

## **EXECUTIVE COUNCIL[361]**

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CHAPTER 1  
DISBURSEMENT OF MONEY FROM CIVIL REPARATIONS TRUST FUND

**361—1.1(668A) Notice of funds.** The executive council provides notice of availability of money in the civil reparations trust fund in the following ways:

**1.1(1) *Iowa Administrative Bulletin.*** The executive council publishes notice of the balance in the fund in the Iowa Administrative Bulletin semiannually in January and July of each year and within 30 days of the deposit of any amount into the fund exceeding \$10,000. If the deposit of an amount exceeding \$10,000 would cause notice within 30 days of the deposit to be published in January or July, no additional publication is necessary.

**1.1(2) *First-class mail.*** The executive council maintains a mailing list of those persons who wish to receive notice of the balance in the fund. Notice is sent by first-class mail to all persons on the mailing list semiannually in January and July of each year and within 30 days of the deposit of any amount into the fund exceeding \$10,000. If the deposit of an amount exceeding \$10,000 would cause notice within 30 days of the deposit to be mailed in January or July, no additional mailing is necessary. Any person may be added to the mailing list on request.

In the event that there is no money in the fund in January or July, no notice will be published or mailed.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.2(668A) Applications.**

**1.2(1)** The executive council will accept applications for money from the fund for a period of 30 days after notice has been published in the Iowa Administrative Bulletin or sent by first-class mail. Applications will not be accepted in advance of this time period.

**1.2(2)** Application forms are available from and filed with the office of the state treasurer.

**1.2(3)** An application is timely if it is postmarked on the thirtieth day after the date of publication in the Iowa Administrative Bulletin or on the thirtieth day after the date affixed to the notice sent by first-class mail, whichever is later. The executive council may accept applications submitted after this deadline only for good cause upon motion in writing.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.3(668A) Criteria.** In determining whether to grant an application for money from the fund, the executive council considers the following factors:

**1.3(1)** The purpose for which the money will be utilized;

**1.3(2)** The number of people who will be served by the money;

**1.3(3)** The availability to the applicant of alternative sources of money;

**1.3(4)** The degree to which the applicant legally used the money under any prior applications.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.4(668A) Disposition of applications.** The executive council determines the disposition of all pending applications and notifies all applicants of the decision by first-class mail. Notice of disposition is sent to all applicants on the same date.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.5(668A) Motion for reconsideration.** Any applicant who is aggrieved or adversely affected by the disposition of the applicant's application may, within 15 days of the date affixed to the notice of disposition, file a motion for reconsideration with the office of the state treasurer. The motion is deemed filed when received and date-stamped by the treasurer.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.6(668A) Grounds.** The motion for reconsideration has to delineate the specific grounds for reconsideration. An applicant may request a contested case hearing; however, any request for a contested case hearing specifically delineates the facts in dispute to be contested and determined at the hearing.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.7(668A) Procedure.** The executive council rules on any pending motion for reconsideration, including a request for a contested case hearing. In the event that a request for a contested case hearing is granted, the proceeding is conducted as provided in X.5 of the Uniform Rules on Agency Procedure related to contested cases, which are published at [www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf](http://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf) on the general assembly's website. The burden of proof by a preponderance of the evidence rests with the requester to establish grounds for reconsideration. The office of the attorney general will defend the decision of the executive council.  
[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.8(668A) Disbursement of money.** No money will be disbursed from the fund after disposition of all applications until the time period for filing a motion for reconsideration has expired. After the time period for filing a motion for reconsideration has expired but while a motion for reconsideration by any applicant is pending, the executive council in its discretion may disburse money from the fund to applicants who have not filed a motion for reconsideration. Money may be disbursed to applicants while a motion for reconsideration is pending only to the extent that resolution of any pending motion could not affect the disbursement of money to other applicants.  
[ARC 8031C, IAB 5/29/24, effective 7/3/24]

**361—1.9(668A) Administrative costs.** The costs of administering this fund, including any costs associated with the conduct of any contested case proceeding challenging the disbursement of money from the fund and costs for postage and copying, are billed to the fund after approval by the executive council.  
[ARC 8031C, IAB 5/29/24, effective 7/3/24]

These rules are intended to implement Iowa Code chapters 17A, 7D, and 668A.

[Filed ARC 8031C (Notice ARC 7190C, IAB 12/13/23), IAB 5/29/24, effective 7/3/24]

CHAPTER 2  
CONTINGENT FUND—DISASTER AID

**361—2.1(29C) Purpose.** The purpose of these rules is to enumerate policies, responsibilities, and procedures adopted by the executive council of the state of Iowa in order to provide guidance for administering the state disaster contingency fund as described in Iowa Code section 29C.20.

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

**361—2.2(29C) Definitions.** The definitions set forth in Iowa Code chapter 29C are incorporated herein by reference.

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

**361—2.3(29C) Policy.** It is the policy of the state of Iowa to maintain an organization and procedures for providing supplemental assistance by the state to governmental subdivisions in the achievement of improved disaster readiness and to recover from the effects of a disaster.

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

**361—2.4(29C) Program responsibilities and procedures.**

**2.4(1) Governor.** The governor may proclaim a state of disaster emergency in accordance with Iowa Code section 29C.6.

**2.4(2) Governmental subdivisions.** Governmental subdivisions will:

- a. Make every effort to avert and recover from the disaster with their own resources.
- b. Maintain detailed accounts of disaster expenses.
- c. Submit to the department a request for a loan. The initial request constitutes a letter on official agency letterhead briefly describing the effect of the disaster or action on the governmental subdivision and the immediate financial inability to meet the continuing obligations of local government.
- d. Include in the initial letter request Form SDA-1, Form SDA-2, Form SDA-3, and Form SDA-3A as well as the State of Iowa Contingent Fund Loan Contact and Information Sheet.
- e. Initiate action to implement annual emergency levy as authorized by Iowa Code section 24.6, in order to expedite repayment of loan.

**2.4(3) Director.** The director will:

- a. Prepare and maintain current rules for issuance by the executive council, providing for the administration of the contingent fund—disaster aid.
- b. Coordinate, as necessary, actions by other departments and agencies necessary to the administration of the contingent fund—disaster aid.
- c. Report each fiscal year to the governor and the executive council on activities in connection with administration of the contingent fund—disaster aid, including but not limited to a description of each disaster of a magnitude sufficient to warrant recommendations concerning applications for loans to the executive council. Such description is to include the kind and scope of the disaster, the disposition of governmental subdivision applications for loans, and the total of loan approvals for the fiscal year.
- d. The director, upon receipt of an initial request for assistance supported by all appropriate forms and documentation, will advise the secretary of the executive council of such request and will furnish copies of all accompanying documents.
- e. The director will submit a recommendation to the executive council as to eligibility and entitlement of the requesting governmental subdivision on Form SDA-4 and Form SDA-4A.

**2.4(4) Executive council.** The executive council will:

- a. Decide if the contingent fund—disaster aid is justified by the application and showing, and, if so, the amount of the loan(s) to be made.
- b. Develop and publish the form and procedures for applying for the contingent fund—disaster aid and issue rules describing the administration of the contingent fund—disaster aid.
- c. Designate and instruct appropriate state departments and agencies to assist the director and the department in the administration of the contingent fund—disaster aid by loan or use of personnel, equipment, and facilities.

*d.* Consider the information furnished by the governmental subdivisions requesting loans, the report and recommendation of the director and decide which of the governmental subdivisions are eligible, and if so, the amount and terms reflecting approved eligibility.

The aggregate total of the loans cannot exceed \$1 million during a fiscal year.

**2.4(5)** *Department of management.* The department of management will execute loans in the amounts, and as scheduled, to governmental subdivisions as approved by the executive council and maintain appropriate accounts.

**2.4(6)** *State auditor actions.* The auditor will audit the accounts of governmental subdivisions to ensure that loans have been applied in accordance with determined eligibility and will make an audit report to the executive council.

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

### **361—2.5(29C) Eligibility for contingent fund—disaster aid loans.**

**2.5(1)** To be eligible for contingent fund—disaster aid loans, a governmental subdivision will demonstrate an immediate financial inability to meet the continuing obligations of local government through a showing of obligations and expenditures necessitated by an actual or potential disaster proclaimed a state of disaster emergency by the governor.

**2.5(2)** The loan, if made, may only be up to a limit of 75 percent of the showing of obligations and expenditures. The loan, without interest, may be repaid by the maximum annual emergency levy as authorized by Iowa Code section 24.6. The loan shall be repaid within 20 years.

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

### **361—2.6(29C) Forms and documents.**

**2.6(1)** SDA forms.

*a.* Form SDA-1 “Certified True Copy of Resolution of Governing Body.”

*b.* Form SDA-2 “Certificate by Authorized Requesting Official to Accompany Application for State Disaster Aid.”

*c.* Form SDA-3 “Application for Financial State Disaster Aid.”

*d.* Form SDA-3A “Resolution.”

*e.* Form SDA-4 “Report and Recommendation of the Director, Iowa Department of Homeland Security and Emergency Management on Application for State Disaster Aid.”

*f.* Form SDA-4A “Review of Application for State Disaster Aid.”

**2.6(2)** “Request from Applicant” as described in paragraph 2.4(2) “*c.*”

**2.6(3)** “State of Iowa Contingent Fund Loan Contact and Information Sheet.”

[ARC 8032C, IAB 5/29/24, effective 7/3/24]

These rules are intended to implement Iowa Code section 29C.20.

[Filed ARC 8032C (Notice ARC 7188C, IAB 12/13/23), IAB 5/29/24, effective 7/3/24]

CHAPTER 3  
Reserved