

COUNCIL ACTION FORM

**SUBJECT: APPROVAL OF 28E AGREEMENT FOR ESTABLISHMENT OF AN
EMERGENCY MANAGEMENT COMMISSION FOR STORY COUNTY**

BACKGROUND:

Iowa Code Chapter 29C - Emergency Management and Security - has for many years mandated that county boards of supervisors, city councils and county sheriffs cooperate with the Department of Public Defense of the State of Iowa to establish local emergency management commissions to assure adequate disaster preparedness so a response could be carried out quickly when a disaster strikes. In 1995, the cities located in Story County joined together with the County to formally establish a Story County Emergency Management Commission. By means of a 28E intergovernmental agreement, the entities set forth the Commission's purpose and provided for its staffing, administration and funding.

That initial agreement had a duration of two years, but subsequent amendments to the agreement gave the Commission an existence into perpetuity. The last time this agreement was amended was in 1998, and the agreement had not undergone a comprehensive review since originally written. However, since that time, the Iowa Code provisions mandating these commissions have undergone revision. In order to make the existing 28E agreement more consistent with the present state law and administrative rules, revision of the agreement was proposed.

The Commission approved going ahead with changes and a new agreement was drafted by the Story County Attorney's office in 2013. Since then, the proposed agreement has been circulated to the 17 entities that comprise it for formal adoption. The City of Ames is the last entity whose formal adoption is sought.

In structure, many of the provisions of the new agreement are identical to those of the previous version. The agreement does not attempt to detail the operational aspects of the Commission, instead providing that the Commission shall adopt bylaws which govern the details of its operations. A few provisions that are of note include Funding, Appointment of an Emergency Management Coordinator, and Limitation of Liability.

FUNDING: Under the proposed agreement, this commission is funded by a county wide special levy and the Story County Treasurer is to establish an account for those funds. Although the Iowa Code has other authorized funding mechanisms, such as a per capita allocation funded from the general funds of the participating entities, the original 28E for this Commission adopted the special levy mechanism and it has functioned well to support the program. Therefore, continuation of the same funding stream is appropriate.

APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR: Under the original agreement, an emergency management coordinator was to be appointed by the Commission. This new agreement is silent on that obligation. However, Iowa Code § 29C.9(7) now specifically mandates that each commission shall make that appointment. Also new to the Iowa Code since adoption of the original agreement are provisions which establish minimum qualifications for Emergency Management Coordinators. Since those requirements are in the authorizing legislation, they did not need to be repeated in this agreement. The new agreement provides that the Commission will follow the State law.

LIMITATION OF LIABILITY: The proposed agreement, like the original version, limits the personal liability of parties to the agreement, instead restricting that risk to be borne by the Commission, with recourse being limited to the funds of that Commission. This section was virtually identical to the original version, save for a single word that was inadvertently changed. That error was found when the City reviewed it and has been corrected in the version that is now presented to the City Council.

The Police Chief and Fire Chief have had an opportunity to review this proposed agreement and believe it is appropriate to approve it. The proposed agreement has also been reviewed by the City's Legal Department.

ALTERNATIVES:

1. Adopt a resolution approving the proposed 28E agreement for establishment of an Emergency Management Commission for Story County.
2. Reject the proposed 28E agreement for establishment of an Emergency Management Commission for Story County.
3. Refer the proposed agreement back to staff for additional information.

MANAGER'S RECOMMENDATION:

State law mandates that city councils cooperate with other local entities and the Department of Public Defense to establish emergency management commissions, thereby assuring adequate preparedness for disaster response. The City of Ames has been a member of the Emergency Management Commission for Story County since it was first created, and having had its own share of significant disaster events, has benefitted from that past participation. Disaster preparedness remains important for Ames citizens, so the purpose that led to the need for the Commission still exists.

Since the Commission's original agreement has become dated in light of revisions to the Iowa Code, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the proposed 28E agreement so that the City can continue participation in the Commission.