

# Nonprofit and Governmental Collaboration

Richard Koontz, Director

Larned A. Waterman Iowa Nonprofit Resource Center



## Governor's Nonprofit Task Force

- Recommendation: Local or regional government can:
- Involve the charitable nonprofit sector in community planning and needs assessment.
- Include representation from the charitable nonprofit sector in economic development efforts.
- Assure representation from the charitable nonprofit sector on local government boards. (p. 5)

# Iowa Principles and Practices for Charitable Nonprofit Excellence

- 3. Charitable nonprofit collaboration with government
- by increasing joint community needs assessment and planning for government funded services and programs.
- by designating staff members in government agencies to work regularly with the nonprofit sector in identifying opportunities to collaborate.
- by expanding grant opportunities and contract eligibility for Iowa's many charitable organizations.
- by providing adequate training to assure accountability and compliance. (XII, C, 3)



# Larned A. Waterman Iowa Nonprofit Resource Center webpage

THE LARNED A. WATERMAN  
**Iowa Nonprofit Resource Center**

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## Iowa Nonprofit Database

The Iowa Nonprofit Database is a comprehensive list of over 6,000 Iowa nonprofits. Information is compiled from Form 990s and from information shared by the individual organizations.

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- [Philanthropy and Fund Raising](#)
- [Public Safety and Disaster Relief](#)
- [Recreation](#)
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# Iowa Code 28E Agreement

Intergovernmental agreements



## Iowa Code 28E.2

- The term "public agency" shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state.
- The term "private agency" shall mean an individual and any form of business organization authorized under the laws of this or any other state.



# Examples of governmental nonprofit 28E agreements

- Between Iowa Dept. of Agriculture & Land Stewardship and Iowa Agricultural Mitigation Inc., and agreement to “convey financial assistance to develop a non-profit wetland mitigation bank for the purpose of serving agricultural wetland mitigation needs.”

# Examples of governmental nonprofit 28E agreements

- Between city of Carlisle and Bravo of Greater Des Moines to “support cultural community of Greater DM Area by increasing cultural awareness/advocacy/funding/fostering collaboration among cultural organizations.”



# Examples of governmental nonprofit 28E agreements

- Between Palo Alto County and Fairview Beach Well Association to “establish an agreement for the initial improvement of the Well Association road and the limited maintenance of the road on a reimbursable basis.”



## Iowa Code 28E.4

- Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this chapter.
- Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force.



# The agreement contents - Iowa

## Code 28E.5

- Any such agreement shall specify the following:
- 1. Its duration.
- 2. The precise organization, composition and nature of any separate legal or administrative entity created...
- 3. Its purpose or purposes.
- 4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefore.
- 5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.



# 28E agreement –separate legal entity - example

- CRIS – County Rate Information System
- Agreement between counties and Iowa State Association of Counties (a private entity) to create a separate entity that sets rates for mental health providers in member counties.



# CRIS board

## **SECTION 3**

### **Board Creation, Selection and Composition**

**Section 3.1 Organization.** CRIS shall be under the direction and control of a Board of Directors ("Board") consisting of eleven (11) directors. One (1) CRIS director shall be selected by and from the ISAC Board of Directors. This director shall serve until a replacement is selected by the ISAC Board of Directors. Seven (7) CRIS directors shall be county supervisors selected from Participant Counties. The remaining three (3) CRIS directors shall be county staff including CPCs or financial managers selected from Participant Counties.



# 28E agreement - purposes

## SECTION 2

### Purposes of the Agreement

The purpose of this Agreement is to establish a rate setting methodology based upon actual cost, standardized service definitions, standardized units of service, uniform classification of cost and consistent reporting to enable Participant Counties to negotiate appropriate reimbursement rates with Covered MH/DD Providers. Further, this Agreement proposes to facilitate effective and efficient communication among Participant Counties and Covered MH/DD Providers by providing technical support and training. Finally, this Agreement will allow for the review of established rate setting methodology and the adjustment of policies and procedures.





# 28E agreement – financing 1

## SECTION 5

### Budget Preparation and Adoption

**Section 5.1 Initial Year Budget Preparation and Adoption.** During the initial year of this Agreement the Board shall prepare and adopt a budget for the operation of CRIS no later than September 1, 2001.

## SECTION 6

### Participant County Costs

**Section 6.1 Payment for Services.** Participant Counties shall pay a membership fee sufficient to cover the cost of implementing this Agreement including but not limited to the cost of a consulting firm and the cost of staff support. Each Participant County will be assessed a fixed fee of \$500.00. The total of the fixed fees assessed shall be subtracted from the total budget adopted by the Board. The remaining balance shall be

# 28E agreement – financing 2

## **SECTION 8** **Disposition of Assets**

**Section 8.1 Cash and Cash Equivalents.** In the event this Agreement is terminated and CRIS is abolished, cash and cash equivalents shall be apportioned among the Participant Counties based upon each Participant Counties' total MH/DD expenditures as a percentage of all Participant Counties' total MH/DD expenditures, after payment of all just debts, obligations and liabilities of CRIS.



# 28E agreement - termination

**Section 9.3 Termination of Agreement Without Cause.** Any party may terminate this Agreement without cause upon written notice by December 1 of any year this Agreement is in effect. Termination received by December 1 of any year of this Agreement will be effective for the succeeding June 30<sup>th</sup>. Written notice of termination must be rendered to the Chair of the Board. Termination by individual Participant Counties will not affect the other Participant Counties' nor ISAC's rights and obligations under this Agreement.





## Other agreement considerations

- A title that identifies the entities and the nature of the agreement.
- A model resolution for use by the governing bodies that summarizes the intent of the agreement, the approval of the agreement, and the authorization for the appropriate officials to sign the agreement. (Iowa Code 28E.10)
- The effective date of the agreement.



# 28E Agreement titles

INTERAGENCY (28E) AGREEMENT  
between  
IOWA DEPARTMENT OF PUBLIC HEALTH  
and  
IOWA WORKFORCE DEVELOPMENT, DIVISION OF LABOR SERVICES



## Iowa Code 28E.10 - Approval

- If an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved as to all matters within the state officer's or agency's jurisdiction.



# Resolution example - Muscatine

RESOLUTION NO. 90718-0309

A Resolution Approving the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa.

WHEREAS, there is presented the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa, which is attached as Exhibit A to this Resolution and incorporated by reference; and

WHEREAS, the City Council finds that the approval and execution of this Agreement will serve the public interest;

It is, therefore, RESOLVED, by the City Council of Muscatine, Iowa, as follows:

1. The City of Muscatine, Iowa, hereby approves the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa which is attached as Exhibit A to this Resolution.
2. The Mayor and City Clerk are hereby authorized to execute the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa on behalf of the City of Muscatine, Iowa.
3. Any resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED on March 19, 2009, and APPROVED on March 19, 2009.



A. J. Johnson, City Clerk

  
Richard W. O'Brien, Mayor



# Resolution example - part 1

RESOLUTION NO. 90718-0309

A Resolution Approving the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa.

WHEREAS, there is presented the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa, which is attached as Exhibit A to this Resolution and incorporated by reference; and



# Resolution example - part 2

WHEREAS, the City Council finds that the approval and execution of this Agreement will serve the public interest;

It is, therefore, RESOLVED, by the City Council of Muscatine, Iowa, as follows:

1. The City of Muscatine, Iowa, hereby approves the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa which is attached as Exhibit A to this Resolution.



# Resolution example - part 3

2. The Mayor and City Clerk are hereby authorized to execute the Chapter 28E Agreement - Parking Ticket Enforcement Agreement between the City of Muscatine, Iowa and the County of Muscatine, Iowa on behalf of the City of Muscatine, Iowa.

3. Any resolution or part thereof in conflict or inconsistent with this Resolution is repealed.

PASSED on March 19 2009, and APPROVED on March 19, 2009.

# Newspaper summary – example of resolution reporting

- Olwein Daily Register
- **Legals 6-21-10**
- Published: Monday, June 21, 2010 11:42 AM CDT
- The Fayette County Solid Waste Management Commission met June 15, 2010 at the Fayette County Court House.  
Chairman Duane Brandt called the meeting to order at 7:00 pm with a quorum present.

Duane Brandt presented the 28E Agreements between the Fayette County Solid Waste Commission and Fayette County for the purpose of obtaining the use of Fayette County employees to perform the duties for the operations of the Recycle Center, Landfill/Transfer Station and Financial Director. Kata McCarville made a motion to approve the 28E Agreement; 2nd Dave Klimesh. Motion passes.



# 28E Agreement effective date

## Section 3. TERM OF AGREEMENT

This 23E Agreement shall begin on July 1, 2004 and terminate June 30, 2009.





# Other agreement considerations

- 1. Clearly define the governmental service or cooperative effort to be undertaken.
- 2. Statement of Intent
- 3. Approval/Authorization: signatures by the representatives of the respective parties confirm that the agreement has been approved and its execution authorized by the respective duly authorized officers or governing bodies of the parties.
- 4. Statutory Authority/Governing Law: the agreement shall be governed by, construed and enforced in accordance with the laws of the State of Iowa; the agreement is made pursuant to statutory authority granted to the parties pursuant to Iowa Code section 28E.4 and other relevant Iowa.
- 5. Identify the governmental entities & nonprofits that will participate in the cooperative arrangement.



## Other agreement considerations

- 6. Prepare a “working draft” of the agreement that can be copied to all the governmental entities and request comments, suggestions, and questions.
- 7. Make the recommended changes and schedule a meeting with one representative from each governmental entity to review the “working draft”, make additional changes, and discuss the approval process.
- 8. Present the proposed agreement to legal counsel for review and comment.
- 9. Send copies of the agreement to the governing bodies, along with a model resolution approving the agreement.
- 10. Circulate the approved agreement among all the entities for the appropriate signatures.
- 11. Provide one originally signed copy to all the entities that participated.





## Iowa Code 28E.6

- 1.If the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall also include:
  - *a.* Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking.
  - *b.* The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.





## Iowa Code 28E.6

- 3. *a.* A summary of the proceedings of each regular, adjourned, or special meeting of the joint board of the entity created in the agreement, including the schedule of bills allowed, shall be published after adjournment of the meeting in one newspaper of general circulation.
- *b.* An entity created which had a cash balance, including investments, of less than one hundred thousand dollars at the end of the previous fiscal year and which had total expenditures of less than one hundred thousand dollars during the prior fiscal year is not required to publish as required in paragraph "*a*".




## Iowa Code 28E.8

- 1. *a.* Before entry into force, an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state in a manner specified by the secretary of state.
- See SOS site at <https://www.sos.state.ia.us/28E/Controller.aspx?cmd=Submission&submitType=Paper>
- 2. *a.* In addition to subsection 1, each entity subject to section 28E.5 shall submit, in an electronic format, an initial report to the secretary of state as prescribed by the secretary of state.



# Secretary of State 28E agreement form

 <p><i>Michael A. Mauro</i> Secretary of State State of Iowa</p>	<p><b>28E</b> <b>Agreement</b></p>	<p style="font-size: small; margin: 0;">FILED Iowa Secretary of State M501611 10/7/2008 10:06:15 AM</p>
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**PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM**

**Item 1.** The full legal name, organization type and county of each participant to this agreement are:

Party	Full Legal Name	Organization Type	*County
Party 1	Fort Madison Housing Authority	Other	Lee
Party 2	Hillview Villagers	Other	Lee
Party 3			
Party 4			
Party 5			

\*Enter "Other" if not in Iowa

**Item 2.** The type of Public Service included in this agreement is: 540 Housing  
(Enter only one Service Code and Description)      Code Number      Service Description

**Item 3.** The purpose of this agreement is: *(please be specific)*  
 provide low income families with affordable and safe housing

**Item 4.** The duration of this agreement is: *(check one)*     Agreement Expires \_\_\_\_\_  Indefinite Duration  
(mm/dd/yyyy)

**Item 5.** Does this agreement amend or renew an existing agreement? *(check one)*  
 NO  
 YES Filing # of the agreement: \_\_\_\_\_  
(Use the filing number of the most recent version filed for this agreement)  
 The filing number of the agreement may be found by searching the 28E database at: [www.sos.state.ia.us/28E](http://www.sos.state.ia.us/28E)

**Item 6.** Attach two copies of the agreement to this form if not filing online.

**Item 7.** The primary contact for further information regarding this agreement is: *(optional)*

LAST Name Toops      FIRST Name Patricia  
 Title Executive Director      Department Executive Director  
 Email fortmadisonha@mhcsi.com      Phone 319-372-8083



Secretary of State website:  
<http://www.sos.state.ia.us/>



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*Serving Iowa with courtesy, efficiency and integrity*

The mission of the Iowa Secretary of State's Office is to provide access to information about businesses in Iowa conveniently and economically, ensure election integrity and access to voting for Iowa citizens, and encourage Iowans to become civically engaged.

To do this, the Secretary of State's Office is dedicated to providing effective, efficient, and courteous customer service and using technology to enhance its ability to reach all Iowans.

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**Voter Forms (fillable)**

- [Voter Registration Form](#)
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# Secretary of State website



The screenshot shows the Iowa Secretary of State website. At the top, there is a navigation bar with the text "IOWA SECRETARY OF STATE" and a search box with a "GO" button. Below the navigation bar, the name "Matt Schultz" is displayed. A blue arrow points to the "Business Services" menu item in the left sidebar. The main content area is titled "Business Services" and contains a list of links: [28F Agreements](#), [Fee Schedule](#), [Online Filing](#), [Revised IA Nonprofit Corporation Act](#), [Certificates of Standing](#), [Landlord's Lien](#), [Online Forms](#), [Search Databases](#), [Choosing a Business](#), [Miscellaneous Filings](#), [Resource Links](#), and [UCC Info](#). Below the links, there is a section titled "Business Services" with a welcome message: "Welcome to the Iowa Secretary of State's Online Business Center. The Business Center is a resource of the Business Services Division that is responsible for filing documents such as UCC financing statements, trademarks, business entity documents, and other statutorily required special filings." To the right of this section is a section titled "Business Types" with the text: "Starting, owning, and operating your own business can be a complicated process. To help you sort through this process, the Iowa Secretary of State's Office has assembled [this guide](#) to the more common business organizations used in the state of Iowa." Below the welcome message, there is another paragraph: "The Secretary of State's office uses technology to improve and expand services for all our customers. The Online Business Center provides 24 hour access to forms, applications and searchable databases needed by businesses, lending institutions and interested citizens."

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Matt Schultz

Home | Business Services | 28E Agreements

**Business Services**

[Search 28E Agreements](#) [e-Filing 28E](#)

[28E ISU Analysis Website](#) [28E GIS Maps](#) (1.2 MB)

**28E Agreements**

This section of Business Services website will allow you to search and file 28e agreements. Additionally, you may check out the Iowa State University website and examine the results of their research regarding the use of 28e agreements in the state of Iowa.

**IMPORTANT NOTICE**

[House File 808](#) was passed by the 2007 General Assembly and signed into law by Governor Culver on 5/11/07.

Important changes were made regarding 28e agreements. Among these changes were some that relate to the duties of the secretary of state (SOS).

Beginning 1/1/08 the law requires electronic filing of all 28e agreements and other 28e documents required to be filed with the SOS.

The SOS's new responsibilities the duty to electronically:

- accept for filing 28e agreements
- accept for filing any amendment, modification or notice of termination required to be filed with the SOS
- accept for filing an initial report for any entity created prior to 1/1/08
- beginning in the year 2009, for each entity subject to section 28E.5, the SOS will accept for filing a biennial report, which will be due by April 1 of every odd number year



# Secretary of State website

The screenshot shows the Iowa Secretary of State website's search interface. At the top, there is a navigation bar with the text "IOWA SECRETARY OF STATE" and a search box with a "GO" button. Below this, the name "Matt Schultz" is displayed. A breadcrumb trail reads "Home → Search Databases → 28E Agreement".

The main content area is titled "Search Databases" and contains several links: "Iowa Corporations", "UCC Certified", "Federal Tax Liens", "Notary", "28E Agreement", "UCC Alternative", and "Financial Disclosure". A link for "Visit 28E Center" is also present.

The "28E Agreement" section features a search form with the following fields:

- Participant Name:** A dropdown menu set to "Contains" and a text input field.
- Service Type:** A dropdown menu set to "All Service Types" and a text input field.
- Agreement File Date:** Two date input fields labeled "From (mm/dd/yyyy)" and "To (mm/dd/yyyy)".
- Organization Type:** A dropdown menu set to "All Organization Types" and a text input field.
- County:** A dropdown menu set to "All Counties" and a text input field.
- Region:** A dropdown menu set to "All Regions" and a text input field, with a "Map of regions" link.

A "Search By Details" button is located at the bottom of the search form.

On the left side of the page, there is a vertical navigation menu with the following items: Business Services, Search Databases, Online Filing, Voter/Elections, Notaries, Nonprofits, Youth/Civic Events, Press Releases, Publications, About the Office, Useful Links, and Contact Us.

# Secretary of State website: <http://www.sos.state.ia.us/>



The screenshot shows the homepage of the Iowa Secretary of State website. At the top, there is a navigation bar with the text "IOWA SECRETARY OF STATE" and a search box with a "GO" button. Below the navigation bar, the name "Matt Schultz" is displayed. The main content area features a mission statement and a "Featured Links" section. A blue arrow points to the left sidebar menu, which contains the following items: Business Services, Search Databases, Online Filing, Voter/Elections, Notaries, Nonprofits, Youth/Civic Events, Press Releases, Publications, About the Office, Useful Links, and Contact Us.

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Home > Online Filing

**Online Filing**

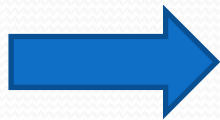
[UCC](#)   [Biennial Report](#)   [Biennial Agricultural Report](#)   [Notary Renewal](#)   [28E Agreement](#)

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# Secretary of State website



Iowa Secretary of State Matt Schultz

## 28E

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## 28E Sign In

\*Username:   
\*Password:

[Create new account](#)   [Forgot password?](#)

\* indicates a required field

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### Notice

You must first set up a user account before you will be able to file.  
Please direct any questions/concerns to (515) 281-5204.



## 28E Information online

- Intergovernmental Agreements -- Iowa Code 28E See <http://inrc.continuetolearn.uiowa.edu/IPA3/agreements.html>
- HF 808 Publication requirement See <http://www.iowacounties.org/Services/LegalInformation/HF808PublicationRequirements.htm>



## 28E Information online

- 28E GIS maps See [http://www.ucs.iastate.edu/mnet/\\_repository/2006/28e/pdf/maps.pdf](http://www.ucs.iastate.edu/mnet/_repository/2006/28e/pdf/maps.pdf)
- ISU's Interlocal 28E agreement data analysis See [http://www.ucs.iastate.edu/mnet/\\_repository/2006/28e/pdf/28Edatabase\(deco5\).pdf](http://www.ucs.iastate.edu/mnet/_repository/2006/28e/pdf/28Edatabase(deco5).pdf)