



Roll Call Number

21-1565

Agenda Item Number

28

Date October 18, 2021

**RESOLUTION APPROVING REVISED AND UPDATED MEMORANDUM OF UNDERSTANDING FOR THE CENTRAL IOWA CODE CONSORTIUM**

WHEREAS, the Central Iowa Code Consortium (CICC) was an initiative created in response to the Capital Crossroads visioning plan, Governance Capital, creating regional governance opportunities and operational coordination among central Iowa communities for the purpose of reviewing, discussing, and making recommendations regarding building and fire codes that would be in effect in the individual communities in the metro area; and

WHEREAS, in 2015, 15 metro communities and two central Iowa counties signed an initial Memorandum of Understanding pledging their support to participate in the building and fire code review process in an effort to collaboratively achieve uniformity and consistency in the adoption and enforcement of construction codes in the participating communities; and

WHEREAS, pursuant to Resolution 15-~~0662~~, adopted by the Des Moines City Council on April 20, 2015, the Mayor was authorized to execute the Memorandum of Understanding on behalf of the City of Des Moines, Iowa, to allow its participation in CICC; and

WHEREAS, since its creation, the CICC has operated as contemplated through collaboratively giving a process which provides code consistency throughout the member communities, which in turn works to promote building safety, structural integrity, and maintenance of property values over time, while simultaneously reducing cost for the owners and users in these communities; and

WHEREAS, the original Memorandum of Understanding should now be updated to reflect its current member communities.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Mayor is hereby authorized and directed to sign the proposed Memorandum of Understanding on behalf of the City of Des Moines.
2. Any proposed changes to the construction codes adopted by the City of Des Moines resulting from the work of the Central Iowa Code Consortium shall be submitted to the Building and Fire Code Board of Appeals for review and recommendation prior to submission to the City Council for its review and consideration for adoption.



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**Date** October 18, 2021

(Council Communication No. 21-428)

Moved by Boesen to adopt.

APPROVED AS TO FORM:

*Judy K. Parks-Kruse*

Judy K. Parks-Kruse  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City, hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

*P. Kay Cmelik*

City Clerk

*J. M. Franklin Cownie* Mayor

# MEMORANDUM OF UNDERSTANDING FOR THE CENTRAL IOWA CODE CONSORTIUM (CICC)

May 28, 2021

This Memorandum of Understanding (hereafter the "MOU") for the Central Iowa Code Consortium is made and entered into by and between the following Central Iowa Communities who have elected to enter and sign this MOU:

Bondurant, Carlisle, Grimes, Indianola, Johnston, Norwalk, Pleasant Hill,  
Polk City, Windsor Heights, and Polk County.

Communities to be added once approved: Clive, Urbandale, Waukee, and West Des Moines  
Cities and/or municipalities that have signed this document shall be collectively referred to as  
"Participating Communities."

This document, upon approval by seven or more communities, shall rescind and replace the  
original document from April 9, 2015.

Central Iowa Communities have realized through participation in the CICC the benefits of  
aligning code provisions among communities. Aligning code provisions reduces confusion for  
businesses, developers and citizens to follow and understand code requirements. Central Iowa  
is in a great position for future growth and more consistent building and fire codes among  
communities will benefit the metro economy.

This MOU is a mutual agreement among Participating Communities for the purpose of creating  
and implementing the Central Iowa Code Consortium.

## **1. BACKGROUND**

Capital Crossroads is a planning effort to assure the Central Iowa region (defined as a fifty-mile radius from Des Moines) can grow and prosper. It began with eight organizations (including Bravo Greater Des Moines, Community Foundation of Greater Des Moines, Des Moines Area Metropolitan Planning Organization, Greater Des Moines Partnership, Iowa State University, Prairie Meadows, and United Way of Central Iowa) joining together to sponsor the planning process. 50 citizens participated in the steering committee and the effort engaged more than 5,000 people participating through one-on-one interviews, focus groups and online surveys.

One of the Capital Crossroads focus areas, known as "Capitals", is Governance. The purpose of the Governance Capital is to encourage local governments to sustainably manage growth without sacrificing essential public services by considering high-value, consensus-based strategies to effectively serve our communities. The Central Iowa Code Consortium began as an initiative of Capital Crossroads. In the summer of 2012 representatives from many Central Iowa governments met to discuss opportunities for greater cooperation and ways to provide more efficient and effective service. As a result of the meeting local governments were asked to approve a "Resolution in Support for Local Government Collaboration."



A pilot program was established to identify ways to increase the amount of formal collaboration between cities and counties. 15 cities and three counties partnered with the Taxpayers Association of Central Iowa and Des Moines Area Community College's (DMACC) Business Resources (DBR) in the pilot program. Two functions of government were selected for the pilot: Public Works and Fire/Emergency Medical Services (EMS).

One of the focus areas for the pilot was the fire code and related code adoption processes. A Unified Code Team was established that consisted of volunteers representing fire service and city administration.

The Unified Code Team reviewed the fire codes from many metro communities and identified the similarities and differences. As the team evaluated the fire codes it became evident that all construction and maintenance codes must work together to make them more efficient and effective. The Team's discussion expanded to include the building, residential, electrical, energy, fire, mechanical, and plumbing codes. The conversation was again expanded to include the property maintenance, existing building, swimming pool and spa, and the fuel gas codes. The Unified Code Team researched models for providing a unified code approach and found a successful model in southern Nevada. The idea is to create a process where codes will be reviewed and discussed by government and industry leaders with the goal of reaching consensus on code provisions and making recommendations to Participating Communities. The more consistency there is among Central Iowa communities in adopting and enforcing building and fire codes, the fewer barriers there are in growing the regional economy.

The Central Iowa Code Consortium has served Central Iowa communities since 2015 and as of 2021 has successfully navigated two code adoption cycles. As a result of this effort, many Participating Communities have updated their adopted codes, improved Insurance Services Office (ISO) ratings, and realized increased consistency among their neighboring communities. Aligning code provisions reduces perceived competitive disadvantages for development, promotes safety and responsible development, and reduces confusion during the design and construction process.

## **2. PURPOSE OF THE CENTRAL IOWA CODE CONSORTIUM (CICC)**

All Participating Communities have a mutual interest and responsibility for code development, adoption and enforcement to protect life, health, property and the environment. The purpose of the consortium is to have a process whereby government and industry can work together to review, discuss and recommend code provisions for consideration by the Participating Communities. Participating Communities will have the final say on the code provisions that are adopted for their community.

The Code Consortium will provide the following benefits to Participating Communities:

- a. Government and private sector working together toward a common voice in code development.
- b. Similar and consistent code provisions among Participating Communities.
- c. Assure key stakeholders are involved in the discussion regarding city codes.
- d. Utilization of local subject matter experts representing the public and private sector in reviewing and recommending code provisions.

- e. More efficient and consistent code interpretation and enforcement among Participating Communities.
- f. More consistency and less confusion among businesses, developers, designers, architects and citizens that work in multiple jurisdictions.

### **3. RESPONSIBILITIES UNDER THE MEMORANDUM OF UNDERSTANDING (MOU)**

The Code Consortium shall consist of an Executive Committee and Code Committees for each of the codes. All Participating Communities should encourage staff to participate in code reviews and committee discussion whether or not they serve on a committee.

#### **a. EXECUTIVE COMMITTEE**

The Executive Committee shall consist of:

- Five code/building officials
- Three fire officials
- Three representatives of local government administration (e.g., city/county manager/administrator, planning/community development director)

The purpose of the Executive Committee is to review, discuss and make recommendations regarding building and fire codes (see section 3b). The CICC will make every effort to avoid making recommendations or changes to the administrative provisions of any codes. Permits, permit process, fees, appeals, etc. will be left to each individual community to adopt and implement.

In selecting individuals to serve on the Executive Committee care should be taken to assure the representatives are subject matter experts regarding city codes. If possible, Executive Committee members should represent different communities and communities of all sizes and geographic areas across Central Iowa. The process to select representatives for the Executive Committee:

- The Mid-Iowa Construction Code Committee (MICCC) shall select five of their members to serve on the Executive Committee. Prior to selecting the representatives an effort should be made by the Committee to reach out to all building officials from Participating Communities to determine their interest in serving on the Executive Committee and encourage them to participate in the code review process.
- The Polk County Fire Chief's Association (PCFCA) shall select three of their members to serve on the Executive Committee. Prior to selecting the representatives an effort should be made to reach out to all fire officials from Participating Communities to determine their interest in serving on the Executive Committee and encourage them to participate in the code review process.
- The Metro Managers Group shall select three of their members or planning/community development directors to serve on the Executive Committee. Prior to selecting the



representatives an effort should be made to reach out to all chief administrative officials and planning/community development directors from Participating Communities to determine their interest in serving on the Executive Committee and encourage them to participate in the code review process.

**b. CODE COMMITTEES**

A Code Committee will be established to address each of the following codes:

- International Fire Code (IFC)
- International Building Code (IBC)/International Existing Building Code (IEBC)
- International Residential Code (IRC)
- Joint Fire/Building Committee - this committee will focus on provisions shared between the fire and building codes as determined by the Executive Committee.

Each Code Committee will consist of seven members:

- Four representing government (staff)
- Three representing industry

The purpose of the Code Committees is to review, discuss and make recommendations to the Executive Committee regarding building and fire codes.

- Individuals that are interested in serving on a Code Committee will make an application to the Executive Committee. The Executive Committee will review applications and make appointments to the Code Committees. In selecting individuals to serve on the Code Committees care should be taken to select members that represent large and small communities as well as a geographic balance across Central Iowa. Industry should be represented by large and small companies as well as companies that work in multiple communities in central Iowa. It is important that representatives selected to serve on each committee have subject matter expertise. Below is a list of recommended qualifications and professionals that should be represented on each Code Committee. If there are no individuals that meet these qualifications that are available or willing to serve on the committees, individuals of similar qualifications should be selected.

- Fire Code Committee:

1. Chief Fire Officer
2. Fire Marshal/Inspector
3. Fire Marshal/Inspector
4. Fire Marshal/Inspector

5. Fire Alarm/Sprinkler Contractor
6. Licensed Fire Protection Engineer or NICET certified person
7. Architect or a person that is a site/safety or health/safety professional

• International Building Code (IBC)/International Existing Building Code (IEBC) Committee:

1. Building Inspector
2. Building Official
3. Building Official/Inspector/Plans Examiner
4. Building Official/Inspector/Plans Examiner
5. Licensed Architect
6. Structural Engineer
7. General Contractor (commercial)

• International Residential Code (IRC) Committee:

1. Building Official
2. Residential Construction (Combination) Inspector
3. Residential Construction (Combination) Inspector
4. Fire Official
5. Home Builders Association Representative
6. General Contractor (residential)
7. Residential Design Professional

• Fire/Building Joint Committee:

1. Building Official
2. Fire Official
3. Plans Examiner (fire and/or building)
4. Plans Examiner (fire and/or building)
5. Licensed Architect
6. Mechanical Engineer /Fire Protection Professional or closely related field
7. Passive Fire Protection Product Specialist

The CICC Executive Committee may establish Committees to review and make recommendations to the State of Iowa on the following trade codes:

*National Electrical Code (NEC) published by the National Fire Protection Association*

*International Energy Conservation Code (IECC) published by the International Code Council*

*International Mechanical Code (IMC) published by the International Code Council*

*Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials*

*NFPA 54/58 published by the National Fire Prevention Association (NFPA)*

#### **4. ADMINISTRATION**

The administration of this MOU shall be the responsibility of the Central Iowa Code Consortium Executive Committee. All requests, suggestions, recommendations and questions regarding the administration of the MOU and the operation of the Consortium shall be submitted in writing to the Executive Committee.

This MOU shall become effective upon the date that at least seven (7) Central Iowa Communities have executed the MOU and delivered an original or certified copy of the executed MOU to the Executive Committee Secretary. This MOU shall remain in effect until it is dissolved by the passage of a resolution by a majority of the Participating Communities supporting the dissolution of the Central Iowa Code Consortium.

- a. This MOU may be amended by written agreement between the Participating Communities.
- b. The Executive Committee shall have the authority to create, dissolve or amend Code Committees to assure they are functioning in an effective and efficient manner.
- c. Any change that significantly alters the purpose, governance, structure or scope of the MOU
- d. If a community desires to become a Participating Community after this MOU has been adopted, they must provide a written request and documentation that the governing body has approved the MOU to the Executive Committee. The Executive Committee is responsible for approving new Participating Communities
- e. A Participating Community that is a party to this MOU may choose to terminate their involvement by providing 90-day written notice to the Executive Committee.

**IN WITNESS WHEREOF**, this Memorandum of Understanding has been executed by the authorized representatives of the Participating Communities on dates identified on each signature page must be approved by Addendum by the governing body of each Participating Community.



City of Des Moines Iowa

(SEAL)

By: Franklin Cownie  
Franklin Cownie, Mayor

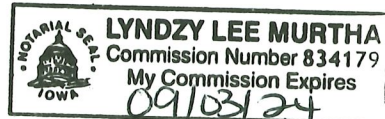
ATTEST:

By: P. Kay Cmelik  
P. Kay Cmelik, City Clerk

STATE OF IOWA            )  
  ) SS  
County of Polk            )

On this 18 day of October, 2021, before a Notary Public in and for the City, personally appeared Franklin Cownie and P. Kay Cmelik to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectfully of Des Moines, Iowa, a municipality, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said municipality, and that said instrument was signed and sealed on behalf or said Municipality, by authority and resolution of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

Lyndzy Murtha  
Notary Public in and for the State of Iowa



Approved as to form:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney