

# The Iowa County

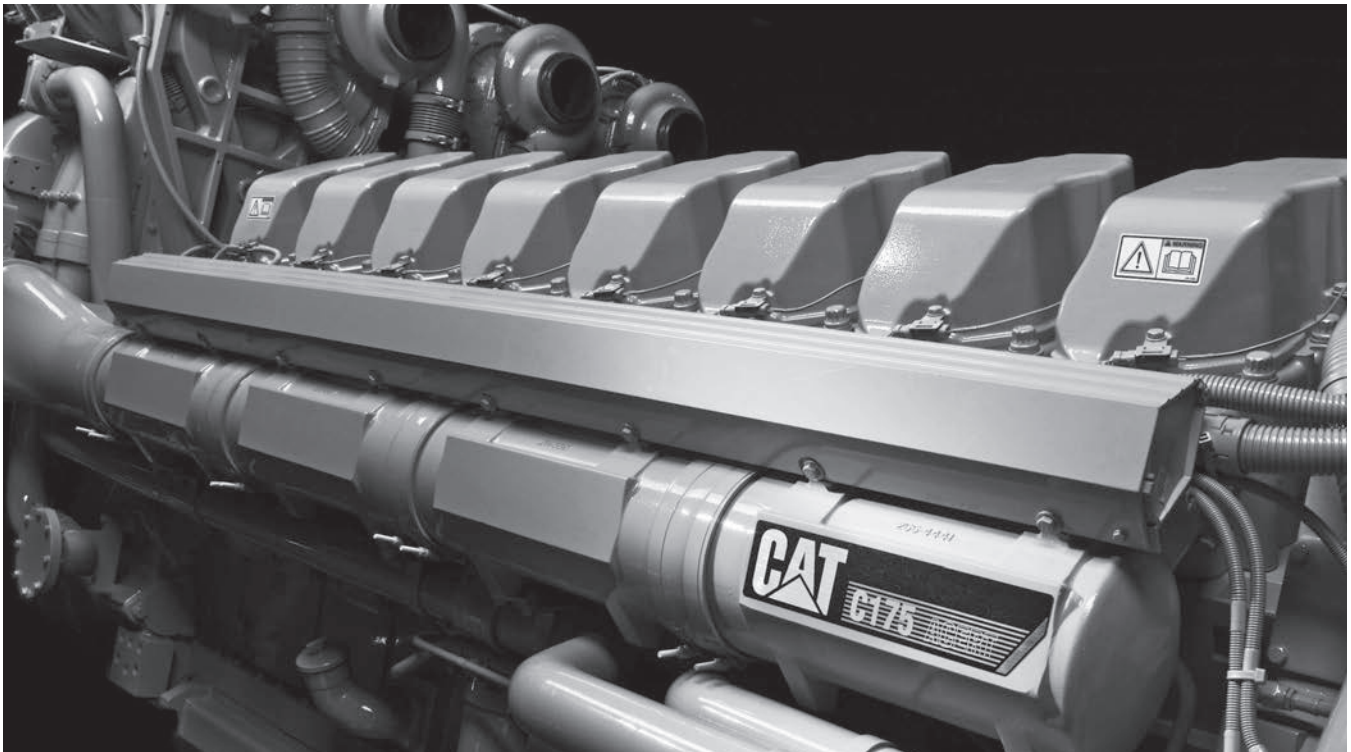


June 2015

National County Government Month  
in Allamakee County

County Health Needs Assessment





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# The Iowa County

June 2015 \* Volume 44, Number 6

The Iowa County: The official magazine of the Iowa State Association of Counties  
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ISAC members are elected and appointed county officials from all 99 counties. *The Iowa County* (ISSN 0892-3795, USPS 0002-150) is published monthly by the Iowa State Association of Counties, 5500 Westown Parkway, Suite 190, West Des Moines, IA 50266. Periodicals postage paid at Des Moines, IA 50318. POSTMASTER: Send address changes to [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org). Subscriptions: \$25 per year.

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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.

## County Health Needs Assessment and Health Improvement Plan for 2015 - What you need to know!

The importance of assessment in public health has been gaining traction since the National Institute of Medicine released its 1988 report *The Future of Public Health* which declared “assessment a core function of public health.” In 2003, the American Public Health Association affirmed once again that “assessment is an essential service of public health.” However, assessment has also been a high priority for the Iowa Department of Public Health (IDPH). Iowa has been a pioneer in the public health assessment field since 1986 when IDPH mandated that counties receiving state funds perform a needs assessment and develop a plan to improve the health of its residents. In 1990, Iowa’s counties began submitting a health needs assessment and health improvement plan to IDPH every five years.

The Community Health Needs Assessment (CHNA) and Health Improvement Plan (HIP) process is in the Iowa Administrative Code as a responsibility of the local board of health. Local boards of health are charged with safeguarding the community’s health by assuring the provision of the three core functions: assessment, policy development, and assurance. Community assessment and planning is also a component of the IDPH standards that are designed to assure consistency in the quality and services of the public health system.

The assessment process at its core encourages the following: local public health providers take stock of the health of their communities, assess the county’s greatest needs, and strategize interventions and/or activities to address those needs in the HIP. The needs assessment process is discussed with private business, boards of supervisors, cities, school district boards, hospitals, long term facilities, the environmental and farming industry, and with community members, in order to gain broader knowledge of present health conditions and gain buy-in and support for improvements.

Many local public health agencies survey community members; conduct focus groups with the business community asking a specific set of questions; and have roundtable discussions with health providers led by a facilitator to identify unmet needs in the counties. These stakeholders are the resource for health improvement for communities and counties. The goal is to collaborate with partners for changes and submit a CHNA that has community support and allows all vested parties to work together on this important and challenging task.

The health needs identified in the assessment by a county in Iowa takes a lot of strategy, time and energy and can be daunting. Many health needs identified can be both county needs that

By: *Kathy Babcock*

Chickasaw County Public Health,  
ISAC Board of Directors



the local agency supports but also needs that IDPH supports. This analysis uses multiple levels of categorization that fall under the umbrella of six focus areas of public health reporting tool in Iowa:

- Promote healthy behaviors
- Prevent injuries
- Prepare for, response to, and recover from public health emergencies
- Protect against environmental hazards
- Protect against epidemics and the spread of diseases
- Strengthen the public health infrastructure

A county’s analysis of the CHNA and HIP needs to be detailed and specific. It is the document that creates and illustrates a clear picture of the health issues in the county and its communities. If the assessment plan is too broad, it will be hard to implement and the goals will be unmanageable and unattainable. The more detailed an assessment plan is the more community support and understanding there will be. In 2010, the top health needs for Iowa counties were the following:

- Obesity and overweight
- Access to transportation
- Water quality
- Youth substance abuse
- Access to mental health
- Motor vehicle accident prevention
- Cancer
- Education and community-based programs
- HIV/STD prevention, screening, and treatment

The CHNA and HIP reports supply a wealth of qualitative information about the health needs of Iowa’s communities that quantitative data or health rankings cannot always convey. The qualitative data enhances and supports much of the quantitative data and allows the county’s health needs to be presented in a more human nature. Many of the needs identified do not show up in a health report card, but are still integral parts of the health of Iowans.

Common themes that emerge in county CHNA & HIP reports are primarily youth and adult specific, within the age range of 12 to 65. Themes include the need for prevention education in addressing physical and mental health concerns and disseminating prevention education and resources to youth and adults before they are being treated for chronic conditions or the potential for self-harm or harm to others. It is very challenging for the local

Continues on page 9.

## National County Government Month: Allamakee County

By: *Rachel Bennett*

ISAC Communications and Marketing Manager



April is known as National County Government Month across the nation, and many counties in Iowa celebrate to raise awareness and understanding about the roles and responsibilities of county government. Allamakee County went above and beyond in their celebration on April 9, 2015, and Bill Peterson, ISAC Executive Director, and I were pleased to be invited to attend by Treasurer Lori Hesse.

Many county offices participated in a coordinated effort to exhibit “Why Counties Matter” to visitors of the courthouse. Each office set up a table display showing off their offered services, promoting exciting projects, and inviting involvement from citizens. Elected and appointed county officials manned the halls of the courthouse to visit about why Allamakee County matters. Even retired county officials acted as greeters and a scavenger hunt was held throughout the county.

The courthouse was a vibrant environment made only more lively by busloads of eighth graders from across the county. An exercise in the county judicial system started the day as one of the visiting students was put through a mock trial during which he was being tried for breaking into the local Hardees with a shotgun to feed a late-night craving – a few cases of burgers if I remember correctly. Judge John Bauercamper, Sheriff Clark Mellick, and County Attorney Jill Kistler led the proceedings which resulted in the defendant being sentenced to the maximum penalty. An extremely educational question and answer session followed the trial. Did you know that the first woman sheriff in Iowa was in Allamakee County in the 1920s?

Groups of students then toured the courthouse offices and learned about the duties of each along the way. My favorite tour of the day was that of the jail. During the aforementioned Q&A, Sheriff Mellick passionately discussed the severe need for an updated facility. The judge and county attorney chimed in with words echoing those of the sheriff – unsafe, out-of-date, shut down, unacceptable, not meeting code, etc. None of these were even close to overstatements. Located on the fourth floor, not only was it clear that the current “public safety center” was completely out of space, but even to a novice – this set-up was extremely unsafe. And, I won’t dwell on the inmates’ living facilities, but the shower alone was enough for me to never even consider jaywalking in Allamakee County.

A bond referendum for a proposed public safety center was to be voted on May 5 in the amount of \$5.1 million. A vote was previously unsuccessful for this sorely needed center that includes a county jail, sheriff’s office, E-911 dispatch center and coordinator office, emergency management office and county emergency operations command center. I am happy to report that the bond referendum passed - congrats to Allamakee County!

Another highlight of my day was a discussion with the greeters (Marilyn (Clark) Bulman, Recorder from 1979-1998, Kay Carter, Auditor from 1976-1992, and Elaine Eadie, Motor Vehicle Deputy for 29 years) about the changes in county government since they had been in office – in regards to technology. They spoke with great admiration of the work of the current office holders and their extremely hard work. The scope of the changes and the processes that have been streamlined because of technology since their retirements in the 1990’s have completely changed the functions and duties of the county officials. The amount of education, cooperation, and work that has taken place in a relatively short period of time to implement all of these changes is remarkable.

Prior to our departure we were lucky enough to visit a few sites within the county – our guides for the trip were Supervisor Larry Schellhammer and Conservation Director James Janett. We began with a visit to the Allamakee Economic Development and Tourism office where we had a nice discussion with Interim Executive Director Ardie Kuhse. She shared with us her love for the county and her passion of helping the community by increasing business development. Our drive through Waukon foreshadowed our next stop. Larry pointed out some large, beautiful murals of cows and told a great story about how his daughter’s show cow was the model for the mural. More cows lined the way and welcomed us as we drove up to locally owned and run WW Homestead Dairy – the finest products produced in your backyard. Although I can only attest for the ice cream and the cheese curds, the tag line is the truth. We received a back-stage tour of the dairy during which they were making cheese curds. Luckily this was their second batch of the day, so we were able to purchase some fresh curds to bring home to our families and coworkers in central Iowa. I urge you to check

Continues on page 6.

# ISAC brief

## We Need YOU! Counties Connect America

Counties matter to the 2016 presidential election! As an Iowa county official you have the power to influence this election and the candidates. ISAC and NACo are embarking on the Counties Connect America initiative that aims to provide the presidential candidates with a core set of governing principles as a foundation for efficient and effective governance.

Counties are united behind a clear vision of fostering healthy, vibrant and safe communities by working hard to solve problems.

Counties are poised to lead collaborative efforts that will save money, streamline processes, and bring constituents better services.

Counties are proud to serve our shared constituents on the ground by practicing pragmatism over partisanship.

By hearing this message throughout Iowa and the country, you will encourage candidates to bring counties to the table when they return to Washington, D.C. A handout is available on the ISAC website, [www.iowacounties.org](http://www.iowacounties.org), that can be shared with the campaigns as they visit your counties to reiterate this message.

ISAC will be holding a Presidential Candidate Forum in conjunction with the 2015 ISAC Fall School of Instruction

*By: Rachel Bennett*

ISAC Communications and  
Marketing Manager



in Cedar Rapids on November 18-20 and in partnership with NACo and the Counties Connect America initiative. We will be inviting all candidates to address the audience to promote their platform and to share their plan for working with county governments to lead our nation. We need your help to convince them of the importance of this opportunity. Please use the editable invitation letter that's available on the ISAC website to invite the candidates personally as you attend their events in your local communities.

To help us further promote the forum and message, we are asking that you complete a short survey. The information gathered will be used to help us make connections between Iowa county officials and the candidates. The survey can be found on the ISAC website.

A link to the survey as well as all materials will also be provided in an email to all members. If you have any questions or are interested in getting further involved, please contact me at [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org).

Please note that Counties Connect America is a non-partisan initiative aimed at promoting the importance of county government.

## feature - Allamakee

Continued from page 5.

out [www.wwhomesteaddairy.com](http://www.wwhomesteaddairy.com) and to pick up their products in your local stores where available. Also, be sure to look up mural artist Valerie Miller at [www.steelcow.com](http://www.steelcow.com) – you may just fall in love with your own Paula. A car ride to Harper's Ferry to see the site of the upcoming Conservation Center (which is being funded solely on donations) and some gorgeous sights of the Mississippi ended the trip on a very high note.

April 9, the day of our visit, marked my eighth anniversary with ISAC. I found myself getting sentimental and recounting all

of the great people that I have been afforded the opportunity to work with and for. I am truly blessed to be able to work for county officials who work tirelessly and overcome immense adversity to make Iowa a great place to live. I am proud to know that I work every day to help you in achieving this! Thank you for welcoming us to your county, Allamakee. And a special thanks to Lori, Larry, Jim and Denise. The sights, sounds and tastes far exceeded my expectation and were well worth every moment of the trip to the northeast corner of the state.



## ISAC HIPAA Program: Sign Up TODAY!

By: *Kristi Harshbarger*  
ISAC Legal Counsel



### What's included?

- Annual 60-minute "HIPAA 101" training via webinar for employees in your county or mental health disability services (MH/DS) region.
- Annual day-long (approximately 10:00 am to 3:00 pm) in-person training in Des Moines for up to five persons from your county or MH/DS region. This training will be available only to participating counties or MH/DS regions and designed for your HIPAA security/privacy officers, HIPAA committee members or other staff that work with HIPAA and private health information (PHI) regularly.
- **For MH/DS Region participants only**, annual 60-minute webinar providing training and assistance to a region's unique HIPAA challenges.
- Quarterly newsletter, received via e-mail, with HIPAA news, reminders, checklists and other updates.
- Access to all memos and other information previously generated through the ISAC HIPAA Program via an ISAC HIPAA Program member website.
- Access to all memos and other information generated through all member consultation hour questions as a part of the current year of the ISAC HIPAA Program via an ISAC HIPAA Program member website.
- Up to five hours annually for consultation on HIPAA questions. All participating counties and MH/DS regions will be required to select a HIPAA contact for purposes of the program. All questions shall come from this contact and be directed to Kristi Harshbarger, ISAC General Counsel. Kristi will collect all questions and submit them to Alissa Smith, partner with the Dorsey & Whitney Law Firm. An estimate of the time needed to answer a question will be provided prior to beginning research. All legal research memos created in response to questions will be disseminated to all ISAC HIPAA Program participants via the ISAC HIPAA Program member website.

- If the program member has questions that exceed their consultation hours, the additional time will be billed to the program member. An estimate of the time needed to answer a question will be provided prior to beginning the research.
- If consultation hours are not used, the dollars will be invested in additional trainings and educational resources for the ISAC HIPAA Program.

### What is the cost to a county or a MH/DS region?

New County: \$1,950  
New Region: \$2,000  
Returning County or Region Participant: \$1,750

### Who should participate?

Any county or MH/DS region that would like basic consultation, assistance and training on general HIPAA topics and issues.

### When does the ISAC HIPAA Program start?

The second year of the program will run from July 1, 2015 to June 30, 2016.

### How do we sign up?

Have your county or MH/DS Region approve and execute the "Service Agreement to Participate in the ISAC HIPAA Program" and return it to ISAC. Returning counties and MH/DS Region participants must sign a new Service Agreement.

### Other questions?

Please contact Kristi Harshbarger at 515.241.7181 or [kharshbarger@iowacounties.org](mailto:kharshbarger@iowacounties.org).

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## Traffic Control Devices: Municipality Liability

By: Kristopher K. Madsen

Stuart Tinley Law Firm LLP

The state of Iowa, like the majority of states, offers certain protections to the state and municipalities relative to traffic control devices. Specifically, Iowa Code §668.10(1)(a) states:

1. In any action brought pursuant to this chapter, the state or a municipality shall not be assigned a percentage of fault for any of the following:
  - a. The failure to place, erect, or install a stop sign, traffic control device, or other regulatory sign as defined in the uniform manual for traffic control devices adopted pursuant to section 321.252. However, once a regulatory device has been placed, created, or installed, the state or municipality may be assigned a percentage of fault for its failure to maintain the device.

Understanding the law surrounding this statute, and its application, is critical to municipalities. In its simplest interpretation, a municipality cannot be held liable for failing to place, erect or install traffic control devices, on any type of road, including low-volume, paved roadways. However, once the traffic control device has been installed, a municipality can be assigned fault if the municipality does not properly and adequately maintain the device.

The immunity granted to municipalities applies to all such placements or installation and thus a claim that the municipality should have done more to warn motorists or should have installed more traffic control devices does not overcome the immunity. *McClain v. State*, 563 N.W.2d 600 (Iowa 1997).

It even applies when the state or local government creates a road hazard through its own maintenance or construction and fails to erect warning signs. *Foster v. City of Council Bluffs*, 456 N.W.2d 1 (Iowa 1990). Section 668.10(1)(a) immunity also applies to state contractors and subcontractors who comply with the State's plans and specifications and who are not negligent in performing the work. *McLain v. State*, 563 N.W.2d 600 (Iowa 1997).

However, there are three exceptions to this statutory immunity: (1) claims for failure to maintain a device; (2) claims for the installation of a misleading sign; and (3) claims that exigencies are such that ordinary care would require the state or municipality to warn of dangerous conditions by other than inanimate devices. *Hunt v. State*, 538 N.W.2d 659 (Iowa Ct. App. 1995); *Estate of Oswald v. Dubuque County*, 511 N.W.2d 637 (Iowa Ct. App. 1993).

### Exception One – Failure to Maintain Device:

The Court applied the first exception—failure to maintain a device—in overturning a district court's decision granting a county immunity for failure to have warning signs in place at a bridge repair site. *Estate of Oswald v. Dubuque County*, 511 N.W.2d 637 (Iowa Ct. App. 1993). In that case, the county road repair crew had originally placed warning signs in front of a bridge they had torn out, but the signs were later removed by unknown parties. *Id.* The Court held that the removal of the posted signs generated a fact question regarding whether the county had appropriately maintained the devices as required by Section 668.10. *Id.* Presumably, if no sign had been erected at all, the county would have been immune.

In a case where it was claimed that the state failed to monitor the effectiveness of its warning signs, the court said that such monitoring “relates solely to the state's ultimate decision of whether or not to erect *additional* warning signs,” and therefore the statutory immunity applied. *McLain v. State*, 563 N.W.2d 600 (Iowa 1997). The court further stated “Failure to monitor only invokes the maintenance exception when the monitoring involves signs that have already been placed, erected, or installed.” *Id.* See also *Saunders v. Dallas County*, 420 N.W.2d 468, 472 (Iowa 1988) (“No matter how the challenged county activity is defined or labeled, it comes down to a choice of whether or where to place signs. A decision whether to replace this sign, to move it, or to supplant it with one or more other signs, is not a matter of maintenance under the statute. On the contrary such an action is a matter of deciding to place signs, for which the county cannot be held liable.”). Also, if the issue boils down to whether the county should have placed or installed different signage to warn motorists, then the county is within the statutory immunity provision of section 668.10(1). *Mehlberger v. Johnson County, Iowa*, 2015 WL 1063056 (Iowa Ct. App. March 11, 2015).

### Exception Two – Installation of a Misleading Sign:

This exception has frequently been attacked by plaintiffs, however, the only successful challenge involved a blatant mistake by a county government, placing a right turn sign on a road that turned left. 11 Ia. Prac., Civil & Appellate Procedure Section 15.94 (2014 ed.); See generally *Sullivan v. Wickwire*, 476 N.W.2d 69 (Iowa 1991); *Phillips v. City of Waukee*, 467 N.W.2d 218 (Iowa 1991); *Saunders v. Dallas County*, 420 N.W.2d 468 (Iowa 1988). The government was found immune when a “Be Alert for Fog” sign provided no other instructions to the motorist on what to do in the event of fog. *Sullivan*, 476 N.W.2d 69. Place-

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ment of a “Crossroad Ahead” sign, instead of a “Yield Ahead” sign was also found not to be misleading, therefore, squarely within the government’s immunity. *Phillips*, 467 N.W.2d 218. The rationale the court applied in these cases was that if the sign placement is done as the government intended, the immunity will apply to bar suit. 11 Ia. Prac., Civil & Appellate Procedure Section 15.94 (2014 ed.). However, if a mistake is made in carrying out the government’s intention, e.g., placing a right turn sign on a left curve, no immunity will apply. *Saunders*, 420 N.W.2d 468.

### **Exception Three – Exigencies Require Warning with Other than Inanimate Devices:**

A government may be exempt from liability for failure to post signs, but recent decisions have suggested the possibility that courts may look to see if other duties have been violated that might trigger liability. 11 Ia. Prac., Civil & Appellate Procedure Section 15.95 (2014 ed.). In *Collister v. City of Council Bluffs*, 534 N.W.2d 453 (Iowa 1995) the defendant argued that Iowa Code Ann. § 668.10 immunized the city against a tort claim which resulted when a city employee left a disabled street sweeper in the middle of the road without warning lights or signs. The city claimed that under Iowa Code Ann. §668.10, the city employee was not required to post signs or provide notice

of the street sweeper to motorists. *Collister*, 534 N.W.2d 453. The Court dismissed the city’s argument concluding that the posting of signs or traffic control devices was not a part of the complaint and that operators of city vehicles had the same duty to comply with the rules of the road as other drivers. *Id*; See also *McLain v. State*, 563 N.W.2d 600 (Iowa 1997) (no evidence to suggest that construction project was particularly unusual or that anything other than signs, such as a flagger, were needed).

Iowa Code §668.10(1)(a) has also been challenged and upheld on constitutional grounds. The Iowa Supreme Court did find that the application of this statute does not deprive a plaintiff of equal protection, due process or property rights. See *Phillips v. City of Waukee*, 467 N.W.2d 218 (Iowa 1991).

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## feature - public health

Continued from page 4.

public health agencies to market awareness to local population, especially for awareness and prevention of chronic health concerns that could contribute to cancer, heart disease, obesity, epidemics and safety and environmental health issues, especially with the public mentality that “these health issues will happen to someone else and not me.” All local health agencies and health care providers need to promote the same prevention message for continuity and to combat health concerns in the future.

Another common theme and concern of local public health agencies across the state is the absence of a network to disseminate information about health resources available to residents. The dissemination of these materials has improved in recent years, but it is still reflected in many county assessments. It seems that there is dispersed knowledge on what resources are available and this affects local public health agencies, providers, and residents. This was shown in the citation of education and community based programming which was noted in the focus group sessions.

In many instances, needs were not addressed in health improvement plans. One common theme not addressed was the constraints placed on the local public health organization. These

constraints could be financial, personnel, or building capacity and/or public support. The analysis points out many areas where informal infrastructure and social capital are needed across the state either by an increase in county funding or at the state level.

The analysis of CHNA and HIP creates many questions for the public health officials to address and to research further. The answers and solutions to the questions may have positive and/or substantial impacts on the health of all Iowans. Even though the CHNA and HIP reports are only produced every five years, the process continues yearly by local public agencies when assessing the participation at a flu clinic or assessing the needs of programming. Assessment should never be a one-shot and done process. It should always be a fluent part of all planning.

Iowa’s 99 counties CHNA and HIP analysis plans will become a part of statewide and nation health assessment and health improvement plan for the future. The coordination of all these planning efforts will be a major step in improving the practice of public health and promoting and protecting the health of Iowans. State, county, and local officials and even private sector partners are needed to be participants in how to make the Iowa Healthiest State in Nation.

# Capitol comments

## Records Request Top Priority Becomes Law

On April 17 Governor Branstad signed into law Senate File 435, an act relating to public access to data processing software under Iowa's Open Records Law. In ISAC language, this is our records request bill. The legislation joins the increase in the gas tax as the second of the 2015 ISAC Top Legislative Priorities to become law.

Chapter 22 of the Iowa Code is the state's Open Records Law. To summarize in just one sentence, anyone has the right to examine, copy, and/or disseminate public records. Of course there are limitations and exceptions, but that's the crux of it. A problem was identified as a result of requests from out-of-state data mining companies that sought digital real estate information in a format that was not easily accessible to the counties. The options were to deny the request because the information was not readily available or go to great expense in both time and resources to attempt to manipulate the electronic data into the format requested. County officials were unsure what to do because the law did not adequately address the issue of manipulating the public records. To put it another way, in trying to fulfill records requests and comply with the law, county officials were faced with a dilemma as their line of work advanced with our technological age while certain sections of the Code did not. Real estate records are not the only potential cause for concern, but it was what drew the most attention to this issue.

Several counties rejected the requests because they could not fulfill them or provided the records in the format available. This led to counties being threatened with or engaged in legal action with the requestor. At the core of the dispute was whether the holder of public records was only required to provide the records in the format used by that entity. From these conflicts came the need to clarify the law through legislative action. Our Records Requests initiative was a legislative objective in 2014 and a top priority in 2015.

As with most legislative proposals, it took more than one session to work through the kinks and develop good public policy. Our first attempt in 2014 was perceived as too broad for what we were attempting to accomplish. During the interim ISAC worked with members of the assessors and information technology affiliates and representatives from the Iowa Newspaper Association to develop language that would address the issue counties were facing without unintentionally affecting the work that our journalist friends do. With agreed on language heading into the 2015 session, the stakeholders were able to show legislators that a specific problem could be solved by clarifying

By: *Lucas Beenken*

ISAC Public Policy Specialist



Chapter 22 with minor changes. Senate File 435 passed unanimously out of both the Senate and House of Representatives before ultimately gaining the Governor's signature.

So what exactly does the bill do and how does it affect how you as county officials responding to requests for records or data in a format not currently held or easily accessible to you? First, a lot of attention is given to data processing software. In the case of the real estate data, most counties contract with third party vendors for data management and processing. For this reason several code sections were updated to include data processing software developed by a nongovernment body (vendor) and used by the government body pursuant to a contractual relationship. This is in addition to the previous references to data processing software developed by the government body as it relates to that entity's authority to provide, restrict, or prohibit access to said software.

Second, the bill addresses those circumstances where a request is made for records in a format not readily accessible to the government entity. In most of these cases, it would likely be the vendor that would have to manipulate the data into a format other than what the county uses to meet the request. For reasons beyond my technical understanding, the vendor actually has quite a lot of work to do to remove proprietary information and get the data into a useable format as requested. The vendor would charge for this work. It is important to note that the law will now say "the government body may make a public record available" in a different format, and may charge the reasonable costs of the manipulation and processing. Our recommendation is that if you choose to provide the public record in a format other than what is readily accessible, you figure out the cost of manipulating and processing the data into the requested format from either your third party vendor or in-house staff, inform the requestor of what it will cost them, and if they agree to move forward, collect payment upfront.

ISAC also highly encourages your first step be adopting a written policy regarding requests for public records in a specific format not readily accessible to your county or its departments. ISAC will be sending out sample language to our membership for use as a guide, but the adoption of a policy should be done in consultation with your county attorney to meet the specific needs of your county. As always, don't hesitate to contact our office with any questions that you might have.

## ETC Project Portal

By: *Andrea Jansen and Gina Wernimont*

ISAC Program Support Coordinator and  
ISAC Administrative Analyst

The ETC Portal was created to provide access to ETC meetings, members, projects, documents, and communications information. The Portal can be accessed via any secure computer or mobile device at <http://etcportal.iacsn.org/>. This article highlights the functionality of the portal and explores other possible uses for its diverse functionality.

### Communications

The communications area of the portal is a place to share information. These documents are on the home page via a carousel gallery. This is also a great place to display notices, all past and present newsletters, or any other informational items.

### Meetings

The meetings area stores information regarding dates, times, and documents associated with meetings and can be accessed in several ways. Also located on the Home Page, you will see a calendar on the left-hand side. Meeting days are highlighted in red. Clicking a highlighted date will open meeting information and links to associated documents.

Another way to access meeting information on the Home Page is to select by area or committee under the **Governance** side navigation bar.

Alternatively, meeting information can be accessed by clicking the **Meetings** tab on the home page. Once in the **Meetings** section, there are several ways to search and filter meeting information: via the calendar, selecting the committee, keyword, or dates.

### Members

Information regarding committee members can be accessed in several ways. On the Home Page you can select by committee under **Governance**.

Another way to access member information is to click on the **Members** tab on the Home Page. Once in the **Members** section

you can select by committee under **Governance**. Information listed here includes: a photo, job title, employer, work and cell phone, and email.

### Projects

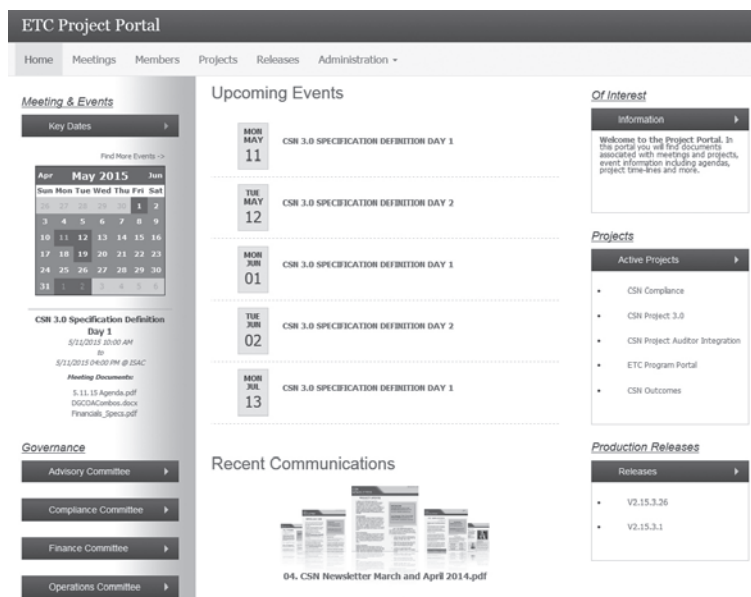
There is also a project tracking tool within the portal. On the Home Page you can select which project you would like to view or select from the **Projects** tab. Once in the **Projects** section you can select a project and then view timelines or documents that pertain to that project.

### Releases

Information regarding production releases can be accessed via the Home Page by selecting the **Releases** tab. Once in the **Releases** section you can select which release you would like to view under **Production Releases** on the left-hand side of the screen. This is a great way for members to revisit enhancements and features that were made.

### Of Interest

This section helps members keep track of the latest updates by viewing the **Information** section under **Of Interest** directly on the Home Page. This is a great place to highlight changes to the portal or point out important notes or blurbs that you want to get out to members.



### Administration

The **Administration** tab allows select, designated people to update the portal and its contents. This is where administrators add documents, meetings, and other items.

Along with these features, another great thing about the portal is that it is dynamic! We can customize its content and the possibilities of its use become endless. Also in the future, we may password protect some areas as a way to control access to content. Please contact Jeanine Scott at [jscott@iowacounties.org](mailto:jscott@iowacounties.org) if you have any questions about the portal and its many uses!



# meetings

## Fall School Agenda Announced

By: *Kelsey Sebern*

ISAC Meeting/Event  
Administrator



During the May 1 ISAC Board of Directors meeting the agenda for the 2015 ISAC Fall School of Instruction in Cedar Rapids was approved.

The Fall School agenda is similar to the previous years, which received great feedback; however, there are a few changes from last year. In order to host the presidential candidate forum (see page 6), ISAC will not be hosting educational seminars at the conference this year. Instead, we will be hosting two general sessions, on Wednesday afternoon and one Thursday morning. To make time in our agenda for two general sessions, we opted to eliminate the ISAC Educational Seminars, instead of cutting affiliate time. Unfortunately, affiliate time will be broken into smaller chunks of time on all three days of the conference, but it will be the same overall number of hours.

In place of our Wednesday evening social event, ISAC will host a Trivia Night for all Fall School attendees from 7:00 pm - 10:00 pm to fund the ISAC Education Foundation. More details to come on this event. ISAC will continue to host a DJ on Thursday for an evening of fun and dancing.

Conference registration and conference hotel room blocks through the housing bureau will open at 8:30 am on Wednesday, August 26, 2015. Please wait until this time to make your hotel reservation. The ISAC rate will not be honored for individuals who do not follow proper procedures.

Please remember that prior to the start of the conference on Tuesday evening, we give affiliates the chance to hold affiliate committee meetings at the Doubletree by Hilton Cedar Rapids Convention Complex. During this time we have reserved a limited amount of meeting space for small committee meetings. This space will be available free of charge to all affiliates to assure that they don't need to use any of their normal affiliate time for small committee meetings. This space will be reserved on a first come, first served basis, so please plan your affiliate committee meetings as early as possible and relay needs to me.

In the meantime, please don't hesitate to contact me with any questions at [ksebern@iowacounties.org](mailto:ksebern@iowacounties.org). We are looking forward to a great Fall School of Instruction in Cedar Rapids!

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## ISAC Board of Directors Meeting Summary - May 1, 2015

ISAC President Melvyn Houser called meeting to order and led the Board in the Pledge of Allegiance.

The ISAC Board of Directors minutes from the February 13, 2015 and the ISAC Spring School of Instruction General Session March 12, 2015 minutes were reviewed and approved unanimously. The ETC Board of Directors minutes from the February 13, 2015 meeting were reviewed for informational purposes.

President Houser recessed and reconvened the ISAC Board following the ETC Board of Directors meeting.

Brad Holtan gave the financial report as of March 31, 2015 which was unanimously approved. The credit card allocation resolution was presented and approved unanimously.

Brad reported that the 11<sup>th</sup> Annual ISAC Scholarship Golf Fundraiser will be held at the Toad Valley Golf Course in Pleasant Hill on Wednesday, September 2. Registration and Sponsorship forms were included in the Board materials as well as in the May issue of *The Iowa County magazine*.

Bill Peterson gave a brief overview of the recommendations that were included in the General Technology Assessment report from ISAC's Pay-IT-Forward audit that was performed by ICIT. The document will be reviewed in depth at the June meeting. The Board recognized that the ICIT Pay-IT-Forward program is an incredible asset that is made possible by the ICIT members as well as the Board of Supervisors of the IT staff who perform the audits.

Brad discussed the need for document management software and how it will be used in the ISAC office. The total project cost, including software, implementation, and a server upgrade, is around \$40,000 with an ongoing annual fee of around \$2,500. After ample discussion the Board unanimously approved to purchase and implement the software as proposed.

Brad presented the need for new event management software which will include upgrades to the marketing and meeting registration websites. Much of the work will be done in house and the existing CRM database will be utilized. The board discussed the project at length and unanimously approved the proposal.

Kristi Harshbarger gave an update on legal matters.

Bill was approached by Iowa Workforce Development Skilled Iowa and the Home Base Iowa Programs asking for ISAC's endorsement. There is no monetary responsibility related to the endorsement. The Board approved endorsement as presented.

Deb Eckerman Slack reported that the CM&MHDS Board has recommended that vacant positions be filled by Supervisors Dawn Smith, Cedar County, and Richard Crouch, Mills County, both have agreed to serve and were approved unanimously by the ISAC Board.

Rachel Bennett gave an update on the current video project entitled "We are ISAC" and showed a draft video to the Board.

Kristi gave an update on the HIPAA program and the proposed changes to the fee structure for next year's program. The program remains very similar, and Alyssa has agreed to continue her participation. The HIPAA Program currently has 34 participants which include counties and regions. The Board unanimously approved the HIPAA Program as proposed.

Jamie Cashman and Lucas Beenken gave an update on the 2015 legislative session including the status of the legislative priorities and objectives. The transportation funding and records requests priorities have both been successfully passed and signed by the Governor.

President Houser reported that the next meeting of the NACo Board will take place during the NACo Western Interstate Region Conference being held May 20-22.

Bill reported that the Iowa Caucus will meet on Saturday, July 11 from 5:00 pm – 6:00 pm during the NACo Annual Conference which is being held in Charlotte, North Carolina from July 10-13.

Kelsey Sebern reviewed the high and low lights of the 2015 ISAC Spring School of Instruction post-conference survey.

Robin Harlow reported that the 2015 Smart Connections Conference was a success with around 150 attendees.

Continues on page 17.

# Lincoln letters

## Lincoln the Lawyer #4: A. Lincoln v. County Government et al.

Abraham Lincoln had numerous railroad clients, but he had a special relationship with the Illinois Central Railroad (ICRR). County officials may be interested in knowing that this business agreement came about because of a lawsuit involving *county government*. The same lawsuit almost caused a rupture in their relationship. Sounds intriguing, doesn't it?

Lincoln's first steady railroad client was the Alton and Sangamon. He had a greater personal interest with them than with most of his clients, because he was a stockholder in the company and had been on a committee in 1847 that promoted a road from Springfield in Sangamon County to Alton on the Mississippi River. His precedent-setting *Barret v. Alton & Sangamon Railroad* in 1851 (see the April 2015 *The Iowa County magazine*) helped to establish him as a knowledgeable and successful railroad barrister. His willingness to appear either for or against railroads is illustrated by the fact that by the end of 1853 he participated in four appeals of the compensation fixed by commissioners for the Illinois Central's exercise of eminent domain, and in at least two of them he appeared against the railroad. (Sorry I can't be more precise. No one has bought me that CD set yet.)

Lincoln spent about three months each spring and three more each fall traveling Illinois's Eighth Judicial District, which at that time consisted of eight counties. The Illinois Central found it convenient to hire Lincoln for its lawsuits in those counties, usually in harness with a local attorney. They also used him in cases before the Illinois Supreme Court due to his experience there. His knowledge, experience and political connections made him a valuable member of any legal team involved in railroad litigation, but there was one particular circumstance that made the ICRR want Lincoln on their retainer. McLean County, Illinois had decided in 1853 that it was going to assess for taxation the ICRR property within its boundaries. The railroad pointed to its charter from the state, which set a level of state tax that it must pay but also said it would be exempt from local property taxes. The county said that the legislature couldn't void the county's right, established in the Illinois constitution, to tax all property.

Lincoln saw this coming. He had been in conversation with officials in Champaign County on that very subject. When it appeared there would be a lawsuit over it in McLean County, Lincoln wrote the Champaign County clerk of court that he had been approached by the railroad, and that he felt he should give Champaign County a shot at hiring him, because of their earlier

By: *Grant Veeder*

Black Hawk County Auditor  
and ISAC Historian



discussions, "if you choose to secure me a fee something near such as I can get from the other side." He thought that the disagreement between the counties and the railroad was "the largest law question that can now be got up in the State; and therefore, in justice to myself, I can not afford, if I can help it, to miss a fee altogether." Champaign County decided to offer him \$500, but they were outbid by the Illinois Central. In engaging Lincoln for the case, the railroad agreed to give him an annual retainer of \$250 in exchange for a promise that he would take no new cases against the ICRR, in addition to "other charges to be adjusted between us." The retainer did not give the ICRR exclusive rights to Lincoln's services; it didn't even keep him from continuing a suit against the railroad that he had already begun, and which ended up in a \$470 judgment for his client.

The "largest law question in the State" would affect all counties with railroads passing through them. The ICRR was in shaky financial condition at the time, and the added burden of county taxes, conservatively estimated by Lincoln at \$500,000, would likely have resulted in bankruptcy. The consequences were so significant that both sides agreed that the case should go directly to the state supreme court, where it was argued by Lincoln and the railroad's chief counsel, James F. Joy on the one side and by Lincoln's first two law partners, John Stuart and Stephen Logan, on the other. The legal issues involved were so complicated that the case was tried twice by the supreme court, which rendered its final judgment in 1856. According to Lincoln, he "made the point and argument on which the case turned," presenting a multitude of precedents from courts around the country, including the U.S. Supreme Court, supporting his contention that the legislature had the authority to void the county property tax, and that "in no doubtful case will the court pronounce a legislative act to be contrary to the constitution."

Thanks to Lincoln, the railroad won and the county lost. (This can leave county officials with mixed emotions, like when a pitcher you picked in a pitcher pool beats your favorite baseball team.) Having saved his client at least half a million dollars, Lincoln was mortified when the railroad rejected his bill for services rendered in the amount of \$5,000. The story at this point is told differently depending on the teller's point of view. Lincoln's partner Billy Herndon said that Abe presented his bill to a "whiskered-ringed-mustachioed-curly headed-finely dressed pompous silly little clerk" who told him "Daniel Webster would not have charged that much." Others blame

Continues on next page.



James Joy, who supposedly saw Lincoln as a “common country lawyer” and treated him rudely, and there is evidence that they had argued over fees before. In any case, after encouragement (and depositions) from seven prominent attorneys, Lincoln brought suit against the Illinois Central for payment of the \$5,000. He assumed that the dispute would mean an end to his retainer. But when it came to trial, the railroad company offered only a token defense, and the jury quickly ruled in Lincoln’s favor, and all was rosy again.

In the airbrushed annals of the Illinois Central, the preferred explanation for this mysterious turn is that the lawsuit was a put-up job from the start, considered necessary so that the board of directors back in New York wouldn’t object to paying so much to a Western rube lawyer. What seems more likely is that the railroad realized that they needed Lincoln now more than ever. Having been delivered of the frightening specter of county taxes, the ICRR now faced another potentially fatal tax problem, this one with the state. The same charter that protected them from counties exempted them from state taxes for six years. The six years were now gone, and the ICRR owed the state 5% of its gross annual receipts plus a tax on property and assets. State Auditor Jesse Dubois, a dedicated Lincoln political ally, interpreted the provision in a way that would be devastating to the railroad. Lincoln’s understanding of the law, his experience with the supreme court, and his unrivalled political connections made retaining him and keeping him from occupying a seat at the opposing counsel’s table equally imperative. Once again safely engaged by the ICRR, he did not disappoint.

Lincoln devised a strategy that required years to mature. First he had to convince his friend Dubois to delay filing a lawsuit against the railroad in return for an immediate payment to the state of \$90,000. Dubois accommodated him, waiting nearly a year, until November of 1858. Feeling it would be unwise to dispute Dubois’s interpretation of the charter, Lincoln and the railroad now concentrated on lobbying the state legislature to change the law so that the assessment calculated by the state auditor could be appealed to the Illinois Supreme Court. The legislature obliged in February of 1859. After a tour of ICRR property in July by state officials, accompanied by opposing counsel (and old friends) Lincoln and Logan, Dubois valued the property at \$13 million, disapproving the ICRR-supplied valuation of \$4.9 million. The appeal went forward in November, and was supported by numerous experts – from other railroads. The supreme court found the ICRR appraisal to be accurate.

It would seem that Lincoln had moved mountains and achieved a great success for the railroad. But it wasn’t enough. The next step was to get the 1857 valuation reduced to the level of the 1859 valuation. The parties had earlier stipulated that the 1857 valuation could be retroactively modified, but to no less than \$13 million. But before the appeal was argued, the state’s lawyers agreed to remove the \$13 million floor. In January of 1860, the court ruled that the 1857 value was the same as the new 1859 value. Lincoln had gotten the Illinois Central everything it wanted, this time for only \$500.

In retrospect, it looks all too easy. Were the legislature and the supreme court, and even the state’s legal team worried that they might force the ICRR into bankruptcy, killing the goose that laid the golden egg of Illinois growth and prosperity? Or were they all in the thrall of the rustically charming Springfield lawyer who was simultaneously angling for a presidential nomination? Any way you look at it, Lincoln comes across as an able manipulator on behalf of big corporations. Whatever disappointment this provokes should be attenuated by the fact that Abe was still taking cases for the little guy. For instance, in 1857 he got a \$500 judgment from the Great Western Railroad Company for Lewis Friedlander, who had suffered a broken leg when the railroad car in which he was traveling struck another.

But disappointment is frequently our lot in life, and there is more disappointment in store for those who want to believe that Lincoln was always on the side of the angels. In the meantime, let’s give Lincoln credit for convincing the Illinois Central that they couldn’t afford to have him against them, and for proving that he was just what they needed, and for pushing them to the wall when they didn’t give him the respect (and the fee) he deserved.

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## Below 100: Reducing Law Enforcement Deaths, Injuries and Property Damage

*“A small body of determined spirits fired by an unquenchable faith in their mission, can alter the course of history.”*

-Mahatma Gandhi

Everyone knows that law enforcement is a dangerous profession with plenty of inherent risk. While we can never completely eliminate risk, we can do things to minimize it. The mission of Below 100 is simple: reduce law enforcement line-of-duty deaths (LODD) nationwide to fewer than 100 per year. The last time LODD were below 100 was 1943. Modern day LODD reached a high in 1974 with 280. Since then an average of 150-160 officers have died in the line-of-duty each year. The nationwide Below 100 Initiative began in 2011, when there were 179 LODD. Due in part to Below 100 training, line-of-duty deaths dropped to 126 in 2012 and 105 in 2013, the lowest number of line-of-duty deaths in 70 years! No one wearing a badge today has ever seen line-of-duty losses at this level.

Although the number of deaths is significantly lower than it was in the 1970s, LODD attributable to “accidents” or preventable events have remained unacceptably high. In most years more officers are killed by vehicle-related incidents than by gunfire, and some years the number exceeds the total of officer homicides regardless of method. Vehicle-related LODD have remained unacceptably high despite civilian traffic deaths trending to new lows. An extensive review by the National Highway Traffic Safety Administration revealed nearly half of the officers killed in 733 fatal crashes were not wearing their seatbelts and that half of fatal police crashes were single vehicle. The most commonly listed primary collision factor was speed. According to the California Peace Officer Standards and Training Commission, for every officer killed in a vehicle related incident 100 additional officers are injured.

In spite of significant improvements in body armor and availability, many officers work in uniform patrol assignments or engage in potentially hazardous duty without body armor. Body armor experts have estimated that approximately 40 percent of uniformed officers in the U.S. do not wear body armor, and many agencies do not provide it to their personnel or require that it be used. Body armor works, but only if it's worn. One common excuse for not issuing or wearing body armor is that “this is a small town and an officer-involved shooting won't happen here.” Try telling that to officers and deputies working in Maquoketa, North Liberty, Sumner, Rockwell City, Keokuk County, Fayette County, Sioux City, Marshalltown,

**By: Eric Dickinson**

Provided by the Iowa Municipalities Workers' Compensation Association (IMWCA)

and Dubuque. All of these Iowa communities, many of which are small in population, have had officers or deputies shot and killed or wounded in the last few years. Additional Iowa officers have been involved in shootings but were thankfully uninjured. In addition to gunfire, body armor has been known to protect the wearer from a variety of other threats including edged weapons, blunt objects, and vehicle collisions.

Below 100 targets areas under an officer's control that have cost many lives. Five core tenets are emphasized:

- Wear your seatbelt.
- Wear your vest.
- Watch your speed.
- WIN – What's Important Now?
- Remember – Complacency kills!

These are areas where change can be affected and, to a limited degree, required. As they become the cultural norm, there will be a corresponding benefit. In addition to preventing officer deaths, preventable injuries and property damage are also directly affected and reduced.

Below 100 utilizes a multi-faceted approach to spread the message including, but not limited to:

- Below 100 training presentations covering the five tenets
- Published articles emphasizing or integrating the above areas both individually and as a whole
- Posters for briefing and locker rooms
- Sample agency policies for vest wear, seatbelt use, and speed considerations
- Integration with existing in-service training
- Incorporating Below 100 training into academies, field training, and supervisory training curriculums
- Encouraging courageous conversations and the sharing of “near-miss” information.

With the assistance of strategic partners such as ISAC, the Iowa League of Cities and IMWCA, we can continue to reduce line-of-duty deaths and injuries. Additional Below 100 training is currently being scheduled in Iowa for the winter and spring. Learn more about Below 100 at [www.below100.com](http://www.below100.com).

*Eric Dickinson is a lieutenant with the Vinton Police Department and a nationally recognized trainer and author. He also serves on the national Board of Directors for Below 100, a nationwide non-profit organization. He can be contacted at [dickinson@vintoniowa.net](mailto:dickinson@vintoniowa.net).*

## The Fed Remains on Track

*By: Miles Capital, Investment Advisor to Iowa Public Agency Investment Trust (IPAIT)*

The Federal Reserve's March statement left it completely data dependent as to the timing of the first rate hike. But it also acknowledged that the stronger dollar has led to tighter financial conditions which has slowed the expected pace for raising rates. The result is a closer alignment between our expectations and the Fed's expectations for the pace of interest rate hikes.

While the stronger dollar is a headwind for exports and profitability, the U.S. remains in growth mode and the Fed wants to move off its zero interest rate policy so we continue to expect a Fed rate hike in 2015.

In order for the Fed to raise rates in 2015, it will need to believe that growth remains on track and see inflation pressures building even if they have not yet materialized. Headline inflation has been falling since mid-2014 as oil prices dropped, and in March, headline CPI fell to 0.0% for the first time since 2009. We expect upward pressure later in the year as oil prices move higher.

While short rates may be destined to move higher, long rates remain depressed by slow global growth and central bank buying. In January, the European Central Bank took the historic step of following the Federal Reserve with its own quantitative easing plan designed to produce a "sustained adjustment" in inflation rates toward two percent. This situation will likely persist for some time, keeping the U.S. yield curve relatively flat.

An ongoing wildcard in the global landscape is geopolitical conflict. Greece is at the center of negotiations to maintain their bailout package and remain in the Eurozone. The Yemen crisis, nuclear containment negotiations with Iran, and the Russia/Ukraine conflict are other hotspots. Resolution or further escalation of any of these issues could affect global growth, and new issues could arise at any moment.

We continue to believe the domestic growth picture is stronger than the global growth picture, although first quarter GDP was weaker, likely for temporary reasons. We expect that trend to reverse and move back to the norm, such that the Fed will be able to raise rates slowly, beginning in the second half of 2015.

IPAIT is here to help provide you both short and long-term options and safety of principal, no matter what the year brings. Visit us on the web at [www.IPAIT.org](http://www.IPAIT.org). Thank you for your business and support.

*Disclosure: The views expressed are those of the author as of the date of the article, are for informational purposes only, not meant as investment advice, and are subject to change. Miles Capital does not guarantee the accuracy or completeness of any statements contained in this material and is not obligated to provide updates.*

## ISAC brief

Continued from page 13.

Kelsey reviewed the agenda for the 2015 Fall School of Instruction which is being held in November 18-20 at the Cedar Rapids Convention Center and DoubleTree by Hilton. The agenda contains the same amount of affiliate time, but it is split up due to the presidential candidate forum requiring two general session times on different days. The ISAC Educational Seminars have been removed to accommodate for the extra general session.

Rachel presented NACo's Counties Connect America initiative and ISAC's plan for administering the initiative among Iowa county officials including the presidential candidate forum during the fall school. The Board unanimously approved

the Fall School agenda and support of the Counties Connect America initiative as presented.

Kelsey presented a draft of the 2016 ISAC University agenda being held at the West Des Moines Marriott and Convention Center on January 20-21. The agenda was unanimously approved.

President Houser invited all board members and spouses to the ISAC Board Retreat being held in Council Bluffs from September 16-18.

Board members shared issues, concerns, ideas, achievements, etc. with other board members prior to adjournment.



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# 2015 calendar

## June 2015

- 4 CM&MHDS Supervisors Training (Polk County River Place, Des Moines)
- 10-12 ICIT Midyear Conference (West Des Moines Marriott)
- 11 CM&MHDS Executive Board Meeting (ISAC Office)
- 24-26 Recorder's Summer School (Luther College, Decorah)
- 25 ISAC Board of Directors Meeting (ISAC Office)

## July 2015

- 10-13 NACo Annual Conference (Charlotte, NC)
- 14 CM&MHDS Administrators Meeting (Polk County River Place, Des Moines)
- 15-17 Auditor's Annual School (The Meadows Event & Conference Center, Altoona)
- 30-31 Supervisors Executive Board Retreat (Clay County)

## August 2015

- 27-28 ISAC Legislative Policy Committee Retreat (Hilton Garden Inn, Johnston)

## September 2015

- 2 ISAC Scholarship Golf Fundraiser (Toad Valley Golf Course, Pleasant Hill)
- 16-18 ISAC Board of Directors Retreat (Pottawattamie County)

- 17-19 IACCB Annual Fall Conference (Marriott Hotel & Conference Center, Cedar Rapids)
- 22 ISAC Legislative Policy Committee Meeting (ISAC Office)
- 23-24 CM&MHDS Annual Conference (Sheraton, West Des Moines)
- 27-30 Assessors Annual Conference (Des Moines Holiday Inn Airport)

## October 2015

- 13 CM&MHDS Administrators Meeting (Polk County River Place, Des Moines)
- 15-16 ISAC Board of Directors Meeting (ISAC Office)

## November 2015

- 5 CM&MHDS Advanced Case Management (Stoney Creek, Johnston)
- 18-20 ISAC Fall School of Instruction (Cedar Rapids Convention Complex)

## December 2015

- 7-9 ISSDA Winter School (Embassy Suites Des Moines Downtown)
- 8-10 ICEA Annual Conference (Ames)
- 16 ISAC Board of Directors Meeting (ISAC Office)

If you have any questions about the meetings listed above or would like to add an affiliate meeting to the ISAC calendar, please contact Kelsey Sebern at [ksebern@iowacounties.org](mailto:ksebern@iowacounties.org).

## 2015 ISAC Preferred Vendors

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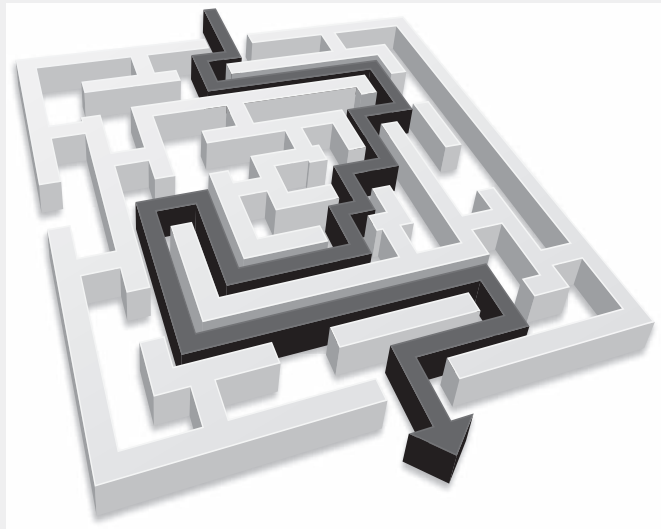




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