

The Iowa County

"We've Got Too Much
Government In This State."
- Speaker of the House
Christopher Rants

December 2003

ISAC
Iowa State Association of Counties



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The Iowa County

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501 SW 7th St., Ste. Q Des Moines, IA 50309
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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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Dan Vonnahme - Case Management Specialist

Connie Wacht - Case Management Specialist

Linda Kemp Gethmann - Case Management Specialist

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Representative Rants: His Views on County Issues

ISAC staff members Jay Syverson and Denise Obrecht sat down with Speaker of the House Representative Christopher Rants on October 29 at his office in Des Moines. Below are excerpts from the interview.

What are your thoughts on the relationship between the state and local governments?

I think last years relationships between the state and counties was a little strained. And that is unfortunate because we're all in this together. Ultimately a citizen is a member of a city, a county, a state, a school district; it's not like you have some people who aren't. We don't always see it that way and it is really easy for both sides to sort of demagogue for their own purposes. Both sides do it, and that is not a real productive use of time. Ironically, just a week ago we had this kind of meeting between state officials, county officials and city officials which was moderated by PSG - which I'm sure some people cringed at, when they heard PSG. But I thought it was fairly productive. There are some things that we can do to better communicate; we have to have better understanding.

I think that sometimes we all tend to stick our own heads in the sand and work only on our own budget problems and not look at what might be causing someone else to react to us. I have said this before in regards to the cuts to local government funding - we probably made a mistake in state government for years in trying to shield [local governments] from cuts. So they didn't see it coming and they weren't exposed to this in a slow manner, because, to be honest with you, we went to school districts. And when you can't go to school districts anymore, it then came [to local governments] and it was like whoa, where did this come from! Consequently, that was probably a mistake and it should have been handled differently or better. I think relations have been strained but that means it can only improve. And the onus is on all of us to try to improve it, and part of that comes from trying to understand each other a little bit better. Lord knows we've got enough former county supervisors serving in the Legislature, you would think that would be a good building block.

There has been talk of eliminating property tax credit reimbursements. What is your opinion on this?

We are going to face a really difficult budget next year and the fact is some difficult choices are going to have to be made. There is the whole question of how [property tax credit reimbursements] are being used - whether the credits should exist or not; how this relates to the number of local governments we have in Iowa; and just exactly how the state should spend its limited resources in trying to offset property taxes. Ostensibly, those dollars that the state sends back to county governments are used to offset property tax dollars. Likewise

the dollars we send to school districts are used to offset property tax dollars. So if you make a decision to say, "Look we're not going to touch the property tax dollars that go to the counties," you are probably making the same type of decision that will affect property tax dollars going to school districts.

The state has a finite pie of money; it does not meet all needs. There are going to be reductions somewhere, and somewhere services are going to get reduced. The issue is obviously more complicated than just saying are you for it or against it, because it relates to how much assistance [the state should provide] and where the state should place its property tax replacement dollars. It's not just counties; it's also cities and it's also school districts. So [the question] is, where are those dollars best placed, and I think we are long overdue for a discussion on that. The fact is we are long overdue for a discussion of the whole property tax code. And that is why we have...the property tax implementation committee - to have this entire discussion. You can say we are long overdue for a lot of difficult decisions to be made as a state. When [those decisions relate] specifically to property taxes, I am hopeful that as we work through putting together a new property tax code, a new property tax system of how you appraise, how you levy, how you value property, that we would see some recommendations coming out of that [committee] to help address this [issue].



Representative Rants

If the credits are cut, should counties be able to pass on the effects of the cut to taxpayers?

In the past, the Legislature has tried to prevent [that from happening, by saying local governments] couldn't go back and levy against it, that they had to eat the cuts. Local governments don't like that. The Governor came in and vetoed that out [of SF 458 last year], so it is tough for me to predict at this stage of the game. A lot of that is dependent on how the whole budget is handled and how the whole budget works out. I view the whole issue of property taxes and property tax credits as being more than just the counties and cities. It also is the schools because if we don't fund the allowable growth, that hits property taxes [too]. County supervisors may not care about it but the property taxpayer will and the school board will. It is all tied together. It is finding that balance that will be the trick this session.

Are you supportive of efforts to increase wireless surcharges in order to enhance 911 service so that the location of the 911 caller can be identified?

As I recall in the debate last year, the concerns that [were] raised [weren't] so much about the worthiness of the project, but more about the accountability of the money. Is [the current

surcharge] money being spent for the proper purpose? Where is the accountability in how that money is being spent? I think there needs to be a full accounting of that and once that is done, then I think it would be fairly easy to move on, assuming the accounting shows that there are no problems. But if it does turn out that the money that is currently being raised is not being used only for providing the service to the cell phone customer, then you are raising a whole different question. Should we fund county governments with a surcharge on cell phones, if in fact it is demonstrated that those dollars are being used for purposes other than providing E911 services? If [the current surcharge money] is being used to offset or augment the budget in some way? I am not saying that it is; I'm saying questions were raised.

Do you think there is enough public participation in the legislative process?

That is a tough one to answer because it varies on the issue. I'm a legislator; I've got multiple forums a month during the legislative session where I've got people, some months, packed in at the library to talk to me about legislative issues. Other times I have a handful of people that show up. So how do you weigh that? Every legislator I know holds public forums and public hearings in their communities to solicit public input when we're [in session].

To me there is a differential between the public [and] the lobby. What are we really interested in here? A lot of this sudden discussion about the legislative session isn't open enough - isn't open enough to who? The public and my actual constituents, or the paid lobbyists for special interest groups? We like to put it under the guise of the public, but I think the process is very open to the public. You can listen to the debate via the Internet today; it didn't use to be the case. You can get a bill as soon as it is filed and out on the floor, you can pull it off the web if you are sitting in Sioux City or in Davenport. I get emails all the time from people all around the state, [even those] who aren't my specific constituents; I get more information from around the state than I did 10 years ago when I first got elected. So I think there is more public input and more public participation in the process. One could argue, in a democracy there is no such thing as too much, or you can say there is never enough [public participation]. But I think we have made great strides in trying to open the process and make information readily available to the public. You have a certain contingent out there - sometimes paid lobbyists - who feel that they're left out, heaven forbid the elected representatives make the decisions without the paid lobbyists in the room. One could argue, though, that [the paid lobbyists] are representing their constituents' interests and representing the public in a different fashion.

If you were a county supervisor, how would you deal with the issue of consolidation?

I am an urban legislator and I hear from a lot of folks, particularly in my district, "when are we going to get rid of 99 counties?" I don't think 99 counties are the problem in this state. I think 990 plus forms of local government are probably too many for a population of 2.85 million people. Consequently, I think that where we ought to see consolidation is not necessarily between counties, although if counties want to consolidate that is their business. I come from a county that doesn't have a county recorder. We have survived for 10 years without a county recorder in Woodbury County! Oh my God, how did that happen?! You know, change can happen. We took it upon ourselves to make a change; since we did that, county recorders - God bless their souls - have continually come to the Legislature every year asking for new duties to protect their own jobs.

We've got too much government in this state; you can't argue that. 990 forms of local government! I'm not saying counties are the problem; I'm not saying cities are the problem. We've got too much duplication. I look at my own county - why do I need Sioux City, Sergeant Bluff, Woodbury County? What I in "Christopher's world" would love to see is more consolidation of government entities within a county. And I think there are good ways to do that; city-county consolidation [for example]. But I understand that may be an idea that has not yet reached its time of acceptance. But fundamentally...you either plan for change or when change is forced upon you, it is never very pretty. Which goes back to the question...of how much property tax dollars should the state be replacing for local governments. Because is the state in effect perpetuating a system of government that cannot survive on its own? And is that proper? Is that a transfer of wealth from one part of the state to another? Of course that is a whole other issue.

Rep. Rant's View On...

Consolidation:

"I don't think 99 counties are the problem in this state."

Public Participation:

"Heaven forbid the elected representatives make the decisions without the paid lobbyists in the room."

Enhancement of E911:

"Where is the accountability in how that money is being spent?"

Property Tax Credits:

"Is the state in effect perpetuating a system of government that cannot survive on its own?"

Visit ISAC's website (www.iowacounties.org) under 'Legislative Information' for the complete interview with Rep. Christopher Rants. Read about his views on the reduction of ag land values, the new property tax system, and the correlation between state mandates and high property taxes.

around the statehouse

Examining The Relationship Between the State And Local Governments

"He's liked, but he's not well liked."

- Arthur Miller in "Death of a Salesman" (1949)

"A child of five would understand this. Send somebody to fetch a child of five." - Groucho Marx in "Duck Soup" (1933)

Uneasy. That is one term to describe the feelings in the room on October 20 when about 50 men and women representing state, city and county governments gathered at a conference center near Des Moines to discuss the relationship between the levels of government which they all represented. The feeling of unease was preceded, several months earlier, by feelings which might be put in less charitable terms when the so-called "reinvention of government" measure was devised minus local government input and approved by the General Assembly.

In late October, nine or 10 people – most of whom were county officials — sat around a large table in the Pottawattamie County courthouse discussing the matter of the relationship. As a participant, I used the cliché "dysfunctional" to describe the state-city-county arrangement in Iowa over the last 12 or more years. Someone else at the table disagreed. He said that it was strained, but that it was a naturally adversarial relationship. That is probably closer to the truth than my description.

Whether a rocky relationship with Governor Branstad over property taxes and the strain of increasing mental health cost or heated arguments in the Statehouse rotunda concerning animal confinements, the working relationship has been trying at best. This is to be expected in tough times for both state and local budgets. Patience wears thin for state officials when Iowa is in the midst of the fourth year of low to non-existent new tax revenues. Agonizing budget decisions continue to be on the table in city halls, courthouses and school administrative offices across the state...as well as at the Statehouse.

PSG Efforts

The 50 people mentioned earlier were gathered in late October as part of an effort by the Public Strategies Group (PSG). A representative of this much cussed and discussed Minneapolis-St. Paul based consulting organization approached both ISAC and the League of Cities back in June about continuing their work. They explained that, despite the controversy over their role in formulating the "reinvention" bill (and about their handsome fee), their work was not over in Iowa. They were beginning a project to hear the reasons for the bad relations between the state and local governments and to foster efforts to begin to bridge a wide river of discontent.

By: Robert Mulqueen

ISAC Public Policy Analyst



ISAC and League of Cities staff met with PSG representatives on a regular basis through the summer and fall. ISAC began to produce a series of meetings with legislators to discuss the issue of state-local relations. They were held, for the most part, at courthouses in October and November. In those meetings, some 20 legislators from both chambers and from both sides of the aisle met with county officials and with an ISAC staffer to discuss the condition of state-local relations and related issues.

PSG personnel conducted interviews with more than 50 people during the summer, asking about the process which had led to the "reinvention of government" legislation, what had worked and what hadn't. A theme which ribboned its way through the interviews was that those who were involved or whose job would be affected by "reinvention" wanted to be informed through the process or wanted an active role in it. The process was, to some, "chaotic." Others reported that, under the circumstances, it was necessary but hurried. Some were cynical about the effort because they have seen reform efforts come and go. PSG was viewed as an outsider. On the other hand, some felt that the organization was crucial to whatever changes were made precisely because they were an outside force. County officials were among those who come to mind with this item from the report on the summer interviews: "The main distrust and animosity came from those stakeholders...who felt excluded from the process...that is why this report stresses early and sustained inclusion of key stakeholders."

Local Governments/State Meeting

A significant step in this project was the October 20-21 meeting of state, city, and county officials. The opening evening featured remarks by Peter Hutchinson of PSG and small group meetings of each of the three groups. The initial discussions within each group were about each level of government's perception of their roles and responsibilities and their view of the other two groups. When the 50 participants came together later that evening and at various times during the course of the following day, each group's report was revealing. County officials noted that counties "wanted a meaningful partnership in decision making," wanted "the freedom to do its job and be held accountable by our constituents," wanted "fiscal stability" and said that "the state should be interested in the success of counties." The city officials stated that they thought that counties wanted "predictability, flexibility, home rule, and mutual respect." The state representatives (a combination of legislators and agency directors) wrote that counties' interest was to "preserve their identity, clarify their role, and be respected with the resources to support services." It's a start.

Insurance Policy Language May Torpedo Statutory Immunities

Insurance Coverage

Iowa Code §670.4 contains 11 different specific “tort immunities” situations where counties are immune from liability. These include discretionary function immunity, immunity from punitive damages, and emergency response immunity.

Iowa Code §670.7 says that the procurement of insurance constitutes a waiver of the Iowa Code §670.4 immunities otherwise available to counties “to the extent stated in such policy.” So purchasing insurance waives these immunities. Counties that self-insure or join a local government risk pool like ICAP do not have a problem.

When this issue reached the Iowa Supreme Court seven years ago, the Court confirmed that the procurement of an errors and omissions policy waives the county’s governmental immunity. *City of West Branch v. Miller*, 546 N.W.2d 548 (Iowa 1996).

Since the *Miller* decision, most insurance companies working with counties have written exclusions into their policies that specifically state that “this insurance does not apply where the county would otherwise be immune from liability under section 670.4” or words to that effect. So while the county does not benefit from insurance coverage for those specific types of liability, it is immune from liability due to the statute.

For instance, some errors and omissions policies specifically states that the policy does not apply if the county is immune from liability under Iowa Code chapter 670. But be careful. Not all policies contain this language.

Mills County is in the middle of a huge class action lawsuit involving improperly installed septic tanks. I’ve written about the case before, including a discussion of the tort immunities I assumed were available to the county. Now it turns out that the county’s insurance policy covering the septic tank fiasco did not contain any of the *Miller*-type language. It did not specifically state that the insurance does not apply where the county would otherwise be immune from liability under Iowa Code §670.4. That means all of those immunities are unavailable to the county.

It could be just a timing thing and the Mills County policy was written prior to *Miller*. I don’t know for sure. But it would still be a good idea to check with your insurance carrier and make sure that your county’s errors and omissions policy has the required language. If it does not, get a rider on the policy, so you are not needlessly increasing your county’s potential liability.

Slander Claim

In June 2002, I wrote about Shelby County Supervisor Richard Ferry being sued for accusations he made about a county employee. The accusations included claims of theft and inappropriate use of county equipment. My conclusion was that the law protected Ferry from liability due to the fact that county officials in Iowa have a qualified privilege. That means that they are protected from liability for statements they make as long as the

By: *David Vestal*

ISAC Deputy Director



statements are made in good faith and for a proper purpose. To prevail on a slander claim, a plaintiff must prove actual malice, meaning that the county official made the statement to gratify a feeling of ill-will or personal spite toward the plaintiff. See *Cowman v. LaVine*, 234 NW2d 114 (Iowa 1975).

We will never know how this would have come out in a court of law. Shelby County’s insurance carrier settled the case recently for \$15,000. Who says talk is cheap?

Statute of Limitations

How long can someone wait before suing the county for an alleged wrong? That was the issue in the recent Eighth Circuit case of *Richmond v. Clinton County* (338 F.3d 844). In 1976, James Richmond received a permit from Clinton County to install a septic system on his land. The permit required that he install only a specific type of septic system called a “jet” system. In 1988, wastewater from Richmond’s septic system began flowing onto land owned by a neighbor. In 1992, the county issued a cease-and-desist order prohibiting Richmond from discharging wastewater onto any ground surface. After several variances the county eventually reissued the cease-and-desist order in July 2000.

At that point Richmond sued the county for inverse condemnation and emotional distress. He claimed that his problems stemmed from the county’s requirement that he install a “jet” system. The county responded that the claims were not timely. The trial court agreed with the county and concluded that the two-year statute of limitations for each claim began to accrue no later than 1992, meaning that Richmond’s claims expired in 1994.

The Eighth Circuit affirmed the district court decision, concluding that there was substantial evidence in the record that the owner should have been on notice of any wrongful act by the county no later than the date on which the county originally issued the cease-and-desist order. The Court held that Richmond failed to file the lawsuit within the statute of limitations, and that the trial court properly granted the county’s summary judgment motion.

Parting Ponderable: The Florida Supreme Court ruled this fall that public employees’ personal e-mails sent via government computers were not “public records” subject to disclosure under Florida’s public records law. The Court held that the e-mails were not “public records” as defined by state law because they were not made “in connection with the transaction of official business by any agency.” In Iowa, the law is different and emails sent by county employees via county computers are public records. Florida may have the Marlins, jai alai and Key Lime Pie, but Iowa has openness in government. Take your pick.

health check

The Good, the Bad and the Facts on Chocolate

While attending a meeting the other day the lunch talk turned to chocolate. We had chocolate cake for lunch. Wow, what a treat! When I am going to splurge on calories, I make it on chocolate. We began to discuss this wonderful food. Why do we often crave it, is it good for you, why has it become so much a part of our culture?

With the help of www.WebMD.com, I want to address a few of these questions. Although part of the obsession with chocolate is probably cultural, there are so many absolutely delicious parts to chocolate it is no wonder we sometimes daydream about it. It is creamy because of the cocoa butter – melts in your mouth. Its mix of fat and sugar turn on almost every appetite-triggering nerve chemical in the brain.

Chocolate also releases endorphins in the brain which can give us an immediate euphoric rush mirroring some of the feelings one has when they are “in love.” It also has compounds that provide a mental boost. Even the aroma can affect the brain chemistry.

Is this nature’s perfect food? Well, I would love to think so

By: Sandy Longfellow
ISAC Administrative Assistant



but there are a few things about chocolate that are a bit saddening. It contains those dreaded carbohydrates, fats, and caffeine. Let’s not even talk about the sugar.

While we know that if we eat chocolate in excess we will gain weight, are there any benefits? Many studies have been done. Pennsylvania State University did a study with healthy, young, adult male students that showed eating one standard-sized milk chocolate bar a day did not affect blood cholesterol. The University of Cologne in Germany reported that dark chocolate lowers high blood pressure. Unfortunately, white and milk chocolate did not have the same affect.

Well, what shall we do? I don’t think anyone exactly knows why we love this food so much but the craving for chocolate is real. I don’t think in most cases it is going to go away. The best option may be to include small amounts of chocolate in your diet while eating those delicious fruits and vegetables and you will be okay. Whatever you do, when you eat chocolate, take time to enjoy it!

technology center

Access Made Simple

Q: I find Access to be extremely difficult and it does not seem to be user friendly, however, I was told this is the program that I should use to make mailing labels for our office, is this true?

A. Access is not designed to easily jump right into without some sort of instruction either thru computer classes, books or our co-workers. However, it is not too difficult once we overcome our initial fears. The computer geniuses at Microsoft were nice enough to build into the Access program a little tool called, “wizards.” To utilize the wizard feature, you will need to begin by creating and saving a database. To create a database you will need to select “File”, “New” and “Blank Database” and type in the name of your new database and select “Create.” Your new database has been created and the next step is to create a table to store the information into. You will want to select “Create table by using wizard.” Once selected, the wizard will prompt you to decide if this database is used for personal or business. You will make a selection under “Sample tables,” the one commonly used is “Contacts.” You will need to select the fields that are to be placed in your table and click “Next.” You will be prompted to name your table and allow Access to set a “Primary Key”, select “Yes, select a primary key for me” and click on “Next.” You will be prompted “That’s all the information the wizard needs to create your table” and “After the wizard creates the table, what do you want to do?” It will default to “Enter data directly into the

By: Tammy Norman
ISAC Technical
Administrative Assistant



table” (note: do not change) and click “Finish.” You now have a table that you can enter your information into.

Once you enter the information into your table, you can use the “Report Wizard” to create mailing labels. By selecting the wizard icon from the toolbar, (it will look like table with a lightning bolt on it). Select “Report” and “Label Wizard” and click “OK.” Now select the type of mailing labels you will be using from the list that appears and click “Next.” You will be prompted to format the look of your labels by adjusting font type, size, weight and color. Click “Next.” Select the fields from your table that you would like to appear on your labels by clicking the over arrow and when finished, select “Next.” You are able to select how you want your labels sorted by selecting the over arrow and select “Next.” Finally, you will be prompted to name and save your new report and click “Finish.” Once finished, you will be able to view your mailing labels and print them off.

Website Note: Our ETC website is now up and going. Look for information in the near future about this exciting new online service that ISAC is providing. In the meantime, if you have any questions or comments, please do not hesitate to contact me at 515-224-7181 or by e-mail at tnorman@iowacounties.org. Until next month, keep clicking!

Good-bye From Connie

As most of you know, I will be leaving CCMS at the end of December to return to graduate school. I am finding it more challenging to leave than I thought it would be. When I interviewed for this position, I talked with Deb Westvold about staying for three years. I had just returned home after my first year in seminary to be with my mom, who had been diagnosed with terminal cancer. My focus was to be with her during the remaining time she had, get our children through high school, and then get back to school as quickly as possible. Oh, and in the meantime get a job that would be flexible enough to handle all of these other things. Many thanks, Deb, for giving me the opportunity to be part of your team.

What I didn't add into the equation were the cohesive team work and total dedication of my colleagues who make up the CCMS staff, the incredibly cheerful support and *can do* attitude of the ISAC Administrative team (go A-team!), and learning about many different aspects of county government (that I had no clue about before) from the ISAC policy team. For those of you who think the staff is perky only when in public, guess again.



Case Management Support Group in Northwest Iowa had a going away party for Connie Wacht in October.

This office is a great place to work. We really do enjoy not

By: *Connie Wacht*

ISAC Case Management
Specialist



only our jobs and our support to you, but each other. I don't think I have ever worked in an office with so much positive energy bouncing around. I love coming to work!

I also didn't add into the equation the relationships that I have had with you, the counties. For the past four and a half years, I have been fortunate to work with and learn from county case management staff all over the state. It has been great to be in a collaborative, client focused and quality focused environment. I have considered it a huge benefit that you always greeted me with enthusiasm, with openness to suggestion, and with thought provoking questions that often sent me back to the CCMS team for answers. And, I found out that I really love everything about training!

While my husband and I were sorting through and packing boxes a few weeks ago, I told him that I really must be crazy to leave this job. But then again, if I have spent most of the last 20 years of my life encouraging other people to learn, grow, and change; I probably need to put my own time and effort where my mouth is.

So, I am moving to Tulsa, Oklahoma to finish seminary in preparation to become an ordained minister with the Christian Church (Disciples of Christ). My last day at ISAC will be December 31. I am hopeful that I will be able to return to Iowa when I am finished, to serve with a congregation within our state. I look forward to returning because there's no place like home. Take care ya'all!

classified ads

Administrator

Administrator for forty-bed residential care facility and a fifteen client supported community living program. Qualifications: At least eighteen years of age, high school diploma and equivalents of one of the following conditions: 1) be a licensed nursing home administrator, 2) have completed one year educational training program approved by the Department of Inspections and Appeals for residential care facility Administrators, 3) have two years of supervised experience in a residential care facility, at least six months of which was in an administrative capacity. The application deadline is January 1, 2004. Please send resumes to: PO Box 351, Harlan, IA 51537. EOE.

Residential Care Facility Manager

Jones County is taking requests for proposal to manage/provide services at Edinburgh Manor, Residential Care Facility located in rural Jones County, Iowa. This is a 36-bed facility, serving adults with mental retardation and chronic mental illness.

RFP applications will be issued November 3, 2003 and will be due January 27, 2004. Contracts will be available July 1, 2004. Interested parties please contact: Jacki Luckstead (cpc53@n-connect.net) Jones County Community Services, 500 W. Main, Anamosa, Iowa 52205, 319-462-4457.

ISAC University

ISAC University, held every other year in January, is offered to provide training and education to county officials in Iowa. ISAC University is scheduled for January 21-22, 2004 at the Holiday Inn Airport in Des Moines, IA. On-line registration is offered on ISAC's website (www.iowacounties.org) under 'On-line Registration.' Detailed descriptions of the sessions offered at ISAC University are available on ISAC's website under 'Upcoming Events.' Hope to see you there!

ISAC University Agenda

Wednesday, January 21, 2004

9am-4:30pm Affiliate Time
(Affiliates meeting are: Treasurers and ICIT)

Thursday, January 22, 2004

8am Registration at Holiday Inn Airport
9am-9:15am Welcoming Session
- J. Patrick White, ISAC President
- Bill Peterson, ISAC Executive Director
9:15am-10:30am Concurrent Sessions
1) Recognizing Iowa's Future - Willis Goudy
2) Colors (*Part 1 of 2*) - Buzz Hoffman
3) Open Meetings - Herb Strentz
10:30am-10:45am BREAK
10:45am-Noon Concurrent Sessions
1) Employee Evaluations - Pat Callahan
2) Colors (*Part 2 of 2*) - Buzz Hoffman
3) Negotiation Skills for Public Officials
- Lynn Walding
Noon - 1pm **LUNCH** - "Fighting the War on Drugs - An Iowa Perspective" - Marvin Van Haften, Director, Governor's Office of Drug Control Policy
1pm - 2:15pm Concurrent Sessions
1) Customer Service - Donald Carlson
2) Disaster Drill (*Part 1 of 2*) - Bruce Spence
3) Harley Davidson - Pete Feigel
2:15pm-2:30pm BREAK
Concurrent Sessions
2:30pm-4pm 1) FMLA/FLSA - Mike Staebell
2:30pm-4:15pm 2) Disaster Drill (*Part 2 of 2*) - Bruce Spence
2:30pm-4:30pm 3) Leadership & Teamwork - Tim Sheilds

Sessions in Detail:

"Colors"

"Colors" is a fun approach to gaining insight into your personality strengths. "Colors" allows the four different personality types to see how their personality affects every aspect of their lives. It is a positive approach to recognizing, accepting and valuing the differences in others. "Colors" is an ISAC favorite.

"How Harley Davidson Saved Me From the Asylum"

Pete Feigal, national speaker, artist and actor, shares both the insights of his own 30+ year struggle with major depression/bipolar disorder and the gifts and wisdom that others with mental illness/brain disorders and their families have given him on his journey. Pete's message is one of solutions, humor, compassion and hope.

Successful Leadership Strategies

This session will focus on the challenges facing county officials in carrying out their various leadership roles. A highly interactive approach will provide a unique opportunity to analyze the dynamic environment of county government and to discuss successful leadership strategies. Presenter is Tim Shields, Director, Institute of Public Affairs.

Can't Argue Your Way Out of A Paper Bag? Negotiation Skills for Public Officials

Ever wonder the best way to present your position when negotiating a contract for county services? This presentation will focus on developing effective negotiating skills. You'll also get a chance to test your skills with fellow county officials. Speaker is Lynn Walding, Administrator, Alcoholic Beverages Division, Iowa Department of Commerce.

Will You Be Ready When Disaster Strikes? Emergency Management Tabletop Exercise

Disasters strike when you least expect them. Counties play a vital role in disaster preparedness and emergency response. A representative from the Iowa Emergency Management Association will discuss what counties need to do to be prepared when disaster strikes, and then walk participants through an exercise to help develop an understanding of how emergencies unfold, and how interagency cooperation can save lives in the event of a disaster.

Demographics - Recognizing Iowa's Future

The face of Iowa is constantly changing. A newspaper article appears almost every day relating to how many people are leaving the state versus entering the state. These demographic trends will greatly impact economic development that will occur in Iowa. The speaker will be Professor Willis Goudy. Goudy is one of the co-authors of the 2001 publication *Iowa's Counties; Selected Population Trends, Vital Statistics and Socioeconomic Data*.

Helping Steer the Course - Employee Evaluations

One of the biggest mistakes county officials make is failing to conduct regular employee evaluations. County employees need to receive regular performance appraisals or job "report cards" that objectively assess job performance according to agreed upon criteria. This information can be used when making decisions regarding pay increases, training needs, and disciplinary action.

continued to page 11

continued from page 10

Customer Service in the Public Sector

This session is designed to improve customer service in county government. It will explore questions such as “who are the county’s customers?” and “what do customers expect, and not expect, from their public employees?” The presenter will suggest ways of working with an increasingly diverse population and will offer a simple incentive program for improving customer service. The presenter is Donald Carlson, president of Public Employee Training Services in Ankeny.

Fair Labor Standards Act/Family and Medical Leave Act

Mike Staebell of the Des Moines office of the U.S. Department of Labor is able to make the Fair Labor Standards Act understandable. In this session he will review the fundamentals of the Fair Labor Standards Act and will also cover subjects such as the use of comp time, what constitutes “hours worked,” and what the rules are regarding on-call duty. He will also explain the Family and Medical Leave Act, and talk about some common misunderstandings regarding FMLA.

Open Meetings/Public Records

Can a board of supervisors go into closed session on a voice vote? Does the public have the right to speak at a board of supervisors meeting? Can the county treasurer ask for identification from someone requesting a public document? This session will touch on these and other issues regarding Iowa’s Open Meetings Law and the Public Records Law. The speaker will be Prof. Herb Strentz. For 24 years, Strentz was executive secretary of the Iowa Freedom of Information Council.

Registration Fees:

Wednesday & Thursday - \$85

Wednesday only (includes coffee and lunch) - \$25

Thursday only - \$60

Manual for Colors Class - \$6.50

Hotel Reservations:

Holiday Inn Airport, 6111 Fleur Dr., Des Moines, IA

515-287-2400/800-248-4013 \$69 single/ \$79 double

(please be sure to mention that you are with the Iowa State Association of Counties, cut-off date January 9, 2004)

Moving ISAC’s 2004 Fall School

At the September board meeting the ISAC Board of Directors voted to move the Fall School from the Holiday Inn Airport to the downtown Marriott and Renaissance Savery and change the dates to a Sunday-Tuesday. The ISAC Board of Directors wanted to share with the ISAC membership the following details.

Why are we moving from the Holiday Inn Airport?

- a) We have out-grown most of the meeting rooms.
- b) We can accommodate more exhibitors instead of turning them away.

Why are we moving to downtown Des Moines?

- a) Utilizing both the Marriott and the Renaissance Savery for meeting rooms, everyone will have plenty of meeting room space and affiliates can have the room settings like they want.
- b) We are looking at other sites around the state for the fall schools.

Why are we moving the dates from Wednesday – Friday to Sunday – Tuesday?

- a) Counties are under budget constraints and we are trying to help. Technically most county officials could stay Sunday and Monday nights, where now the majority stays Tuesday, Wednesday and Thursday. That is cutting out one night per person – per county.

- b) The downtown properties (Marriott, Renaissance Savery and Hotel Fort Des Moines) offered \$69 hotel rates and have a total of 750 rooms. All 3 hotels are connected by skywalk.

Who made the decision?

- a) The ISAC Board of Directors held a retreat in 2002 and from the retreat a planning committee was established to look into many facets of ISAC meetings.
- b) Planning committee reported what they found and made the recommendation to the ISAC Board.

What will parking be like?

- a) The Marriott will have valet parking at \$12 per day.
- b) The Renaissance Savery has the 4th street city parking garage across the street and the fee is \$6 daily and \$7 if over night per day.
- c) The Hotel Fort Des Moines has the 10th street city parking garage across the street and the fee is \$6 per day.
- d) There is a Park-n-Ride garage across from the Veterans Auditorium (7th & Center) for \$5 per day with a shuttle available for 25¢ each way.
- e) We have arranged with the hotels to have a curbside parking available so you can check-in and then park your car.

There will be a link to make reservations directly to the hotels when you register for the 2004 Fall School starting August 1, 2004. *Further information will be available in future magazine issues and on ISAC’s website!*

County Budget Protests

As you may have read in the late spring and early summer issues of this magazine, four counties successfully defeated protests of their FY 2004 budgets. This was my first experience with the budget appeal process and I got to wondering just exactly how it works. I also wondered how often and for what reasons county budgets get protested and what kind of success rate counties have had when dealing with the State Appeal Board. With help from the Department of Management (DOM), I found a few answers to these and other questions. All of my findings, which includes a summary of budget protests from 1996 thru 2004, is available on ISAC's website (www.iowacounties.org).

Procedure

Title I of the Iowa Code is entitled, "State Sovereignty and Management." Subtitle IX, entitled "Restraints on Government," contains Iowa Code chapter 24, which allows for protests of local government budgets. The chapter creates the State Appeal Board, which consists of the State Auditor, State Treasurer, and Director of the Department of Management. The chapter also requires any protest to a local government budget to be filed with the county auditor within 10 days of the budget certification deadline. It allows for a panel to conduct the budget hearing and also sets the burdens of proof. Specifically, the chapter states that "[a]t all hearings, the burden shall be upon the objectors with reference to any proposed item in the budget which was included in the budget of the previous year and which the objectors propose should be reduced or excluded; but the burden shall be upon the certifying board or the levying board, as the case may be, to show that any new item in the budget, or any increase in any item in the budget, is necessary, reasonable, and in the interest of the public welfare." This is an important distinction because it means that while the county must justify any new expenditures, the protestors must prove that any existing expenditures are unnecessary, unreasonable, and not in the interest of public welfare.

The latter part of Iowa Code chapter 24 gives the Appeal Board the power to reduce, approve, or disapprove any protested budget or protested budget item, but specifically prohibits the Board from increasing any tax levy or expenditure. The Code requires all Appeal Board decisions to be rendered by April 30, but enforcement of that provision has not always been strict. Finally, the chapter gives local governments the right to petition to the State Appeal Board to exceed their statutory levy limits in the case of an unusual need. This provision was most commonly used by counties during the years of the property tax limitation.

Iowa Code chapter 331, county home rule, refers the reader back to Iowa Code chapter 24 for budget protest procedures, with one exception. In the 2003 legislative session, SF 453

By: *Jay Syverson*

ISAC Fiscal Policy Analyst



amended Iowa Code §331.436 so that the number of signatures necessary to file a budget protest must be at least 100. Previously, there was no minimum requirement; the Code simply required 0.25% of "those voting for the office of governor in the last general election" to sign a petition for the protest to be valid. That percentage requirement is still in place, but it is now supplemented by the minimum signature requirement.

Budget Protests FY 1996 - FY 2004

I managed to dig up all of the state appeals board decisions on local budget protests since FY 1996. While there are certainly a number of appeals of school district and city budgets included in the file cabinet at DOM, county budgets seem to be protested most often. (I would be remiss here if I passed up a chance to say that shouldn't be the case, as counties only levy about 21% of all property taxes. Cities are responsible for 28%, and school districts levy over 44% of all property taxes. But I digress.) Over the past nine fiscal years (including FY 2004), county budgets, or those of affiliated organizations such as the conference board or board of health, have been protested 35 times. Four of those protests have not resulted in a decision by the State Appeal Board, either because the protest was invalid or withdrawn, or because the county budget was invalid. Sixteen of those contested budgets have been sustained in their entirety, which means that the counties - for lack of a better word - won.

This is not to say that counties 'lost' the other 15 budget appeals. Sometimes the two conflicting parties came to an agreement, and a decision by the Appeal Board was unnecessary. Other times the Appeal Board 'modified' a county's budget, not necessarily reduced it. Still other times, the Board did reduce the budget to comply with the petitioners' request in full. However, only twice in the past three years has the Appeal Board reduced a county budget because of a protest.

Over the years, the most common protestors of county budgets have been the local Farm Bureaus. Some of the more common protested issues include the use of local option sales tax revenues, paying uniform patrol expenditures out of the rural fund, salary increases and "excessive fund balances."

Visit ISAC's website
(www.iowacounties.org) under
'Legislative Information' for a full summary of
budget protests from
FY 1996 thru FY 2004.

Acts of Caring Awards

In 2004, NACo will again recognize volunteer programs through the Acts of Caring Awards, a national program honoring community-based, county government initiatives that provide a legacy for the future. This is the fifth year for this unique awards program. The awards will be presented during National County Government Week, April 18 – 25 in a ceremony on Capitol Hill. Up to 33 programs will be recognized and deemed examples of outstanding Acts of Caring. Based on county size, as many as three programs will be recognized in each of 11 categories: Arts & Culture; Civic Education & Public Information; Criminal Justice; Elderly Services; Emergency Management; Environment; Health Services; Libraries; Parks & Recreation; Programs for Children & Youth and Social Services.

Awards may be presented in each of three population categories to ensure that large and small communities, and urban and rural areas all receive the recognition they deserve. Three special awards also will be given. The Legacy Award for Excellence and Innovation is awarded to the program that most fully embodies the spirit of volunteerism by addressing a unique need. This award is given to the top program in the contest because it sets itself apart by providing unparalleled service in its community.

The Youth Literacy Mentoring Award is presented to the program that best addresses a community need for mentoring young people to achieve traditional or technological literacy. The Youth Service Award is presented to the program that best identifies a critical need in the youth community and addresses it, in part, by engaging young people in service.

An “act of caring” is a community service provided by a county-sponsored volunteer program that enhances or preserves the quality of life. Winners will be selected by an independent panel of judges. Any county government that is a member of NACo with an active program that meets the contest criteria is eligible to participate. A county program that won an Acts of Caring Award in the past two years is not eligible in 2004.

The Acts of Caring is part of Counties Serve America, a NACo long-term project carried out in partnership with Nationwide Retirement Solutions. The project’s goal is to raise public understanding and awareness about county government.

The deadline for entries is Friday, January 16. Entries should be sent to NACo at 440 First St., NW, Washington, DC 20001. An award application is available online. Go to the NACo website—www.naco.org—and click on Awards. *For more information, contact Tom Goodman, NACo’s public affairs director, at 202-942-422 or tgoodman@naco.org.*

NACo Supports Federal “Anti-Spam”

With strong words against “spammers,” the U.S. Senate unanimously passed the CAN-SPAM Act, S. 877, introduced by Sen. Conrad Burns (R-Mont.). The bill attempts to address the problem of spam (unsolicited commercial e-mail, or UCE) by creating a federal law that would give consumers the right to demand that a spammer stop sending them messages. It would also create civil and criminal sanctions for the sending of spam meant to deceive recipients as to its source or content.

NACo has policy supporting anti-spam legislation, which reads: “NACo supports federal “anti-spam” legislation which is designed to curtail spam where senders disguise their return e-mail addresses, the subjects of the messages, or do not provide for removal from the solicitation list.” Unsolicited e-mail messages are filling up and slowing the e-mail servers of counties across the country. These unwanted messages cost counties technician time and server capacity, which can be expensive or, in smaller counties, very limited.

If enacted, S. 877 would require senders of all commercial e-mail to include a valid return e-mail address and other header information with the message that accurately identifies the sender and Internet location from which the message has been sent. Except for “transactional” or “relationship” e-mail messages, the legislation would also require senders of commercial e-mail to provide an Internet-based system for consumers to opt out of receiving further messages from that sender. In addition, a sender of UCE would also be required to include a valid physical address of the sender within the e-mail message, as well as clear and conspicuous notice that the message is an advertisement or solicitation and that the recipient may opt out of further UCE from the sender.

The bill would permit criminal sanctions to be imposed on senders of e-mail who intentionally disguise the source of their messages by falsifying header information. Civil sanctions would also be available for this violation, as well as all other violations of the bill. Additionally, aggravated violations would apply to those who violate the provisions of the bill while employing certain problematic techniques used to either generate recipient e-mail addresses, or remove or mask the true identity of the sender.

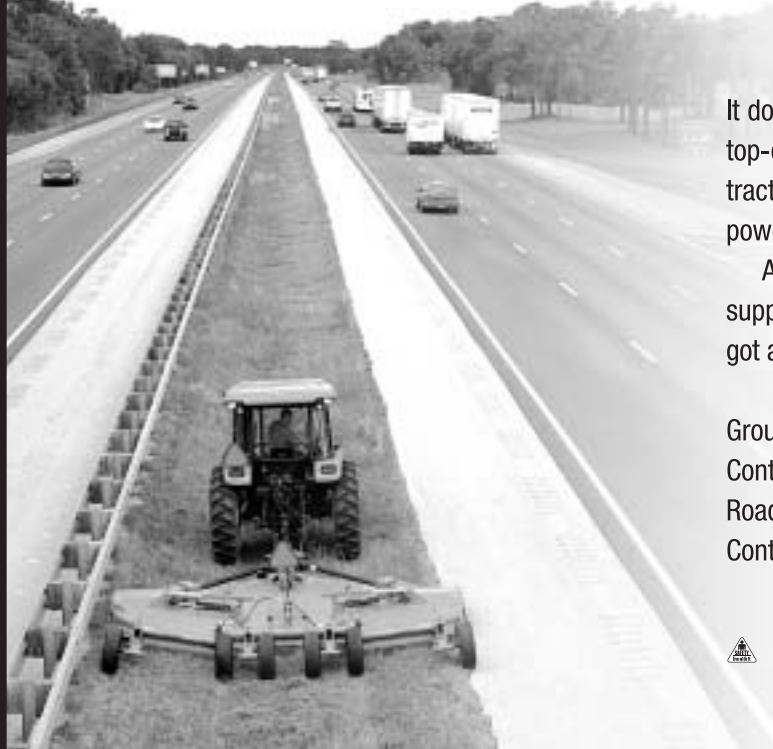
Under the legislation, enforcement would be undertaken by the Federal Trade Commission and, in some cases, industry-specific regulatory authorities. In addition, the bill would enable state attorneys general and Internet Service Providers (ISPs) to bring actions against violators.

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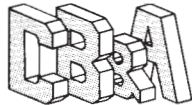
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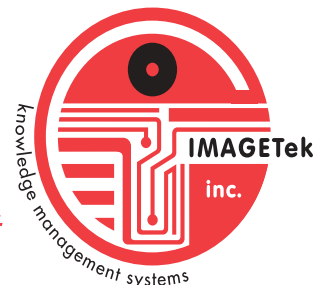
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DECEMBER

- 3 District IV Winter Meeting
- Cass County Community Center, Atlantic
- 4 District II Winter Meeting
- Elks Lodge, Charles City
- 5 Annual Drainage Meeting
- Holiday Inn, Fort Dodge
- 7-10 Sheriffs & Deputies Winter School
- Downtown Marriott, DM
- 9 *CCMS Training Committee - ISAC Office*
- 9-11 Engineers Annual Conference
- Scheman Center, Ames
- 10 *CCMS Central Support Group*
- *Botanical Center, DM*
- 11 District V Winter Meeting - Ottumwa
- 12 District I Winter Meeting
- Baymont Conference Center, DM
- 19 ISAC Board of Directors - ISAC Office
- 24-26 **ISAC OFFICE CLOSED**

JANUARY 2004

- 1 **ISAC OFFICE CLOSED**
- 5-9 SrcSDE Administration for SQL WServer
- Location TBA
- 14 CPC's Statewide Meeting
- Adventureland, Altoona
- 16 ISAC Board of Directors - ISAC Office
- 21-22 ISAC U - Holiday Inn Airport, DM

- 23 Supervisors Winter Meeting
- Holiday Inn Airport, DM

FEBRUARY 2004

- 8-11 Sheriffs & Deputies Patrol School
- Four Points Sheraton, DM
- 9-10 Introduction to ArcSDE Using ArcInfo 8
- Location TBA
- 11-12 Introduction to ArcSDE Using ArcInfo 8
- Location TBA
- 12-13 ISAC Board of Directors - ISAC Office
- 27-Mar 2 NACo Legislative Conference
- Washington DC

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