



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: July 3, 2012

TITLE: **Approval of Proposed New Policy Regarding Compliance with Building Codes and
Optional Submission of New Projects to Local Permitting**

BACKGROUND:

The Governing Board studied the attached draft (new) policy, as well the genesis and rationale for it, at its meeting of June 19.

As discussed on June 19, while the draft policy presented through this item would allow the District an option to opt out of the building permit process, any such election would not alter the District's continuing obligation to nonetheless meet applicable building codes. But, rather than determining compliance with building codes through the permitting and inspection process offered by local jurisdictions, the District would utilize an architect, engineer, or qualified district employee to inspect the work.

The proposed policy would meet all requirements of the statute recently passed that authorizes such a policy.

RECOMMENDATION:

This item is presented for the Governing Board's approval at this time, which is recommended.

INITIATED BY:

Todd A. Jaeger, Associate to the Superintendent

Date: June 26, 2012

Vicki Balentine, Ph.D., Superintendent

PROPOSED DRAFT POLICY

F-_____

AUSD10
(Policy Page and Code TBD)

F-_____

**Compliance of District Construction Projects
with Applicable Codes and Regulations**

The construction of new District facilities, as well as improvements to existing District facilities, shall be in compliance with the state fire code unless a fire code has been adopted by the city, town, county or fire district in which the building is located. In addition, all district facilities and improvements to the same shall be constructed in compliance with all current and applicable building, plumbing, electrical, fire prevention, and mechanical codes adopted by the city, town, county or fire district in which the facility is located. In addition, all state and federal laws and regulations shall be followed, including, but not limited to, laws and regulations requiring access to educational facilities by persons with disabilities.

To ensure compliance with applicable codes or regulations, all design and construction of District facilities shall be made under the direction and supervision of a qualified architect or engineer, as appropriate, and all construction services shall be provided by qualified contractors. The Superintendent shall specify the qualifications required for architects, engineers and contractors as those services are procured. Such qualifications shall include, at a minimum, the registration and good standing of architects and engineers with the Arizona Board of Technical Registration and the registration and good standing of contractors with the Arizona Registrar of Contractors.

Pursuant to A.R.S. 34-461, in order to ensure compliance with applicable codes, the Superintendent shall determine whether to submit any district construction project to the building permit and inspection process of the appropriate local jurisdiction(s) or to instead procure the services of a private code compliance inspector. If the Superintendent determines to submit any District construction project to the building permit and inspection process of any local jurisdiction(s), the District shall pay all appropriate fees and comply with all inspection requirements. If the Superintendent determines to procure the services of a private code compliance inspector, the following shall be observed:

- The Superintendent shall, by certified U.S. Mail, notify the local applicable jurisdiction(s) of the district's determination not to utilize the jurisdiction's permitting process and to use, instead, private code compliance inspection services for the particular construction project.
- The contractor providing construction services on a District project is prohibited from serving as the private code compliance inspector on the same District construction project. Nothing in this provision, however, shall be construed to excuse the contractor providing construction services from that contractor's independent and continuing obligation to construct the project in completed conformity with applicable codes.
- The architect for a District project shall be responsible for signing and providing the certificate of occupancy for the project whenever such a certificate is required for the particular project.
- The Superintendent shall permanently maintain in the records of the District all documents provided by architects, engineers and private code compliance inspectors memorializing or relating to the certificate of occupancy and the conduct of the inspections for District projects. The Superintendent shall require all project architects, engineers and private code

compliance inspectors to provide these documents as a condition precedent for payment of contract retention amounts.

Fire Code Compliance

Notwithstanding any other provision in this or other policy, the District shall seek and obtain all appropriate permits from the local or state office having jurisdiction for the fire code applicable to any District project. In addition, the District shall pay any appropriate fees required by that jurisdiction.