



STATE OF IOWA

KIM REYNOLDS
GOVERNOR

ADAM GREGG
LT. GOVERNOR

IOWA DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT

JOHN BENSON, HOMELAND SECURITY ADVISOR
AND EMERGENCY MANAGEMENT DIRECTOR

July 21, 2022

Executive Council of Iowa
LOCAL

Subject: Executive Council Agenda for July 25, 2022

I respectfully request time on the July 25, 2022, Executive Council Agenda for the South Central Iowa Landfill Agency's (SCILA's) request for a Contingency Loan. The application for State Disaster Aid is authorized under Iowa Code Section 29C.20.

Please find enclosed the following items to support the SCILA's request for \$1,000,000 and the Department of Homeland Security and Emergency Management's (HSEMD's) recommendation of \$1,000,000:

- SCILA's need for a \$1,000,000 contingency loan
 - Resolution by the Board authorizing the Director to file the application
 - Certification by the Director to file and administer the loan in accordance with applicable local and state regulations
 - Application for Financial State Disaster Aid (SDA-3) to include a repayment schedule of 20 years
- HSEMD's recommendation of \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
 - Review of the application for State Disaster Aid - Recommendation by the HSEMD Recovery Division Administrator for approval of the SCILA's loan in an amount not to exceed \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
 - Report and recommendation - Recommendation by Director Benson of HSEMD for approval of the SCILA's loan in an amount not to exceed \$1,000,000 pursuant to Iowa Admin Code r. 361-7.5(1)
- Attorney General's Office review pursuant to Section 29C.20
 - SCILA's request appears to comply with the statute and rules governing the contingency fund

Director Benson recommends approval of the SCILA's request for a Contingency Loan in the amount of \$1,000,000.

Sincerely,

Dennis T Harper

Digitally signed by Dennis T
Harper
Date: 2022.07.21 12:28:09 -05'00'

Dennis T. Harper
Recovery Division Administrator

Enclosures

June 10, 2022

For: Director, John R. Benson, Iowa HSEMD

The South Central Iowa Landfill Agency (SCILA), located in Madison County is requesting use of the contingent fund in the amount of \$1,000,000 in order to rebuild their facilities in order to continue to support the 22 communities located in four counties that the landfill provides waste disposal services to.

As a result of taking a direct hit by an EF4 tornado with estimated winds of 230 – 235 miles per hours caused 'catastrophic damage' to the entire facility. Damages included the destruction of several buildings to include the office/service, machine shed, mechanical shed and transfer shed. Building losses alone totaled over \$430,000 of loss. The landfill estimates will cost well over \$1,000,000 of unreimbursed costs to replace these buildings. Several critical pieces of equipment were also destroyed in the tornado. The destroyed equipment include the underground scale and related equipment, a Caterpillar 140G motor grader, a Bobcat skid loader, three generators and thousands of dollars of repair parts and petroleum products. The landfill estimates to will cost at least \$500,000 to replace these critical pieces of equipment. Equipment that was not destroyed sustained damage and ongoing additional maintenance requirements such as frequent filter changes as windblown dirt was driven deep into motors and other moving parts of the equipment. As winter approaches, the landfill faces the additional expense of winterizing their temporary office space and is looking at increased maintenance costs as cold sensitive diesel equipment sits outside unprotected from the elements.

On March 5, 2022, Governor Kimberly Reynolds proclaimed a disaster emergency for Madison County because reports showed that local resources and capabilities had been exhausted and that state assistance and resources were needed to respond to and recover from the effects of the storms that hit the landfill. Storm damages were not sufficient for Madison County to qualify for federal assistance.

The population of the landfill's supported area is determined to be 104,000 residents. Therefore, the SCILA's disaster related expenses are well in excess of the \$6.00 per capita amount required to establish eligibility for a contingency loan. Additionally, the landfill agency's loan application is for an amount not exceeding 75% of the estimated obligations and expenditures. The landfill agency plans full repayment of the contingency loan in a period not to exceed 20 years.



Diane Fitch

South Central Iowa Landfill Agency

Chairwoman

CERTIFIED TRUE COPY OF RESOLUTION OF GOVERNING BODY
To Accompany Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa

BE IT RESOLVED BY THE Board of Directors OF South Central Iowa Landfill
Agency.

(Governing Body)

(Public Entity)

THAT Marcia Beeler, Director
(Name of Incumbent) (Official Position)

is hereby authorized to execute for and on behalf of South Central Iowa Landfill Agency, a
public entity established under the laws of the State of Iowa, an application, for submittal to
Iowa Homeland Security and Emergency Management Department, for the purpose of obtaining
State Disaster Aid provided by 29C.20 Code of Iowa. And, if approved by the Executive
Council, administer the loan in accordance with applicable local and state regulations, to include
audit compliance.

Passed and approved this 20th (twentieth) April, 2022

Diane Fitch
(Diane Fitch / Chairwoman)

Andrew Barden
(Andrew Barden/Winterset City Administrator)

(Name and title)

(Name and title)

ATTEST:

Marcia Beeler

(Name)

Director

(Clerk or Secretary of Governing Body)

Marcia Beeler

(Signature)

CERTIFICATE
By Authorized Requesting Official
To Accompany Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa

I, Marcia Beeler, do hereby certify that I have been
authorized by Board of Directors of South Central Iowa Landfill Agency
(Governing Body) (Public Entity)
to file an application and, if approved, administer the loan in accordance with applicable
local and state regulations, to include audit compliance, on behalf of the above
indicated Governmental Subdivision.

FOR LOAN PURPOSES:

I certify that the total expenditures and obligations by the said Governmental
Subdivision, over and above normal expenditures and obligations, for disaster expenses
as a result of a Governor's Proclamation of Disaster Emergency for which no public
reimbursement has been or will be received, amounts to or exceeds \$ 1,512,420.

DATE: 6/20/2022


(Signature)

APPLICATION FOR FINANCIAL STATE DISASTER AID
Authorized by Section 29C.20 Code of Iowa

Attach additional sheets as required and reference this Form

1. GENERAL INFORMATION:

a. Governmental Subdivision:

South Central Iowa Landfill Agency
(County, City or Town, School District, etc.)

b. Authorized Requesting Official

Marcia Beeler Director South Central Iowa Landfill Agency

(Name, Official Title)

2490 State HWY 92 Winterset, IA 50273

(Official Address, Phone, Fax)

c. Date of Application: 5/24/2022

d. Type of actual or impending disaster:

EF 4 tornado

e. Disaster occurred on or expected about:

March 05, 2022

(date)

2. DISASTER SUMMARY:

a. Brief narrative description of the disaster, actual or expected, and estimate of severity and extent of damage resulting or expected:

On Saturday March 5, 2022 the landfill operated by the South Central Iowa Landfill Agency, located approximately 2 miles east of Winterset, Iowa, sustained a direct hit by an EF4 tornado. The effects to the tornado were catastrophic, destroying the landfill's critical infrastructure and severely damaging the remaining buildings and equipment. The tornado destroyed the landfill's scale and supporting office/scale house leaving landfill operators with no way to determine delivery weights which is how the landfill determines tipping fees, it's primary source of income. The tornado also destroyed the landfill's machine shed used to protect the landfill's diesel powered equipment from the elements to include cold weather which is important in keeping the facility operational during the winter months. The SCILA landfill provides refuse and hazardous materials disposal services to 22 communities in four counties making it an important that these services are restored to their full capacity. The South Central Iowa Landfill Agency has implemented temporary measures to resume operations but they need this no interest loan to restore the landfill to full capability.

2. DISASTER SUMMARY (continued):

b. Current estimate of disaster response and recovery costs:		ACTUAL	ESTIMATED
(1)	public losses (total of a, b, and c below)	\$ <u>40,760</u>	\$ <u>32,000</u>
(a)	emergency protective measures (flood fighting, rescue, safety, health and sanitation)	\$ _____	\$ _____
(b)	Clearance of disaster debris and wreckage (i.e., snow and tree removal)	\$ <u>3,500</u>	\$ <u>32,000</u>
(c)	<u>Emergency repairs and temporary replacement</u>		
	1. roads, streets, culverts, bridges	\$ _____	\$ _____
	2. dikes, levees, and drainage facilities	\$ _____	\$ _____
	3. public buildings and related equipment	\$ <u>29,699</u>	\$ _____
	4. public utilities and public works	\$ <u>7,561</u>	\$ _____
*	(2) Any other expenses of the disaster (explain on separate sheet)	\$ <u>130,835</u>	\$ <u>1,308,825</u>
	(3) Summation of (1) and (2) above	\$ <u>171,595</u>	\$ <u>1,340,825</u>

* Include only incurred disaster costs (i.e., generators, chippers, equipment, etc.) not reimbursed by a disaster grant, loan program, or insurance.

3. STATE DISASTER ASSISTANCE REQUESTED:

LOAN REQUEST INFORMATIONCosts:

Actual cost	\$ <u>171,595</u>
Estimated cost	\$ <u>1,340,825</u>
A. Total Cost	\$ <u>1,512,420</u>

Reimbursements:

Disaster Year Budget Amount (____/____)	\$ _____
Disaster Funds Received	\$ _____
Grants & Other Funds (CDBG, SCS, Rural Development)	\$ _____
B. Total Funds Received	\$ <u>0</u>

C. Request Base Amount	\$ <u>1,512,420</u>
D. Less 25%	\$ <u>(378,105)</u>
E. The maximum amount that can be requested by the applicant	\$ <u>1,134,315</u>

(formula A minus B = C, C minus D = E)

4. HOW AND WHEN DO YOU PLAN TO REPAY THE LOAN (potential funding sources include general funds, Code of Iowa 24.6 or 384.8).

List proposed annual payments over a period of time not to exceed 20 years. List repayment fund sources.

Repayment Schedule

Year	Amount	Fund Source	Year	Amount	Fund Source
<u>2023</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2033</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2024</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2034</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2025</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2035</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2026</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2036</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2027</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2037</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2028</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2038</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2029</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2039</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2030</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2040</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2031</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2041</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>
<u>2032</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>	<u>2042</u>	<u>\$ 50,000</u>	<u>Gate Fees</u>

Loan Request \$ 1,000,000

5. Please provide a summary of expenditures and projected costs over and above normal expenditures directly related to the disaster. (Force account, contractors, number of personnel, duration, operating expenditures, reconstruction, etc.)

Immediately following the tornado, the landfill extended their hours of operation an extra 90 minutes a day during the week and opened for eight hours on Saturdays incurring overtime wages and extra operational cost to operate equipment. The landfill obtained a temporary scale and an older mobile home to restore their ability to collect tipping fees and record the amount of refuse being delivered to the landfill. Equipment that was not destroyed by the tornado was filled with dirt and debris that had to be removed to make the equipment operational again. This included replacing all filters, fuels and lubricants. The landfill was forced to rent equipment in order to remove debris from the internal roadways and restore landfill operations while their equipment was being repaired or replaced. The landfill sustained significant tree damage that needed to be cleared along with the cleanup of the destroyed buildings.

On behalf of the public entity, I, the authorized representative, certify that if a loan is approved by the Executive Council, the loan moneys will be spent on 75% of the over and above costs directly related to the disaster or incident.

Marcia Beales, Manager/Secretary
Name, Official Position

South Central Iowa Landfill Agency (SCLIA)
Public Entity

Vendor	Amount	Known Tornado Related Expenses			Explanation	Cat
		2022 Date Range	NE or DR			
Newbury Contrustion LLC	\$ 3,500.00	Mar 6 - Apr 19	DR	10 hr of Dozer work		1 - b
	\$ 3,500					
RMH Systems	\$ 25,409.70	Mar 6 - Apr 19	DR	Scale down payment		1 - c - 3
Trout Mobile Home Service	\$ 2,800.00	Mar 6 - Apr 19	DR	Temporary Office Space		1 - c - 3
Simon Welding Inc	\$ 1,489.28	Apr 20 - May 18	DR	Welding scale section		1 - c - 3
	\$ 29,699					
Hirsch Electric, Inc	\$ 7,561.01	Mar 6 - Apr 19	DR	Intalling pole/wire to restore electricity		1 - c - 4
	\$ 7,561					
AgriLand FS, Inc	\$ 1,188.99	Mar 6 - Apr 19	DR	Emergency fuel for equip on Sunday 3-6-22		2
BJ Storage	\$ 781.10	Mar 6 - Apr 19	DR	Storage container for shop supplies		2
Bomgaars	\$ 2,715.78	Mar 6 - Apr 19	DR	Shop/office supplies		2
Breeding True Vale Hardware	\$ 652.67	Mar 6 - Apr 19	DR	Shop/office supplies		2
Brittain's Std Parts Inc	\$ 281.77	Mar 6 - Apr 19	DR	Shop/office supplies		2
Carolynn Miller	\$ 377.80	Mar 6 - Apr 19	DR	Restoring landfill records		2
Carquest of Winterset	\$ 96.00	Mar 6 - Apr 19	DR	Shop/office replacements		2
HLW Engineering Group	\$ 2,187.50	Mar 6 - Apr 19	DR	Consulting / tornado related meetings		2
Housby Heavy Equipment	\$ 16,777.77	Mar 6 - Apr 19	DR	Equipment repairs		2
Simon Welding Inc	\$ 1,018.66	Mar 6 - Apr 19	DR	Equipment repairs		2
Verl Dillinger	\$ 224.56	Mar 6 - Apr 19	DR	Generator fuel		2
Ziegler Cat	\$ 60,137.06	Mar 6 - Apr 19	DR	Repairs		2
Auto Glass Installers LLC	\$ 1,903.00	Apr 20 - May 18	DR	Equipment glass installation		2
Bomgaars	\$ 1,476.18	Apr 20 - May 18	DR	Shop/office supplies		2
Breeding True Value Hardware	\$ 833.28	Apr 20 - May 18	DR	Shop/office supplies		2
Brittain's Std Parts Inc.	\$ 264.68	Apr 20 - May 18	DR	Shop/office supplies		2
Business Card	\$ 1,377.40	Apr 20 - May 18	DR	ink cartridges for printer		2
Carquest of Winterset	\$ 1,405.26	Apr 20 - May 18	DR	Shop/office supplies		2
HLW Engineering Group	\$ 2,000.00	Apr 20 - May 18	DR	Tornado damage consulting		2
Housby Heavy Equipment	\$ 4,866.29	Apr 20 - May 18	DR	Equipment repairs		2
Ziegler Cat	\$ 22,022.47	Apr 20 - May 18	DR	Equipment repairs		2
Auto Glass Installers	\$ 750.00	May 19 - Jun 9	DR	Equipment glass installation		2
Bomgaars	\$ 331.91	May 19 - Jun 9	DR	Shop/office supplies		2
Breeding True Value Hardware	\$ 814.39	May 19 - Jun 9	DR	Shop/office supplies		2
Carolynn Miller	\$ 100.00	May 19 - Jun 9	DR	Damaged computer help		2
Carquest of Winterset	\$ 545.36	May 19 - Jun 9	DR	Shop/office repairs		2
HLW Engineering Group	\$ 2,500.00	May 19 - Jun 9	DR	Tornado damage consulting		2
Hotsy Cleaning Systems	\$ 774.87	May 19 - Jun 9	DR	Power washer damage		2
Madison County Zoning Dept	\$ 150.00	May 19 - Jun 9	DR	New E-911 address		2
CFI Tire Service	\$ 2,280.00	Mar 6 - Apr 19	DR	Tire repairs		2
	\$ 130,835					
Total Expenses Reported	<u>\$ 171,595</u>					

Item	Estimated Tornado Related Expenses			
	Amount	Insurance Received	Unreimbursed Estimate	
Clean up - labor & equip	\$ 32,000.00	\$ -	\$ 32,000.00	1 - b
Total			<u>\$ 32,000.00</u>	
New Equipment Shed	\$ 801,326.00	\$ 313,047.00	\$ 488,279.00	2
New Office - Scalehouse	\$ 282,359.00	\$ 64,531.00	\$ 217,828.00	2
SOV 1-3 Misc Property - Underground Scale and Related Equipment	\$ 175,000.00	\$ 49,500.00	\$ 125,500.00	2
SOV 1-3 #2 2005 Bobcat skid loader	\$ 80,000.00	\$ 21,000.00	\$ 59,000.00	2
SOV 1-3 #5 140G Motor Grader - total loss less salvage of \$12,269.00	\$ 200,000.00	\$ 42,371.00	\$ 157,629.00	2
Landfill tonnage fee	\$ 10,000.00	\$ -	\$ 10,000.00	2
Hydro Seeder	\$ 6,000.00	\$ -	\$ 6,000.00	2
Hotsy Power Washer	\$ 2,000.00	\$ -	\$ 2,000.00	2
Leachate Equipment	\$ 80,000.00	\$ -	\$ 80,000.00	2
Leachate Pump	\$ 20,000.00	\$ -	\$ 20,000.00	2
Rock Truck	\$ 10,000.00	\$ -	\$ 10,000.00	2
Generator 1	\$ 1,500.00	\$ -	\$ 1,500.00	2
Generator 2	\$ 1,500.00	\$ -	\$ 1,500.00	2
Generator 3	\$ 1,500.00	\$ -	\$ 1,500.00	2
Computer	\$ 1,500.00	\$ -	\$ 1,500.00	2
Metal Desk	\$ 900.00	\$ -	\$ 900.00	2
Copier	\$ 300.00	\$ -	\$ 300.00	2
Lost bulk fuel	\$ 3,780.00	\$ -	\$ 3,780.00	2
Lost bulk oil	\$ 24,000.00	\$ -	\$ 24,000.00	2
Labor to new site	\$ 10,000.00	\$ -	\$ 10,000.00	2
Rock for new road	\$ 40,000.00	\$ -	\$ 40,000.00	2
Fiber underlay of road	\$ 6,000.00	\$ -	\$ 6,000.00	2
Concrete - Parking Lot	\$ 34,000.00	\$ -	\$ 34,000.00	2
Concrete - Recycling Area	\$ 46,000.00	\$ -	\$ 46,000.00	2
Electrical installation	\$ 25,000.00	\$ -	\$ 25,000.00	2
Lost revenues	\$ 113,039.00	\$ -	\$ 113,039.00	2
Misc Insurance Received	\$ -	\$ 176,430.00	\$ (176,430.00)	2
Total	<u>\$ 1,975,704.00</u>	<u>\$ 666,879.00</u>	<u>\$ 1,308,825.00</u>	
Total Estimated Costs			\$ 1,340,825.00	

A Resolution calling for the statutory repayment of state disaster aid for losses incurred

due to EF 4 Tornado on March 5, 2022
(incident) (date/s)

BE IT RESOLVED BY THE South Central Iowa Landfill Agency
Madison County (Governing Body)

OF Madison County that the State Disaster Aid shall be repaid according to
State Statutes in the following manner:

Total Amount of Proposed Loan: \$ 1,000,000 (One Million)

Date of Application: May 24, 2022

Statutory repayment Period: MAXIMUM 20 Years

REPAYMENT SCHEDULE

<u>YEAR/AMOUNT</u>	<u>YEAR/AMOUNT</u>
2023 / \$50,000	2033 / \$50,000
2024 / \$50,000	2034 / \$50,000
2025 / \$50,000	2035 / \$50,000
2026 / \$50,000	2036 / \$50,000
2027 / \$50,000	2037 / \$50,000
2028 / \$50,000	2038 / \$50,000
2029 / \$50,000	2039 / \$50,000
2030 / \$50,000	2040 / \$50,000
2031 / \$50,000	2041 / \$50,000
2032 / \$50,000	2042 / \$50,000

Total to be Repaid: \$ 1,000,000 (One Million)

BE IT FURTHER RESOLVED THAT these \$50,000 annual payments shall be
considered as State Contingency Fund Loan under the Debt Service fund
(budget line item) (name of account)

and to be paid out of the same.

PASSED AND APPROVED this the 20th day of June, 20 22.

Diane Rich
South Central Iowa Landfill Agency
Chairman

ATTEST:

Marcia Berber
Clerk or Secretary of Governing Body

**REVIEW OF APPLICATION
FOR STATE DISASTER AID
(Iowa Code 29C.20)**POLITICAL SUBDIVISION - South Central Iowa Landfill AgencyDate of Review of Application Package: July 12, 2022

Reason for Request: On March 5, 2022, an EF4 tornado destroyed critical infrastructure and severely damaged buildings and equipment at the South Central Iowa Landfill Agency (SCILA), located approximately 2 miles east of Winterset, Iowa. SCILA provides service to 22 communities in 4 counties. SCILA is seeking a no-interest loan from the State Contingent Fund to restore the landfill to full capacity.

Population: 105,000 (2020)Resolution: 2022-2Application Made: May 24, 2022Certificate for Application: June 20, 2022Amount of Request: \$1,000,000.00* Assessed Valuation: \$1,512,420.00

* Has applicant petitioned the state board for approval to make emergency tax levy?

Not at this time

* What other obligations will be paid from this emergency request?

All funds will be used to fully restore the landfill operations of SCILA.

* Proposed method and/or time frame to repay state disaster loan:

Debt service will be used to repay this loan at \$50,000.00 per year for 20 years.

* Recommendations:

I recommend that this loan be approved in the amount of \$1,000,000.00.

7/13/2022
Date

Dennis T Harper
Digitally signed by Dennis T Harper
Date: 2022.07.14 07:11:10 -05'00'
Signature of Reviewer

REPORT AND RECOMMENDATION
of
DIRECTOR, IOWA DEPARTMENT OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT
on
Application for State Disaster Aid
Authorized by Section 29C.20 Code of Iowa

By: Director Marcia Beeler on behalf of South Central Iowa Landfill Agency, IA
(Governmental Subdivision)

1. The above designated requesting official is the duly authorized representative of the indicated Governmental Subdivision, which is the political entity primarily responsible, under the criteria established by Executive Council Policy implementing the provisions of the State Disaster Contingency Fund (29C.20, Code of Iowa, Administrative Rules, 261-7.1 (29C)), for coping with a disaster, actual or anticipated, occurring within the area occupied by such Governmental Subdivision.

2. The designated requesting official has certified that the total expenditures and obligations by the indicated Governmental Subdivision, over and above normal expenditures and obligations, for disaster aid for which no reimbursement has been or will be received, amounted to or exceeds \$1,512,420.00, which amount is at least 25% greater than the amount requested in Application, and set forth in paragraph 4, hereafter.

3. I have designated an investigative official, who proceeded to the site of the disaster, or impending disaster, for the purpose of verifying the information submitted in Form SDA-3, and otherwise interviewing appropriate officials and examining records, and who has submitted the report to me as to the matters investigated by designee.

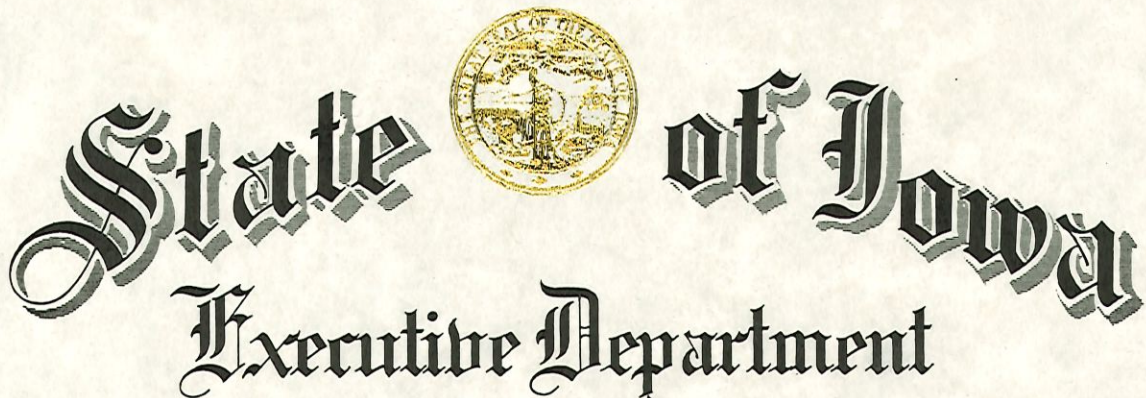
4. I have personally reviewed the Application and supporting documents, and based upon this examination and the report of the Investigative Official, do hereby recommend approval thereof by the Executive Council of the said Application for a loan in an amount not to exceed \$1,000,000.00, or for such amounts may be determined, in the discretion of the Executive Council, for the purposes authorized in Section 29C.20 of the Code of Iowa.

DATE: 7/14/2022

John R. Benson

Digitally signed by John R.
Benson
Date: 2022.07.14 09:08:46 -05'00'

Director, Iowa Department of Homeland Security
and Emergency Management



IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on March 5, 2022, and continuing thereafter, a severe storm system affected the state of Iowa; and

WHEREAS, this storm system caused severe weather, including damaging winds, heavy rains, thunderstorms, and tornadoes resulting in death, personal injury, significant damage to public and private property, and power outages resulting from downed power lines and poles; and

WHEREAS, Madison County suffered significant damage from this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinator and others in the affected county indicate that local resources and capabilities have been exhausted and that state assistance and resources are needed to respond to and recover from the effects of this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinator in the affected county indicate that state individual assistance pursuant to Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2(1) is needed to assist certain individuals and families adversely affected by the disaster who cannot be helped by other means of financial assistance and for whom federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens in the disaster area; and

WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6(1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6(1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for Madison County and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the county affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster county.

SECTION TWO. I authorize the Iowa Department of Human Services under the terms and conditions as allowed by Iowa law to render individual disaster assistance to eligible residents of Madison County.

SECTION THREE. I temporarily suspend the regulatory provisions of 11 Iowa Admin. Code § 53.11 (3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per workweek while present in the State's Emergency Operations Center or otherwise

engaged in assigned disaster response missions or other activities. This suspension shall be retroactive to the initial activation of the State's Emergency Operations Center.

SECTION FOUR. I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process or to otherwise follow, adhere to, or obtain other procurement-related processes, procedures, approvals, or limitations. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to respond to this disaster emergency.

SECTION FIVE. This state of disaster emergency shall be effective immediately, shall continue for thirty (30) days, and shall expire on April 4, 2022, unless sooner terminated or extended in writing by me.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED AT DES MOINES,
IOWA THIS FIFTH DAY OF MARCH IN THE
YEAR OF OUR LORD TWO THOUSAND
TWENTY-TWO.

Kim Reynolds
KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

Paul D. Pate
PAUL D. PATE
SECRETARY OF STATE

State of Iowa
Contingent Fund Loan
Contact and Information Sheet

Name of Applicant: South Central Iowa Landfill Agency

Payment Information:

Payee: South Central Iowa Landfill Agency

Attention to: Marcia Beeler

Address:
SCILA
2490 IA HWY 92
Winterset, IA 50273

Contact information for future correspondence and reminders:

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Notes:

All correspondence should be CC to the current Chair of the SCILA board.

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July 18, 2022

John Benson, Director
Iowa Homeland Security and Emergency Management
7900 Hickman Road
Windsor Heights, Iowa 50324

Re: SCILA Contingent Fund Loan Application

Dear Director Benson:

Pursuant to your request, I reviewed the Application for State Disaster Aid authorized by Iowa Code § 29C.20 (contingent fund loan), which your department recently received from the South Central Iowa Landfill Agency (SCILA). I offer the following observations regarding compliance with the requirements set forth in Iowa Code § 29C.20 and the administrative rules found at 361 Iowa Admin. Code chapter 7.

Iowa Code § 29C.20 establishes a state contingent fund under the control of the Executive Council which may be expended in the form of no interest loans to aid “any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of the potential disaster, where the effect of the disaster or action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government.” Iowa Code § 29C.20(1)(a)(6)(a).

To be eligible for a disaster loan, “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.” 361 Iowa Admin. Code 7.5(1). Contingent funds may be used by a local government for disaster response, recovery, and mitigation expenditures, including debris clearance and repair of dikes, levies, and public utilities, buildings, and equipment, or similar facilities. *Id.*

Upon application, a governmental subdivision that has disaster related expenditures meeting this threshold may be awarded “a loan up to a limit of seventy-five percent of the showing of obligations and expenditures.” Iowa Code § 29C.20(1)(a)(6)(b). Furthermore, while the loans may be made at the discretion of the Executive Council, “[t]he aggregate total of loans shall not exceed one million dollars during a fiscal year.” *Id.* The repayment of a contingency fund loan shall be made within 20 years. 361 Iowa Admin. Code 7.5(1).

On March 5, 2022, and continuing thereafter, severe storm systems affected the State of Iowa, causing flooding and tornadoes resulting in significant damage to property, power outages, and large debris piles.

Also on March 5, 2022, Governor Reynolds issued a Proclamation of Disaster Emergency indicating that Madison County had suffered significant damage from the storms. SCILA is located in Madison County.

Subsequently the SCILA applied for contingent fund aid to cover costs associated with repairs to that were made necessary by the 2022 storm event. SCILA's actual repair costs to date are \$171,595 and it has an estimated \$1,340,825 in additional repair costs and expenses beyond insurance payouts. SCILA seeks a contingent fund loan to help with these expenses and repairs.

As a threshold matter, contingent fund loans are available to a governmental subdivision pursuant to Iowa Code § 29C.20(1)(a)(6). 361 Iowa Admin. Code 7.2 defines a governmental subdivision as any political subdivision of the state. "Political subdivision" is not defined for purposes of contingent loan funds. However other executive council rules have defined a political subdivision as "a geographic or territorial portion of the state in which local governmental functions are performed. An agency or instrumentality of a political subdivision is part of the political subdivision." 361 Iowa Admin. Code 11.7.

SCILA is an entity created pursuant to a 28E and whose members are comprised of a number of cities and one county; as such, they would all be political subdivisions themselves. It operates a landfill in a specific location, thereby performing local governmental functions in a geographic portion of the state. It also appears SCILA would be considered a municipality, and by extension a political subdivision, for at least some parts of the Iowa Code. *See, e.g.*, Iowa Code chapter 670. It is clear all of the entities who are members of SCILA are political subdivisions who would be independently eligible for a loan under this program. As a 28E entity, SCILA is simply utilizing its members' authority to provide the services to citizens in the area covered by its members. Even if it is not inherently a political subdivision itself, SCILA can be an instrumentality of its member political subdivisions, which would be sufficient to meet the definition of a political subdivision for purposes of a contingent fund loan. Therefore, it appears SCILA can be considered an eligible entity based upon its powers, duties, location, and the makeup of its membership.

Because the costs are associated with repair of facilities related to a declared natural disaster, the expenditures appear to be for an eligible purpose under Iowa Code § 29C.20(1)(a)(6) and 361 Iowa Admin. Code 7.5(1).

SCILA requests a loan of \$1,000,000 and certifies that the total expenditures and obligations for disaster aid that have been or are estimated to be incurred by it that are over and beyond normal expenditures and obligations, and for which no reimbursement has been made or will be received, amounts to \$1,512,420. The requested loan therefore meets the seventy-five percent threshold of total eligible expenditures. SCILA states the population of its supported area is 104,000. While it is unclear how this number was derived, the total populations of Madison County, Warren County, the City of Osceola, and the cities of Dallas Center, De Soto, Dexter and Van Meter total approximately 77,000 based on the 2020 census. Using the 104,000 number, SCILA's expenses would be in excess of the \$6.00 per capita amount required for eligibility for a contingency fund loan. The request is for obligations and expenditures incurred within the two years previous to the application or which are yet to be incurred; specifically, they are for damages related to the 2022 tornado. SCILA proposes a repayment schedule within 20 years by paying \$50,000 annually for 20 years. The funds are to be repaid from its user fees.

Based on the information provided to me for review, and assuming SCILA is an eligible entity, the funds are applied appropriately, and the statutory limit on the aggregate total of loans is not exceeded by this request, SCILA's request appears to comply with Iowa Code § 29C.20 and the administrative rules governing the contingency fund.

Sincerely,

/s/ Benjamin J. Flickinger

BENJAMIN J. FLICKINGER
Assistant Attorney General

CC: Jeffrey Thompson, Iowa Solicitor General