



The Iowa County

Iowa State Association of Counties

December 2013

The Coming Year as ISAC President

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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.

My Coming Year as ISAC President

NACo President Linda Langston's home county (Linn County) was devastated by floods in 2008. In response, Langston's presidential initiative is "Ready and Resilient Counties: Prepare, Respond and Thrive." The initiative focuses on building a community's capacity to be ready, resilient, agile and adaptive in the face of natural, manmade and economic disaster. We, at ISAC, have decided to partner with NACo on this initiative.

Whether a disaster is manmade or natural, it can occur at any time or place. The prime setback of a disaster is its abrupt and unexpected nature. For the impact of a disaster to be reduced, response must be swift and effective. General response to a disaster primarily comes from rescue and relief operations, which begin taking place after an incident occurs. But how much strain could we prevent in an emergency by better implementation of preventive actions?

The state of Iowa has experienced 34 presidentially declared disasters since 1990. The lead hazards in Iowa are those associated with severe weather, but Iowa has also been affected by hazardous materials spills in facilities and through transportation.

Because of this, we should be making better use of accessible tools and techniques to control the total damage.

According to the American Red Cross, only 28% of households in the United States have a preparedness kit for their families in case of a disaster. Emergency managers, counties and local retailers can collaborate to ensure residents have these kits on hand.

September is set aside by Iowa's local emergency managers as Disaster Preparedness Month to reach citizens and businesses to spread the message on the importance of emergency preparedness. "Disasters begin and end with individuals, families and businesses in our neighborhoods and hometowns. Individuals, families, and businesses also have the greatest direct influence on minimizing the impact of a disaster on the community," said AJ Mumm, president of the Iowa Emergency Management Association. "We want to do everything we can to help empower Iowans to take responsibility for their own preparedness."

By: Harlan Hansen

ISAC Incoming President
Humboldt County Supervisor



I can tell you that in my 20 years of public service, I am proud to be an Iowan. From tragedy to tragedy, I have seen the true character of our state. Iowans care about one another. We take care of each other.

When the tornado struck Bradgate, Iowa in May 2004 I saw this firsthand:

Our first responders – police, fire and rescue personnel – work around the clock when a tornado strikes a community, to respond to the needs of our citizens.

Our Emergency Management Agency works constantly to respond quickly and effectively.

Our local law enforcement works tirelessly to provide security and assist with transportation and distribution of aid.

Hospitals and our many health care providers labor diligently to help the wounded heal.

Churches, synagogues and other faith-based organizations are on the ground feeding and clothing those who have been left with almost nothing.

Any ordinary citizens – men and women like you and me – have dropped everything to rush to the aid of their neighbors.

College students, senior citizens, parents and school children are all working side-by-side in our shelters and recovery centers.

And let's not forget the thousands of utility workers who have worked day and night to restore power to the citizens of our state.

I want to thank them all for a job well done. And I ask you to join me in thanking each and every person in this state who has given of themselves to serve our fellow Iowans.

I am honored to serve in 2014 as ISAC President and to help all Iowans prepare to serve when the next disaster strikes. I look forward to working with the county officials in Iowa to be ready and resilient - to prepare, respond and thrive.

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Personal Liability for Public Officials

By: Barbara A. Hering and Hugh J. Cain
Hopkins & Huebner, P.C.

Thank you to County Risk Management Services, Inc. (CRMS, Inc.) representing ICAP and IMWCA for their excellent service to the counties and their continued support of ISAC. ISAC is proud to call CRMS, Inc. an Endorsed Elite Preferred Vendor and of our continued relationship. CRMS, Inc. is ISAC's Preferred Vendor of the Month throughout December - please be sure to extend your thanks and support to them as well. As part of their preferred vendor agreement, CRMS, Inc. was given space in the December magazine and provided this educational article. Enjoy!

Many public officials wrongly believe that they are covered by their municipality for their torts or other wrongful acts. They believe that as long as they are acting within the scope of their duties or employment, then their municipal organization is responsible for their actions. That assumption is not always correct. This article explores when individual liability may be imposed on a public official.

Iowa Municipal Tort Claims Act

The Iowa Municipal Tort Claims Act ("IMTCA"), Iowa Code Chapter 670, was enacted in 1967. This statute abolished the traditional doctrine of governmental immunity in Iowa and created the potential for legal claims against municipalities, subject to a number of significant exceptions set forth in the statute. Iowa Code §670.2 ("[e]xcept as otherwise provided in this Chapter, every municipality is subject to liability for its torts and those of its officers and employees, acting within the scope of their employment or duties.") *See Thomas v Gavin, et al.*, (No. 12-1515 Iowa Sup. Ct. October 11, 2013). Chapter 670 requires governing bodies to defend and indemnify municipal officers and employees from claims arising out of the scope of their duties, with the exception of awards for punitive damages. Iowa Code §670.8(1). In addition, this statute operates to specifically provide officers and employees who are acting within the scope of their duties immunity from personal liability linked to the immunity afforded to their municipal employers.

Under the IMTCA, municipal public officers may be personally liable for the torts they commit which are not "within the scope of their employment or duties." Iowa Code §670.2. An act is generally within the scope of employment when it is the same general nature of the work the official is authorized to do, or is incidental to what they are authorized to do. *See Vlotho v. Hardin Cnty.*, 509 N.W.2d 350, 354 (Iowa 1993); *Sandman v. Hagan*, 154 N.W.2d 113, 117 (Iowa 1967). This means that the act is "necessary to accomplish the purpose of the employment and is intended" for that purpose. *Sandman*, 154 N.W.2d at 117.

A deviation from the employer's business or interest must be "substantial" to place liability on the officer, rather than their employer. *Id.* Courts look at a number of factors to determine if a deviation has occurred, such as whether the act is commonly done by employees, the time and place of the act, the relationship between the employer and employee, and whether the act is seriously criminal in nature. *See id.* For instance, one Iowa court found that a member of a work crew filling water main lines was outside their scope of employment from work duties when he struck an inspector on the back of the head with a shovel while the inspector fought with a co-worker at the dig site. *See id.* at 113.

A municipal officer or public official may also be personally liable for punitive damages awarded against them. If an officer commits an act while in the scope of their duties and a jury finds that the officer or employee is responsible for punitive damages for the conduct, the municipal official may be personally responsible to pay that damages award. *See* Iowa Code §670.12; *Vlotho v. Hardin Cnty.*, 509 N.W.2d 350, 356 (Iowa 1993).

Under Iowa law, punitive damages are awarded when "the conduct of the defendant from which the claim arose constituted willful and wanton disregard for the rights or safety of another." Iowa Code §668A.1(1)(a); *see, also Kiesau v. Bantz*, 686 N.W.2d 164, 173 (Iowa 2004) (the "willful and wanton" standard under §670.12 is the same). "Willful and wanton" conduct has been further defined as "an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow, and which thus is usually accompanied by a conscious indifference to the consequences." *Fell v. Kewanee Farm Equip. Co.*, 457 N.W.2d 911, 919 (Iowa 1990) (quoting W. Page Keeton et al., *Prosser & Keeton on the Law of Torts* §34, at 213 (5th ed. 1984)). Law enforcement officers may be particularly susceptible to punitive damage claims because of their occupation. *See, Waterloo Police Protective Ass'n v. Pub. Employment Relations Bd.*, 497 N.W.2d 833, 836 (Iowa 1993).

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There are a number of immunities from tort liability that are set forth in Iowa Code §670.4. The actions of an individual public official may result in the municipality losing the benefit of this immunity if the employee acts with “gross negligence” or commits an act which constitutes “actual malice or a criminal offense.” For example, Chapter 670 provides immunity for claims based on negligent design or construction of certain public improvements unless the claim involves allegations of gross negligence. Iowa Code §§670.4(g)-(h).

In addition, a municipality’s immunity may be jeopardized if an officer or employee commits an act which constitutes “actual malice or a criminal offense” related to a claim for damages in the granting, suspension or revocation of a license or permit (Iowa Code §670.4(i)); damages caused by a third party, event, or property not under the supervision or control of the municipality (Iowa Code §670.4(j)); or relating to a swimming pool or spa or related inspection programs (Iowa Code §670.4(l)). “Actual malice” is “shown by such things as personal spite, hatred, or ill will.” *Larson v. Great West Casualty Co.*, 482 N.W.2d 170, 174 (Iowa Ct. App. 1992).

For instance, in *Larsen v. City of Reinbeck*, a couple who lost their three year old daughter in a pool drowning accident sued the city for negligence in maintaining the pool. They argued that immunity did not apply under Iowa Code §670.4(l) because the lifeguards had committed “criminal offenses” by not implementing Department of Health regulations in running the pool. The court disagreed, and found that a failure to implement rules was not “criminal.” No. 09–0163, 2009 WL 3064658 (Iowa Ct. App. Sept. 17, 2009).

Section 1983

One of the most important federal civil rights laws is the post-civil war Civil Rights Act codified at 42 U.S.C. §1983 (hereinafter §1983). Section 1983 imposes liability on municipalities, public officials, and public employees for violations of a plaintiff’s constitutional rights. Section 1983 actions can be brought for a large variety of municipal claims. Section 1983 claims can be made for land use decisions, firings, free speech claims, political appointee removals, vicious dog ordinances, failure to provide due process hearings, bad arrests, improper searches, to just about any sort of claim in between. Section 1983 specifically does provide for individual liability.

However, a very important defense exists against individual liability under §1983. The defense is called “qualified immunity.” Qualified immunity protects a government official from suit unless the official’s conduct violates a clearly established constitutional right of which a reasonable person would have known. *Pagels v. Morrison*, 335 F.3d 376 (8th Cir. 2003). Whether a right is clearly established at the time the official acted requires an assessment of whether the official’s

conduct would have been objectively reasonable at the time of the incident. *Littrell v. Franklin*, 388 F.3d 578 (8th Cir. 2004). To be clearly established, the contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right. *Anderson v. Creighton*, 483 U.S. 635 (1987). Qualified immunity protects “all but the plainly incompetent or those who knowingly violate the law.” *Malley v. Briggs*, 475 U.S. 335 (1986). It is important to remember that in order for a controlling legal principal to be clearly established, the court does not look to a general level of legal abstraction. *Sisney v. Reisch*, 674 F.3d 839 (8th Cir. 2012). This means that a court does not make a decision as to whether constitutional law is clearly established at a generic level such as “freedom of speech” or “unreasonable search and seizure.” Section 1983 liability can include punitive damages against a public official.

Iowa Civil Rights Act

The Iowa Civil Rights Act forbids discrimination in employment. However, it is not simply employers who are liable under the Iowa Civil Rights Act. Rather, the legislature provided that “it shall be an unfair or discriminatory practice for any:

- a. Person to refuse to hire, except . . . to discharge any employee, or to otherwise discriminate an employment against any applicant or employment or any employee.”

Iowa Code § 216.6(1).

Due to the use of the word “person,” the Iowa Supreme Court has held that liability is imposed not just on an employer but can be imposed upon a supervisory employee. *Vivian v. Madison*, 601 N.W.2d 872 (Iowa 1999). Federal courts have subsequently held that if a supervisor is in a position to control whether an employee is fired or aided and abetted in the firing, then individual liability can be imposed. *Asplund v. iPCS Wireless*, 602 F. Supp.2d 1005 (N.D. 2008). If a person is acting in such a way as to control a company’s hiring decisions, then he or she can also be held liable under the Iowa Civil Rights Act. *Johnson v. BE & K Construction*, 593 F. Supp.2d 1044 (S.D. Iowa 2009). Accordingly, if a government official is acting with such close supervision that she controls hiring, firing or discipline or is in a position to sexually harass an employee, then personal liability can be imposed.

Fair Labor Standards Act

The Fair Labor Standards Act governs when employees are paid overtime and how to calculate it. Local governments are subject to the FLSA. Generally, it is an “employer” who is liable for the payment of overtime. However, “employer” under federal law includes “any person acting directly or indirectly in the interest of the employer in relation to the employee.” 29 U.S. §203(d). This is broad enough to encompass owners and managers. The

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courts have held that individual managers can be employers for the purposes of liability under the Fair Labor Standards Act. Some of the factors which permit personal liability include such things as the control of hiring and firing of employees, control of the manner in which the work is performed, and the fixing of employee wages. *Dole v. Continental Cuisine, Inc.*, 751 F. Supp. 799 (E.D. Ark. 1990). Accordingly, if the public official is exercising close control over wages and terms and conditions of employment, then he may be exposed to personal liability under the FLSA.

Blacklisting

One little known Iowa statute is the anti-blacklisting law. It is found at Iowa Code §730.1 and provides:

“If any person, agent, company, or corporation, after having discharged any employee from service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, except by furnishing in writing on request a truthful statement as to the cause of the person’s discharge, such person, agent, company, or corporation shall be guilty of a serious misdemeanor and shall be liable for all damages sustained by the person.”

Accordingly, the blacklisting statute provides a cause of action for giving a false or untrue reason as to why an employee was discharged. An additional statute provides for triple damages on a company, partnership, or corporation for authorizing or allowing any of its employees to engage in blacklisting. Iowa Code §730.2.

What blacklisting makes clear is that providing information as to why an employee was terminated can be fraught with danger. While there is a more recent statute, Iowa Code §91B.2, that does provide for immunity from civil liability where the person is acting “in good faith” or unless the person is “acting unreasonably,” such a statute does not provide much comfort for an official that has been sued. Whether someone acted either in “good faith” or “acted unreasonably” is almost always a jury question and would not provide for summary dismissal.

Gross Negligence

Under Iowa Workers’ Compensation law, benefits paid by the employer to an injured worker are intended to be the exclusive remedy. Iowa Code §85.20. However, there is an exception which exposes “co-employees” of an injured worker to personal liability for gross negligence. The Iowa Municipal Tort Claims Act expressly allows for these types of claims against a public employee. Iowa Code §670.12.

Gross negligence is normally defined under the law as “such lack of care as to amount to wanton neglect for the safety of another.” Iowa Code §670.12. Generally, the Iowa Supreme Court has said that the elements of a gross negligence claim are:

1. Knowledge of peril to be apprehended;
2. Knowledge that the injury is probable, as opposed to possible result of the danger; and
3. A conscious failure to avoid the peril.

Thompson v. Bohlken, 312 N.W.2d 501 (Iowa 1981). Gross negligence is a possible claim against a public official when she is intimately involved in directing work. This is because the co-employee has to actually know of the danger and knowingly leads the injured employee into or fails to protect against a dangerous condition. *Larson v. Massey-Ferguson*, 328 N.W.2d 343 (Iowa Ct. App. 1982); *Walker v. Mlakar*, 489 N.W.2d 401 (Iowa 1992).

Open Meetings Act

The Open Meetings Act provides for personal liability for damages. Iowa Code §21.6(3)(a). Generally, any member of a board who participates in a violation of the Open Meetings Act is liable for damages of “not more than \$500.00 and not less than \$100.00.” Iowa Code §21.6(3)(a). Moreover, if the member knowingly participated in the violation, they are personally liable for damages of not more than \$2,500.00 and not less than \$1,000.00. *Id.* Damages for these violations can only be escaped if the member:

1. Voted against the closed session;
2. Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all requirements of the Chapter; or
3. Reasonably relied upon the decision of a court, a formal opinion of the Iowa Public Information Board, the Attorney General, the attorney for the government body given in writing or as memorialized in the minutes of a meeting at which a formal oral opinion was given or an advisory opinion of the Iowa Public Information Board, the Attorney General or the attorney for the government body, given in writing.

Iowa Code §21.6(3)(a).

The costs and reasonable attorney’s fees in bringing the action can also be assessed against the government official. Iowa Code §21.6(3)(b). The legislature purposely set forth that ignorance of the legal requirements of the Act is not a defense. Iowa Code §21.6(4). It is very important for public officials to know when they are permitted to go into closed session. To do so improperly can be a very expensive lesson.

Continues on page 9.

legal briefs

Supreme Court Term Preview: Local Government at the High Court

* *The State and Local Legal Center files Supreme Court amicus briefs on behalf of the Big Seven national organizations representing state and local governments.*

After the Justices ruled on same-sex marriage, the Voting Rights Act, and affirmative action at the end of June, attorneys and court-watchers anxiously awaited their return in October. The highest court in the land has already agreed to hear cases affecting local government on everything from controversial topics such as legislative prayer and demonstrations near abortion clinics to more esoteric subjects like federal court abstention. Here are a few cases to watch for this term that may have a big impact on local government.

Town of Greece v. Galloway might redefine the Court's approach to legislative prayer practices. Under the 1983 case *Marsh v. Chambers*, the Court held that a state legislature could hire a chaplain to deliver a prayer at the beginning of its sessions as long as the practice was not "exploited to proselytize or advance any one, or to disparage any other, faith or belief." The Town of Greece's official policy allows any person of any or no denomination to deliver an invocation at the beginning of town board meetings, and the Town does not approve or even examine the prayer in advance. In practice, all but four invocations (two Jewish, one Baha'I, and one Wiccan) have been led by Christians. The Court will review a "totality of the circumstances" test employed by the Second Circuit to declare the Town's practice an unconstitutional violation of the Establishment Clause and revisit its holding in *Marsh* for the first time in three decades. The case could impact many local bodies which begin their sessions with a prayer.

In *McCullen v. Coakley*, the Court will examine the constitutionality of a Massachusetts law that creates a 35-foot "buffer zone" around reproductive healthcare facilities into which demonstrators are not allowed to enter. A 2008 case, *Hill v. Colorado*, upheld a similar law against a First Amendment challenge because it (1) addressed a legitimate state concern for the safety and privacy of individuals using the facilities, (2) was "content-neutral" in that it applied to all demonstrators equally regardless of viewpoint, and (3) regulated the "time, place, and manner" of speech without foreclosing or unduly burdening the right of demonstrators to communicate their message. A broad ruling by the Justices could have sweeping consequences beyond this particular context, as local governments are continually challenged to strike a balance between free speech rights and the duty to protect their citizens from harassment at clinics, funerals, political events, and other loca-

By: Lisa Soronen and Victor Kessler

State and Local Legal Center, Washington, D.C.

tions. The State and Local Legal Center (SLLC) will file an amicus brief in this case.

Police officers shot and killed Donald Rickard and his passenger after Rickard led police on a high-speed chase. Their families sought money damages claiming the officers violated the Fourth Amendment by using excessive force. The officers argued they should be granted qualified immunity because their use of force wasn't prohibited by clearly established law. In *Plumhoff v. Rickard* the Court will decide whether the lower court properly denied qualified immunity by distinguishing this case, which arose in 2004, with a later Supreme Court decision from 2007. The Court also will decide whether qualified immunity should be denied based on the facts of this case. Rickard wove through traffic on an interstate connecting two states, collided with police vehicles twice, and used his vehicle to escape after being surrounded by police officers, nearly hitting at least one officer. Local governments will benefit from clarity the Supreme Court will provide on the boundaries of both qualified immunity and the "hot pursuit" doctrine.

In *Marvin M. Brandt Revocable Trust v. United States* the Court will decide a case affecting "Rails-to-Trails," where state and local governments convert abandoned railroad corridors into recreational trails. The question in this case is who owns an abandoned railroad right-of-way: the United States or a private land owner living next to the right-of-way. In 1875 Congress passed a law granting rights-of-way to railroads through public land. Over the course of the next century, as trucking became a more popular method of transport, numerous railroads abandoned these rights-of-way. The United States argues that another federal statute allows the United States to retain the railroad right-of-way if it is abandoned. If that is the case, and the abandoned right-of-way is located in a municipality, the municipality automatically receives it from the federal government for free. If the abandoned right-of-way is located elsewhere, a state or local government receives it for free if it establishes a "public highway" (including a trail) on the right-of-way within one year. If the Court rules in favor of the private land owner in this case, local government efforts to expand Rails-to-Trails will be stymied. The SLLC will file an amicus brief in this case.

Sprint Communications Company v. Jacobs arose out of a telecom dispute in Iowa. Sprint refused to pay another company's intrastate access charge for a service and asked the Iowa Utility Board (IUB) for confirmation that it was under no obligation

Continues on next page.

Continued from page 8.

to do so. The IUB ordered Sprint to pay, and Sprint challenged the IUB's decision in federal and state courts simultaneously. Under the *Younger* abstention doctrine, the Eighth Circuit ruled that the district court should not hear the case, if at all, until the state court review of the IUB decision was complete. The Supreme Court took the case to decide whether it mattered for the purposes of abstention that Sprint initially asked the IUB for approval—a remedial proceeding—or if *Younger* abstention only applies where the state brings a party before the court or administrative board in a coercive proceeding. Most remedial proceedings happen on the local level and involve zoning variances, the denial of gun permits, and the like. The question is whether a federal court should be able to review this type of

decision immediately or whether it should abstain until the state proceedings have ended. The SLLC will file an *amicus* brief in this case.

This term is already shaping up to be an exciting one for local governments. Although the cases set for argument so far might lack the glamour and media hype of this summer's rulings on same-sex marriage, voting rights, and affirmative action, the issues before the Court deal with some of the essential mechanisms of local governance across the country. Whether the Justices will rule in favor of local governments remains to be seen.

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Continued from page 7.

Volunteer Immunity

Both state and federal law provide in certain circumstances immunity to individuals who are "volunteers." Under the Iowa Municipal Tort Claims Act, a volunteer is excused from personal liability unless there is serious misconduct. The statute provides:

"A person who performs services for a municipality or an agency or a sub-division of a municipality and who does not receive compensation, is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit."

Iowa Code §670.2. The statute goes on to provide that "compensation" does not include payments to reimburse a person for expenses. *Id.*

There is also a federal Volunteer Protection Act codified at 42 U.S.C. §14501, et seq. It defines a volunteer as:

"An individual performing services for a non-profit organization or governmental entity who does not receive (a) compensation other than a reasonable reimbursement or allowance for expenses actually incurred; or (b) any other thing of value in lieu of compensation, in excess of \$500.00 per year, and such term includes a volunteer serving as a director, officer, trustee or direct service volunteer."

42 U.S.C. §14505(6).

The federal Volunteer Protection Act requires the volunteer be acting within the scope of her duties, be properly licensed (if required), and that any harm caused cannot be "caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safeties of the individual harmed by the volunteer." 42 U.S.C. §14503(a). It also does not cover harm caused by a volunteer who operates a motor vehicle without a license or insurance. *Id.* If the volunteer's activities constitute a "crime of violence, hate crime, sexual offense or civil rights crime or was committed while under the influence of alcohol or drugs," then she is also not protected. 42 U.S.C. §14503(f).

Conclusion

Overall, Iowa law and statutes shield public officials from many actions. However, as previously outlined, this protection is far from complete. In the end, a public employee (whether elected, appointed or volunteer) who acts outside of his or job duties, perpetrates a criminal act or knowingly violates the law, or otherwise commits misconduct in office will not be protected from liability. Therefore, it is vital for public officials to monitor employee job performance, train and re-enforce the legal requirements of the job to employees, and investigate and take appropriate remedial steps whenever criminal or statutory violations are reported. To ignore problems such as these invites litigation, controversy, and a loss of public confidence which no public employer can afford.

meetings

Register TODAY for ISAC University!

Please join us January 22-23, 2014 for ISAC University, an exciting two-day conference that will give you essential information and training on how to effectively lead and manage. This conference will provide unique content that is packed with powerful success strategies and tactics for improving your leadership skills. The conference will encourage you to examine and evaluate your current leadership practices, launch new initiatives, and share ideas. It's the role of a leader to help drive and direct the accomplishments within your county. The agenda (included on the next page) provides a diverse mix of keynote and seminar presentations that will give you tools you can immediately use when you return home.

Who should attend:

Everyone, but more specifically: supervisors and all department heads, county leaders and anyone interested in discovering leadership practices and learning how to create successful results in county government. This conference is a great networking opportunity for county officials from various backgrounds to come together and learn from one another.

Conference registration:

Registration will open at 8:30 am on Tuesday, December 3, 2013. Please register at www.iowacounties.org. Registration will close at 4:30 pm on Tuesday, January 14, 2014.

The registration fee for ISAC University is only \$195 if you pre-register by January 14. At-the-door registration is \$215. Your registration includes all meals, refreshment breaks and an agenda full of dynamic speakers. Space is limited at this great conference, so please pre-register!

Location:

West Des Moines Marriott (Grand Ballroom)
1250 Jordan Creek Parkway, West Des Moines, Iowa 50266

By: **Stacy Horner**

ISAC Meeting/Event Administrator



Hotel reservation information:

The West Des Moines Marriott is located directly off of Interstate 80 West at Jordan Creek Parkway. Please call 515.267.1500 or 866.202.9771 before Tuesday, January 7, 2014 to reserve your room within the ISAC University room block. The room rate is \$95/night plus tax.

The newly renovated West Des Moines Marriott provides complimentary on-site parking and wireless high speed Internet in every room, as well as a smoke-free environment. The hotel features a fitness center, indoor pool and whirlpool. The hotel also has an on-site restaurant and lounge, Two Rivers Grille and Lounge. Check-in begins at 3:00 pm, and check-out must be completed by 12:00 pm.

Additional hotel rooms:

An overflow block will be available near the conference hotel at the newly renovated Hampton Inn West Des Moines, 7060 Lake Drive, West Des Moines. The ISAC rate is \$89/night plus tax. Please call 515.223.4700 before Tuesday, January 7, 2014 to make your reservation.

The Hampton Inn West Des Moines provides a complimentary hot breakfast, evening social (Monday-Thursday), business center, on-site parking and wireless high speed Internet access. The hotel also features a fitness center, indoor pool and whirlpool. Refrigerators and microwaves are available upon request. The hotel will provide complimentary shuttle service to/from the West Des Moines Marriott. Check-in begins at 3:00 pm, and check-out must be completed by 12:00 pm.

For more information, please contact Stacy Horner at shorner@iowacounties.org or 515.244.7181. We look forward to seeing you at ISAC University in January!

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2014 ISAC University Agenda, West Des Moines Marriott (Grand Ballroom):

Wednesday, January 22, 2014

12:00 pm - 1:00 pm Registration

1:00 pm - 1:15 pm Welcome Remarks by Bill Peterson, ISAC Executive Director, and Harlan Hansen, Humboldt County Supervisor and ISAC President

1:15 pm - 2:45 pm Opening Keynote: “Turning a Set-back into a Come-back” by Gus Gustafson

Gus battled for his life at age nine following a tractor accident that took his right arm and shoulder and crushed his right leg. In spite of his injury, he was determined to excel in athletics. He played varsity basketball (Honorable Mention, All-State) and earned the respect of the coach who once said he’d never make the team. For Gus, each set-back has presented an opportunity to grow. Today, Gus is a remarkable motivator. To experience his message is to lose all self-doubt and to find the strength to succeed. He’ll show you how, with three simple keys: process the garbage in your life, never give up, and have the courage to face the next challenge.

2:45 pm - 3:00 pm Refreshment Break

3:00 pm - 4:30 pm Seminar: “Etiquette: Power, Presence and Style” by Jodie Beach, The Etiquette Advantage

What are the six steps to an effective handshake? Does your name badge belong on the right side or the left side? Should your business socks match your pants or your shoes? Jodie Beach will answer these questions and many more during her presentation on business etiquette. Jodie, an etiquette expert since 1992, has helped thousands through her energetic and entertaining approach to business etiquette and attire. Her presentation will take you through some of the challenges that we all may face while working in various settings. You will learn about ‘netiquette’ and get tips on cell phone use and voice mail. We will cover why your choice of professional attire really does leave an impression on others. She will provide solutions and tips, answer your questions, and help you to project more confidence and credibility!

5:30 pm - 7:30 pm Dinner and Closing Keynote: “Heading for Home” by Kent Stock

People who witnessed this true story still can’t believe what happened. It was so inspiring that Hollywood came calling and retold the story of a small school’s baseball team in the motion picture “The Final Season.” It’s about family, about faith being tested and affirmed; it rings with the truth that if you never give up, incredible things can happen.

Thursday, January 23, 2014

7:30 am - 8:00 am Morning Refreshments

8:00 am - 9:30 am Opening Keynote: “Fines Double in Road Construction” by Deadra Stanton, Creative Communications

Today’s work world needs to be ready for any change in the road. The paths of meeting personal and professional needs are often bumpy and filled with obstacles. What we need to remember is that we are all on this trip together, and we must make sure to buckle up and be ready!

9:30 am - 9:45 am Break

9:45 am - 11:15 am Seminar: A.L.i.C.E (Alert, Lockdown, inform, Counter and Evacuate) Training by Sgt. Nicholas Lennie and Asst. Jail Administrator Micah Andersen, Story County Sheriff’s Office

A.L.i.C.E. provides options for those who find themselves or co-workers under attack from a violent intruder. A.L.i.C.E. enhances the traditional lockdown concept to provide the highest survivability possible in a violent intruder event. Topics covered in A.L.i.C.E. include policy considerations, rally points, effective ways to lockdown, counter, evacuate and the importance of giving timely alerts along with informational updates.

11:15 am - 12:30 pm Seminar: Managing Liability through Documentation by Diana Cecil, Texas Association of Counties HR Consultant

Employees are our biggest resource but can also be our biggest liability. Elected officials, appointed officials and supervisors have a direct impact on county liability and proper documentation has a profound impact on the county. It is important that each person in the county who hires or fires learn good documentation skills. From job descriptions, to evaluations to terminations counties need to make certain that their supervisors are taking proper action. This seminar will discuss federal employment laws, importance of job descriptions, importance of policies, performance evaluation techniques and proper documentation techniques.

12:30 pm - 2:30 pm Lunch and Closing Keynote: “May I Really Help You? How to Excel in Customer Satisfaction” by Terry Whitson, TW Training

Our overall goal for customer satisfaction should be to create a consistent county service message-one that inspires meaningful, responsive, and accurate information at all times and to every customer. We all know that customers are not always right; in fact, they can be downright difficult! Join us as we explore strategies and tips for dealing with challenging customer behaviors and the satisfaction builders that can work to your advantage! Topics will include: understanding service vs. satisfaction, understanding the customer’s moment of truth, recognizing quality service initiatives, identifying your team’s role in building a service culture, and understanding why customers get upset and how to deal with their behavior.

capitol comments

Riding into the Sunset - Goodbye, Linda!

As we approach the holiday season and the New Year, the landscape at ISAC will see a major change for the next year. ISAC Government Relations Manager Linda Hinton will be retiring to her warm weather home in Palm Springs, California to do what every grandparent wants to do – be closer to the grandchildren. Linda takes with her a unique set of experiences that will be hard to replace – and a warm, humorous nature that will be missed by all who have had the privilege of working with her.

Linda joined the ISAC team as assistant legal counsel and lobbyist in the summer of 2003. She joined an experienced pair in John Easter and Bob Mulqueen – who had years of lobbying experience – but not the depth of knowledge related to mental health and disability services issues that Linda brought to the team. Linda had been executive director of an association of local service providers and division administrator for mental health and disability services at the Department of Human Services. This background and knowledge provided immediate credibility for ISAC with legislators and state departmental staff.

When John Easter resigned in 2007 to take a new position, we asked Linda to take the role of ISAC's Government Relations Manager. This was quite a challenge since she was also tasked with training two new policy staff members, Hanna De Groot and Nate Bonnett during that first full year on the job. A job she did very well that year and for every subsequent year after taking on the role.

New Government Relations Manager Joins ISAC

Hello, my name is Jamie Cashman, and I am extremely proud and honored to have been selected as the next ISAC Government Relations Manager. I want to congratulate Linda Hinton on her many years of service to ISAC and wish her a well-deserved retirement. I have no doubt we will continue to work together on issues that are vitally important to ISAC and will certainly value Linda's counsel in the future.

Let me briefly introduce myself to all of you. I am a lifelong Iowan who grew up on a 600 acre farm north of Clarence, Iowa along the Cedar and Jones County border. My parents still live on and manage the century farm I was proud to grow up on. After graduating from Clarence-Lowden High School, I attended and graduated from Iowa State University with a major in political science.

After college, I began my career in government by first serving in the Iowa Department of Agriculture and Land Stewardship (IDALS) as a Value-Added Marketing Specialist. In this position, I worked with Iowa farmers interested in building ethanol and biodiesel plants, marketing their own meat, and promoting the Iowa wine and grape industry. I then became the IDALS Leg-

By: Bill Peterson

ISAC Executive Director



As government relations manager, Linda had to expand her knowledge base from the mental health and disability services arena to the broad array of services that counties provide. The quantity of legislative issues that have a relationship to county operations is astounding, and no other statewide association in Iowa deals with the number of topics that the ISAC legislative team handles. While Linda was not an expert in everyone one of these policy areas, she had to develop a working knowledge to respond to legislative requests for information and input on proposed legislation. As the manager of ISAC's policy resources, she did an amazing job of responding to all these demands with a calm and cool demeanor.

Finally, Linda has never tried to be the center of attention in doing her job. She understood her role as policy leader for the association and helped enable our members to make informed policy choices. A major part of that role is providing the right information at the right time and guiding members in the right direction. She has done that with great skill and charm. There is an old saying – “We don't know what we had until it is gone!” Unfortunately, we are about to find out – and we are all going to miss her more than we now realize.

Best of luck Linda! You will be a great, full-time grandma!!

By: Jamie Cashman

ISAC Government Relations
Manager



islative Liaison, with the responsibility of representing IDALS before the Iowa General Assembly and advancing its budgetary and policy agenda.

I then joined the Culver-Judge Administration serving as a policy advisor and liaison to the Iowa House of Representatives. I advised the Governor and Lt. Governor on all policy matters involving agriculture, natural resources, energy, transportation, utilities, and commerce. I also later served as the Administration's Legislative Director with the charge of advancing the overall Culver-Judge agenda and serving Iowa legislative member needs within state government.

For the past three years, I have worked in the private sector as a multi-client lobbyist representing a wide range of bi-partisan clients including the Polk County Board of Supervisors. As we look to the next legislative session, I look forward to working with all of ISAC's members to achieve our legislative priorities. I also look forward to getting out and meeting as many of you as possible so I can better tell the story of all the great work you are doing.

TCM Happenings

Anyone who has any knowledge of Targeted Case Management (TCM) knows that change is a constant. The change that has been happening this past year in TCM seems to be happening at lightning speed. As I write this article, it is October, so at this point in time there are no answers, but I would like to highlight some of the issues that are being faced:

TCM Cost Containment

Iowa Medicaid Enterprise had figured that rates for TCM had increased approximately 15.8%; 10.4% in SFY 2012 or by 14.01% in SFY 2013, indicating that the rate of growth in TCM is one of the highest when compared to other Medicaid provider types. This information was provided to legislators, and SF 446 contained cost containment language "The department shall develop a new reimbursement methodology for medical assistance targeted case management that applies appropriate cost limits." The governor's budget implemented caps and limits in the TCM reimbursement methodology projecting \$2.7 million in cost avoidance to the state. To meet the requirements of SF 446, emergency rules were filed and took effect on July 1, 2013. These rules included the following:

- Limit the administrative costs to 23% of direct service costs
- Implement rounding rules for billable activities
- Cost-settle FY 2013 reports at 100% of costs (except for Elderly Waiver)
- Convene a work group to establish a rate setting methodology for future fiscal years

Since this information was given to the legislators, an estimate of increase in cost has changed, but I believe there is still flawed information from the data. First and foremost, the increase given is based on projected rates/claims data rather than actualized year end data. Basing the stated increase in costs on projected cost reports does not give an accurate picture of rates, as the rates are just that - projected. Secondly, looking at overall costs does not take into consideration the increase in numbers of individuals served. Another factor that cannot be overlooked is the fact that there was no consistent definition of what a billable unit was for TCM. Some agencies were billing only for face to face, collateral, and phone contact, while other agencies were also billing for all paperwork done on behalf of an individual. This resulted in a wide range of rate differences among providers.

By: Deb Eckerman Slack

ISAC Case Management
Services Manager



I believe that most agencies would have been able to live with the limitation of the stated 23% indirect limit if IME were utilizing the OMB-A87 circular that spells out definitions of direct and indirect costs. IME is allowing only the direct staff salaries/benefits, mileage at the state rate and any "normal" vehicle maintenance, thus any costs for telephones, computers, support staff, office supplies etc. is considered an indirect cost. While some agencies were able to meet this limitation, others were not. Agencies that were unable to meet this limitation are then receiving a lower rate that will not cover their annual cost for the service. While these agencies for the most part will be able to survive this year, as they are receiving cost settlements for previous years of service, it is unlikely they will be able to continue to provide the service next year if there are not changes to the reimbursement methodology.

The workgroup that was convened to establish a rate setting methodology for future fiscal years (of which I am a member) has met three times and was scheduled to meet again on November 8. That meeting was canceled and has not yet been rescheduled. At this point the only agreement that has come from the group has been to establish that agencies will only be billing for face to face, collateral and phone contact for individuals served. It is unclear what recommendations will be submitted to legislators or what the future cost limits will be.

Integrated Health Homes

Another issue that TCM agencies are dealing with is the implementation of Integrated Health Homes across the state. Health Homes will take over the TCM responsibilities by Care Coordinators. At this point, Phase 1 has been implemented and all individuals will be transitioned into the Health Home by the end of December 2013. Phase 2 will begin in April 2014, and Phase 3 will begin in July 2014. This change will mean that TCM providers will no longer provide services to individuals with a chronic mental illness, thus reducing the numbers of individuals served. This could result in agencies having to reduce the number of case managers employed due to decreased numbers of individuals being served.

Core Standardized Assessments

In 2012 the Centers for Medicare and Medicaid Services (CMS) approved Iowa's application for a State Balancing

Continues on next page.

CCMS

Continued from page 13.

Incentive Program (BIP) grant. BIP is designed to support states' efforts to "balance" spending on long term services and supports. The goal is to provide individuals with greater access to home and community based services and to reduce unnecessary usage of institutional supports. The BIP grant requires the development and use of a Core Standardized Assessment (CSA) process and instruments. Legislation has mandated the use of the Supports Intensity Scale (SIS) for assessment of individuals with intellectual disabilities, and calls for identifying and implementing tools for additional populations. The Department of Human Services had issued a Request for Proposal (RFP) to implement CSA statewide but has since rescinded this and a Request for Information (RFI) was issued. In theory, with the advent of the SIS, TCM's will no longer have to complete the 32 page assessment that they are currently mandated to complete, but they will most definitely have to be involved in providing information for the SIS to the assessor. It is unclear at this point in time what supplemental assessment may be needed to provide information to the TCM to support a comprehensive individual assessment. Again at the writing of this article it is unclear who will be doing the assessments or when the implementation of them will begin.

MH Redesign

Counties continue to move toward regionalization, although there continues to be questions and funding challenges regarding the new MHDS system. While all regions will be fully functional on July 1, 2014 it remains unknown as to whether the state has adequately funded regions in order to maintain current services and to provide expanded services to additional populations. One of ISAC's Legislative Priorities is the funding of the new MHDS system. ISAC recommends that the Legislature eliminate the 80% reversion to the state of projected savings to the county/regional system from the Healthy and Well Iowa program and direct these savings into investments in the regional services system.

While much of the unknown we are facing will hopefully be resolved during the next legislative session, we as TCM must continue to keep our focus: the individual that you serve in your role as case manager. You still need to continue to assess what that individual's needs are, find resources and services to assist in meeting those needs, and monitor to see that those resources/services are meeting the assessed needs to ensure the health, safety and welfare of that individual. Those individuals that you serve continue to be the focus of your everyday efforts on the job.

ISAC brief

Welcome, Jeanine!

Jeanine Scott reentered the Community Services project in September 2013 assuming the role of CSN Product Manager. Jeanine worked with county social services employees in the early days of CSN as the original lead architect and one of the developers of CSN. Working closely with IT staff, User Groups, Project Teams and the Oversight Committee, her goal is to bring increased user interaction, stability and enhanced functionality to the system. She is delighted to be back in the

mix! In her spare time she enjoys traveling to visit her daughter in California, being a foster mom for the Animal Rescue League (ARL), being a big sister for Big Brothers Big Sisters of Des Moines, multimedia art projects, and spending time with her niece and two puppies.







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Board Meeting Summary - October 17-18, 2013

The ISAC Board of Directors Meeting and Retreat minutes from September 11-12, 2013 and the ISAC Articles of Incorporation/Bylaws/Membership Committee meeting minutes from September 26 were reviewed and approved unanimously.

Casey Lehman, McGowen, Hurst, Clark and Smith, P.C., presented the ISAC audit to the Board. She reported an unmodified opinion, which is the cleanest possible finding. No internal control deficiencies were identified as materials weaknesses. The governance letter to the Board was included in the report. Staff was excused and upon return the FY 2013 audit report was accepted unanimously.

The ISAC Board was recessed to convene the ETC Board and reconvened.

Melvyn Houser, Chair, ISAC Legislative Policy Committee (LPC), reported that the LPC recommended that the 2014 top priorities be Road Funding, Mental Health and Disability Services, and User Fees. Linda Hinton, Hanna De Groot and Lucas Beenken reviewed the legislative objectives. Changes were requested by the sheriffs and deputies affiliate and by Lu Barron. The Board discussed the legislative proposals, possible top priorities and the ISAC lobbying process at length. The policy team discussed a legislative work plan that will be presented to the Board at the December meeting of the Board.

Brad Holtan reviewed the financial statement dated September 30, 2013. He discussed the fiscal highlights.

Kristi Harshbarger gave a progress report on legal issues and an update on the personnel handbook. Changes to the handbook were highlighted, including vacation/sick leave reporting, language updates in regards to FMLA benefits, and smoke-free air act language. The changes were approved unanimously by the Board.

Bill Peterson gave an update on the ISAC Staff County Visit Program. Overall, this has been a good process, and the visits have been appreciated.

Bill Peterson introduced representatives from ISAC Elite Endorsed Preferred Vendor County Risk Management Services, Inc. (CRMS). CRMS representatives Clarence Hoffman, Fred Dolezal, Kasi Koehler, Russ Sporer, Terry Axman, and Kasi Koehler gave a history of CRMS and updates on the Iowa Communities Assurance Pool (ICAP) and the Iowa Municipalities Workers' Compensation Association (IMWCA).

The Board recessed and reconvened on Friday, October 18.

The Articles of Incorporation/Bylaws/Membership Committee recommendation of the addition of two past presidents as members of the ISAC Board was unanimously accepted following a lengthy discussion regarding costs. ***This action required changes to the ISAC Articles of Incorporation which requires a vote of the full ISAC membership following 10-day notice via mail. Notice was given and the membership approved the change during the ISAC Fall School of Instruction General Session on November 13, 2013.*

The Board unanimously accepted the ISAC Scholarship Planning Committee recommendation of keeping the scholarship amounts the same in 2014 as the previous year and for ISAC to continue to provide mileage. Scholarship amounts as recommended are as follows: Six Top District Scholarships at \$2,500 each – Totaling \$15,000; Six ISAC District Runner-up Scholarships at \$1,000 each – Totaling \$6,000; and One Past President Scholarship at \$2,500.

Following lengthy discussion, the Board approved and recommended to the full membership the 2014 ISAC Legislative Objectives and Top Priorities, including recommended changes. The Board unanimously named the 2014 ISAC Top Priorities as Road Funding, Mental Health and Disability Services, and User Fees.

Deb Eckerman Slack introduced Molly Steffen, ISAC Case Management Specialist. Deb discussed the challenges that CCMS will face due to its services being classified as in-direct costs. She also discussed the changes with Targeted Case Management becoming a Medicaid cost.

Stacy Horner and Rachel Bennett gave an update on upcoming conferences and meetings.

The Board unanimously approved becoming a general sponsor of the NACo Resiliency Forum in the amount of \$5,000.

At the recommendation of the ISAC Golden Eagle committee, the Board unanimously approved naming Mike Wentzien as the 2013 ISAC Golden Eagle.

Board members shared reports and inquiries prior to adjournment.

counties in the spotlight

Community Planning Assistance Team

By: Story County

Planners love acronyms. So, it was with no surprise that when the Story County Planning and Development staff went to their elected Board of Supervisors asking for support to submit an application for a CPAT provided by the APA, a discussion of CPAT and APA was included in the presentation. An American Planning Association (APA) Community Planning Assistance Team (CPAT) visit provides local jurisdictions with unique opportunities to have very specialized consultative services by planning professionals for extremely low costs. As budgets shrink – a trend that looks to continue for cities and counties – the CPAT experience for local jurisdictions provides a low cost means for jurisdictions to engage in professional consultative services. It is these services that often times bring forward new ideas and concepts that can be applied to address issues affecting jurisdictions.

When County staff presented the idea of applying for CPAT to the Board of Supervisors, it was at a time when a philosophical shift by the County Board of Supervisors was emerging. Prior to January 2011, Story County (government) played a very low-key, small-funded role in economic development. The paradigm shift emerging in early 2011 aimed to modify this past role. This shift sought to elevate it from both a funding standpoint as well as hands-on involvement in economic development policies and practices.

Jump starting the conversation in early 2011, Supervisor Rick Sanders brought forward a proposal entitled “Economic Development Strategic Planning Proposal.” Upon consideration by the Board of Supervisors in January 2011, the Planning and Development staff was tasked with identifying economic development strategies for the Board to consider implementing. In response, the application for CPAT was prepared and submitted, and ultimately accepted and awarded!

After two visits from the CPAT members, including opportunity for stakeholder involvement as well as the integration of students and faculty from the Community and Regional Planning Department at Iowa State University into the process, a final report was drafted and presented to the Board of Supervisors for acceptance in January 2012. The report outlined recommendations centering on four primary areas: vision and long range planning; strategic partnerships and investments; trails, recreation and other quality of life issues; and county planning organization. Within each of these areas, specific strategies were suggested by CPAT members. Daryle Vegge, Chairperson of the Story County Planning and Zoning Commission, said, “I was impressed with how a group of experts from scattered places could come to Story County and make such a quick assessment through citizen input and then point out areas where we could make some small to significant gains in the arena of economic development.”

Throughout 2012, engaged discussions among the Board members and staff, economic development professionals and interested parties maintained the focus on the report and ensured recommendations were addressed and implemented where appropriate. Even as Story County entered FY 2014 with a truly balanced budget while maintaining the per capita tax rate as the lowest in the 99 counties in Iowa, Story County continued taking positive steps to increase funding for economic development projects in order to realize successful implementation of many of the CPAT strategies.

During the spring 2013, Story County released an RFP for Economic Development Services and entered into a contract with the Ames Economic Development Commission (AEDC) to provide these services beginning in July. AEDC will provide economic development consulting services during the county’s 2014 Fiscal Year, including, but not limited to: staff support; strategic planning; recruitment activities; and other services. These services apply to the unincorporated areas of Story County and communities in Story County whose 2010 *US Census* population was less than 2,000.

In addition, monies have been identified for implementing a pilot program for façade improvement projects in some of the smaller communities in Story County. Also, funding has been incorporated and staff time dedicated for completing a comprehensive plan audit, community vision plan fact sheet, online application process and payment services, and pilot program to provide planning services to communities, all recommended strategies outlined in the CPAT report.

During the fall 2013, the Board of Supervisors is reviewing Urban Renewal Project applications submitted to the Board for potential funding. Story County received nine applications from communities and a local school district, requesting funding for nearly \$380,000, with matching local funds nearing \$400,000. Potential improvements would be well over \$800,000 if fully-funded. The *Economic Development Process and Policies* established by the Board of Supervisors identifies the following types of projects that may be considered for funding assistance: transportation and infrastructure enhancement; public land and trail improvement; communication and utility infrastructure expansion; and main street and town center revitalization.

CPAT served as a catalyst for Story County to build on and begin to play a key role in economic development in Story County. With capital improvements planning and goal setting sessions undertaken in 2013, along with opportunities to fund high-priority projects with tax increment financing funding related to the construction of wind turbines in Story County, successful economic development projects from policies to real, on-the-ground projects, are being realized.

RAC and FRAC

NACo's Rural Action Caucus (RAC) held its retreat in Santa Fe County, New Mexico last month. RAC was instituted several years ago to address federal issues affecting rural counties across the United States.

I arrived a day early and was fortunate enough to slip into another NACo workshop concerning counties dealing with hydraulic fracturing or "Fracking." Fracking is a process that allows oil and natural gas drilling in underground shale deposits. Of course, it is an economic boon to those counties, but there are also environmental and infrastructure concerns that counties need to address. The workshop was facilitated by Don Macke from The Center for Rural Entrepreneurship. I had met Don when The Center was doing some work with the small cities in Pottawattamie County, and it was nice to see him again. We have no oil drilling in Iowa, but we do have frac sand mining in Northeastern Iowa (ala Allamakee, not ala Macke.) The sand is used to hold the gaps in a fracture so the product can be extracted. A supervisor from Woods County, Wisconsin talked about their handling of community concerns and how they led the process rather than being reactive.

Thursday was a full day of RAC workshops and priority setting. Thirty elected officials from across the United States listened to a variety of speakers. Hanna Skandera, Secretary of New Mexico Public Education Department, talked on the great successes they've had in New Mexico's education system. New Mexico's Interstate Stream Commission director and the Rio Grande Basin division engineer presented on interstate water compacts and other water issues. Water management is a huge issue worldwide, whether there is too much or too little. It is said that the next World War will be fought over water not oil.

There was also a presentation on New Market Tax Credits and how they can be used for infrastructure projects. But the most interesting discussion was led by Jay H. Dick (a Colfax, Iowa boy). We talked about our local cultural assets and how they can tie back to, and promote the local community's economy.

Our strategy session determined our top priorities for the coming year: (1) Oppose limitations on tax exempt municipal bonds, (2) Farm bill with a focus on rural development, (3) Full funding of PILT, payment on lieu of taxes, (4) Rural health and substance abuse programs with a focus on veterans and youths, (5) Immigration reform and (6) MAP-21 (Moving Ahead for Progress), the transportation bill. Other issues were put on a watch list including unfunded mandates, Marketplace Fairness Act, pension reform and Workforce Investment Act reauthorization.

By: Melvyn Houser

ISAC 2nd Vice President, NACo Board Representative and Pottawattamie County Supervisor

At the evening meal I was lucky enough to sit with Deborah Cox, NACo's new Legislative Director. Good conversation with good food...you can't beat that!

The following day we drove to Los Alamos and saw an electrically smart house where several Japanese companies were doing research. Then, on to a walking tour of the area where Robert Oppenheimer and others worked on the Manhattan Project.

All in all, it was a good retreat. Santa Fe is wonderful and it is enlightening to get to know and visit with county folks from Virginia to Hawaii.

By the way, for you baseball fans, Maui County Councilman and RAC attendee Mike Victorino's son, Shane, hit the grand slam homer against the Detroit Tigers to win Game 6 and sent the Red Sox to the World Series. We not only work in great counties, we also have great kids too!

On a broader note, I would like to encourage county officials to become more involved with NACo. NACo is "The Voice of America's Counties." And, just as we tell our own constituents that they need to become more involved with local issues; voting, attending meetings etc., so that we know their feelings, we need to, likewise, engage our leaders at the federal level.

Healthy Counties Forum

Are you interested in sharing lessons learned and insights from the implementation of the Affordable Care Act (ACA)? What type of wellness program should your county offer to employees? Do you know what other counties are doing to drive and sustain healthy communities? What are some of the most viable and efficient strategies for addressing the challenges counties face in serving those with living with mental illness and substance abuse? These questions and many more will be addressed at NACo's one and a half day forum in San Diego, California on catalyzing, advancing, and sustaining health changes in your county in the new health care world. The tentative schedule on Thursday, January 30 consists of forum programming including an Innovations Tour of the San Diego County ACCESS Center from 8:00 am – 5:00 pm and a networking reception from 5:30 pm – 6:30 pm. Forum programming will continue from 8:00 am – 1:00 pm on Friday, January 31. Please contact Emmanuelle St. Jean at 202.942.4267 or estjean@naco.org.

miscellaneous

Crisis Averted? For Now.

Like the rest of America, I became engrossed in the debates that lasted nearly three weeks regarding the partial government shutdown and debt ceiling. I was gladdened to hear of acts of kindness from a number of people toward those who were negatively impacted by the shutdown. A waitress paid the lunch bill for active duty guard members and a coffee barista provided free cups of coffee each Friday for our military, among many others. I believe it is a signal of our strength to be able to pull together, regardless of the stressed economic situation and gridlock.

Where we were: we began the fourth quarter in the teeth of a U.S. government shutdown with a debt ceiling debate looming. The government was potentially scheduled to run out of money in the middle of October and required an increase in the debt ceiling to roll over maturing debt, which meant significant political wrangling for all of us to watch. Although the issue has been addressed for now, we expect similar conversations to be necessary at the new February deadline.

In the fall of 2011, the same situation produced a large equity market sell-off leading up to the deadline for action. This time around, the equity market's reaction is much more benign. Gridlock and a lack of cohesive, growth-oriented fiscal strategy continues to be a headwind to growth, but the domestic economy is still moving forward suggesting pent-up demand is driving activity.

Various economic numbers have demonstrated strength in the economy. The ISM Manufacturing index hit a two-year high in September, and the Service index reached an eight-year high during the quarter. Auto sales also reached a five-year high. The housing market, which has been a bright spot all year,

By: Ryan Berry

Iowa Public Agency Investment Trust (IPAIT)



appeared to plateau in terms of both prices and activity, but remains in expansionary territory. And the unemployment rate ticked down to a nearly five-year low at 7.3%.

Despite these positive points, the Federal Reserve decided not to begin tapering asset purchases at their September meeting citing a need to see more improvement in underlying growth. The Fed's decision surprised the markets and sent interest rates falling back to late July levels.

Where we are: The outlook for global growth has improved somewhat with Europe exiting recession, Japan in stimulus mode, and China, for now, avoiding a hard landing. While emerging markets remain under pressure, the global picture is somewhat brighter. The timing of the taper will have implications for both domestic and global markets, but we expect it to begin in the relatively near future, likely early 2014, and view market opportunities in this light.

IPAIT is here to help provide you options and safety of principal, no matter what the rest of the year brings. Keep us in mind for your future investment needs and visit us on the web at www.IPAIT.org. Thank you for your business, support and it was great to see all of you at the Fall School in Des Moines.

Disclosure

The views expressed in this article are those of the author as of the date of the article. The views are provided for informational purposes only, are not meant as investment advice, and are subject to change. Miles Capital cannot guarantee the accuracy or completeness of any statements or data contained in this material. Miles Capital disavows any obligation to provide updates on the subject in the future.

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About the Cover

The beautiful and peaceful cover photo was taken by Keokuk County Recorder Melissa Bird. The setting is a little jewel of a pond on a family farm in Keokuk County. Her 11 year-old son is waiting for a bite. Thank you for sharing this lovely photo, Melissa.

I'm always looking for cover photos and stories to include in the magazine. Never hesitate to contact me with materials or ideas at rbennett@iowacounties.org or 515.244.7181.



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2013/2014 calendar

December 2013

- 4 ISAC Board of Directors Meeting (ISAC Office, West Des Moines)
- 5 District 2 Supervisors Winter Meeting (Elk's Lodge, Charles City)
- 5-7 NACo Board of Directors Meeting (Cedar Rapids)
- 10-12 ICEA Annual Conference (Ames)
- 13 District 5 Winter Meeting (Hotel Ottumwa, Ottumwa)

January 2014

- 14 CCMS Administrators Meeting (Hilton Garden Inn, Johnston)
- 22-23 ISAC University (West Des Moines Marriott)
- 24 ISAC Board of Directors Meeting (ISAC Office)

February 2014

- 4 ISAC Executive Board Meeting (ISAC Office)
- 5 Statewide Supervisors Meeting (Courtyard by Marriott, Ankeny)
- 19-20 ISAC Board of Directors Meeting (ISAC Office)

March 2014

- 1-5 NACo Legislative Conference (Washington Hilton, Washington, D.C.)
- 12 County Day at the Capitol (Des Moines)
- 13-14 ISAC Spring School of Instruction (Des Moines Marriott Downtown)

April 2014

- 8 CCMS Administrators Meeting (Hilton Garden Inn, Johnston)
- 25 ISAC Board of Directors Meeting (ISAC Office)

May 2014

- 14-16 ISCTA Annual May School (Ramada Hotel and Convention Center, Waterloo)

June 2014

- 11-13 ICIT Midyear Conference (West Des Moines Marriott)
- 25 ISAC Board of Directors Meeting (ISAC Office)

July 2014

- 8 CCMS Administrators Meeting (Stoney Creek Inn, Johnston)
- 11-14 NACo County Solutions and Idea Marketplace (New Orleans, LA)

August 2014

- 21-22 ISAC LPC Retreat (Hilton Garden Inn, Johnston)

September 2014

- 11-12 ISAC Board of Directors Retreat (Humboldt County)

October 2014

- 14 CCMS Administrators Meeting (Hilton Garden Inn, Johnston)
- 15-16 CCMS Fundamentals Training (Courtyard by Marriott, Ankeny)
- 16-17 ISAC Board of Directors Meeting (ISAC Office)

November 2014

- 6 CCMS Advanced Case Management Meeting (Stoney Creek Inn, Johnston)
- 12-14 ISAC Fall School of Instruction (Veteran's Memorial Community Choice Credit Union Convention Center, Des Moines)

December 2014

- 3 ISAC Board of Directors Meeting (ISAC Office)
- 9-11 ICEA Annual Conference (Ames)

If you have any questions about the meetings listed above or would like to add an affiliate meeting to the ISAC calendar, please contact Stacy Horner at shorner@iowacounties.org.

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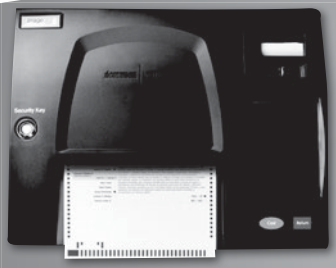
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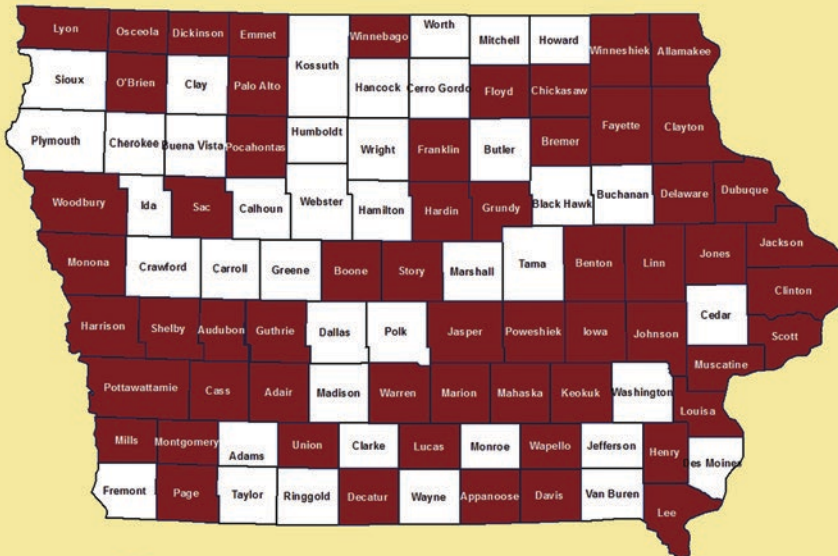
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