

The Iowa County

Iowa State Association of Counties



June 2008

RAGBRAI and County Liability
Smoking Act Progress Report



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Features -	
RAGBRAI and County Liability	4
David Vestal	
Smoking Act Progress Report	5
IDPH	
Capitol Comments	6-7
ISAC Government Relations Team	
Lincoln Letters	8 - 9
Grant Veeder	
Legal Briefs	10
David Vestal	
By the Numbers	10
Jay Syverson	
Case Management	11
Deb Eckerman	
Technology Center	11-12
Robin Harlow and Tammy Norman	
ISAC Meetings	13
Stacy Horner	
ISAC Brief	14-15
Counties in the Spotlight	16-17
Associate Member Highlights	18
NACo News	18
Calendar of Events	22



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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.

feature

RAGBRAI and County Liability

By: David Vestal

ISAC General Counsel



It's that time of year again - RAGBRAI is set for July 20-26, 2008. Unfortunately, we've seen that injuries and even fatalities can occur when 20,000 bicycle riders of varying skill levels ride together for nearly 500 miles. Let me answer some questions about RAGBRAI and county liability.

Did the Legislature address this issue in the 2008 session?

No. The issue was discussed right up till the last days of the session, but no legislation passed. Much of the opposition came from the trial lawyers, who fought for the right to continue to sue counties. It is ironic that the Legislature would not consider changes in the law regarding liability that were far less restrictive than the waiver that is voluntarily signed by every registered RAGBRAI participant.

Speaking of the RAGBRAI waiver, doesn't that waiver solve the liability problem?

Not entirely. RAGBRAI officials have made several changes in the waiver form that makes it unlikely an injured cyclist could successfully sue a county for a RAGBRAI-related injury. The problem is that there are about 10,000 cyclists annually who ride without registering and therefore do not sign the waiver.

The Crawford County lawsuit was the first fatality-related lawsuit in 30 years of RAGBRAI. Aren't counties overreacting?

More than 750 people are killed annually in bicycle accidents in the U.S. According to the National Highway Traffic Administration, bicycling results in more emergency room admissions than any other sport or activity. Maybe RAGBRAI will not have another bike-related fatality for 30 years. But what if there is another fatality, and this time it occurs in a county that is self-insured? Crawford County had coverage, but some counties, in order to save money, are either wholly or partially self-insured, so a judgment or settlement would come from the county general fund.

Don't Iowa laws protect counties already?

Iowa Code §670.4(15) provides immunity for any claim "based upon or arising out of an act or omission of" the county by a cyclist riding on public property when the cyclist "knew or reasonably should have known" of the risks inherent in bike riding and the injury arose from those risks. That's helpful. But, 1. We don't know what it means, and there are no Iowa Supreme Court cases interpreting it; and 2. No one agrees on what risks are "inherent" in bike riding. Some biking advocates say that they expect every county road to be in pristine condition and free of all potholes. The Iowa Code also generally exempts negligent design claims.



So where is county liability the greatest?

The biggest liability comes where someone has been injured on a secondary road, and the county has notice of the injury and fails to fix the problem in a timely manner or warn the biking public of the dangerous condition.

This was the issue in Crawford County. Several cyclists were injured on one downhill stretch of road. RAGBRAI was actually halted for a time. The county put out markers at the spot, and an official was warning cyclists of the danger ahead. Then the fatal accident occurred. That led to challenges about the steps the county took, how long these precautions remained in place, and whether more should have been done. That was the biggest hurdle that the county faced.

What can counties do?

Although most counties continue to support cycling and are willing to host cycling events, liability exposure now requires more formal arrangement than in the past. The best advice is to adopt an ordinance requiring that organizers of a bike ride obtain liability insurance and have the county listed as a named insured on the policy. This will cost the bike ride organizers some money. But without statewide legislation, this is the only way that organized bike rides like RAGBRAI can use county roads without putting county taxpayers at risk. Please visit www.iowacounties.org for a sample ordinance.

Smoking Act Progress Report

By: IDPH

Since Iowa's Smokefree Air Act was signed on April 15 by Governor Chet Culver, the staff at the Iowa Department of Public Health (IDPH) has been busy. Not only are they working with the Attorney General's Office on the finer points of the law, but they have also responded to more than 240 calls and emails regarding the new legislation.

The Smokefree Air Act, which goes into effect July 1, is designed to protect the health of Iowans by prohibiting smoking in nearly all public places in Iowa, including most workplaces, restaurants, and bars. Iowa is the 24th state in the nation to pass such a law, many of which have been linked to improved community and personal health, a decrease in smoking among children, and an increase in the number of people who stop smoking.

IDPH Director Tom Newton says his department is currently engaged in an important process that often accompanies new legislation – the creation of administrative rules. “The law itself is an outline of legislative intent – to protect the health of Iowans,” Newton said. “The administrative rules we are currently writing detail how the law will be implemented.” Newton stressed that the rules are a work in progress. They are expected to be adopted and published in mid-June.

In creating the rules, IDPH and the Attorney General's Office are working with a number of state agencies and other parties who will be affected by the new law. These include the Department of Inspections and Appeals, the Department of Natural Resources, the Department of Public Safety, Regents Universities, and many more.

Aiding the development of the administrative rules are the inquiries that continue to come to the department from mem-

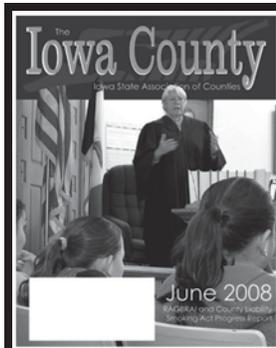
bers of the public, business owners, government officials, and others. Every phone call and email is entered into a database that staff access regularly. “Every question asked helps us develop not only the rules, but also an education campaign which will form the core of IDPH's enforcement efforts,” said Bonnie Mapes, director of the IDPH Division of Tobacco Use Prevention and Control.

Local governments are expected to be involved with and impacted by the smokefree law. One example is the issue of regulating smoking on “the grounds of any public building owned, leased, or operated by or under the control of state government or its political subdivisions.”

Mapes points out that this is also a good example of something that must be explained through the administrative rules – a definition of “grounds” as it pertains to this law.

Another issue of interest to local governments is the designation of a local enforcement authority. While many of the details regarding the enforcement process are currently being determined, enforcement is expected to be complaint-driven. The IDPH Tobacco Use Prevention and Control Division will be responsible for receiving and processing complaints and notifying businesses and agencies of violations. More importantly, the division hopes to gain compliance through education, not citation.

A permanent toll-free number and Web site where business owners and the public can find information and post questions about the law will be operational by mid-June. In the meantime, please visit www.idph.state.ia.us/tobacco/smokefree.asp. Check back regularly. The site will be updated as more details become available. To post a question, use the site's “Contact Us” feature or call 515-281-7739.



About the Cover

The cover picture was taken at the 54th Annual Tama County Government Day. For more information and more pictures on this specific event please reference pages 16 and 17.

April 6 - 12, 2008 marked the National County Government Week (NCGW). This year's theme was “Protecting Our Children.” This NACo sponsored event allows counties to show their residents many ways they work to protect and enhance the health, welfare, and safety of children in sensible and cost effective ways. More than 1,000 counties annually participate in NCGW by holding a variety of programs and events.

capitol comments

2008 Session in Review

By: ISAC Government Relations Team

Funding of TIME-21

Road and bridge infrastructure in Iowa received a tremendous boost in the 2007 legislative session with the passage of HF 932, which created the TIME-21 Fund. Unquestionably, one of the biggest legislative topics of the 2008 session was the TIME-21 funding bill, which determined the revenue sources for the fund. The House and Senate both introduced similar versions of the bill and, after several amendments, both chambers moved forward by passing SF 2420. In late April, Governor Culver held a bill signing ceremony in the Capitol rotunda where ISAC President Mike King gave appreciative remarks about the legislation, recognized the hard work of several groups, and had the opportunity to introduce Lt. Governor Patty Judge.

The county portion of the funds, while not everything we would have hoped for, is a substantial step in the right direction and represents a commitment to the state infrastructure. Please refer to the May issue of the *Iowa County* magazine for a more thorough discussion of the TIME-21 funding bill and what to prepare for in the 2009 session regarding road funding.



Left to Right: Following the TIME-21 bill signing Mike Wentzien, Supervisors Lobbyist; Governor Chet Culver; ISAC President Mike King, Union County Supervisor; Lt. Governor Patty Judge; Nate Bonnett, ISAC Public Policy Specialist; and Bill Peterson, ISAC Executive Director, all posed for a picture to celebrate the bill.

State Funding of All-Paper Voting Systems

With the cooperative effort of the legislators, the Secretary of State, and the Governor, legislation was passed and signed into law in the 2008 session that requires the use of an Optical Scan Voting Machine in every county. The Bill, SF 2347, also appropriates \$4.9 million from RIIF in FY 2008 for the purchase of these systems. Any federal funding for these systems will revert back to RIIF. While there will be some ancillary costs for those counties with blended or all touch-screen systems, this is a major accomplishment that will have all voters in Iowa using the same system to cast their votes and the state covering the major costs to switch to an all-paper voting system.



Left to Right: Nate Bonnett, Public Policy Specialist; Linda Hinton, Government Relations Manager; Hanna De Groot, Public Policy Specialist.

MH/DD Funding

After an excellent year last year, when the legislature added \$12 million for county-funded MH/DD services and promised to consider a supplemental if that was not enough, things were back to business-as-usual with no new money being allocated to the county-managed disability system. Last summer's "Mental Health Services System Improvement" process generated no solutions for the counties' ongoing funding problems. New programs for emergency crisis intervention and youth mental health services appropriated \$1.5 million and \$500,000, respectively. These programs will be managed by the state rather than the counties.

The financial condition of the counties MH/DD funds continues to worsen. In FY 08, 73 counties were levying the maximum allowed. For FY09, that number has risen to 82 counties. The statewide amount levied was 95% of the total allowed in FY 08, compared to 97% of the total allowed in FY 09. The fund balance story will not be known until December of this year. The fund balance percentage has been going down 3-4% per year since 2004. If the trend holds, counties will have approximately 4.4% in reserves at the end of the current fiscal year.

There will be a discussion during the interim about the state taking over the financing of all Medicaid services that the counties currently fund.

Open Meetings/Open Records

Open meetings and open records law changes were discussed throughout the interim and the session, but ultimately nothing happened. The bill, SF 2378, passed the Senate with most of the issues of concern to ISAC and a coalition of other impacted entities intact. The issues of concern included outlawing "walking" quorums, making all public documents with Social Security numbers confidential, broadly redefining a

capitol comments

“government record” to include almost any piece of paper or email held by a public official, and requiring a written explanation of a denial of a record request.

The bill made it to the House and everything but the new Iowa Public Information Board was stripped from the bill in committee. Ultimately, the bill did not make it to the floor before the session was adjourned.

Tax Increment Financing

There is always a midnight surprise in the standing appropriations bill. The lobby works feverishly to find out (and understand) what is in the final bill out of the legislature, but the opportunity to impact what is in this bill is minimal since the deals have been struck by the time the language surfaces. This year a Senate amendment to HF 2700 included a provision to allow cities to create a sales-tax TIF. This legislation gives city councils the unilateral authority to capture new LOST proceeds that are currently distributed under an allocation formula that benefits all jurisdictions in the county. Currently 85 counties impose a LOST receiving over \$65 million collectively in LOST revenue annually. Counties fund road and bridge construction, new jails, county parks, and property tax relief with these funds.

The Governor did not respond to your requests to line-item veto this provision. Unfortunately, counties may have to delay or eliminate projects and increase property taxes to make up for the lost funding.

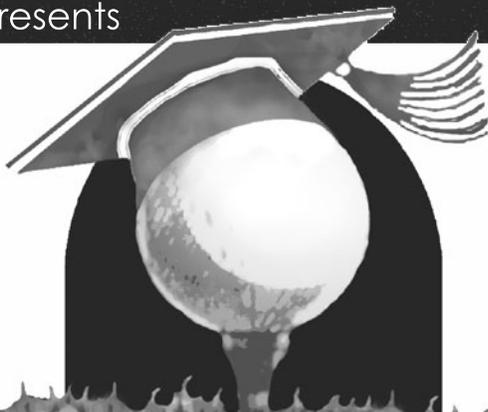
Public Employment Relations Board

A late-filed, surprise floor amendment to HF 2645, which prior to the amendment made only minor changes to the Public Employment Relations Board, significantly expanded the scope of mandatory subjects of collective bargaining. Included in the expansion of bargaining items in the area of health insurance were not only the insurance benefits, but also the choice of insurance carrier, traditionally a management prerogative. In addition, the bill included a new catch-all requiring public employers to negotiate on any other terms and conditions of employment. The House adopted the amendment and sent the amended bill to the Senate where work came to a standstill when the Senate Republicans went into caucus on Good Friday to force a delay in consideration of the bill. Instead of getting this bill through the House and Senate in less than a week, the issue dragged into the following week. The Senate passed the bill early in the following week but by that time the Governor had expressed his concerns about the process used to get this change through both chambers.

The bill was held in the Senate on a motion to reconsider while the Governor met with all of the interested parties. ISAC and other proponents of a veto argued that this bill would significantly alter the items that are required to be discussed in the collective bargaining process and that this change would have a fiscal impact on the cost of county operations. Responding to requests from ISAC, other public sector employers and the public, Governor Chet Culver vetoed HF 2645 on May 15. Governor Culver stated in his veto message that “the core principles that normally guide the legislative process—fair advance notice to the public of what laws we intend to change or create, citizen access to the lawmaking process, and minimizing taxpayer uncertainty as to economic effects of a law by drafting laws with clarity—were not sufficiently respected in the case of House File 2645.”

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Iowa's "War Governor" and Abraham Lincoln

Samuel J. Kirkwood was one of Iowa's most popular politicians in the Civil War era, and as governor during most of the war, he had occasion to get acquainted with Abraham Lincoln.

Kirkwood's background was similar to Lincoln's in many respects. Lincoln was born in the slave state of Kentucky, went with his family to clear and farm land in Indiana, and moved to Illinois, where he held various jobs, including deputy county surveyor and store clerk, before becoming a lawyer and a politician. Kirkwood was born in the slave state of Maryland, and went with his family to clear and farm land in Ohio, where he subsequently held various jobs, including deputy county assessor and store clerk, before he, too, became a lawyer and a politician. He was actively involved in the Ohio constitutional convention of 1850, and moved to Iowa City in 1855. He quickly became politically involved in Iowa, getting himself elected to the legislature in 1856 and becoming a candidate for governor in 1859.

Transportation being what it was in the mid-19th century, prominent people, even in neighboring states, often knew each other by reputation rather than by personal acquaintance. Thus it was that Lincoln stumped for Kirkwood for governor and Kirkwood worked Lincoln's candidacy at the Republican convention before the two ever met.

Lincoln visited Council Bluffs in August of 1859 in what appears to have been a spur-of-the-moment vacation after making some speeches in Kansas. Once there, the locals prevailed upon him to deliver a political speech. He enjoyed national renown by this time as the antislavery candidate who nearly unseated Illinois Senator Stephen A. Douglas in 1858. During his speech, he supported the candidacy of fellow Republican Kirkwood, who went on to win his election, taking the oath as governor in January of 1860.

At the time of his Council Bluffs visit, Lincoln had some presidential candidate buzz: In 2008 terms, he was maybe at a Sam Brownback/Chris Dodd level. By the time of the Republican National Convention in May of 1860, he had graduated to a John Edwards/Mike Huckabee stratum. But a number of factors were converging in Lincoln's favor. The convention was being held in Chicago, which made it easier for Lincoln's handlers to pack the hall with his supporters. Lincoln also benefited from misgivings within the party about two more prominent candidates, Salmon P. Chase of Ohio and William H. Seward of New York, the clear front-runner.

Seward was seen by some as too liberal and Chase had alien-

By: Grant Veeder

ISAC NACo Board Representative
Black Hawk County Auditor



ated various Republican elements, even in his own state, as governor of Ohio. Lincoln, like them, was staunchly opposed to the expansion of slavery into federal territories, but he was more successful at conveying a less divisive and hence more electable stance. In the eyes of Sam Kirkwood, he had the stature of a statesman rather than a politician, so Kirkwood, though not a delegate, went to the convention to work for Lincoln's nomination.

Without primaries and caucuses determining events in advance, the conventions of this era were comparatively wide open. Campaign operatives like Kirkwood worked tirelessly to bag votes. Kirkwood was acquainted with much of the delegation from his former state of Ohio, and was able to capitalize on the fact that Chase did little to assure the support of his home state.

One of the Iowa delegates remembers Kirkwood coming to his room late on the night before the nomination vote. Iowa Attorney General, Charles Nourse, said Kirkwood was "nervous and very uneasy and glum." However, the picture started to improve in the wee hours of the morning. Lincoln's men started banking an increasing number of "second choice" commitments.

This was important because Seward, who was generally expected to be the nominee, didn't have the votes needed for a first-ballot victory. After he fell short, Lincoln's strength quickly grew, and he was nominated on the third ballot.

The accepted practice at the time was for presidential candidates to stay away from conventions and to not campaign once nominated. Thus it was that Kirkwood started thinking that he should finally meet the president-elect before he left Illinois for his March inauguration in Washington.

Kirkwood went to Springfield in January of 1861 and had a singular experience. Arriving unannounced, he was fortunate to find Illinois Secretary of State Ozias Hatch, whom he had met at the convention. Hatch and Governor Richard Yates proposed that rather than trying to meet Lincoln at the office he had set up in the Statehouse, which was constantly besieged by well-wishers and office seekers, Kirkwood should walk with them to Lincoln's house.

Kirkwood was uneasy about this, but he was also in a hurry to return to Iowa, so he consented. By chance they met Lincoln coming in the opposite direction. After introductions, Lincoln said he was on an errand and they should go ahead and wait for him at the house. As they were about to separate,

lincoln letters

Lincoln offered that he and Kirkwood could have a more private conversation if they met at the latter's hotel room. Within an hour they were doing just that.

Their talk centered on the secession crisis. South Carolina had seceded in December and six more states would be out of the union by February 1. Lincoln was gratified to hear Kirkwood say that the Iowa people "were devotedly attached to the Union of the States, and would never consent to its dissolution on any terms." When they were finished, Kirkwood walked Lincoln to the door of the hotel, exciting considerable curiosity about who he was and why he was there.

In the conflict that ensued, Kirkwood, as Iowa's war governor, made several trips to Washington and saw Lincoln on various occasions. One of the more memorable of these followed the Loyal War Governors' Conference in Altoona, Pennsylvania in September of 1862. The war was going badly for the North at this time, but the governors agreed to support the President's policies, including his recently announced and rather controversial Emancipation Proclamation, which was to take effect on January 1, 1863. The delegation moved on to Washington to report their consensus to the president. Some also expressed their dissatisfaction with the Union Army's leading general, the arrogant and dilatory George B. McClellan.

Kirkwood thought he knew Lincoln well enough by this time that he could speak candidly on the subject, and found himself saying, "Mr. President, our Iowa people fear and I fear that the Administration is afraid to remove General McClellan." When he saw Lincoln's face coloring, Kirkwood realized he had expressed himself less than adroitly. He did his best to recover, and after a brief silence, Lincoln told him

that he would fire McClellan if and when he felt it would benefit the Union cause. McClellan was removed less than two months later, and, incidentally, became Lincoln's Democratic opponent in the 1864 presidential election.

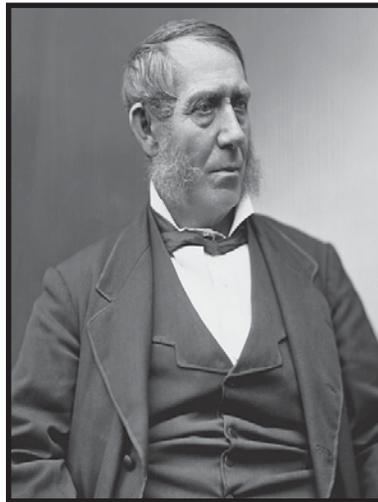
By that time Kirkwood was no longer governor, having declined, as was then customary, to seek a third term. During his tenure (January 1860 to January 1864), the course of the

Civil War created responsibilities that governors today would find bizarre; for example, when he found he was being unfairly criticized for Iowa soldiers going without wages due to lack of funds in the state treasury, he personally borrowed money to pay them. He also risked his life by going in advance of a military contingent to face down a large force of Southern sympathizers that gathered after the murder of one of their leaders in Keokuk County. The press of his duties caused him to decline an appointment as minister to Denmark in 1863.

Although he was out of office at the time of Lincoln's assassination, Kirkwood was asked to deliver a eulogy in Iowa City that followed

a mile-long funeral procession which halted at the University of Iowa campus. In it, he said that Lincoln had "an almost intuitive knowledge of the habits and peculiarities of the mass of our people with whom he was so thoroughly identified, a frank, genial nature, and heart so kindly in all its impulses that I do not believe he ever knew what it was to hate any man."

Kirkwood filled an unexpired term as U.S. Senator, 1866-67, was once again elected governor, 1876-77, and was elected to a full term as senator in 1877, but did not complete it, owing to his appointment as Secretary of the Interior, where he served from 1881 to 1882 under Presidents Garfield and Arthur. He died in 1894 and is buried in Iowa City.



Samuel J. Kirkwood

2008 ISAC Fall School of Instruction Educational Seminars

ISAC will be hosting a variety of educational seminars during the 2008 ISAC Fall School of Instruction at the Coralville Marriott Hotel and Convention Center. We are asking all of our members to provide suggestions for seminar topics so we can present seminars that are of great interest and will provide valuable education. Thanks for your help in making the 2008 ISAC Fall School of Instruction a success!

Please send all your input and ideas to Stacy Horner at shorner@iowacounties.org or 515.244.7181.

legal briefs

Farm Bureau

By: **David Vestal**

ISAC General Counsel



In many counties the local Farm Bureau chapter invites the county board of supervisors to meet annually with local members. They usually want to discuss the county budget for the upcoming year.

But if a majority of the board of supervisors shows up, that might be a “meeting” for purposes of the Open Meetings Law.

For a “meeting,” there has to be “deliberation,” meaning discussion between the supervisors. So it would not be a “meeting” if the supervisors just go and let Farm Bureau members vent.

But what if a Farm Bureau member says to the supervisors “you could save county tax dollars if you delayed replacing the bridge on Johnson Road for another five years.” And then Supervisor A turns to Supervisor B and says, “I think that sounds like a good idea, what do you think?” That’s “deliberation.”

As long as the supervisors just listen, it would not be a “meeting.” But if a quorum is present there is always the risk that a “meeting” may occur.

This is also about perceptions. At the recent Winnebago County budget appeal, there was an allegation that the supervisors had violated the Open Meetings Law by attending a Farm Bureau meeting. They did not violate the law. There was no “deliberation.” But why put yourself in a situation where you are forced to defend your actions at a public hearing?

Any board of supervisors that wants to meet with the local Farm Bureau should either 1. Invite the Farm Bureau members to get on the agenda at a regularly-scheduled board meeting; or 2. Send less than a quorum to the Farm Bureau gathering.

Parting Ponderable: “No good decision was ever made in a swivel chair.”

- General George S. Patton, Jr.

by the numbers

Federal Earmarks

By: **Jay Syverson**

ISAC Fiscal Analyst



Taxpayers for Common Sense, a self-described “nonpartisan budget watchdog,” has recently released its list of federal earmarks inserted into various FY 2008 spending bills. This month’s *By the Numbers* looks at Iowa’s share of those earmarks, including some that directly benefit Iowa’s county governments.

An earmark, as defined by the president’s Office of Management and Budget, is an appropriation “provided by the Congress for projects or programs where the congressional direction...circumvents the merit-based or competitive allocation process, or specifies the location or recipient.” There were almost 13,000 total earmarks in the 2008 federal budget, representing \$18.3 billion of federal spending. Iowa was the benefactor of 235 of those earmarks (including some multi-jurisdiction earmarks that benefited surrounding states as well). Iowa ranks 33rd in total earmark value, at \$152.7 million. On a per capita basis, Iowa ranks 20th in the nation. Our earmarks amount to \$51.10 in federal spending per Iowa resident.

At least eight of Iowa’s county governments received specific earmarks in 2008, all public safety related. Buchanan, Henry, Howard, Lee, Linn, Scott, Wapello and Webster counties all received earmarks for law enforcement equipment. The earmarks ranged from \$65,000 in Lee County to \$987,000 in Buchanan County. There were also earmarks directed to the southwest connector interchange in Warren County (\$539,000) and the Department of Public Safety in Polk County (a combined \$485,000 for investigating crimes using DNA evidence and intercepting imported meth), but it’s unclear whether those were for the state or county governments. Some other Iowa earmarks are listed below.

- \$613,000 to Iowa State University for research designed to reduce wind-related damage from storms and tornados.
- \$13.1 million for a military readiness center in Iowa City;
- \$295,000 to the city of Clinton for a wastewater treatment plant.
- \$1.6 million to the Council Bluffs Municipal Airport to establish an instrument landing system.
- \$292,000 for exhibits at the Des Moines Art Center.
- \$195,000 to Broadlawns Medical Center and Des Moines University to establish a mobile health clinic.
- \$250,000 to Marshalltown Community College for a rural entrepreneurship incubator.

Visit www.taxpayer.net to download the full earmark database.

Business As Usual

By: Deb Eckerman

Case Management Services
Manager



It seems like I have been saying this a lot lately, but as I think about it, I am unsure what it means. In case management, it sometimes seems like “business as usual” is never usual. Case management always seems to be in perpetual motion; not only with the individuals we serve, but in keeping up with the paperwork demands and constant changes that we encounter. I have always said that case managers are a hardy lot, and this seems to be truer every day. I do hope that each and every case manager out there will give themselves a pat on the back for the invaluable work that you do on a daily basis.

Back to business as usual. CCMS continues to be busy. The winter weather made scheduling and traveling a challenge, so we are working to get caught up on visits to agencies. We are also trying to keep up with the fast pace of the accreditations that are taking place and with information (or lack thereof) regarding the new CMS final regulations. At this point, we continue with “business as usual” as we do not have any final clarifications from the state.

Currently, we are well into the planning stages for the annual conference in August. When the final schedule is set, notices and registration information will be sent out. Below is the CCMS summer meeting schedule.

June

18 – 20 Fundamentals (Holiday Inn Airport)

July

8 CCMS Administrators Meeting(Holiday Inn Airport)

August

13 – 15 16th Annual Conference (Holiday Inn Airport)

September

18 – 19 Strengths Training (Holiday Inn Northwest)

ISAC Summer Office Hours

M – F 8:00 am – 4:00 pm

Effective: Memorial Day through Labor Day

Satellite Radio

By: Tammy Norman

ISAC Office Manager



Q: Can you explain what satellite radio is?

A: Currently there are three satellite companies available to consumers, XM, SIRIUS, and WorldSpace. All three utilize satellites, ground repeaters, and radio receivers to provide their service.

Why would you want to subscribe to satellite radio? The major selling point is the ability to listen to your favorite station during the entire road trip when traveling from coast to coast in the United States. Other factors enticing consumers to purchase satellite radio are the commercial free stations, no static, and the ability to know the title and artist of the songs that are being played. What does this service cost? Both SIRIUS and XM provide a month to month service price of \$12.95 per month, but you can reduce this if you are willing to sign a multi-year contract.

Another interesting fact about satellite radio is the number of subscribers that are currently opting to purchase this service. XM claims to provide service to approximately 9 million subscribers and SIRIUS claims its market share to be approximately 7.6 million. Keep in mind that the receivers at this moment are not interchangeable; if you purchase a receiver that is designed for SIRIUS, it will only receive SIRIUS stations and the same with XM. Automobile manufacturers are being enticed to equip their new vehicles with satellite radios. You can install satellite radio in your home and both satellite companies offer portable radios that come equipped with a MP3 player. SIRIUS currently offers “SIRIUS Backseat TV,” which is the first ever live in-vehicle television programming. XM has announced plans to also put forward this feature.

A merger of SIRIUS and XM Radio was announced in November, 2007, with the support of each company’s stockholders. On March 24, 2008, the US Department of Justice announced its approval of the merger and both companies are awaiting approval from the Federal Communications Commission. Both companies have assured consumers that any existing equipment will continue to work after the merger and customers will benefit from expanded programming options. Time will tell.

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

What will we do when we get there?

Last month I talked in depth about the goals and objectives of the County Technology Clearinghouse (CTC). This month I will discuss some of the types of activities that might benefit from using the CTC's framework. This framework is intended to assist counties in obtaining access to technology that the county itself would not have the funds to purchase.

The framework works to support the idea that citizens are best served by those who are accountable to the local population. With this in mind, I want give three examples of opportunities where the CTC can assist in the near future. I actually had trouble deciding on only three from a very long list of possibilities.

Freedom of Information Requests

With the push for more open government and accountability, there is an ever increasing pressure to respond quickly and efficiently to requests for information. This pressure is coming from both citizens and from legislation to automate the tracking of these requests and then report how well the county performed. Future requests will not only need to be reported, but the requests will need to capture the cost or expense to the taxpayer to respond to these requests. What is being charged to the citizen? What is it costing the county? Is the county waving fees for bulk requests?

Software to capture these requests is just in its infancy. This software will need to capture information from two basic methods; self service and in person requests. Self service would allow the citizen to go on line and search the county documents for the needed information. Self service would be limited to the county's ability to have documents online. In person requests require the citizen to formally make the requests in writing. Both in person and self service should use the same software to track the requests. There will be increasing requirements to have designated information available on line.

Business Continuity and Disaster Recovery

With the advancement of technology comes the need to insure that the county can continue operations in the face of the unthinkable. With the networks that are available today, the counties can benefit by developing joint continuity and recovery agreements. These agreements would allow the development of a network where counties share server space either within each county or collaborate to purchase hardware that is maintained by a third party. The hardware could contain several counties' backup of critical applications and data. In the case of a disaster, the effected county could switch to the backup and be up and running

By: *Robin Harlow*

ISAC Technology
Project Manager



much quicker than having to purchase servers and rebuild applications.

Data Warehousing

The gathering, storage, and retrieval of county data (either collectively or individually) will be critical to providing requested information or developing budget proposals or supporting future legislation. Those governmental entities that can tell their story and provide supporting data quickly will have better success in relating the importance of their mission. Having data and then being able to move it to the right location or the right person will allow counties to get ahead of the information curve.

Data Warehouse tools and maintenance by themselves can be expensive. But "what if" a mechanism is developed by the counties to collect data that can then be used to tell our story. Each county would have access to their data to answer their questions or compare various aspects of their county's operation with other like counties. The intent is to operate and pull from the same "data well" so that we can respond with the same data regardless of who is asking the question.

These are but three examples. In short, the list of where we can collaborate is very long.

The path ahead

As strange as it may sound, our uniqueness is both our strength and our common bond.

Each county's uniqueness allows them to tailor solutions to the local level. But maintaining this uniqueness in an increasingly connected society is the opportunity all counties have in common. Because the counties vary as to the levels of available technology resources, each county is left to come up with their own solution to common opportunities.

But again "what if", a mechanism was developed to assist each county to have access to a certain desired level of technology resources, but at a fraction of the cost to the individual county. By having access to the same level (this doesn't mean the same type) of technology resources will allow the counties to continue to meet their local needs, but at the same time meet the increasing demands from other government bodies for information.

This is the challenge of the County Technology Clearinghouse.

2008 ISAC Fall School of Instruction

By: *Stacy Horner*

ISAC Meeting/Event Administrator



Based on conference feedback and the new location of the 2008 ISAC Fall School of Instruction in November, we are rolling out a new conference agenda. The changes were approved at the April ISAC Board of Directors meeting.

As opposed to meeting on all three days of the conference, affiliate time will be limited to Wednesday and Thursday as requested by affiliate groups in the past. The total time allotted to affiliate groups will remain at 10.5 hours with less interruption. With this agenda revision, we will conclude the conference with our educational seminars on Friday morning.

The second major change that you will see on the agenda is the addition of two conference lunches. On Wednesday, the exhibit hall grand opening will begin at 11:30 am. At this time, box lunches will be provided to all conference attendees. Affiliate time will reconvene at 1:00 pm and conclude with an evening social hour back in the exhibit hall. Thursday, following the ISAC General Session, all conference attendees will be invited to the ISAC Endorsed Company Luncheon. This will offer a great opportunity to network and enjoy a nice meal among your peers. Directly following the luncheon, dessert will be served in the exhibit hall. This will be the last hour with exhibitors during which the vendor prize drawing will occur. Affiliate time will begin at 1:30 and run uninterrupted until 5:30.

President King will host a dessert reception that evening followed by the ever-so-popular ISAC Dance. The conference will conclude on Friday morning with coffee and a variety of ISAC educational seminars. We have reached out to our members for ideas on subject areas that are of great interest and look forward to announcing the seminar topics in the near future.

With the addition of the two on-site conference lunches, the ISAC Board of Directors has approved a \$20 increase in registration fees to help cover some of the lunch expenses. Pre-registration is now \$100, while at-the-door fees will cost \$110. Affiliate presidents will receive more details regarding the fall school early this summer. This will enable all of you to begin the planning process for your affiliate times. Please note that additional conference information will be available in the July magazine and on the ISAC website. Don't hesitate to contact me if you have any questions about the 2008 ISAC Fall School of Instruction. We look forward to seeing everyone in Coralville!

ISAC Fall School of Instruction Schedule of Events

* Please make note of the changes discussed above.

Wednesday, November 19

7:30 am - 4:00 pm	ISAC Registration
9:00 am - 11:30 am	Affiliate Time
11:30 am - 1:00 pm	Exhibit Hall Grand Opening and Box Lunch with Exhibitors
1:00 pm - 5:00 pm	Affiliate Time
5:00 pm - 6:00 pm	Social Hour with the Exhibitors
6:00 pm - 8:00 pm	Hospitality Rooms

Thursday, November 20

7:30 am - 4:00 pm	ISAC Registration
7:30 am - 9:00 am	Coffee and Bagels with Exhibitors
9:00 am - 11:15 am	ISAC General Session
11:30 am - 12:30 pm	ISAC Endorsed Company Luncheon
12:30 pm - 1:30 pm	Exhibitor Dessert and Vendor Drawing
1:30 pm - 5:30 pm	Affiliate Time
6:30 pm - 8:00 pm	Hospitality Rooms
8:00 pm - 9:00 pm	President King's Reception
9:00 pm - 12:00 am	ISAC Dance

Friday, November 21

8:00 am - 10:00 am	ISAC Registration
9:00 am - 9:30 am	Morning Coffee
9:30 am - 11:30 am	ISAC Educational Seminars

Conference Hotel Dilemma

By: Stacy Horner

ISAC Meeting/Event Administrator

In April, I attended the NACo/State Association Meeting Planner Retreat in Kansas City. It was great opportunity for all of the state association meeting planners to get together to discuss various aspects of event planning, such as hotel contracting, catering, audio/visual, etc. Amongst discussion, there was one common issue between all of the states - never having enough hotel rooms for our annual conferences. After discussing this issue for some time, we realized that conference attendees had been booking more than one room at one time, and then they would cancel their “extra” rooms that were no longer needed for the conference.

When I returned to Iowa, I did some investigating of my own from past ISAC conferences. And I did find that we typically filled our sleeping room blocks at our contracted hotels as soon as they were open, but have available sleeping rooms in the conference hotel room blocks that will ultimately go unused.

The reason why these open rooms in our blocks are such an issue is because ISAC negotiates hotel fees based on the number of sleeping rooms that we can guarantee the hotels during the conference. For example, due to our large amount of guaranteed sleeping rooms, the hotels do not charge us for meeting space. We then pass this savings on to our affiliate groups who are able to receive free meeting space during the conference.

These room blocks are important to ISAC when we negotiate our conference contracts each year. If the hotels see that we didn't bring in as much revenue for them as they expected for the conference, it makes it harder for us to negotiate for a more cost effective pricing structure or even complimentary services in future contracts. In the future, they could start further limiting the number of rooms available in our blocks or even increase the sleeping room rates.

ISAC wants you to be aware of this concern so that we are able to provide a cost-effective conference to our attendees. Please consider this issue as you book your hotel room for future ISAC conferences. ISAC will still assist in securing the room reservations for the following people: ISAC board of directors; ISAC past presidents; affiliate presidents; CCMS board members; CRIS board members; and individuals with disabilities. Please feel free to contact me if you have any questions. Thanks for your assistance!

Goodbye Jenny

By: Jennifer Schulte

ISAC Legislative Intern

Interning for ISAC the last four months has been both an enjoyable experience and a challenge. Since I am working towards my Masters of Public Health degree at the University of Iowa, one of the main issues I oversaw during my legislative internship was the Clean Air Workplace Act. This issue was controversial throughout the entire legislative session beginning on the first day, when the Governor stated in his Condition of the State Address, “...if you send me a bill to ban smoking at the local level, I will sign it,” and ending with the Governor signing a statewide bill just weeks prior to the close of the session.

It did not take long for me to realize that getting legislation passed on this issue was going to be a struggle—little did I know that people had been trying to do so for years. Within the first few weeks, multiple bills had been written addressing state and local bans. Since ISAC always stands in support of counties being able to exercise local control over issues and to promote the best interests of their public health affiliates, I joined forces with a coalition of activists advocating for this legislation. I met with legislators to hear their views on a Clean Air Workplace Act. During these visits, it became clear that many legislators favored the statewide ban over the local control option. Additional exceptions were also popular options.

When this became a statewide control issue, and ISAC remained undecided, I continued to follow the bill. This became difficult at times because I could no longer voice my personal belief, favoring the bill from a public health standpoint. I understood that it was my responsibility to come from a county standpoint. I did not want to misrepresent any of the members in our association.

As the legislation ran its course, bouncing back and forth between the chambers, ending in conference committee, and finally being passed, I gained substantial knowledge about public policy and the legislative process. I was able to experience the highs and lows of the legislative session—one minute, thinking you have enough support to have a bill passed, and the next, watching legislators vote the bill down. This was an important lesson learned for me. It demonstrated the complexity and uncertainty of the legislative process.

Now that the bill has been signed, and the Clean Air Workplace Act will go into affect on July 1, I feel as though I have helped to accomplish something that will significantly promote the health of all Iowans, and will make Iowa a more enjoyable place to live, to work, and to visit. I am happy to have had the opportunity to complete this internship. I want to thank everyone at ISAC who helped make it possible and who supported me throughout the experience.

know your ISAC board members

Marjorie Pitts

ISAC 3rd Vice President
Clay County Auditor



Year you started on the ISAC board: 2007

Year you began public service: 1973-1987; 1999-Present

Education: High School and 1 year of business college.

The hardest thing I've ever done: survived a 10 hour knife point hostage situation in 1991.

A dream I have is to: take an Alaskan cruise.

You'd be surprised to learn that I: have had a motorcycle license since 1975.

My first car was: a 1951 Chevrolet.

The most adventurous thing I've ever done is: driven with my mother to Harlequin, Texas for vacation.

My favorite way to relax is: scrapbooking my favorite pictures.

My favorite Iowa meal is: fried chicken.

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

My favorite music is: 1960's.

My favorite place in Iowa is: northwest Iowa.

Mike McClain

Jones County Engineer



Year you started on the ISAC board: 2008

Year you began public service: 1972

Education: BS, CE – University of Iowa

The hardest thing I've ever done: I probably haven't done it yet (or keeping Board of Supervisors out of trouble).

A dream I have is to: have grandchildren, but that's not up to me.

You'd be surprised to learn that I: can toot my own horn; I play the trumpet.

My first car was: 1953 Chevy

The most adventurous thing I've ever done is: boot camp.

I'm most proud of: my wife and family.

My favorite way to relax is: woodworking, golfing, eating, whatever my wife wants me to do, and visiting our children.

My favorite Iowa meal is: beef tenderloin roast on the spit over charcoal.

My favorite movie is: 'Hello Dolly'.

My favorite music is: Jazz.

My favorite place in Iowa is: home.

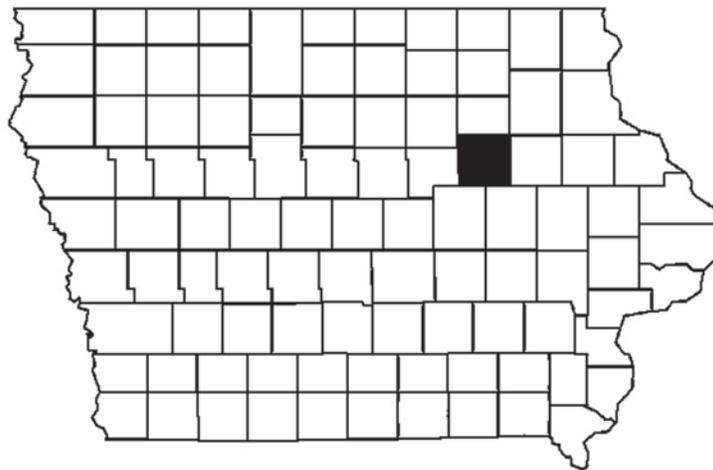
counties in the spotlight

Black Hawk County Receives Public Health Award

The Black Hawk County Board of Health (BHCBOH) received the Local Board of Health Award for outstanding service at the local level.

During the past year, the BHCBOH went well beyond its typical scope of duties, and became actively involved in providing vision, policy, and direction to Black Hawk County on how it should address the health concerns related to the potential building of a controversial coal-burning mega power plant in the local community. Although boards of health typically do not become involved in the regulation of industries, the BHCBOH felt compelled to investigate this proposed project further because of the potential for significant public health implications for residents in terms of air and water quality. To that end, the

board commissioned a study by an independent environmental scientist to review the existing literature on coal-burning plant emissions, and to investigate how local boards of health should respond to these health concerns. The board then held several extraordinary public meetings to allow for the presentation of these scientific findings to the public and to provide opportunities for power plant representatives and economic development interests to respond as well. More than 250 local community members attended these meetings. Members of the BHCBOH also conducted multiple interviews for television, radio, and newspapers on the issue.



After spending more than six months investigating the issue and learning about the public health implications of coal emissions, the Black Hawk County Board of Health voted on a series of resolutions and recommendations for the local community, and the state of Iowa, on coal burning plants. The scientific study was ultimately submitted to the Governor's Office and other high ranking political administrators in the

state encouraging them to support policies that seek alternative energy sources and limit pollutant emissions from coal plants in Iowa.

During the entire process, members of the public had opportunities to receive in-depth information about the positive and negative health effects of coal burning plants, and they were provided with opportunities to express their opinions on the issue, both pro and con.

In fact, dozens of local citizens and health providers wrote letters expressing their opinions on the controversial issue. At the conclusion of the decision-making process, the board received multiple thank you letters from the public, and has received overwhelmingly positive recognition from local citizens for the concern it showed in helping protect the well being of the community, especially those that are most vulnerable. All of these activities were done in addition to, rather than in lieu of, regular Board of Health activities and represented a significant time commitment of the volunteer members. The board was nominated by Dr. Michele Yehieli.

54th Annual Tama County Government Day

Government students from North Tama, Gladbrook-Reinbeck, GMG, Iowa Juvenile home and South Tama High Schools attended the 54th annual Tama County Government Day in Toledo on April 9.

Sponsored by the Tama County American Legion Posts and Auxiliary Units, the event is the only one still carried out nation-wide. The look at county government once was a staple

across the United States. A total of 133 students were registered this year for a day of touring the county government offices, a noon luncheon featuring Legion and Auxiliary speeches and tours of the Tama County Historical Society Museum. See pictures from the events on following page.

Article and pictures courtesy of John Speer and Steve Kenkel.

counties in the spotlight

54th Annual Tama County Government Day



associate member highlights

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NACo news

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- General Sessions
- One Boxed Lunch and one Boxed "Brunch"
- Exhibit Hall Access
- Conference-Wide Event
- Inaugural Gala Reception

Registration fees do not include Pre-Conference Seminars that have a fee associated. Register at www.naco.org.

Registration and Housing

Please register online or complete the Registration and Housing forms available on this website. You CANNOT obtain a hotel reservation unless you register for the conference. Any housing requests submitted without a complete registration form will not be processed. If you intend to use the printed forms, fax your completed forms to the fax number located at the bottom of the form(s).

In order to pick-up your badge on-site in Kansas City, all registration fees must be fully paid.

Planning Your Arrival Date

If you are not a member of or participating in a committee, caucus or pre-conference seminar, we suggest you schedule your arrival for Sunday, July 13.

Cancellation Policy

A refund of your conference registration fee, less an administrative fee of \$50 will be made if written notice of registration cancellation is postmarked no later than May 30, 2008. Cancellations postmarked May 31 – July 3, 2008 will be subject to an administrative fee equal to one-half of the registration fee. Fax your written cancellation request to: (919) 882-1570 or email: registration@conferencedirect.com.

No refund requests will be honored for registrations cancelled after July 3, 2008 or for "no shows". All registration cancellations will immediately cancel any associated hotel reservation. *All cancellations must be in writing.*

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Past issues of The Iowa County can be viewed on ISAC's website (www.iowacounties.org) under 'News.'

Editor's Note: For consideration of materials to be published in *The Iowa County* magazine, please submit before the first Friday of the previous month. (Materials for the July magazine are due on Friday, June 6.)

Thank you! Rachel

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calendar

June

- 5 CCMS Supervisors Training
(Holiday Inn Airport, Des Moines)
- 11 ISAC Scholarship Golf Fundraiser
- 11-13 ICIT Annual Conference
(Sioux City)
- 17 CRIS Board Meeting
(ISAC Offices)
- 18-20 CCMS Fundamentals Training
(Holiday Inn Airport, Des Moines)
- 19 District 6 Legislative Workshop
(Coralville Marriott Hotel and
Conference Center)
- 20 District 5 Legislative Workshop
(Indian Hills Community College, Ottumwa)
- 24 District 1 Legislative Workshop
(Stoney Creek Inn and Conference
Center, Johnston)
- 24 CRIS Cost Report Training
(Carroll County Conservation Education
Center, Carroll)
- 25 CCMS Board Meeting
(ISAC Offices)
- 25 District 4 Legislative Workshop
(Mid-America Center, Council Bluffs)
- 26 District 3 Legislative Workshop
(Buena Vista University, Storm Lake)
- 26 CRIS Cost Report Training
(Kirkwood Community College,
Cedar Rapids)
- 27 District 2 Legislative Workshop
(North Iowa Area Community College,
Mason City)

July

- 8 CCMS Administrators Training
(Holiday Inn Airport, Des Moines)
- 11-15 NACo Annual Conference
(Kansas City, MO)
- 17 CCMS "East Support Group"
(Coral Ridge Mall, Coralville)

- 25 ISAC Board of Directors Meeting
(ISAC Office)
- 30-1 Auditors' Summer Conference
(Clear Lake)
- 30-1 Supervisor's Executive Board
(Boone)

August

- 1 Supervisor's Executive Board
(Boone)
- 13-15 CCMS Annual Conference
(Holiday Inn Airport, Des Moines)

September

- 18-19 ISAC Board of Directors Retreat
(Creston Area)
- 10-13 Recoders' Annual Conference
(Honeycreek Resort, Rathbun Lake)

October

- 14 CCMS Administrators Training
(Holiday Inn Airport, Des Moines)
- 21-23 Environmental Health Fall Conference
(Marshalltown)
- 22-24 CCMS Fundamentals
(Location TBA)
- 23-24 ISAC Board of Directors Meeting
(ISAC Offices)

November

- 6 CCMS Advanced Training
(Holiday Inn Airport, Des Moines)
- 19-21 ISAC Fall School of Instruction
(Coralville Marriott Convention Center)

December

- 2-4 Engineers' Annual Conference
(Scheman Center, Ames)
- 4 District 2 Supervisor's Winter Meeting
(Elk's Lodge, Charles City)
- 10 District 4 Supervisor's Winter Meeting
(Location TBA)
- 11-12 New County Officers School
(Holiday Inn Airport, Des Moines)
- 19 ISAC Board of Directors
(ISAC Offices)

Please visit ISAC's online calendar of events at www.iowacounties.org and click on 'Upcoming Events.' A listing of all the meetings scheduled thus far in 2008, agendas and meeting notices can be found on ISAC's website. A majority of ISAC's meetings offer online registration. If you have any questions about the meetings listed above, please contact Stacy Horner at (515) 244-7181 or shorner@iowacounties.org.

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