

The
**Iowa
County**

**Rezoning on
Review**



May 2007
ISACA
Iowa State Association of Counties

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ISAC's Mission:

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

ISAC's Vision:

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

Iowa Supreme Court Changes the Decision-Making Process for Rezoning

By: Gary Taylor, ISU Extension, Department of Community & Regional Planning*

On September 29, 2006, the Iowa Supreme Court decided *Sutton v. Dubuque City Council*. This case could have significant implications for city councils and county boards of supervisors deciding rezoning applications brought by landowners. This article summarizes the case and provides some suggestions to bring the practices of these elected bodies in line with the Supreme Court's ruling.

The Case

The Dubuque City Council voted to rezone a parcel of property from a commercial recreation district to a planned unit development (PUD) district on a four-to-three vote, with the mayor voting in favor of the rezoning. The PUD rezoning allowed the property owner to construct a condominium project on property adjacent to a city park. Plaintiffs, who claimed that the condominium would affect their use and enjoyment of the park, challenged the rezoning decision in court on several grounds, their main contention being that the mayor had a disqualifying conflict of interest. The plaintiffs brought the action in district court by a petition for a writ of certiorari. The action was dismissed by the district court because the writ of certiorari had not been brought within 30 days of the challenged action (the city council's rezoning decision), as required by procedural rules.

The plaintiffs then brought a declaratory judgment action to challenge the rezoning action. In response, the City asserted, among other things, that the plaintiffs' claims were barred because certiorari was the exclusive remedy and the time limitations for initiating a certiorari challenge had not been met. The district court rejected the City's contention that certiorari was the exclusive remedy, and moved forward with the declaratory judgment

action. It found that the mayor, whose vote was decisive, had a disqualifying conflict of interest because of anticipated real estate commissions that he or his real estate agency might enjoy as a result of the project.

The City appealed the district court decision to the Iowa Supreme Court. In addressing the City's claim, the Supreme Court concluded that certiorari is an appropriate remedy for reviewing the legality of decisions made by city councils and county boards of supervisors in zoning matters if "the action being reviewed by certiorari is of a quasi-judicial nature." This led to the question of significance for future zoning practice: Is a rezoning a quasi-judicial action? The Court first observed that "rezoning often takes on a quasi-judicial character by reason of the process by which it is carried out." The Court cited with approval a Washington State Supreme Court opinion that discussed whether zoning activities are quasi-judicial in character: "Zoning decisions may be either administrative or legislative depending upon the nature of the act.... When a municipal legislative body enacts a comprehensive plan and zoning code it acts in a policy making capacity. But in amending a zoning code, or reclassifying land thereunder, the same body, in effect, makes an adjudication between the rights sought by the proponents and those claimed by the opponents of the zoning change." The Washington court then set forth a helpful recital of the factors that will render rezoning decisions quasi-judicial in character. Those factors include: (1) rezoning ordinarily occurs in response to a citizen application followed by a statutorily mandated public hearing; (2) as a result of such applications, readily identifiable proponents and opponents weigh in on the process; and (3) the decision is localized in its application affecting a particular group of citizens more acutely than the public at large.

The Iowa Supreme Court concluded that "all of the factors identified by the Washington court ... come into play in the present conflict, a circumstance that leads us to the conclusion that the action of the [Dubuque] city



council being challenged in the present case was quasi-judicial in character.”

The Implications

The Court’s determination that the rezoning to the PUD classification was quasi-judicial in character meant that review by certiorari was proper and, as the Court concluded later in the opinion, the exclusive remedy available to the plaintiffs. In other words, the City of Dubuque prevailed. The Court’s determination that the rezoning was quasi-judicial, however, may also have far greater implications for the way city councils and boards of supervisors conduct themselves in connection with rezoning applications. The Iowa Supreme Court, and many other appellate courts, have insisted that quasi-judicial proceedings are subject to greater procedural safeguards than “legislative” actions, such as adopting resolutions, budgets, and general health, safety and welfare ordinances. By way of example, zoning boards of adjustment, in deciding on variances, special exceptions, and appeals, act exclusively in a quasi-judicial capacity and are subject to such restrictions. To understand the procedural safeguards that may now be expected from elected officials acting on rezoning applications, a good tip is to review the board of adjustment’s rules of procedure. The primary changes in practice that elected bodies may need to follow are: (1) no *ex parte* contacts outside the hearing; and (2) tighter, more “court-like” hearing procedures.

Ex parte contacts. Citizens expect to be able to discuss public matters with their elected representatives, and expect the elected representatives to be responsive to those discussions. However, many such discussions fall under the definition of *ex parte* contacts. “An *ex parte* communication occurs when a board member communicates, directly or indirectly, in connection with a matter before the board, with any person or party, except upon notice and opportunity for all parties to participate.” *LDMG Corp. v. Webster County Board of Adjustment*. Ordinarily, members of a governmental body performing a quasi-

judicial function are prohibited from having *ex parte* communications with interested parties. Such contacts could disqualify the elected official from involvement in the rezoning action. Insofar as *Sutton* holds that rezonings are quasi-judicial proceedings, it may be interpreted to mean that elected officials should not discuss the particulars of the rezoning case outside the public hearing. This could conceivably include discussions with rezoning applicants, objectors, members of the public, even city staff. Some attorneys also suggest that individual site visits qualify as prohibited *ex parte* contacts.

“Court-like” procedures. The term *quasi-judicial* literally means “court-like.” Zoning boards of adjustment follow (or should follow) quasi-judicial procedures by ensuring that all sides to an issue are provided an opportunity to speak; written evidence, if offered, is accepted into the record; a record of the proceedings, including recorded testimony and written evidence is, in fact, kept; and a written decision based on the facts contained in the record is issued. Under *Sutton*, city councils and county boards of supervisors may need to adhere to procedures more closely resembling those followed by boards of adjustment when considering rezoning applications.

Conclusion

The plaintiffs have requested that the Supreme Court reconsider the *Sutton* decision. If the opinion stands, elected officials and county/municipal attorneys should be discussing its implications for how rezoning requests are handled. The case raises several questions at the same time it answers others, but certainly a local government looking to err on the side of caution will want to review its practices and consider instituting some of the procedural safeguards outlined above.

**The author wishes to thank Barry Lindahl, Dubuque City Attorney, for his helpful comments and analysis of the case. Reprinted with permission from the Fall 2006 County Zoning News.*

Changes at the Capitol

Change is inevitable. This year brought a great deal of change to the world of the state Capitol. How people react to change is what is important. Some people gripe about change, while others embrace it. What are some of the interesting changes around the statehouse?

Physical Features

Several physical changes at the Capitol greeted lawmakers, lobbyists, staff and citizens when they arrived on January 8. For instance, the west parking lot is gone! The area is being returned to green space to enhance the beauty of the Capitol grounds. Meanwhile, a new parking garage has opened two blocks northwest of the Capitol to serve state employees and visitors. A free Capitol trolley to serve the garage, the state historical building and the Capitol picks up and drops off passengers every 20 minutes. This service has been helpful to visiting county officials and others.

The old cafeteria is gone! It was replaced by a new clean and fresh facility built into the north wing on the ground floor. This has left more room for tables and chairs.

There is a new elevator on the House side of the rotunda! The elevator can now stop at the House lounge level to serve those with disabilities. It moves much more swiftly than the Senate elevator.

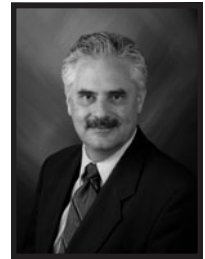
The Law Library has a new layout! When you walk in you can proceed directly to the west balcony doors to view the downtown skyline and current weather conditions. The doors are locked for security purposes, but the view is still excellent for a brief break in the hectic day. The most valuable improvements are the power strips that have been provided to each table for laptops, cell phone chargers and other electronic devices. In years past, to find a spot with power availability was difficult. Lastly, a table with office supplies for public use was added.

ISAC Services

In the last few years, participation in the "County-A-Day" program had been diminishing. County officials' presence at the statehouse is important; therefore we have replaced it with "District Legislative Days." This year, we held our district meetings in the auditorium at the Wallace building. The acoustics were far superior to those of the Capitol cafeteria. The new arrangement enabled ISAC to treat county officials to interactive discussions with top officials from the Governor's staff. Visits from key state department executive directors

By: John Easter

ISAC Director of
Intergovernmental Affairs



were also arranged. Legislative staff briefings followed appearances by the state officials. After the morning briefings, county officials moved on to the state Capitol to attend legislative meetings and talk to their own lawmakers.

Attendance at some of these events was lower than expected. We want to work with county officials to determine what we need to do to generate greater participation. Those who were there greatly benefited from the interaction with the state officials.

People

Each new General Assembly brings a host of fresh faces to the House, Senate and lobby. It also brings back many of the old capitol-hill crowd.

Process

Openness to legislative meetings is better than I have ever seen. The trend has been improving over the last few years. Senate and House subcommittee meetings are posted on the legislative website and on the bulletin boards in the lobbyist lounges of each chamber. This enables interested persons to prepare for these meetings so lawmakers are better informed when making policy decisions.

Politics

Obviously, one of the most significant changes at the statehouse this year is the political landscape. Democrats have retained the Governor's office while gaining majorities in both the House and Senate. They have had to learn their new roles as the majority party while Republicans have had to adapt to being in the minority. Overall, the operation of the General Assembly has run well. One day a member of the new majority quipped, "It reminds me of the line from the old song by *The Who*, 'Meet the new boss, same as the old boss.'"

At ISAC we strive for good public policy, regardless of who is in power. We enjoy working with whomever the public sends to the statehouse. That doesn't change.

Random Drug Testing

By: David Vestal

ISAC General Counsel



Some counties have expressed an interest in establishing random workplace drug and alcohol testing policies. For that matter, some counties may already have such policies in place. My advice is that county officials really need to know what they are doing, because this can be a real hornet's nest.

Iowa Law: There is no Iowa law on public sector workplace random drug testing. Iowa Code §730.5 applies to the private sector, but specifically excludes public sector employees. All counties must do drug testing of employees with CDLs, but that testing is specifically required by federal DOT regulations, and by law cannot be expanded to include non-CDL employees. So there is a void. The only controlling law is the body of federal Fourth Amendment search-and-seizure cases. Courts have held that when a government agency requires a blood, urine or breath sample to test for drugs or alcohol, that is a "search" for purposes of the Fourth Amendment of the U.S. Constitution. So, Iowa counties can do anything allowed by the federal court cases on drug testing.

Supreme Court Cases: In 1989, for the first time, the U.S. Supreme Court ruled on the issue of random drug testing of government employees. The two cases were *Skinner v. Railway Labor Executives Association* and *National Treasury Employees v. Von Raab*. They involved railroad workers and U.S. Customs guards, respectively. The majority of the Supreme Court held that, although drug tests are "searches", if the government can demonstrate "special needs" justifying the tests, it can subject government employees to random drug tests.

After Skinner and Von Raab: Since 1997, many state and federal courts have ruled that random drug testing programs in public workplaces are constitutional if the nature of the employee's job was extremely important, and that a great deal of harm could be done if the job was not performed properly. Courts generally resisted attempts to use random drug testing to reach large sections of the workforce. In every case, the key is determining whether the government has a "special need" that outweighs the government employees' privacy interests.

In general, federal courts have upheld random drug testing programs for the following kinds of jobs: 1) Those implicating public safety, like motor vehicle operators, train engineers, airplane pilots, mechanics and boat operators. Courts have almost always accepted this argument, except in cases where the claim is far-fetched, such as radiology technicians and dental hygienists. 2) Those requiring the carrying of firearms. 3) Those involving medical professionals involved in patient care. 4) Those with access to highly-classified information, such as Department of

Justice lawyers with security clearances.

But courts are, in general, not permitting the blanket testing of entire workforces. When faced with employees who do not implicate security or safety concerns, courts have been far less likely to approve random drug testing programs. The bedrock principle of the federal court cases is that random testing is impermissible in the absence of some special need. Also there are practical considerations - random drug testing may be expensive, it may not catch many wrongdoers and it has the potential to lower employee morale.

Random testing is the most controversial type of drug testing. Other types of drug testing, such as pre-employment drug testing and reasonable suspicion drug testing, do not raise the same constitutional concerns. Drug testing based upon a reasonable suspicion of drug impairment is generally constitutional. Counties interested in implementing drug testing should think about what type of drug testing makes the most sense in their circumstances.

Conclusion: Counties cannot implement broad random drug testing programs. There must be a special need that the supervisors can document. Generally, courts will approve random drug testing programs of government employees who carry weapons, have access to sensitive government information or whose positions implicate safety concerns. Overly broad drug testing programs violate the Fourth Amendment and have been struck down repeatedly by federal courts. Implementing random drug testing in the courthouse may not be a wise idea. County officials need to recognize that a poorly executed drug testing policy is certainly subject to being challenged in court.

Parting Ponderable: I recently picked a new doctor.

After two visits I asked him...

"Do you think I'll live to be 80?"

He asked, "Do you smoke or drink beer or wine?"

"Oh no", I replied.

Then he asked, "Do you eat rib-eye steaks?"

I said, "No, my former doctor said that red meat is unhealthy!"

"Do you spend a lot of time in the sun, like playing golf, sailing, hiking or bicycling?"

"No, I don't", I said.

He asked, "Do you gamble or drive fast cars or date fast women?"

"No," I said. "I don't do any of those things."

He looked at me and said, "Then, why do you care?"

PDF Documents

By: Tammy Norman

ISAC Technology
Services Coordinator



Q: I have forms that are in PDF and currently have to print them off and complete them by typewriter or by hand. Do you have a software solution that will allow me to complete these forms electronically?

A: Actually there are a few different options out there for you. Here are a couple. Adobe Acrobat 7.0 and 8.0 have a cool feature entitled the "Typewriter". The "Typewriter" feature allows you to open a PDF document and place your cursor anywhere in the document and type. You are not able to change the original embedded text of the document; however, you will be able to complete forms. Once your form is completed you are able to save it with the newly inserted text for your use. It truly is simple. The Professional Version of Adobe Acrobat 8.0 can be purchased from CDW at a cost of \$193.97 (electronic version), for an additional \$20.00 you can purchase the media version.

If you wish to change the original, embedded text in a PDF document, a software program entitled ScanSoft PDF Converter 4 Professional makes this a very simple process. The software enables you to convert a PDF document by clicking on "File", "Open" and "Browse" and continuing to select the file you wish to convert. Now, click on "Convert" from the toolbar and a popup will appear; choose "Selected File" and it will quickly run the conversion process. The document will be opened in Word. You will need to make the changes to your document and click "Save." The PDF file has now become a Word document complete with your changes and edits. The Professional version also has a feature that allows you to open PDF documents in Microsoft Word by selecting "File," "Open PDF" and the PDF converter popup appears and you do the same steps as described above. Another feature allows for opening PDF files and converting them back into an Excel document. This software can be purchased from CDW at a cost of \$41.89. *Note: the software prices quoted in this article are for ISAC members only.

Website Note: The legislative workshops are now online and available for registration. Have a question regarding new technology and would like it addressed in this column? Contact me at 515-244-7181 ext. 315 or via e-mail at tnorman@iowacounties.org. Until next month, keep clicking!

Yin and Yang of CoMis

By: Robin Harlow

ISAC Technology
Project Manager



In the mid-1990s, the CoMis application was designed by the state to assist counties in maintaining client information, to provide a method to track encumbered county funds and to record county expenditures for MH/DD services. The focus was between county and state without the ability to track clients between counties.

The ancient Chinese philosophy concept of Yin and Yang can best describe the current use of CoMis in a large number of counties. According to this concept, Yin and Yang are two opposing, but complementary forces found in all things in the universe. Within CoMis the opposing forces are managing the process and serving citizens versus the gathering and reporting of data.

Yin and Yang are usually held in balance - as one increases, the other decreases. However, imbalances can occur. Usually these imbalances are resolved because Yin and Yang can transform into one another. In the case of CoMis, gathered data should change into better service to citizens.

In most counties, capturing data into CoMis has become a very manual task that diverts needed resources from serving citizens. This data capture has not resulted in changes to help improve service. This imbalance, since it has not been resolved, has become a pressure point for change.

Bringing Balance to the CoMis Universe

At the 2007 ISAC Spring School, the Community Services affiliate voted to endorse the formation of a committee to begin the process of finding a replacement for the CoMis application. A committee was formed from Franklin, Wright, Polk, Muscatine, Boone, Woodbury, Warren, Marshall, Madison, and Allamakee counties. Functionally the committee has representation from office managers, CPCs and IT. The general goals are to: 1) create a scalable system that meets the needs of all counties; 2) electronically collect and transmit data; 3) increase connectivity between counties; 4) develop a support mechanism; 5) improve the data collection partnership with the state; and 6) budget as a going concern and anticipate future needs, enhancements and requirements.

The committee is in the process of drafting a concept paper for system scope funding through the Iowa Access Council. The committee has set July 2008 to begin rolling out the new replacement. For more information, please visit the project website at: www.iowacounties.org/Services/Technology/COMIS/COMISProject.htm.

health check

A Clean Office?

By: **Sandy Longfellow**

ISAC Administrative Assistant



Stress is something that most everyone needs to reduce. The key is identifying the things that make you stressed. Your stress could include sifting through papers or searching for documents. Do you have a pile on your desk that you haven't touched in weeks?

De-Junk – Start by taking a look around your workspace. How much desk space is being taken up with unnecessary items such as awards, executive toys, joke statues, paperweights and plaques? Maybe it is time to clear these things out and use that space more productively.

The Basics – Every desk needs a certain amount of supplies, but try not to overdue it. Most of us don't need a whole box of staples in our desk. Pare down the amount of your supplies to what is necessary and put the rest in the supply room for others to use.

Your Wastebasket – Use it. Do you have stacks of old stationery that you want to make into scratch pads even though doing that would cost more than buying new scratch pads? Throw it away! (You can recycle it.) Do you have a stack of copies you made for a meeting several months ago – keep an original and throw the rest away!

Manila Folders – These are useful to categorize things that you are working on. If new information comes in, you can add it to the appropriate file. It keeps everything together so you can find all the information you need on a specific topic.

Hanging Files – This is the next step after manila folders. Put your folders in alphabetical order in hanging files. This puts them all in one place and easy to find. The benefit of the manila files and hanging folder system is that it doesn't take a lot of work initially or in the future.

Indexing and Color Coding – This seems like a great idea on the surface, but be careful of instituting something that will take more time in the long run. Even if you get everything in order initially, you will have to continually maintain it. Beware of any system that takes a lot of maintenance.

Resources that might help you simplify your work space: [How to Conquer Clutter](#) by Stephanie Culp and [Clutter's Last Stand](#) by Don Aslett. Good Luck!

ISAC meetings

District Workshops

By: **Jerri Noboa**

ISAC Meetings Administrator



ISAC Legislative District Workshops

The ISAC staff summarizes the year's legislation and travels to the six ISAC districts to explain in person the impact of bills passed. Legislators are invited to come discuss how they felt the legislative session went, and to give their views on bills affecting counties.

The ISAC Legislative District Workshops will be held on the following dates and locations:

June 6 – District 2 – Waldorf College, 106 S 6th St., Forest City (Dining Hall Bldg)

June 7 – District 6 – Grand River Center, 500 Bell Street, Dubuque

June 15 – District 3 – Buena Vista University, 610 W 4th St, Storm Lake (Siebens Forum)

June 20 – District 4 – Mid America Center, One Arena Way, I-80 Ext 1B, Council Bluffs

June 21 – District 1 – Holiday Inn Airport, 6111 Fleur Dr., Des Moines

June 22 – District 5 – Indian Hills Community College, Grandview & Elm, Ottumwa (Advance Tech Center)

You can register for the workshops on-line at www.iowacounties.org. The fee is \$35 pre-registration and \$40 at the door. Morning coffee, rolls and lunch will be included in your registration fee as well as a copy of the legislative summary book. The agenda is as follows:

9:00 am – 9:30 am	Registration
9:30 am – 9:45 am	District Meeting
9:45 am – 10:45 am	General Session
10:45 am – 11:00 am	BREAK
11:00 am – 12:00 pm	Roundtable with Legislators
12:00 pm – 1:00 pm	LUNCH
1:00 pm – 3:30 pm	Affiliate Meetings

If you have any questions, please don't hesitate to call me at 515-244-7181.

by the numbers

Federal Spending

By: Jay Syverson

ISAC Fiscal Analyst



This month we take a break from looking at county finances. Instead, with the help of The Concord Coalition, a non-partisan organization that advocates fiscal responsibility (www.concordcoalition.org), we look at the rather frightening fiscal situation of the federal government.

Over the last 40 years, federal government revenues have averaged 18.2% of GDP; spending has averaged 20.6% of GDP. The current GDP is about \$13.5 trillion. In 2006, revenues were \$2.48 trillion and spending was \$2.74 trillion; that leaves a deficit of \$250 billion. Believe it or not, that's the good news. 2006 marked the second consecutive year that the deficit declined. Still, our national debt increased to \$8.7 trillion, almost two-thirds of our entire GDP. Interest payments on the national debt totaled \$227 billion in 2006. That's more than the federal government spent on Supplemental Security Income (SSI), unemployment compensation, food stamps, child nutrition, the earned income tax credit and child tax credits *combined*. It's almost twice what was spent on military operations in Iraq and Afghanistan.

But the real spending problem lies in a triumvirate of benefit programs: Medicare, Medicaid and Social Security. Today those programs make up 40% of the federal budget. That share is likely to increase, for two main reasons: 1) Health care costs will likely continue to outpace the economy; and 2) Our nation is getting older. Right now about 36 million people, 12% of the population, are over age 65. You think Social Security is in trouble now? In 25 years the number of people over age 65 will double and their share of the population will grow to 20%. Today there are 3.3 workers paying into the system for every beneficiary. In 25 years there will be only 2.1 workers for every beneficiary. The future is just as bleak for Medicare and Medicaid. If health care costs keep growing at their current pace, in 40 years Medicare and Medicaid will consume as much of our nation's economy as the entire federal budget does today.

By all accounts, the federal government's current fiscal policy is unsustainable. While a fiscal crisis may be looming, it is not inevitable. Preventing the crisis will require tough choices. It's easy for politicians to delay making those tough choices and hope that the situation will resolve itself. But as The Concord Coalition says, "Wishful thinking is not a sound fiscal strategy."

ISAC brief

Welcome Rachel

By: Rachel E. Bicego

ISAC Marketing/Communications Coordinator



Hello, my name is Rachel Bicego and I have taken over for Denise Obrecht in the position of Marketing/Communications Coordinator. I greatly look forward to upholding the responsibilities of this magazine, publication and website design, and maintaining strong relationships with the individuals and companies that support this outstanding organization.

Prior to accepting this position with ISAC, I was employed at the Octagon Center for the Arts in Ames. During my two years at the Octagon, I thrived in an environment which enabled me to utilize my fine art degree from Iowa State University. As a Cyclone, I specialized in printmaking, greatly enjoying both lithography and intaglio (etchings). Along with classes, my two final years were spent interning in the Iowa State University Printmaking Studio and at BOKA Studio, LLC.

Although a resident of Iowa for nearly 6 years, I was born and raised in Galesburg, Illinois. I am the second born in a large family of 4 girls, and I continue to remain very close with my immediate family. I have always been an athlete playing and coaching both basketball and softball throughout my high school years. I continue to stay active in my time outside of work, enjoying taking my puppy for walks and playing pool and golf. Other hobbies which keep me busy include cooking, drawing, painting, writing and photography.

After a few days at ISAC, I am thrilled at the opportunity to work with such a talented and welcoming group of individuals. I look forward to working with all of you, and contributing to this organization for many years to come. If there are any suggestions, concerns or comments, please feel free to contact me at 515.244.7181 or rbicego@iowacounties.org.

ISAC Board Profiles

Derek White
Carroll County
Emergency Management Coordinator



Year you started on the ISAC board: 2007

Year you began public service: 2002

Education: Bachelor of Arts, Buena Vista University; Master of Public Administration, Iowa State University

The hardest thing I've ever done: Standing by my personal character and morals even when it meant ending friendships.

A dream I have is to: Have a family.

You'd be surprised to learn that I: Have worked a wide variety of jobs since I was 12 to pay most of my way through private school and college.

My first car was: A 1988 Chevrolet Cavalier.

The most adventurous thing I've ever done is: Working in various aspects of public safety.

I'm most proud of: Earning my master's degree.

My favorite way to relax is: Watching sports.

My favorite Iowa meal is: Buttered sweet corn-on-the-cob and a hamburger.

My favorite movie is: "The Hunt for Red October"

My favorite music is: Dependent upon my mood.

My favorite place in Iowa is: Northeast Iowa along the Mississippi River, especially in the fall season.

Mark Linda
Black Hawk County
Environmental Health Division Manager



Year you started on the ISAC board: I think it was 1990. Our affiliate had just gotten approved for membership and our first board appointee lasted about 6 months then took on greater job duties in his home county. When I accepted the appointment he confided that it would be difficult to get those "cranky old supervisors" to listen to an environmental health viewpoint. Sheldon Kongable was president that year and was the nicest guy you would want to meet.

Year you began public service: In 1975 I began working for Upper Explorer Land Regional Council of Governments. I came to the Black Hawk County Health Department in 1978.

Education: I was a little over a year away from an electrical engineering degree at Iowa when I was drafted. After I left the military, I received a Masters in geography and environmental studies from UNI.

The hardest thing I've ever done: There was a mass staff revolt at the health department the year I came to work. It resulted in the loss of our director, approval of a union and a state audit that required we either return three years of state and federal funds, or rebuild our accounting system. A part-time assistant and I spent many evenings virtually building a disbursements journal. We were able to retain all outside funds. It took longer, but eventually management /staff relations were re-established as well.

You'd be surprised to learn that I: Played in a rock & roll band at the Surf Ballroom in the 60's.

My first car was: A 1948 Studebaker - Deluxe Land Cruiser.

The most adventurous thing I've ever done is: Jump out of a helicopter into a jungle where people were shooting at each other (actually, they had to push me).

My favorite way to relax is: Play guitar.

My favorite movie is: "Paths of Glory"

My favorite place in Iowa is: Our home farm, which is also a century farm west of Riceville, is very quiet.

ISAC brief

Wayne Chizek
Marshall County
GIS Director



Year you started on the ISAC board: 2004

Year you began public service: 1985

Education: AA Degree, Marshalltown Community College; AS Degree, Marshalltown Community College; GIS Certificate, University of Northern Iowa

The hardest thing I've ever done: Being a father is the hardest and most rewarding thing I've ever done.

A dream I have is to: Watch the sun set in each of the 50 states.

You'd be surprised to learn that I: Collect Hamm's Brewery memorabilia.

My first car was: 1959 Rambler

The most adventurous thing I've ever done is: Chaperone 14 middle school students in Japan for 2 weeks.

I'm most proud of: My family

My favorite way to relax is: Sudoku puzzles, Ebay and watching movies

My favorite Iowa meal is: Sweet corn and a BLT sandwich with fresh, home grown tomatoes

My favorite movie is: "It's a Wonderful Life"

My favorite music is: Country and Rock and Roll

My favorite place in Iowa is: Where ever I happen to be at the time. Every place has a story, a scenic picture and/or a different perspective if one is willing to keep an open mind.

Grant Veeder
Black Hawk County
Auditor



Year I started on the ISAC board: I'm guessing 1997.

Year I began public service: 1981 at Black Hawk County, unless you count my graduate assistantship at UNI in 1977, when my IPERS started.

Education: Boone High School, 1970; BA English, UNI, 1974; MA History, UNI, 1979. I completed my Iowa State Election Administrator's Training in 2003.

A dream I have is to: Write a globe-trotting travel journal.

You'd be surprised to learn that I: Wrote my mother-in-law's European travel journal in 1987.

My first car was: A 1969 Datsun station wagon with 105,000 miles.

The most adventurous thing I've ever done is: Driving around Europe and Britain in rental cars. (Understand that this is from a guy who thinks staying up all night is adventurous.)

I'm most proud of: My wife Kim and our sons, Ryan and Sean.

My favorite way to relax is: Dinner with Kim and our friends, or jamming and joking with Sean and Ryan.

My favorite Iowa meal is: Cold roast beef sandwiches on homemade oatmeal bread.

My favorite movie is: There are too many good movies to have a favorite. I especially like movies by directors Alfred Hitchcock, John Ford, Howard Hawks, Woody Allen and the Coen Brothers.

My favorite music is: Whatever music I get to play with Ryan and Sean.

My favorite place to visit in Iowa is: The Mississippi River – home of my hero Sam Clemens.

Why do you call Iowa home?

America's Promise – The Alliance for Youth is making the answer to this question easier by looking at the most valuable asset of any community, the future. The country's largest private/public partnership devoted to ensure that America's youth have all the resources needed to lead successful lives, America's Promise recently held a competition to name the nation's "100 Best Communities for Young People". Chosen out of the 1,000 applicants, both cities and counties, Pottawattamie County was named as one of the best. Iowa cities included Lamoni, Dubuque and Mason City.

Iowa should be proud as one of only 13 states with four or more chosen communities. The criteria involved in choosing 'the best' include what this National organization call the *Five Promises* to our children, Caring adults, safe places, a healthy start, effective education and the opportunity to help others. Studies done by this organization and others prove that children who are exposed to more of the promises and more likely to be successful. Other criteria involved include the community support of children and youth, the overall children and youth outcomes, community innovations in the areas of policy, practice and resources, and progress to date.

For more information on the remaining top 100, the organization and next year's competition, please visit <http://www.americaspromise.org>.

Neuzil Appointed By Governor

(IOWA CITY IA) Terrence Neuzil, member of the Johnson County Board of Supervisors, has been appointed by Iowa Governor Chet Culver to serve as a member of the technology based IowAccess Advisory Council. The Iowa Senate confirmed Neuzil earlier this month. Neuzil was one of 180 Iowans from a pool of nearly 2000 chosen by Governor Culver in his One Iowa initiative to serve on a State of Iowa board or commission. As a voting member of IowAccess, Neuzil will assist the council in creating electronic access to governmental information, transactions, and services at state, county or local levels. In addition, Neuzil will also help the council in accepting and reviewing proposals and awarding funding to government entities that work creatively to promote electronic access to projects.

IowAccess was developed in 1998 and is a division of Information Technology Services of the Iowa Department of Administrative Services for the purposes of developing, implementing, maintaining and expanding access to government records. IowAccess funding comes from a transaction fee through the Iowa Department of Transportation. In 2006, the Council allocated over \$550,000 in grants to city and county governments and state agencies.

Louisa County: Reduce garbage through recycling

The Louisa Regional Solid Waste Agency encourages all county residents and businesses to recycle as much as possible to reduce the amount of garbage created by the county. Recycling benefits the environment and budgets of local governments.

The benefits of recycling are numerous. Creating new products out of recycled material rather than virgin material cuts down on energy used, pollution created and natural resources consumed. It also cuts down on the volume of garbage buried in landfills and the overall weight of the garbage being hauled by sanitation workers.

Local governments are billed for sanitation services by the weight of the garbage hauled. If the garbage is lighter because residents have recycled glass, magazines, paper and metal, the budgets of the governments are in better shape. Everyone benefits when government budgets are in better shape.

The following are some guidelines for recycling correctly.

Clean it – Rinse all recyclables to remove food and soap residue. Food scraps left in recyclables can attract vermin and smell badly. Soap residue will leak and create a slippery slime at the bottom of your containers and on your other recyclables. Clean recyclables are pleasant to work with and are often reused in craft or kid projects.

Sort it – Sort your recyclables correctly. This can vary from town to town. Please contact your city hall.

Squash or Stack it – Recyclables can take up a lot of space. You should make your pile as dense as possible. This may mean squashing or crushing some items. It can also mean stacking containers inside each other as much as possible. A dense pile of recyclables takes up less space and costs less to haul.

Contain it – When setting out your recyclables on the curb or dropping them off at the transfer station, be sure to use the right kind of containers. The container should be weather proof and keep your recyclables separate from each other. A large plastic tote with bags of recyclables can work. Separate buckets or crates are even an option. Any container that makes your recyclables look like garbage will not work.

When dropping off recyclables, do not put plastic bags into the bins. This includes plastic shopping bags. Only paper shopping bags containing newspapers, office paper or magazines can go into their appropriate bins. If bin lids are closed, inquire at the Transfer Station office about where to put your recyclables.

For more information on garbage disposal, hazardous waste or recycling you can also visit your county's conservation board website.

Celebration of County Government Week

Allamakee County held an open house on April 27th with refreshments, treats and tours of the courthouse in recognition of County Government Week. A group picture of all employees was put in the paper announcing this open house. A drawing was held for an American flag and a poster contest open to all second graders in the county. "Protect the Environment" was the theme for the poster contest.

Cell Phone Program

The Washington County Sheriff's Office has recently started a program to provide reconditioned emergency cell phones to senior citizens and victims of domestic violence. The program will promote safety by ensuring they have the ability to contact ambulance and law enforcement services in times of an emergency. These emergency cell phones can only be used to dial 911. *(Taken from the Wellman Advance, February 8)*

Planning Stages for New Trail System

A plan to link Fairfield and Ottumwa via a trail system may happen sometime in the future. The Wapello County Board of Supervisors passed a resolution offering its support for obtaining funding for a system that could connect the two communities via Eldon and Libertyville. The Jefferson County Supervisors have already initiated the project with their efforts to build a trail from Fairfield to Libertyville. The project could span over the next several years. *(Taken from the Ottumwa Courier, February 21)*

Opposition Over Proposed Airport

A new location was announced for the proposed West Metro Regional Airport in Dallas County. This is the third site option for the airport. McClure Engineering stated that the new site will have fewer property owners and a minimal environmental impact. The proposed airport has received opposition from the citizens in Dallas County. *(Taken from the Dallas County News, March 8)*

Erosion Tech, LLC

Erosion Tech, LLC, has developed an innovative product solution, ScourStop transition mats, to provide protection against the erosive scouring forces caused by the flow of storm water. They are designed to work in concert with other traditional erosion control elements to form a complete storm water runoff management solution for a wide range of commercial, civic, residential and rural projects. Erosion Tech LLC has built a solid foundation of empirical and scientific credentials on ScourStop, has created market excitement, has developed distributors, and is poised for the next phase of marketing and sales.

ScourStop transition mats are 4 ft. X 4 ft. X ½ in., and provide mechanical protection from the erosive forces of flowing water while integrating vegetation within its structure. Vegetation mechanically binds soil particles in its root matrix, provides cover protection to the soil, and of course, provides aesthetic, green scenery. Vegetation also filters significant levels of pollutants from runoff, enables groundwater recharge via infiltration and retards erosive flow velocities.

ScourStop is primarily a post-construction BMP – permanent in most applications, and utilized for erosion control after the site has been built out. As such, it becomes part of a system called a Stormwater Treatment Practice (STP), which has its own niche in the environmental regulatory field. Vegetation has many aesthetic and mechanical benefits recognized and promoted by every level of the stormwater industry. Initially developed for the highly erosive scour areas at stormwater outfalls, ScourStop applications have expanded to; emergency over-flow structures at stormwater detention devices and water dams; streambed and streambank applications; shoreline protection; commercial rain down-spouts; and multiple retail applications.

ScourStop is available through erosion and sediment control product distributors. Visit the website at www.scourstop.com for specifications, research and product information.



Registration now open for NACo's 2007 Annual Conference & Exposition

Richmond, Va. July 13–17

The Greater Richmond Region eagerly anticipates the arrival of county officials from across the country. A multitude of educational opportunities await you during NACo's 72nd Annual Conference and Exposition. In addition to education, networking opportunities and previewing the latest products available to county governments, a celebration of America's 400th Anniversary will be held at Jamestown Settlement living-history museum in historic James City County, Virginia.

It all began here...

Conference-Wide Event
Sunday, July 15
Jamestown Settlement Museum

In 1607, 13 years before the Pilgrims landed in Massachusetts, a group of 104 English men and boys began a settlement on the banks of Virginia's James River. The community suffered terrible hardships in its early years, but managed to endure, earning the distinction of being America's first permanent English colony.

Join us at the conference-wide event on Sunday, July 15 to celebrate America's 400th Anniversary at Jamestown Settlement living-history museum in James City County. Come get a taste of Virginia fare while enjoying entertainment from a variety of Virginia's finest musicians. You'll hear everything from gospel to bluegrass to rhythm and blues.

Today at Jamestown Settlement, gallery exhibits trace Jamestown's beginnings in England and the first century of the Virginia Colony. Learn about the cultures of the Powhatan Indians, Europeans and Africans who converged in 1600s Virginia. "The World of 1607," a special exhibition showcasing 17th-century Virginia in a global context, will feature rare treasures on loan from major museums and international collections. New permanent exhibits include an introductory film and revitalized living-history areas that draw on a wealth of historical information that has been revealed by archaeological and documentary research from the past 15 years.

Attendees can board replicas of the three ships that sailed from England to Virginia in 1607, explore life-size recreations of the colonists' fort and a Powhatan village, and tour the riverfront discovery area. So come prepared to take a trip back in time as we welcome you Home to Virginia, America's birthplace!

The Richmond Region welcomes...

More than 4,000 local officials and their families from across the country are expected to come home to Virginia for the 2007 National Association of Counties (NACo) Annual Conference in the Historic Richmond Region. Elegant architecture, rich history, lush gardens and vibrant culture are among the charms that make the Richmond Region easy to love. Richmond is fun and accessible, with big city action and Southern hospitality. Explore 400 years of history or upscale shopping. Catch a glimpse of a bald eagle, take in Tiffany windows or listen to the inspiring words of Patrick Henry—the choices are limitless.

You'll literally get a taste of Virginia at Jamestown Settlement in James City County, the site of the conference-wide event. Experience the story of America's beginnings and learn about the lives of 17th century settlers while sampling Virginia's traditional fare.

The Richmond Region is a day's drive from half the U.S. population, and a destination that you won't soon forget. From its rich history to the many entertainment opportunities, the Richmond Region has something for everyone.

The 2007 NACo conference coincides with America's 400th Anniversary celebration. Come see where it all began. From the Shenandoah Valley to the Eastern Shore, communities are gearing up to celebrate!

Come early and stay late! The Virginia Tourism Web site is your guide to statewide attractions. www.virginia.org

www.naco.org (conference registration information is available on the NACo Web site)

www.visit.richmond.com (a description of the region along with a list of things to do and see)

www.jamestown2007.org (information about community projects and festivities celebrating America's 400th Anniversary)



Taken from www.NACo.org.

Legislative Conference

*By: Grant Veeder, NACo Representative
& Black Hawk County Auditor*

I recently returned from the 2007 National Association of Counties (NACo) Legislative Conference in Washington, D.C held March 3-7. About 25 Iowa county officials and ISAC staff were registered for the conference, but the nasty weather across the state and other problems prevented several people from attending.

One of my first meetings was a committee meeting on the 2008 Presidential Election Project led by NACo President Colleen Landkamer. Several Iowans were there, and we reported on the progress made to that point. NACo Public Affairs Director Tom Goodman was pleased to repeat the story of my meeting with Barack Obama in Waterloo: When I presented the Illinois senator with the list of county issues that NACo is emphasizing to candidates, he told me, "Oh, I already got this in Cedar Rapids." Linn County Supervisor Linda Langston had been bending his ear earlier in the day, and Senator Obama's déjà vu moment in Waterloo was just the experience that we had been trying to create! Furthermore, he received the same information the next day in Story County from Story County Supervisor Jane Halliburton, my fellow NACo Board member.

I attended a number of meetings as a member of the Finance and Intergovernmental Affairs Steering Committee. NACo policy resolutions from the 11 steering committees are mostly approved at the annual meeting held during the summer, but interim resolutions can be brought to the legislative conference, and about 25 were approved by the Board at our Monday morning meeting.

The Board also reviewed and discussed NACo finances for the fiscal year ending December 31, 2006. NACo continues to enjoy good financial health, as 2006 actual revenues (about \$21 million) exceeded budget by 7.7%, and actual expenditures (about \$18.5 million) fell short of budget by 3.4%. Halliburton is a member of the audit committee, which met with NACo's internal and external auditors and found us to be financially sound.

Members of the Board were invited to a reception at the new NACo office suite, located at 25 Massachusetts Ave., NW. Halliburton, Bill Peterson, ISAC Executive Director and past president of the National Council of County Association Executives, and I brought as our guests Jane's husband, Cal, ISAC President Kim Painter and ISAC 1st VP Mike King. One achieves a clearer notion of the size of NACo's staff (86 employees) and the scope of its duties when touring this impressive complex.

I think that it's worth noting that NACo took a "green" approach in designing and constructing the new offices. Carpets and other floor coverings contain a high percentage of recycled materials. Electrical wiring and fixtures were chosen for their energy-saving features. The building has a state-of-the-art and

energy-efficient HVAC system. These and other attributes are great examples for counties around the nation to follow. It's no coincidence that NACo is pursuing a Green Government Initiative in which county officials work with the private sector to promote and facilitate green government practices, products and policies that result in financial and environmental savings. Halliburton is one of 12 county officials on the advisory board, which also has 11 private sector members from such companies as Johnson Controls, Inc., Office Depot and Wal-Mart Stores, Inc. The initiative plans to launch an assistance program for local governments and schools.

The NACo general sessions were highlighted by speeches from presidential hopefuls Dennis Kucinich, Chuck Hagel, John McCain and Joe Biden. As they were introduced, they were pointedly asked to expound upon what their administrations would do to restore the federal-county partnership (one of our Presidential Project tactics).

We were treated to a return engagement by The Capitol Steps, whose hilarious skits and songs skewer the foibles and pomposity of both Democrats and Republicans, and other personalities unfortunate enough to have attracted their attention (in this case astronaut Lisa Nowak). Insightful political analyst Charlie Cook also appeared, saying that he would win the Tour de France before Rudy Giuliani won the Republican nomination, and comparing Hillary Clinton to boxer Mike Tyson. Incidentally, the NACo Counties Choir, with Halliburton and I warbling our hearts out, was back in action, kicking off the Monday general session with some patriotic songs and a little humor.

An important component of the Legislative Conference is conveying the county side of issues to our elected representatives. On Wednesday, ISAC invited the Iowa Congressional delegation to a breakfast at the hotel and also to a roundtable meeting at the Longworth House Office Building. Congressman Dave Loebsack attended the breakfast along with Bruce Braley's chief of staff. Congressman Leonard Boswell came to the roundtable, along with staff for Senators Chuck Grassley and Tom Harkin and Representatives Braley and Tom Latham.

The NACo Annual Conference will be held in Richmond, Virginia, July 13-17. Included is a bus trip to Jamestown, this being the 400th anniversary of its founding as the first permanent English settlement in the Americas. Go to the NACo website (www.naco.org) for registration information. Teresa Altemus, a supervisor from Gloucester County, Virginia, and Glen Whitley, a commissioner from Tarrant County, Texas, are running for NACo 2nd VP in the election that will be held in Richmond.

Prior to that, Halliburton and I will be attending the NACo Board meeting held at the Western Interstate Region Conference May 9-11 in Fairbanks, Alaska! I'll be packing my snowshoes and a sleep mask.

NACo election project scores early success in primary states

By: Tom Goodman, NACo Public Affairs Director

Grant Veeder, Black Hawk County, Iowa auditor, was surprised, but pleased by a remark by Sen. Barack Obama at a recent campaign event in Waterloo, Iowa.

When Veeder, who is participating in NACo's 2008 Presidential Election Project, handed Obama the election project's brochure, the senator said, "I received the same material in Cedar Rapids earlier today."

As it turned out, Obama got another copy of the material the next day at another event in Iowa. Veeder was pleased because a key objective of the election project is to get materials about counties and county issues into the hands of the candidates and discuss the issues with them.

As the campaign activity has escalated, county officials have participated in numerous events in recent weeks raising awareness of important county issues. The election project, which began last year, is focusing on the early caucus and primary states of Iowa, New Hampshire, South Carolina and Nevada.

"The ultimate goal of the project is to get the next president to restore the federal-county partnership that worked so well in the past, delivering services to the American people," said NACo President Colleen Landkamer. "We want to establish a better working relationship with the next president so that together we can solve the problems facing our country."

In addition to encouraging county officials to meet with candidates and discuss issues with them, another key objective is to get the candidates to speak at the Annual Conference in Richmond, Va. in July.

Four candidates spoke at the Legislative Conference in March — Rep. Dennis Kucinich and Sens. John McCain, Joseph Biden and Chuck Hagel. (Hagel has yet to officially enter the race.) The push is now to get commitments for July.

"This is an exciting project with great importance for the future of counties," Landkamer said. "We have made considerable progress over the past few months. But we need to keep working and get more county officials involved."

NACo has hired Kim Rogers, who has more than eight years of campaign experience, to work full time on the project. Rogers will alert county officials in the four states about campaign events and encourage them to participate, schedule meetings with campaign staff and get the candidates to speak at the annual conference.

Rogers will also lead the development of a questionnaire for the candidates to complete that will focus on their views and positions on county issues.

The state associations in Iowa and New Hampshire are planning forums for the candidates at their fall conferences. NACo will assist the state associations in putting on those forums.

The project is a nonpartisan effort working with candidates from both parties. In addition to Veeder, Iowa officials who are active with the project are Supervisors Jane Halliburton, Linda Langston, Mike King and Terrence Neuzil.

In New Hampshire, Commissioner Carol Holden is attending nearly all Republican campaign events. Other New Hampshire officials participating are Commissioners Ray Burton, Marge Webster and George Maglaras, and Registrars of Deeds Cathy Ann Stacey and Leo Lessard.

Involvement by county officials in South Carolina and Nevada is just beginning. NACo is also exploring how county officials in states holding primary elections on Feb. 5, 2008 can become involved.

(For more information about the Election Project, please contact Kim Rogers at krogers@naco.org.)

Taken from www.NACo.org



Photo by Laura Runyan, Tri-County Times

At a campaign stop in Iowa, Democratic presidential candidate John Edwards reviews a NACo brochure as Story County, Iowa Supervisor Jane Halliburton discusses NACo's Presidential Election Project, designed to get presidential hopefuls to focus on county issues.

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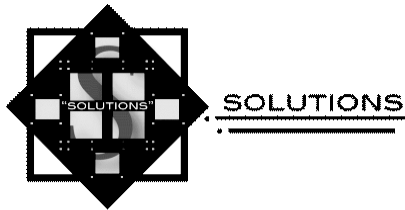
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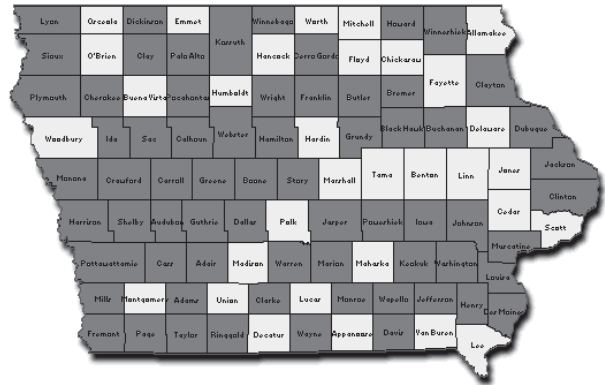
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“It’s not that other coverage providers won’t do what we do. It’s just that they can’t.”



County Risk Management Services, Inc. (CRMS) has provided marketing services for the Iowa Communities Assurance Pool (ICAP) and the Iowa Municipalities Workers Compensation Association (IMWCA) since 1987.



Its principals (clockwise from lower center: Clarence Hoffman, Fred Dolezal, Russ Sporer, Ken Bilbrey) work with local insurance agents across the state to introduce and represent these programs to Iowa Counties. Currently, sixty-seven counties are represented by CRMS and participate in one or both programs.

IMWCA was formed in 1981 to offer workers compensation and employers liability coverage to Iowa public entities. Current membership stands at 477 members (65 counties). **ICAP’s** inception was 1986. ICAP provides property and casualty coverages to 550 members (65 counties).

What We Can Do That They Can’t

- *Provide Member ownership
- *Offer coverages specifically designed for Iowa public entities
- *Represent the only program that has not increased casualty rates since 1986
- *Offer only programs endorsed by the Iowa State Association of Counties (ISAC)

Both programs offer their coverages to Iowa counties, cities and 28E organizations. Both are specifically designed for Iowa public entities.



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

calendar

MAY

- 3 Wellness Meeting
(Carroll County Conservation Center, Carroll)
- 9-11 Treasurers Conference (Clinton)
- 9-10 GA Retreat
(Holiday Inn Airport, Des Moines)
- 10 CCMS Advanced Case Managers
(Hilton Garden Inn, Des Moines/
Urbandale)
- 24 CCMS East Support Group, Coralridge Mall,
Coralville

JUNE

- 6 District 2 Legislative Workshop
(Waldorf College, Forest City)
- 6-7 CCMS Supervisors Training
(Hilton Garden Inn, Des Moines/Urbandale)
- 6-8 ICIT Annual Conference
(Riverside Casino & Golf Resort)
- 7 District 6 Legislative Workshop
(Grand river Center, Dubuque)
- 13 ISAC's Scholarship Golf Fundraiser
(Jester Park Golf Course, Polk County)
- 14 CCMS Board of Directors Meeting
(ISAC Office)

- 15 District 3 Legislative Workshop
(Buena Vista University, Storm Lake)
- 20 District 4 Legislative Workshop
(Mid America Center, Council Bluffs)
- 20-22 CCMS Fundamentals
(Hilton Garden Inn, Des Moines/Urbandale)
- 21 District 1 Legislative Workshop
(Holiday Inn Airport, Des Moines)
- 22 District 5 Legislative Workshop
(Indian Hills Community College, Ottumwa)

July

- 6 ISAC Board of Directors
(ISAC Office)
- 10 CCMS Administrators
(Hilton Garden Inn, Urbandale/Johnston)
- 11-12 ICEA Mid-Year Conference
(Ames)
- 13-17 NACo Annual Conference
(Richmond, VA)
- 18 CCMS Central Support
(ISAC Office)
- 19 CRIS Board of Directors Meeting
(ISAC Office)
- 25-27 Auditors Annual Conference
(Cedar Rapids)

Please visit ISAC's online calendar of events at www.iowacounties.org and click on 'Upcoming Events'. A listing of all the meetings scheduled thus far in 2007, agendas and meeting notices can be found on ISAC's website. A majority of ISAC's meetings offer online registration. If you have any questions about the meetings listed above, please contact Jerri Noboa at (515) 244-7181 or jnoboa@iowacounties.org.

Knowledge.

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