

CHAPTER 7  
DISASTER CONTINGENCY FUND  
[Prior to 5/1/91, Executive Council[420] Ch 15]

**361—7.1(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.

**361—7.2(29C) Definitions.**

“*Act*” means Iowa Code chapter 29C.

“*Administrator, disaster services division*” is the individual appointed by the governor to coordinate state assistance in a disaster or an emergency.

“*Disaster*” means man-made catastrophes and natural occurrences such as fire, flood, earthquake, tornado, windstorm, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property.

“*Disaster area*” means an area in which the governor determines natural disasters or potential disasters will cause immediate financial inability to meet the continuing requirements of local government on the part of government subdivisions therein.

“*Governmental subdivisions of the state*” means any political subdivision of this state.

“*Normal expenditures*” are expenditures or obligations required for usual and recurring costs in connection with firefighting, snow removal, street, road, and bridge maintenance, insect control, and other expectable public safety, maintenance, or operating measures.

“*Over and above normal expenditures*” are those necessary for disaster relief purposes which have not been regularly incurred or budgeted, but must be met from normally budgeted funds, including those established for emergency disaster relief, or by reapportionment of funds budgeted for other purposes.

**361—7.3(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.

**361—7.4(29C) Program responsibilities.**

**7.4(1) Governor.** The governor may declare a disaster area in accordance with Iowa Code section 29C.6, designate adequate staff support, and provide for a budget and allocate funds to administer the Act.

**7.4(2) Executive council actions.** The executive council will:

*a.* Decide if aid is justified by the application and showing, and if so, the amount of the loan(s) to be made.

*b.* Rescinded IAB 5/1/91, effective 4/9/91.

*c.* Develop and publish the form and procedures for applying for disaster loans and issue rules describing the administration of the state disaster contingency fund.

*d.* Designate and instruct appropriate state departments and agencies to assist the director, office of disaster services, in the administration of the state disaster contingency fund by loan or use of personnel equipment and facilities.

**7.4(3) Administrator, disaster services division.** The administrator will:

*a.* Prepare and maintain current rules for issuance by the executive council, providing for the administration of the state disaster contingency fund.

*b.* Inspect or coordinate the inspection of disaster areas and recommend concerning declaration of disaster areas to the governor. Recommend concerning disaster loans and grants to the executive council.

*c.* Coordinate, as necessary, actions by other departments and agencies necessary to the administration of the state disaster contingency fund.

*d.* Report each fiscal year to the governor and the executive council on activities in connection with administration of the state disaster contingency fund including, but not limited to: A description of each disaster of a magnitude sufficient to warrant recommendations concerning applications for loans to

the governor and executive council. Such description to include the kind and scope of the disaster and the disposition of government subdivision applications for loans, and total of loan and grant approvals for the fiscal year.

**7.4(4) Department of management actions.** The department of management will execute loans and grants in the amounts, and as scheduled, to government subdivisions as approved by the executive council and maintain appropriate accounts.

**7.4(5) State auditor actions.** The auditor will audit the accounts of government subdivisions to ensure that loans and grants have been applied in accordance with determined eligibility and will make an audit report to the executive council.

**7.4(6) Government subdivisions actions.** In order to conform to the provisions of the state disaster assistance Act, governmental subdivisions will:

- a. Make every effort to avert and recover from the disaster with their own resources.
- b. If necessary, file an application for a disaster loan.
- c. Maintain detailed accounts of disaster expense.
- d. Initiate action to implement annual emergency levy as authorized by Iowa Code sections 24.6 and 384.8, in order to expedite repayment of loan.

### **361—7.5(29C) Eligibility for state disaster loans and grants.**

**7.5(1) Loans.** To be eligible for disaster loans, a governmental subdivision must have potential or actual expenditures for disaster caused local government expenses amounting to at least \$6 for each person (pop. last U.S. census or official school district census) in the governmental subdivision. Disaster loans can be applied to the following or similar examples of eligible local government items of work: flood fighting, rescue, debris clearance, safety, health and sanitation measures. Also repair or replacement (without improvement of the original facility) of roads, streets, bridges, dikes, levees, and drainage facilities, public utilities and buildings and equipment.

The loan, without interest, may be repaid by the maximum annual emergency levy as authorized by Iowa Code sections 24.6 and 384.8. The loan shall be repaid within 20 years.

**7.5(2) Grants.** At the discretion of the executive council 50 percent of the eligible loan amount may be provided in the form of a grant. The grant shall not exceed \$50,000 and shall not be provided for the purpose of snow removal and other expenses resulting from a blizzard.

### **361—7.6(29C) Forms.**

**7.6(1)** Form SDA-1 “Certified True Copy of Resolution of Governing Body”

**7.6(2)** Form SDA-2 “Certificate by Applying Official”

**7.6(3)** Form SDA-3 “Application for Supplemental State Disaster Aid”

**7.6(4)** Form SDA-4 “Report and Recommendation of the Administrator, Disaster Services Division”.

### **361—7.7(29C) Procedures.**

**7.7(1) Action by the governor.** After considering information furnished by the government subdivisions involved, the recommendation and findings of the administrator, disaster services division, the governor will decide whether a disaster is to be declared and make the necessary announcement.

**7.7(2) Action to be initiated by governmental subdivisions.**

a. Upon the declaration of a disaster by the governor of an area including a governmental subdivision which, in the opinion of appropriate authorities, constitutes or may constitute a disaster justifying supplemental state financial assistance, under the state disaster Act, a request for such assistance will be directed to the executive council through the administrator, disaster services division.

b. The initial request for a loan shall be in the form of a letter briefly describing the disaster, or impending disaster, including a statement of expenditures, over and above normal, by the governmental subdivision concerned, for meeting the disaster or for mitigating the impact of an impending disaster.

The provision of a part of the loan in the form of a grant will be at the discretion of the executive council and does not require an additional or separate application.

c. The letter request will be accompanied by Form SDA-1, "Certified True Copy of Resolution of Governing Body" which will constitute evidence of the authority of the requesting public official to represent the governmental subdivision concerned, Form SDA-2, "Certification of Requesting Public Official" and Form SDA-3, "Application for Supplemental State Disaster Aid".

d. Cooperation with and assistance to investigative officials. Governmental subdivision officials, and records, will be made available to the investigative official representing the administrator, disaster services division, for interview and examination.

**7.7(3) Action by administrator, disaster services division.**

a. The administrator, upon receipt of an initial request for assistance supported by Form SDA-1, Form SDA-2, and Form SDA-3, will advise the governor and the secretary of the executive council of such request and will furnish copies of all accompanying documents.

b. Following the declaration of a disaster area by the governor, the administrator will designate an investigative official who will be directed to proceed to the site of the disaster area and conduct interviews and investigation as provided in the administrator's instructions.

c. The administrator, following a report by the investigative official, will submit a recommendation to the executive council as to eligibility and entitlement of the requesting governmental subdivision on Form SDA-4.

**7.7(4) Action by the executive council.**

a. After the governor has declared a disaster area, the executive council will consider the information furnished by the governmental subdivisions requesting loans, the report and recommendation of the administrator, disaster services division, and decide which of the governmental subdivisions are eligible, and if so, the amount and terms reflecting approved eligibility.

b. The aggregate total of the loans and grants shall not exceed \$1 million during a fiscal year.

**7.7(5) Actions by the department of management.** Upon a determination of eligibility and entitlement, the department of management will be directed to make the necessary funds available to the requesting governmental subdivision for application in accordance with the provisions of the Act and other provisions of the law.

**7.7(6) Actions by the state auditor.** Upon granting of a loan and grant in accordance with the provisions of the Act, as implemented by this rule, the auditor of the state will be directed to review the manner of application of the proceeds of the loan and grant, in accordance with the provisions of the Act, and the manner of repayment of such loan in accordance with the provisions of the Act and other provisions of the law.

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

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