



Meeting Minutes  
September 17, 2010

**Administrative Report:**

The business meeting was held at the Golden Fire Department. The meeting was called to order by President Dave Lowrey at 1:00 p.m.

M/S Marc Sampson/Kim McDonald to approve the minutes from the June 4, 2010 meeting.  
Motion Passed.

**President:**

Jerry Stricker volunteered to be the nomination chair for the upcoming election in November. The positions of Treasurer and Vice President are up. Marla Wilcox, the incumbent for Treasurer is stepping down. Ed VanWalraven is the incumbent for Vice President. Nominations can be made at the meeting today, emailed to Jerry Stricker, or made at the November Business Meeting. Elections will be held at the November meeting.

Marc Sampson nominated Ed Van Walraven for Vice President.  
Rob Geislinger nominated Kevin Ferry for Treasurer.

**Vice President:**

Ed reported that Carol Molson says hello and sends her regards. She hopes to attend the November Business Meeting.

Ed will attend an NFPA Task Group meeting regarding anti-freeze in Baltimore on September 27<sup>th</sup>. After that, he will attend an NFPA 13D & 13R Pre-ROP meeting in Quincy, MA the first week in December. Submit ROP's to Ed if you have a proposal.

**Secretary:**

Nothing to report

**Past President:**

Nothing to report.

**Correspondence:**

George McNeely sent a thank you note to FMAC for the \$100 donation made in honor of his son's memory.

Duane Garris, Assistant Fire Marshal for the State of Georgia, is running for the ICC Board for our Section. He is asking for support from FMAC. Marc Sampson will draft a letter supporting Duane Garris. Dave Lowrey will sign the letter.

**Treasurer:**

The ending balance in the FMAC account is \$29,650.09. M/S Greg Wheeler/Jerry Stricker to approve the Treasurer's Report. Motion Passed.

**Committees/Organizations**

**Fire Investigations:**

There is a three day NFPA 921 class in Vail starting on October 11. Registration information is posted on the web.

**Fire Safety Educators:**

Tracey Taylor was unable to attend this meeting. FLSEC is posting a Call for Speakers for the Fire & Life Safety Educators Conference of the Rockies, which will be held April 20-22, 2011 in Estes Park. The form can be found at [www.FireSafetyEducators.org](http://www.FireSafetyEducators.org). Proposals are due by September 24, 2010.

**Code Committee:**

Marc Sampson was appointed as the new chair for the Code Committee.

The ICC Annual Business Meeting is on October 24-31.

There was discussion about hazmat incident reporting. The current ICC has requirements for notification of "fire emergency." Jerry Stricker is submitting a code change on behalf of FMAC, to clarify the language. He is using similar language to the 1997 UFC.

**Education:**

Dave Waller has the following trainings set up:

- November: Dave Nichols from the ICC will talk about the International Green Code. Plan B is Troy Arnold with the State of Colorado to talk about Environmental Crimes Taskforce.
- January 2011: Heather Showers on Open Burning.
- March 2011: Troy Arnold or Dave Nichols, depending on who presents training in November.

Trainings are posted on the FMAC website. Let Dave know if you have any ideas for future trainings.

Institute Update: The schedule is finalized and the brochure is ready for printing. The Fire Track includes: Smoke Control, Legal Aspects, Wildland Investigation, NFPA 13 Update, Fire Alarm, FLSEC, High Rise with Tyco, Radio Amplification, Nothing but H's, and Advanced Fire Plan Review.

**Legislation:**

Nothing to report at this time.

**Ad-Hoc Residential Sprinkler Committee:**

Mike Dell'Orfano was not able to attend this meeting. He reported that the committee is working with El Paso County on their Code Adoption Process. They may provide a seminar in the future similar to Ray Bizal's presentation. They met with homebuilders and identified priorities that need to be addressed. Contact Mike if you need help with the Code Adoption process.

**IFC Prep Class Committee:**

The group supports having another prep class in 2011. The class would be held in the south part of Denver this time. Ben Greene reworked the material and it will be in a workbook format. Instructors are needed—contact Ben if you can help. The class normally starts in January and goes for 6-7 weeks. The class will end prior to the Code Conference in March. There was discussion about the flip-flop schedule and if it will still be effective.

**CSFCA Wildland Section:**

Ron Biggers was not able to attend this meeting. He reported that they are working on the adoption of the Ready-Set-Go program.

**Colorado Chapter of ICC:**

The Utah Chapter is submitting a Code Change Proposal with regard to voting regulations. The intent is to limit the number of people who attend the hearings for special interests. A copy of the proposal is attached. There are concerns that people could vote who are not informed on the issues. The Colorado Chapter is meeting in October. Gerry George will let FMAC know their stance on this proposal.

Greg Wheeler reported that exams are in the works for residential sprinkler inspector certification (NFPA 13D and IRC P2904). Hopefully they will be available in the next few months.

**Division of Fire Safety:**

The Division of Fire Safety made a statement on the fire sprinkler antifreeze issue, which is posted on their website. FMAC did not feel that it was necessary to make an additional statement. There is a link to the Division on the FMAC website.

Steve Stokes is the State of Colorado Building Official. He recently took over the position and invites feedback; he can be contacted via phone or email. There was discussion about the school program with regard to electrical and plumbing issues. Steve wants to get on the same page with DORA and will make this a priority.

**Regional Reports**

**NCFMA:**

Nothing to report at this time. Ray Bizal will speak at their meeting on Wednesday from 4-6pm in Loveland.

**Mountain Marshals:**

Their next meeting is on September 24 in Aspen. Ray Bizal will speak at their meeting. Contact Ed VanWalraven for details. Lunch is \$15.00.

**Old Business:**

Financial files have been emailed to the auditor. Marla is waiting to see if the auditor got everything ok.

Gerry George attended the meeting in Durango to determine if a Region should be formed. The meeting was expected to last all day and was finished by 11 a.m. It was determined that there is no reason to form a Region 11 Chapter. FMAC did not have a representative at this meeting.

**New Business:**

Marc Sampson noted that certified inspectors for the school certification program are nearing expiration. He asked what needs to be done to recertify.

Jerry Stricker asked if there are any more nominations for Treasurer and Vice President before the meeting ends. No additional nominations were received.

**Extra Training Opportunities:**

Indictments to inspectors: The Legal Aspects class of the Educational Institute will include information on this topic. Dave Waller reported that he has an opening in May if we want to do something at the regular FMAC meeting. Gerry George would like to get the Colorado Chapter involved in this topic as well. Vail was discussed as a possible location. We need to see if any new information comes out. Discussion was tabled for now. We need someone to spearhead the project.

Photovoltaic Class: Dave Lowrey is spearheading a 4-hour class for fire personnel. The class would be free, but we need a location with a PV system. Bob Sullivan will check with the City of Thornton to see if their system will be finished and if they have a conference room available. Tuesday, October 19 is the tentative date. If Thornton is not available, then Englewood may be a possibility.

Marla has FMAC apparel for sale. Shirts are \$25, pullovers are \$42, and coats are \$55. See Marla if you would like apparel.

**Adjournment:**

M/S Marc Sampson/Rob Geislinger to adjourn the meeting at 2:30 p.m. Motion Passed.



# FIRE MARSHAL'S ASSOCIATION OF COLORADO

## FINANCIAL REPORT September 17, 2010

Checking – beginning balance	\$ 2,577.40	
<b>Income</b>		
FMAC Apparel	\$ 80.00	
FMAC Meeting	175.00	
FMAC Membership	135.00	
Transfer from Money Market Acct	<u>5,000.00</u>	
<b>Total</b>	\$ 5,390.00	\$ 7,967.40
<b>Expenses</b>		
FMAC Meeting – June	\$ 643.92	
Credit Card Expense	74.78	
Website	300.00	
Office Expense	8.94	
Donation – Memorial, George McNeley's son	100.00	
Codes – Dallas – <i>Balance of FCC</i>	2,062.56	
Codes – NFPA	196.00	
FMAC Apparel – <i>shirts</i>	<u>1,787.40</u>	
<b>Total</b>	\$ 5,173.60	\$ 2,793.80
<b>Savings</b>		
Dividend	\$ 1,232.38	
	<u>.30</u>	
	\$ 1,232.68	\$ 4,026.48
<b>Money Market</b>		
Dividend	\$30,585.89	
Transfer to checking	37.72	
	<u>- 5,000.00</u>	
<b>Total</b>	\$25,623.61	\$29,650.09

AS TREASURER FOR THE FIRE MARSHAL'S ASSOCIATION OF COLORADO, I VERIFY THAT THE BALANCE OF THE FIGURES CONTAINED IN THIS REPORT TO BE CORRECT AND ALL BALANCES ARE CURRENT TO AUGUST 31<sup>st</sup>, 2010.

*Marla K. Wilcox*  
Treasurer

September 17, 2010  
Date

Revise Article II as follows:

**ARTICLE II — MEMBERSHIP**

**2.1 Categories of Membership** - The Council shall have the following categories of voting membership:

**2.1.1 Governmental Member** - A Governmental Member shall be a governmental unit, department, or agency engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare in the built environment. Each Governmental Member shall designate ~~its Primary Representative~~ who will receive benefits of membership in the Council ~~on behalf of the Governmental Member~~ as determined by the Board of Directors from time to time.

**2.1.1.1 Governmental Member Primary Representative** Each Governmental Member shall designate a Governmental Member Voting Representative as its Governmental Member Primary Representative. The Governmental Member Primary Representative shall be the only individual authorized to vote to ratify in accordance with Article III of the bylaws.

**2.1.1.2 Governmental Member Voting Representatives** - Each Governmental Member shall exercise its right to vote through its designated Governmental Member Voting Representatives, and shall be entitled to the number of Governmental Member Voting Representatives as specified in Table 2.1.1. Governmental Member Voting Representatives shall be designated in writing, by the Governmental Member, and shall be employees or officials of the Governmental Member or departments of the Governmental Member, provided that each of the designated voting representatives shall be an employee or a public official actively engaged either full or part time, in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare in the built environment. The designation of a Governmental Member Voting Representative may be changed by the Governmental Member, in writing, from time to time.

Population	Voting Representatives
0 to 50,000	4
50,001 to 150,000	8
Over 150,000	12

[balance of Article II to remain unchanged]

Revise Article III as follows:

**ARTICLE III — VOTING AND RATIFYING MEMBERS**

**3.1 Voting Members.** Only Governmental Member Representatives and Honorary Members shall have the right to vote on any matters under these Bylaws, including but not limited to, the right exercised through those individuals eligible to vote for the election of a Director or Directors, or on a disposition of all or substantially all of the assets, or on a dissolution, or on any changes to the Articles of Incorporation or the Bylaws. Only the Governmental Member Representatives and Honorary Members shall be permitted to make motions and to vote on any issue at the Annual Business Meeting and special meetings ~~and written consents~~. Voting by proxy is not permitted. Any person designated as a voting representative of more than one Governmental Member or who is also an Honorary Member shall be entitled to only one vote.

**3.2 Ratifying Members.** Only the Governmental Member Primary Representative shall be authorized to ratify amendments to the bylaws, ratify code changes, and other business of the Council that is submitted for ratification to the Governmental Member

Revise Section 18.2 of Article XVIII as follows:

**18.2 Notice of Actions** - The Board of Directors shall cause proposed amendments to the Bylaws to be printed in the Annual Business Meeting notice and shall present its recommendations, if any, at the Annual Business Meeting. These proposed amendments may be discussed and amended at the Annual Business Meeting, and if passed by a two-thirds vote of those Governmental Member Voting Representatives present shall be sent by ballot submitted, as amended on the floor, to all Governmental Member Primary Representatives of the Council for ratification. To be considered, the ballots submitted by the Governmental Member Primary Representatives shall be received within 30 days of distribution. A two-thirds majority of the ballots submitted by Governmental Member Primary Voting Representatives is required for adoption. The returns shall be certified by the President if the necessary majority for adoption is received.

Revise Article X as follows:

## ARTICLE X — CODE DEVELOPMENT PROCESS

**10.1 Code Development Process.** The Board of Directors shall adopt a policy, which may be amended from time to time, on the Code Development Process for the International Codes®.

**10.2 Code Change Ratification.** All changes approved through the Code Development Process for the International Codes shall be submitted to Governmental Member Primary Representatives for ratification.

**10.2.1 Notification and Ballot.** A notification shall be transmitted to Governmental Member Primary Representatives as soon as practical after the final action public hearing. The notification shall include instructions on how the Governmental Member Primary Representative is able to obtain access to a ballot, the results of the final action public hearing, and the text of the changes approved through the Code Development Process. Access to such ballot, results of the hearing, and text of changes shall be provided to the Governmental Member Primary Representatives at no cost. The ballot shall provide two options for voting as follows:

- € Approve all
- € Approve all, except Disapprove Item(s)#

Ample opportunity shall be provided with the ballot to list all various item numbers for disapproval.

**10.2.2 Submittal.** To be considered, the ballots submitted by the Governmental Member Primary Representatives shall be received by the Council within 30 days of notification.

**10.2.3 Required Majority.** A majority of 60% of the ballots submitted by the Governmental Member Primary Representatives is required to disapprove a change previously approved at a final action hearing through the Code Development Process.

**10.2.4 Emergency Procedures:** In the event that the Board of Directors determines that an emergency amendment to any Code is warranted, the same may be adopted by the Board of Directors. Such action shall require an affirmative vote of at least two-thirds of the Board of Directors. Members shall be advised within ten days after the Boards' official action of any emergency amendment. Within 120 days of the Board of Directors' adoption of an emergency amendment a notification shall be submitted to the Governmental Member Primary Representatives for ratification in a manner consistent with 10.2.1, 10.2.2 and 10.2.3.

## REASON STATEMENT FOR PROPOSED BYLAW AMENDMENT 2010

**THE GOAL: To provide an inclusive, balanced system to broaden and enhance Governmental Consensus**

### **RATIFICATION BY THE GOVENMENTAL MEMBER**

According to Article I of the bylaws the purpose of ICC is "lessening of burdens of government". Therefore, a core principle of ICC is to represent the interests of governments.

The strength of ICC and its legacy organizations has been that our only 'special interest' has been the 'public interest'.

The 'governmental member' of ICC is the governmental unit (such as a city, county, building department, or fire department), not the individuals designated as 'governmental member voting representatives'.

It is incumbent on ICC to ensure the public's interest is most accurately reflected through our governmental consensus. The individual most responsible to represent a community is the person designated by the governmental unit's policy makers as their principal representative. This change creates a single "governmental member primary representative" as the person authorized to ratify bylaws and other business of ICC submitted for ratification.

### **BYLAW RATIFICATION**

The first test of any proposed bylaw change is to gain approval by a super majority of the multiple governmental voting representatives present at the annual meeting. As the current system requires, a bylaw would only be submitted for ratification if it had already been approved by the voting members attending the annual meeting. The bylaw ratification process in this change varies only in that the ratification would be by an individual representative rather than by multiple governmental representatives of a governmental member.

### **CODE CHANGE RATIFICATION**

A frequent complaint heard from governmental member representatives is that the ICC doesn't provide some way for participation in the code development process that doesn't involve the expense of travel. Ratification by all governmental members would provide for remote participation in a secure and cost effective manner.

It is essential that code changes be voted on at final action public hearings where as many voting members as possible can be engaged in the informal discussions and formal debates. This change in no way reduces the number of voting members eligible to vote at public hearings.

The proposal requires any code change to gain approval through the complete ICC Code Development process before it would be submitted to the governmental member's primary representative for ratification. Only those changes which are approved would be subject to further review. Appropriately, this amendment is weighted in favor of ratifying a final action hearing approval.

The amendment proposes an arrangement similar to a bicameral system where one stage of the process is determined by multiple votes allocated based on population and the other stage is determined by limited votes for each governmental unit.

Ratification strengthens governmental consensus by opening the final determination on code changes to all governmental members, not just those that are able to send voting representatives to final action hearings. The code change process can be designed to deliver a true governmental consensus in a comprehensive way which broadens that consensus.

The proposed ratification vote allows the governmental members the opportunity to reconsider. The check and balance by ratification of the individual most accountable to a governmental unit will keep an issue from being determined by assemblies that are too small to adequately decide a national model code issue, skewed by a subjective debate, or by large contingents of governmental members with multiple votes and unrestricted resources.

Even if a local unit of government can't travel to code hearings it can be assured of the opportunity to participate as a member. This also allows ICC to declare the end product, the International Codes, are the product of a consensus of nearly 12,000 units of government.

There are numerous ways to approach the logistics of a ratification vote. Historically about 175 changes come through the code change process. Secured electronic balloting would be an efficient and timely way to deliver the final outcome. In this day of e-transactions only a short time would be needed between the final action code hearing and the ratification vote.

It is the duty of the primary representatives of ICC to accept the responsibility to honestly represent to interests of the community they serve. This amendment ensures the final content of the code is required to be vetted through all the governmental members.

## **BUILT ENVIRONMENT**

The words 'in the built environment' were added to clarify the members are engaged with building and fire regulations as opposed to traffic or animal control laws, etc. This language is consistent with the ICC Mission Statement.