

# The Iowa County

Iowa State Association of Counties



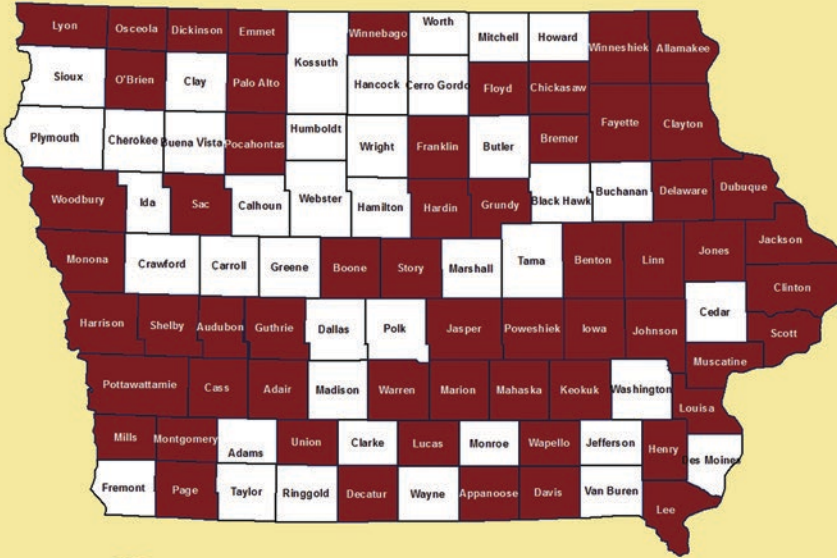
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June 2013


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# The Iowa County

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### ISAC's Mission:

To promote effective and responsible county government for the people of Iowa.

### ISAC's Vision:

To be the principal, authoritative source of representation, information and services for and about county government in Iowa.

## Open Record Laws

By: **Kristi Harshbarger**

ISAC Legal Counsel



### ***McBurney v. Young*, 569 U.S. \_\_ (2013) on Open Record Laws**

This slip opinion for the unanimous (a somewhat rare occurrence) decision of the United States Supreme Court came out April 29, 2013 related to Virginia's Freedom of Information Act. It is important to understand **this case does not change anything about Iowa's public records law**. Virginia has a very different public records law than Iowa, and the challenge to the Virginia law was tied to the provision that public records requests were limited to citizens of Virginia. Iowa law does **not** contain a provision that limits public records requests to Iowa citizens. So while the United States Supreme Court opinion in this case does **not** mean county officials in Iowa can refuse to fill non-Iowa citizens public records requests, I thought this case was worth mentioning here because it's getting a fair amount of media coverage and does open the door for more states to enact legislation that limits public records requests to its citizens. Currently, according to the Court's opinion, Alabama, Arkansas, Delaware, Missouri, New Hampshire, and Tennessee have public records statutes that are available only to their citizens.

Now that I've given away the outcome – here's what happened. Two non-citizens of Virginia made records requests: the first a former Virginia resident (Mark McBurney) who requested all records related to his family's child support dispute; the second a citizen of California (Roger W. Hurlbert) that owned a sole proprietorship (Sage Information Services) and made a request through his business for real estate tax records on behalf of his business's clients. Both requests were denied because the requestors were not Virginia residents and the requestors challenged the constitutionality of the citizen requirement in Virginia's statute, claiming the limitation violated the Privileges and Immunities Clause of the Constitution and the dormant Commerce Clause.

The Privileges and Immunities Clause provides that “[t]he Citizens of each State [are] entitled to all Privileges and Immunities of Citizens in the several States.” The Court stated the objective is “to strongly constitute the citizens of the United States [as] one people,” but... only in relation to “those privileges and immunities that are ‘fundamental.’” Hurlbert contended that the Virginia statute violated the Privileges and Immunities Clause by limiting his: 1) “opportunity to pursue a common calling;” 2) “the ability to own and transfer property;” 3) “access to the Virginia courts;” and 4) “access to public information.”

*Common Calling.* The court held that the Virginia statute was not “enacted in order to provide a competitive economic advantage for Virginia citizens.” The Court went on to state the law “essentially represents a mechanism by which those who ultimately hold sovereign power (*i.e.*, the citizens of the Commonwealth) may obtain an accounting from the public official to whom they delegate the exercise of that power... and recognizes that Virginia taxpayers foot the bill for the fixed costs underlying recordkeeping in the Commonwealth.” Thus, the Court held even if the statute had the incidental effect of “preventing citizens of other States from making a profit by trading on information contained in state records” such effect was not the intent of the law and therefore was not unconstitutional on this ground.

*Transfer and Own Property.* Here, the Court held if the statute had prevented citizens from other states access to records that were necessary to transfer property, the law might well have been unconstitutional. But the Virginia statute provided that records of the courts were open to inspection and subject to copy requests by any person (regardless of Virginia citizenship) and any records necessary for property transfer could be obtained through judicial records, meaning there were no constitutional concerns on this point.

*Access to Courts.* Similarly, while the Court agreed the Privileges and Immunities Clause protects out of state citizen's right to access public proceedings, it does not require “States to erase any distinction between citizens and noncitizens that might conceivably give state citizens some detectable litigation advantage.” In addition, Virginia's law provides that any records pertaining to the person making the request are accessible to that person, regardless of whether or not they are a Virginia citizen. In the case of McBurney, that meant he could obtain all records related to him, but not documents related to other persons subject to the child support dispute. For these reasons, the Court held that the law's provisions were adequate for constitutionality.

*Access to Public Records.* The Court looked at the history of public records laws and found there is “no constitutional right to obtain all the information provided by FOIA laws.” Therefore, the Court held access to public records in general was not a fundamental right protected by the Privileges and Immunities Clause.

Continues on page 10.

## 2014 Legislative Priorities

By: *Hanna De Groot*

ISAC Public Policy Specialist



The 2013 legislative session has not yet ended at the time this magazine article was being written, but it isn't too early to start planning for the 2014 session. Now is the time to gather information on issues that you would like to see addressed as legislative objectives in the next session or as a policy statement to guide the actions of the legislative policy team when bills addressing various issues come up.

This will be the fourth year since ISAC switched from seven steering committees determining the legislative package to the Legislative Policy Committee (LPC) made up of two members appointed from each affiliate. Melvyn Houser, Pottawattamie County Supervisor and ISAC Second Vice President, is the chair of the committee.

The LPC will meet for a two-day meeting August 15 and 16 during which it will discuss the outcome of the previous legislative session and lessons learned, and will review and discuss proposals presented by the affiliates for the next legislative session. The committee will then meet for a final time on September 26 to determine the legislative platform, including recommendations for top priorities to present to the ISAC Board of Directors.

The ISAC Board will review the proposals at its October board meeting. Following the Board's approval, the platform is presented to the membership during the ISAC General Session at the fall school on November 13. Once the platform is approved by the membership, the objectives will be published in a book to be shared with the legislators. The policy statements will be placed on the ISAC website, [www.iowacounties.org](http://www.iowacounties.org), for reference by members, staff and legislators.

In the past, staff has found that not all of the information necessary to adequately evaluate a proposal was always provided. To address this we have developed a form to make sure that every idea is adequately fleshed out before being adopted. The information needed for the form is the overall issue, the individual or affiliate putting forth the issue for consideration, a brief history on the issue, legislators who have been or could be contacted in regards to the issue, any known objections to the issue, and any other information that would help in understanding the issue. This information assists both the affiliate and the LPC in determining the viability of the suggestion. It also is a resource to policy staff in working the issues through the legislative process. If you would like the LPC to consider an objective from 2013 it must be resubmitted. Every request must be submitted using the form and forwarded to your affiliate to review during their legislative process. This helps to ensure that the proposed ideas are properly vetted prior to consideration by the LPC. The forms must be submitted to ISAC by no later than August 1. You can email them to Linda Hinton, [lhinton@iowacounties.org](mailto:lhinton@iowacounties.org), and to your affiliate legislative chair.

Not all proposals are incorporated into the ISAC legislative objectives. Some are added to our policy statements and some, while good ideas, are not adopted for strategic reasons. For example, we try not to have an entire platform that consists of requests for additional funding and fee increases. The LPC works to determine which proposals are most viable in any given year.

A listing of LPC members, past meeting minutes, the legislative request form, and more committee information can be found on the ISAC website, [www.iowacounties.org](http://www.iowacounties.org).



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# meetings

## 2013 ISAC Fall School of Instruction Agenda

The ISAC Board of Directors would like to announce the agenda for the 2013 ISAC Fall School of Instruction being held on November 13-15 at the Veterans Memorial Community Choice Credit Union Convention Center in Des Moines.

Prior to the start of the conference on Tuesday evening and Wednesday morning we are giving affiliates the opportunity to hold small affiliate committee meetings at the convention center. During this time (5 hours total) we have reserved a limited amount of meeting space for small committee meetings. This space will be available free of charge to all affiliates to ensure that they don't need to use any of their normal affiliate time (11 hours total) for small committee meetings. This space will be reserved on a first come, first served basis, so please plan your affiliate committee meetings as early as possible and prior to the Friday, October 4 deadline.

Conference registration and hotel rooms through the online housing system for the fall school will open at 8:30 am on Wednesday, August 28. Affiliate agendas must be sent to ISAC by Friday, October 4 to meet our program printing

**By: Stacy Horner**

ISAC Meeting/Event  
Administrator



deadline, which is prior to the online housing deadline of Friday, October 18 (4:30 pm). As soon as ISAC receives an affiliate agenda, it will be sent out to all affiliate members and will be posted on the ISAC website. The following hotels will be available through the online housing system: Des Moines Marriott Downtown (conference headquarters hotel), Renaissance Des Moines Savery Hotel, Embassy Suites Des Moines Downtown and Holiday Inn Downtown. Please DO NOT try to make your hotel reservation until 8:30 am on Wednesday, August 28. Various transportation and parking options will be available to/from the convention center and your hotel, so attendees will be able to choose what options work best for their schedule and needs.

Additional registration information and other fall school details will be available in future magazines, as well as at [www.iowacounties.org](http://www.iowacounties.org). In the meantime, please don't hesitate to contact me at [shorner@iowacounties.org](mailto:shorner@iowacounties.org) if you have any questions.

# ISAC brief

## Welcome Dylan

My name is Dylan Young, and I joined the ISAC team on May 6 as a Data/Information Technology Specialist. I previously worked part time at a small telecommunications company as a Systems Administrator. I spent most of my time supporting and maintaining users, pc issues, programs, and the servers. I have grown up always having an interest in technology and how things work.

I recently graduated from Des Moines Area Community College with an Associate's Degree in Information Technology. I learned Unix/Linux and Microsoft administration as well as C programming, PHP programming, bash scripting, SQL, html, css, javascript, and some java. I have developed a strong interest in web development and system administration. I often spend my time creating and designing websites for friends, family

**By: Dylan Young**

ISAC Data and Information  
Technology Specialist



and myself. I enjoy learning new things and spending my time exposing myself to new technologies.

Other than IT, I enjoy spending my time playing hockey, guitar, writing and producing music, and being with friends and family. I love being outside and can't wait for the summer months to arrive.

I'm very excited to have joined the ISAC team, and look forward getting to know and working with everyone. I look forward to using my skills and interests in a positive environment and learning and expanding my experience as I continue to grow with ISAC. I'm grateful for this opportunity and look forward to the many years to come.



## 2013 ISAC Fall School of Instruction Agenda

### Tuesday, November 12

4:00 pm - 6:00 pm Exhibitor Setup  
(Exhibit Hall/Grand Ballroom)  
4:00 pm - 7:00 pm Affiliate Committee Meetings  
(Time Available for Small Affiliate Committee Meetings at the Convention Center)

### Wednesday, November 13

*ISAC Registration/Information Desk Hours: 9:00 am - 3:00 pm, Exhibit Hall Hours: 9:00 am - 3:00 pm*

7:00 am - 9:00 am Exhibitor Setup  
(Exhibit Hall/Grand Ballroom)  
7:00 am - 9:00 am Affiliate Committee Meetings  
(Time Available for Small Affiliate Committee Meetings at the Convention Center)  
9:00 am - 3:00 pm ISAC Registration and Information Desk  
(Exhibit Hall/Grand Ballroom)  
9:00 am - 10:00 am Exhibitor Morning Refreshments (Exhibit Hall/Grand Ballroom)  
10:00 am - 11:30 am ISAC Educational Seminars  
(Meeting Room Level)  
11:30 am - 12:30 pm Exhibitor Box Lunch  
(Exhibit Hall/Grand Ballroom)  
12:30 pm - 2:00 pm ISAC Educational Seminars  
(Meeting Room Level)  
2:00 pm - 3:00 pm Exhibitor Ice Cream Social  
(Exhibit Hall/Grand Ballroom)  
3:00 pm Exhibit Hall Closes  
3:00 pm - 5:30 pm ISAC General Session  
(Pre-Function Space)  
6:30 pm - 8:30 pm Hospitality Rooms  
(Des Moines Marriott Downtown)

8:30 pm - 11:00 pm ISAC Dance  
(Des Moines Marriott Downtown)

### Thursday, November 14

*ISAC Registration/Information Desk Hours: 7:30 am - 4:00 pm, Exhibit Hall Hours: 7:30 am - 12:30 pm*

7:30 am - 4:00 pm ISAC Registration and Information Desk  
(Exhibit Hall/Grand Ballroom)  
7:30 am - 8:30 am Exhibitor Morning Refreshments  
(Exhibit Hall/Grand Ballroom)  
8:30 am - 11:00 am Affiliate Time  
(Meeting Room Level)  
11:00 am - 12:30 pm Exhibitor Lunch Buffet and Vendor Drawing  
(Exhibit Hall/Grand Ballroom)  
12:30 pm Exhibitor Teardown  
12:30 pm - 5:00 pm Affiliate Time  
(Meeting Room Level)

### Friday, November 15

*ISAC Registration/Information Desk Hours: 7:30 am - 12:00 pm*

7:30 am - 12:00 pm ISAC Registration and Information Desk  
(Meeting Room Level)  
7:30 am - 8:00 am Morning Refreshments  
(Meeting Room Level)  
8:00 am - 12:00 pm Affiliate Time  
(Meeting Room Level)

**\*\*\*All events will be held at Veterans Memorial Community Choice Credit Union Convention Center unless otherwise noted.**

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Please contact Rachel Bennett at [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org) if you are interested in learning more about the ISAC Preferred Vendor Program.

## Quality Improvement in CSN

By: **Andrea Jansen**

ISAC Program Support  
Coordinator



In my last article (Spentember 2012), I discussed the enhancement process in CSN and how it functions between Users and ISAC staff. This time I will go over the quality improvement aspect of managing changes in CSN. In the image below I have summarized the four major areas that can cause changes in CSN.

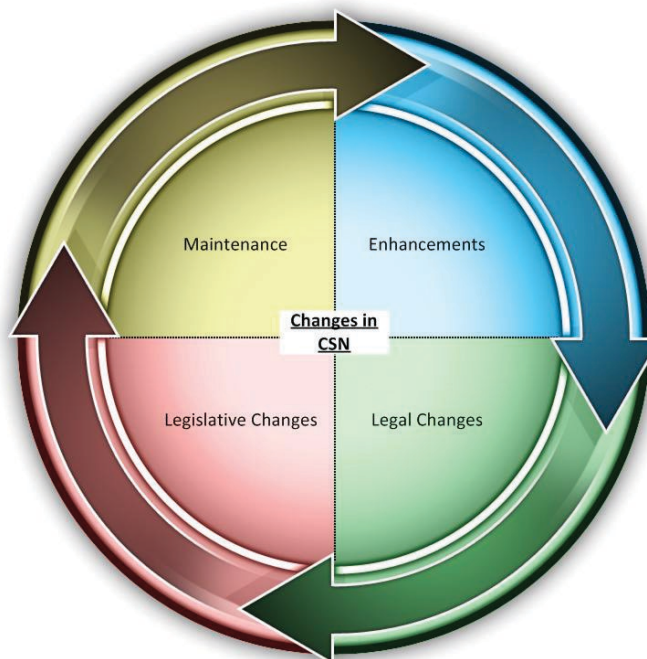
As you can see, this image is circular because adding changes or improvements to CSN is cyclical and recurrent. For example, we will go through Legal changes cyclically as well as with the other areas to assure that the system is balanced. I am going to explain a little about the colors that are on this chart and some examples under each category. The blue area represents enhancements that I spent my last article going over. These are suggestions and ideas from CSN Users to help improve the system. The green area is referring to legal changes, and these would mostly be related to HIPAA or ICD codes that are legally required for Electronic Health Records. The red area represents legislative changes, e.g. residency, regions, and other changes based on current legislative action. The yellow area is referring to maintenance of the system and this pertains to a lot of things, but a good example is the updates that we do to our servers.

Now that you know many of the changes that are introduced to the system, we can discuss how to manage them, or in other words, assure that we are continuously improving CSN. Can you imagine if we made every single change that was requested? It would be chaotic for both our system and users. So that is why we put certain items on hold and prioritize accordingly. Otherwise, CSN would spiral out of control rather than the circle that is shown below.

There are five steps associated with managing change. The first is to study. This involves developing or refining the business processes that are behind the change. This could also mean completing outside research if it is a completely new feature. The second is requirements, and this would involve gathering what specifically needs to be changed and the other processes it would effect within the system. The third is the design phase, and this has to do with the

actual coding and testing of the change. Implementation is next and involves placing the code in the environment with the existing code and finalizing the change in the system. Lastly is updating or creating documentation for the change. This step will assist in training and if there ever needs to be a change within that area again.

The last area I am going to touch on is the quality part about all of this. This includes making changes that are helpful, maintainable and clear. Better defining changes will assist with improving the quality of the outcomes.



Finally, wrapped around the entire process is communication. Communication assures that there are no surprises and that everyone is on the same page. Overall, this will help make the system be more user-friendly and a great system to work with. If you have any questions, please contact me at [ajansen@iowacounties.org](mailto:ajansen@iowacounties.org).



## NACo National Cyber Symposium

I recently attended the NACo National Cyber Symposium which was held at the University of Nebraska-Omaha campus. The conference was held over two days and hosted 125 attendees from several states. Iowa had over 20 representatives in attendance. Cyber education for county officials is an initiative of NACo President Chris Rodgers, and it is NACo's plan to continue cyber symposiums in the future. Below are a few highlights and ideas that I took away from this informative conference.

Cyber Security is not a cost but an investment for counties. This statement was made several times throughout the conference by different speakers. When counties begin thinking about cyber security, education is key and the front line of defense. Counties need to remember that investing in education for county officials and staff will save money in the end. "Think before you click" is a motto we need to share with all our staff. Do not be in a hurry to click on links or attachments. Make sure you know that the email sitting in your Inbox is from the person indicated. If you are unsure, contact them and verify. It will save you money and time in preventing a cyber attack. Many county officials do not understand technology and cyber security, even on the simplest of levels. Counties need to apply resources to education and give them an understanding of why technology and security are so very important. A great resource that we were told to use on a county level is your local FBI officer. They are willing to come to your county and provide training sessions on cyber security.

Protecting data is not an option, it is a requirement. Data protection is an important aspect of cyber security and one that needs to be taken very seriously. However, sometimes in a need to protect our data we go about it all wrong. We try to protect everything and ultimately end up protecting nothing. You

**By: Tammy Norman**  
ISAC Office Manager



need to review what information is already public information and is obtainable elsewhere. Once that has been determined, do not spend your limited resources protecting it. Focus on spending your resources protecting the data/information that is not public information and needs to remain private and secure. This is where your money should be spent. An interesting fact that was given at the conference is that 97% of data breaches could have been avoided by simple or intermediate controls, which are not costly. Education and employee awareness can be relatively inexpensive but the cost savings in avoiding a data breach is priceless.

### National Cyber Security Awareness Month

This year is the 10<sup>th</sup> anniversary of the cyber security awareness program that is held annually in October. Use this month to remind your employees of the importance of being alert and aware. Some easy tips to remember are: do not share your passwords, and do not write passwords down and leave them posted on your computer monitor. If you cannot remember your passwords, do as one speaker stated during the symposium, write them down in a ledger and lock the ledger in a safe. Take this month to invite the local FBI agent or police officer who is knowledgeable in cyber security to your staff meeting to give a presentation on cyber security and the importance of keeping data safe and secure. Plan on using the national cyber security month to lead a campaign on raising awareness and the need to educate your employees and the public you serve on the importance of cyber security.

Website Note: If you have a question regarding new technology and would like it addressed in this column, please contact me at 515.244.7181 ext. 7015 or at [tnorman@iowacounties.org](mailto:tnorman@iowacounties.org). Until next month, keep clicking!



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## Key Elements of Supported Education

Pat Steele presented at our CCMS Advanced Case Management Training on May 2 and discussed supported education as a work readiness intervention, primarily for those individuals diagnosed with a chronic mental illness. He indicated that Supported Education today is at the stage where supported employment was 25 to 30 years ago. Although supported employment has been a successful step to promote recovery, some clients find the jobs available to them unsatisfying and leave after relatively short periods of time. Mental illness often begins when young adults are completing high school and moving on to college. The onset of the illness creates a developmental delay and thwarts the career path to which these individuals aspire. Supported education is an intervention to assist people with psychiatric disabilities in returning to school by providing supports and services so they can enroll and complete their educational goals.

Education is the single largest predictor of successful employment, and in today's job market, more positions require at least minimum levels of post secondary education as a requirement for employment. People with psychiatric disabilities are returning to postsecondary schools each year in increasing numbers. Two things have made this possible. First, new medications have helped them control their symptoms with fewer side effects. Second, the passage of the American with Disabilities Act (ADA) has made it easier for students with psychiatric disabilities to receive accommodations so they can remain in school. Examples of accommodations include academic counseling, tutoring, extended time for examinations, or turning in assignments, and alternative test methods. In order to receive accommodations, a student must request them and provide documentation of their disability. Less than

**By: Jackie Olson Leech**

ISAC Case Management Specialist



half of college students with a psychiatric disability request accommodations.

Although colleges and universities provide accommodations and academic counseling to all students, they usually cannot offer the kind of personal support most students with psychiatric disabilities need to meet the challenges of returning to school. Mental health clients have often internalized the stigma surrounding mental illness and have lowered their aspirations and goals. New students need encouragement and support. Assistance with registration, financial aid, time management, stress reduction and symptom management are often necessary to get them back on track. Through supported education, education specialists or other mental health practitioners can provide these and other services. Just as job coaches and preparatory classes are available to assist people to return to work, mental health clients returning to school are more apt to succeed if they have some preparation and someone to whom they can turn for personal coaching and support.

Many people with mental illness are asking for supported education services. When they have the necessary help, they do very well. They are able to complete their educational goals and return to work. Being a student is an important and meaningful role. Education provides a sense of accomplishment and purpose. Supported education enhances career opportunities and promotes independence and recovery, and should be a service option available for all who are interested. For additional resources go to: [www.supportededucation.com](http://www.supportededucation.com), [www.caped.net](http://www.caped.net), and [www.ncset.org](http://www.ncset.org).

## legal briefs

Continued from page 4.

Finally, the Court considered the dormant Commerce Clause claim and explained that this clause “‘significantly limits the ability of states and localities to regulate or otherwise burden the flow of interstate commerce.’” While the Court suggested this claim was not appropriate to consider under the dormant Commerce Clause because Virginia’s law didn’t regulate or burden interstate commerce, it also held:

Even shoehorned into our dormant Commerce Clause framework, however, Hurlbert’s claim would fail. Insofar as there is a ‘market’ for public documents in Virginia, it is a market for a product that the Commonwealth has created and of which

the Commonwealth is the sole manufacturer. We have held that a state does not violate the dormant Commerce Clause when, having created a market through a state program, it ‘limits benefits generated by [that] state program to those who fund the state treasury and whom the state was created to serve.’

Thus, the Court affirmed the appellate court’s ruling and held that Virginia’s limitation on open records access to non-Virginia citizens did not violate the Privileges and Immunities Clause of the Constitution or the dormant Commerce Clause.

## ISAC Board Minutes Summary - May 9, 2013

ISAC President Darin Raymond called the meeting to order.

The ISAC Board meeting minutes from February 21, 2013 and the ISAC Spring School of Instruction Business Meeting and Awards Ceremony were reviewed and approved. The ETC/CSN Board of Directors meeting minutes from February 21, 2013 were reviewed for informational purposes.

Joni Tonnemacher, McGowen, Hurst, Clark & Smith, P.C. discussed issues related to the FY 2013 audit with the Board. Staff was dismissed giving board members the opportunity to raise any issues of concern prior the audit scheduled for August 2013.

President Raymond recessed the meeting for the ETC/CSN Board meeting and reconvened the ISAC Board at the conclusion.

Deb Eckerman Slack gave a brief overview of integrated health homes and discussed the changes that will be involved. The effect on County Case Management Services is yet to be determined.

Linda Hinton, Hanna De Groot and Lucas Beenken gave an overview of the legislative session.

Rachel Bennett and Tammy Norman updated the Board on ISAC's website redesign. Webspec Design has been hired and has begun the process of redesigning the website. Tammy gave a history of the project, and Rachel reviewed a template of the new website with the Board. The project timeline is four to six months and the goal is to unveil the new website at the 2013 ISAC Fall School of Instruction.



Stacy Horner reported that the 2013 ISAC County Day at the Capitol was a success and that participation was great due in part to holding it in conjunction with the spring school. She reviewed the highlights of the 2013 Spring School of Instruction post conference survey. Stacy reported that the 2013 ISAC Legislative District Meeting schedule has been set and that registration is open. She also reviewed the proposed agenda for the 2013 ISAC Fall School of Instruction which was approved by the Board.

Stacy discussed possible dates for the 2017 ISAC Spring School of Instruction, and the Board approved holding the 2017 spring school on Thursday, March 16 and Friday, March 17.

The Board discussed the possibility of ISAC not having hotel room blocks for future conferences. The Board consensus was that there was still value in ISAC having a room block to insure everyone had an equal opportunity to access the headquarters hotel for their conference stay.

Bill Peterson gave an update on the NACo Annual Conference being held July 19-22, 2013 in Fort Worth, Texas.

Bill reported that there were four applications submitted for the position of ISAC NACo Board of Directors Representative and that the Executive Committee honed it down to two candidates that met the criteria – Carl Mattes, Humboldt County Supervisor, and Melvyn House, Pottawattamie County Supervisor. Melvyn Houser was appointed unanimously by the Board.

Mark Rathbun and Brett Halley gave a presentation of ISAC's current portfolio and gave options moving forward to increase ISAC's return. The Board discussed the appropriate risk level and approved Bill's recommendation to direct staff to draft policies

for the future ISAC investment strategy and to include illustrations of different risk levels.

Brad Holtan gave an overview of the financial report as of April 30, 2013 and highlighted expenditures and income of note. He also reviewed the quarterly investment report providing a quick breakdown of all ISAC investments.

Brad reported that the 9<sup>th</sup> Annual ISAC Scholarship Golf Fundraiser registration is open, but there is not a lot of interest to this point.

Bill reported that the FY 2013 audit fees are included in the materials. A four year contract was signed in 2012.

The Board approved the new, recommended rating proposal for the FY 2014 ISAC Group Health Plan with a slightly lower rate that will go into effect on July 1.

Board members shared issues, concerns, ideas, and achievements with other board members. Grant Veeder and Sarah Kaufman were recognized for their time on and dedication to the ISAC Board.

President Raymond adjourned the Board.



## ISAC Golden Eagle: Call for Nominations

Since 2010, during the fall school general session ISAC has annually honored one individual as an ISAC Golden Eagle. The ISAC Golden Eagle was created to recognize and honor individuals who have provided extraordinary public service to county government through ISAC and/or the National Association of Counties (NACo).

Golden Eagle honorees are selected from nominations submitted to the ISAC Golden Eagle Committee, which consists of ISAC Board and staff members. The committee will then submit its recommendations to the ISAC Board for approval. The ISAC Golden Eagle honoree(s) will be recognized during the ISAC Fall School of Instruction General Session.

Those eligible for induction include:

- Current or former elected and appointed county officials
- Business or civic leaders
- ISAC Preferred Vendors
- Persons providing assistance to counties as trainers, consultants or advisors
- Former members of ISAC staff

\*Current ISAC board members and staff are not eligible.

Honorees will be selected on the basis of their service rendered to county government through ISAC and/or NACo. Such service may include:

- Leadership in ISAC and ISAC-affiliated boards
- Service to NACo
- Service on state or national boards or commissions

By: **Rachel Bennett**

ISAC Marketing/Communication Coordinator



- Service to counties in training, education and development of local leadership
- Advocate for counties and good local government
- Assistance and support to counties

Past honorees include:

2010 – Jane Halliburton, former Story County Supervisor and ISAC Board member

2011 – Kim Reynolds, Lt. Governor and former Clarke County Treasurer

2012 – J. Patrick White, former Johnson County Attorney and ISAC Past President

To nominate qualified individuals to be honored as ISAC Golden Eagles, please complete the form on the next page and return it to:

Iowa State Association of Counties  
Attn: ISAC Golden Eagle  
5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266

A form can also be found on the following page or on the ISAC website, [www.iowacounties.org](http://www.iowacounties.org).

Please return submissions before July 26, 2013. A Golden Eagle is not guaranteed to be honored annually. If you have any questions regarding the ISAC Golden Eagle, please contact Rachel Bennett at 515.244.7181 or [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org).

# SAVE THE DATE!

The Ninth Annual

# ISAC



Scholarship Golf Fundraiser



## August 22, 2013

Otter Creek Golf Course, Ankeny

Golfer and sponsor registration forms available this summer at [www.iowacounties.org](http://www.iowacounties.org).

# ISAC Golden Eagle Nomination Form

---

The Iowa State Association of County recognizes individuals who have provided extraordinary public service to county government through ISAC and/or NACo as ISAC Golden Eagles.

**Individual Nominated:**

**Position:**

**Brief Biography:**

In your view, what has this person done to provide extraordinary service to ISAC and/or NACo? Why do you feel this person should be an ISAC Golden Eagle honoree?

**Nominated by:**

Forward this form to:  
Iowa State Association of Counties  
Attn: ISAC Golden Eagle  
5500 Westown Parkway, Suite 190  
West Des Moines, IA 50266

*\*Please return submission prior to July 26, 2013.*

## The Prize Cases

Numerous merchant ships engaged in trade with the Confederate States were taken as prizes after Lincoln declared a blockade of Southern ports. Lawyers for many of the ships' owners challenged the awards made by the prize courts (which were held in U.S. District Courts), and appeals were heard at the U.S. Circuit Court level, some of them by Supreme Court justices riding circuit. In a number of these appeals, the court made no decision, stating that the novel question of how maritime law should be applied during a civil war ought to be considered by the highest court in the land.

There was more at stake than the division of the spoils. (A ship condemned as a prize was sold with its contents. Half the profit went to the U.S. government; the other half was divided by the officers and crew of the vessel responsible for the capture.) If the blockade was found to be illegal, other decisions that Lincoln had made as commander-in-chief, including his Emancipation Proclamation, would be questioned. The European powers watching from the sidelines, already sympathetic to the South because of economic ties, would be further tempted to aid or formally recognize the Confederacy.

At full strength after three appointments by Lincoln, the Supreme Court was ready to hear prize case arguments in February of 1863. The court decided to take four representative cases and use them to determine the fate of the rest. Three cases involved ships sailing to or from Richmond, Virginia, the Confederate capital, and one was caught in a lie after it delivered a cargo to New Orleans instead of picking up a stranded relative in Mobile, the story the owner had sold to a soft-hearted blockader. (People thought they could trust each other back then.) Gulf of Mexico captures, incidentally, were sent into Key West, Florida, where sat the only U.S. district court in operation south of Washington during the war.

Each side was given six days to present its case. James Carlisle, a close friend of rabidly-pro-South Chief Justice Roger B. Taney, led the team for the ship owners. Their main arguments were that no blockade may exist unless the United States is at war with a foreign country, that the property of loyal citizens is not subject to seizure just because it is found in an area under rebellion, and that only Congress, not the president, has the constitutional authority to commence a war. Congress wasn't in session when Fort Sumter was attacked on April 12 and when Lincoln declared the blockade on April 19. (Congress was normally in recess from March until December, but Lincoln called it into special session on July 4, and on July 13 Congress retroactively approved Lincoln's actions. All of the

**By: Grant Veeder**

NACo Board of Directors  
Iowa Representative,  
Black Hawk County Auditor



captures in question took place before that date.) Three of the judges thought Attorney Carlisle's speech was so well-wrought that it should be published.

The lead attorney for the government was Charles Eames, a well-connected admiralty lawyer. His speech has not survived, but it was roundly considered a travesty. Eames had earlier represented General Fitz John Porter in his court martial trial and lost. After Eames' Prize Cases argument, Judge Taney was heard to say that General Porter deserved to lose for hiring such an incompetent attorney. Fortunately for Lincoln, a later presentation was given by Richard Henry Dana, Jr., who originally had to ask his way onto the government's team, despite the fact that he was an acknowledged expert in maritime law who had ingeniously and successfully argued one of the appealed cases at the prize court level. Dana persuasively contended that wars exist when armies fight them, regardless of what Congress says or does, and that the legal status of the insurrectionists' government wasn't the question. He pointed out that the rebels controlling Richmond would have the use of a ship docked there and the property on it regardless of the loyalty or disloyalty of the owners. "The reason why you may capture it is that it is a justifiable mode of coercing the power with which you are at war," he said.

When the dust settled, Lincoln had won the *Prize Cases* by a 5-4 margin. All three of his appointees predictably supported him, but he needed the compelling rhetoric of Dana to convince the doughface Robert Grier of Pennsylvania and the Georgian James Wayne. The majority decision was written by Justice Grier, who stuck pretty closely to Dana's reasoning. He opined, "It is not necessary to constitute war that both parties should be acknowledged as independent nations." He said about the war that "the President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name."

So it was a close win, but what if Lincoln had lost? Couldn't he just ignore the Supreme Court like Andrew Jackson had done before him, and as Lincoln appeared to do in *Ex parte Merryman*, which we'll talk about later? Perhaps, but could the government refuse to pay back all the claims for the prizes it had condemned without losing the confidence of the people? Support for the war would surely have suffered. Also, if Lincoln could no longer demonstrate that he was obeying his own laws, his contention that secession was illegal wouldn't carry much weight with Britain and France, who wanted, more than

Continues on page 17.



## How county employees can meet the challenges of long-term investing

**By: Bob Beasley**

Nationwide Retirement Solutions  
Communications Consultant

Investing can challenge even the sharpest of minds. So, imagine what the average county employees must go through as they decide how to invest for retirement. After all, they have to choose their asset class allocations and then select the necessary investment strategies, often all on their own.

Investors need to be able to determine a diversified approach to investing in the appropriate mix of stocks and bonds that matches their long-term return expectations and their risk constraints. Furthermore, in order to achieve those exposures, they need to choose the right investment strategies and understand how to measure their success; when to stick with the current strategy and when to modify it. And because investing involves market risk, including possible loss of principal, they need to understand market risk and how to balance it against other risks they may face. Some county employees enjoy this challenge. For them, the NACo Deferred Compensation Program offers “do it yourself” investing: a broad portfolio of investment options and resources to help participants as they decide what and what not to invest in.

For county employees who want the benefits of active investing but do not feel like they have the time, skill or experience to “do it yourself,” the NACo Deferred Compensation Program offers Nationwide ProAccount®, a managed account solution created especially for “do it for me” investors.

For an investment management fee, participants can enroll in Nationwide ProAccount® and have an experienced investment firm manage their Program account, based on their individual risk tolerance (risk profile) and time horizon (age). ProAccount portfolio strategies are designed to move and change as participants age or their risk tolerance changes.

Investment advice for Nationwide ProAccount is provided to NACo Deferred Compensation Program participants by Nationwide Investment Advisors, LLC, (NIA), an SEC-registered investment adviser and affiliate of Nationwide Retirement Solutions, the Program’s provider. NIA has hired Wilshire Associates Inc. (Wilshire®) as the independent financial expert to develop and manage Nationwide ProAccount portfolios. Wilshire is experienced in the field of asset allocation, investment manager selection, and risk management.

Wilshire’s disciplined approach keeps emotions – which can often lead to negative thinking and impulsive or counter-productive decisions – at bay. And Wilshire accounts for the many risks that need to be considered as investors seek to achieve their goals leading up to and through retirement:

- Market Risk - the possibility of sharp market downturns which may diminish an investor’s retirement account
- Inflation Risk - occurs when prices rise over time and a retirement account does not grow at the same pace. This will cause the retirement account to be worth less in real terms
- Shortfall Risk - occurs when an investor’s account does not reach its target by retirement
- Longevity Risk - as the average life expectancy increases over time, this is the possibility that an investor may outlive their savings

County employees who are interested in exploring a “do it for me” managed account solution for their Program account or getting more information about preparing financially for retirement through participation in the NACo Deferred Compensation Program should contact a Nationwide Retirement Specialist, or call 877.677.3678. Information provided by Retirement Specialists is for educational purposes only and is not intended as investment advice.

Employers who would like to add the Nationwide ProAccount managed account solution as an option to their deferred compensation plan should contact Nationwide by calling the Plan Sponsor Service Center toll-free at 877.496.1630.

For additional information about the NACo Deferred Compensation Program, please contact Lisa Cole by email at [lcole@naco.org](mailto:lcole@naco.org) or phone at 202.942.4270.

Investment advice for Nationwide ProAccount is provided to plan participants by Nationwide Investment Advisors, LLC, an SEC-registered investment adviser. Wilshire Associates Incorporated is not an affiliate of Nationwide or Nationwide Investment Advisors, LLC (NIA). NIA has retained Wilshire Associates Incorporated as the Independent Financial Expert for Nationwide ProAccount.

Wilshire Funds Management, a business unit of Wilshire Associates, uses mathematical and statistical investment processes to allocate assets, select investment options and construct portfolios in ways that seek to outperform their specific benchmarks. Such processes may not achieve the desired results.

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Continues on page 17.

## Workers' Compensation Experience Rating and What's Changing

*By: Iowa Municipal Workers' Compensation Association (IMWCA)*

There is nothing that affects what you pay for workers' compensation coverage more than the experience modification factor (EMF). The experience rating formula that determines the factor was created by the National Council on Compensation Insurance (NCCI) and hasn't been changed in 20 years. So it should come as no surprise that some changes were necessary and appropriate considering how our economy has changed since 1993. These changes were included in NCCI rate filings approved by the Iowa State Insurance Division and are in effect for all policies going forward. Iowa is one of 34 states that recognize NCCI as their data collection and rate setting organization for workers' compensation.

### Background and process

The concept of experience rating is common to all types of insurance. The idea being that the premiums you pay are based in part on your claims experience. Experience rating in workers' compensation is accomplished using a formula that compares your payroll and claims by class code, then compares your entity's overall experience to your expected experience based on that of all other employers in the state. In simpler terms, your actual claims experience is being compared to the average expected claims experience of all employers. With the average EMF being 1.00, your experience will determine whether your EMF will fall below, at or above that average.

In calculating the EMF, an entity's claims experience from the last three completed years is considered. A snapshot is taken of all the claims that occurred in those three years exactly six months after the completion of the most recent year. This allows the claims from that year a little time to develop. By that time, even the most recent claims will either have been closed or appropriate reserves will have been set on any remaining open. The resulting EMF is then effective at the next year's renewal since it is calculated during the current year.

You should receive your entity's experience rating worksheets with the other renewal documents and an invoice prior to your workers' compensation coverage renewal each year. The worksheets summarize your entity's claims experience by year for each the last three completed years. You can review and compare the claim summaries on the worksheets with the claims report you received from your carrier six months after the end of your last completed coverage year. For example if your renewal date is April 1, you should compare the worksheets with your claims report (loss run) as of September 30 of the prior year. Or if your coverage renews July 1,

compare the worksheets with your loss run as of December 31 of the prior year.

### What's changing

There are two important components in the primary loss category of the formula that have been adjusted:

- Each medical-only claim, previously included at full value as primary loss, is now discounted by 70%.
- The split point, the point at which each indemnity claim is divided into primary and excess portions, has been increased from \$5,000 to \$10,000 in 2013 and will continue to increase in subsequent years based on a claim inflation factor.

Following are examples of the effect of each of these changes:

- Under the old formula, a medical-only claim of \$8,000 would have \$5,000 in the primary loss portion and \$3,000 in excess loss. With the new medical-only reduction, only \$2,400, or 30%, is counted as primary loss.
- On the other hand, an indemnity claim of \$15,000 that had \$5,000 in the primary loss portion under the old formula will now have \$10,000 counted as primary loss.

### How the changes impact the EMF

The changes basically shift the weighting in the formula from frequency to severity. It is important to understand that the primary portion of claims affect the EMF more than the excess portions. Smaller, medical-only claims will have much less impact than larger indemnity claims. Entities having several medical-only claims and very few or no indemnity claims in the last three completed years will likely experience a decrease in their EMF. Those with more indemnity claims are likely to see increases, some of which will be quite significant depending on number and severity.

Continues on page 17.

# workers' compensation

Continued from page 16.

## Ways to help control the EMF

Employers will want to increase focus on injury and claim prevention by:

- Reviewing, updating and strengthening safety programs.
- Screening new hires carefully by performing thorough background checks and requiring post-job-offer pre-employment physical exams.
- Requiring and documenting employee safety training.

Implementation and enhancement of cost containment programs and procedures are of prime importance in

controlling the costs of all claims and include:

- Designating a healthcare provider for all employees sustaining work-related injuries.
- Developing a comprehensive return-to-work program.
- Training employees on injury reporting procedures.
- Staying involved and in contact with the injured employee, the designated healthcare provider and claims examiner throughout the life of the claim.
- Reviewing each incident for ways to possibly prevent its reoccurrence.

Taking a proactive approach by following these suggestions will help employers not only better control their EMF, but also enhance their overall management of the workplace.

# long term investing

Continued from page 15.

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# lincoln letters

Continued from page 14.

anything else, for the war to end, so their commerce with the South and the rest of the U.S. would no longer be interrupted and imperiled. Lincoln's fear that they would actively assist the South might have come true. But he won, and an added benefit of the win was that since a majority of the Court accepted the view that the President had war powers beyond those granted him by Congress, it had the effect of discouraging cases involving other war-power questions from reaching the Supreme Court at all.

In a wry coda to the *Prize Cases*, Attorney Dana met with President Lincoln about a year after the decision. Despite Dana's passionate defense of his authority, the Boston patrician saw Lincoln as an "unutterable calamity" as president. According to Dana, Lincoln, true to his storied humility, openly admitted that Dana had "put into scientific statement what he had all along felt in his bones must be the truth of the matter, and was not able to find anywhere in the books, or to reason out satisfactorily to himself." Dana was perhaps unaware of some examples of Lincoln's arguments that rivaled his own in logic and eloquence.

Next: It's all about the Benjamins. Or the Salmon.



## Safety and Security

There is not a day that goes by that I don't think about those that have served, or are currently serving our country. Our freedom and safety is provided for by these brave men and women, which is highlighted for me every Memorial Day. When I was younger it was just a long weekend for me to enjoy seeing my cousins and getting into mischief. But as we made annual visits to my family's hometown of Winterset, Iowa, to help erect flags, I became very interested in the meaning of Memorial Day. Each year the cemetery in Winterset, like many others around the state and country, holds ceremonies. The VFW, Auxiliary and school bands all turn out to show their support for our veterans. Flags are erected and flown along the pathways through the cemetery – there are now over 560 flying. What a sight to see and an event to be a part of! We at IPAIT want to take this opportunity to pause and say thank you to all who protect us and secure our freedom.

Our contributions are miniscule in comparison, but we are proud of our 26 year history of providing for the security of Iowa public entities' funds. We believe that IPAIT's liquidity and maturity are important for our investors, and you can find comfort in our over 400 participants and \$500 million in assets under management. While the economic environment continues to evolve, we still must face the low rate environment, global volatility, and sluggish growth. However, some positive domestic signs have appeared, and may help form the support for a stronger recovery.

The Italian elections and the bailout of Cyprus provided ample drama in Europe for the quarter, but domestic markets mostly shrugged. Whether this response was appropriate remains to be seen, but there is no denying the importance of central bank intervention in the markets which is a meaningful contributor to higher equity prices. As this "recovery" drags on, markets will be increasingly sensitive to Federal Reserve commentary, searching for signs of a reduction in market support.

Europe's debt situation remains in flux, and leaders are buffeted by the demands for austerity by creditors and the frustration of their constituencies with those demands. Elections in Italy, first held in February, have not yet resulted in a cohesive government. The banking crisis in Cyprus has also added a layer of complexity to the European sovereign debt situation.

**By: Ryan Berry**

IPAIT Public Fund Sales  
Associate



Larger concerns have arisen from bailout conditions proposed by European Union policy makers, specifically, a direct tax on depositors with funds in Cypriot banks.

The global financial community wondered if this represented a dangerous policy precedent that might be carried out in other countries. Although comments by EU officials have quelled concerns, there is no doubt the solution to Cyprus' banking woes is a costly one for investors.

While the question of the longevity of the European Union remains largely unresolved, the domestic picture is slowly improving. Consumer activity is increasing as rising home prices and equity prices leave consumers feeling wealthier. Fourth quarter GDP growth of 0.4% capped off a year of 2.2% growth, which saw household wealth reach near-all-time highs. Although consumers' tax bills went up with the turn of the calendar, and sequestration has the potential to cut 0.5% from growth in 2013, corporate profit margins are near record levels and housing activity has picked up. Growth is moving forward, slowly but surely.

The big wild card is the Fed. When will they take away the punch bowl? The question has been posed in previous recoveries, but the magnitude of the Fed's impact has never been greater. The Fed is committed to encouraging risk-taking by investors, and until their employment and inflation targets are in sight, aggressive policy will continue. In the meantime, we rely on our risk management framework to keep portfolios balanced and responsive to the changing environment.

I hope everyone took part in Memorial Day festivities and remembered to thank those that have served or are currently serving. I also want to say that I enjoyed seeing all the ISAC family at the ISCTA meeting in Larchwood. Thank you to everyone that stopped by our booth. If you have any additional questions or needs, please contact us at 800.872.4024 or visit us online at [www.IPAIT.org](http://www.IPAIT.org). As always, we appreciate your loyalty and support.

Kind Regards,  
Ryan Berry  
IPAIT Public Fund Sales Associate

## Ten Key Factors in Selecting a Purchasing Cooperative

U.S. Communities is a nonprofit government purchasing cooperative that reduces the cost of goods and services for participating public agencies by aggregating their purchasing power nationwide. It is the only cooperative purchasing program co-founded and sponsored by the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the National Institute of Government Purchasing, and the Association of School Business Officials. The cooperative is non-exclusive, allowing counties to exercise due diligence in selecting the best individual contracts for their needs.

Since its inception in 1996, U.S. Communities has saved cities, towns, counties and other public entities hundreds of millions of dollars. U.S. Communities combines the purchasing power of over 55,000 public agencies. ISAC has partnered with U.S. Communities because it is the gold standard for public procurement. The advisory board of cities, counties, and schools provides additional oversight.

Over time, the market has grown to include many other cooperatives. When it comes time for the cities and towns to consider a cooperative purchasing contract, prudence must be exercised when looking at the structure of the cooperative. U.S. Communities has provided counties with a list of questions to ensure that the best cooperative purchasing processes, methods, and structure to provide the best value and protection for municipalities.

1. Was the soliciting entity an independent lead public agency that meets the standard definition of a political subdivision (city, county, school district, state, public higher education or special district)?
2. Was the development of the solicitation, evaluation of the

responses and award determination all performed by public employees of a political subdivision that is separate from and independent of the cooperative organization?

3. Did a National Evaluation Team comprised of public procurement professionals from multiple political subdivisions participate in the creation, evaluation and award process?
4. Was the procurement process substantially similar to the process your agency is required to use?
5. Does the cooperative organization have independent and broad oversight of the program and its operations?
6. Does the cooperative organization conduct independent third-party supplier audits to ensure contract compliance?
7. Does the cooperative organization have adequate staff relative to the number of awarded suppliers?
8. Does the cooperative organization's staff conduct quarterly performance reviews with supplier executives and Lead Public Agency to evaluate performance and compliance?
9. Does the cooperative organization's agreement contain terms and conditions that require the supplier to provide their best government pricing to your agency?
10. Does the cooperative organization have field personnel focused on educating public agencies on the benefits of cooperative purchasing program and resolving problems or concerns?

Keeping these 10 items in mind as your municipality makes decisions about cooperative purchasing will help to ensure your county saves the most money under a transparent, competitive contract.

To learn more about U.S. Communities and other purchasing best practices, please contact Jennifer Sulentic at 773.633.0822 or [jsulentic@uscommunities.org](mailto:jsulentic@uscommunities.org)



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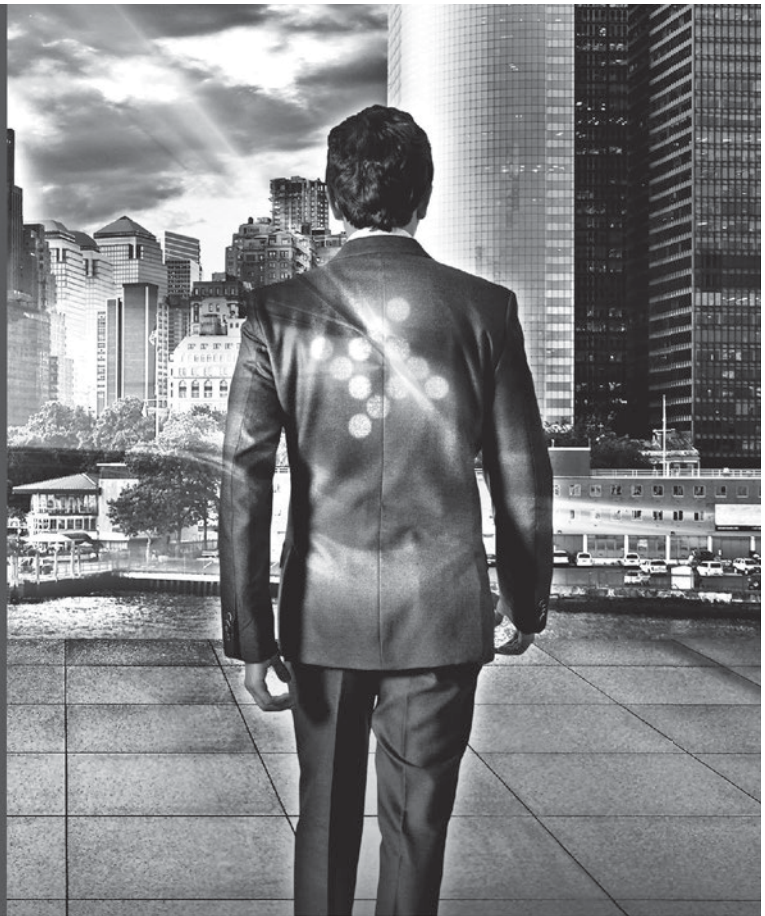
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# 2013 calendar

## June 2013

- 6 CCMS Supervisors Meeting  
(Hilton Garden Inn, Johnston)
- 11 District 4 Legislative District Meeting  
(Hilton Garden Inn, Council Bluffs)
- 12 District 1 Legislative District Meeting  
(Stoney Creek Inn, Johnston)
- 12-14 ICIT Mid-Year Conference  
(West Des Moines Marriott)
- 18 District 5 Legislative District Meeting  
(Bridgeview Center, Ottumwa)
- 19 District 6 Legislative District Meeting  
(The Hotel at Kirkwood Center, Cedar Rapids)
- 19-20 CCMS Fundamentals Training  
(Courtyard by Marriott, Ankeny)
- 20 District 2 Legislative District Meeting  
(Historic Park Inn, Mason City)
- 21 District 3 Legislative District Meeting  
(Buena Vista University, Storm Lake)

## July 2013

- 9 CCMS Administrators Meeting  
(Stoney Creek Inn, Johnston)
- 19-23 NACo Annual Conference  
(Fort Worth, Texas)
- 31-2 CCMS Annual Conference  
(Embassy Suites Des Moines Downtown)
- 31-2 ISACA Summer Conference  
(Iowa City)

## August 2013

- 1-2 Supervisors Executive Board Retreat (Ames)
- 14-16 Records Summer Conference (Cedar Rapids)
- 15-16 ISAC LPC Retreat  
(Hilton Garden Inn, Johnston)
- 22 ISAC Scholarship Golf Fundraiser  
(Otter Creek Golf Course, Ankeny)

## September 2013

- 11-12 ISAC Board of Directors Retreat  
(Plymouth County)
- 26 ISAC LPC Meeting  
(ISAC Office, West Des Moines)
- 29-1 Assessors Annual Conference  
(Embassy Suites Downtown, Des Moines)

## October 2013

- 8 CCMS Administrators Meeting  
(Hilton Garden Inn, Johnston)
- 16-17 CCMS Fundamentals Training  
(Courtyard by Marriott, Ankeny)
- 17-18 ISAC Board of Directors Meeting  
(ISAC Office, West Des Moines)

## November 2013

- 3-6 County Attorneys Fall Training Conference  
(Coralville)
- 7 CCMS Advanced Case Management Meeting  
(Stoney Creek Inn, Johnston)
- 13-15 ISAC Fall School of Instruction  
(Veteran's Memorial Community Choice Credit Union Convention Center, Des Moines)

## December 2013

- 4 ISAC Board of Directors Meeting  
(ISAC Office, West Des Moines)
- 5-7 NACo Board of Directors Meeting  
(Cedar Rapids)
- 10-12 ICEA Annual Conference  
(Ames)

Please visit ISAC's online calendar of events at [www.iowacounties.org](http://www.iowacounties.org) and click on 'Upcoming Events.' A listing of all the meetings scheduled for 2013, agendas and meeting notices can be found on ISAC's website. A majority of ISAC's meetings offer online registration. If you have any questions about the meetings listed above or would like to add an affiliate meeting to the ISAC Calendar, please contact Stacy Horner at 515.244.7181 or [shorner@iowacounties.org](mailto:shorner@iowacounties.org).

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