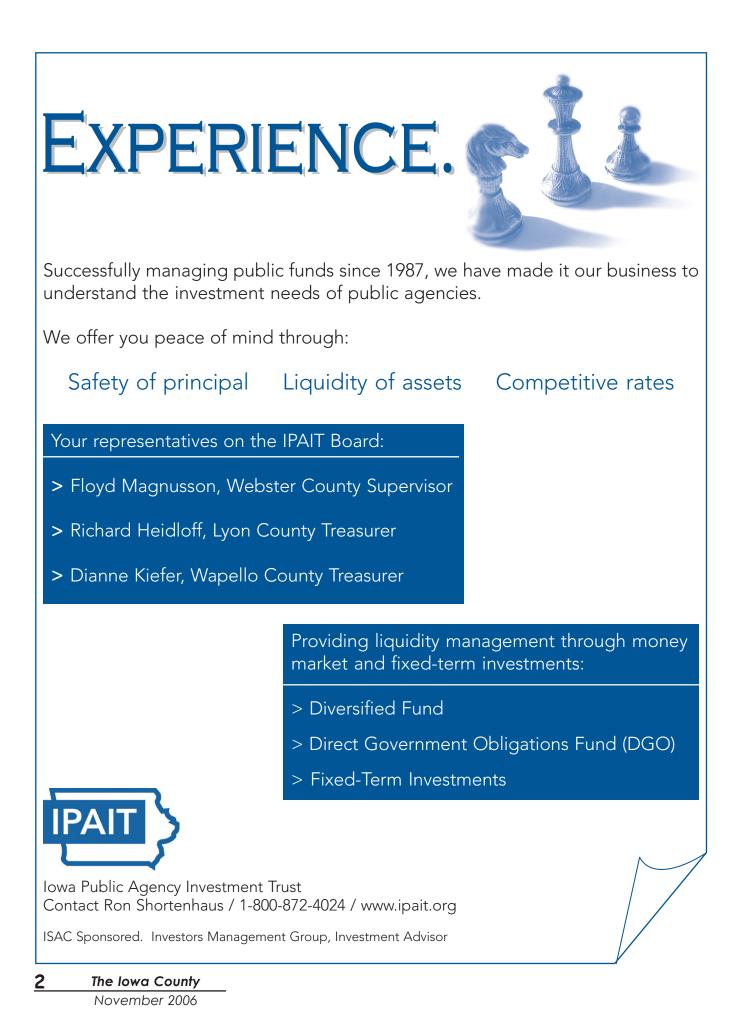
The Iowa County

Confused over the Mental Health Allowed Growth Funding Formula?







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.

An Explanation of the Mental Health Allowed Growth Allocation

How funding from the state for MH/DD services is allocated among the 99 counties has become increasingly complex since the state-county partnership was forged by HF 2430, passed in 1994, and SF 69, passed in 1995. The original premise of the partnership was that the state and counties would each pay half of the (non-federal) disability services costs, while the state would pick up all costs of growth in the system.

In the beginning only property tax relief dollars went out to the counties. Those amounts grew from FY96 to FY98 as the state met its commitment to fund \$95 million of the system (\$88.4 million went to property tax relief and \$6.6 million went to the state to fund children's services). This property tax relief allocation was divided among the counties based one-third on population, one-third on valuation and one-third on spending. Then the allocation was frozen, so that each county today receives the same property tax relief allocation it received in FY98. All counties receive property tax relief funding every year, as long as they file reports on time and comply with other administrative requirements in the Iowa Code.

Beginning in FY98 growth funding was added. Growth grew from \$6.2 million in FY98 to \$26.5 million (\$24.5 million to be allocated to the counties and \$2 million for the risk pool fund) appropriated in the 2000 legislative session for FY02. Much of the complexity in the funding formula was added with the cut in growth that took effect in FY02. The proposed \$26.5 million in growth funds was cut to \$8.2 million due to the state's financial condition at that time. The justifications for the amount of the cut in growth funds were: the advent of adult rehabilitation services (ARO) as part of the Medicaid state plan; the approximately \$95 million available in county fund balances; and the projected implementation of mental health parity. At the time counties stated that: they had already taken the ARO savings into account; there was no consideration given for what was an appropriate reserve level; and there was no prospect for mental health parity being passed that year and no guarantees thereafter. The result of the \$18 million cut was to squeeze the reserves out of the system. Because reserves are one-time funds, once they are gone the counties are unable to support their on-going responsibilities without significant growth funds. As a result of the state's funding difficulties and subsequent allowed growth cut, the Legislature devised a graduated withholding formula to adjust the actual amount of funding to be distributed to eligible counties. This formula is described in the remainder of this article and the accompanying flowchart. Its fundamental structure remains in effect today, although the Legislature tweaks it every year.

By: Jay Syverson, ISAC Fiscal Analyst and Linda Hinton, ISAC Legal Counsel

The tweaking of the formula results from policy decisions varying from year to year. Originally, the Legislature allocated growth dollars to counties that were in a position to use the dollars to provide additional property tax relief to their residents. As funds for services grew tighter, the Legislature made a decision to focus the state growth dollars to areas of need based on various factors – fund balance, amount of levy capacity used and level of per capita spending compared to other counties. Those factors remain the primary basis for allocation today. It's important that county officials – supervisors, CPCs, auditors and others – understand how those factors work within the formula, because decisions county officials make during the budget-setting process can make thousands of dollars of difference in state allocations to a particular county.

The Allocation

Step 1 – Initial Allocation

First thing's first: a county is disqualified from receiving any allowed growth funding if it does not file its annual financial report with the Department of Management or its CoMIS report with the Department of Human Services by December 1 of each year. So don't miss the deadline. Now, assuming you meet the deadline, let's look at the three pots of state money that together constitute Mental Health Allowed Growth. (The first of the three pots is also called allowed growth, so don't let that confuse you.)

- Allowed Growth Every county is eligible for allowed growth. This pot of \$12 million is allocated based on population and changes slightly each year based on the new Census population estimates.
- 2) Community Services Like allowed growth, every county is eligible for community services. This pot of \$17,727,890 is allocated 50% based on a county's population as of the most recent Census estimate and 50% based on the poverty population as of the most recent year. This allocation changes annually, but the change is usually pretty minor.
- 3) Per Capita In recent years, most of the new money put into Mental Health Allowed Growth has gone into this fund. To be eligible for per capita, a county must meet three criteria: 1) it must have a fund balance below 25% for the year two years prior to the year in which the allocation is being made (e.g. the FY05 fund balance must be below 25% for a county to be eligible for per capita funding in FY07); 2) it must have net county expenditures less than \$116.77 per capita one year prior to the year in which the allocation is being made; and 3) it must levy 100% of

its eligible mental health levy in the current year. This pot of money, the size of which changes annually, is divided among the counties that meet the three eligibility criteria based on their population as of the most recent Census estimate. The per capita allocation, when added to a county's net expenditures, shall not cause a county to exceed net county expenditures per capita of \$116.77. Once a county reaches the maximum per capita expenditure amount, its remaining per capita allocation is divided among the rest of the eligible counties.

The sum of the above three pots of money equals a county's "pre-withholding" amount. (This is the amount of money that every county should get, and would get, if the state appropriated enough money to match the allocation. But, as we all know, it does not.) And so we move on to the intermediate step, withholding.

Intermediate Step – Withholding

The three state funding pools add up to an initial allocation of \$61,853,614 for FY07. But the state only appropriated \$54,189,038 to counties for Mental Health Allowed Growth. The withhold factor is a mechanism to get from the initial allocation to the final appropriation. For FY07, the withhold factor is \$7,664,576, the difference between the initial allocation and final appropriation. As you'll see in step two, the withhold factor only affects counties with fund balances between 10% and 25%.

But why do we need the withholding process at all? Why doesn't the state just allocate enough money to each of the three funding pools to match the appropriation? That would eliminate the withhold factor and, in fact, the entire step two of this whole process. A county's initial allocation would also be its final appropriation. But as you notice, the criteria for receiving funding from the three pools are not the same. By "over-allocating" money to one pool or another, and then using the withhold factor, the state can reward or penalize counties for exhibiting certain behavior. In that sense, the withholding process is really just a rather complicated tool that the Legislature uses to reflect policy decisions.

Step 2 – Final Allocation

The starting point for a county's final allocation is a county's initial allocation determined under step one. Then, if a county is not levying at least 70% of its maximum mental health levy, it is ineligible to receive its initial allocation. Also, if a county has a fund balance greater than 25%, it is ineligible to receive its initial allocation. So the only counties that actually get money are those counties that levy at least 70% in the current year AND have a fund balance lower than 25% in the immediately preceding year. Those counties are broken down into three groups:

• Group One: Fund balance < 5% - Counties with fund balances less than 5% of their mental health expenses in the

prior year get all of their initial allocation PLUS an inflation allowance equal to 3% of their gross mental health expenditures from the prior year.

- Group Two: Fund balance > 5% but < 10% Counties with fund balances between 5% and 10% get all of their initial allocation PLUS a slightly smaller inflation allowance equal to 2% of their gross mental health expenditures from the prior year.
- Group Three: Fund balance > 10% but < 25% These counties are the last to get any money. Their allocation depends on the amount of the total allowed growth appropriation from the state and the amount already given to the counties in the two lower fund balance groups. Basically, these counties get the leftovers. These counties have a "withhold factor" applied to their initial allocation to get to their final appropriation. That factor changes every year. The withholding factor is the result of a math equation. If, after the final appropriation to the lower fund balance groups, the state has \$5 million left over and the total initial allocation for counties in the 10% to 25% fund balance group is \$10 million, the withhold factor is 50% (\$5 million divided by \$10 million). So every county in this group would have 50% of its initial allocation withheld and would receive the other 50% as its final allocation.

What About the Ledge?

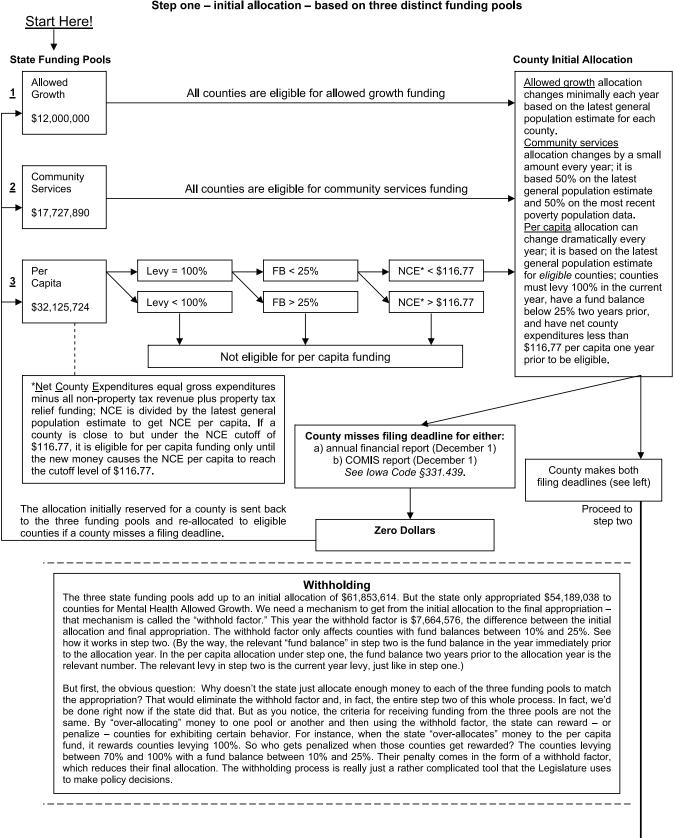
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By now you realize that the mental health allowed growth funding formula is not simple. And just when you thought you were at the end, there's another twist: the ledge. The ledge only affects those counties in group three above. The ledge adjustment means that a county in group three can only "lose" an amount of money equal to the amount by which its fund balance exceeds 10%. For example, if a county's fund balance exceeded 10% by only \$5,000, then it could only "lose" \$5,000 of its initial allocation, regardless of what the withhold factor is. So after we go through the process outlined in step two above and get to the final appropriation for group three, that might not be the final appropriation. We need to check to see if the ledge applies to any counties. We need to make sure no county "loses" more money due to the withhold factor than the amount by which its fund balance exceeds 10%.

Once we're satisfied that no county in group three "loses" more than its excess fund balance, we've finished the mental health allowed growth allocation process. By this time, we're about halfway through the fiscal year during which the money is supposed to be used. Counties generally get their checks – or notice that they're not going to get a check – in January, just in time to factor that into the budget preparation process for the next year.

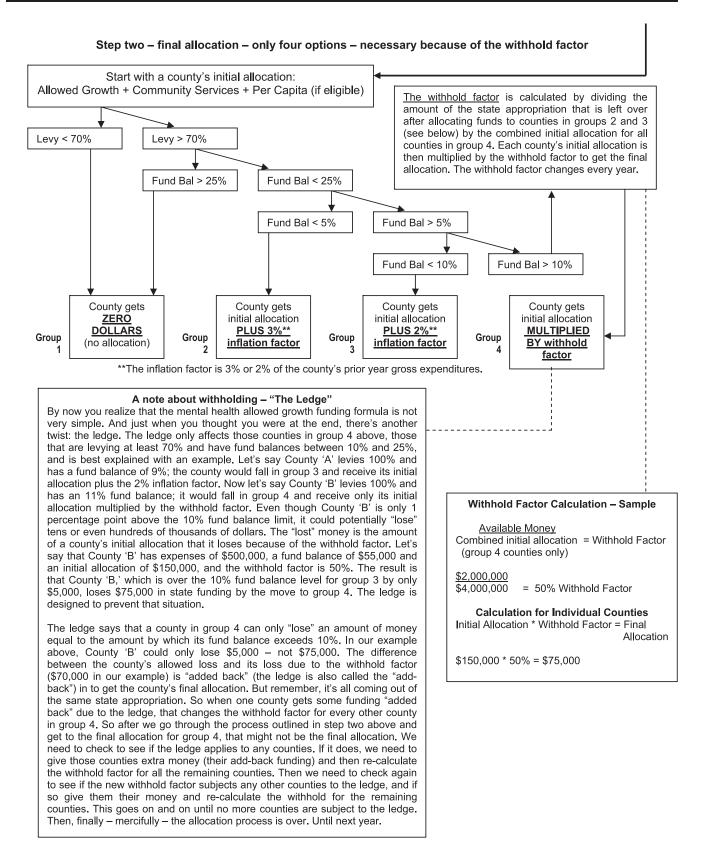
For a visual diagram of the Mental Health Allowed Growth allocation, see the next two pages.

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Step one – initial allocation – based on three distinct funding pools

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capitol comments

Improvements to the Legislative Process

There are only a few days left until the general election. Election day brings new beginnings and renewed hope. A sense of opportunity comes into play as lawmakers travel to Des Moines to do business for the people of Iowa. As the 82nd General Assembly organizes for action, here are some ideas that lawmakers should consider to help the process run more smoothly.

Bill Packets and Study Bills

At the beginning of the legislative session, many people purchase a bill packet service which allows subscribers to pick up a bill packet from the House or Senate bill room each day. Each packet contains House and Senate Journals, clip-sheets, all new House and Senate files (bills) and resolutions introduced the previous day. Clip-sheets are a collection of fiscal notes and prefiled amendments to bills eligible for floor debate. That is a lot of important information.

But why aren't House and Senate study bills also included in the daily bill packet? Study bills are introduced and considered in subcommittees and standing committees just like any House or Senate file. If a study bill is approved by a full committee, it is redrafted and numbered in file form and is placed on the debate calendar for floor action. Since study bills are not included in the bill packet, it is time consuming and difficult to keep track of them once these bills are introduced. Interested individuals must find another way to track down these bills and then collect them one-by-one from the House and Senate bill rooms. It would seem that the elusive study bills should either be discontinued or at least included in the bill packet.

Audio Record of Committee and Floor Action

A record of legislative activity is an important tool. Many states make audio recordings of all floor and committee legislative proceedings available to the public. Iowa should do that, too. With today's electronic technology, this shouldn't be too difficult.

A legislative precedent for this has already been set. Since April 4, 2006, all of the Government Oversight Committee hearings pertaining to the Central Iowa Employment and Training Consortium (CIETC) have been recorded. The Computer Services Division of the Legislative Services Agency maintains these audio recordings, known as "webcasts." Anyone who wants to listen to the proceedings of any CIETC hearing can go to the General Assembly's website and click on the appropriate links until the desired webcast selection is found. This can be done from any personal computer with Internet access.

Installation of the necessary equipment in legislative committee rooms may come with a price tag. When considering the benefits to the general public for having these recordings available, the price would certainly not be too much to pay.

By: John Easter

ISAC Director of Intergovernmental Affairs

After all, public access and service is what the process is all about. The Legislative Computer Services Division could design a plan for implementing and maintaining the entire system.

Gavels in Committee Meetings

Legislative committee meetings play a vital role in the development of public policy. These meetings often have full agendas and strict time limitations. Currently committee chairs often bring meetings to order by shouting or slapping an open hand on the table. While some informality may be desirable to help make citizens feel welcome, using a gavel would be a nice touch. It would bring greater decorum and order to the process. A tap of the gavel to begin the meeting would reinforce the leadership of the committee chair. A gavel tap to signify the passage or defeat of a motion, amendment or bill would emphasize important committee decisions. A place to store the gavel should be provided in each committee room to ensure it is always there for the next meeting.

Continue Improving Subcommittee Postings

Subcommittee meetings are the key access points for citizens who wish to express their opinions on matters before the legislature. In order to maximize the potential benefits of the process, subcommittee meeting notices should be posted at least 24 hours ahead of time. Notices should include subcommittee members' names; the meeting date, time and location; and the number and title or topic of all the bills to be discussed.

In recent years, the Iowa Legislature has made excellent progress in posting subcommittee meeting notices. The General Assembly's website has become an excellent resource for finding meeting notices that contain all of the necessary information. The bulletin board in the House lounge is also well maintained and up to date with complete standardized postings.

Two years ago, the Senate began to improve its meeting notification practice by posting individual notices on the Senate lounge bulletin board. This has been a significant step; however, notices are still not consistent and the information varies depending upon who posts the notice. Valuable information is frequently omitted, such as the title or topic of the bill that will be considered. Oftentimes the notices are typed and other times they are handwritten. Sometimes subcommittee notices are not even posted at all. A standardized notice for Senate subcommittee meetings should be designed and utilized for subcommittee meetings on every piece of legislation considered.

The Iowa legislative process is almost perfect and the public should take great pride in it. These recommendations could make it even better.



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legal briefs

Sheriffs Opinions Differ On Contract Law Enforcement

Duty on Cities: The world of contract law enforcement in Iowa changed with the announcement of *State of Iowa v. Allen* (569 NW2d 143), an Iowa Supreme Court case from 1997.

In that case, the Jasper County attorney sued the mayor of Mingo, saying that the city had a duty to either enter into a law enforcement contract with the county or hire its own police officers. The mayor had refused to do either, arguing that for Iowa cities providing their own law enforcement was "discretionary."

The Iowa Supreme Court looked at Iowa Code chapter 368, which says that a city cannot incorporate unless it will be able to provide "customary municipal services," which includes "police and fire services."

The Court said, "The decision to provide police protection is not discretionary with the City; police protection is one of the basic municipal services the City must provide to its residents to justify its existence under chapter 368. Therefore, it is the City's duty to provide the residents of Mingo with police protection; it is not the duty of Jasper County."

You cannot get much clearer than that. The holding is a little fuzzier when it comes to what exactly a city must provide in the way of law enforcement. The Court said that is "left to the judgment of the city council...the council can enter into an intergovernmental agreement with another governmental entity to obtain police protection or it can choose to hire its own law enforcement officer." Using private security is not an option, according to a 1983 Iowa Attorney General's opinion.

Some sheriffs contract with only one or two towns in the county. Others contract with all of the towns in the county that do not have their own police force. Some contract with no towns at all. One sheriff told me that he has 14 small towns in his county, and by his own choosing does not contract with any of them.

Positive Aspects: I recently asked county sheriffs for their opinions on contract law enforcement. Here are some of the positive aspects of contract law enforcement they mentioned:

- The problem for smaller cities is keeping the pay high enough to retain police officers. Most police officers don't want to work in really small towns anyway. So small towns become a stepping stone where police officers quickly move on.
- Since small cities cannot pay well, they get young, inexperienced police officers. If they contract with the county, they will usually get someone with more experience.
- Overhead costs of running a police department are high including hiring, patrol car, training at ILEA, dispatching, scheduling, insurance, and IPERS.

One sheriff told me at times city council members in small cities get fed up and say "we'll hire our own officer." His response is always the same, "That officer will work 40-45

By: David Vestal

ISAC General Counsel

hours a week. That is roughly two days. So what is the city going to do the other five days a week? You are really talking about starting up a police department. And that is a big job."



Drawbacks: The sheriffs listed some drawbacks to contract law enforcement:

- Without a full time law enforcement presence there is a delayed response time.
- Some things will occur that would not have occurred if there had been more of a law enforcement presence.
- City councils may not want to do contract law enforcement because the sheriff answers to the voters, whereas a police chief would answer to the mayor and the city council.
- Some cities have no money.

One sheriff pointed out that with contract law enforcement you generally get more impartial law enforcement, which the community may see as a mixed blessing. He said, "My deputies don't live there, so they are not as bound up in local politics. On the other hand, the former police chief would take a disorderly person home from the local bar. My deputies won't."

Communication: Every sheriff talked about the need for communication. "Contract law enforcement is like a marriage," one sheriff said. "It takes a lot of communication between city and county officials to make it work. Especially in the first few years, where there are many unexpected details to work out."

Many sheriffs attend city council meetings regularly to discuss the contract. Most sheriffs also document the number of calls and arrests in the city, as well as a breakdown of the amount of time the deputies have spent in the city.

Compensation: These contracts generally handle compensation in one of two ways - either with a per capita rate, or with an hourly rate, but there are exceptions. One county bills cities based on the number of residences, and another county charges based on the actual calls that the deputies go on.

The per capita rates ranged from \$10 - \$36. Hourly rates ranged from \$20 - \$36. The highest rate of annual compensation reported was \$75,000, for which the city got six hours of coverage per day, and a deputy living in the town. Many other counties were comparable. Most counties offered a base price for basic service, and then allowed cities to pay more for additional service. Some sheriffs have a flat rate for the very smallest towns.

Parting Ponderable: What did the Hawkeye grad say to the ISU grad? "Will the defendant please rise?"

case management

As the [Medicaid] World Turns

Over the past few years, there have been many changes in Medicaid that have affected either Targeted Case Management or the disability service system in general. In trying to figure out how to deal with these changes, I decided to review how famous people in history have viewed change. Before I summarize the changes that we will be dealing with in the next couple of months, I wanted to reflect on the wisdom of those who have dealt with change before us.

Perhaps you agree with Washington Irving who said, "There is a certain relief in change, even though it be from bad to worse! As I have often found in traveling in a stagecoach, that it is often a comfort to shift one's position, and be bruised in a new place." Or perhaps Confucious's view, "They must often change, who would be constant in happiness or wisdom." Dwight D. Eisenhower said, "Neither a wise man nor a brave man lies down on the tracks of history to wait for the train of the future to run over him." And finally, the unknown author who said, "If nothing ever changed, there'd be no butterflies."

Whichever view you take, I believe it important that we try to maintain a positive attitude and deal with the changes that we are confronted with so that we are able to make the best of situations and assist the folks that we work with so they continue to receive the services and support they need to continue to live meaningful lives.

Demise of ARO in Medicaid

Several months ago the Department of Human Services proposed to eliminate the Adult Rehabilitation Option (ARO) program effective November 1, 2006. However, due to concerns that have been raised that there could be a loss in service to many consumers currently receiving ARO services, DHS has revised its proposal by extending the deadline by two months, permitting the Medicaid member to receive either Remedial Services or the current ARO until January 1, 2007. In addition, folks who are authorized to receive ARO services on January 1 could continue to receive ARO services for the length of time specified in the authorization or until June 30, 2007, at the latest. After January 1, if additional services are needed, they would need to be authorized under the new Medicaid programs that are being developed to replace ARO: Remedial Services and a new Home and Community Based Service (yet to be named), made possible by the Federal Deficit Reduction Act.

Remedial Services: The Remedial Services rules define these services as "skill building interventions that ameliorate behaviors and symptoms associated with a psychological disorder that has been assessed and diagnosed by a Licensed Practitioner of the Healing Arts (LPHA). The Remedial Service Provider develops an implementation treatment plan outlining interventions consistent with the treatment recommended by the LPHA."

While it might appear that this service would be appropriate for many of the folks currently receiving ARO funding, the Remedial Services rules have a long list of excluded services that include most of the interventions currently provided to individuals who have a chronic mental illness. Therefore,

By: Deborah Westvold ISAC Case Management Director

it would appear this service will not be able to be accessed by many of the folks who are currently receiving ARO services. Section 6086 of the Deficit Reduction



Act of 2005 - Home and Community Based Services as Medicaid State Plan Option - DHS has acknowledged that some of the current ARO services are focused more on care than rehabilitation and will not qualify as Remedial Services paid by Medicaid, but these services are valuable for many customers. The recentlyapproved Federal Deficit Reduction Act permits a new Medicaid service that will meet these needs, but such programs may begin no earlier than January 1, 2007. DHS is working with federal officials to begin a new program on that date. By extending current services until that time, DHS hopes to provide a seamless transition for our clients.

Impact on Targeted Case Management - Remedial Services: The changes do not mean that individuals receiving remedial services will no longer need Targeted Case Management (TCM). Case managers will still continue to provide all aspects of case management other than ARO case planning, including the development of the consumer's comprehensive plan and linking consumers with providers. There may also be an increased need to assist your consumers in finding an LPHA to provide the assessment and treatment planning function, and to provide the LPHA with information regarding a consumer's current services. Case managers will still be involved in providing input into the development of the rehabilitative services treatment plan as part of the interdisciplinary team.

Section 6086 of the Deficit Reduction Act: This service is in the initial design phase; however, it is anticipated that the role of case managers will be similar to the role they have in authorizing and monitoring services in the Home and Community Based Waiver programs.

New Medicaid Provider Documentation Rules

As if dealing with the loss of ARO and the creation of two new programs to replace it weren't enough, DHS has adopted some new rules that expand the requirements for documentation. These rules go into effect on November 1, 2006. The good news is that County Case Management programs have already implemented most of the requirements in these rules. However, there are two new changes that will need to be implemented:

- Each page in the consumer's TCM file must have the consumer's name, birth date and state Medicaid ID number on it.
- 2) Narratives now have to include begin times and end times for all billable contacts. Narratives continue to require all of the contact requirements such as date, place of contact, etc., currently outlined in Chapter 24. Signature requirements remain as have been directed, which include a typed (or legible) full name and title of case manager and a legal signature after each entry.

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technology center

Computer Etiquette

By: Tammy Norman

ISAC Technology Services Coordinator

Q: Do you have any suggestions on computer etiquette? I have been told that typing in all caps means something. Is this true?



A: Yes, it is true that you may be sending a message that you did not intend. In cyberspace, typing an e-mail message in all caps means you are SHOUTING at your recipient and that may not be your intention at all. There are several rules to keep in mind when sending out email messages. Here are just a few:

Typing/Grammar: Type your message carefully, because the email recipient will take your message at face value. There is no body language or eye contact to help convey your meaning. Therefore what you type and send is what they read and understand. Ensure that you use proper grammar and punctuation; treat an email message as you would a letter. Utilize spell check and proof read for errors.

Consider the Recipient: If you are sending an email to a close friend or family, you can be informal and casual with your writing style. However, if you are sending out a mass mailing to your constituents or co-workers you will need to be formal. Do not leave the "Subject" line blank, because it enables your recipient to organize and manage their emails. It can also be helpful to identify your email as being legitimate.

Chain Letters and Jokes: Make sure that you forward these only to people who are truly interested. Everyone may not have the same sense of humor or beliefs as you do. Be considerate.

Background Images: Simple is best. What may look great on your computer may be cumbersome and difficult to read on someone else's. Some email programs do not support this type of programming, so try to avoid use of this.

Security: Remember that emails are not private. Beware of what you type and send, especially using a company computer. Never forget that emails can easily be forwarded and what you thought was just between yourself and a co-worker may now be seen on everyone's computer in the office.

Website Note: Have a question regarding new technology and would like it addressed in this column? Contact me at 515-244-7181 or tnorman@iowacounties.org. Until next month, keep clicking!

Technology Blessings

By: Robin Harlow

ISAC Technology Project Manager

With Thanksgiving around the corner, I took a very formal and highly scientific poll of some of the technology for which my officemates are thankful.



- Indoor Plumbing This will date me. Still remember those trips in mid-January.
- Smart Signal Lights Now if they could only make the other drivers as smart as me (smile).
- Electronic Word Processing Some people still have flashbacks to typing term papers on a typewriter.
- Anti-lock Brakes Good for when we're not as smart as the other drivers.
- TV Remote Control Really speeds up the process of finding nothing worthwhile to watch.
- Digital Video Recording When there is something to watch, you don't have to watch it.
- Cell Phone Great for finding people (especially teenage child), but unfortunately also great for being found.
- Titanium Golf Clubs For knocking the ball further, so it takes you even more time to find it.
- Bicycles with Granny Gears The older you get the term "granny" becomes more relevant.
- Graphite Fishing Poles Makes that not so big fish feel like the shark from JAWS.
- Digital Cameras Instead of albums, it is now possible to put our pictures on computers so that nobody will see them.
- Handheld Computer Games Great for eliminating the "I'm bored. Can we go now?"
- Email Makes it easier and faster to stay in contact with relatives and strangers that want to drain your life savings.

As you can see, the term technology can be applied to more than just systems and computers. Technology has been with us since the beginning of time (someone did mention fire as their favorite technology) and may actually be our end. Stewart Brand, the founder of the Whole Earth Catalog once said, "Once a new technology rolls over you, if you're not part of the steamroller, you're part of the road." Depending on how a certain technology annoys me, being part of the road might be something to be thankful for!

Email me (rharlow@iowacounties.org) if there is technology you are thankful for and I will compile a list for next year. Until next time, have a safe Thanksgiving.

by the numbers

Unions

By: Jay Syverson

ISAC Fiscal Analyst

In 2005 about 157,000 Iowans were union members. This represents about 11.5% of the wage and salary workers in Iowa. When you include people who aren't technically members of a union, but



whose jobs are covered by union contracts, the numbers jump to 185,000 and 13.5%. Union membership was up 16,000 from 2004 to 2005, an increase of 11%. Iowa's union membership growth rate was tied with Indiana for the highest among Midwest states. Four Midwest states saw declining union membership from 2004 to 2005 (Michigan, Minnesota, North Dakota, Wisconsin). But even with the recent decline, Michigan, Minnesota and Wisconsin are among the Midwest leaders in union membership. Not too surprisingly, Michigan leads the group with union members covering 20.5% of workers. Illinois, Minnesota, Ohio and Wisconsin all have union membership rates of 15% or higher. South Dakota's 5.9% rate is the lowest in the region.

Nationwide there are 15.7 million union members, constituting about 12.5% of wage and salary workers. While the percentage has stayed constant, actual union membership is up 213,000 from 2004. In 1983, the first year for which comparable data is available, the national union membership rate was over 20%. Nationally, public-sector workers have a union membership rate (36.5%) more than four times higher than the rate for private-sector workers (7.8%). Within the public-sector, local government employees (including teachers) have the highest union membership rate (41.9%). Broken down by gender, union membership is just slightly higher for men (13.5%) than women (11.3%), a stat that's somewhat surprising (I'd expect a bigger gap). It's not at all surprising that, broken down by age, the highest union membership rate is in the 45 - 64 age group (16.5%); the lowest rate is in the 16 - 24 age group (4.6%).

International union membership rates vary substantially. France (8.3%) and Korea (11.2%) had lower union membership rates than the U.S. (12.4%) in 2003. Scandinavian countries, on the other hand, seem to embrace unions; Sweden, Denmark and Finland all had union membership rates over 70%, with Norway not too far behind at 53%. A little closer to home, Canada's union membership rate is 28.4%.

The University of Iowa's Labor Center says that unions benefit their members in at least three concrete ways: 1) union wages are, on average, 29% higher than non-union wages; 2) union workers are 35% more likely to have health insurance benefits through their jobs than non-union workers; and 3) 70% of union workers have a pension plan, compared to only 16% of non-union workers.

Sources: U.S. Department of Labor, Des Moines Register

health check

Dangerous Drug Mistakes

By: Sandy Longfellow

ISAC Administrative Assistant

At least 1.5 million people in the US are harmed annually by medication errors, according to a report issued in July 2006 by the Institute of Medicine. There have been several news reports involving ce-



lebrities that have mixed different types of drugs with adverse reactions. One of my family members was given a cholesterol drug that may have interacted with anti-depressants, which caused lethargy. Luckily it wasn't anything life threatening but there was a lot of sleeping going on! Here are some tips on guarding against drug mistakes.

Mixing Drugs: Your pharmacist can be your best resource in identifying drugs that interact. Antibiotics reduce the effectiveness of oral contraceptives. And remember, even over the counter meds and supplements can interact with drugs you are taking.

Mixing Drugs and Alcohol: One of the dangers of mixing drugs (especially anti-anxiety drugs like Valium and Xanax) and alcohol is that the alcohol slows response time and alertness. Even mixing antihistamines with alcohol will amplify the sedative effect.

Enough Information: When you leave your doctor's office be sure you know what medication you will be taking, what it is for, and how often you should take it. Don't rely solely on your pharmacist - check your prescription when you get it.

Wrong Prescription: Be sure to check that the drugs in your bottle are the ones you are supposed to be taking.

Using Multiple Pharmacies: Be sure that all the pharmacies and doctors that you use know exactly what drugs you are on. It is much safer to use only one pharmacy as they will spot interactions when they fill prescriptions.

Take Drugs as Directed: Statistics show that less than 50% of people filling a prescription will take it as directed. Use the containers and other resources available to remember when to take meds.

Ask Questions: If the person hospitalized is not able to ask questions about treatment, ask a family member for help. Make sure everyone knows the medication you are on and that they are administered as directed. Doctors and nurses get distracted - your help could be life saving. Be alert and reduce your risk!

ISAC meetings

ISAC Fall School 2006

By: Jerri Noboa

ISAC Meetings Administrator

The ISAC staff is in the final stretch of preparation for ISAC's Fall School November 29-December 1 at the downtown Marriott and Renaissance Savery here in Des Moines.



The last few months I have been giving you updates on I-235 and getting in and out of Des Moines. If it seems like it changes each month, you are correct! You can imagine how it is for us living here and having to commute to downtown every day. Well, it has changed again. Coming in from the west the I-235 exit to 7th Street is closed. Word has it if the weather cooperates it could be open by the time of our conference. But be aware of this and if this is the case you will need to take the 5th Street exit. My advice is to check <u>www.i235.com</u> before you come in. I have to admit that the construction completed thus far is wonderful and when it is finished it will be so much easier to get around.

We have some great things going on at the conference. Wednesday from 9:30am - 11:30am ISAC will hold three seminars: 1) "Regionalism and Overcoming the Barriers to Cooperation Among Localities" with Otis White, *Governing* magazine; 2) "County Personnel Primer: Hiring, Managing and Terminating Employees" with James Hanks, Des Moines Attorney, and 3) "Avoiding the Next CIETC: How to Serve on a 28E Board" with speakers Carlton Salmons, CIETC attorney, and Bill Sueppel, general counsel for the Iowa League of Cities. Also on Wednesday from 5pm - 6:30pm is the exhibitors' reception at the Marriott on the 3rd floor.

On Thursday morning at the general session there will be a panel to discuss the impact of the 2006 elections and what the outcome will mean for county government. On the panel, Jeaneane Beck, KUNI Public Radio, Cedar Falls; Mike Glover, IA Statehouse Correspondent & Chief Political Writer for the Des Moines Bureau of the Associated Press; Kay Henderson, News Director for Radio Iowa (tentative), and Doug Neumann, *Cedar Rapids Gazette*. That evening plan to attend President Denise Dolan's reception at the Renaissance Savery from 8pm - 9pm; afterwards stay to be entertained by The Whitesidewalls.

Visit the ISAC website <u>www.iowacounties.org</u> and click on the Fall School box for affiliate agendas, lodging information and online registation. Early bird registration ends November 20. If you still do not have sleeping accommodations, call the Hotel Fort Des Moines at 800-532-1466 or 515-243-1161. While at the conference don't forget to check out the daily newsletter for the latest happenings. The Marriott and Renaissance Savery both have a non-smoking policy at their hotels. The following policy will be enforced during our fall conference by the hotel staff, "\$250 recovery fee for evidence of smoking in guest rooms."

Need Information About ISAC's Fall School?

Visit ISAC's website! www.iowacounties.org

- Affiliate Agendas
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Will You Have New County Officials in Your Courthouse Next Year?

Tell them about ISAC's New County Officers School!

- January 17-18
- Holiday Inn Airport, Des Moines
- Registration available November 1
- <u>www.iowacounties.org</u>

ISAC meetings

New County Officers School

Scheduled for January

On Wednesday, January 17, 2007, ISAC will host its New County Officers (NCO) School at the Holiday Inn Airport in Des Moines. This event is organized specifically to provide newly-elected county officials with the baseline information they need to begin their job. While the NCO School is presented for new county officials, it is also an excellent opportunity for incumbent county officials to brush up on some important subjects.

ISAC has lined up many of the most knowledgeable presenters in the state to spend the day covering issues that pertain to all county officers, such as county budgeting, ethics and county home rule. The day's events will begin with training on open meetings law and the pubic records law, ethics and financial accountability. Then for the rest of the day attendees will get to choose which sessions they want to attend, to guarantee that they get the information that is most pertinent to them. Here are some of the breakout sessions for the NCO School:

County Home Rule: Provides an overview of the concept of County Home Rule, which defines the legal relationship between the state and the counties. Reviews Chapter 331, the county chapter of the Iowa Code.

Budgeting 101: Explains the basics of how a county budget is put together, including discussions of the general fund and the special revenue funds, the budget adoption process and the budget amendment process. The session will be taught by county auditors. There will be separate sessions for large counties and small counties.

Property Tax Overview: Features an introduction to Iowa's property tax system, including such topics as property assessment, statutory budget limits, the rollback and TIFs.

Working with the Media: Provides advice on how to get the county message across to the local news media. A communications professional will talk about how to handle media interviews, how to frame your message so that it gets media coverage and what counties do right and do wrong when it comes to working with the media.

Resolving Courthouse Conflicts: Provides a framework to understand the complicated relationship between county boards of supervisors and other elected officials. This session will discuss who gets to decide what when it comes to things like approving expenditures, disciplining staff, office hours and salaries. Late that afternoon, after a full day of learning, ISAC will host a reception to allow new county officials to meet and net-work.

Then on Thursday, January 18, some ISAC "affiliates" will be putting on a full day of individualized training. So, for instance, the county supervisors association will provide training for newly-elected county supervisors. The county offices that are up for election this fall are:

- supervisors;
- recorders;
- county attorneys; and
- treasurers.

Then Friday, January 19, is the annual one-day statewide county supervisors meeting.

Those attending the NCO School will receive a CD of the 2007 NCO Manual, which contains in-depth information about each of the subjects presented during the day, as well as many other subjects of importance to county officials. The NCO Manual is currently being updated and expanded.

Registration for the two-day NCO School (Wednesday and Thursday) is \$100 in advance, \$120 at the door. That includes lunch both days, all coffee breaks, the reception and a CD of the NCO Manual. The registration deadline is January 10, 2006.

Lodging is available at the Holiday Inn Airport (6111 Fleur Drive, Des Moines). Reservations can be made by calling 515-287-2400 or 800-248-4013. ISAC has rooms blocked for the rates of \$72/single and \$82/double. The cut-off date for the room block is January 3.

For more information about the NCO School, or for registration information, agendas or directions, go to the ISAC website (<u>www.iowacounties.org</u>) and click on 'NCO School' or contact David Vestal at (515) 244-7181 or dvestal@iowacounties.org.

2007-2008 ISAC County Directory

Available at New County Officers School

The 2007-2008 ISAC County Directory will be for sale at the New County Officers School. Order forms will also be available on ISAC's website (<u>www.iowacounties.org</u>). The directories will be sold for \$15 to county officials, \$25 to noncounty officials.

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counties in the spotlight

Budget Award

Scott County has received the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada (GFOA) for Scott County's current FY07 Budget.

Scott County is one of only two Iowa counties (Scott and Linn County) to hold the Distinguished Budget Presentation Award. The county has received this award for the last 17 consecutive years. Only 12 of the 1,488 governmental units in the state of Iowa currently hold this honor.

This award is the highest form of recognition in governmental budgeting. The Board expressed its appreciation to Ray Wierson, Scott County Administrator and to the county's designated budget analysts and support staff for their work and professional guidance in helping the county to obtain this governmental budgeting honor.

Drought-Stricken Counties

Twenty drought-damaged Iowa counties were declared federal disaster areas on September 6, which gives farmers in those counties and adjacent counties access to low-interest loans. Counties included in the declaration are: Cerro Gordo, Cherokee, Clay, Crawford, Des Moines, Dickinson, Harrison, Humboldt, Ida, Lee, Lucas, Madison, Monona, Monroe, Montgomery, Plymouth, Sac, Sioux, Woodbury and Worth. Low-interest loans will be available to farmers through the USDA's emergency loan program. State Climatologist Harry Hillaker said the drought was at its worst in May through July. Northwest Iowa suffered the most. According to his figures, the 12 counties in the northwest part of the state set a record for the least precipitation in those three months. (*Taken from the Iowa Farmer Today, September 16*)

NACo news

Iowa Officials Named to NACo Steering Committees

The following county officials have been named to the National Association of Counties (NACo) steering committees by NACo President Colleen Landkamer.

County Official

Sue Elliott Mark Linda John Deegan Mary Mosiman Grant Veeder Lvnn Ferrell Linda Langston Lu Barron Paul Fitzgerald James Houser Mike King Curtis Edwards Timothy Hoschek Donna Smith Thomas Stoner Jeffrey Williams

County Official's Position

Polk Co. Board of Supervisors Project Manager Black Hawk Co. Environmental Health Jasper Co. Assessor Story Co. Auditor Black Hawk Co. Auditor Polk Co. CPC Administrator Linn Co. Supervisor Linn Co. Supervisor Story Co. Sheriff Linn Co. Supervisor Union Co. Supervisor Pottawattamie Co. IT Director Des Moines Co. Supervisor Dubuque Co. Supervisor Harrison Co. Engineer Lyon Co. Engineer

NACo Steering Committee

Communiy & Economic Development Environment, Energy & Land Use Finance & Intergovernmental Affairs Finance & Intergovernmental Affairs Finance & Intergovernmental Affairs Health Health Human Services & Education Justice & Public Safety Justice & Public Safety Justice & Public Safety Justice & Public Safety Transportation Transportation Transportation Transportation

NACo has 11 steering committees that form the policy-making arm of the association. Each committee is comprised of approximately 60-100 county officials who meet several times during the year to examine issues critical to local government. Steering committees annually review and make recommendations on issues and legislation. The policy development process initiated by the steering committees leads to the publication of the American County Platform, which NACo uses as a guide to deliver the county government message to the Administration, Congress and the American public.

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miscellaneous

Distinguishing Charges for Service from Taxation

By: David A. Vaudt, CPA, Auditor of State of Iowa

When does a charge for service become a tax? Iowa's courts and the Attorney General's office have grappled with this question on numerous occasions. In fact, the Supreme Court of Iowa most recently addressed this issue in its May 2006 decision pertaining to the validity of the gas and electric franchise fees charged by the City of Des Moines (*Kragnes v. City of Des Moines*, 714 N.W.2d 632 (Iowa 2006)). While the Court did not determine that the franchise fees were an illegal tax, the Court did reject the City's argument that a legitimate franchise fee could exceed the cost of regulation and require the City to justify the franchise fees based upon the City's costs. The City is in the process of preparing documentation and will need to demonstrate the franchise fees do not exceed the direct, indirect and/or incidental expenses involved in providing the service. The Polk County District Court has been directed to review this case.

In other cases, the Courts have also held the fees and charges for the services provided by local governments may not exceed the cost of providing the services. The following quote from the Iowa Supreme Court decision in *Home Builders Assn' of Greater Des Moines v. West Des Moines*, 644 N.W.2d 339, 347-48 (Iowa 2002), provides some clarification of the distinctions between taxes and fees:

"Having examined the sources and scope of the City's taxing authority, we now examine its authority to charge fees under its police power. Before municipalities had home rule authority, this court had interpreted the regulatory authority granted by statute to cities to include the power to charge a fee to meet the expenses of the city in exercising its regulatory authority. Felt v. City of Des Moines, 247 Iowa 1269, 1273, 78 N.W.2d 857, 859 (1956) (holding that fee charged to cover city's expenses in exercising its statutory authority was a proper incident to the authority granted under the statute); see City of Pella v. Fowler, 215 Iowa 90, 98, 244 N.W. 734, 738 (1932); Solberg v. Davenport, 211 Iowa 612, 617, 232 N.W. 477, 480 (1930). The same principle applies with respect to a city's home rule authority: a city may charge a fee to cover its administrative expenses in exercising its police power. Thus, the reasonable cost of inspecting, licensing, supervising, or otherwise regulating an activity may be imposed on those engaging in the activity in the form of a license fee, permit fee, or franchise fee. See City of Hawarden, 590 N.W.2d 504, 506-07 (Iowa 1999). In addition to regulatory fees, a municipality may charge a citizen when it provides a service to that citizen. See Newman, 232 N.W.2d 568, 573 (Iowa 1975).

"The rather narrow range of fees permitted by our cases is consistent with our long-standing definition of a tax. As noted above, a tax is a charge to pay the cost of government *without regard to special benefits conferred. In re Shurtz's Will*, 242 Iowa 448, 454, 46 N.W.2d 559, 562 (1951) (emphasis added). Consistent with this definition, the regulatory and service fees permitted under Iowa law are based on a special benefit conferred on the person paying the fee. In the regulatory context, fees enable the government to administer a particular activity or occupation to the peculiar benefit of those engaged in that activity or occupation. Therefore, fees designed to cover the administrative expense of regulating a particular activity, occupation or transaction are not taxes. Similarly, when one pays for a service such as admission to the municipal swimming pool, one has received a special benefit - admission to the pool - and so the admission fee is not a tax."

In addition, Attorney General's opinions have been issued with similar conclusions on fees and taxes. An Attorney General's opinion dated April 26, 1993, concludes, "Construction and maintenance of a toll road by a county for the purpose of raising revenue would amount to the imposition of a tax. There is no statutory authority, either express or implied, to impose such a tax, and therefore, such a tax may not be levied." (1994 Iowa Op. Att'y Gen. (#93-4-7.)

Another Attorney General's opinion dated May 4, 1979, concludes, "The county board of supervisors may issue a permit and collect a permit fee from quarry operations pursuant to the County Home Rule Amendment, as long as the permit fee is reasonable and related to the expense of administration. However, if the purpose or the effect of the fee is to raise revenue beyond the administrative costs of permit system itself, the fee would be a tax and be in contravention of the County Home Rule Act." (1980 Iowa Op. Att'y Gen. 154 (#79-5-6.)

While we don't yet have a definitive answer as to what may or may not be appropriately included in "indirect" or "incidental" costs, the outcome of the Des Moines franchise fee case will clearly impact how local governments charge for services such as franchise fees or building and other types of permits issued by local governments. Hopefully, this case will also provide guidance on how local governments should document the costs associated with providing services and will most likely result in a compliance area considered during local government audits.

It is important for a local government to recover the costs associated with providing services. However, from an accountability standpoint, it is equally important for a local government to demonstrate that the revenue collected from these charges does not exceed the cost of providing the services and thereby become an illegal tax. With the fiscal 2008 budget process soon to start, local governments would be well-advised to evaluate and consider charges for service, fees and permits issued in relation to the direct, indirect, and incidental costs to provide the services.

miscellaneous

Redesigning Public Health

The September issue of *The Iowa County* featured an article about Redesigning Public Health in Iowa and a response to that article by the President of the Iowa State Association of County Supervisors (ISACS). The Iowa Association of Local Public Health Agencies, the Iowa Public Health Association, and the Iowa Environmental Health Association would like to respond to the points raised about the cost of implementing the standards, additional state control of local public health activities and the impact of updating educational standards for the public health workforce.

We are encouraged that ISACS took the time to review and provide comments on the draft Local Public Health Standards. We are further encouraged by the statement of their willingness to partner to update and professionalize public health in Iowa. Continued dialogue among all stakeholders in public health will be critical to the ongoing success of the redesign effort. This is truly a collaborative effort between local and state public health as demonstrated by the fact that over 60 local professionals (agency staff, board of health members and board of supervisor members) participated in the development of Iowa's local public health standards.

All levels of government in Iowa are sensitive to the cost of providing services and changes that could increase those costs. It is true that the cost of implementing public health standards in Iowa is an unknown factor at this point. The primary objective of redesigning public health in Iowa was to answer the question, "What should every Iowan expect from local and state public health?" Public health standards establish the benchmark for answering that question. Steps in the process to follow development of public health standards include an assessment of implementation costs at the state and local level and identification of appropriate funding sources.

The question of the expansion of state influence on the delivery of local public health services is an important issue. The standards are written broadly with flexibility given to the local level; they are not prescriptive. The standards are written such that they tell someone what needs to be done, not how to do it. Many of the standards identified by ISACS as being prescriptive are already required in grants received by local public health from the state and federal level.

The standards were not developed in a vacuum. The redesign work group reviewed the work of many other states which have either already completed their standards or are currently involved in the process. The federal Centers for Disease Control and Prevention, the National Association of County and City Health Officials, and other national organizations are in By: Frances Sadden, President, Iowa Association of Local Public Health Agencies; Beth Hochstetler, President, Iowa Public Health Association; and Brian Hanft, President, Iowa Environmental Health Association

the process of assessing various standards for public health for a possible national accreditation system. It is anticipated that those states, which do not establish their own public health standards, will be compelled to meet nationally established standards to qualify for federal funding in the next few years.

Concerns regarding the workforce standard requirement of public health practitioners to hold qualifying credentials were expressed from many parties during a public comment period. In response, the workforce standards were eased and grandfathering provisions were added to recognize the experience of the existing workforce. Educational standards and ongoing training for the local public health workforce are important components to assure the public that the people who serve them are qualified.

The complete first version of the standards and other information is now posted on the Iowa Department of Public Health web site for review at <u>http://www.idph.state.ia.us/rphi/</u>.

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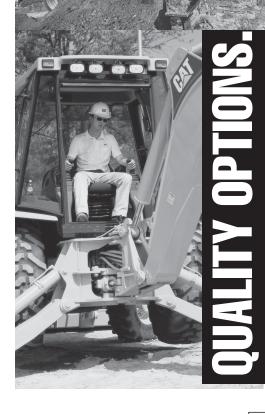
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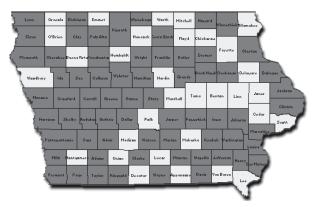
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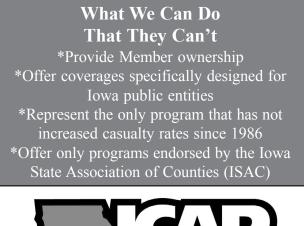
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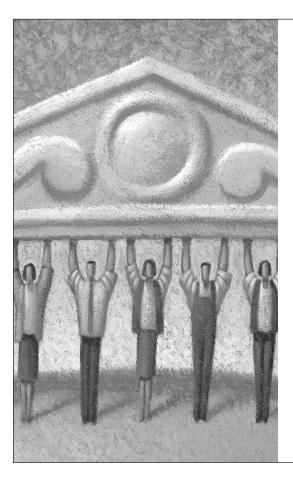
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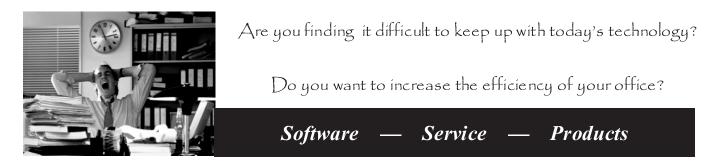
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calendar

NOVEMBER

- 2 CCMS Advanced Case Managers (Hilton Garden Inn, Des Moines/Urbandale)
- 14 CCMS Central Support (ISAC Office)
- 12-15 County Attorneys Conference (Waterloo)
- 28 SEAT (Des Moines) CANCELLED
- 29- ISAC Fall School
- Dec. 1 (Marriott & Renaissance Savery, Des Moines)

DECEMBER

- 5-7 Engineers Conference
- (Scheman Center, Ames)7 District II Winter Meeting
- (Elks Lodge, Charles City)
- 8 Annual Drainage Conference (Starlite, Fort Dodge)
- 13 District IV Winter Meeting (location TBA)
- 13-15 CCMS Fundamentals
- (Hilton Garden Inn, Des Moines/Urbandale)
- 15 ISAC Board of Directors (ISAC Office)

- 20 ISAC Staff Retreat ISAC Office Closed
- 25-26 ISAC Office Closed

JANUARY

- 9 CCMS Administrators (Hilton Garden Inn, Des Moines/Urbandale)
- 17-18 New County Officers School (Holiday Inn Airport, Des Moines)
- 19 Statewide Supervisors Conference (Holiday Inn Airport, Des Moines)
- 26 ISAC Board of Directors (ISAC Office)

FEBRUARY

- 9 ISAC Executive Board Meeting (ISAC Office)
- 22-23 ISAC Board of Directors (ISAC Office)

Please visit ISAC's online calendar of events at <u>www.iowacounties.org</u> and click on 'Upcoming Events.' A listing of all the meetings scheduled thus far in 2006, 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, please contact Jerri Noboa at (515) 244-7181 or jnoboa@iowacounties.org.



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