

ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY  
STATE FIRE SAFETY COMMITTEE

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

Phoenix, Arizona  
November 26, 2012  
10:03 a.m.

**REPORTED BY:**  
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Certified Reporter  
Certificate No. 50111

**PREPARED FOR:**  
ARIZONA DEPARTMENT OF FIRE, BUILDING  
AND LIFE SAFETY

(CERTIFIED COPY)

1                   REPORTER'S TRANSCRIPT OF PROCEEDINGS was taken at  
2 10:03 a.m., on November 26, 2012, at the State of Arizona  
3 Department of Fire, Building and Life Safety, 1110 West  
4 Washington, Suite 100, Phoenix, Arizona, before CATHY J.  
5 TAYLOR, a Certified Reporter in and for the State of Arizona,  
6 County of Maricopa.

7  
8 BOARD MEMBERS:

9                   Mr. Randy Karrer, Chair  
10                   Mr. Mark Burdick, Member  
11                   Ms. Lisa Gervitz, Member  
12                   Mr. John Gilmore, Member  
13                   Mr. Richard A. Kochanski, Member  
14                   Mr. Russell H. Louman, Member  
15                   Mr. Patrick Moore, Member  
16                   Mr. Rick Southey, Member

17  
18 DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY:

19                   Mr. Geme Palma, Director  
20                   Ms. Mary Williams, Assistant Attorney General  
21                   Ms. Amy Michaels

22  
23 ALSO PRESENT:

24                   Mr. Bob Barger, State Fire Marshal  
25

## P R O C E E D I N G S

1  
2  
3 CHAIRMAN KARRER: Okay. Let's go ahead and  
4 call the meeting to order.

5 Roll call. Who can do that? Amy, can you do  
6 that?

7 MS. MICHAELS: First names. Mark.

8 MR. BURDICK: Here.

9 MS. GERWIZ: Lisa?

10 Yep.

11 MS. MICHAELS: John?

12 MR. GILMORE: Present.

13 MS. MICHAELS: Randy?

14 CHAIRMAN KARRER: Here.

15 MS. MICHAELS: Richard?

16 MR. KOCHANSKI: Here.

17 MS. MICHAELS: Eric?

18 Russell?

19 MR. LOUMAN: Here.

20 MS. MICHAELS: Patrick?

21 MR. MOORE: (No audible response.)

22 Rick?

23 MR. SOUTHEY: Here.

24 MS. MICHAELS: Bob Barger?

25 MR. BARGER: Bob Barger, State Fire Marshal.

1 MS. MICHAELS: Mary Williams?

2 MS. WILLIAMS: (No audible response.)

3 MR. MICHAELS: Gene?

4 MR. PALMA: Here.

5 MR. BARGER: Mr. Palma, the director.

6 MS. MICHAELS: The director, Gene Palma.

7 We're all here.

8 CHAIRMAN KARRER: So we have a quorum?

9 MS. MICHAELS: We have a quorum.

10 CHAIRMAN KARRER: Outstanding.

11 Moving right along, the approval of the  
12 minutes of the June 27<sup>th</sup> meeting of 2012. Did everyone  
13 have an opportunity to take a look at the minutes? Are there  
14 any corrections?

15 I didn't have any correction, I don't think.

16 MR. SOUTHEY: Motion to approve.

17 CHAIRMAN KARRER: We have motion to approve.

18 Do we have a second?

19 MR. BURDICK: Second.

20 CHAIRMAN KARRER: Second by Mr. Burdick.

21 Is there any further discussion on the minutes  
22 or additions?

23 All those in favor say aye.

24 (Chorus of ayes.)

25 CHAIRMAN KARRER: Any opposed?

1 Passes unanimously.

2 Okay. Old business.

3 Review discussion on adopting the 2012  
4 International Fire Code.

5 Mr. Barger.

6 MR. BARGER: Just a quick update. We're still  
7 sort of in the process of looking at the changes from the '03  
8 code that were currently into the 2012 code. There's been a  
9 lot of discussion at the State Fire Marshal's Association  
10 meetings, a thing about certain folks moving up to it. Other  
11 folks are backing out of it. So, as we discussed in the last  
12 meeting, when we set the standard for the State, which is the  
13 minimum code for everybody, up to the 2012 code, that has a  
14 major impact on the smaller rural departments. So it's going  
15 to take a while for us to get through that. I don't want to  
16 rush through it too much. The discussion we had before was  
17 we'd look at something toward the end of 2013 as the  
18 possibility for adopting the 2012 code. Again, it's going to  
19 have a pretty major impact as far as setting the minimum  
20 standard for the State to -- for everybody to come up to the  
21 2012 code.

22 So there's no action to be taken on it or  
23 anything else. Just a quick update that we are still  
24 pursuing it. We're still looking at the differences to what  
25 it would take. We may have to come back to this meeting next

1 year depending on a -- a process of looking to see where  
2 we're at through all the smaller jurisdictions and  
3 everything, because everybody's all over the board from some  
4 are still back in the '90s. Some are --

5 MR. SOUTHEY: Really?

6 MR. BARGER: -- in 2000s. Some are under the  
7 Uniform Fire Code.

8 So we'd have to kind of take a comparison, I  
9 think, where everybody's at and what kind of impact we're  
10 going to have on that. Again, it's going to be a major  
11 financial impact on the smaller departments to come up with a  
12 minimum of the state code if we come up to the 2012 --

13 CHAIRMAN KARRER: Okay.

14 MR. BARGER: -- so...

15 CHAIRMAN KARRER: Questions for Mr. Barger on  
16 the fire code?

17 MR. LOUMAN: Have you talked to any of the  
18 stakeholders at all to get any feedback?

19 MR. BARGER: At the State Fire Marshal's  
20 Association meetings, yes, we've discussed that process. And  
21 I've had the same discussion we just had about what happens  
22 when the state adopts a code that is the minimum standard for  
23 everybody? And some of the feedback I've gotten from -- the  
24 only two I know of that are going to it are Tucson and  
25 Phoenix. They're still pursuing going to the 2012 code. It

1 wouldn't really have an impact on them one way or the other  
2 whether we do it or not. It's the smaller departments we're  
3 going to have an issue with as far as our standard if the  
4 other departments are going to stay on the '03 codes or  
5 whatever code they're in. So, yeah, there's been that  
6 discussion. And I think we'd probably get a lot of negative  
7 feedback right now. Toward the end of next year, I don't  
8 know if we'd get that or not. It just depends on how the  
9 economy turns, if it turns around and how we move forward  
10 with that process, so...

11 CHAIRMAN KARRER: All of Pima County is going  
12 to the 2012.

13 MR. BARGER: All of Pima County.

14 CHAIRMAN KARRER: All of Pima County.

15 MR. PALMA: Okay.

16 MR. GILMORE: I know they've discussed it in  
17 Mohave County, too. I wonder if there would be any benefit  
18 to survey the county officials that would be the ones to  
19 pursue this a little bit and see where they stand and if that  
20 would make our job or your job easier or harder depending on  
21 where they stand, and they may be an advocate.

22 MR. BARGER: I think everybody wants to do  
23 that. The national opinion is everybody wants to move up to  
24 the more recent codes. Some states have the ability to adopt  
25 their code statewide, which sets a minimum. There's only

1 about two or three that I know of that can -- that do that,  
2 Arizona being one of those, to where when you -- even though  
3 local jurisdictions, counties, fire districts can adopt codes  
4 of their own, when the state adopts the code statewide in  
5 Arizona, that's -- that brings everybody up to that minimum.

6           You're right. I think there's a lot of folks  
7 that want to go to it. There's a lot of reasons because, you  
8 know, we update codes for the -- for the value of public  
9 safety and how you apply that -- how to apply the codes to  
10 public buildings or any building, actually.

11           And, again, the thing through the State Fire  
12 Marshal's Office, we're responsible for state buildings,  
13 County buildings and all the schools. When you set the  
14 standard -- again, when we adopt it at the state -- state  
15 level, that sets it for everybody, whether it's a commercial  
16 building, whether it's private, public or anything else.  
17 That's the minimum standard for anybody to build anything in  
18 the state of Arizona.

19           So, again, it's just one of the things we kind  
20 of have to be aware of as we move forward with the adopting  
21 of a new code for the state.

22           CHAIRMAN KARRER: Any other questions for Bob  
23 on the fire code?

24           Okay. Do you want to leave that on the agenda  
25 then, Bob, for the next meeting as well?

1 MR. BARGER: Yes.

2 CHAIRMAN KARRER: Kind of a standing --

3 MR. BARGER: Yes.

4 CHAIRMAN KERRAR: -- item?

5 Okay. Item B under old business, update,  
6 discussion, possible action on adopting rules for the  
7 allocation of monies from the Arson Detection Reward Fund  
8 pursuant to A.R.S. 41-2146(E).

9 Mr. Barger.

10 MR. BARGER: The only update I have on that is  
11 there's no update.

12 As far as adopting the rules, again, that  
13 takes funds to process that. The -- the way it is right now,  
14 we're still working under the bylaws of the International  
15 Association of Arson Investigators on disbursing money. We  
16 haven't had anything come forth over the past six months or  
17 since last time we met that anybody is requesting money out  
18 of that. But to write rules and get it through the rule  
19 writing process through GRRRC takes funds, and we'll discuss  
20 the funds issue here in a little bit.

21 CHAIRMAN KARRER: Okay. Any questions on  
22 item B?

23 Moving right along to item C. Review,  
24 discussion and possible action on seeking legislative  
25 amendment for authority to set a fee for regularly scheduled

1 inspections of state and county buildings and schools.

2 Mr. Barger.

3 MR. BARGER: Okay. Now, on that one,  
4 through -- if you -- in the minutes of the last one, we were  
5 given direction to continue on with that process.

6 CHAIRMAN KARRER: Correct.

7 MR. BARGER: We've not made any progress on  
8 that as far as being able to get anybody in the -- in the  
9 place to help with the legislation and to assist through PFFA  
10 or anybody else to really move forward with that process  
11 right now.

12 If you remember, there is a -- a moratorium  
13 that the Governor put together actually on rule writing and  
14 almost anything that would require businesses to pay more  
15 fees to do business in the state. So we are just on a status  
16 quo on that right now, just standing by. I don't see us  
17 getting anything together by the beginning of this session to  
18 move forward with that. So it's just, again, an update on  
19 where we're at and the status of the State Fire Marshal's  
20 Office, which I'll give you an update when we get to the next  
21 session.

22 CHAIRMAN KARRER: It sounds like the update on  
23 the Fire Marshal's Office is going to be a little telling  
24 then.

25 Okay. Let's get to the meat and potatoes.

1 Any questions on item C?

2 Okay. New business. Discussion on Fiscal  
3 Year 2013 budget for the Office of the State Fire Marshal.

4 MR. BARGER: Okay.

5 CHAIRMAN KARRER: Bob.

6 MR. BARGER: It's kind of an update on our  
7 status. We are budget-wise going to come up short, probably  
8 in April as far as making budget. We've requested some  
9 supplementals, but there's not been any action taken on that  
10 up to this time. It doesn't look like we're going to get any  
11 supplementals, so we have to kind of work through the system  
12 to figure out how we're going to get from April to the end of  
13 June through the Department -- or through the Office of the  
14 State Fire Marshal.

15 We did lose one of our plan reviewer. He went  
16 to work for Gilbert. And we have not been in a -- we are not  
17 in a position right now to rehire that position. So we are  
18 down to six of us in the Office of the State Fire Marshal  
19 right now. So for the next period of time till the end of  
20 June of next year, it's going to be really tough on us to do  
21 anything other than plan reviews. We do have some folks in  
22 the office that are capable to do plan review. We have a  
23 certified plan reviewer in Fred Durham out of our Tucson  
24 office who's a supervisor. We'll be shuttling all the more  
25 extensive plans down to Fred to do the plan review on that.

1           So our status right now is basically plan  
2 review and construction inspections to keep that process  
3 moving. We're able to kind of keep our head above water  
4 right now. But after the first of the year, as all of you  
5 well know, the schools and everybody else really kick up  
6 their plan reviews because they want to get everything ready  
7 for the summer session to do the construction in the schools.  
8 That's when it's really going to start to impact our ability  
9 to keep up with that.

10           So that's basically where we're at. I don't  
11 know if Mr. Palma wants to add anything to that or not. But  
12 it's just a situation. It's kind of so doom and gloom for  
13 our office as far as getting any funding to rehire people.  
14 We're down three now with the plan reviewer leaving. And  
15 that would just get us back to even any kind of sensible  
16 process of keeping up with construction, plan review  
17 construction inspections and trying to get some school  
18 inspections. We were able to there for a while get into some  
19 of the schools. But as it stands right now, it's going to be  
20 probably just all construction. So --

21           CHAIRMAN KARRER: So who's going to inspect  
22 the schools? Local jurisdictions?

23           MR. BARGER: There will be a process I'm going  
24 to put out to where we either go to kind of a self-inspection  
25 process, send a letter out to the schools to send -- have

1 them send something back to us. There's really no  
2 cross-check to that process -- part -- part of it. Or get  
3 with local jurisdictions to see if they'd be willing to go  
4 out and do a school inspection for us within their  
5 jurisdictions. That still leaves a lot of open areas in the  
6 unincorporated areas of the counties and people that don't  
7 have the folks who are certified and really don't want to do  
8 the inspections for us.

9           So we're just -- we're kind of working through  
10 that process right now as to how -- how we're going to at  
11 least have them notice us that they did a self-inspection and  
12 they have done those certain sets of things that we would  
13 look for when we would go out and then have somebody sign off  
14 on it. At least we would get something back from somebody,  
15 an authority there at the school, saying that they've done  
16 that and they've checked for things that we had put on our  
17 checklist.

18           So other than that, there's -- those are about  
19 the only two options we have.

20           MR. PALMA: And we're hoping -- oh, I'm sorry.

21           MR. BURDICK: Go ahead.

22           MR. PALMA: I just wanted to give you some  
23 background in the sense that the department, as you all know,  
24 has undergone -- it's approximately been about 65 percent cut  
25 in general funding since 2009. And we did put a supplemental

1 request in back in -- in August because, without going into  
2 details, there's about four general -- four funds that we --  
3 we do draw from. And, unfortunately, there -- one of the  
4 funds was, as you all know from the audits, has been in --  
5 supposedly improperly allocated expenditures to it. We  
6 finally fixed that problem. We've got cost controls in. We  
7 have activity tracking software that basically tells us, you  
8 know, what activities should be expended toward what funds.

9                   So we've corrected that situation. But now  
10 that it's been corrected, we're now in the process of getting  
11 the legislature to give us a proper funding to provide the --  
12 the consistent service levels on both sides of the  
13 department.

14                   So the 200 some thousand that we requested,  
15 it's not coming from -- just from fire, the shortfalls are  
16 coming from just short -- from the Fire side or from the  
17 Manufacturered Housing side. Because we did raise fees on  
18 both sides to cover. And you guys were part of that, and we  
19 really appreciate it. And that shows a lot of confidence in  
20 the efficiencies that the department has achieved in the last  
21 couple years.

22                   What the legislature is trying to work through  
23 is in the next fiscal year, get us to the level of funding  
24 which will take us back to approximately 2011 and put us to  
25 the point where we can provide a level of -- like, for

1 example, I think it was -- what did we have then? About six,  
2 not -- besides you and --

3 MR. BARGER: It was seven.

4 MR. PALMA: It was seven.

5 MR. BARGER: Eight of us.

6 MR. PALMA: Seven plus a plan reviewer. So  
7 we'd actually be adding two more people. And that's what --  
8 the point we're getting to. And they're willing to work with  
9 us for the next fiscal year. There seems to be some  
10 agreement as to even getting to the point where we can retain  
11 some of the -- the fees that -- as it works now, when we  
12 charge a fee for service, that fee goes directly to the  
13 general fund, and the department does not see it again.

14 So the next fiscal year, what we're trying to  
15 get to is get to the point where we retain some of those fees  
16 for operating costs, which obviously --

17 CHAIRMAN KARRER: Will help.

18 MR. PALMA: -- will help us, right, and we  
19 won't have to go back to the legislature every year for so  
20 much money. It'll give us a foundation to at least give the  
21 department some planning flexibility for the next fiscal  
22 year.

23 So that's where we're getting to. But in the  
24 meanwhile, short term, we have that -- the shortfall, and  
25 there are some -- some actions we can take. Unfortunately,

1 our MOU partners are willing to share some of the burden, and  
2 we certainly know that we -- we have to keep abreast of  
3 the -- the -- the school inspections, for instance, and --  
4 and being timely on our construction reviews. And that's our  
5 focus right now. And it's not to say that they won't come  
6 through with the supplemental request. If, for example, they  
7 hear from constituencies that are concerned that their  
8 particular industry may be, you know, somehow set back by the  
9 cut, then that probably would help matters. But that's up to  
10 the constituencies, obviously.

11 So we're still holding out hope that come here  
12 January/February, we'll hear some good news, and we'll get  
13 that supplemental. And the -- but, in the meanwhile, we're  
14 preparing to get through the year without receiving it and  
15 then having fiscal year '14 be financed at the level which  
16 the department knows it can operate, provide the services  
17 we're statutorily supposed to provide and provide them on a  
18 timely service -- timely basis.

19 So besides the vacancy of the plan reviewer  
20 that we're going to leave vacant until the end of the fiscal  
21 year, and then when we're funded -- refunded again for the  
22 next fiscal year, that'll be the number 1 priority, plus  
23 another deputy fire marshal. So that will hopefully put us  
24 back to where we can create a -- go back to the plan of  
25 creating an inspection plan for schools and approaching the

1 legislature with a plan that will allow us to fund that  
2 particular position with some type of fee for service.

3 So, in the meanwhile, we're just putting  
4 everything on hold and not fulfilling -- not filling the  
5 position that's vacant or the other deputy marshal until we  
6 hear about the request one way or the other and get through  
7 the year. So hope -- hopefully we'll hear good news. But,  
8 again, it's all -- it's all basically up to the legislature  
9 and -- and OSPB at this point.

10 CHAIRMAN KARRER: Any questions?

11 MR. BURDICK: My question is, Bob, we've  
12 talked, and I know you've been meeting with -- with Chuck in  
13 our -- in our department. But didn't -- I thought someone  
14 said that the state -- the state, whoever the state is, has  
15 moved away from doing MOUs directly with local jurisdictions.  
16 It's typically now the MOU is more with the county.

17 MR. BARGER: Yeah.

18 MR. BURDICK: Because we were talking about  
19 doing an MOU to inspect the schools and the -- kind of the  
20 state was moving away from doing those type of MOUs, from  
21 what I understood.

22 Is that --

23 MR. BARGER: Well, there was a little  
24 discussion in that process about us going -- if we went fee  
25 based --

1 MR. BURDICK: Uh-huh.

2 MR. BARGER: -- 100 on the budget process,  
3 then it would behoove us to do everything.

4 MR. BURDICK: Right.

5 MR. BARGER: Since that's not the primary  
6 mission anymore or anything else, yeah, we do MOUs --

7 MR. BURDICK: Oh.

8 MR. BARGER: -- for any jurisdiction that  
9 wants to do an MOU to do the plan reviews, the inspections,  
10 construction inspection and everything else, the annual  
11 inspections.

12 MR. BURDICK: Well, that being said, though, I  
13 guess my next question is, what -- what helps and hurts you  
14 in that regard? Because if local jurisdictions pick up that  
15 role, what is the -- you know, what is the incentive from the  
16 legislature to -- to rebuild --

17 CHAIRMAN KARRER: Exactly.

18 MR. BURDICK: -- the Fire Marshal Office? I  
19 mean, you know, this is going to be looked at as redundancy  
20 again. And so -- and I think in this group, what's our role  
21 in helping clarify that? Because -- and one other thing I'll  
22 just say is purely, I guess, more rhetorical than anything  
23 else, but when you talk about working with -- with like the  
24 PFFA, the struggle you run into, and this is what's hitting  
25 us right now in our community, is that I've got to do some

1 reductions. And on the labor side, there's no appetite when  
2 it comes to fire prevention. You know, it's -- it's keep  
3 boots on the ground, running the trucks. And I'm in a kind  
4 of a conflict right now working through city management to,  
5 you know, who -- who goes?

6 The -- the frustration, I think, there is that  
7 I think that, you know, when you turn to that support,  
8 it's -- it's not high on the priority list to say, well, we  
9 got to get more state inspectors. You know what I mean?

10 MR. BARGER: Right.

11 MR. BURDICK: So what's going to -- what --  
12 what -- I guess what my question is, what can we do through  
13 this body to help you move that mission forward? Rather than  
14 doing a bunch of MOUs, should we collect and get a message  
15 out there saying it's better to give you your statutory  
16 authority to let you do your job?

17 CHAIRMAN KARRER: Exactly. That's what I'm  
18 thinking.

19 MR. SOUTHEY: Gene mentioned something about  
20 letters and the board or an outcry from constituents or  
21 constituency in the state. I -- just hypothetically, who  
22 would those letters go to and what information should be  
23 included to get the greatest impact?

24 Is that something you can answer here?

25 MR. PALMA: Yes, sure. The ideal situation

1 would be you send it to your -- your representative in your  
2 area and then also one to the Governor's Office. And that  
3 way, you know, obviously both parties, the legislature and  
4 the Governor's Office, is aware that there's -- there's a  
5 concern out there about them, the Fire Marshal's Office, in  
6 terms of providing services that the -- the jurisdiction  
7 either doesn't provide or needs assistance providing.

8           What -- what we found is sometimes when we --  
9 there's over what, 100 jurisdictions in terms of cities and  
10 fire districts? And -- and you get maybe about 30 to  
11 40 percent of those at one time wanting to enter into some  
12 agreement with the state, whether it be because of resources  
13 or -- or politics is involved. So I know there's a concern  
14 about maybe the State Fire Marshal -- Fire Marshal's Office  
15 at some point in time just not being a -- a -- having an  
16 influence or -- or just not necessary.

17           But -- but from what I've seen, and I've been  
18 involved going on three years, is because of the limited  
19 resources by the local jurisdictions, the State Fire  
20 Marshal's Office is really -- plays an important role. And  
21 so the -- that -- the office itself has to be strengthened  
22 not only in terms of resources, but in legislative authority.  
23 That has to -- we can sit there. Bob and I can go talk to  
24 legislators and to the Governor's Office, but, obviously,  
25 they -- and I'm not putting words in their mouth. It's just

1 my opinion. They probably believe we have an agenda, you  
2 know, that we want to expand our authority.

3 But because we see it on a daily basis that  
4 the local jurisdictions need our help and need guidance and  
5 we work well on a partner basis with them, that it only  
6 benefits all parties, and especially the state, if the -- the  
7 Fire Marshal's Office does have the proper resources to be a  
8 player.

9 So if that message is given to both the  
10 legislature and the Governor's Office from people like  
11 yourself, I think it sends a very strong message that that's  
12 the role that they should look into and -- and perhaps take.  
13 But, again, if we sit there and tell them, I think, has a  
14 limited impact, because obviously they're thinking we have an  
15 agenda behind what we're -- what we're -- our message. To  
16 hear it from you, I think it -- it takes on a different -- a  
17 different perspective and it has a little more punch to it.

18 So be it as it may, you know, I know you all  
19 have, you know, a lot more things on your -- things to do.  
20 But if you do have some time and -- and think it's an  
21 important thing to do, write a letter to your legislator or  
22 write a letter to the Governor's Office, put some phone calls  
23 in and let them know. Because otherwise, you know, it'll go  
24 unheard.

25 MR. BARGER: So just --

1                   CHAIRMAN KARRER: I know the Arizona Fire  
2 Chiefs wrote a letter last, I think it was August, this past  
3 August in support of a position in the Department of Fire  
4 Building and Life Safety. Have you guys gotten any feedback,  
5 any questions from the Governor's Office on that at all?  
6 Because that, in our minds, was a very important position, a  
7 resource for you.

8                   MR. PALMA: Mr. Chairman, I have -- I have not  
9 received any feedback. I have to give the Governor's Office  
10 the benefit of the doubt because they've undergone changes  
11 here in the last 60 days. Not only have they undergone  
12 changes, but they -- in anticipating those changes, there --  
13 there was some, how would you say, you know, unclear pathways  
14 to -- to communications because everybody knew the chief of  
15 staff was going to be leaving. And so the -- the lines of  
16 communication sometimes got -- okay, well, since Eileen won't  
17 be able -- won't be around, who do we communicate with?

18                   Well, nobody seemed to really know, and now  
19 that Scott Smith has taken over, I think there's a lot  
20 clearer vision as to which direction the Governor's Office  
21 will be going. And I'll -- I'll certainly put a call in and  
22 find out where that message is right now and then, in turn,  
23 let you know.

24                   CHAIRMAN KARRER: I think this is pretty  
25 concerning, I mean, from the standpoint of if -- if we're --

1 if there's a question as a far as funding goes just to keep  
2 basic services, school inspections, I mean, nothing's more  
3 important than the youth. And the kids that we're sworn to  
4 protect in local jurisdictions are going to essentially be,  
5 you know, tasked with that, which I don't think is  
6 appropriate at all. Because they -- I -- much like what  
7 Chief Burdick said, we don't have the staff to do it.  
8 That's -- so there's got to be something this committee or  
9 something that we can come forward with to try and help  
10 resolve this or at least impress upon the legislature the  
11 importance of it.

12 Question?

13 MR. GILMORE: Chair?

14 CHAIRMAN KARRER: Yes.

15 MR. GILMORE: Bob, is it possible that some of  
16 these jurisdictions are more vocal than others in terms of  
17 wanting your support, and is it possible to canvass these  
18 people and get the letters of support from them, like school  
19 districts or some of these counties?

20 MR. PALMA: Mr. Gilmore, yes, I agree that  
21 there's some jurisdictions that feel the need for more  
22 assistance from the office than others. And, obviously, just  
23 a matter of a resource levels, there's a difference. And so  
24 there's some that would -- probably more -- be more  
25 enthusiastic than others in terms of taking the lead in this

1 kind of issue.

2                   Sometimes as we all know, unfortunately,  
3 politics because fire districts and -- and local  
4 jurisdictions are -- are mired in -- in other issues that  
5 they deem more important, so at times they don't take on  
6 these kind of issues or there's -- or there are other --  
7 other problems that may cloud the fact that this issue is --  
8 is really important as Mr. -- Mr. Chairman stated that, hey,  
9 it's a safety of our children and in terms of just having  
10 schools inspected.

11                   Unfortunately, it's one of those negatives  
12 where unless something happens, nobody thinks about it until  
13 we have a fire, then -- and then obviously the first thing  
14 they ask, well, when -- when was it inspected and who is  
15 responsible? And we get into all that conversation.

16                   That's why it's important, I believe, that,  
17 again, other interests besides the State Fire Marshal and the  
18 department get involved. Because then, only then, will  
19 people really take notice, when, you know, private industries  
20 says something or -- or other local jurisdictions come to the  
21 forefront and state, you know, their concerns.

22                   So the problem with -- with us as an agency,  
23 we are supposed to be impartial, and so we can't really take  
24 a lead and say, okay, let's round up, you know, all this  
25 private sector group and you guys do this or all these local

1 jurisdictions and you take this action. It's really got to  
2 come from the constituencies themselves. Because if -- if  
3 we're viewed as taking -- taking sides in something like  
4 this, then, you know, it really -- it hurts our -- our -- our  
5 integrity down the way. So it really would be much better  
6 if -- if third parties got involved.

7 CHAIRMAN KARRER: Go ahead.

8 MR. KOCHANSKI: I have a question now. And in  
9 regards to the scope of this group and giving direction to  
10 the office, I know we're talking a lot about leverage,  
11 political leverage in this discussion with the constituents  
12 and them writing the letters.

13 How about the office not spend so much time on  
14 plan review and construction inspections and start putting  
15 some more of their efforts in the school inspections? Now,  
16 then you'll -- you'll get the builders, you'll get the  
17 construction folks to start to rise up that that's not being  
18 done in a timely manner. Well, why is it not? Because the  
19 balance is -- here is being struck. We have schools that  
20 need to be inspected, and so we can either not do them, which  
21 puts the youth in danger, and put all our eggs in the basket  
22 that satisfies the plan review and the construction  
23 inspections.

24 I -- I -- personally, I would think you would  
25 have a little bit more luck, a little bit -- my English is

1 fantastic this morning. I think you'd have -- I think you'd  
2 have a better chance of success --

3 CHAIRMAN KARRER: More impact.

4 MR. KOCHANSKI: -- if there's a more impact.

5 Because we all know the impact that the builders and the  
6 developers have at the legislature anyways. And so now if  
7 their work isn't getting completed, well, why isn't it? And  
8 that begs the question.

9 So now --

10 MR. BARGER: Right. What we have to look at  
11 is by statute, we have 60 days to turn a set of plans around.  
12 There's no statutory requirement on a regularly scheduled  
13 inspection.

14 MR. KOCHANSKI: Okay. Okay.

15 MR. BARGER: So we have to look at that  
16 statutory timeline. And if we go beyond that, then there's  
17 not a financial impact or anything. All it does is that when  
18 we get to the 60-day turnaround time and we start going over  
19 that, a set of plans we've had over 60 days --

20 MR. SOUTHEY: Correct.

21 MR. BARGER: -- you're right there's going to  
22 be some phone calls asking why, where and what -- whatever.  
23 The answer to that is we have 60 days to turn them around.  
24 So even if we're at 28 days right now, if we go up to the  
25 60 days, that's fine, because statute allows us to go up to

1 60 days.

2 MR. KOCHANSKI: Right.

3 MR. BARGER: The impact comes after the  
4 60-day period. There will be people making phone calls prior  
5 to that, obviously. After the 60-day time frame, there's  
6 nothing happens other than we did not have a chance to review  
7 them. They are deemed appropriate, and they go on and build  
8 it anyway.

9 MR. KOCHANSKI: Ah, okay. That's not good.

10 MR. BARGER: So what it does is says that we  
11 have 60 days to review it, we didn't get them turned around  
12 in 60 days, they're deemed approved and they go ahead and  
13 build them anyway?

14 CHAIRMAN KARRER: Because they get an  
15 approval?

16 MR. BARGER: My statute, it's an automatic  
17 approval.

18 MR. LOUMAN: By statute, it's an automatic  
19 approval.

20 CHAIRMAN KARRER: Who wrote that legislation?

21 MR. BARGER: So that means that it goes to --

22 MR. SOUTHEY: They were smoking dope.

23 MR. BARGER: It goes to the process where they  
24 build it. Now, what we would have to do is stamp the plans  
25 probably subject to field inspection, field verification. We

1 go out there, and where the complications come in with that  
2 is that you've got a set of plans. They were building to  
3 those set of plans that weren't really reviewed by us, and  
4 now you go out and inspect it and you say, okay, your -- your  
5 underground's not working, your 200-pound's all off. We red  
6 tag and say, you can't move forward. Then they come back on  
7 us.

8                   You're right, that's going to generate a lot  
9 of conversation, both here and over there --

10                   MR. KOCHANSKI: Yeah, right.

11                   MR. BARGER: -- but, again, it's one of those  
12 double-edged swords. And Chief Burdick brought it up. MOUs  
13 are one of the things where if you do enough MOUs, pretty  
14 soon they say, well, maybe you don't need the State Fire  
15 Marshal's Office because -- other than to do certain  
16 particular things by statute, because now everybody's doing  
17 them for you.

18                   And I guess I could bring up the sunset audit.  
19 They said to do as many MOUs as we could, and we've been  
20 trying to do that. But you have some that'll do them, and  
21 then some are giving them back because they don't have staff  
22 to do them either.

23                   MR. KOCHANSKI: Right.

24                   MR. BARGER: So they say, well, we can't do  
25 it. By statute, you're supposed to do it, so you do it.

1           So it's one of those things to where when you  
2 run into the budget crunches that we're probably all under,  
3 except for maybe a very few of us, we all run into the same  
4 thing. Well, who's going to end up doing it? And you're  
5 right. Gene mentioned when it comes down to when there's a  
6 fire and somebody gets hurt or somebody gets killed in a  
7 fire, they're going to be coming down after the local  
8 jurisdiction, the State Fire Marshal's Office and everything  
9 else.

10           So, again, to impress upon those that have the  
11 ability to give us the funding we need, it's where we need to  
12 make the impact. And how we go about doing that, I've been  
13 doing this for seven years, and it's hard to get acrossed for  
14 some reason that the need for the finances to fund a strong  
15 State Fire Marshal's Office is just -- it just doesn't get  
16 the -- the message over there that it should. And you're  
17 right. Because the first thing that starts to get cut are  
18 those soft programs as opposed to responders, which we need  
19 because we all know things are going to happen no matter what  
20 we do, as opposed to the upfront fire prevention because it's  
21 hard to prove, unfortunately, that we stopped something from  
22 happening other than just do our fire -- we know we do by  
23 inspecting things and saying, you got to fix this, this and  
24 this.

25           Some of the comments that you hear from --

1 over and over are, well, when was the last time we had a  
2 school fire where anybody was hurt or killed? You know,  
3 there's a reason for that, because collectively we all work  
4 together to try and prevent that. Now we're up against the  
5 wall as far as our ability to inspect schools, and we're  
6 probably going to end up getting to that 60-day turnaround  
7 time if -- if things go the way they always have. They're  
8 slow this time of year. But right after the first of the  
9 year is when we get those swamp of plans, and that's when  
10 we're going to start probably coming up to that deadline of  
11 the 60-day statutory turnaround.

12 But, again, there's a lot of issues with that.  
13 So we'll just have to kind of wait and see how that plays  
14 out, I think.

15 MR. SOUTHEY: Thank you.

16 MR. BURDICK: It really is. It's one of those  
17 catch-22 things. It's too damn unfortunate because the  
18 schools, what are they doing also? They're downsizing.  
19 Their maintenance guys are going away. So the people who  
20 normally look after that kind of as a safety net are gone.  
21 We're all cutting our budgets, cutting our budgets, and --  
22 and so you do. You kind of turn back to the state, which has  
23 been what -- it's just unfortunate.

24 And the saddest thing on this whole deal is we  
25 always talk about -- and you said it, Bob, that the citizen

1 safety piece of it. But the thing that -- that I think we  
2 need to do a better job educating our firefighters on is the  
3 other role. Fire prevention is saving firefighter lives.  
4 That's the biggest thing. I think we you look at the boots  
5 on the ground. Absolutely, I agree. You got to have them,  
6 and that's always the last thing we'll go to. But they have  
7 to understand the role.

8                   And I think we -- especially in Maricopa  
9 County -- I was going to say in the great State of  
10 Maricopa -- we've moved away from guys back in the day of  
11 learning that in the academy, learning that, you know, as a  
12 firefighter, the -- that importance. They don't do that  
13 anymore. So that's a whole separate entity now that -- that  
14 has become a little bit disconnected.

15                   I think, again, maybe the role for us here is  
16 to help craft a message that's consistent that we get  
17 those -- those cards and letters rolling, that people  
18 understand what -- what the value is. It's the only shot you  
19 got. There's nothing left.

20                   CHAIRMAN KARRER: Bob, do you guys do any  
21 investigations at all --

22                   MR. BARGER: No.

23                   CHAIRMAN KARRER: -- anymore?

24                   None.

25                   MR. BARGER: We have people that have the

1 ability to. But, again, that's gone. It's not a shall  
2 statute. It is a may statute.

3 CHAIRMAN KARRER: A may.

4 MR. BARGER: We just don't have, because it  
5 takes them away from the other activities that they should be  
6 doing. We will do it in a support role if we have a major  
7 fire, which we haven't had, fortunately.

8 In a school, I will send one of those folks  
9 out that have the -- the experience and the education to  
10 assist with the fire investigation just because it's -- it  
11 was in a school. But other than that, we don't -- we don't  
12 send somebody out as a primary investigator to fire -- to do  
13 fire investigations. It behooves us to have people that  
14 are -- that are knowledgeable in that for when that goes to,  
15 especially in a situation where somebody gets hurt or killed,  
16 that we have somebody that's able to go out there and support  
17 the investigation that's going on in our own defense in that  
18 process, because we know we're going to get called into --  
19 into that process.

20 CHAIRMAN KARRER: I think with the -- some of  
21 the catastrophic fires and events that we've seen in the east  
22 coast and in the heartland of the country in the last few  
23 weeks, I mean, there -- the role of the State Fire Marshal's  
24 Office is huge.

25 So is there some -- maybe this is an

1 inappropriate question, so slap me, Mary, if I get out of  
2 control --

3 MS. WILLIAMS: I won't do that.

4 CHAIRMAN KARRER: -- but what as we -- what  
5 can we do as a committee? I mean, we talked about getting  
6 out and having some discussions with not only different  
7 members of -- of the community, including, you know,  
8 jurisdictions and things like that, but what else is there  
9 that we can do as a group, as a committee, that can support  
10 the Fire Marshal's Office and try to -- to gain some  
11 understanding of the importance of -- of the office and the  
12 Department of Fire, Building and Life Safety?

13 What else can we do? Is there something that  
14 we're missing?

15 MR. BARGER: Well, I think what we have to do  
16 is take a look at the -- it's 41-2160.

17 MR. PALMA: 3.

18 MR. BARGER: 61. The -- it's the -- the  
19 statute that identifies or establishes the State Fire Safety  
20 Committee --

21 CHAIRMAN KARRER: Uh-huh.

22 MR. BARGER: -- and look at what the roles and  
23 responsibilities of the committee are specifically. And I  
24 think you have to kind of stick by what that says.  
25 Primarily, it is to adopt a fire code for the protection

1 of --

2 MS. WILLIAMS: Fees.

3 MR. BARGER: Right.

4 Set fees and then for the -- and to establish  
5 roles to -- to disburse money out of the Arson Reward Fund.

6 So I don't know if you can go much over what  
7 the statute.

8 CHAIRMAN KARRER: But --

9 MR. BARGER: -- allows this committee to do or  
10 not.

11 CHAIRMAN KARRER: -- I guess the question that  
12 I would have is if -- if we're tasked with the adoption of  
13 the fire code, wouldn't that not include having the authority  
14 to interpret and inspect for that? I mean, I would think. I  
15 mean, why would you adopt it if you're not going to have the  
16 ability to enforce it.

17 MR. BARGER: Right. And that's how -- you're  
18 tasked with the adoption of the code to cover certain  
19 specific life safety things. Then you task us with the  
20 ability to go forth and do that in whatever means we can.  
21 And you're right. So in that process, for us to say we're  
22 not doing that in the schools like we're supposed to by  
23 statute, because, again, who -- a lot of it comes into who's  
24 going to interpret the regularly scheduled inspections? Is  
25 that one year? Is that two years?

1 CHAIRMAN KARRER: Exactly.

2 MR. BARGER: Is that five years? What is the  
3 regularly scheduled inspection?

4 National norm is everybody would like to get  
5 into every building once a year.

6 CHAIRMAN KARRER: Uh-huh.

7 MR. BARGER: Well, that's not happening  
8 anywhere that I know of right now other than the Fire  
9 Marshal's Offices that are well funded and have a staff of  
10 two to 300 people to do that.

11 So it's -- it is that carry over. I think you  
12 can see what statutory says the committee's supposed to do  
13 that the State Fire Marshal's Office then through 41-2163 is  
14 to do that through certain aspects. Part of that is through  
15 MOUs, and part of that is through cities over 100,000 can  
16 adopt an ordinance that says they're taking it from the State  
17 Fire Safety Committee, and we're doing our own thing. And,  
18 again, to -- to this day, there's only one city that has  
19 that, and that's the City of Scottsdale. And they are  
20 working it.

21 Tucson has mentioned that we were going to do  
22 it, and not an MOU through -- they're going to do an  
23 ordinance. Some of the discussions with Glendale have been  
24 either ordinance or MOU, either way. But, as it stands right  
25 now, there's very few folks that are doing it because, again,

1 it's a commitment. When you do it by ordinance, say we're  
2 going to take the responsibility from the State Fire Safety  
3 Committee for our jurisdiction, then you have to have people  
4 and staff to do that. Because now you're doing everything,  
5 schools and -- and county buildings and state buildings and  
6 everything. So that you just added whatever number of things  
7 you have in your community to that -- to that number is what  
8 you added to your staff to have to complete now.

9           And, again, how you state it in your statute,  
10 whether ordinance, how it's stated, if you're going to  
11 inspect everything once a year -- I don't know if you have it  
12 in a certain other areas where it says we will inspect  
13 everything once a year, every two years, every three years,  
14 depending on the hazard, type of the building or anything  
15 else. Ours isn't set up that way. Ours is just regularly  
16 scheduled inspection, even though we do have some high hazard  
17 buildings through the state ag- -- agricultural lab. Schools  
18 have a lot of chemistry labs and things that haven't probably  
19 been looked at for a while. There's some things out there  
20 that we need to get into and take a look at.

21           MR. GILMORE: As a committee, can we ask for a  
22 clarification of what regularly scheduled is?

23           MS. WILLIAMS: You can. The problem with your  
24 agenda today is it's not on for any kind of an action.

25           MR. BARGER: Right.

1 MS. WILLIAMS: So if, you know, that's  
2 something you wanted to do, we could get set a meeting --

3 MR. SOUTHEY: If we set what regularly  
4 scheduled is, that would at least clear a few things up for  
5 us, either put some teeth into it or --

6 CHAIRMAN KARRER: Right. I agree with that.

7 Can we add that to the agenda for the next  
8 meeting? Because I think that that would be a great  
9 discussion. It would give us the -- the ability to really  
10 take action, at least that, and find out what that is and go  
11 from there.

12 MR. SOUTHEY: See if there are any terms that  
13 are unclear within the statute. And I'll go back and -- I'm  
14 going to go back and read it.

15 CHAIRMAN KARRER: I will, too. But I think  
16 that there's also things that we can do through the other  
17 agencies, through the Arizona Fire Chiefs --

18 MR. SOUTHEY: We need to work together --

19 CHAIRMAN KARRER: -- Associations.

20 MR. SOUTHEY: On that.

21 CHAIRMAN KARRER: We have to. That's -- I  
22 think that's the concern that I have is, is that, you know, I  
23 know that my funding is going the other direction, you know,  
24 and as everyone else's. We're not going to be able to  
25 provide that service, and what's going to happen is the

1 schools won't get inspected.

2 Okay. Any other discussion on this item?

3 Okay. Is there any -- is there -- let's see.  
4 Is there anything else we want to add to the agenda?

5 I think we added that. I don't know how you  
6 want to word that, Bob. How do you want to word that for the  
7 next agenda --

8 MR. BARGER: I'll get with Mary.

9 CHAIRMAN KARRER: -- for the next meeting.

10 MS. WILLIAMS: We'll figure it out.

11 CHAIRMAN KARRER: Yeah, you know.

12 All right. That's it for new business.

13 Call to the public?

14 No public comments? Okay.

15 Announcement. Future meeting dates and other  
16 information concerning the board. So is there anything that  
17 we need to add to the agenda or other than what we discussed?

18 I would say that we probably want to keep the  
19 old business items; right, Bob?

20 MR. BARGER: Uh-huh

21 CHAIRMAN KARRER: Okay. And then we'll add  
22 that. And do we want to look at a meeting date for the next  
23 meeting? Will it take you some time to get that  
24 interpretation of what --

25 MR. BARGER: It will take some time to do

1 that. The main thing is I think we need to at least wait and  
2 see what the next budget's going to be.

3 CHAIRMAN KARRER: Okay. And that's  
4 January/February?

5 MR. BARGER: January, February, March.  
6 Somewhere in there.

7 CHAIRMAN KARRER: Okay.

8 MR. BARGER: Plus, I wouldn't set this meeting  
9 before March or April.

10 CHAIRMAN KARRER: Okay.

11 MR. BARGER: If that's okay.

12 MR. BURDICK: What about on the 21<sup>st</sup> of  
13 December? We might not --

14 MR. BARGER: Yeah. Is there something coming  
15 up on the 21<sup>st</sup>?

16 MR. PALMA: Have I missed it?

17 CHAIRMAN KARRER: The end of the world.

18 MR. BURDICK: Yeah.

19 MR. BARGER: Hasn't that already happened?

20 CHAIRMAN KARRER: Yeah, that already happened.

21 MS. GERWIZ: They screwed up last year, so  
22 it's supposed to be this year.

23 MR. LOUMAN: They rolled it over one more  
24 year.

25 CHAIRMAN KARRER: Yeah.

1 MS. WILLIAMS: I'm not buying your gift until  
2 after the 21<sup>st</sup>.

3 CHAIRMAN KERRAR: Anything other -- anything  
4 else for the agenda?

5 Okay.

6 MR. KOCHANSKI: I do have one question. I'm  
7 sorry.

8 Is there any way we can add into legislation  
9 funding for the school inspection specifically? I mean,  
10 there was plenty of things that make it through with little  
11 earmarks all over the place, that there's no way of securing  
12 or when we go -- when they have a proposal out there for, you  
13 know, more police and fire, or whatever else the proposals  
14 are out there for, that they can attach funding for your  
15 office?

16 MR. PALMA: We'd have to approach the  
17 legislature and see if we could have somebody sponsor some  
18 type of legislation --

19 MR. KOCHANSKI: Okay.

20 MR. PALMA: -- with that. So that's a  
21 possibility.

22 MR. KOCHANSKI: That's how that works now, is  
23 that?

24 MR. PALMA: Yes.

25 MR. KOCHANSKI: Now, could that be an effort

1 that members of this group can --

2 CHAIRMAN KARRER: Sure.

3 MR. KOCHANSKI: -- can go --

4 CHAIRMAN KARRER: Absolutely.

5 MR. KOCHANSKI: -- be tasked with?

6 MR. PALMA: Anybody -- anybody could. I mean,  
7 it could be a private sector. It could be the agency  
8 themselves. Usually the agency, we try to focus on the -- on  
9 the administrative procedures rather than do a policy change,  
10 because that would be more of a -- something that would best  
11 be put forth by -- by somebody outside the agency, although  
12 it's not -- not necessarily that we can't do it --

13 MR. KOCHANSKI: Right.

14 MR. PALMA: -- but that's something that's got  
15 to be done through the legislature.

16 MR. KOCHANSKI: Legislature. Maybe they could  
17 do it. You know, because it just seems to be this constant  
18 battle, and you're chasing your tail all the time. And  
19 there's enough -- the rules are written for this office to  
20 fail. I mean, they're really -- so, you know, changing some  
21 of that and making some of the funding secured in -- in a  
22 proposal perhaps. I don't know. I'm not sure how it would  
23 best look, but --

24 MR. PALMA: And we'd be happy to work with  
25 anybody who's interested in doing something like that,

1 providing the -- you know, the data to support something like  
2 that. We -- we would be more than happy to do it --

3 MR. KOCHANSKI: Okay.

4 MR. PALMA: -- to cooperate with that.

5 MR. KOCHANSKI: Could we possibly put that  
6 back on the agenda for further discussion?

7 MS. WILLIAMS: Sure.

8 MR. BARGER: It would be under the legislative  
9 process we're talking about. We're setting the fee for the  
10 regularly scheduled inspections and then the possibility  
11 of --

12 MR. KOCHANSKI: Well, you've al- -- you've  
13 already put together some of the numbers in regards of what  
14 it costs you to do business --

15 MR. BARGER: Right.

16 MR. KOCHANSKI: -- so, you know, if we were  
17 able to get it in there for that dollar figure or --

18 MR. BARGER: Yes.

19 CHAIRMAN KARRER: It might be a good funding  
20 source.

21 MR. KOCHANSKI: Okay.

22 CHAIRMAN KARRER: All right.

23 MR. BARGER: We can add that to the next  
24 agenda.

25 CHAIRMAN KARRER: Okay. Anything else with

1 the agenda?

2 Okay. Hearing none, motion for adjournment?

3 MR. SOUTHEY: I motion.

4 CHAIRMAN KARRER: Is there a second?

5 MS. GERWIZ: Second.

6 CHAIRMAN KARRER: Second.

7 Okay. All those in favor, say aye.

8 (Chorus of ayes.)

9 CHAIRMAN KARRER: All right. We're adjourned.

10 Thank you.

11 (Proceedings concluded at 10:50 a.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA ) SS.

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5 I, CATHY J. TAYLOR, a Certified Reporter, hereby  
6 certify that the foregoing pages numbered from 2 to 44,  
7 inclusive, constitute a full, true and accurate record of the  
8 proceedings had in the above matter, all done to the best of  
9 my skill and ability.

10 DATED this 10th day of December, 2012.

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CATHY J. TAYLOR, RPR,  
Certified Reporter  
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