

Ordinance 26-06

An Ordinance Providing for the Creation of Chapter 20 of the Mills County Ordinances Entitled "Residential Care Facilities"

BE IT ENACTED by the Board of Supervisors of Mills County, Iowa:

Purpose: The purpose of this ordinance is to create a new chapter of the Mills County Ordinances establishing standards and procedures to address recurring incidents requiring public safety response and to provide for the recovery of eligible response costs in accordance with the chapter.

The language of the ordinance is as follows:

20.1.1 Purpose

The purpose of this ordinance is to encourage appropriate supervision and staffing, provide notice and opportunity to correct deficiencies, and allow recovery of public safety response costs where repeated events occur due to preventable operational deficiencies.

20.1.2 Definitions

- a. **Residential Care Facility:** Any assisted living program, residential care facility, group home, supported community living residence, or other congregate residential setting housing three (3) or more unrelated vulnerable adults for compensation.
- b. **Vulnerable Adult:** An adult who, due to age, cognitive impairment, developmental disability, mental illness, or physical limitation, requires supervision to ensure personal safety.
- c. **Elopement Event:** An incident in which a vulnerable adult leaves a residential care facility without staff knowledge or authorization and requires a 911 call, law enforcement response, search, welfare check, or retrieval by a public safety agency.
- d. **Preventable Operational Deficiency:** Failure to provide supervision, staffing, monitoring, alarm systems, door controls, or care planning reasonably necessary to prevent elopement based on a resident's known needs.
- e. **Preventable Operational Deficiency Event:** Any incident which requires response by a public safety agency reasonably attributable to failure to provide supervision, staffing, monitoring, alarm systems, door controls, or care planning.

20.1.3 Chronic Elopement Designation

A property may be designated a Chronic Elopement Property if three (3) or more Elopement Events or Preventable Operational Deficiency Events requiring law enforcement response occur within a twelve (12) month period and the events are determined by the Sheriff's Department to be associated with preventable operational deficiencies.

20.1.4 Notice and Abatement

Upon reaching the threshold described in Section 3, the Sheriff shall provide written notice to:

- The property owner; and
- The licensed operator (if different)

The notice shall:

- a. Identify the dates of response

- b. Provide documentation of public safety response
- c. Require submission of a written corrective action plan within fourteen (14) days.

The corrective action plan shall describe:

- a. Staffing adjustments
- b. Monitoring or alarm improvements
- c. Supervision changes
- d. Policy modifications
- e. Any reports submitted to the Iowa Department of Inspections, Appeals, and Licensing (DIAL).

The Sheriff may consult with DIAL or other state and county agencies before determining adequacy of the plan.

20.1.5 Civil Penalty

If additional Elopement Events occur after notice is issued the owner and/or operator or the owner/operator fails to provide a corrective action plan, the owner/operator shall be subject to a civil penalty as defined in Mills County Ordinance 5.1.1

20.1.6 Cost Recovery For Law Enforcement Response

In addition to civil penalties, the County may recover documented costs of law enforcement response for post-notice events. Recoverable costs may include:

- a. Vehicle mileage;
- b. Equipment damage

An itemized invoice shall be issued to the property owner and operator. Unpaid charges may be collected through civil action or assessed as a lien against the property or applicable municipal authority.

20.1.7 Exceptions

This ordinance shall not apply to:

- a. Isolated or unforeseeable medical emergencies
- b. Incidents caused by third-party criminal acts unrelated to staffing or supervision
- c. Facilities that demonstrate compliance with state staffing and supervision standards and show reasonable preventive measures were in place. The Sheriff must document findings supporting preventable operational deficiency before penalties are imposed.

20.1.8 Licensing

Nothing in this ordinance replaces or limits enforcement authority of any governing State or Federal Agency. The County may forward documentation of repeated events to the appropriate state agency for review and possible licensure action.

20.1.9 Appeals

The owner or operator may request an administrative hearing before the County Board of Supervisors (or designated hearing officer) within ten (10) days of notice of penalty. The hearing shall determine:

- a. Whether the threshold was met
- b. Whether events were preventable
- c. Whether costs were reasonably calculated

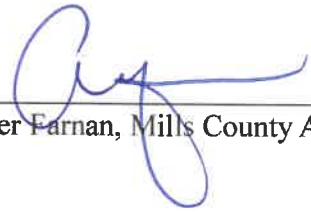
After the required Public Hearing was held on the 7th day of July, 2026, the first reading of Ordinance 26-06 is approved by the Mills County Board of Supervisors on this 7th day of July, 2026:

	AYE	NAY	ABSTAIN
 Richard Crouch, Chair	<u>X</u>	_____	_____

	AYE	NAY	ABSTAIN
 Jack Sayers, Vice Chair	<u>X</u>	_____	_____

	AYE	NAY	ABSTAIN
 Lonnie Mayberry	<u>X</u>	_____	_____

Attest:


Amber Farnan, Mills County Auditor

The second reading of Ordinance 26-06 is approved by the Mills County Board of Supervisors this 14th day of May, 2026

	AYE	NAY	ABSTAIN
 Richard Crouch, Chair	<u>X</u>	_____	_____

	AYE	NAY	ABSTAIN
 Jack Sayers, Vice Chair	<u>X</u>	_____	_____

	AYE	NAY	ABSTAIN
 Lonnie Mayberry	<u>X</u>	_____	_____

Attest:


Amber Farnan, Mills County Auditor

☒ Third reading of Ordinance 26-06 was waived By the Mills County Board of Supervisors:

The third and final reading of Ordinance 26-06 is hereby waived by the Mills County Board of Supervisors and is formally adopted and approved this 14th day of July, 2026, after which Ordinance 26-06 will become effective after legal publication.

	AYE	NAY	ABSTAIN
<u>Richard Crouch</u> Richard Crouch, Chair	<u>X</u>	_____	_____

<u>Jack Sayers</u> Jack Sayers, Vice Chair	<u>X</u>	_____	_____
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<u>Lonnie Mayberry</u> Lonnie Mayberry	_____	_____	_____
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Attest:

Amber Farnan
Amber Farnan, Mills County Auditor

☐ Third and final reading of Ordinance 26-06 was not waived by the Mills County Board of Supervisors:

The third and final reading of Ordinance 26-06 is approved and adopted by the Mills County Board of Supervisors this _____ day of _____, 2026, after which the Ordinance will become effective after legal publication.

	AYE	NAY	ABSTAIN
<u>Richard Crouch</u> Richard Crouch, Chair	_____	_____	_____

<u>Jack Sayers</u> Jack Sayers, Vice Chair	_____	_____	_____
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<u>Lonnie Mayberry</u> Lonnie Mayberry	_____	_____	_____
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Attest:

Amber Farnan
Amber Farnan, Mills County Auditor