

Waterloo, Iowa January 26, 2023

The Board of Supervisors of the County of Black Hawk, in the State of Iowa, met in regular adjourned meeting at the Courthouse in Waterloo, County Seat of said County, and electronically via Zoom, at two o'clock (2:00) p.m., pursuant to law, to the rules of said Board, and to adjournment. The meeting was called to order and on roll call there were present: Tavis Hall, Tom Little, Chris Schwartz, Dan Trelka and Linda Laylin, Chair.

Absent: None.

Unless otherwise noted, all actions were approved unanimously.

Moved by Trelka, seconded by Hall that the AGENDA be received and place on file with the County Auditor as approved. Motion carried.

DISCUSSION – County Emergency Management Agency (EMA) Levy and 28E Agreement.

The Board of Supervisors met in joint session with the Black Hawk County Emergency Management Commission (EMC). Laylin said that she had emailed her concerns about the commission determining that the Consolidated Communications Center (CCC) should be funded with an EMA levy through the county's general fund, which she said she expressed at the EMC's November and December meetings, and after concerns were expressed by commission members, she called this work session for discussion of various involved issues.

County Human Resources Director Amanda Fesenmeyer said that once the CCC comes under the control of the EMA, CCC employees will no longer be county employees, meaning they will no longer be eligible to be in the same union with sheriff's employees. She said that forming another bargaining unit will likely take until the beginning of fiscal year 2025. She said Scott County has been held up as a good model for its dispatch center arrangement and noted that the Scott Emergency Communication Center (SECC) is a separate agency but uses county HR services.

Assistant County Attorney Mike Treinen said that the Iowa Code concerning EMA funding is confusing in that Section 29C.17 says that the EMC has authority to determine which of several options is used for funding, and that one of the options is a countywide levy in the county general fund, while the levy in question is spoken of in Section 331.424, which gives the board of supervisors the authority to decide if such is tax is levied. He said that an Attorney General's opinion and a Mahaska County district court decision support the final authority of the EMC, but it hasn't been considered by the Iowa Supreme Court, and there may be legislation pending. He said he has advised the Board of Supervisors to not approve the proposed amended 28E agreement because it has not been the subject of any negotiation involving the county. He said the EMA is a stand-alone municipality, yet the agreement calls for CCC staff to be county employees. He said the agreement renders the county powerless, despite that it is the taxing body. He said that the Scott County model has a levying board with five members, two of whom are county supervisors. He said the law limits the Board to levying an amount to cover EMA charges, but the EMC is discussing a budget that is 125% or 150% of expenses without identifying specific charges. He said the 28E agreement is the heart and soul of how the CCC works, and if the levy is passed now, it will nullify the Board's bargaining power.

County Finance Director Michelle Weidner said that the levy would add from \$2.7 to \$5 million to the county budget, depending on the percentage of increase, which she estimated would add \$.46 to \$.75 to the county tax rate. Tim Jamison of the Auditor's Office said even though it would be a part of general fund levy it could be shown separately on tax bills, as was done when the county bonded for countywide radio equipment several years ago.

Schwartz and Little said that they highly respect Fesenmeyer and Treinen's advice and are inclined to follow it. Trelka said that Scott County has a good template to follow. Hall said that it comes down to the fact that the county is the levying body, and the structure used by Scott County makes sense.

County Conservation Director Mike Hendrickson worried that the large increase to the county budget would affect his budget request, which includes a new employee whose purpose would be to provide education for students in all the cities of the county. Waterloo Mayor Quentin Hart questioned the relevance of that budget and position, when he thought the discussion was about the need for emergency dispatch services. Hall said that a holistic conversation is needed because fiscal issues have an impact throughout the budget.

County Sheriff Tony Thompson said he was open to changes on the amended 28E agreement. He said that the cost increases projected for CCC were due to the study that the CCC Oversight Board requested, which resulted in a report that CCC is underpaid and understaffed and identified safety issues. Laylin said she didn't think that safety issues for the public were involved. Thompson said there were safety issues for his staff. Thompson said that the study recommendations could be implemented gradually but that now that the center's weak points have been identified the county can't avoid liability for potential incidents. He said nothing prevents the group from moving forward and funding EMA on a stabilized platform while working on a process to put in the 28E agreement. He said the county levy was the best option because cities can't fund CCC like they currently fund it. Weidner said that cities have an EMA levy option that is separate from their general fund levy, unlike the county. She said using that option would give time to work on a cooperative 28E agreement.

Hall asked Treinen how soon he could have a draft 28E agreement that addressed the county's concerns. Treinen thought he could have one in a matter of days. Hall suggested that the group concentrate on that so that there could be a point of negotiation. Trelka said he has supported the county levy since he was Waterloo police chief and he hoped a compromise could be reached. Schwartz thought working on the 28E agreement would be a productive way to move forward, and he thought it was good that the levy could be broken out on the tax bill. He asked if it could be complicated by the law requiring a supermajority for certain budget increases. Weidner said yes, if the general fund levy increased by more than 2% it would take four votes on a five-member board of supervisors to approve, and it is unclear how that would be resolved.

A follow-up meeting was scheduled for February 2.

On motion and vote the meeting adjourned.

Linda Laylin, Chair, Board of Supervisors

Grant Veeder, County Auditor