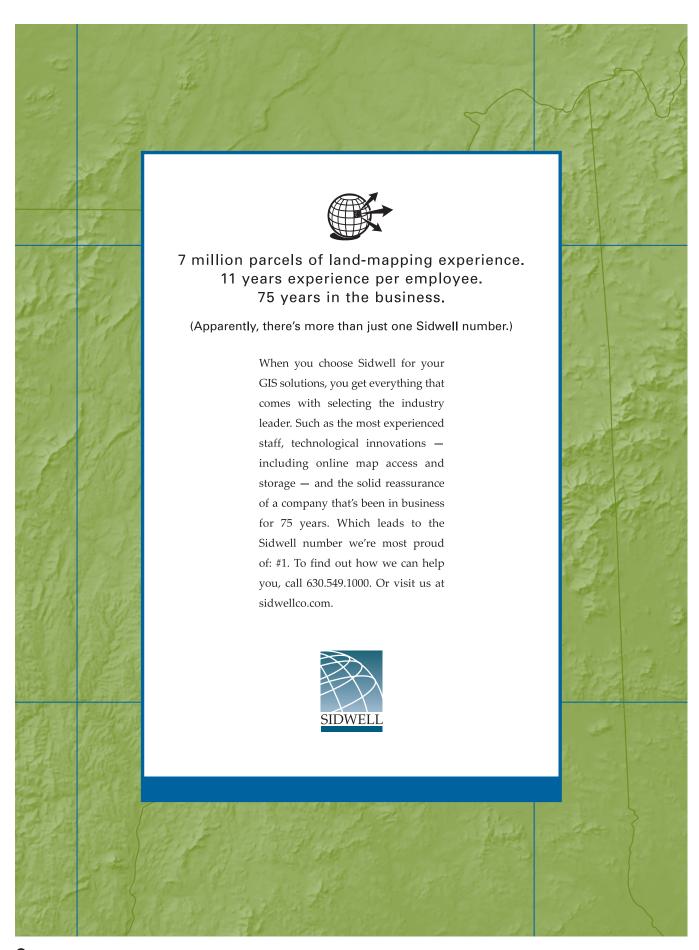
The lowd County

Who is PSG?

Their Role in the Storm of the Legislative Session

July 2003





The Iowa County

The official magazine of the

Iowa State Association of Counties

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ISAC's Mission:

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

ISAC's Vision:

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

feature

Who is PSG?

A Look at the Public Strategies Group

The legislative session proved to be tough on local government with a \$60 million reduction in aid from property-tax relief and replacement programs, the outcome of decisions made in the Reinvention Bill (SF 453). Much of the blame for these cuts has focused on the Public Strategies Group (PSG), a consulting firm hired by the state to balance next year's budget and help streamline state government. So who is the PSG and what role did they have in determining the unexpected reductions made to counties this year?

What Was in Their Contract?

The Public Strategies Group (PSG) was awarded a contract with Iowa for government reinvention services, effective September 1, 2002, through a competitive bidding process. Bob Rafferty, consultant working for PSG, states that PSG was hired to "provide services and expertise to the state of Iowa to help the state improve, reinvent, restructure, revitalize, and/or energize state government in Iowa." In early 2003 the state and PSG signed an agreement under which PSG would identify

budgetary savings, and, in the areas where savings would be achieved, deliver specific benefits to Iowans. As part of the contract, PSG is required to provide ongoing state government rein-

vention and project services, including working with the state to identify opportunities for reform in state government, to reinvent particular aspects of state government, and to initiate new methods of doing the state's business to improve government efficiency and performance. The Governor's budget included a line item identified as "Reinvention Savings" of \$88 million and another line item of \$25 million to invest in providing benefits, for a net savings of \$63 million.

Rafferty said, "PSG is responsible for successful implementation of specific items in the Reinvention Bill that passed the legislature." Those items include working to reform the state-local government relationship, successfully implementing a new child welfare system, and assisting Charter Agencies in achieving their designated performance expectations. PSG will be involved in working with these projects for at least the next 12 months.

Why the Huge Cuts to Counties?

The first news that counties would have reduced funds from the state came about in April, well after budgets were certified March 15. Rafferty blames this on the legislative process and the schedule that prevented the counties from knowing about cuts prior to March 15. Rafferty said, "The result – counties are now faced with very difficult budget decisions.

The fact that budgets were certified makes this more difficult."

Results compiled by ISAC project counties will face a \$17 million reduction from the reinvention bill. Scott County will scramble to cover \$764,914

"Counties are now faced with very difficult budget de-

cisions. The fact that budgets were certified makes this

more difficult." - Bob Rafferty

- → \$60 million reduction to local government
- → \$10 million reduction in child welfare services
- → \$15 million for Charter Agencies

Cuts proposed by PSG, passed in the legislature, and signed by the Governor.

in cuts and Black Hawk County \$532,153 in cuts.

PSG states that counties may feel they have been unfairly targeted by the state for cuts, but it is important to consider that prior to the FY 04 budget, local government reimbursements had not been reduced significantly. "The Governor and Legislators, faced with one more year of declining revenue, and a looming budget deficit, cut the one area, besides educa-

tion, that had not been cut significantly - local government reimbursements," said Rafferty. PSG's statistics show that over the last three years, with K-12 education removed, state government

spending has shrunk by 13%. The Department of General Services' budget declined 24%. The Department of Revenue and Finance's budget has declined 20%. Other agencies experienced similar cutbacks.

How is the State Going to Help Counties Recover?

PSG is committed to working with counties over the next 12 months. While the work plan has not yet been approved by the state, the focus will be on assisting local governments in dealing with the long-term budget challenges, while improving the state and local relationship in the future.

Two key desired outcomes include:

- State government would view local governments as an effective, accountable way to deliver services; and
- Local governments would view state government as helpful in assisting their ability to deliver services, rather than a barrier.

This reform will focus on two components:

1. Developing and implementing strategies that change the way the state relates to local governments. This effort will include building support for additional mandate relief, fostering

feature

increased communication, and changes in other practices and perceptions, increasing the trust and cooperation; and

2. Developing models of new ways of delivering services at the local level. Iowa local governments have already shown new thinking in how they deliver services to citizens. Our efforts will include building on existing shining examples and creating additional transformational success.

What Will PSG Get Out of This?

The Public Strategies Group encourages contracts that are results-oriented. Their policy is to charge customers for the value they produce. "We sell results, not time," is their motto. PSG's compensation for their work with the state will be based on two factors: the dollar amount saved and the benefits achieved. Rafferty said, "PSG is entirely at risk for the resources it is putting into this project." PSG will receive up to 5% of projected savings. The Department of Management must certify savings achieved and PSG's payment. PSG may earn up to an additional 5% if benefits, as defined and certified by the Department of Management, are achieved in FY 2004. PSG's total compensation is capped at \$6.3 million, even though the actual savings from the Reinvention Bill will be significantly higher than the \$63 million.

Has PSG Worked With Other States?

PSG's impressive client list includes federal agencies such as the United States Department of Education; local governments such as the Minneapolis-St. Paul Area Intermediate School Districts and Hennepin County in Minnesota; non-profit organizations such as the Science Museum of Minnesota; and state governments such as the state of Washington. "PSG is interested in assisting organizations who want to move towards results-based budgeting - a process that has received much acclaim from a broad spectrum of groups and individuals in the state of Washington," said Rafferty.

Maureen Morris, Deputy Director for Urban Counties with the Washington Association of Counties, said the work PSG did in Washington was a huge success and many editorials were written in support of their service to the state. Morris said, "Counties in Washington are struggling, but not because of severe cuts from the state. In Washington PSG helped the Governor's budget staff construct a process, they didn't have anything to do with budget item recommendations or decisions." Morris said the firm was paid approximately \$200,000 for their assistance.

Rafferty said, "The work in Iowa was significantly different than what was requested in the state of Washington." In Iowa, PSG was requested to come up with a package of specific savings. In the state of Washington, PSG helped develop a new budget process for state government that was focused on results.

Uneasy Future Ahead

The state says counites need to be a partner with them. Counties say in order to partner with them they need to be more involved in the planning of initiatives, not just the end result. Fingers have been pointed to legislators, PSG, and ultimately the Governor for why these huge cuts had to happen and specifically after counties had already certified their budgets. The reality is county officials have been hit hard with huge reductions in aid from the state, the frustration of having to rebalance their budget, and the uneasiness of the future ahead. PSG, pursuant to their contract with the state, continues to work to identify other savings and reinvention initiatives within state government. We can only hope that future adjustments come with more foresight.

For a complete breakdown of how the reinvention bill will affect every county visit ISAC's website (www.iowacounties.org) under 'Legislative Information.'

counties in the spotlight

Air quality in Iowa seems to be good overall, but counties need to be vigilant about air pollution sources and levels, said Martha Cline, American Lung Association of Iowa. The extreme eastern part of Iowa has struggled with ozone for the past several years, one reason being the emissions given off by vehicles and businesses. Another reason is the state's location between dirtier air to the east and cleaner air to the west. Air quality experts are conducting studies to determine where emissions come from in the state, as well as what percentage of pollutants come from other states. **Scott** and **Clinton** counties had the most high-ozone days – or smog days – in the state during a two-year study, released by the American Lung Association. Each county had four days between 2000 and 2002 when ozone reached a level high enough to affect chil-

dren, senior citizens, and those with lung disorders. (Taken from the Globe-Gazette, May 2)

Ten counties have formed a regional development corporation to help northern Iowa's economy. The economic development initiative, called Mid Iowa Economic Development Corp., includes **Buena Vista**, **Calhoun**, **Hamilton**, **Hardin**, **Humboldt**, **Kossuth**, **Pocahontas**, **Sac**, **Webster** and **Wright** counties. "The population of our 10-county region continues to decline," said John Hartford, president of the corporation. The 10 counties combined lost more than 17% in population in the past 30 years.

(Taken from the Des Moines Register, May 22)

counties in the spotlight

Hancock, Poweshiek Budget Protests Defeated

Montgomery County in Unusual Situation

By: Jay Syverson

ISAC Fiscal Policy Analyst

On Monday, June 2 the State Appeals Board met to consider the remaining three county budget protests. Appeals against the budgets of Hancock, Poweshiek, and Montgomery counties were addressed during the hour and a half meeting. [The State Appeals Board is comprised of State Treasurer Michael Fitzgerald, State Auditor David Vaudt, and Department of Management (DOM) Director Cynthia Eisenhauer, who was absent from the June 2nd meeting.]

Hancock County - Hancock County held its budget protest hearing on April 23rd in Garner. The hearing was directed by Stephen Larson, of the state treasurer's office. Additional hearing panel representatives included Jim Nervig of the DOM and Kevin Borchert of the state auditor's office. The petitioners complained of a substantial increase in property taxes, increasing expenditures, and the fact that Hancock County plans on operating a deficit budget in FY04 (annual expenditures are budgeted to exceed annual revenues by \$1.9 million). The petitioners objected to large wage and benefit increases and identified nearly \$600,000 of recommended budget reductions. They asked the Appeals Board to reduce property taxes by that amount.

County officials noted that property tax rates have been artificially low over the past few years as the county has been dramatically reducing its ending fund balances. Total ending fund balances have been reduced from over \$4 million in FY 1999 to just over \$600,000 in FY04. The county showed that the proposed tax levy is lower than it was five years ago and is lower than most other Iowa counties. County officials compared their salaries to those of other county officials in the state and showed that they are comparable. The county also mentioned that the petitioners made no suggestions on modifying the budget prior to its adoption, and noted that there was little public participation in the budgeting process. According to the county, the cuts in expenditures suggested by the petitioners are contrary to the interests and welfare of the general public. The county asked the Appeals Board to sustain the budget in its entirety.

At the Appeals Board meeting, Kevin Borchert of the panel noted that the "significant tax increase is necessary and reasonable" and that the levy is still below statewide averages. He said that for the most part, spending has been kept in check. With few questions, the Board accepted the recommendation of the hearing panel and unanimously upheld the Hancock County budget. They did not do so without reservation, however. State Auditory David Vaudt noted that the county "can't continue to spend [at the current level] without raising taxes" in the future, and the Board said the county should better restrain spending in future years.

Poweshiek County - Poweshiek County held its budget protest hearing on April 22 in Montezuma. The hearing was directed by the same panel that oversaw the Hancock County hear-

ing. The petitioners objected to the certified budget, complaining about wage and salary increases, a generous sick leave policy and increased expenditures. They recommended freezing wages, selling certain property and equipment, decreasing the expenditure for environmental restoration or eliminating it completely, and eliminating health insurance for qualifying retired elected officials.

Supervisor Sandy Moffett and Auditor Jo Wray were the primary spokespersons for the county at the hearing. They defended the budget, citing a need to begin rebuilding seriously depleted reserves to a responsible level. The 2% wage increase given this year is reasonable and necessary, they said. Additionally, the county was in negotiations with union representatives at the time the budget was certified and had to estimate the outcome of those negotiations. The county asked the Appeals Board to sustain the budget in its entirety.

The Appeals Board noted that the supervisors have the authority to determine compensation increases, and that historically local officials' salaries have not been adjusted by the Board if proper procedures have been followed. They questioned some accounting practices of the supervisors, in relation to budgeting for environmental restoration, but acknowledged that Auditor Wray and the supervisors had corrected their past mistakes by designating the fund balance in the environmental restoration fund. The hearing panel recommended sustaining the Poweshiek County budget, and the Appeals Board agreed. They voted unanimously to uphold the budget.

Montgomery County - I attended the Montgomery County budget protest hearing April 9 in Red Oak, and I could tell you about the petitioners' arguments and the county's defense. That is unnecessary, however, because the DOM has ruled that there is no legal budget for Montgomery County. The lack of a valid budget makes any protest against such a budget irrelevant, and thus the Appeals Board did not render a decision on the Montgomery County budget.

According to a letter from DOM Director Cynthia Eisenhauer, the budget for Montgomery County was not adopted under the guidelines of the Code of Iowa. Iowa Code §331.212 says that "the affirmative vote of a majority of [the board of supervisors] membership" is required to levy a tax. Because the Montgomery County budget was adopted by a 2-1 vote, it was in violation of Iowa law. (Montgomery County has a five-member board. One member was hospitalized during the budget vote, another abstained.) Additionally, because "a properly certified budget was not submitted by the March 17, 2003 deadline, Montgomery County will be held to FY03 property and utility tax levies," stated the letter from the Department of Management. The county is to submit a legal budget by June 20, but must do so under the constraints of not raising property taxes from FY03.

letter to the editor

Opinion on Reinventing Government & Reviewing the Legislative Process

his year the legislature and Governor Vilsack broke many promises they had previously made to counties, schools and municipalities. They said financial commitments had to be abolished or deep cuts made in state government. The legislature chose the first option and thrust their financial problems on the backs of local governments.

Somebody in Des Moines calls this "Reinvention" but most people call the actions of the Governor and the legislature "Budget Cuts." The Governor and legislative leadership bought into a plan proposed by a consulting firm from Minneapolis, the Public Strategies Group (PSG). This firm spent the last several months in Iowa presumably consulting with state government leaders but not local government leaders.

The "Plan" adopted by the Governor and the legislature calls for breaking a few longstanding arrangements with local governments, specifically reimbursements for personal property taxes and machinery and equipment taxes. The result is that the state saves more than \$60 million that was to be sent to local government. These cuts were packaged in a bill and ushered through the legislative process within the last few days of the legislative session. The "Reinvention" bill was signed by the Governor on May 30, 2003.

Now that the Governor has signed the bill, PSG will receive a check for about \$3.1 million. They will get a like amount in the future after they hold a few meetings and show local governments how to budget. It is interesting that many of the politicians who voted for the cuts are now hiding behind this firm. It is easy to not take responsibility for one's actions if you can point to an out-of-state consulting firm and say that it was their idea.

The decisions about budget cuts were made unilaterally by state leadership at the last minute of the legislative session, with the help of the multi-million dollar consultant PSG. This is not government decision-making at its best. There should be state budget solutions that do not pit one level of government against another. There should be solutions that recognize one another's responsibilities, and there should be solutions that are in the best interests of all Iowans. This is not what has happened.

Counties, schools and cities across the state are struggling with their budgets. Many counties had already cut their budgets for the upcoming year due to revenue shortfalls; now they must deal with even fewer dollars because of the state. There have been many opportunities for the Governor and the legislature to lessen the severity of the cuts to local governments, but none have worked. During the regular legislative session, many legislators tried unsuccessfully to cut the losses in half. A few legislators actually believed that the state should deal with the \$60 million themselves and not pass the buck to local governments. Obviously far too few.

By: Al Griffiths

Clinton County Conservation Director ISAC 3rd Vice President

Another opportunity was missed when the federal government sent more than \$100 million to the state for emergency assistance. The Governor had said that he wanted to share this pot with local governments, but instead the legislature folded the entire sum into their budget without any consideration to local governments.

There will be one last opportunity left to help local governments. The U.S. Supreme Court just ruled in the state's favor concerning taxing rates for gambling activities in the state. This is a complicated issue; however, the state could make somewhere between \$50 million to \$80 million in back taxes. Some of this could help local government, but it appears that the state has already built this windfall into their budget.

Local governments will now begin a period of time when there will be far too few resources available for them to meet their obligations to the public. Because of the agricultural productivity formula, the declining ag land taxable values will have a negative effect on FY05 budgets as well. Local governments are beginning to ask why their concerns were absolutely ignored by the powers in Des Moines. Why was there not any consideration for the financial difficulties that we were already facing?

It has become all the more critical that we review the entire decision making process that is employed by our legislature. It is too secretive and too closed. Access to the process, especially during the waning hours of a session, is nearly impossible. Public hearings on any legislation are a rarity, but it should be just the opposite. Bills of substance should be subject to open public hearings and in some cases multiple hearings. Today, issues of importance are decided in back rooms, secret subcommittees and among party leadership. Citizens may call a legislator at home, send him or her an email, or go to the capital and stand around trying to catch him or her as they travel from one meeting to another. This is not a system that encourages careful, deliberate, thoughtful, testimony presented to an entire committee. Open meetings, public notice, and the opportunity to be heard strengthen democracy.

More than two years ago I discussed with the Governor the deteriorating state of the relationship between local governments and the state. I was concerned that if things continued to deteriorate, we would be at each others throats in no time at all. It looks like we have arrived there and I see nothing but continued problems unless there are fundamental changes in the way we work with each other.

around the statehouse

The Drama of the 2003 Legislative Session

"It is not my interest to pay the principal, nor my principal to pay the interest." - Richard Brinsley Sheridan (Irish playwright) – on a request to pay a debt

Years ago, there was a popular recording containing a song which listed a series of woes suffered by a fellow, one after the other. "You say that it's a cold and rainy night and your car has gone out of control and into the ditch after your engine blew up. You say that your best friend let you down by not warning you that your car would blow up because he took it out for a spin the other night...without telling you. You say that this rat now says that he's running away with your daughter? Is that what's troubling you, bunky?" This old recording has recently come to mind because it could be the theme song for county officials after the 2003 legislative session. Both of them. If it didn't hurt so much, we could laugh. It has been a drama in, thus far, four acts. One was averted and the fourth is yet to come.

Act 1: Reinventing Government Bill

The first act came with the passage of the "Reinventing Government" bill and the suspension of state payments of three funds to local governments: 1) personal property tax replacement, 2) the remaining machinery and equipment tax replacement payments, and 3) the local government share of the bank franchise tax fee. The sting of this \$60 million that suddenly wasn't there was that cities and counties were informed that we would contribute to the pain of the state's revenue shortfalls. But the timing of the loss was as painful as the empty purse itself. The effective date of the legislation was July 1, over three months after county and city budgets were certified and locked in place. It was as if we were relieved of our wallets just after having mailed our check for the mortgage payment. Counties and cities, as you read this, are coping with ways to cut programs or financial contributions to local institutions such as public libraries, county fairs, community action programs and countywide community development programs.

Act 2: Senate Amendment

The second act in the county fiscal pain drama came with the insertion into an appropriations bill of a 10 page Senate amendment on May 1, the last day of the regular legislative session. The amendment contained a provision which ended the ability of counties to pro-rate the various property tax credits which are to be bestowed on eligible property owners. Thus, if the state chose to pay but 75% of the total value of the homestead credit, for example, the county would be obliged to give a credit to the home owner of 75% of the credit for which they are eligible. This clever little maneuver would have cost in the neighborhood of \$15 million. But act two was avoided. ISAC and the League of Cities asked Governor Vilsack to veto this provision, and he did.

By: Robert Mulqueen

ISAC Public Policy Analyst

Act 3: Loss of Federal Aid

With act two averted, the third act came about during the May-June special legislative session. In May, much newspaper ink



had been devoted to the efforts in Congress to come up with a fairly significant amount of state aid to piggyback on the Bush Administration's controversial tax cut. With efforts by Sen. Charles Grassley, chair of the Senate Finance Committee, several billion dollars were earmarked for aid to, as the legislation stated, "the states and localities." The Iowa allocation was \$180 million. Eighty million of this was to go to assist the state with its Medicaid expenses. Some, including ISAC, the League of Cities, Governor Vilsack, Senate minority leader Michael Gronstal (D-Pottawattamie), House minority leader Dick Myers (D-Johnson) and, inititally, Speaker of the House Christopher Rants (R-Woodbury) and House majority leader Chuck Gipp (R-Winnesheik) argued that a healthy portion of the remaining \$100 million should be distributed to counties and cities as an offset to what was taken in the reinvention bill. However, the negotiations between House and Senate leaders over their differences regarding the governor's "Iowa Values" legislation resulted in inclusion in the final version the Senate's desire to fold all \$100 million into the values economic development bill.

During the last two days of the stutter-step special session which began on May 29 and gaveled to a close on June 4, arguments were passionately made about sharing the federal money. Sen. Gronstal spent considerable time during debate on June 4 making the case in his amendment that counties and cities should be made whole to the tune of distributing \$60 million of the Congressional largesse to them. Similar arguments were made in the wee hours of the night before in the House of Representatives. These arguments included reference to a letter written to Governor Vilsack from Congressman Steve King (R-Iowa 5th District) arguing that devoting the whole enchilada to the Iowa Values fund was skirting Congressional intent. It was to no avail. This charge against the Senate's insistence had the same fate as did Confederate General George Pickett's effort at Gettysburg.

Act 4: Agricultural Land Values

The potential, if not probable, fourth act is a time bomb, and it's ticking. While counties did not lose as much as our brethren in city halls with approval of the reinventing Government measure, we will catch up in the race to the poorhouse a year from now when agricultural land values will plummet due to the productivity formulas new calculations. Counties will lose an average of 18% of the value of agricultural land. Some areas will lose considerably more. ISAC has offered ideas on stemming this fiscal hemorrhage to the legislative leadership. We've been watching the mail and waiting by the telephone. While we're waiting, we're working on ideas on what other programs that county officials will have to blue pencil.

legal briefs

First Amendment Suit Thrown Out by Judge

Unlawful Retaliation

Counties are public employers that have a duty under 42 U.S.C. section 1983 not to retaliate against their employees for speaking out on matters of public concern. In the recent federal case of *Dean v. Muscatine County* (250 F.Supp. 2d 1094), former county employees sued the county, claiming unlawful retaliation for exercising their First Amendment rights.

At issue was who should take over the operation of the county's residential care facility. According to the court documents, the plaintiffs, who worked at the facility, favored Crossroads, Inc., a nonprofit corporation. The defendants, including the board of supervisors members and the CPC, favored ResCare, a for-profit company.

The plaintiffs took public stands in support of Crossroads, writing letters that were published in the local newspaper, emailing the county supervisors and speaking openly to community groups. The plaintiffs claimed that certain supervisors were rude and unduly abrupt to them in public meetings, publicly demeaned them in the newspaper, and refused to respond when they sought to discuss the matter. Also, the plaintiffs claimed that on two different occasions a supervisor threatened that if they did not back off, the board would "bring in a big for-profit operator" to administer the program.

The county's negotiations with Crossroads broke down, and the county then signed a contract with ResCare. In accordance with its contract with ResCare, the county terminated all care facility employees, including the plaintiffs. The plaintiffs then sued the county and the individual supervisors, claiming that their actions in refusing to award the contract to Crossroads and instead awarding the contract to ResCare and causing the plaintiffs not to be hired by ResCare were taken in retaliation for the publicly expressed views of the plaintiffs in violation of the plaintiffs First Amendment rights.

To establish a case of unlawful retaliation, an employee must demonstrate 1) that he or she participated in a protected activity, 2) that the employer took adverse employment action against the employee, such as refusal to hire, refusal to promote, reprimand, demotion or discharge, and 3) that a connection existed between the activity and the adverse employment action.

In this case, the judge ruled that plaintiffs' views on the future of health care in the county was protected speech. But the judge concluded that none of the plaintiffs suffered adverse employment action because of their exercise of their free speech rights. In particular, the judge concluded that since all care facility employees were terminated as part of the ResCare contract, there was no evidence that the plaintiffs were punished for exercising their free speech rights. The judge granted the county's motion for summary judgment on the retaliation claim.

By: David Vestal

ISAC Deputy Director

Legislative Immunity

The other interesting issue raised in the lawsuit was the plaintiffs' claim that the defendants improperly interfered with the



plainitiffs' employment contracts, causing them not to be retained at the care facility. In response, the defendants argued that they have legislative immunity based on *Teague v. Mosley* (552 N.W.2d 646 Iowa 1996).

In *Teague*, the Iowa Supreme Court held that county supervisors acting in a legislative capacity have absolute immunity from suit for actions taken in connection with their official duties. In the case, a prisoner in the county jail said that his injuries were the result of the supervisors failing to fund the jail adequately. The Iowa Supreme Court threw the case out, saying that it would not allow lawsuits second-guessing funding decisions made by supervisors. In this case, the federal judge said that he could "find no legal basis on which to distinguish the actions of the county supervisors in *Teague* in allocating funds to staff and operate the county jail from the present county supervisors' conduct in making funding and long-term operational decisions regarding care of disabled county residents."

The judge granted summary judgment for the county on the interference with contract claim based on legislative immunity.

Drunk Driving

I've written about this before, but it bears repeating. If you are convicted of second offense drunk driving, that is an aggravated misdemeanor under Iowa Code §321J.2(2)(b). And under Iowa Code §69.2(1)(f), if an elected county official is convicted of an aggravated misdemeanor, the elected official's position is automatically declared vacant and the elected official loses his elected position. There is no decision that has to be made. There is no discretion. No board action is required. The position is just vacant and needs to be filled.

FLSA

Under the federal Fair Labor Standards Act, an employer must pay a covered employee time-and-a-half for all hours worked in a week over 40 hours. But how does this work when an employee works in the courthouse, for example for the county treasurer, and then works a second job for a separate county employer, such as the conservation board or the board of health? Do you add up all of the hours worked? Of if he works 25 hours at one job, and 20 at the other job, are those jobs treated as separate, so no overtime would be paid? The U.S. Department of Labor office in Des Moines has consistently held the position that the hours are cumulative, so you add up all of the hours working for any county employer, and if they exceed 40, then overtime must be paid.

Parting Ponderable: "A mind stretched by a new idea never goes back to its original dimensions." - Oliver Wendell Holmes

health check

Stop Talking, Just Listen



If someone told you there was a skill you could learn that would improve your relationships with everyone – business and personal, wouldn't you be intrigued? Well, there is something. It is very difficult for most of us but also very simple. That skill is listening!

Think about those around you and what an impact listening has on them: a child or grandchild wanting to tell you about their new friend, a spouse who had a very stressful day, someone who just got engaged, someone who just had a bad accident, someone who is depressed, a customer who has a problem, or someone who is lonely.

The concept of listening is very simple but often we have to hone our skills. Here are a few tips on developing this valuable skill:

- 1. Stop talking.
- 2. Maintain eye contact they will know you are interested.
- 3. Do not read while someone is talking.
- 4. Don't get angry at what the person is saying angry people are not in control or listening.
- Paraphrase what they say and ask questions back to them. You will know you got the proper meaning and it will further understanding.

By: Sandy Longfellow

ISAC Administrative Assistant

- 6. Listen to understand.
- 7. Stop talking.
- 8. Convey interest and respect. People open up to others who respect them.
- 19. Don't criticize. This puts people on the defensive and they will clam up.
- 10. Watch for body language. You often learn more from gestures than by what they are saying verbally.
- 11. Ask open-ended questions. The conversation will develop.
- 12. Don't think about your own agenda while they are talking. Spend your time really thinking about what they are saying.
- 13. Don't turn your back on the speaker or go out of the room.
- 14. Stop talking.

Now for some of us that "stop talking" part is very difficult. We are sure that what we have to say is very interesting to others – sometime it is. But a balanced flow of information and feelings between two people is most powerful. Other people have a wonderful variety of meaningful information if we just listen. Especially in the health arena, other people's experiences could be the solution to our problem – if only we listen.

technology center

Sharing Info In Outlook

Q. Is it possible to allow co-workers access to my calendar in Outlook?

A. Yes, by doing a simple process you and your co-workers can share calendar information. To enable this feature, you will need to open Outlook and go into your "Inbox." Once your "Inbox" is open, select from your toolbar, "Tools", "Options", and "Delegates". If no names appear in the popup window, you will need to select "Add." You will now be able to select the co-workers that you wish to grant access to your information. Once you have added their names to the list, you will need to enable this feature by selecting or highlighting a name from the list and click on "Permissions." Once under "Permissions," select "Calendar." You will have three items to choose from: "Reviewer" - can read items; "Author" - can read and create items; "Editor" - can read, create and modify items. Depending on what you want the person to have access to, will be the determining factor on how you assign these rights. Once you have assigned the "Permissions" to each name, click "OK." You can also allow others to view your "Tasks", "Inbox", "Contacts", "Notes" and "Journal." This feature can be activated when you are out of the office for an extended length of time. Remember you can always go back and remove the permissions at a later date. It is important to note,

By: Tammy Norman

ISAC Technical Administrative Assistant

that once permissions have been granted, they will be able to view all the information in that particular folder.

Now that permissions have been set up, you



will be able to view the calendars of your co-workers by opening your "Inbox" and selecting from your toolbar "Open" then "Other User's Folders..." and a popup window will appear. In the popup window you will be able to type in the name of the person you wish to view or click on "Name..." and select from the list that appears their name. You will also need to select the folder you want to view, "Calendar", "Contacts", "Inbox", etc... and click "OK." If permissions have been granted for this folder, the information will appear. If you have not been granted permissions, you will receive a notification that the folder is unable to be displayed

Website Note: You will find this article on the ISAC website (www.iowacounties.org) under 'Publications' along with a step by step pictorial. 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!

case management

AAMR Conference

The Yogi Bera quote, "The future ain't what it used to be," was contained in a presentation by Gary Smith with information regarding HCBS waiver services. I thought it struck a chord for much of this AAMR conference! Attending the AAMR conference in May provided a glimpse into the future and it really isn't what it used to be. I offer the following from my notes.

Supports Intensity Scale - Supports Intensity Scale (SIS) is being developed and it is planned to be available for purchase in the fall. The tool determines the pattern and intensity of support needs and is geared for persons with developmental disabilities including mental retardation. It is the second component of the overall process which is to:

- Identify the desired life experiences and goals in the support areas of home living, community living, life-long learning, employment, health and safety, social, and protection and advocacy.
- 2. Determine the pattern and intensity of support needs.
- 3. Develop the individualized plan.
- 4. Monitor the progress.

The SIS examines the support areas in terms of support frequency, support duration, and support type. It is intended to assist planning teams in making clinical judgments regarding an individual's support needs, is intended to be used as part of a support needs assessment and planning process, and currently it is a work in progress.

It objectively looks at support needs and considers factors including medical supports and behavioral needs that demand supports. It was very interesting and in many situations would provide important information for the team as plans are developed. It would also provide some level of justification for determining support needs rather than depending upon one entity's perspective. It will be available through the AAMR. Stay tuned.

Home and Community Based Waivers - Gary Smith, Senior Project Director of the Human Services Research Institute, addressed the issue of Home and Community Based (HCBS) waivers. HCBS waiver was enacted in 1981 and there have been no changes in the law, with the exception of the addition of supported employment in 1997. The program has had growth that exceeded the ability of the federal government to provide oversight. The fact that it is community based also complicates the ability for the Centers of Medicare & Medicaid Services (CMS) to inspect.

Therefore CMS is tightening requirements for HCBS waiver programs to conform to generic federal Medicaid law. Free choice of provider, access to covered services, contracting, and state Medicaid agency oversight are among the areas of emphasis.

Of particular interest was the discussion of quality. CMS is raising HCBS waiver program quality management performance thresholds. Because growth in the waiver has outstripped the ability of CMS to do quality assurance, all states will now be required to spell out full-scale, full featured QM/I systems. The current waiver application has nothing about quality. Their goal is to shift from periodic (every 5 years) CMS review of waiver

By: Linda Kemp Gethmann

ISAC Case Management Specialist

programs to an alternate framework. The other emphasis conveyed was the continued movement toward individual and family directed services with the Independence



Plus waiver. More information is available on www.cms.gov.

Fetal Alcohol Syndrome - The Center for Disease Control (CDC) sponsored the development of curriculums through focus groups across the country to provide education regarding the issues involving persons with Fetal Alcohol Syndrome (FAS). (They prefer to label the syndrome as ARND or Alcohol Related Neurodeveloment Disorder.) The specific curriculums would provide information to educators, health care workers, family members, and so on. The Arc has been involved and anticipates training the trainers this fall.

A Vision for Health - David Coulter, MD, declared the medical model dead. The medical model says the problem is within the person—abnormal, sick, diseased, inferior—rather than the environment. Medical funding and control over treatment was provided in hospital type setting. Change has seen the supports paradigm in the 1990's and self determination in the 2000's.

Healthy activity fosters well being if it helps the individual to manage body impairments in order to perform self chosen activities that promote participation in desired social roles within the community of choice.

Community Health Supports Model applies the normalization principal to health. It applies self determination to health with emphasis on supports needed to enhance individual functioning and to assist the individual to participate fully in the community.

Positive Behavior Support - Robert Horner, PhD, University of Oregon, emphasized that the goal of behavior support is to improve the overall quality of life of a person's experiences as well as reduce problem behaviors.

Behavior becomes "problem behaviors" when they function as a barrier to the development of social relationship, educational achievement, employment, etc. Behaviors are the most common reason why people with disabilities are excluded from typical settings. For children it is important to develop or introduce a way to communicate as early as possible to head off behavior problems. In order to prevent behaviors the person must know what he/she is going to do, how long will it last and what's next.

The approach is to not change people but to change environments. Investment is in the capacity of the person, not in control of the person. Behavior support may be needed for a long time. Sustainable behavior support will be a dynamic process and will focus on consistent outcomes more than consistent procedures. One notable shift was the use of Intellectual Development Disability in place of Mental Retardation. Although not consistently used throughout the conference, there is movement in that direction.

communication

Stop Being A Pushover

Are you the "good sport" in your office - the one who says "Yes" to every request for help? You may think you're doing a good job, but if you continue to work on others' projects while neglecting your own, you may scuttle your career. The trick is to say "No" without offending anyone. After all, you want to be able to call on your co-workers when you need a favor. To keep that option open, use these techniques:

- Buy a little time. Respond positively without saying "Yes."
 Example: "Marcia, I may be able to help you out, but I'll have to review my calendar and get back to you." This shows your colleague that you're giving some thought to her request, not dismissing it out of hand.
- Offer to help with part of the task. Take some of the sting out of the saying "No" by offering to take on a small part of the project. Example: "I don't have time to help write the report, but I'd be happy to proofread it when you are done."
- Suggest someone who's more qualified to help. Your co-worker might be coming to you out of habit. If you know someone who's a better candidate for the project, nominate him.

(Taken from How to Shine in Difficult Workplace Situations)

Open With Confidence

Never begin a call or visit to a co-worker with an apology. Examples: "Excuse my intrusion..." or "I don't want to bother you, but..." Constantly expressing regret indicates insecurity and begs for affirmation. It plants the idea in co-workers' heads that you are a bother. Show confidence by letting co-workers know that your time is as valuable as theirs. Example: "Jane, we're both busy today, so I'll take only a few minutes of your time."

(Taken from How to Think Like a CEO)

Avoid Talking While on Hold

When a customer puts you on hold, don't even think of starting a conversation with someone else in your office. Why? Doing so makes you lose your train of thought and can create an opportunity for you to say something you wouldn't want the customer to overhear. Most important, it detracts from the sincerity of the call if your customer comes back on the line while you're in midsentence with a coworker.

(Taken from Communication Briefings, April 2003)

profiles

Short Takes on

Governor Vilsack's Administration

Dick Oshlo

Policy Coordinator

A native of Council Bluffs, Dick Oshlo is the Policy Coordinator for Governor Vilsack and Lt. Governor Sally Pederson. A graduate of Drake University, he has an MPA degree in metropolitan studies from



the Maxwell Graduate School of Public Affairs and an MBA degree in finance from Columbia University. He has also done additional graduate work at Cornell University.

Most recently, he was the policy advisor to Governor Vilsack for safe communities. Previously, he was the corporate treasurer of a Fortune 250 technology corporation, vice president of investment banking at J.P. Morgan & Co., chief of staff to U.S. Senator John C. Culver, staff director of the U.S. Senate Resource Protection Subcommittee, and legislative assistant to U.S. Senator John C. Culver for the Committee on Environment and Public Works. Dick is married to Melanie Oshlo and has a 7-year-old son, Richard Oshlo III.





Elisabeth Buck is the Deputy Chief of Staff for Governor Tom Vilsack and Lt. Governor Sally Pederson. Her current responsibilities include working with the Governor's staff on casework, boards and commission appointments, constituent mail, proclamations and other areas of the office, which have citizen con-

tacts. She supervises the activities and events at Terrace Hill and also overseas the Governor's Office budget and personnel. Elisabeth has been a member of the Governor's staff since he was elected in 1998.

Before joining the Governor's Office, Elisabeth worked for the Attorney General's Office for eight years. Elisabeth is a graduate of Iowa State University. Elisabeth and her husband Tim Waddell lives in Des Moines and are the parents of two children, Lauren (17 years old) and Parker (13 years old).



in memory

Grundy County Supervisor, Bernard K. Eilderts, died April 10, 2003. He had served as District #5 Supervisor for more than 18 years. Bernie's major committee appointment was to the Landfill Commission. Under his leadership as the chairman of the Landfill Commission, the county made great strides in waste reduction and recycling. Grundy County was one



of the first to reach the goal of 50% waste reduction. Grundy County also became one of the first to have a curbside recycling program provided by the Landfill Commission.

classified ad

Engineer's Position Open

Clarke County is seeking qualified applicants for the position of county engineer. The position requires Iowa registration as a Professional Civil Engineer. Registration as a Land Surveyor would be beneficial. Salary negotiable based on experience and qualifications. Application will be accepted until the position is filled. Please submit cover letter and resume to: Clarke County Board of Supervisors, 100 S. Main, Osceola, IA 50213

Contact Information: Clarke County Engineer's Office, 100 S. Main, Osceola, IA 50213 Phone: 641-342-2716 Fax: 641-342-3893.

miscellaneous

Federal Surplus Property Program Can Save Counties Money

By: Jay Syverson

ISAC Fiscal Policy Analyst

County officials should be aware of a federal program that could save them thousands of dollars. The federal surplus property program, operated by the state under the Department of General Services, is designed to transfer all kinds of used, but useful, items from the federal government to other institutions. Public agencies, including local governments and their affiliated associations, non-profit organizations and educational institutions are eligible to purchase property cast off by the federal government. The types of goods available include nearly every product imaginable, ranging from hand tools to helicopters, excluding land and real property. Counties can obtain any available product by paying a service charge that amounts to a fraction of what the product is actually worth. The service charge is used to cover the expenses of the program and provide for its ongoing operation.

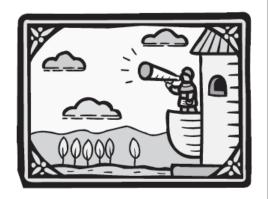
The program's administrators worry that its awareness level has fallen dramatically over the past few years. As hard as it may be to believe, the Iowa branch of this federal program is having trouble giving away enough products to merely cover its costs. That said, some counties and other local government entities have taken advantage of this program in the past. Crawford County purchased two pieces of secondary roads equipment for a combined \$36,000; the actual value of the machinery was estimated at \$110,000. Hamilton County purchased a \$4,300 vehicle for its solid waste department for a mere \$500. The Des Moines independent school district holds the distinc-

tion of purchasing the most noteworthy item from the program. Just a few years ago, the district bought a \$250,000 helicopter for one percent of its value, just \$2,500.

But big-ticket items are not the only products available at the surplus property warehouse. Nor are big-ticket items the only purchases that can save counties a lot of money. A glance at the current inventory reveals the numerous hand tools in stock, as well as lighting fixtures, computer equipment, office furniture and office supplies. Conservation workers may be interested to know that wet weather gear, field jackets and sleeping bags are available as well. Prospective buyers are encouraged to inquire about items that may not currently be in stock. Harlan Peterson, supervisor of the federal surplus property program, has the ability to search a nationwide database of federal surplus property and can often obtain whatever it is a buyer may request.

In these times of budget constraints, local officials know they must stretch their funding as far as possible. The federal surplus property program can help them do just that. With any questions about the program, to complete an eligibility application (just a formality), or to search for available items or make a request, county officials should call Harlan Peterson at 515-953-5747, email him at harlan.peterson@dgs.state.ia.us, or visit www.state.ia.us/government/dgs/business/federalsurplus.htm. Inventory was formerly held at the Iowa state fairgrounds, but the current location is 6921 Chafee Road, near the Blank Park zoo and golf course in Des Moines. The lease on that location expires in September and the supervisor, Harlan Peterson, expects the location to change again. Look for an update this fall or winter.

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Quote of the Month

One of the greatest weaknesses in most of us is our lack of faith in ourselves. - L. Tom Perry

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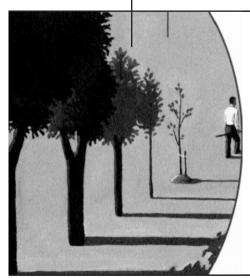
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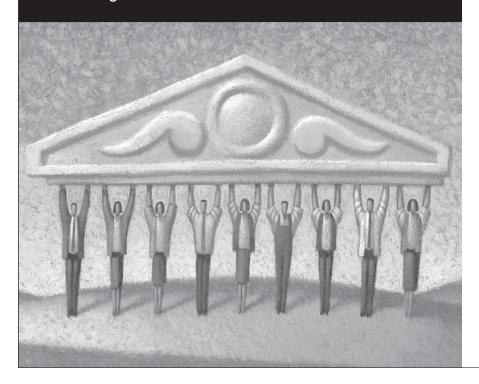


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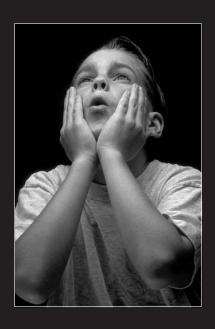
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calendar

JULY CCMS NW Support Group - Godfathers in Arnolds Park, Okoboji

CCMS Administrators - Baymont Hotel, DM CCMS West Support Group - Montgomery County Courthouse, Red Oak

ISAC Board Meeting with Iowa League of

CRIS Board - ISAC Office

Auditors Summer School - The Inn, Okoboji

AUGUST

Community Services Board Retreat

- Country Inn & Suites, DM Recorders' Legislative Committee

- Council Bluffs Area

SEPTEMBER

ISAC Steering Committees

OCTOBER

ISAC Steering Committees
- Holiday Inn Airport, DM
CCMS Administrators Meeting

ISAC Board of Directors - ISAC Office

CRIS Board - ISAC Office

NOVEMBER

CCMS Board of Directors

- Holiday Inn Airport, DM

ISAC Board of Directors

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

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