Central Iowa Code Consortium

CAPITAL CROSSROADS
A VISION FORWARD

Memo

To: City Council & City Manager's Office

From: Central Iowa Code Consortium (CICC) Executive Committee

Re: Updated Memorandum of Understanding (MOU) for the Central Iowa Code Consortium

Date: May 28, 2021

Establishing 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. The purpose of the CICC is to review, discuss and make recommendations regarding building and fire codes. Effective building and fire codes promotes building safety, structural integrity and assures structures will maintain their value over time. CICC is also working to achieve more consistency in building and fire codes in communities across Central Iowa. Increasing consistency in these codes benefits community growth and economic development by reducing confusion caused by differing code requirements in Central Iowa communities.

In 2015, 15 metro communities and two Central Iowa counties signed a Memorandum of Understanding (MOU) to participate in the Central Iowa Code Consortium pledging their support to participate in the building and fire code review process. Through CICC code officials work with industry representatives to review and make recommendations regarding building and fire codes. This collaborative process promotes cooperation between government and industry and creates more uniform and consistent code requirements among Central Iowa communities.

The principal benefits of participating in the CICC are sharing resources and expertise when completing the code review process which results in efficient use of staff time, more consistent codes between communities, and creating a cooperative working relationship with the building industry.

CICC has successfully completed two code review cycles (2015 & 2018). Samples of success include:

- More Central Iowa communities have adopted and are currently utilizing the most recent building and fire codes (2018).
- Many participating Central Iowa communities have collaborated and adopted codes that are nearly alike which reduces confusion and conflicts for private industry.
- Contractors and design professionals are more engaged with the code development and adoption process.
- The 2018 process yielded local amendments (recommended by the CICC) that are now incorporated into the International Code Documents for the 2021 cycle

As CICC begins the 2021 code review, the Executive Committee has reviewed what we have learned through the first two code review cycles, what can we do better and how best to measure the success of our effort. We also conducted a survey of design professionals and contractors to obtain their feedback and ideas on how the CICC process is working and what we can do better. Additionally, we received helpful feedback from the Mid-Iowa Construction Code Committee (MICCC), a group of local building code officials. Using what we have learned, we are improving our process for the 2021 code review by:

- Creating a better balance of building and fire officials on the Executive Committee.
- Removing from the CICC review process codes that are adopted by the State of Iowa; Electrical Code, Energy Code, Mechanical Code, Plumbing code. Although CICC is not completing an in-depth review of these state-mandated codes, we plan to provide feedback to the state governing boards as appropriate.
- Working to streamline the code approval process.
- Working to improve transparency of the CICC code review process and providing more helpful information on our website.

Attached is an updated Memorandum of Understanding (MOU) for communities to consider participation in CICC. **We are asking Central Iowa Communities to consider approving the MOU to enable us to continue the work of the CICC.** Although we have accomplished a lot over the past six years there is much more we can accomplish with the support and commitment of Central Iowa communities.

There is no financial commitment for Central Iowa communities to participate in CICC. In considering the updated MOU, we request community support by allowing building and fire code officials to participate in the code review process. The more communities represented on CICC committees, the better we can do to create more consistent codes across Central Iowa.

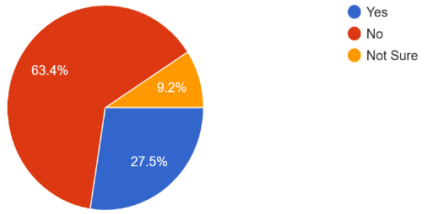
The CICC process would not be successful without the talented and dedicated building and fire code professionals that work in communities throughout Central Iowa. These officials have spent many hours reviewing codes, participating in committee meetings and recommending code proposals for consideration by Participating Communities. Without their knowledge and commitment, the CICC would not be able to perform such a quality code review.

We would also like to recognize the design professionals and contractors that have given their time to participate in the CICC code review process. Their involvement has created a true public/private partnership that has a positive economic impact on Central Iowa.

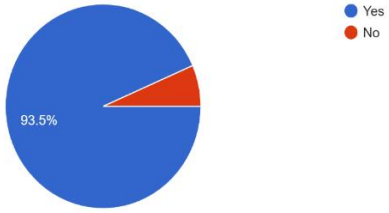
Thank you for your consideration.

CICC Measuring Success Survey Overview 2021

1. Are you aware of the Central Iowa Code Consortium?
153 responses



2. Do you perform work in multiple cities/jurisdictions within Central Iowa?
153 responses



3. To the best of your knowledge, has your experience working in different jurisdictions led to conflicts between code requirements in different jurisdictions? Please provide a brief explanation.

- Too many cities adopt codes at different times – it would be better if codes were adopted in similar timeframes.
- Interpreting code requirements differs from city to city and inspector to inspector – it would be better if interpretations could be similar.
- Basement drywall on the ceiling
- Sprinkler and fire alarm thresholds
- Mandated state codes should be the same as the state

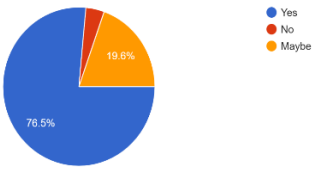
4. Have any of those conflicts been resolved or reduced during the last 5 years? Please provide a brief explanation.

- There is less variation across municipalities now
- Cities still don't understand that home rule is not valid for state mandated codes
- Some communities are stuck in their ways and the maximum benefit of the CICC has already been realized

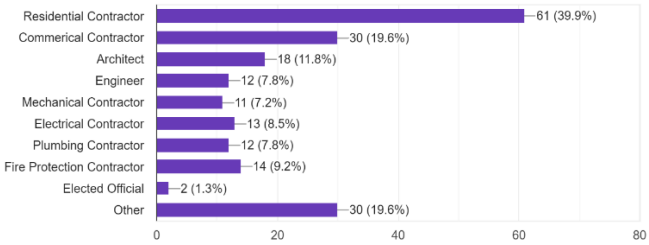
5. Are you aware of examples where code requirements differ between communities in the past 5 years? Please provide a brief explanation.

- If cities amend the International Codes they need to make sure this is clear upfront

6. Would you support an effort to reduce or eliminate differences in codes between communities?
153 responses



7. Please provide select the most applicable classification for the group you represent.
153 responses



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:

(communities to be added once approved)

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 4 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 must be approved by Addendum by the governing body of each Participating Community.

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.