

Best Practices for 28E Agreements

Iowa League of Cities Conference
Thursday, September 24, 2026
9:30AM to 10:30AM

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Introduction and Overview of Session

- ▶ History and types of agreements
- ▶ Preparation process
- ▶ Tips and suggestions
- ▶ City and County agreements
- ▶ Agreements with other cities
- ▶ Available resources

History of Chapter 28E - Code of Iowa

- ▶ Continuation of Iowa Home Rule - 1968
- ▶ Chapter 28E - 1975 or thereabouts
- ▶ The stated purpose was simple

Chapter 28E.1 Purpose

The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to cooperate in other ways of mutual advantage. This chapter shall be liberally construed to that end.

What is a 28E agreement?

- ▶ Written contract - legal document
- ▶ Public or private agencies
- ▶ Better way to provide services
- ▶ Filed - Secretary of State - State of Iowa

Who is eligible to be a partner?

- ▶ Cities - Two or more
- ▶ Counties and Townships
- ▶ Private entities
- ▶ State agencies

The basic types of agreements

- ▶ Sharing - equipment and personnel
- ▶ “Vendor/Customer” arrangements
- ▶ Creation of new agencies

The bottom line....

- ▶ More effective government services
- ▶ More efficient government services
- ▶ Improved working relationships
- ▶ Read Chapter 28E - Iowa Code
- ▶ Iowa DOGE Report
- ▶ Property Tax Limitations

The basic game plan - Four Phases

- 1) Early planning
- 2) Design phase
- 3) Implementation phase
- 4) Monitor progress

1) Early Planning Phase

- ▶ Recognize it is not a quick fix
- ▶ Expect resistance to change
- ▶ Identify the partners
- ▶ Put together a team
- ▶ Build consensus and support

2) The Design Phase

- ▶ Identify core issues
- ▶ Consider the costs
- ▶ Prepare a time table
- ▶ Develop an action plan

3) Implementation

- ▶ Stick to the action plan
- ▶ Prepare a public relations campaign
- ▶ Obtain commitments
- ▶ Assign responsibilities
- ▶ Evaluation of the plan and progress
- ▶ Be inclusive - bring in those “new people”
- ▶ Be tenacious

28E Agreements and Service Sharing Partnership with Counties

City and County Partnerships

- ▶ Vendor and customer relationship
- ▶ Could reverse roles
- ▶ Neither side legally obligated
- ▶ Need mutual trust and mutual benefit

Law Enforcement

- ▶ Code of Iowa mandate - But how?
- ▶ Sheriff and consortium contract
- ▶ Sheriff and city contracts
- ▶ ILC Special Report - August 2014

Sheriffs' Department - Services to Cities

- ▶ Radio dispatch center - PSAP
- ▶ County jail
- ▶ County General fund levy - city and rural pay the same
- ▶ What does this levy cover - paid by all residents?

Fire Department & EMS City & Townships

- ▶ City and Township relationship
- ▶ Townships form consortium and contract with the city
- ▶ Individual townships contract
- ▶ Benefited fire districts

Fire Department & EMS City & Townships

- ▶ Townships can levy up to 60 $\frac{3}{4}$ cents per \$1,000
- ▶ Use ISU funding formula
- ▶ ILC Special Report on Fire Departments May 2018
- ▶ Does one entity “subsidize” the other entity

County Engineer - Important Contact

- ▶ Joint projects - county road to city street
- ▶ Shared roadways
- ▶ Shared personnel
- ▶ Access to equipment
- ▶ Shared facilities - Floyd County

Regional Economic Development Group

- ▶ County wide effort
- ▶ Cities and county assessment
- ▶ Utilities and banks
- ▶ Businesses and industries - investment

Callahan's Suggestions - County Relationships

- 1) Get to know them!
- 2) Attend BOS meetings and update
- 3) Explain City's need for TIF
- 4) County follows same state mandates

Callahan's Suggestions - County Relationships

- 5) Foster and encourage mutual aid
- 6) Acknowledge vendor/customer relationship
- 7) Appreciate the quid quo pro
- 8) Seek mutual benefit and trust

Iowa League of Cities - Resources

- ▶ Special Report - City Collaboration 2017 Report
- ▶ Special Report - Law Enforcement
December 2021
- ▶ Special Report - Fire Departments
October 2022
- ▶ Numerous articles - ILC website

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28E Agreements and Service Sharing Arrangements with other Cities or Entities (COGN)

Your City's Experience

Public Safety Services

- ▶ Police Protection
- ▶ City owned dispatch center
- ▶ Fire protection
- ▶ Animal control

Public Works Services

- ▶ Street maintenance
- ▶ Snow removal
- ▶ Street cleaning
- ▶ Mosquito control
- ▶ Traffic control

Culture and Recreation Services

- ▶ Library services
- ▶ Parks - Mowing and maintenance
- ▶ Cemeteries - Mowing and burials
- ▶ Swimming pools and splash pads
- ▶ Recreation programs

City Utilities

- ▶ Water utility
- ▶ Sewer utility
- ▶ Electric or Gas utilities
- ▶ Garbage collection

Community Betterment

- ▶ Nuisance Abatement
- ▶ Zoning enforcement
- ▶ Subdivision review
- ▶ Inspections

City Administration

- ▶ Shared city administrator
- ▶ Legal services
- ▶ Grant administration - COG's
- ▶ Shared city clerk
- ▶ City Clerk mentoring help

The Role of Regional Council of Governments

- ▶ Common membership and needs
- ▶ Same service - multiple cities
- ▶ Special focus and expertise

Barriers and adversities to anticipate

- ▶ Lack cohesion
- ▶ Difficulty focusing
- ▶ Hidden agendas
- ▶ Liability concerns
- ▶ Allocation of costs

Preparation - 28E checklist

1. Clearly define the governmental service or cooperative effort
2. Identify the governmental entities
3. Prepare a “working draft” of the agreement
4. Make the recommended changes and schedule a meeting
5. Present the proposed agreement to legal counsel for review

Preparation ...continued

6. Send copies of the agreement to the governing bodies, with a model resolution
7. Circulate the agreement among all the entities for signatures
8. File a copy with the Secretary of State
9. Provide one originally signed copy to all the entities

Content of 28E Agreements - Checklist

1. A title that identifies the entities and the nature of the agreement
2. Duration of the agreement
3. Precision organization, composition, and nature of any separate entity
4. Powers delegated to any separate entity
5. Purpose of any separate entity and identify the new public corporation

Contentcontinued

6. Manner of financing the joint undertaking
7. Manner of establishing and maintaining a budget
8. Method used to terminate the agreement
9. Method to be employed to dispose of property
10. Adequate space for the signatures of the authorized officials

Content ...continued

11. Model resolution that summarizes the intent, the approval, and the authorization to sign
12. Effective date of the agreement
13. Provision for an administrator of a joint powers board
14. Manner of acquiring, holding, and disposing of real and personal property
15. Amendments - 30 days to file

Tips and Suggestions

1. Review State Law - Chapter 28E
2. Create a study group
3. Appoint a writer of the agreement
4. Be inclusive on the membership of the team
5. Allow sufficient time for negotiations

Tips and Suggestions.... continued

6. Circulate a draft agreement for all to review
7. Be flexible and patient
8. Circulate the final agreement well in advance
9. Obtain official approval from all entities
10. Share the credit
11. Annual reviews!

Secretary of State Role

- ▶ Section 28E.8 - required filing
- ▶ Done by electronic format - easy
- ▶ Great data base of agreements
- ▶ Website - www.sos.iowa.gov
 - 888-767-8683

Available Resources

1. 28E Agreement Checklists
2. Municipal Policy Leaders' Handbook - Chapter 12
3. Secretary of State 28E agreements of file - Website
4. Iowa League of Cities - Special Report - City Collaboration

Five Conditions for Success

1. Perceived need to act
2. Interest in efficiency and effectiveness
3. Belief in investing of time and resources
4. Mutual benefits
5. Mutual trust

General Discussion and Suggestions (Time Permitting)

1. Examples of sharing agreements
2. Problems or issues encountered
3. Success stories
4. Recommendations to others
5. Questions and comments

Contact Information

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