

Comment Report

Local Government
Date: 02/01/2023
Time: 02:30 PM
Location: RM 19

Name: Rick Phillips

Comment: I encourage the committee to support HF117 and its passage. There seems to be a big push to move the power of controlling budgets from county supervisors to a commission overseeing the Emergency Management Agency (HF126). I think this would be a mistake since elected supervisors traditionally control the local purse strings and for the most part have done exceptionally well! Adversely, an unelected EMA commissioner would not have the concerns of property owners at heart, nor would it have the oversight needed that the people are accustomed to. A commissioner would only have his business at heart and what works best for it, lacking financial oversight the people rely on vested in their Board of Supervisors. The people need the stability of their Board of Supervisors at a time of economic uncertainty such as now and not change to an unknown wild card. What responsibilities pertaining to emergency services given to the EMA is one thing but let the county Board of Supervisors control the purse and approve any special levies on the county. I can foresee no problem with these checks and balances at the local levels of government. It will neither harm the quality of emergency services nor fiscal responsibility. Please support and pass HF117 and reject HF126.

Name: Robert Kempf

Comment: Some comments made by the public and lobbyists are not correctly based off of current law. As noted in the last sentence of 29C.9.2 verbiage below. Those members of the commission who vote on the certification of the emergency management commission budget must be an elected official. 29C.9 Local emergency management commissions. 1. The county boards of supervisors, city councils, and the sheriff in each county shall cooperate with the department to establish a commission to carry out the provisions of this chapter. 2. The commission shall be composed of a member of the board of supervisors, the sheriff, and the mayor from each city within the county. A commission member may designate an alternate to represent the designated entity. For any activity relating to section 29C.17, subsection 2, or chapter 24, participation shall only be by a commission member or a designated alternate that is an elected official from the same designated entity. HF126 provides the direct reference demonstrating that the commission is already a municipality for local budgeting under Chapter 24 definitions. In addition to already being a certifying board (24.2(2)), the Act designates the commission as a levying board to levy their own countywide special levy pursuant to Chapter 24. (24.2(4)) The bill also requires the commission to be identified separately on tax statements like schools, airport authorities, and other entities, providing accountable truth in taxation and maintains existing financial processes and responsibilities for the receipt and expenditure of taxpayer dollars. HF126 does not create any new taxation. It shifts the levying authority to the commission as a municipality that certified the budget. Therefore the commission members as elected officials will be directly responsible to all taxpayers of the county and the levy will be clearly noted on the tax statements. Please support and pass HF126 and reject HF117.

Name: Doug Reed

Comment: I would also like to encourage the committee to not implement oversight that would be a wildcard over funding the future of safety and economic security regarding

major emergency and disasters. THE ONLY WAY TO DO THAT IS REJECT HF117. HF 117 is contrary to law, contrary to existing authorities, and couched in gross misperceptions, as noted in other public comments and those of some opposing lobbyists. Facts should be valued more than feelings on this matter. 1. There's no push to move the power of controlling budgets from county supervisors. Supervisors are not given this authority under Iowa law related to emergency management. 2. Commission members are elected officials, assembled under Iowa law to care for emergency management on a countywide basis without regard to any single jurisdictions political or financial agendas. 3. If the general assembly were to pass HF 117, going against the intent and structure of 29C, it would jeopardize emergency management agencies staffing and programmatic priorities, putting Iowans at risk. Who would want to cut disaster preparedness and response funding so more money could be diverted to making a bike trail or getting one more truckload of gravel? If HF 117 passes, it will happen. 4. HF 117 isn't about efficiency or transparency or even prudence; it's about control. Primarily a false perceived control that a board can make a final, unilateral decision, contrary to the decision of ALL chief elected officials in a geographic county regarding emergency management funding. That theory is contrary to current law, its intent, and current AG Opinion on the matter. 5. Boards used to have a final decision authority under 29C and in years past, everyone agreed that model was an abject failure and limited commissions from implementing their statutory requirements which led to a change of the code to make the commission the fiscal authority. 6. HF 126 finally corrects the issue and leaves no more question on the intent of 29C. It IS NOT a new tax, it is an identification of an existing special levy and attributed to the correct levying body with more transparency than currently exists. HF 117, in some cases, would require a new tax being levied and would force boards of supervisors that are not at their cap of the general fund to max that out prior to using their general supplemental that can only be used for an insufficiency in general funds. I implore the committee DENY PASSAGE of HF 117 and return us to a point of known failure. Lives and property are at risk over this bad legislation. Iowa is one of the highest impacted states suffering from natural disasters. Passage of HF 117 would exacerbate our risk and ability to respond and recover, causing Iowans to suffer so a single entity can have "control".

Name: Iowa Emergency Management Association

Comment: Attached is the Iowa Emergency Management Association's fact sheet that can answers potential question about how and way the passage of HF126 will improve funding of emergency management in the State of Iowa.HF126 provides:1. Improved transparency of levied taxation to support the mission of emergency management in all jurisdictions.2. Eliminates the ability to control the emergency management levy by any single jurisdictions due to political or financial agendas.3. Commission members are elected officials, assembled under Iowa law to care for emergency management on a countywide basis.HF 117 goes against current law, existing authorities, and is based on misperceptions, as noted in other public comments and those of some opposing lobbyists.HF126 is based on current law, existing authorities and supported by the most current opinion of the State Attorney General's Office.We recommend the facts should be valued on this legislation and not influenced by feelings or private agendas.Therefore we recommend the committee move HF126 forward and reject HF117.



Provide secure, transparent funding for the protection of Iowans' lives, property, and economic security.

SUPPORT TRUTH IN TAXATION THROUGH SENATE FILE 41 & HOUSE FILE 126

SF41 & HF126 are Acts relating to the budgeting of local emergency management agencies that will provide secure funding for this legislatively enacted essential service in a manner that will provide equitable services across all political subdivisions consistent with its legislative intent and authority under Chapter 29C.

What the Bills Do

- Ends the **37-year** funding authority debate & battles over financial control of emergency management that jeopardizes the lives and safety of Iowans.
- Provides the direct reference demonstrating that the commission is already a municipality for local budgeting under Chapter 24 definitions. ([§24.2\(5\)](#))
- In addition to already being a certifying board ([§24.2\(2\)](#)), the Act designates the commission as a levying board to levy their own countywide special levy pursuant to Chapter 24. ([§24.2\(4\)](#))
- Requires the commission to be identified separately on tax statements like schools, airport authorities, and other entities, providing accountable "truth in taxation".
- Maintains existing financial processes and responsibilities for the receipt and expenditure of taxpayer dollars.

What the Bills Mean

- Appropriate services, as determined by county and municipal government elected leaders, will be funded without improper, uninformed unilateral funding reductions.
- Solidifies the commission as an independent authority, operationally and financially, as legislatively intended under Chapter 29C.
- Funding decisions remain with the Chief Elected Officials from jurisdictions within counties to ensure fiscal responsibility, prudence, and authorities under law.
- Reduces levy rates on County and/or Municipal levies while enhancing transparency and accountability with taxpayers.
- Revenues and expenses are still processed through County Treasurer's and Auditor's Offices for additional fiscal accountability.

Why You Support the Bills

- Iowa is ranked 4th in the Nation as most impacted by disasters; sustainable EM programs are essential to Iowa's life safety and economic security priorities.
- **Your jurisdiction's** ability to respond and recover from disasters **is jeopardized** if a single political subdivision can unilaterally manipulate program funding that limit required services and programs.
- There is no legal basis for one political subdivision to impose its financial will and agenda above other commission member jurisdictions. *
- Truth in taxation is a public priority and government responsibility; SF41 and HF126 create true transparency.
- The Acts reduce government political in-fighting that destroys public confidence in government's ability to effectively respond to and recover from disasters.

[CLICK HERE FOR SF41](#)

[CLICK HERE FOR HF126](#)

SF41 & HF126 **DO NOT** create a new tax. It designates the commission as the levy authority identifying to the public their funds allocated for emergency & disaster preparedness, response, recovery, & mitigation. Current methods bury this use of taxpayer funds within levies of the county board of supervisors or multiple jurisdictions.

* For more information on the foundational authorities of emergency management commissions, see the reverse page.

What's the actual problem?

Over time, contrary interpretations to various code sections and unique political environments at the local level have created scenarios for nearly four decades where emergency management commissions have programmed, adopted, and certified their budgets. This budget is provided, under many circumstances, as a “special levy” to be generated under the County General Supplemental Levy as authorized in chapter 29C. At times, when local relationships and priorities could not be forged, boards of supervisors have unilaterally defunded emergency management budgets. The authority for this occurrence has become highly contested and unless corrected in context with the following foundational authorities, as SF41 and HF126 does, commissions will have no control over destabilized funding that puts Iowans at risk.

The General Assembly has codified a process for emergency management and security in the state. That process is established under a commission comprised of all political subdivisions within a geographic county to establish, determine, administer, and conduct its legally identified mission and purpose on behalf of the political subdivisions represented on the commission. The intent of the law, especially in context of the identified powers and authorities within constitutionally-based provisions and implementing laws, is to be and remain an autonomous joint government entity that sits as the protective umbrella over all jurisdictions for the purpose of emergency management.

The Iowa Constitution provides counties the power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs of government

Iowa Code provides for implementation of those powers and authorities by stating “a county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

The General Assembly has provided one such law related to disasters, Chapter 29C. This law clearly demonstrates a commission’s intended autonomy that is subverted by the described problem, essentially stripping the commission of its authority and ability to effectively and efficiently carry out the provisions of Chapter 29C.

Autonomous Authority from Political Subdivisions

§29C.9(1) – The county board of supervisors, city councils, and the sheriff in each county shall cooperate with the department to establish a commission to carry out the provisions of this chapter.

§29C.9(6) – The commission shall determine the mission of its agency and program and provide direction for the deliver of the emergency management services of planning, administration, coordination, training, and support for local governments and their departments ...

Autonomy over Outside Budgetary Approval

§29C.17(1) – ...The commission shall be the fiscal authority and the chairperson or vice chairperson of the commission is the certifying official.

§29C.17(2) – ... the local emergency management agency’s approved budget shall be funded by one or any combination of the following options, as determined by the commission ...

§29C.17(6) – Subject to chapter 24, the commission shall adopt, certify, and provide a budget, on or before February 28 of each year, to the funding entities determined pursuant to subsection 2.