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The Iowa County: The official magazine of the Iowa State Association of Counties 501 SW 7th St., Ste. Q Des Moines, IA 50309 (515) 244-7181 FAX (515) 244-6397 www.iowacounties.org Denise Obrecht, EDITOR



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.

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ISAC members are elected and appointed county officials from all 99 counties. The Iowa County (ISSN 0892-3795, USPS 0002-150) is published monthly by the Iowa State Association of Counties 501 SW 7th St., Ste. Q, Des Moines, IA 50309-4540. Periodicals postage paid at Des Moines, IA 50318. POSTMAS-TER: Send address changes to The Iowa County, 501 SW 7th St., Ste. Q, Des Moines, IA 50309-4540. Subscriptions: \$20 per year.

feature

What is the ETC Project?

ETC stands for Electronic Transaction Clearinghouse and was created as a result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). It seems everyone is aware of HIPAA. If you visit a medical facility or have picked up a medical prescription, you have come in contact with HIPAA. Counties under the HIPAA regulations are, in certain situations, considered a Payer. That puts them in the same position as an insurance company when it comes to medical claims. This realization meant that counties would be forced to abide by HIPAA regulations and a deadline of October 15, 2003 for the ability to accept medical claims electronically.

As a result the HIPAA Committee was formed in Fall 2002. The committee was made up of auditors, supervisors, CPC administrators and IT personnel from counties of varying sizes. This was done purposely so that all viewpoints would be represented. The HIPAA Committee quickly determined that an affordable solution needed to be created that would work for all counties large or small. There were pre-existing software solutions available; however, they proved to be too costly for most counties. Existing clearinghouses were not interested in us because of our small volume of claims. Due to these reasons the committee decided to collaborate and create a solution that would be available to all 99 counties. As a result of this decision, a subcommittee, the future "ETC Committee," was formed to create and design a solution for counties. After analysis of the situation, the subcommittee decided to create an Internet-based, HIPAA-compliant electronic claims system.

How does an Internet-based system become HIPAA compliant? It relies on encryption. Encryption is the process to convert plaintext into ciphertext or "disguised" text. Thus, when a medical claim is submitted by a provider or medical facility to a county for payment, to protect personal information the claim must become encrypted sometime during the electronic transmission. The creation of this web-based system enables providers to submit claims to the member counties electronically and in a manner that meets all of the HIPAA regulations.

Once the analysis was determined and the decision made to proceed with an Internet-based system, the next

By: Tammy Norman ISAC Technical Administrative Assistant



task for the ETC Committee was to select a company that had the ability to quickly design and host this type of system. After some thought and analysis, the committee decided to enter into an agreement with Quilogy. Quilogy is a company based in 13 cities from Chicago to San Diego with excellent references for top quality work. Jim Vernon became the project manager from Quilogy and worked closely with Randy Snyder, Warren County IT Director and ISAC's project manager. Together with a team of IT gurus, they developed a system that is relatively simple to use.

Throughout the development process, the ETC Committee gave periodic reports and updates to the HIPAA Committee, thus keeping the full HIPAA Committee informed and allowing them the opportunity to change or add features as they felt necessary to make the system work properly. This sharing of information allowed input from different affiliates in various sized counties, creating an end result that is suitable for everyone's use no matter how large or small your county is.

The website was up and running by the October 15, 2003 deadline, an achievement in itself. This accomplishment was due to the tremendous effort and time put in by the HIPAA Committee and the ETC subcommittee. Their hard work and effort paid off. It allowed the member counties to be assured of being HIPAA compliant and avoiding any type of penalty that could have incurred if they were not.

Current Status of ETC

Counties

Currently 67 counties have joined the ETC project via 28E agreements approved and signed by their boards of supervisors. To participate in the ETC website, each county was required to pay a one-time startup fee of \$2,500. They were also required to pay an annual fee that varies based on the size of a county's budget. These

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feature

fees were used to pay the initial development cost of the website and the ongoing hosting costs. The majority of these counties are now set up in the system and ready to take in electronic claims with just a click on the mouse.

Providers

No providers have signed on as of this date. This is in large part because the mid-sized to smaller providers have no software to upload claims electronically and lack funding to go out and purchase software. The larger providers and hospitals which do have the software capability have yet to expend the effort/manpower to set up counties in their system which would enable them to send their claims electronically for payment. Currently there are no HIPAA regulations requiring providers to send in their claims electronically; however, there are HIPAA requirements mandating that counties and other entities be set up and ready to accept claims if providers choose to submit them electronically - thus the necessity for the ETC website. We must never lose sight of the fact that no matter what, counties are required by federal regulations to be able to accept electronic claims.

ETC's Future

ETC's future is wide open. Technology is ever changing, thus allowing limitless possibilities. To justify future spending on this project, we must show actual usage of the site. An ETC Advisory Committee, formed as a result of the 28E agreements signed by each of the member counties, has been assigned the task of looking at the direction the ETC website project should go. The ETC Advisory Committee is made up of 10 members: Randy Snyder, Warren County IT Director; Joe Pfeffer, Polk County System Administrator; Wayne Chizek, Marshall County GIS Director; Marsha Carter, Shelby County Auditor; Jill Marlow, Benton County Auditor; Mary Dubert, Scott County CPC Administrator; Steve Kerber, Appanoose/Monroe County CPC Administrator; Wayne Northey, Dickinson County Supervisor; and Cheryl Jahnel, Mitchell County Supervisor. The purpose of the committee is to provide input and technical assistance. The committee met for the first time in May. The objective of the meeting was to review the history, current status and the future of the ETC website project. One of the ideas that came out of the meeting was the ability to enable providers to use the website at little or no cost. Currently, Randy Snyder is working with Quilogy to develop a tool that will enable the providers to send in their claims, and the counties to approve or deny them, in one simple process. It looks promising that with some additional programming and minimal costs we should be able to provide this service to providers. The consensus is that if we are able to provide a means for the providers to submit their claims electronically, they will use it - thus ensuring the life of this project.

ETC and Beyond....

Can the ETC website be used for purposes other than submitting medical claims from providers? The answer is yes. Will it be done? That is yet to be determined. First, we must keep the ETC website project alive and we must do this by enabling providers to actually use the site. The majority of the providers that submit claims currently to our counties tend to be the small to mid-sized providers, thus the need to provide an economical method for them to complete this process. It looks like HIPAA is here to stay. Now, how can we make this a benefit to us? We take the technology that was created because of federal regulations that were foisted upon us and use it to our advantage. But how? We use the ETC website for purposes other than just processing medical claims. We can process claims from other entities to any office in the courthouse. We can approve or deny claims to other counties, agencies or vendors.

How can this be done? The ETC website is an EDI based system, the same type of system currently used by many companies in the corporate world to manage their invoicing and inventory systems. This will benefit counties by saving them time and money. Can this be done yet? No. These are just possibilities that the ETC Advisory Committee will look at. Ultimately, their job is to ensure that whatever the future holds for the ETC website, it will benefit the member counties by saving them money, time and effort.

Please take a moment and view the ETC information on the ISAC website, under 'Electronic Transactions Clearinghouse (ETC).' If your county is interested in becoming part of the ETC website program, please contact Tammy Norman at 515-244-7181 or tnorman@iowacounties.org.

capitol comments

Appreciation

Lawmaking is often a thankless task. It is easy to criticize state officials when things don't go our way. Sometimes it is even easier to forget to thank them when things do go our way. On balance, the 2004 legislative session was a good one and our lawmakers and Governor Vilsack deserve a note of appreciation.

It is impossible to recognize each legislator for every vote in support of local government. In order to be fair to all of them, it is important to remember that many crucial votes are unrecorded. Such votes often occur in their party caucuses. Examples of significant caucus votes that were favorable to county officials include defeat of the property tax limitation bills and rejection of the House Appropriations Committee amendment to repeal the ability to prorate the property tax credits. County officials will have to talk to their own legislators to find out details of how they stood on those and other key votes.

Here are some of the key items that were enacted and lawmakers who worked on them:

• *Funding and Prorating Property Tax Credits:* The property tax credits were funded at the same level as FY04. After much discussion about cutting the credits all together, the Senate leadership set the pace by announcing early in the legislative session that the credits would be maintained at the previous fiscal year level. In fact, Senate Appropriations Chair Jeff Angelo (R-Union) and Senate Majority Leader Stewart Iverson (R-Wright) deleted a provision in the initial legislation that would have repealed the ability of local governments to prorate the property tax credits based on the level of funding by the state when not fully funded.

• *Property Tax Reform:* Division XXIII of SF 2298 repealed the Property Tax Implementation Committee created in 2003 and replaced it with the State Tax Implementation Committee. This committee was directed to evaluate what property taxes should pay for and who should pay them. It was going to examine such areas as the decline in agricultural land values and impacts that changes in the property tax system would have on other state revenue sources. While this was line-item vetoed by Governor Vilsack, continued work on property tax policy is a priority for ISAC, the League of Cities and others. Sen. Bryan Sievers (R-Scott), Sen. Herman Quirmbach (D-Story), Rep. Jim Kurtenbach (R-Story) and Rep. Don Shoultz (D-Black Hawk) continue to make property tax reform a priority.

• *E-911:* Division XXIV of SF 2298 enacts provisions to update Iowa Code Chapter 34A dealing with E-911, and raises the statewide monthly wireless surcharge from 50 cents to 65 cents. While more funding will be needed to complete infrastructure upgrades, this reflects one of ISAC's top priorities for 2004. Sen. John Putney (R-Tama), Sen. Doug Shull (R-Warren) and Sen. Daryl Beall (D-Webster) deserve special recognition for sticking to this Senate version which was stronger than the House version.

• *Mental Health System Redesign:* In 2004, MH/DD redesign remained a top priority for ISAC. HF 2537 continues to move redesign of the mental health system along the recommended

By: John Easter

ISAC Director of Intergovernmental Affairs

direction of the MH/DD Commission and ISAC. Rep. Dave Heaton (R-Henry), Rep. Lisa Heddens (D-Story), Sen. Maggie Tinsman (R-Scott) and Sen. Jack Hatch (D-Polk) guided this bill.

• *Help America Vote Act/Elections Issues:* SF 2269 makes the necessary elections changes to bring Iowa into compliance with the federal HAVA law. Sen. Mark Zieman (R-Allamakee), Sen. Mike Gronstal (D-Pottawattamie), Rep. Libby Jacobs (R-Polk) and Rep. Pat Murphy (D-Dubuque) were responsible for securing passage of this bill, as well as including the necessary state matching funds in SF 2298 to draw down \$15 million in federal HAVA funds.

• *County Drivers' License Fees:* Legislation to increase the county payment for drivers' licenses from \$5 to \$7 per issuance was the essence of HF 2433. Rep. Henry Rayhons (R-Hancock) and Rep. John Whitaker (D-Van Buren) skillfully guided this measure though the House. State Department of Transportation (DOT) Director Mark Wandro also played a vital role in helping assure support from the DOT.

• *Treasurers' Omnibus Bill (SF 2289):* Sen. David Miller (R-Jefferson), Rep. Carmine Boal (R-Polk) and Rep. Geri Huser (D-Polk) worked hard to pass this important legislation.

• *Auditors' Real Estate Records (HF 2544):* Rep. David Tjepkes (R-Webster), Rep. Jim Kurtenbach, Sen. Roger Stewart (D-Jackson) and Sen. Larry McKibben (R-Marshall) assured strong passage of HF 2544.

• *County Jail Services (HF 2471):* Rep. Chuck Gipp (R-Winneshiek), Rep. Del Hanson (R-Benton) and Sen. David Miller skillfully worked this bill through the system.

• *Sheriffs' Surcharge (HF 2569):* Rep. Lance Horbach (R-Tama) and Sen. Roger Stewart made this new revenue source for counties become a reality.

• *Appointed County Attorneys (HF 2180):* Rep. Kurt Swaim (D-Davis) and Sen. Keith Kreiman (D-Davis) obtained passage of this priority for the county attorneys' affiliate.

• *Utility Replacement Tax Update (HF 2145):* Rep. Kraig Paulsen (R-Linn) should be credited for this legislation.

Several committee officers not already noted should be recognized for their general accessibility and attention toward county concerns. These include House Local Government Committee Chair Rep. Jim Van Engelenhoven (R-Marion), vicechair Rep. Bill Schickel (R-Cerro Gordo), ranking member Rep. Ed Fallon (D-Polk) and Senate Local Government Committee Chair Sen. Thurman Gaskill (R-Hancock).

Finally, a personal note of appreciation goes to my colleague and partner Bob Mulqueen for all of his help and support during our 11 years of working together. Although we did things differently at times, we worked well together in the Capitol which brought balance and strength to our lobbying team. I have enjoyed working with him and wish him well. I just hope I never have to face him on the opposite side of a legislative issue.



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legal briefs

Counties Turning To User Fees

Charging Fees

I've gotten more and more questions from county officials that want to begin charging a fee for a county service that was free. With county budgets getting tighter than ever, counties are now trying to pass on the costs directly to those that use the service.

For instance, in one case a county has seen a large increase in the number of summer camps in the county. That means that the county sheriff has to run more background checks on camp counselors and respond to calls from the camps regarding everything from lost campers to sexual abuse by camp counselors. The county wants to begin charging a flat per-camper fee for law enforcement services, and use the proceeds to hire a deputy to work with the camps.

But are these sorts of fees legal? The short answer is yes, with the restrictions discussed below.

There are really two issues here. The first is whether the socalled fee is actually a tax. Under the County Home Rule Amendment to the Iowa Constitution, a county may not "levy any tax unless expressly authorized by the general assembly." Likewise, Iowa Code §331.301(7) states that a county shall not levy a tax unless specifically authorized by a state statute.

So what is a "tax"? A tax is defined in Iowa law as a "charge to pay the cost of government without regard to special benefits conferred." (*Newman v. City of Indianola*, 232 N.W.2d 568. 573 (Iowa 1975)) Any fee that a county wants to impose must therefore bear a reasonable relation to the administrative cost of the services provided. The fee has to be based on the cost of providing the service. If it is nothing more than an attempt to raise revenue, it will not survive a legal challenge.

This issue came up when an enterprising county wanted to turn a county road which led to a casino into a toll road. The Attorney General said that "construction and maintenance of a toll road by a county for the purpose of raising revenue amounts to the imposition of a tax." (Iowa Attorney General Opinion, April 26, 1993)

But in another instance the Attorney General said that under the county's home rule authority it was okay for a county to license quarry operators and charge an administrative fee. (Iowa Attorney General Opinion, May 4, 1979)

As long as the fee is specifically collected for the purpose of defraying the necessary expense of providing county services, it is permissible. But if the purpose or effect of the fee is to raise revenue beyond the cost of providing these services, the fee would be a tax, and be prohibited under the Iowa Constitution. The bottom line is that generally a fee which only covers the cost of providing the service is legal.

The second issue is "preemption," in other words, whether there are already state laws regarding the matter you want to regulate. The County Home Rule Amendment grants extensive auBy: David Vestal ISAC Deputy Director



thority to counties. But if there is already in existence state legislation regarding a par-

ticular matter, it may indicate a belief by the Legislature that the matter in question is inherently a state issue, and not a county concern.

In some cases, the state may have "preempted" an area of the law, and intended that the county have no role. (*Solberg v. Davenport*, 232 N.W. 477 (Iowa 1930)) For instance, the Iowa Attorney General has concluded that counties could not issue local boating, hunting and fishing licenses because statewide boating, hunting and fishing licenses had long been in effect. (Iowa Attorney General Opinion, April 10, 1990)

That one was pretty clear. Here is a closer question: what if a county wants to charge a convenience fee to people who want to schedule their driver's license exams on a Saturday? The preemption analysis there would be that the subject of driver's licenses has been thoroughly regulated by the state, and if there is no provision in the Iowa Code allowing convenience fees, you probably cannot impose them under your county home rule authority.

But if preemption is not an issue, and if the fee the county is considering bears a reasonable relation to the administrative cost of the services provided, then the fee is permissible under the County Home Rule Amendment. And if a fee is challenged in court, a county's power under the County Home Rule Amendment is supposed to be broadly construed and subject to liberal interpretation. (Iowa Attorney General Opinion, April 6, 1979)

Parting Ponderable: I chuckled when I read the new U.S. Department of Labor regulations regarding the Fair Labor Standards Act. At one point the regulations explain that a salaried supervisor will not lose his "executive exemption" from the wageand-hour provisions by performing manual labor in an emergency. Here is one example they use: "A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive."

Thank goodness for that clarification. Without it, I can imagine the following exchange at the site of a mine cave-in:

Supervisor: "Get me a shovel! We've got to get Tom and Shorty out of that rubble."

Employee: "Gee, boss, you'd better stand back and leave the digging to us. Otherwise you could be in violation of section 13(a)(1) of the Fair Labor Standards Act."

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case management

YAI Conference

A brochure appeared on my desk—the YAI 25th Annual International Conference to be held in famous Midtown Manhattan, New York. It offered 175 workshops to choose from, including multiple sessions under each category. The categories included advocacy, aging, autism, challenging behavior, clinical, cultural diversity, early childhood, employment, families, legal issues, management, media relations, residential living, special education, staff training, and technology. How could it not be interesting and useful? An international conference on all of those issues plus the New York ambiance—should be super. I signed up.

The first keynote session discussed the issues of direct care staff retention and training. The American Network of Community Options and Resources (ANCOR) has been advocating at the national level to deal with these issues. In a resolution cited as the "Direct Support Professional Recognition Resolution" it states that "the Federal Government and the States should make it a priority to promote a stable, quality direct support workforce for individuals with mental retardation or other developmental disabilities that advances our Nation's commitment to community integration for such individuals and to personal security for them and their families." Because earning a living wage is key to retention, they would like to see Medicaid money used to boost wages. Check out their website at www.ancor.org . It has good information as well as important links. Also of interest is the site www.supportnac.org which is specific to this national campaign. If they accomplish this, what an impact it would have on the people case managers serve. Stability at such a personal level is a good thing.

A rather dynamic trio from Illinois presented a session on working with individuals with Autistic Spectrum Disorders (ASD). They indicated that autism has been called an epidemic. In the current and future populations, one in 166 children will have ASD and of those one in 33 are boys. They also indicated that a vast number of people with ASD also have Tourettes and OCD. Screening tools were cited, the best one in their opinion is the Autism Diagnostic Observation Schedule (ADOS).

Susan Vig, Ph.D., from the Rose Kennedy Center, Albert Einstein College of Medicine, provided a session on psychosocial stressors and developmentally disabled children. She provided an excellent foundation of the normal developmental milestones for children and the red flags indicating a deficit. Add to the developmental deficits the environmental stressors of poverty or the family factors of parental substance abuse and life for the disabled child becomes even more complicated. Also complicated is diagnostic accuracy. Psychosocial stressors could be the source of behaviors. Her handout was very useful and parts of it may appear in our future trainings!

I attended a full day workshop with Larry B. Silver, M.D., Clinical Professor of Psychiatry, Georgetown University Medi-

By: Linda Kemp Gethmann

ISAC Case Management Specialist

cal Center and author of *The Misunderstood Child.* He provided clinical information regarding a group of neurological disorders frequently found together, e.g. learning disabilities, language disabilities, and Sensory



Integration Disorder. Many of those also have a tic disorder, obsessive compulsive disorder, anxiety disorder, mood disorder, and/or intermittent explosive disorder. Emphasis was placed on the need for collaborative efforts among all involved with the child and the need to educate parents to be able to help the child at home. Dr. Silver's handout contained only excerpts from his book.

A pediatrician from Cedar Rapids provided two sessions that I attended. Pat McGuire proved to be very animated in her presentation and best of all very practical. Parents attended the session and had specific questions for her and her responses were quick and practical. She demonstrated an intimate knowledge of her subject matter having children with autism in her own home. One session was entitled "Asperger Syndrome: A Foreigner in His Own Land." By showing the common characteristics of a person with AS she indicated that due to their brain functioning they are unaware of cultural traditions others take for granted. Her analogy was to imagine one of us being dropped into a foreign land with no prior knowledge of customs, language, etc. The person with AS needs help with social skills. They need to learn the language, the customs, the rituals and the taboos. Helping the AS student learn the cognitive styles of others will help them understand how others see them. An example was the need for hand-flapping to relieve tension or whatever. Providing an alternative such as a ball to squeeze would appear more socially acceptable, less noticeable than the hand-flapping but still meeting the needs of the individual.

Pat's second workshop examined the checklists used to determine autistic disorder in children. She made the point to look beyond the checklists as they may indicate a behavior that has another source. The checklists are not a diagnosis. If you are interested in her PowerPoint presentations you can download them from her website at www.springtides.org. Click on the link to the YAI May conference. She also has a link to an actual checklist tool, NICHQ Vanderbilt Assessment Scale.

Of course being in Midtown Manhattan for a week brought opportunity for after session excursions. I was able to see the Statue of Liberty, Ground Zero, Central Park, the Today Show in the Plaza, the library, the production of The Lion King, Madame Tussauds' Wax Museum, the subway, Caroline's Comedy Club, Sardi's, and of course the overwhelming colorful animated billboard displays on Time Square. Living there would be a challenge but I did enjoy the visit. Iowa seems incredibly peaceful and rather under populated by comparison.

health check

Heart Health For Women

"Every year a quarter of a million women die of heart disease - more than the total number killed by breast cancer, diabetes and Alzheimer's combined - making it America's number one killer of women," stated Claudia Kalb and Karen Springen in Newsweek Health online at msnbc.msn.com. The American Heart Association found in a new survey that only 13% of women say they consider heart disease their greatest health risk. Another startling fact is that unhealthy habits account for 82% of heart disease in women.

There are a few factors that make it even harder to deal with this threat to women. First, the symptoms in women can be much different from the typical male symptoms. Many women feel no chest sensation at all and their symptoms are often subtle: unyielding fatigue, shortness of breath, nausea or indigestion, back or abdominal pain. Or, just an odd unwell feeling. The Newsweek Health article sites the example of an active grandmother who likes to play golf and run who experienced fatigue, headache and noticed an odd sensation near her heart. Her self diagnosis was the flu. Luckily, her husband was a physician and insisted that she be checked out. Her "flu" turned out to be a full blown heart attack.

By: Sandy Longfellow ISAC Administrative Assistant

Another factor deals with awareness. In general, we think of men having heart attacks. Therefore, doctors and women who don't consider heart disease as a threat may take the whole situation less seriously. Internal manifestation is also a bit differ-



ent. Men tend to have a buildup that causes clogs in blood flow. In women the deposits are more diffuse and don't show up the same as in men. The diagnosis is harder to make. Also, heart disease typically strikes women after menopause in their late 50s and 60s. That is about 10 years later than men.

The first step is to know that heart disease is a risk factor for women. From there we need to take the steps necessary to avoid the disease. The American Heart Association recommends stop smoking, get at least 30 minutes of exercise most days of the week and eat lots of fruits and veggies. Your blood pressure should be less than 120 over 80 (a change from past guidelines). Your HDL cholesterol (the good kind) should be above 50 and LDL (the bad kind) should be below 100.

As always, please be aware of your health and do yourself a favor by doing what is best for your total well-being.

associate member highlights

Danko Emergency Equipment

Federal Warning Systems, a Division of Federal Signal, is represented throughout the state of Iowa by Danko Emergency Equipment Co. of Snyder, NE. Danko Emergency Equipment



Co. represents a full line of emergency products including its flagship outdoor warning system manufactured and installed by Federal Signal Corporation. Federal Signal Corporation operates

the world's largest facility dedicated to the design and manufacture of public warning and safety, signaling, and communication products. Federal Warning Systems designs, engineers, and manufactures complete siren systems within its own facility, which includes a radio frequency design and test facility, computer, microcontroller and software design and test and an agency approved Anechoic Chamber and other test laboratories. Currently more than 25,000 Federal Signal sirens are in operation worldwide. Many of these sirens have been in operation for more than two decades. The majority of all Federal Signal sirens supplied are for weather and civil defense applications throughout the world.

Butch Hoffman, Sales Representative for Danko Emergency Equipment, can offer you the resources of the Federal Signal Corporation, Safety Products Group. Butch is a market expert on indoor/outdoor warning systems. His three years of experience addressing customer needs has allowed him to help position Federal Signal Corporation as a leader in the Siren System Solutions throughout the state of Iowa. Butch can assist city, county, state and military customers to complete indoor/outdoor surveys, budget proposals, assist in specification writing and identifying and defining the proper scope of work that will effectively address your warning system needs.

Contact Information:

Butch Hoffman 304 Ranger Road Snyder, NE 68664 Telephone: (866) 568-2200 Cell Phone: (402) 380-9799 Email: Butch@danko.net



ISAC brief

HIPAA Security Regulations

By: Linda Hinton ISAC Assistant Legal Counsel

Thought you were done with the Health Insurance Portability and Accountability Act? No such luck. The HIPAA Privacy regulations are in effect and counties have developed policies and designated a Privacy Officer to ensure that they are in compliance. In addition, counties are required by HIPAA to have the means to accept electronic billings from providers, so ISAC created Electronic Transactions Clearinghouse (ETC) and contracted with Quilogy to develop an on-line clearinghouse for participating counties.

Now we turn our attention to HIPAA Security Regulations, which take effect on April 21, 2005. The HIPAA security rule sets security standards for electronic transmittal and maintenance of personal health information, to be implemented by health plans, health care clearinghouses and certain health care providers.

ISAC asked the Iowa Counties Information Technology organization (ICIT) to bring a group together to develop sample policies and procedures for counties to revise and use in complying with the HIPAA Security regulations. That group has been meeting since October 2003, and posts products they develop on the ISAC website (www.iowacounties.org) under 'HIPAA' then 'HIPAA Security Policies and Procedures.'

Each county should designate a HIPAA Security Officer responsible for the development and implementation of the county's security policies and procedures. When this is done, please notify ISAC to ensure that your designated Security Officer is on the HIPAA Security mailing list.

The cost of complying with the HIPAA security regulations depends largely on where you are now as far as computerization efforts in your county. For instance, counties that already have information technology departments and full-time employees devoted to computer issues will be in the best position to proceed with implementing the regulations, and will thus face fewer costs. In addition, some staff costs have already been expended on county disaster plans, some of which will be applicable to the HIPAA security regulations.

It is important to understand that these HIPAA regulations relate to any electronic transmittal of personal health information, not just data transmitted by computer. For example, the security of fax machines and cell phones needs to be considered as well.

As the HIPAA Security Committee has worked on developing sample policies and procedures, it has become clear that the regulations represent good business practices and should be doable, regardless of your county's level of IT sophistication. The HIPAA Security Committee plans to provide training on specifics related to these regulations at the Fall School.

ISAC Fall School 2004

By: Jerri Noboa

ISAC Meetings Administrator

This month I want to guide you to the hotels and parking ramps available when attending ISAC's Fall School November 14-16, 2004 at the Marriott and Renaissance Savery in downtown Des Moines. I know



many of you stated you are afraid of the downtown traffic. If you come in on Sunday you won't have any traffic problems.

Easy In

If you are traveling east on I-235, take the 7th Street exit and head south. If you are traveling west on 1-235 take the 3rd & 5th Street exit which will lead you to 7th Street and head south.

If you are staying at the Marriott you have three options for parking. (1) Valet parking at the Marriott at a fee of \$14 a day. Take 7th to Grand, turn right (west) and pull into the Marriott hotel. (2) Park at 7th & Grand Avenue parking ramp at a fee of \$9 per day with Sunday being free. This ramp has two entrances and both are on High Street (5 blocks from your entrance onto 7th). You can turn left or right (east or west) on High Street to enter this ramp. This ramp is connected to the hotel by skywalk and is right across the street from the Marriott. (3) 9th & Locust parking ramp at a fee of \$9 per day with Sunday being free. This ramp has an entrance on all sides. Take 7th to Grand, turn right (west) onto Grand, go two blocks and turn left (south) to 9th.

If you are staying at the Renaissance Savery you have two options for parking. (1) 4th & Grand Avenue parking ramp at a fee of \$7 per day with Sunday being free. Take 7th to Locust (one block past the Marriott), turn left (east) to 4th (Renaissance Savery is on the corner of 4th & Locust), turn left on 4th Street to enter the parking ramp. (2) 5th & Watson Powell parking ramp at a fee of \$7 per day with Sunday being free. Take 7th to Watson Powell Jr. Way, turn left (east) to 5th, turn right on 5th and turn left at the north end of the ramp.

If you are staying at the Hotel Fort Des Moines you have one option. (1) 10th & Walnut parking ramp is across the street from the hotel at a fee of \$7 per day with Sunday being free. Take 7th to Grand, turn left (west) to 10^{th} , turn left (south) to Walnut.

Park and Ride. 7th & Center Park and Ride is \$5 per day with Sunday being free. The shuttle from this ramp is 25ϕ each way to your hotel. However, the shuttle does not run on Sunday. Take 7th Street and turn left at the south end of the ramp onto Center.

Easy Out

To leave, take 6th north to I-235.

Visit ISAC's website (www.iowacounties.org) under 'Upcoming Events' for further Fall School 2004 information.

NACo news

Courthouse Energy Efficiency

NACo's ENERGY STAR Courthouse Campaign kicked off in March and challenges counties to improve the energy efficiency of county courthouses and other county offices nationwide. "Environmentalism is not a fad," said the administrator for the U.S. Environmental Protection Agency (EPA) during his general-session speech at the NACo Legislative Conference in Washington D.C. March 1, 2004. He said clean air and water and protected lands will give the country leadership in the world economy.

The ENERGY STAR program aims to teach businesses how to save energy and improve operations. It uses a ratings system to evaluate businesses, and those in the top 25% of the scale receive the ENERGY STAR awards and status. Through the NACo launch, county buildings are now able to apply for the program, because EPA has developed a scale for such buildings.

According to Beth Bleil, NACo community services associate, buildings that earn ENERGY STAR status use about 40% less energy than average buildings. Last year alone, EN-ERGY STAR in the U.S. saved enough energy to power 20 million homes and saved \$9 billion in energy bills.

This program was established through a partnership between EPA and NACo. "This new partnership will not only help the environment, but will save dollars in tough economic times," Leavitt said. "We need national standards, but neighborhood solutions."

The following was written by Angela Connolly, Polk County supervisor, and published in NACo's County News on April 26, 2004.

NACo's ENERGY STAR Courthouse Campaign aims to reduce energy consumption, and we know it can be done. Despite some significant challenges, we have made energy efficiency at the Polk County Courthouse and other county facilities a leading priority. We are saving money, creating a cleaner environment and contributing to a stronger local economy all at once.

If you saw the Polk County Courthouse, you would ask: "What can you do with a century-old, 150,000 square-foot building, with 24-inch thick masonry walls and almost no insulation?" Our answer: Plenty. We have replaced windows, rejuvenated weather stripping, added programmable thermostats, and installed energy efficient lighting.

The lighting alone helps avoid \$6,000 in energy costs every year. We are adding additional insulation as part of a muchneeded roof replacement for another \$5,000 a year savings, as well as an ENERGY STAR roof membrane that, itself, will save over \$500 annually in cooling costs because its lighter color reflects more solar radiation.

But that is still not enough. We recently asked our judges and courthouse staff workers to take responsibility for shutting off lights and computer monitors when they are not in use. Computer monitors used to run 24/7, but we have requested they be turned off on evenings and weekends. If we are successful with this new endeavor, the energy saved from the monitors alone would power six to eight average homes and save county taxpayers more than \$4,000 a year.

Do we have challenges? You bet. The size and thickness of the walls prevent any major renovations to our heating and cooling systems, and significant exterior changes would jeopardize the historical value of the courthouse. Moreover, security in courtrooms has required the continued use of window air conditioners in many places, since, when doors are closed, air cannot circulate in this old building. We are responding to that challenge by looking into a gradual replacement of old window air conditioners with much more efficient ENERGY STAR-rated units.

With more than 1.25 million square feet of owned facilities (and an additional 900,000 square feet to be added next year with the new Iowa Events Center), Polk County needs to be serious about energy efficiency. And we are. Energy-related improvements at all Polk County facilities made over the past three years are currently saving taxpayers more than \$100,000 a year in energy costs. By so doing, we have also decreased the amount of carbon dioxide produced by power plants by over 2,000 tons a year.

Just as importantly, we are helping our local economy. As part of the Rebuild America and Rebuild Iowa programs, sponsored by the U.S. Department of Energy, we have learned that dollars spent on energy efficiency are dollars spent at home. Because Iowa is not an "energy" state like Texas or Louisiana, most of what we pay toward our energy bill leaves the state -60 cents of every dollar, in fact. But when we use local labor and contractors, and buy energy efficiency equipment locally, the dollars do not leave, but instead bounce around our neighborhoods several times. A million dollars spent on energy efficiency creates 25 "job-years" (25 one-year-long jobs). Polk County has spent close to \$700,000.

Administrator Leavitt is quoted as saying that "when you change your hearts, you change a nation." We made the change locally, and we hope others will join Polk County in building a stronger economy, protecting the environment and saving dollars through energy efficiency.

For more information on the ENERGY STAR Courthouse Campaign, contact Beth Bleil at (202) 942-4246 or bbleil@naco.org.

NACo news

Air Quality Grant Winners

Three counties in Iowa received grant funding from NACo's Indoor Air Quality Program. Pocahontas, Cerro Gordo and Linn counties each received \$5,000. Twenty-six counties and three organizations were awarded mini-grants as part of the 2004 Indoor Air Quality Model County and Coalition Grant Program. The winning proposals, selected from a total of 48 submitted, will focus on radon, mold, indoor asthma triggers, air quality in schools, and environmental tobacco smoke and children.

The main goal of the Indoor Air Quality program is to heighten county officials' awareness of indoor air pollutants as public health threats, and to provide materials and technical assistance for risk reduction activities. The funding for these grants was made available through a cooperative agreement by the U.S. Environmental Protection Agency to the National Association of Counties Research Foundation (NACoRF), a wholly-owned subsidiary of NACo.

For more information on the Indoor Air Quality Program, visit www.naco.org/programs/environ/pollution/radon.cfm or contact Beth Bleil, community services associate, at (202) 942-4246 or bbleil@naco.org.

Caring Award to Polk County

The 2004 Annual Acts of Caring Awards were presented during a luncheon ceremony on Capitol Hill April 21, 2004 during National County Government Week. Winners from around the nation were on hand to receive their awards from NACo President Karen Miller and Nationwide Retirement Solutions (NRS) President Duane Meek. An "act of caring" is a community service provided by a county-sponsored volunteer program that enhances or preserves the quality of life.

Polk County accepted an award in the Environment category for its Corps of Recovery program. The Conservation Board of Polk County began the Corps of Recovery volunteer program three years ago to help paid staff complete projects they did not have time for during the regular work-week. Sixtyfive volunteers currently donate 800 hours of time on an annual basis. So far, volunteers have cleared approximately five acres of woodland invasive species, maintained more than 80 bluebird boxes, collected thousands of dollars in rare prairie and wetland seed, and extensively monitored plant and wildlife species.

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Fiscal Advisor

Fiscal Advisor for Black Hawk County, Iowa (700 employees) to serve as chief fiscal advisor to the Board of Supervisors and financial liaison with county departments. Performs advanced-level financial analysis, planning/program evaluation, and management analysis; prepares and reports on the county-wide budget; coordinates activities related to the issuance of financing instruments and GO bonds; and identifies and applies for grants. Requires Bachelor's degree (Master's Degree and/or CPA preferred) in finance, accounting, public administration, economics, statistics or related area with at least four years (three years with Master's Degree and/or CPA) of professional-level experience in budget analysis, financial management or fund accounting. Debt financing and grant writing experience preferred. Prefer county/city government experience. Salary range: \$55,000 -\$75,000 annually, depending on qualifications and experience. APPLY BY: July 9, 2004. Send resume with five work-related references to: Human Resources, Black Hawk County, 316 E. 5th Street, Waterloo, IA 50703 or fax to (319) 833-3144. Equal Employment Opportunity Employer. For further information about this position visit ISAC's website (www.iowacounties.org) under 'County Information' then 'County Employment Opportunities.'

MH/DD Clinical Supervisor

Under direction of the Johnson County MH/DD Services Director, coordinates all aspects of case management, including referral, intake, eligibility, program planning, monitoring, assessment, and evaluation of needs/services. Oversees the Title XIX Targeted Case Management program, ensuring program compliance with federal and state guidelines. Assumes responsibility for hiring, training, and supervising staff, and for individual and systems advocacy. Position requires a Bachelor's degree with 30 semester hours in a human services field and at least three years of experience in the delivery of services to the population groups served; or an Iowa license to practice as a registered nurse and at least 3 years of experience in the delivery of services to the population groups that the person is hired as a case management supervisor to serve. Two years experience in a position of supervisory responsibility. \$39,000 -\$42,500 to start. Send cover letter and resume by July 7, 2004 to Elaine Sweet, Johnson County MH/DD Services, 911 North Governor, Iowa City, IA 52245. AA/EOE

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miscellaneous

28E Agreements Are Not Just For Boxes Anymore!

By: Iowa State's Public Policy and Administration Program Faculty

There is more rhetoric and emotions infused in the debate about the efficiency and effectiveness of Iowa's county and city governments than there is actual evidence. Iowa State's Public Policy and Administration Program faculty and students aim to change that.

Professor Kurt Thurmaier, program director, is working with Dr. Yu-Che Chen (recently hired to spearhead the new *e*Government program at ISU) to transform all those boxes of 28E agreements that have languished in storage in the state warehouse into a database that can be used to help answer important questions about how efficient and effective Iowa's local governments really are.

The project has multiple goals, according to Thurmaier. One of the goals is to provide the state legislature and others with a map of all the 28E agreements in Iowa. Other maps will present geographic configurations of agreements for different types of government services, such as agreements for hazardous materials response, fire response, housing, libraries, economic development, city-county jails, city-school recreation facilities, planning and many others. "At a minimum," Thurmaier hopes, "we will be able to demonstrate to legislators and the media who are urging more consolidations of services that there is considerable cost-sharing taking place now." Thurmaier notes that there are over 11,000 interlocal (28E) agreements on file at the office of the Secretary of State. Some date back to 1971, and that excludes Memoranda of Understanding (MOUs) for which filing is not required.

"Another important goal is to build a citizen-accessible information system for managing Iowa's local government networks and interlocal agreements," Thurmaier explained. "We want county board members, county department heads, citizens, legislators and others interested in 28E agreements to be able to find the best examples of interlocal agreements for any particular government service." For example, he expects that a county planner can learn about all the existing city-county planning agreements in Iowa by searching the database through a web portal with a few clicks of a computer mouse.

Chen explained that the project team will work in two phases. The first phase will transform the paper 28E records into a powerful information system that: 1) provides a database searchable by type of 28E agreement, type of participating government (e.g., county, small town, large city); 2) produces a GIS-based spatial representation of each 28E agreement; 3) provides email links for designated 28E contacts; 4) provides a downloadable and copy of the actual 28E agreement; and 5) offers an in-depth management report that discusses why and how an agreement is effective (or ineffective) based on personal field interviews with participating 28E agreement managers (for a sample of selected 28E agreements).

The project depends on a great deal of cooperation from local government officials. County department heads will be receiving a survey in early July for each 28E agreement to which the county is a party. The appropriate department head will be asked to provide key information about each agreement, including satisfaction with how the agreement is improving the effectiveness and efficiency of the designated service. The city of Des Moines cooperated with ISU's team to pilot the survey using 28E agreements in Des Moines from 1993-2003. A revised version of that survey will be sent in July to all units of local government using 28E agreements.

"We want to give the state a high-value added for the investment in this project," Chen explained. "It is not enough to create a simple database. We want people to learn about the quality of the agreements, be able to contact key participants, and to 'see' the geographic representation of the agreement through GIS software.

"We want to build an *e*Government information management system that will strengthen existing and future collaboration between local government units in the area of critical infrastructure protection and service sharing," noted Chen. "This information system will allow citizens, local elected officials and local public managers to increase the effectiveness and efficiency of government services to citizens by learning about effective interlocal (28E) agreements used in Iowa's communities."

The field interviews for the management reports are expected to have great value to citizens and state legislators and local officials interested in developing more 28E agreements. Managed by Thurmaier, with cooperation from Pat Callahan, Consultant in Government Management for the University of Iowa's Institute of Public Affairs, the management reports will highlight the best practices in 28E agreements and analyze the problems causing trouble in the "worst" agreements. "If an agreement is not working between two governments, then it is important to learn why, and how others can avoid those obstacles," Thurmaier said.

The first phase of the project develops the information system based on 28E agreements that have been filed since 1993; this phase spans April 2004-June 2005. The second phase (July 2005-June 2006) will add the 28E agreements filed since 1971 that have not expired by 2004.

miscellaneous

ISU's 2nd Annual Governance Conference a Success

By: Iowa State's Public Policy and Administration Program Faculty

Iowa State University's 2nd Annual Building Excellence in Governance Conference was deemed a "great experience" by those attending, according to Professor Kurt Thurmaier, Director of Iowa State's Public Policy & Administration Program. "The comments during the discussions and the comments received in the conference evaluations were extremely supportive," Thurmaier said. The annual conference was held May 7th at the ISU Memorial Union in Celebration of National Public Service Recognition Week. This year's theme was "Citizens, Customers and Clients" because "we wanted to help public managers think about how to interact with people in different ways," Thurmaier explained. "Sometimes citizens are customers, sometimes clients, and sometimes all three at once! How do those relationships change the way one communicates with citizens and how does that shape the ethical dilemmas public officials face in their everyday activities?"

Following welcoming remarks by ISU President Gregory Geoffroy and LAS College Dean Michael Whiteford, conferees spent the morning discussing different ways of communicating with the public. Presenters included Jeff Schotts (City Manager, Marion), Lynn Walding (director, Iowa Alcoholics Beverage Division), and professors Dianne Bystrom, Paul Coates, Alfred Ho, and Barbara Mack (Iowa State University).

The afternoon session focused attention on "The Other E: Integrating Ethics into Everyday Decisions." Conferees were able to read and discuss the various codes of ethics that govern the actions of many government professionals. The discussion was initiated by presentations from Bob Kindred, Assistant Ames City Manager (the ICMA code of ethics); Mary Harlan, Iowa Department of Public Health (the ASPA code of ethics); and Cindy Kendall, City Finance Director, Marshalltown (the GFOA code of ethics).

The luncheon speaker was Prof. Robin Hambleton, Dean, College of Urban Planning and Public Affairs, University of Illinois-Chicago, who spoke about "Leadership in Public Service: Moving Beyond Customer-Driven Innovation." Professor Hambleton critiqued the reform ideas of benchmarking/competition and customer focus for their lack of attention to the notion of "community." He argued that public leadership must find ways to engage the community in the public enterprise.

"We received lots of great topic suggestions for next May's conference," Thurmaier said. "We will continue to offer this annual conference as a service to Iowa's public officials in local, state and federal offices," he added.

Local Government Innovations Fund

The Local Government Innovations Fund Committee has reopened the application period for grant and loan awards. The second application round will end on Monday, August 2, 2004. Applications are to be submitted via email. The application is to be no longer than two pages. Guidelines and reference materials are available on ISAC's website (www.iowacounties.org) under 'Hot Topics.' The Local Government Innovation Fund was established to stimulate and encourage innovation in local government by the awarding of loans and grants to cities and counties. The fund has approximately \$460,000 remaining for awards in the form of either loans or grants.



July 2004

miscellaneous

Federal Program Ensuring Farm Productivity

Recent statistics show that it takes 25 acres of agricultural land to support one person's way of life. It takes three of those acres just to feed that person. Given that productive farm land is disappearing at a rate of 1.2 million acres per year, maintaining our country's remaining crop fields and pastures is important to all of us.

The Farm and Ranchland Protection Program (FRPP), permanently authorized in the 2002 Farm Bill, is a voluntary program that provides matching funds to help purchase development rights to keep productive farm and ranchland in agricultural uses. USDA provides up to 50% of the fair market easement value.

USDA works through state, tribal, and local governments and non-governmental organizations to conduct the FRPP. These entities acquire conservation easements from landowners. Participating landowners agree not to convert their land to non-agricultural uses and to develop and implement a conservation plan for any highly erodible land. All highly erodible lands enrolled must have a conservation plan developed based on the standards in the The Natural Resources Conservation Service (NRCS) Field Office Technical Guide and approved by the local conservation district. Landowners retain all rights to use the property for agriculture. To participate, a landowner submits an application to a state, tribal, or local government or a non-governmental organization that has an existing farm or ranchland protection program. The NRCS State conservationist, with advice from the State Technical Committee, awards funds to qualified entities to purchase perpetual conservation easements.

Eligibility

To qualify for FRPP, the land offered must:

- contain prime, unique or other productive soil or historical or archaeological resources
- be included in a pending offer from a government or nongovernment organization's farmland protection program
- be privately owned
- be covered by a conservation plan for any highly erodible land
- be threatened by development

NRCS is the lead agency in implementing FRPP. NRCS is a USDA agency that helps private landowners take care of the natural resources on their property. *To learn more about FRPP contact your community's local NRCS office or visit www.ia.nrcs.usda.gov.*

What is a conservation easement?

A conservation easement is an interest in land, as defined and delineated in a deed, whereby the landowner conveys specific rights, title and interests in a property to a state, tribal or local government or non-governmental organization. The landowner retains those rights, title and interest in the property which are specifically reserved to the landowner in the easement deed, such as the right to farm. The easements generally restrict nonfarm development and subdivision. Generally, there are few restrictions on improvements and construction related to the farming operation. The easements become part of the land deed and are recorded in the local land records. The landowner controls the land and use of the land according to the easement. The land still is owned by the landowner and can be transferred, deeded or sold, just as any other property. The easement does not require any provisions for public access, unless such access was negotiated as part of the easement purchase transaction.

How is the value of a conservation easement determined?

The value of a conservation easement usually is determined through a professional appraisal. A qualified appraiser assesses the difference between the fair market value of the property, often using comparable sales, and its restricted value under the easement.

What are the local property tax implications of protecting farmland with conservation easements?

Because the landowner still owns the property, he or she still is responsible for paying any associated property taxes. Since many states, including Iowa, have programs that tax farmland based on its use or farm value, the net effect of the easement on local property tax revenues is little to none.

What is the role of the federal, state, tribal, and local governments and non-governmental organizations?

Cooperating governmental or non-governmental organizations process the easement acquisition and hold, manage, and enforce easements. A federal contingent right interest in the property must be incorporated in each easement deed to protect the federal investment if the cooperating entity terminates, defaults or divests itself from the easement.

How much is the easement holder required to contribute?

The NRCS share of the conservation easement cannot exceed 50% of the appraised fair market value. As part of its share of the cost of purchasing a conservation easement, a cooperating entity may include a charitable donation by the landowner not to exceed 25% of the appraised fair market value of the conservation easement. The cooperating entity shall provide, in cash, 25% of the appraised fair market value or 50% of the purchase price.

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For Additional Information, call County Risk Management Services at 800-397-4947

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JULY

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- 16-20 NACo Annual Conference (Phoenix, AZ)
- 21-23 Auditors Annual Conference (Plaza Inn, Sioux City)
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AUGUST

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- 11-13 CCMS Annual Conference (Holiday Inn Airport, DM)
- 11 Recorders Legislative Meeting (Grand Harbor Resort, Dubuque)
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- 4 CCMS Advanced Case Managers (Baymont Conference Center, Des Moines)
- 9-12 County Attorneys Fall Conference (Cedar Rapids)
- 14-16 ISAC Fall School of Instruction (Downtown Marriott/Renaissance Savery, Des Moines)
- 15 CCMS Board of Directors (Downtown Marriott, Des Moines)

DECEMBER

- 1 District 4 Winter Meeting (location TBA)
- 2 District 2 Winter Meeting (Elks Lodge, Charles City)
- 12-15 Sheriffs & Deputies Winter School (Downtown Marriott, Des Moines)
- 16 IEHA Board of Directors (ISAC Office)
- 17 ISAC Board of Directors (ISAC Office)

Upcoming Annual Schools

March 16-18, 2005 - Downtown Marriott/Renaissance Savery, Des Moines

November 13-15, 2005 - Downtown Marriott/ Renaissance Savery, Des Moines

March 19-21, 2006 - Downtown Marriott/Renaissance Savery, Des Moines

November 29-Dec. 1, 2006 - Downtown Marriott/ Renaissance Savery, Des Moines

March 18-20, 2007 - Downtown Marriott/Renaissance Savery, Des Moines

November 28-30, 2007 - Downtown Marriott/ Renaissance Savery, Des Moines

For agendas or additional information on any of the above listed meetings please visit our website at www.iowacounties.org and click on Upcoming Events! If you have any questions about the meetings listed above, please contact Jerri at (515) 244-7181 or by email at jnoboa@iowacounties.org.

³⁻⁶ Assessors Fall School (West Des Moines)

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