

The Iowa County



March 2016

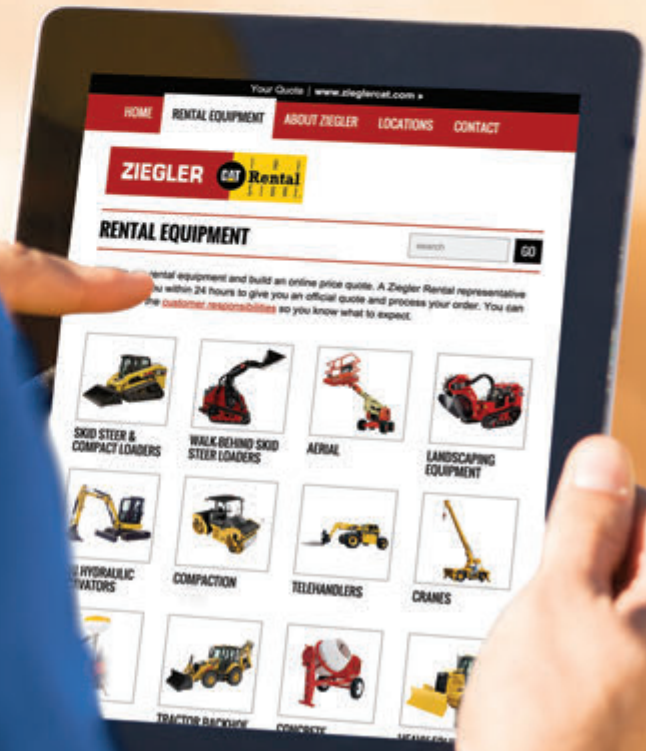
Lincoln Letters Finale

Prairie Jewels

Food Safety Fees

Smart Connections Conference

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The Iowa County

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** The views and opinions expressed in articles authored by anyone other than ISAC staff are those of the authors and do not necessarily reflect the official policy or position of ISAC.

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.

feature - Lincoln letters

Honest Abe and the Lawyer's Dilemma

By: *Grant Veeder*

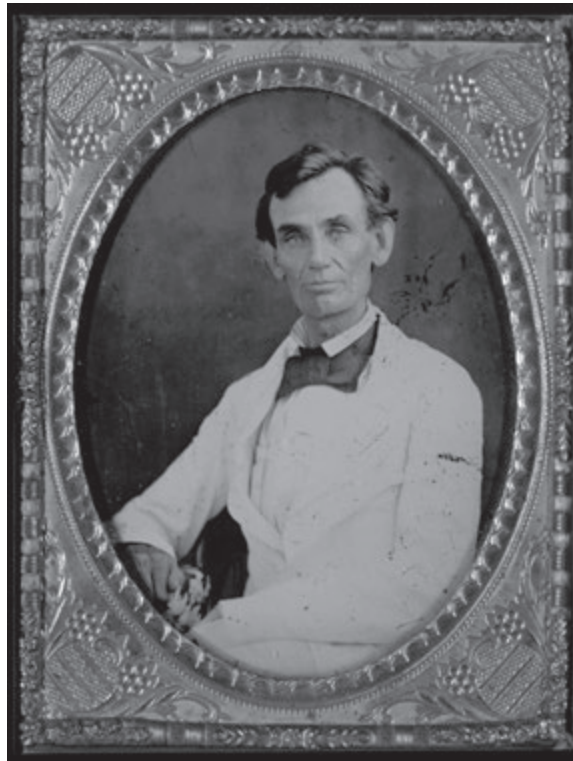
Black Hawk County Auditor,
ISAC Historian



It's time to wrap up our observation of Abraham Lincoln as he reveals himself to us via his occupation as an attorney. At this point, the writer is supposed to reach some conclusions about how Lincoln's law career affected his presidency. Well, it helped him understand people and it gave him experience in compromising and resolving disputes. Is that good enough? I can't work up any enthusiasm for that; it's all speculation and others have already done it anyway.

I think instead we should take a closer look at the apparent contradiction between Lincoln's reputation for honesty, which earned him the sobriquet of Honest Abe, and the aspects of the legal profession that sometimes led him to place the interests of his client ahead of a quest for the unvarnished truth. For an illustration, let's go back to the Almanac Trial.

Notwithstanding the position of the moon and the amount of light and all that, you may be interested to know the part of the story that the jury never heard. As George Dekle, author of *Abraham Lincoln's Most Famous Case* illustrates from his own extensive experience as a criminal prosecutor, people remember widely divergent versions of a crime like this where participants and observers have been drinking, and some of the people involved in this incident had been drinking for days.



The ostensible purpose of the get-together was a religious camp meeting out in the woods, but the practice at the time was for the less evangelically inclined to use camp meetings as an excuse to get drunk. Hucksters selling spirits took advantage of the efforts of the circuit-riding Methodist preachers who organized spiritual revivals that lasted several days. Disruptions were so common that Illinois law prohibited the "whiskey camps" within a mile of the camp meeting. On the night in question, Pres Metzger was drunk and picking fights, and he had sort of an episodic altercation with the much smaller Duff Armstrong. Armstrong said that at one

point he struck Metzger in the face with his fist. However, a slungshot was found on the ground at the scene, and Charles Allen testified that he saw Armstrong hit Metzger with that, and the fact that a piece of bone broke and entered Metzger's brain seems to support the slungshot version over the fist version.

On the other hand, counsel for the defense had as an expert witness a doctor who testified that the blow that Metzger received to the back of his head later that night was powerful enough that it could have caused the bones in the front of the skull to fracture. He illustrated his hypothesis with a human skull, and some observers found him quite convincing. So there was a plausible explanation supporting the claim that Armstrong's blow was not fatal.

But it is likely that the truth of the matter lay elsewhere. When Lincoln was interviewing defense witnesses the night before the trial, Nelson Watkins told him that he had witnessed the fracas, and he could swear that Armstrong didn't strike Metzger with a slungshot. However, he was afraid that if he testified the prosecution would make him tell other things he knew that would not be favorable to his friend Armstrong.

What should Lincoln do at this point? The witness has not said, "I believe Duff Armstrong killed Pres Metzger," but he has strongly

implied that Armstrong did something that if known would damage his chances for acquittal. What would you have Lincoln do? Should he put his hand on the shoulder of the younger man and say, "Son, it's wrong to hide the truth. Let's you and me wake up the judge and tell him everything you know"? That sounds like the Honest Abe thing to do. But what does he owe to his client? What does he owe to his profession?

Lincoln would know, and the subsequent proceedings would prove, that witnesses often disagree in their versions of fatal

brawls conducted in a haze of alcohol. Would his witness's revelation be any more reliable than Charles Allen saying that the fight took place when the moon was as high as a 10:00 am sun when it was actually skirting the horizon? It would be difficult for Lincoln to ascertain the veracity of any claim, but the labor he had undertaken to perform was to acquit his client. It was his professional duty to, if he could, present a case under the established rules of courtroom procedure that demonstrated a reasonable doubt that his client was guilty.

He wasn't looking for reasons why Duff Armstrong was guilty, he was working on a case to set Duff free. So when Nelson Watkins said he could convincingly swear that Duff didn't hit Metzger with a slungshot, Lincoln wanted to put him on the stand. He didn't want to know Watkins' potentially damaging story, and furthermore, he didn't see any reason why anyone else should hear it. Lincoln explained to Watkins that he would question him under direct examination about the slungshot, and that by the rules of evidence (at least for that court in that time – I'm getting in over my head here), during cross examination the prosecution would only be allowed to ask questions that pertained to the evidence Watkins gave under direct examination.

Thus assured, Watkins testified that Armstrong didn't strike Metzger with the slungshot that had been entered into evidence. How could he be so certain? Because it was his slungshot, and it was in his possession at the time of the alleged attack. He could describe the slungshot minutely because he had made it himself. Watkins said that he had come by wagon to drink at the whiskey camp, and had the slungshot in his pocket in case he needed it for self-defense. Later he decided to sleep beneath his wagon, but the slungshot made it difficult to get comfortable. So he took it out of his pocket and put in on the wagon reach, a wooden piece connecting the axles under the wagon. The next morning, he got up and left, forgetting where he had put his slungshot, which fell to the ground when he moved the wagon. When it was found on the scene after Watkins left, it was quickly and mistakenly judged to be the murder weapon.

Watkins' evidence, combined with the doctor's expert witness testimony, presented a reasonable doubt, and Lincoln's exploitation of Charles Allen's possibly confused story about the moon may have just been the clincher. But what was it that Watkins didn't want the court to know? Months after the trial, Watkins told one of the jurors that he had seen the Metzger-Armstrong fight before he went to sleep. What did he see?

According to the juror, Watkins said he saw Armstrong strike Metzger in the face with a wagon hammer. Dekle provides a picture of a wagon hammer, and it looks every bit as deadly as the slungshot he shows.

So did Armstrong kill Metzger? Probably. Was it self-defense? Maybe, or at least it sounds more like manslaughter than murder. Did Lincoln act appropriately? Yes. Would he have been justified in proceeding the same way if he heard Watkins' eyewitness account? Why not? The night was just as dark for Nelson Watkins as it was for Charles Allen. Lincoln did what any competent attorney would have done. When the police say, "You have the right to an attorney," they don't mean an attorney who's going to do the prosecutor's job for her.

Still. We like to believe the "Honest Abe" stories that say Lincoln couldn't defend a client he knew to be guilty. And maybe they're true – maybe he could only bring his full powers to bear when there was at least a shadow of a doubt, or a technicality that, however slender a reed it may have been, protected not only the accused but the continued sanctity of the law.

We're going to leave Abe alone now for a while, and before we go we should get his opinion on the subject of honesty and lawyers. In his papers were some notes for a law lecture which he probably never gave. "There is a vague popular belief that lawyers are necessarily dishonest," he wrote. "... the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief – resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave."

Thanks for your kind attention to these stories. It has been a pleasure writing them.

(About the Cover on page 10)

feature - Prairie Jewels

New Book Celebrates Iowa's 100 County Courthouses

David Richmond and Michael Adams spent two years on the road visiting Iowa's county courthouses, each pulling a "full Grassley" to take pictures and study the history and architecture of each seat of county government. Their work is documented in a new book titled *Prairie Jewels*, now available in a limited press run of 1,000 hardcover editions.

The new 207-page book features color panoramic images of, and narratives about, each of the state's county courthouses. Richmond, who is a professor of art at Simpson College in Indianola, conceived the idea in 2011, before approaching Adams, a Des Moines-based freelance writer, two years later after he had visited all 99 counties.

Richmond began photographing the courthouses solely as a personal project, something to occupy his time during the summers during a break from full-time teaching. But as he notes in the book's foreword, he became obsessed with the project. "I thought I'd do 20 a year and it would take me five years," he said, adding: "However, as soon as I started this project I could not stop. Before I knew it, I was thinking about a one-year project."

For his part, Adams said: "At first I think David was looking for some glorified captions. But after about three courthouses, I

became obsessed as well. These places are so fascinating. Soon I started to approach folks working at the courthouses and a lot of their voices are featured in the book."

Richmond and Adams traveled separately to all of Iowa's 99 counties to photograph and tell the story of each of the state's 100 county courthouses.

Richmond, who teaches photography and graphic design at Simpson, has a long history as an exhibited photographer. At the beginning of the project, he was smitten with the panoramic perspective, a format he continued throughout the book. As a result each image shows the courthouse's relationship to its community. "No one has published anything similar," Richmond said. "Each of the images strides a line between the formal and the informal. You'll find people walking across lawns, or riding a bike in front of the courthouses. Cars are parked where cars would normally be parked. I tried to capture a day in the life of the courthouse. But the importance of the building is in the images as well."



Richmond said that some of the inspiration for the book can be traced to his childhood. His grandfather, George Ralph Richmond, was the Greene County auditor for most of his working life, and when the family visited Jefferson, they always stopped to see him at the courthouse. In the foreword, Richmond wrote: "... it seemed to me that he ruled the courthouse like a monarch—or the president. So it's not so much of a stretch for me as an adult to be drawn to these courthouses."

Adams didn't hesitate joining the project when asked. He approached each building as a journalist, one with an appreciation for historical architecture and an inclination to tell stories about people. "Before I knew it, I had established a formula. I'd travel to the county courthouse, walk around the grounds, take notes, visit the clerk's office, ask to see the district courtroom, visit the auditor's office and ask about the history or see if anyone was willing to be quoted. I could do two or three a day, and before I knew it I was taking overnight trips and get five or six visits during a two-day outing. After the visits, I'd start researching the history."

"My articles are not exclusively celebratory," he said. "There's some subtle editorializing. But by and large, I found something to love about each visit. And some of the county folks who talked to me were so enthusiastic about the project."

Adams cites two books from the 1970s that were significant to his research. In 1976, Edward and Jacqueline Stanek published "The Magnificent Courthouses of Iowa," followed a year later by LeRoy Pratt's "The Counties and Courthouses of Iowa."

"Both books were crucial to my research," Adams said. "I have to give full credit to the Staneks and Mr. Pratt for their work. Their books will live for decades as significant contributions to our understanding of these buildings, and it is our hope that Prairie Jewels will have some staying power as well."

By the time Adams began his writing, the courthouse in Mitchell County had been razed, but the two authors decided to keep the image of the old courthouse in the book.

"By the time Prairie Jewels was going to press, the new Mitchell County Courthouse was still under construction," Richmond said. "And the story of the old courthouse was so bittersweet that we wanted to celebrate its heritage."

Richmond Art, a company formed by Richmond to promote and sell his fine art, published the book independently. In fact, Richmond designed the book, which features high-end papers

and bindery. Both authors worked with copy editor, Gretchen Kaufmann, who works on book length projects for Meredith Corporation and Houghton Mifflin in Boston. "She was incredibly encouraging," Richmond said. "She kept telling us the book will live for decades."

To fund the project, the authors launched a Kickstarter campaign in the spring of 2015. Kickstarter is a crowd-funding site that focuses exclusively on creative projects. The campaign was successful and served as the primary funding source for the printing.

"All the creative time and energy we assumed ourselves," Richmond said. "It was definitely a labor of love."

Adams added: "Ultimately, the book is a celebration of these wonderful buildings and their communities." We each have our favorites, but there is not a town or city we visited that did not leave an impression."

For now, Prairie Jewels is available at independent booksellers and online at <http://prairiejewels.com/>.



How safe is your food? Iowa's Underfunded Food Inspection Program

The program that inspects restaurants and grocery stores to ensure that foods are being prepared and served safely in Iowa is at a perilous crossroads. For almost four decades, the Iowa Legislature has failed to increase the license fees that fund this program to adequate levels resulting in an overall failure of the entire food safety system across the state.

In 1979, the top license fee was \$150. Over the past 37 years, the Iowa Legislature has raised food license fees twice, and both times the fee increases have failed to cover operating costs of the program. In 1998, the Legislature raised the fees by 50%, but according to the Consumer Price Index, the fees should have been doubled to cover the costs of the program. Instead, this increase set the fees to only cover 1987 program costs. The second fee increase came in 2008 raising fees by 35%. As before, the fees needed to be doubled to cover the program costs; this increase only covered 1993 program costs.

The Iowa Department of Inspections and Appeals (DIA) operates the food inspection program, but contracts with many local city/county governments to operate the food program in their jurisdictions. Because of the low license fees, these city and county governments have had to subsidize their food program with local property tax dollars. Some of the local contracts use more than \$100,000 annually of local property tax dollars to keep the program running. Because of this high cost to local government, many contracts have been returned to DIA which has put a tremendous strain on DIA's resources. In 2009, DIA inspected 23 of Iowa's 99 counties, and today, it inspects 54 counties. This has resulted in longer response times to emergencies and complaints. While an inspector for a local contract can respond quickly (to a food safety issue) it could take a DIA inspector days, if not a week or more, to respond since that one inspector may cover four to five counties.

The strain on DIA's resources were presented in the state auditor's report from 2009-2010 discussing how DIA was not meeting the inspection frequency listed in the Iowa Administrative Rules. These rules stated that food establishments were to be inspected twice a year or on a risk-based system (between once and twice a year). In 2011, DIA lowered its inspection frequency to between twice a year and once every two years and the Administrative Rules were changed in 2014 to reference this change. Some local contracts followed DIA's lead and adopted this new inspection frequency. A few months later, DIA once again lowered its inspection frequency to be between twice a year and once every three years. Even so, some food establishments in DIA's

By: Eric Bradley, MPH, REHS, CP-FS, DAAS

Scott County Environmental Health Coordinator

jurisdictions have reported to their local health department that they have not been inspected in five years.

The failure of the Legislature to raise food license fees to the levels needed to cover program costs have resulted in lower inspection rates across the state. Studies (Blader, Blonder, Henricksen & Strong, 1978) have shown that lowering inspection frequencies result in a lack of food safety compliance which can cause a foodborne illness. The public believes food inspections occur more often than they do, and therefore, may have a false sense of safety from foodborne disease. Iowa's food safety system is being slowly starved, and the health and lives of the consuming public is at risk.

The Iowa food inspection program is much more than going into a facility and making sure it is clean. Inspections focus on risk factors that are more likely to make someone sick (ill workers, improper handwashing, poor temperature control, etc.). It requires working with the establishment to develop a corrective action plan, conducting follow up visits to ensure all items have been corrected, and investigating complaints from the public. Inspectors must also conduct plan reviews and on-site visits prior to the opening of an establishment and review documentation to ensure the establishment is in compliance with its operating procedures and DIA approved variances. DIA and local contracts have enrolled in the Food and Drug Administration's *National Voluntary Retail Food Program Standards* which expands the capabilities and competencies of facility inspectors to ensure that inspections in Iowa are being done the same throughout the state.

In the summer of 2013, DIA brought representatives from the Iowa Restaurant Association, Hy-Vee, Casey's, Iowa Grocers Association, the Iowa Petrol Association and local contracts together to discuss food license fees. By the fall of 2014, every fee had been discussed and an increased amount agreed upon. Two bills (HF 344 and SF 279), which included these new fees, were introduced during the 2015 session. With industry representatives attending both subcommittee hearings and verbally supporting the fee increases, both bills passed through the subcommittees without any controversy. Unfortunately, even with this wide range of support, these bills were not brought up for discussion in its House or Senate Committees.

I ask that you join ISAC, the Iowa Environmental Health Association, the Iowa Counties Public Health Association, the Iowa Public Health Association, local food contracts, DIA and industry in speaking with your legislators about the importance of raising food license fees during the 2016 session.

Recent Court Cases of Interest

By: **Kristi Harshbarger**

ISAC General Counsel



There are several recent court cases that are of interest to counties. First, a quick update on ISAC's friend of the court brief in *Pate v. Griffin*. As mentioned in the December 2015 Legal Briefs column, ISAC decided to file a friend of the court brief in this case to represent that auditors need a bright-line test for the determination of infamous crime in order to facilitate the effective administration of elections. ISAC's brief was filed December 21, 2015 and the Iowa Supreme Court will hear oral arguments on the case on March 30, 2016 (only the named parties were granted oral argument time). We will keep you posted when an opinion is issued in the case, or you can watch for new Iowa Supreme Court opinions here: http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Supreme_Court_Opinions/Recent_Opinions/20160205/index.asp.

The next case is *Postville v. Upper Explorerland Regional Planning Commission*. On June 10, 2015, the Iowa Court of Appeals issued an opinion on whether the Regional Planning Commission (which is a 28E entity) substantially complied with the open meeting notice requirements of Iowa Code Chapter 21. The Regional Planning Commission posted its meeting notices on a bulletin board in the hallway of its offices by the restrooms. The city contended that because the bulletin board was not viewable from the door "the notices did not stand out nor were they readily noticeable to the public at large." The Regional Planning Commission's offices were open from 8:00 am - 4:30 pm Monday through Friday. The general public was not allowed to "wander the hall unaccompanied" but would have been permitted to go down the hallway without restriction if requested and the building restrooms were located in the same hallway. The city contended that by not posting the notices in the main lobby of the building, the Regional Planning Commission was attempting to conceal its agendas. The Court held that the "statute does not require the notice of the meeting to be viewable twenty-four hours a day, or that it be in the most visible place available" and thus ruled that the Regional Planning Commission substantially complied with Iowa Code Section 21.4. The Iowa Supreme Court has denied further review of this matter. You can read the full opinion here: http://www.iowacourts.gov/About_the_Courts/Court_of_Appeals/Court_of_Appeals_Opinions/Recent_Opinions/20150610/14-1082.pdf.

Another interesting case on open meetings came out of the District Court for Davis County on September 2, 2015. During an open meeting of the Board of Supervisors for Davis County, a citizen had a complaint about the condition of gravel on a county road. After the open meeting, all three board members went out and viewed the road. After some conversation, the Chair of the Board

called the county engineer and told him the road needed to be worked on. The road repair was started the next day, and the citizen that originally had the complaint about the condition of the road filed suit against the county contending the supervisors held an illegal meeting by going out to look at the road together. The county argued that a meeting was not held when the supervisors went out to look at the road because any discussions were ministerial in nature. No policy action was taken because the maintenance of the roads is a statutory responsibility of the county engineer. The Court agreed that the supervisors were "simply acting as 'the eyes and ears' of the county engineer, pointing out to him a problem with a county road which it was already his [the county engineer] statutory duty to fix" and therefore no law violation occurred. The Court also pointed out that this was an "ironical circumstance where a member of the public seeks to penalize a board of supervisors for taking quick and efficient action, within twenty-four hours, to address and fix his complaint." The Court looked at the practical side of the matter and stated "[s]urely the Iowa open meeting law was not intended to penalize such immediate responsiveness to public complaints. Just as certainly, the Board's intent was to act quickly to rectify an obvious problem with a county roadway, not circumvent the Iowa open meeting law." A couple of notes about this case. First, it is a district court case (and no appeal has been made) so while it may be persuasive authority, it won't be binding on another court. Second, the line between ministerial discussions and a meeting is extremely fine and you still need to tread very cautiously in these situations and always consult with your county attorney. But, I know a lot of you run into these situations in terms of needing to view problems within your county, and this case provides some comfort in its analysis.

The final case I want to mention doesn't directly involve a county, but was brought to my attention by a Mitchell County Supervisor, who is also the plaintiff in this case, Stan Walk. In this case, Walk, a veteran, was terminated as a bus driver for St. Ansgar Schools after a traffic law violation. Prior to employment, Walk was required to sign an employment contract that stated he could be terminated at any time based on a failure to conform to the laws of the state of Iowa. Walk challenged the termination because he was not given a pre-discharge hearing required for veterans under Iowa Code §35C.6. The District Court held the rights afforded to veterans under this Code Section could be waived by the contract. The Court of Appeals affirmed on December 23, 2015, and Walk does not plan to appeal. This case is something to keep in mind if you have employees that are veterans and/or employees subject to employment contracts (including union contracts).

meetings

2016 Smart Connections Conference

ISAC, the Iowa League of Cities, and County Strategic Technology Advisory Resource (CoSTAR) in cooperation with the Iowa Communities Assurance Pool (ICAP) wish to announce the 2016 Smart Connections Conference being held on April 28, 2016 at the Holiday Inn Airport in Des Moines. This one-day conference is meant for all local government officials who want to learn to become secure and safe at home and in the workplace while using email, mobile devices and more.

No prior technical ability or knowledge is required. All presentations for local officials will be applicable to beginners and those who are slightly more tech savvy. You don't want to miss this great event!

The conference will feature Keynote Speaker Bryan Seely. Seely is a world famous cyber security expert, ethical hacker, author and former U.S. Marine. He is known for intercepting calls to the U.S. Secret Service and FBI by hacking Google Maps in early 2014, but rather than spending time in prison he was called a hero and moved on to bigger and better things. A few months later, he found an exploit in LinkedIn.com and helped the company resolve it.

Attendees will split into two groups to finish the morning. The local government officials will learn from Mark Lanterman, a computer forensics specialist and former police investigator, and the technology professionals will spend more time with Bryan Seely. The afternoon will feature initiatives from the state of Iowa and the resources available to local governments. Current collaborations between the state of Iowa, the Iowa Counties Technology Association and ISAC will also be discussed. A panel discussion will conclude the conference and focus on the planning that is necessary to ensure that local governments are ready to respond when a cyber breach or crisis arises. Eye-opening, real-life examples will be used and sure to hit home. Time will be allotted for a group exercise and a Q&A.

Due to limited seating, pre-registration is required for a minimal \$75 fee that includes all materials, lunch and morning refreshments. Please visit the ISAC website, www.iowacounties.org, for all conference information and instructions on getting registered for this very important conference.

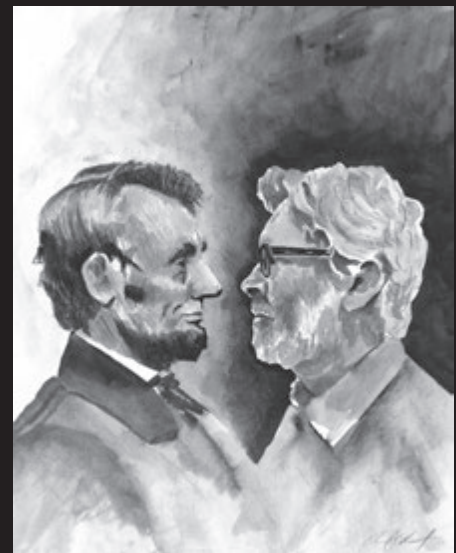
About the Cover

The artwork on the cover of the magazine is a piece that I (Rachel Bennett) created (with the help of Grant's family) to commemorate and as a thank you to Grant for his Lincoln Letters articles that have spanned eight years and conclude in this issue. The medium is watercolor and colored pencil.

The Lincoln Letters project was a brainchild of Bill Peterson, Grant and me in relation to the Abraham Lincoln Bicentennial Commission (ALBC) that was created by U.S. Congress, and later, the Iowa ALBC to which Grant was appointed. As part of the Iowa ALBC Grant did a number of presentations around the state about President Lincoln's connections to Iowa – including the fact that he was a county employee at one time. We felt as though the information and research contained in his educational and entertaining presentation could be of use to county officials, so we asked Grant to adapt his presentation into the original series of Lincoln Letters articles. He went above and beyond.

Through his original articles, Grant did an amazing job of viewing President Lincoln through the lens of his experience with Iowa and Iowans. The more recent articles have morphed beyond the realm of a direct connection to Iowa, and Grant has provided us with a unique and inspiring perspective of Abe and the history of our nation at a crucial time. We have all enjoyed the journey.

Thank you, Grant.



2016 smart
connections
Knowledge | Defense | Security

April 28, 2016

Holiday Inn Airport Conference Center, Des Moines
Agenda

8:30 am - 9:00 am Registration

Ballroom North and Central – Local Government Officials and Technology Professionals

9:00 am - 9:15 am Welcome (Ballroom North and Central) – Bill Peterson, ISAC

9:15 am - 10:45 am **Bryan Seely, Keynote Speaker**

10:45 am - 11:00 am Break

Ballroom North and Central – Local Government Officials Session

11:00 am - 12:00 pm **Mark Lanterman**

Ballroom South – Technology Professionals Session

11:00 am - 12:00 pm **Bryan Seely**

12:00 pm - 12:45 pm Lunch (Ballroom North and Central)

Ballroom North and Central – Local Government Officials and Technology Professionals

12:45 pm – 1:15 pm **State of Iowa Cybersecurity Initiatives – Jeff Franklin, State of Iowa, Chief Security Officer**

1:15 pm - 2:30 pm **How to Respond to a Cybersecurity Breach – Panel Discussion**

2:30 pm - 2:40 pm Break

2:40 - 3:40 pm **How to Respond to a Security Breach, Continued**

3:40 - 4:00 pm Closing Remarks– Bryan Seely and Bill Peterson

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ISAC Board Meeting Summary - January 22, 2016

ISAC President Joan McCalmant called the meeting to order and led the Board in the Pledge of Allegiance.

ISAC Past President Melvyn Houser swore in ISAC President Joan McCalmant. He then swore in the Executive Committee and the members of the Board.

The Board unanimously accepted the December 16, 2015 ISAC Board of Directors meeting minutes as written.

The Board recessed and reconvened at the conclusion of the Iowa Counties Technology Services (ICTS) Board Meeting.

Brad Holtan gave the ISAC financial report as of December 31, 2015 which included a quarterly investment report. He reviewed and the Board approved the ISAC 990 and ISAC Education Foundation 990N.

Bill Peterson reviewed the ISAC budget process that will be used to create the FY 2017 budget.

Brad presented the conflict of interest policy to the Board and asked that members of the Board sign and return the acknowledgement of receipt.

Brad reported that ISAC will begin using credit cards for more purchases in order to increase the cash received from the acquired points. He recommended that the credit limit be raised to \$250,000 from \$75,000. This resolution will be brought to the Board in February. Brad presented and the Board unanimously approved the ISAC Credit Card Policy.

Kristi Harshbarger gave an update on legal matters.

Robin Harlow gave an overview of the County Strategic Technology Advisory Resource (CoSTAR), the US Counties Cybersecurity Information Sharing Analysis Organization (ISAO) Clearinghouse, and an update on data projects.

Jamie Cashman and Lucas Beenken gave an overview of the session and an update on the top priorities and legislation of interest to counties.

Jamie presented a recommendation to the Board for changes to the 2017 legislative process. The Board discussed the recommendations at length including implications of online voting. The Board unanimously approved the first meeting of the 2017 Legislative Policy Committee occurring the Tuesday prior to the Annual Conference in August, the concept of online voting for the 2017 ISAC Legislative Priorities, and holding a legislative webinar and district meetings in late fall/early winter of 2017 to roll out the ISAC Legislative Priorities to the membership. The ISAC Bylaws Committee was tasked with moving forward with the necessary changes.

Kelsey Sebern reported that ISAC University had great attendance and received positive reviews. She gave an update on the Spring School that included descriptions of the educational seminars.

Rachel Bennett reported on conference exhibitors and sponsors. She gave an update on the 2016 marketing efforts including a history of the preferred vendor program. Rachel presented conference app analytics from the Fall School app. She also presented the tentative ISAC Educational Webinar schedule for 2016 and reported that in 2015 ISAC webinars reached a total of 826 people, an average of 118 per webinar.

Joel Rohne and Robin gave an update on the 2016 Smart Connections Conference being held April 28 at the Holiday Inn Airport and Conference Center in Des Moines.

President McCalmant and Bill reported on the NCCAE State Association Presidents and Executive Directors Meeting that was held January 6-8 in Washington, D.C.

Rachel reviewed the schedule for Iowa registrants of the 2016 NACo Legislative Conference being held February 20-24 in Washington, D.C. Meetings have been arranged with Iowa's congressional delegation to discuss issues of importance to county officials.

President McCalmant adjourned the Board at 3:00 pm following board members sharing issues, concerns, ideas, achievements, etc. with other board members.

Expanding Efforts to Treat Opioid Overdoses

By: U.S. Communities

Addiction to opioids such as heroin, morphine, and prescription pain relievers continues to challenge the social and economic wellbeing of counties big and small. Heroin use specifically has increased dramatically in the past five years, and subsequently, overdose-related deaths have more than doubled from 2011 to 2014. In an effort to provide assistance with this national epidemic, the White House Office of National Drug Control Policy hosted a community forum on the opioid overdose in Knox County, Tenn. At this forum, state and local leaders announced that the National Association of Counties (NACo), the National Governors Association, the National League of Cities, and the United States Conference of Mayors with the U.S. Communities Government Purchasing Alliance, Premier, Inc., and Adapt Pharma are offering NARCAN® Nasal Spray at a 40-percent discount.

NARCAN®, a potentially lifesaving opioid withdrawal medication, is the only FDA-approved, ready-to-use nasal spray version of naloxone hydrochloride. It can stop or reverse the effects of an opioid overdose, and access to this medication will allow public agencies to combat the number of drug-related overdose deaths across the country. Adapt Pharma is offering a 40% discount, \$37.50 per dose (\$75 for a 2 pack carton) in an effort to make the medication more affordable and accessible, through the U.S. Communities Purchasing Alliance and Premier, Inc. NARCAN® is a simple product; its ease of use can save lives, even in the most high stress situations.

“The Administration has made it a top priority to expand access to the overdose reversal drug naloxone and medication-assisted treatment because we have lost too many of our family members and friends to the opioid epidemic,” said White House National Drug Policy Control Director Michael Botticelli. “This public-private partnership to secure discounts for state and local agencies can help ensure that these life-saving medications are available wherever they are needed.”

The National Governors Association threw support behind the agreement and highlighted the collaboration as an effective one. “Governors are at the forefront of the fight against opioid abuse,” said National Governors Association Chair Utah Governor Gary Herbert. “At the last NGA Summer Meeting, governors convened to discuss the opioid epidemic. There we discussed that to turn the tide, there must be a coordinated response across all levels of government, which this purchasing effort helps to achieve.”

Clarence Anthony, CEO and executive director of the National League of Cities, emphasized the importance of cooperation among Adapt Pharma and U.S. Communities. He stated that

“American cities are facing an epidemic of opioid addiction. Providing affordable access to drugs like NARCAN® Nasal Spray is critical to saving lives in the event of an opioid overdose. This public-private partnership is a vital step in stemming the opioid addiction epidemic in our communities.”

NACo views the offering as a perfect fit for its Safe and Secure Counties Initiative, and will continue to work with state associations of counties to develop policy recommendations and to promote promising practices to address the opioid epidemic plaguing communities. “Medication-assisted opioid treatment can mean the difference between life and death,” said NACo President Sallie Clark, commissioner, El Paso County, Colorado. “We see the devastating effects of prescription drug abuse and heroin use because counties are at the intersection of the local health, justice and public safety systems. We welcome this public-private partnership to support our response to this national crisis.”

U.S. Conference of Mayors CEO and Executive Director, Tom Cochran, understands how critical it is for local leaders to take advantage of this enormous opportunity. “Mayors across this nation are grappling with solutions to address the exponential rise in opioid overdoses occurring in our cities. We believe the expanded availability of this treatment is another tool for mayors and cities to use in their efforts to stem this epidemic,” he stated. The U.S. Conference of Mayors created a special mayors’ task force on substance abuse, prevention and recovery services, which will be headed by Boston Mayor Martin Walsh with the support of the organization’s president, Baltimore Mayor Stephanie Rawlings-Blake.

Drug abuse can be absolutely devastating for individuals, families, and communities. The announcement of the discounted offering of NARCAN® is an indication that local leaders and organizations are willing to unite with private companies to combat addiction and overdose deaths.

U.S. Communities combines the purchasing power of more than 62,000 public agencies. The program offers no user fees, best overall supplier government pricing, quality brands, integrity, experience, and oversight by public purchasing professionals. For more information, please visit www.uscommunities.org. For more information on how U.S. Communities is poised to combat prescription drug abuse and heroin use, please visit www.uscommunities.org/suppliers/premier-medical/combating-drug-abuse/.

Workers' Compensation: A History

*By: Iowa Municipalities Workers'
Compensation Association (IMWCA)*

As an employer, counties are obligated to provide many things to their employees. For example, the Occupational Safety and Health Administration requires you to provide a safe work environment, but that's not all. Even when you provide a safe work environment, employees may still get injured. For those times Iowa Law requires you provide workers' compensation insurance.

Forms of workers' compensation can be traced back thousands of years. However, worker' compensation as we know it began just over 100 years ago with the industrial revolution. During that time if an injured employee felt their employer was responsible for their injury, the employee had to file a lawsuit against their employer. Lawsuits take time, and during that time the injured employee was without income, could not take care of their family, often could not receive medical care, and was unable to return to work. Companies needed employees, and a lost lawsuit could mean a significant loss to the employer, even put it out of business. As the needs of neither the employers nor the employees were being met, the grand bargain was struck.

The grand bargain was a compromise between employers and employees in which business agreed to pay for injured employees medical bills and provide wage replacement regardless of who was at fault for the injury. In exchange, employees agreed to give up their right to sue their employer and the benefits provided by the workers' compensation system became their sole right to recovery.

The first workers' compensation system was passed by the state of Wisconsin in 1911. Iowa passed our system in 1913. By 1920, 44 states had passed workers' compensation systems. Today, workers' compensation systems continue to be implemented at the state level with benefits varying from state to state. Iowa's system is administered by the Department of Labor.

At the core of worker's compensation is the grand bargain between employers and employees, as such there must be an employer/employee relationship for an injured worker to receive workers' compensation benefits. Iowa law by statute has made elected and appointed officials employees, reserve law enforcement offices, volunteer firefighters and volunteer emergency medical responders employees of the municipal entity they serve. Other volunteers who are not specifically listed in the statute are not considered employees and are not entitled to receive workers' compensation benefits.

Once an employer/employee relationship is determined, the next step is to determine if the employee's injury arose out of and while in the course and scope of their employment. In general, "arising out of" means the injury occurred while the employee was furthering the business of their employer. "In the course of" means it occurred at a time and location the employee can reasonably be expected to be at during their employment, and "in the scope of" means they were involved in a task of their employment at the time. There is no consideration given to who is at fault for causing the injury as workers' compensation is a no fault system. The determination of arising out of and in the course and scope of their employment is made on a case-by-case basis. As you may guess, this is the source of many disputes, and cannot be definitively described here.

If the claims administrator determines the person injured was an employee and their injury did arise out of and in the course and scope of their employment, benefits are implemented. If not, the claim is denied, and it is up to the employee to prove their injury is compensable.

Disputes which arise in workers' compensation are resolved by the Iowa Department of Labor's Division of Workers' Compensation. If an injured worker and their claims administrator cannot work out their differences, the injured employee can petition the Division of Workers' Compensation for relief. A petition is filed and hearing is scheduled. The hearing is conducted in front of a deputy workers' compensation commissioner. The deputy workers' compensation commissioner issues a decision. If either side does not agree with the decision, they can appeal to the Iowa Workers' Compensation Commissioner. Once the Commissioner has issued their decision either side has the right to appeal to the Iowa District Court, and then the Iowa Supreme Court. A decision rendered by the Iowa Supreme Court is final and cannot be appealed further.

The need for the legal system to resolve disputes is necessary; however, most claims are accepted and benefits implemented. After all, the obligation of an employer is to provide a safe work environment, and workers' compensation providers, including IMWCA, want to do everything they can to help employees go home safe at the end of each day.

IMWCA is a self-funded, risk-sharing pool that provides workers' compensation coverage to local governments. IMWCA is endorsed by ISAC, and endorsed and administered by the Iowa League of Cities. Learn more at www.imwca.org or email imwcainfo@iowaleague.org.

The Fed Awakens

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

The Fed started their rate normalization process by raising the Fed funds rate by 0.25% in its December meeting. The move had been well telegraphed, and during their post meeting press conference Chairperson Yellen made it very clear the Fed would target a gradual pace of rate increases and will adjust the pace as the economy evolves over time. The median Fed forecast is four quarter-point rate increases next year which we believe to be a little optimistic. We agree with the market's forecast of two to three rate increases in 2016 as economic growth remains slow but steady.

Drivers of economic growth include solid consumer consumption due to lower energy prices, confidence in the job market, and higher housing levels. We see momentum continuing into 2016 although energy will be less of a tailwind as prices are expected to stabilize and begin to move higher. Headwinds to growth, namely lower net exports and lower government spending, won't disappear but look to ease somewhat. One just has to look at the \$1.1 trillion dollar budget recently passed by congress to realize that the days of austerity may be behind us. As for net exports, the dollar is expected to appreciate moderately, producing less drag on the economy.

Divergence has been a key theme across the global economy and we expect that to continue into the new year. As the Fed starts raising rates we expect to see other major central banks

increasing liquidity and/or lower rates to stimulate growth in their countries. We believe they will be mostly successful which will drive global growth during the year.

We are mindful that challenges could arise in the form of another sizable decline in energy prices, a policy misstep by global central banks, or a spike in inflation to name a few, but these are not our base case. Volatility will likely remain higher than normal and the markets will be sensitive to the pace and signaling provided by the Fed rate increase during the year. However, the US economy is strong enough to withstand shocks as it did in 2015 and continue down the right path.

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. 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.



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National Counties Government Month

Dear Fellow County Leader,

Counties play an essential role in keeping America's communities safe and secure by preserving public health and well-being, ensuring public safety and promoting local economies and resiliency. My 2015-2016 National Association of Counties (NACo) Presidential Initiative aims to strengthen the nation's 3,069 counties and the people we serve. Through the Safe and Secure Counties Initiative, NACo is working with county leaders and partners to bolster our nation's ability to thrive amid changing physical, social and economic conditions.

The initiative focuses on strengthening counties' capacities in three distinct areas. The first is public safety. Counties invest more than \$90 billion annually in justice and public safety services to keep our communities safe and secure by providing law enforcement and preventing crime. Counties patrol the streets, combat human trafficking, protect against cyber threats, operate and maintain county jail and detention facilities, and serve as an arm of the county courts and the judicial system. We also manage preparedness, response and recovery from economic, natural and man-made emergencies and disasters.

The second focus of my initiative is public health and well-being. Counties invest \$80 billion annually in support systems to keep residents healthy for their entire lives. Many counties operate hospitals and health facilities that provide clinical services, cancer and cardiac care, and emergency and trauma care. We also provide behavioral and mental health services to those in need. County nursing homes, Veteran Service Officers and public health departments address community needs and offer vital services by connecting residents to resources.

The third focus of the Safe and Secure Counties Initiative is promoting local economies. Strong county economies are the building blocks of safe and secure counties.

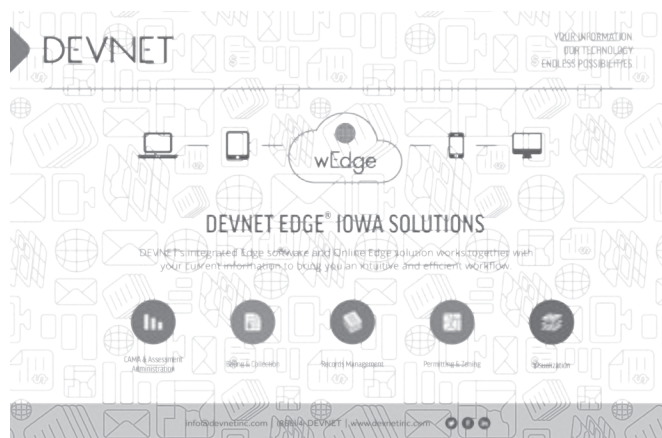
Our residents' well-being is directly linked to counties' economic vitality. That is why counties invest more than \$25 billion each year into economic development efforts and are committed to helping residents obtain the skills necessary to compete in the global marketplace.

Counties are at the forefront of innovative technology and data analyses, and invest in transportation, infrastructure and workforce development which are critical components of fostering financial security and improving Americans' quality of life.

Through the Safe and Secure Counties Initiative, we are exploring ways that counties are working to implement locally-driven innovative strategies to strengthen our communities and help the people we serve. NACo will assist counties in identifying ways to leverage changing conditions and take advantage of new technologies and proven practices. What safe and secure projects has your county initiated? Please Use National County Government Month (NCGM) in April to let your citizens know about public safety, public health and economic programs.

Contact: Deborah Cox at DCox@NACo.org or 202.942.4286

Sallie Clark
NACo President
El Paso County, Colorado Commissioner



Celebrate NCGM in your County

Find an NCGM toolkit, sample proclamation, sample news release and more at www.naco.org. Some ideas for involvement:

- Hold an Open House
- Offer Tours
- Bring Information to Residents
- Hold a Jobs Fair
- Encourage Volunteerism
- Involve Schools - career day, contests, lectures and more

Be sure to let us know if you are planning events in your counties for NCGM at rbennett@iowacounties.org.



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2016 calendar

March 2016

- 9 County Day at the Capitol
(Iowa State Capitol, Des Moines)
10-11 ISAC Spring School of Instruction
(Des Moines Marriott Downtown)

April 2016

- 12 CM&MHDS Administrators Meeting
(Polk County River Place, Des Moines)
14 ISAC HIPAA Program Training
(Courtyard by Marriott - Ankeny)
17-20 ISSDA Civil School
(Holiday Inn Airport)
28 Smart Connection Conference
(Airport Holiday Inn, Des Moines)
29 ISAC Board of Directors Meeting
(ISAC Office)

May 2016

- 17-20 Treasurer's Summer School
(Arrowood Resort & Conference Center,
Okoboki)

June 2016

- 15-17 ICIT Midyear Conference
(West Des Moines Marriott)
21-23 Records Summer School
(Honey Creek Resort, Moravia)

July 2016

- 7 ISAC Board of Directors Meeting
(ISAC Office)
13-15 ISACA Summer School Conference
(West Des Moines Sheraton)
22-25 NACo Annual Conference
(Long Beach, CA)

August 2016

- 25-26 ISAC LPC Retreat
(Hotel Renovo, Urbandale)
31 ISAC Scholarship Golf Fundraiser
(Toad Valley Golf Course, Pleasant Hill)

September 2016

- 18-21 ISSDA Jail School
(Holiday Inn Airport)
21-23 ISAC Board of Directors Retreat
(Linn County)
29 ISAC LPC Meeting
(ISAC Office)

October 2016

- 27-28 ISAC Board of Directors Meeting
(ISAC Office)

November 2016

- 30-2 ISAC Fall School of Instruction
(Veteran's Memorial Community Choice
Credit Union Convention Center, Des
Moines)

December 2016

- 4-7 ISSDA Winter School
(Holiday Inn Airport, Des Moines)
6-8 ICEA Annual Conference
(Scheman Building, Ames)
14 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.



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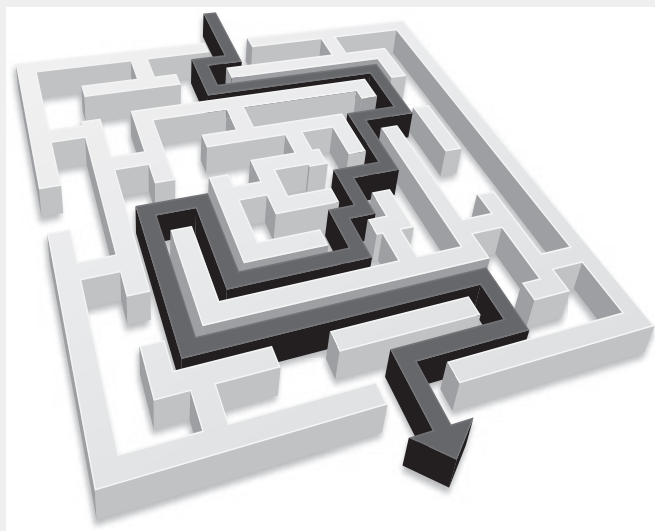
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