

# 2022 Legislative Recommendations

This document was approved by the Iowa State Association of County Supervisors (ISACS) membership through online voting.

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## 2021 Legislative Statements

### HOME RULE

The Iowa State Association of County Supervisors strongly believes in and supports the state of Iowa's County Home Rule Constitutional Amendment, amendment 37, passed by the citizens of Iowa on November 7, 1978 and now found in Chapter 331 of the Iowa Code:

**Counties home rule. Article III, Sec. 39A.:** Counties or joint county/municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly...

The proposition or rule of law that a county or joint county-municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

**Iowa Code 331.301:** 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 its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience to its residents.

### STATE MANDATES

The Iowa State Association of County Supervisors supports the State Mandates Act contained in Chapter 25B of the Iowa Code. State mandates relating to activities of counties and state programs or services performed by counties should be funded as outlined in this chapter. Unfunded and underfunded mandates place an undue burden on property taxpayers that should be the obligation of state taxpayers or those paying a fee for service. The Iowa Legislature should make every effort to respect the spirit of the State Mandates Act and ensure that any state mandate placed on a county is fully funded.

### FUNDING OF LOCAL SERVICES

The Iowa State Association of County Supervisors believes county governments provide high-quality, vital services that the residents of Iowa rely on and desire. Counties utilize a combination of property taxes, local option sales taxes, fees for service, intergovernmental transfers, and other sources of revenue to fund these services. The Iowa Legislature should prioritize modernizing fees for service counties are authorized to collect and consider other means by which local revenue can be generated in order to maintain local services.

## 2022 Legislative Objectives

### 1. Mental Health and Disability Services

**PROBLEM:** With the historic change in how mental health and disability services (MH/DS) are funded in SF 619, there is a need to address a number of issues for counties/regions to ease in this transition and to make sure there is a continuity of these essential services for all Iowans.

**SOLUTION:** As we move through the transition to funding MH/DS services to the State of Iowa, ISACS supports the state addressing the following issues either through legislation or administrative rule:

1. ISACS supports that all remaining carry-forward balances at the end of this fiscal year, remain in the county of origin to be used either directly for services in those counties or returned to the taxpayers in those counties.
2. With the carry-forward balance restrictions being reduced to 5% after FY2023 in SF 619, ISACS supports that it be increased to 25% to maintain timely payment to providers should the state of Iowa fall behind in their quarterly payments to regions.
3. Legislation might be required to clarify and ease the payroll payment process between county and regional employees in this transition process.

### 2. Open Meetings

**PROBLEM:** The state open meetings law allows a government body to conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical. The term impractical is open to interpretation and has produced differing legal opinions given various circumstances. Under the Governor's Declaration of Disaster Emergency proclamation for the COVID-19 pandemic, governmental bodies were authorized to hold meetings by electronic means, so long as proper notice and access were provided to the public. Many counties became reliant on meeting via electronic means and in fact experienced an increase in public access and participation. With the expiration of the authorization, governmental bodies are again subject to the "impossible or impractical" threshold and cannot regularly convene via electronic means despite the use of technology not contemplated by current law that often allows more access and transparency than fully in-person meetings.

**SOLUTION:** Amend Iowa Code §21.8(1) by striking "only in circumstances where such a meeting in person is impossible or impractical". This authorizes a governmental body to conduct business by electronic means regularly or on occasion, at its discretion, so long as all other open meetings requirements are met.

### 3. Zoning Commission/Board of Adjustment Membership

**PROBLEM:** Legislation enacted in 2020 limited membership on county zoning commissions and boards of adjustment to individuals living in the area regulated by the county zoning ordinance. This has led to difficulty in finding replacements and filling vacancies on these important, citizen-driven boards and commissions.

**SOLUTION:** The legislature should revert back to previous law requiring a majority of the members of the zoning commission and board of adjustment reside in the unincorporated area of the county, or absent that reversion, should allow for the appointment of a member residing within the county but not in the area regulated by the zoning ordinance if the board of supervisors has made a good faith effort to appoint a qualified person for a period of three months but has been unable to make a compliant appointment.