

SF413 and emergency management commissions

By Cindy Kendall

Background

Chapter 29C of the *Code of Iowa* created the Local Emergency Management Commissions. These commissions were originally designed to identify, coordinate and facilitate the resources of each county when responding to emergencies within the county, rendering mutual aid among Iowa's political subdivisions and with other states. They were also designed to facilitate cooperation with the federal government when carrying out emergency management functions. Specifically the *Code* states that "local emergency management agency" means a countywide joint county-municipal public agency organized to administer this chapter under the authority of the local emergency management commission.

Chapter 29C of the *Code* defines the commission's financial structure stating it should be administered through designated accounts by the county treasurer for the collection, maintenance and retention of the funds required to fulfill the duties of the local emergency management commission. These funds can not revert into the general fund of the county. All vouchers of the commission are to be drawn and presented to the county auditor for payment with fiscal reporting directly to the commission. The funding of each commission is defined in the 28E agreement which was drawn in accordance with the *Code* at the inception of each commission.

Commission Membership

Under the provisions of SF413 which were adopted during the 2012 legislative session, the mayor of each municipal jurisdiction, a member from the board of supervisors and the sheriff within each county are the members of the board. The bill provides that local emergency management commission members may designate an alternate to represent the designated entity. However, the bill requires that for any activity relating to the budget, participation shall **only** be by a commission member or a designated alternate that is an elected official from the same designated entity.

SF413 further defined the financial responsibilities of the local emergency management commissions. The commission shall adopt, certify and provide a budget on or before February 28 of each year to the funding entities. However, the specific detail in the budget no longer requires an itemized list of the number or personnel, their salaries or benefits, travel and transportation costs, fixed costs of operation or other anticipated emergency

management expenses. If this level of detail is prepared by the commission, it would fall under the requirements of open records under *Code* Chapter 22.

The new bill requires the commission budget, supported by the participating agencies, to be funded by one or more of the following options, as determined by the commission:

- 1) A county-wide special levy pursuant to Section 331.424 subsection 1.
- 2) Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions.
- 3) An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.
- 4) A voluntary share allocation.
- 5) Other funding sources allowed by law.

The 2012 bill provides that commission budgets must be provided to funding entities in a form prescribed by the Department of Management (DOM). In turn, for budgets beginning 2013-2014, the city budget forms provided by the DOM will contain a separate tab to display the total tax levied for the use of the emergency management commission, as determined by the council. Funding at the city level may be through the \$8.10 levy of the general fund, supported by the local emergency management commission levy authorized under Section 384.12(22) or any combination of lawful funding sources.

The 2012 bill also stipulates that any tax levied by a county or city to support the local emergency management agency may be identified separately on tax statements issued by the county treasurer.

Summary

The participation by mayors and a member of the board of supervisors, may be a designee; however when dealing with fiscal decisions, such as the budget, the designee must be an elected official. Furthermore, the addition of "other funding sources allowed by law" may now be used by a city or county to fund their liability to the emergency management commission, adding some flexibility at the local level.

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