

Resolution No. 15-0324

**A RESOLUTION APPROVING THE CITY OF WINDSOR HEIGHTS
ENTERING INTO A MEMORANDUM OF UNDERSTANDING TO CREATE
THE CENTRAL IOWA CODE CONSORTIUM**

WHEREAS, Capital Crossroads is a planning effort to assure the Central Iowa region can grow and prosper through collaborative works; and

WHEREAS, one of the Capital Crossroads focus areas is Governance, which encourages local governments to sustainably manage growth without sacrificing essential services; and

WHEREAS, one initiative of Capital Crossroads is the creation of the Central Iowa Code Consortium (CICC), which is a collaborative effort to improve consistency in the adoption and enforcement of construction codes throughout the metro area; and

WHEREAS, the purpose of the CICC is not to make recommendations on permitting, administration, appeals processes or local amendments deemed necessary by local officials, but instead to publish a metro code that would promote uniformity and consistency between local communities to alleviate potential conflicts and frustrations between citizens and code officials.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Windsor Heights, Iowa, on this 16th day of March, 2015, that the Mayor is hereby authorized to sign and enter the City into the Memorandum of Understanding for the Central Iowa Code Consortium (Exhibit 1).

Passed and approved this 16th day of March, 2015.

Diana Willits, Mayor

Attest: _____
Brett Klein, City Administrator

MEMORANDUM OF UNDERSTANDING FOR THE CENTRAL IOWA CODE CONSORTIUM

(March 2, 2015)

Between

City of Altoona, City of Ankeny, City of Bondurant, City of Carlisle, City of Clive, City of Des Moines, City of Indianola, City of Johnston, City of Norwalk, City of Pleasant Hill, City of Polk City, City of Urbandale, City of Waukee, City of West Des Moines, City of Windsor Heights, and Dallas County, Polk County, Warren County; collectively referred to as "Participating Communities"

Central Iowa communities are on different code cycles and have different code provisions that can make it difficult and confusing for businesses, developers and citizens to follow and understand code requirements. Central Iowa is in a great position for future growth and consistency among communities will help the metro economy.

This Memorandum of Understanding (MOU) is a mutual agreement among participating communities for the purpose of creating and implementing a 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, called '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 that 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. So the Team's discussion expanded to include the building, residential, electrical, energy, fire, mechanical, and plumbing codes. The conversation was 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 the aforementioned codes, the fewer barriers there are in growing the regional economy

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 and code provisions that are adopted for their community.

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

- a. Government and the private sector working together toward having 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 efficiency and consistency regarding 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

An example of how code provisions can be confusing for citizens are codes for swimming pools and open burning which may vary among metro communities. A citizen may discuss a project (such as constructing a fence around an above ground pool) with a co-worker from a neighboring community and assume their community has the same rules. They may purchase the materials for a fence based on the discussion with their co-worker only to find out their community has different fencing requirements. A situation like this may lead to conflict and frustration between the citizen and the code officials in their community.

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:

- Six code/building officials
- Three Fire Officials
- Two 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 all construction codes as listed previously in this MOU. The CICC will not make 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 amend these provisions as they see fit.

In selecting individuals to serve on the Executive Committee care should be taken to assure the representatives are subject matter experts regarding city codes; when possible each member of the Executive Committee represents a different community; and communities of all sizes and geographic areas across central Iowa are represented. The process to select representatives for the Executive Committee:

- The Mid-Iowa Construction Code Committee (MICCC) shall select six 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 Metro Fire Chiefs and Fire Marshals 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 two of their members or a planning/community development director 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:

- Electrical/Energy Codes
- Fire Code
- International Building Code (IBC)/International Existing Building Code (IEBC)
- International Residential Code(IRC)
- Mechanical/Plumbing/Fuel Gas Codes
- Pool/Spa/Property Maintenance (residential)
- 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 all 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 many 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. Care should be taken to assure committee participants meet these qualifications. 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.
- Electrical/Energy Code Committee:
 1. Electrical Inspector
 2. Energy Inspector
 3. Code Administrator
 4. State Electrical and/or Energy Representative
 5. Electrical Engineer
 6. Master Electrician
 7. HERS (Home Energy Rating Systems) Rater or equivalent
- Fire Code Committee:
 1. Chief Fire Officer
 2. Fire Marshal/Inspector
 3. Fire Marshal/Inspector
 4. State Fire Marshal Representative
 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. State Building Code Bureau Representative
 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
 - Mechanical/Plumbing/Fuel Gas:
 1. Plumbing Inspector
 2. Code Administrator
 3. Mechanical Inspector
 4. State Mechanical and/or Plumbing Representative
 5. Master Plumber
 6. Master HVAC Professional
 7. Engineer or Mechanical Design Professional
 - Pool/Spa/Property Maintenance (residential):
 1. Zoning Administrator/Enforcement Officer
 2. Zoning Administrator/Enforcement Officer
 3. Code Enforcement Officer/Property Maintenance Inspector
 4. Code Enforcement Officer/Property Maintenance Inspector
 5. Pool Installation Contractor
 6. Iowa Landlord Association Representative
 7. Neighborhood Association Representative
 - Fire/Building Joint Committee:
 1. Building Official
 2. Fire Officer
 3. Plans Examiner (fire and/or building)
 4. State Fire Marshal Construction Design Engineer (Plans examiner)
 5. Licensed Architect
 6. Mechanical Engineer /Fire Protection Professional or closely related field
 7. Passive Fire Protection Product Specialist

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.

The MOU shall become effective upon the latter date of signature of the parties. It shall remain in effect until it is dissolved by a majority vote of the Participating Communities.

- 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 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, the Partners hereto have caused this MOU to be executed by their duly authorized representatives as of March ____, 2015

CITY OF ALTOONA

Skip Conkling, Mayor

CITY OF ANKENY

Gary Lorenz, Mayor

CITY OF BONDURANT

Keith Ryan, Mayor

CITY OF CARLISLE

Ruth Randleman, Mayor

CITY OF CLIVE

Scott Cirkseña, Mayor

CITY OF DES MOINES

Franklin Cownie, Mayor

CITY OF INDIANOLA

Kelly Shaw, Mayor

CITY OF JOHNSTON

Paula Dierenfeld, Mayor

CITY OF NORWALK

Tom Phillips, Mayor

CITY OF POLK CITY

Jason Morse, Mayor

CITY OF PLEASANT HILL

Sara Kurovski, Mayor

CITY OF URBANDALE

Bob Andeweg, Mayor

CITY OF WAUKEE

Bill Peard, Mayor

CITY OF WEST DES MOINES

Steve Gaer, Mayor

CITY OF WINDSOR HEIGHTS

Diana Willits, Mayor

DALLAS COUNTY

, Chair

POLK COUNTY

, Chair

WARREN COUNTY

Doug Shull, Chair of the Board of Supervisors