M occupancy.

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**ACTION:** Informational

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**BACKGROUND:** Section 903.2.7 of the 2009 IBC state in part, “An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists: ... 4. A Group M occupancy is used for the display and sale of upholstered furniture.”

Due to the vast amount of money required upfront to install fire sprinklers, the above section pre-empts small business owners with any upholstered furniture in their stores the opportunity to operate out of existing buildings. Upon speaking with Dave Ferguson, City of Hailey Building Official, Andrew Bick brought forth the following proposal to modify the existing clause: “... 4. A Group M occupancy is used for the display and sale of upholstered furniture where occupancy is greater than 3,000 square feet.”

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## **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Supporting documentation from Dave Ferguson, City of Hailey Building Official

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Date: 4-11-2011

Proponent: City of Hailey, Dave Ferguson (Building Official)

Name: Andrew Bick, Idaho State Building Code Board Member

Address: P O Box 3911 Hailey, Idaho 83333

Email: [akbick@mindspring.com](mailto:akbick@mindspring.com) Phone: 208-726-8608

Specific Code to Considered for Amendment (IBC): International Building Code

Section 903.2.7 Clause 4.

Modify Clause to read as follows: A Group M occupancy is used for the display and sale of upholstered furniture. Where occupancy is greater than 3,000 square feet.

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 07**

**Deputy Administrator Report**

**PRESENTER:** Steve Keys

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**OBJECTIVE:** To report on the recent activities within the Building program.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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# IDAHO BUILDING CODE BOARD

**Agenda Item No. 08a**

**Financial Report**

**PRESENTER:** C. Kelly Pearce and Kirk Weiskircher

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**OBJECTIVE:** To review the Idaho Building Code Board Financial Report.

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**ACTION:** Informational

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**BACKGROUND:** This topic is discussed at all regularly scheduled Idaho Building Code Board meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Financial Report to Follow

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# IDAHO BUILDING CODE BOARD

**Agenda Item No. 08b**

**Administrator**

**PRESENTER:** C. Kelly Pearce

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**OBJECTIVE:** To provide an overview of the Division's current activities.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board Meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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