

# The Iowa County

Iowa State Association of Counties



May 2010  
Legislative Session and  
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Recovering Lost Work Hours  
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# The Iowa County

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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.

## Session Wrap-up

**By: Linda Hinton**

ISAC Government Relations  
Manager



The second session of the Iowa 83<sup>rd</sup> General Assembly adjourned after 79 days, 21 days earlier than the usual 100 days allotted for a second session. The compressed time frames made for a hectic session from start to finish. The first half of the session seemed to focus on axle weights, ATVs and smart planning for the ISAC team, with the budget decisions always looming in the background.

ISAC's top priorities got some play during the session, but other than maintenance of county funding, there were no victories. The state funding for counties for FY 2011 is generally at the 2010 level AFTER the Governor's 10% across-the-board cut. While we would have liked to recapture the 10% that was cut to balance the FY 2009 budget, we are grateful that the cut did not go any deeper.

On the plus side, ISAC had victories on a number of bills summarized below.

**Axle Weights:** The discussion of increasing axle weights for vehicles with six or seven axles traveling on non-interstate highways from 80,000 lbs. to 96,000 lbs. lasted throughout the entire session. The House version of the bill, HF 2512, ultimately passed both chambers. The introduced bill allowed the increased weight limitations for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals that currently apply to livestock and construction vehicles. The bill was amended to extend the increased weight limits to commercial motor vehicles, with the exception of special trucks. The bill also requires the driver to obtain a commercial driver's license, unless exempted under Iowa Code §321.176, which exempts farmers.

**Open Meetings/Open Records:** After several attempts to pass legislation regarding Iowa's Open Meetings/Open Records law, the Legislature left town without making any changes. HF 777, which passed the House last year, reflected the changes that the stakeholders had agreed upon. When the bill was taken up by the Senate this year, they struck everything in the bill and replaced it with a proposed new state agency, the Iowa Public Information Board.

The entire issue became muddied by the investigation of the Iowa School Board Association, which created an interest on the part of some legislators to expand Iowa's Open Meetings/Open Records law to nonprofit associations funded by tax dollars.

During the last few days of the session, the Senate version was struck, the House version was drafted as an amendment but withdrawn, and the expansion of open meetings/open records was struck. The Education Appropriations bill does include a request for an interim study of the inclusion of nonprofit organizations supported in whole or in part by public funds in Iowa's Open Meetings/Open Records law.

**Special Elections in Disaster-Affected Counties:** A bill that took a step back from recently passed law that curtails the number of special elections that can be held, HF 2516, failed to make it through the process. The bill would have allowed for special elections in disaster-affected counties and cities in addition to those already set out in the Iowa Code.

**ID Waiver Administrative Costs:** ISAC successfully opposed HF 2339. This bill would have moved indirect costs out of administrative costs in the Home and Community Based Services Intellectual Disabilities Waiver (formerly the HCBS MR Waiver). Administrative costs are capped at 20% of the service costs. The bill would have reduced the cap to 18%, but there was no guarantee that the indirect costs would not have been more than 2%.

**Local Public Health Governance Act:** SF 2266, the Local Public Health Governance Act, allows two or more bordering counties to replace the existing County Board of Health with a shared District Public Health Board through a 28E agreement. Appointments to the new board would be made by the boards of supervisors of the member counties and one supervisor from each of the participating counties may serve on the combined Board.

Some bills that ISAC opposed passed and some that we favored did not make it through the process. Some of the more notable are summarized below.

**LOST-TIF:** The stars did not align in terms of getting the Local Option Sales Tax – Tax Increment Financing law, which allows cities to unilaterally capture all increased LOST revenues and use them for a different purpose than authorized by a vote of the citizens, amended or repealed. We were able to block HF 2480, a bill that allowed the creation of sales tax bonding districts and provided for the issuance of bonds secured by certain tax revenues collected within a district, including the LOST increment.

Continues on page 17.

## Legislature Restricts Texting, Expands Ability to Obtain Gun Permit

**By: Nate Bonnett**  
ISAC Legal Counsel



Despite the shortened 79 day legislative session, the General Assembly did manage to pass a few policy-related bills that make some dramatic public safety changes for Iowans. A couple that are of particular interest to counties are House File 2456, which changes the law concerning the use of electronic communication devices while driving, and Senate File 2379, which changes the process sheriffs must use to issue permits to carry a weapon. You are, no doubt, aware of these, but let's take a closer look at the changes made.

Did you ever get that email forward with a list of ironic, common, and comical situations that we all find ourselves in? An appropriate example would be "the only time I look forward to a red light is when I'm trying to finish a text." HF 2456, commonly referred to as the "texting ban" does much more than ban reading or writing what are commonly referred to as "text messages" while driving. The definition also encompasses instant messages and email messages.

For teenage drivers, the restrictions are most stern. Those using a restricted license, intermediate license, or special minors' license, are prohibited from using any electronic communication device or electronic entertainment device while driving a motor vehicle unless the vehicle is at a complete stop off the roadway. An electronic communication device is defined as a "mobile telephone or other portable electronic communication device capable of being used to write, send, or read a text message." Electronic entertainment device is not defined, but I presume that to mean an MP3 player, portable DVD player, or similar. There are exceptions for teens, including using electronic equipment which is permanently installed in the vehicle or a portable device which is operated through permanently installed equipment.

If an officer sees a teen using electronic equipment while driving they may stop them. A violation is a simple misdemeanor that carries a fine of \$30. Penalties are increased if the teen kills or seriously injures another in an accident. A violation is not considered a moving violation but restriction, suspension, or revocation of the license may be imposed.

Adults are prohibited from using a hand-held electronic communication device in a similar manner to teens, but with fewer restrictions. They may not write, send, or read a text message while driving a vehicle unless they are at a complete stop off the roadway. Adults may make telephone calls, use GPS or navigation systems, send text messages using a voice

operated or hands free device, use digital dispatch systems, and read safety-related messages about emergency, traffic, or weather alerts. Also, members of public safety agencies and health care professionals may read messages while performing official duties.

An officer may not stop a driver solely for a violation, but only as a secondary action after a driver has been stopped for suspected violation of another law. A violation is a simple misdemeanor with a fine of \$30, is not classified as a moving violation, is not cause for license suspension, and a device can never be confiscated. Heightened penalties accrue if another is killed or seriously injured in an accident.

There are a couple of other provisions in the law that are of note. From the effective date on July 1, 2010 through June 30, 2011, officers shall only issue warning citations to drivers who violate the law. Also, the DOT and DPS are directed to engage in an educational program to foster compliance with the new law.

SF 2379 is a bill that the NRA was actively pursuing. Currently, and until January 1, 2011, Iowa is known as a "may issue" state, because sheriffs have considerable discretion in issuing permits to carry a weapon. This bill drastically reduces that discretion, and in effect, turns Iowa into a "shall issue" state unless certain disqualifiers are met by the permit seeker. Here's a rundown of the major changes made.

- Applicants shall demonstrate knowledge of firearm safety by completing an approved safety course, which does not include a hunter safety course, and they must retrain or qualify every five years (permits are for five years but sheriff may do criminal background checks on permit holders annually);
- Sheriffs shall conduct a background check at time of application;
- Makes it a class D felony to give false information on application;
- Sheriffs shall approve or deny application within 30 days. Written reasons for denial must be provided;
- If denied, applicants may file an appeal with an administrative law judge where the standard is by clear and convincing evidence;

Continues on page 17.

## Iowa Digital Empowerment Collaborative

For the last 12 months I have been writing about steps that are being taken to bring affordable and sustainable broadband to rural counties and their citizens. Early in March, ISAC agreed to be a partner in the Iowa Digital Empowerment Collaborative (IDEC) grant proposal.

IDEC is a broad partnership of stakeholders in Iowa's digital future. The partnership is lead by Connect Iowa, a wholly owned subsidiary of Connected Nation, and joined by the following organizations: Iowa Workforce Development (IWD); Iowa Counties Information Technology Organization (ICIT); Iowa Association of Community College Trustees (IACCT); State of Iowa Library; Iowa Statewide Independent Living Council (ISILC); Iowa State Association of Counties (ISAC); Iowa League of Cities (ILC); Iowa Farm Bureau Federation (IFBF); and Iowa Department on Aging (IDA). IDEC has the support of the Iowa Broadband Deployment Governance Board (IBDGB) and the Iowa Utilities Board (IUB).

Connect Iowa will lead the IDEC partnership over a two-year program to implement a comprehensive awareness campaign aimed to identify and address barriers to broadband technology expansion across vulnerable populations in the State of Iowa. The grant request for the program was for a total of \$3,582,184. Partners through matching in-kind and cash contributions will contribute an additional \$1,553,916. The total cost of the program will be \$5,136,100. The awarding of the grant is expected to take place during the winter of 2010.

The IDEC program will target vulnerable populations across Iowa including: low-income households and children; the elderly; people with disabilities; and minorities. Because an estimated 38% of Iowa's population lives in rural areas, the IDEC partnership will ensure focus of vulnerable populations in these rural areas. The IDEC local broadband awareness campaigns, training, and computer distributions will reach an estimated 84,536 potential broadband subscribers who are currently without a broadband connection at home. The estimated cost of the program per new subscriber is \$60.76. The IDEC awareness campaign is estimated to impact 1,103,195 individuals. Further, 1,200 vulnerable households will directly benefit from the computer distribution program and associated complementary services.

### The IDEC Strategy

IDEC will address directly and in collaboration the following key barriers to broadband adoption: relevance of the technology; lack of computer ownership; affordability; lack of IT literacy skills; and online safety concerns.

By: *Robin Harlow*

ISAC Technology Project Manager



The strategy to tackle these barriers to adoption includes:

**Research to identify local challenges to broadband adoption, develop effective programs, and measure their impact.** IDEC will conduct survey research at the county level that will identify local drivers and barriers to adoption of broadband. This will provide an understanding of who is adopting broadband and who is not, the challenges to broadband adoption, and how these technologies are already impacting the community. The research will empower local communities to develop strategies tailored to tackle challenges on the ground. Survey research will be conducted on a periodic basis providing tools to track development of the sustainable adoption programs and objective measurement of the "before and after" impact of the program. Connect Iowa will leverage the online mapping and planning tools available via the Iowa State Broadband and Development grant program it currently manages.

**Broadband awareness campaigns and strengthening the role of Community Anchor Institutions in each community.** Armed with mapping and survey research, Connect Iowa will implement educational campaigns aimed at empowering leaders in vulnerable communities with information regarding the challenges and opportunities of broadband in their community. The ultimate goal of the program is to facilitate consensus among local elected officials, local business, civic leaders, and other stakeholders to build pragmatic solutions to address local barriers to digital expansion. The strategy is built to ensure that local stakeholders seeking to tackle the digital divide across a community are working together toward a common goal that aims to expand or create meaningful broadband resources within the community.

**Strengthen the role of local e-Government (e-gov) online resources.** Relevant content is a key driver of broadband adoption. An effective means to stimulate online content that is meaningful across a community is the expansion of local e-gov services. Availability of online local e-gov solutions generates high-value online local content, increasing the value proposition to the end broadband user and helping stimulate demand. This concept is well understood and triggering the growth of such services, but there are communities lagging behind. In collaboration with the IWD, ICIT, IACCT, ISAC, ILC, and leveraging programs that are currently underway (Iowa's No County Left Offline), Connect Iowa will identify counties and cities that have no online presence; those that

Continues on page 17.

## Summertime Gadgets

By: *Tammy Norman*

ISAC Office Manager



This month, I wanted to take a moment and have you check out some gadgets that will make this spring and summer a little more fun.

### Car GPS (Navigation) Systems

For many of us, spring and summer bring road trips. To aid you in your travels, you may want to invest in a Global Positioning System (GPS), which utilizes satellites to assist you in navigating from one location to another. You are able to simply input an address and the GPS will direct you to your destination. There are many models to choose from. They range in price from the simple Garmin Nuvi 205W at a cost of around \$100 to the higher end models with hands free blue tooth calling, real time traffic updates, fuel prices, Google POI (Points of Interest) search and voice recognition system, such as the TomTom GO 740 Live priced around \$430. Travel needs and frequency of use will help you determine the amount you wish to spend for this gadget.

### Golf GPS Devices

Now that spring has finally arrived, the golf courses are looking much more inviting to the avid golfer in your family. What better gift for Mother's Day, Father's Day, or to buy for yourself than a golf GPS device? These are cool gadgets which enable you to download your favorite golf courses and give you yardages and layouts to aid your game. The SkyCaddie is available in several models ranging in price from \$250.00 to \$400.00. It does require a membership fee of \$29.95/year for unlimited courses in one state (each additional state costs \$10/

year). Other models available are the Bushnell Neo at the cost of \$149.99. It is limited to ten golf courses at a time and it lacks a lot of the bells and whistles of other models, but is very simple and easy to use. It offers unlimited access to the IGolf course database for an annual subscription price of \$34.99. There are many options out there ranging in costs from as little as \$99.99 for the IZZO SWAMI to the higher end Garmin Approach G5 priced at \$449.99.

### Gunnar Optics Glasses

Gunnar Optics eye glasses are designed to aid those in your household who will not be out on the golf course or on a road trip but will be sitting in front of a computer monitor most of the time. The glasses are designed to reduce eye fatigue and strain and come in variety of designs and colors. The Amber lenses provide the most benefit. The price range is \$80-\$190. There are varying opinions out there if they really help out or not; however, even if you opt not to purchase this line of eyewear, you may want to check with your own eye doctor for a product with a similar benefit. Or simply invest in a good pair of sunglasses and take a road trip to your local golf course!

**Website Note:** Please join us for the ISAC Legislative Webinar on May 5. If you have a question regarding new technology and would like it addressed in this column, please contact me at 515.244.7181 ext. 315 or via e-mail at [tnorman@iowacounties.org](mailto:tnorman@iowacounties.org). Until next month, keep clicking!



## about the cover

The cover pictures were taken during the second annual County Day at the Capitol held on Thursday, March 4, in Des Moines. More information and pictures from County Day at the Capitol can be seen on page 9 of this magazine.

I'm always looking for interesting photos for the cover of the magazine. For consideration, please send your photos to [rbicego@iowacounties.org](mailto:rbicego@iowacounties.org).

## Food for Thought, Literally

**By: Linda Kemp**

ISAC County Case  
Management Specialist



During a meeting of the NE Support Group a case manager presented me with her particular challenge. Her client was choosing to only eat Twinkies, the yummy little yellow cakes with a 25 year shelf life. His diet was not being challenged because the provider declared “consumer choice” as the end of the discussion. My first reaction was that it could not be helping his mental health to have a diet limited to Twinkies. I began to notice other diet and mental health related connections in the news lately such as studies declaring the positive relationship of fish oil and schizophrenia. My common sense reaction to the Twinkie diet was not enough. I needed to know more to back up the common sense.

I acquired a book entitled Linking Nutrition to Mental Health (perfect title for my quest for knowledge) written by Ruth Leyse-Wallace, PhD, RD. As an opening Dr. Leyse-Wallace pointed to a conference in 1979 with Richard Wurtman, MD, at MIT on nutrition. He reported on his work showing that carbohydrates in the diet influence tryptophan levels in the brain which influenced the levels of serotonin which influenced mood. Dr. Leyse-Wallace went on to say “it seemed logical to me that, just as the molecules of nutrients from foods we eat or supplements we take affect the body, they also affect the brain and/or central nervous system. Nutrients help make up the physical substance of the brain; they circulate through the brain and influence its functions.”

Although many of the technical terms and words are daunting for a lay person, the logic and the connections do jump out. For example on page 50 a discussion of essential fatty acids (Omega 6, Omega 3) obtained through diet includes: “Essential fatty acids are necessary for building and maintaining the tissue encasing the nerves and are crucial for nerve transmission between the brain and the rest of the body. This membrane, a phospholipid layer [produced by the body] that surrounds nerve axons, is called the myelin sheath. An intact myelin sheath is necessary for transmission of nerve signals from the brain to the rest of the body. If nerve transmission is inadequate, all parts of the body are affected. Nerve transmission from the brain to all organs relays signals needed to carry on normal bodily functions and maintain life. Lack of signals, incomplete signals, or inaccurate signals result in malfunctions that affect biochemical balance and changes in physical or mental health.”

The message is that a person needs to eat essential fatty acids for a healthy brain.

Page 52: “Growing data suggest that optimal control of schizophrenia, bipolar disorder, and severe depression lies in understanding phospholipid metabolism in neuronal membranes. ...All membranes have a high phospholipid content. Nerve dendrites and synapses are 80% lipid by weight. All neurotransmitters have to cross those membranes during nerve signaling. Phospholipids provide a plausible biochemical explanation for interaction between genetic and environmental factors in psychiatric disorders. These compounds link the essential fatty acids from the environment (diet) and the genetic control of enzymes that control essential fatty acids in the body.”

The message here is that the genetic makeup of a person (out of their control) and the nutrient intake (controllable) will combine to work normally or abnormally. Research is showing that what can be controlled (diet) can have a positive effect even with the genetic makeup.

Page 56: “Changes in diet are shown to modify membrane levels and have significant positive effects on symptoms and tardive dyskinesia (a neurological disorder that is a side effect of prolonged use of some antipsychotics) in six weeks.”

This was just some of the discussion around essential fatty acids. It would be important to consult with dietitians regarding the balance of Omega 6 to Omega 3 fatty acids for the most effective results as well as discussing changes in diet with physicians.

There are negative food interactions for individuals taking some typical medications. For example, MAOI drugs, sometimes prescribed for depression, require dietary restrictions which include not eating aged cheeses, red wine, yeast extracts, smoked or pickled meat, fish or poultry, and fermented sausage like bologna, pepperoni, and summer sausage. We are all familiar with the weight gain associated with antipsychotic medications. This was also discussed as it related to genetics and diet combined with the action of the drug.

Overall, Dr. Leyse-Wallace reports on the compelling findings about the ways in which diet, supplements, genetics, and health conditions can make a difference in mental health. She recognizes that there are many factors that influence our food intake from availability, cultural influences, emotions around

Continues on page 17.



## Spring Events Wrap-up: County Day at the Capitol

The second annual County Day at the Capitol was held on Thursday, March 4, in Des Moines. This extremely successful event began at the Wallace building where all attendees were updated on the legislative session by ISAC staff, Representative Jo Oldson (D-Polk), and Senator Bob Dvorsky (D-Johnson). Following the update, the group traveled to the Capitol where public and legislators were able to learn more about

the important roles that county government serves through affiliate displays that surrounded the Capitol Rotunda. Lunch was served by ISAC to all county officials, legislators, and legislative staff. Thanks goes to all members who attended and who helped in the planning of affiliate displays. Pictures from the event are below.



# ISAC meetings

## Spring Events Wrap-up

ISAC would like to thank all of you who attended the 2010 ISAC Spring School of Instruction held in Des Moines on March 24 and 25. Over 700 county officials were in attendance for the conference, which featured some very noticeable program changes including changing the conference schedule from a two and a half day to two day conference. The most discussed change was that there was no traditional exhibit hall during the conference. Instead, there were several sponsors who supported the many conference special events. A conference of this scale would not be possible without the sponsors. Thank you to: Spring School Sponsor – County Risk Management Services, Inc.; Continental Breakfast Sponsor – SilverStone Group; Box Lunch Sponsors – Cott Systems, Nyhart, and Tyler Technologies; Ice Cream Social Sponsor – DEVNET, Inc.; and Networking Sponsors – Cost Advisory Services, Inc., Election Systems & Software, Iowa Public Agency Investment Trust (IPAIT), Mail Services, Delta Dental of Iowa, ServiceMaster West, and Wellmark Blue Cross Blue Shield of Iowa.

During the ISAC general session on Wednesday, March 24, the FY 2011 ISAC budget was approved by the membership. ISAC also recognized eight outstanding high school students as scholarship award winners. The winner of the top scholarship, in the amount of \$7,500, was Bailey Herrstrom from Boone High School in Boone County. Five other students received scholarships in the amount of \$5,000: Victoria Dahlen from Decorah High School in Winneshiek County; Hilary Zarr from Aurelia High School in Cherokee County; Erica Frederiksen from Audubon High School in Audubon County; Amelia McGee from Chariton High School in Lucas County; and Amy Keierleber from Independence High School in Buchanan County. Kayla Seieverding from Marquette High School in Jackson County received a \$2,000 scholarship from the Iowa Counties Information Technology Organization. Austin Ewalt from Marshalltown High School in Marshall County received the past president's scholarship in the amount of \$3,000. Keynote speaker Jan Hargrave ended the general session with her educational and extremely entertaining presentation on the art of reading body language entitled, "Actions Speak Louder than Words."

ISAC also offered a number of educational seminars: 28E Agreements: Insurance Considerations; Keeping Up with Recent Employment Related Issues and Trends; Effective Workplace Communication: Sentence Level and Above; GASB 45...Up Close and Personal; Fraud...Will you be a Victim?; and Managing Over Doers and Don't Doers. The variety of topics offered had excellent response and provided a wealth of information for our membership to take back to their counties.

*By: Rachel E. Bicego*

ISAC Marketing/Communication  
Coordinator



We solicited attendee feedback through an online survey following the conference. We received a great number of responses to this evaluation and we greatly appreciate your time and honesty. This feedback is taken into consideration when planning future conferences. Program changes that were made in this and future conferences are made in large part due to member feedback. We strive to provide our members with the most beneficial and cost effective conferences.

In the past there were consistent complaints regarding the hotel room reservations. In reaction to this and complaints from our conference hotels, we formed a new process in partnership with the Des Moines Convention and Visitors Bureau (CVB) and the Iowa Housing Bureau. This free service allows only registered conference attendees to reserve a hotel room at the ISAC rate in the conference hotels. We have been very pleased with the feedback that we have received since the inception of this process in August 2009. During the spring school numerous members who reserved rooms through the Iowa Housing Bureau were not having their reservations honored at the Des Moines Marriott Downtown. ISAC would like to apologize to anyone that this happened to and for any other inconveniences that any of our members experienced while checking in at your conference hotels.

Following the conference ISAC met with the Des Moines CVB and the Des Moines Marriott Downtown to figure out why this happened and to be reassured that this would never happen again. In a statement, the Des Moines Marriott Downtown said, "We would like to extend our sincerest apologies to you and all of the members of the Iowa State Association of Counties for a series of unfortunate events which occurred during the recent spring school in March of this year." The Marriott continued, "It is never our intention to re-locate any of our most valued customers, and we assure you we have put into place several processes to prevent this from happening again in the future."

The Des Moines CVB also prepared a statement and assured ISAC that they will do whatever is necessary to ensure that an issue like this never happens again. Both statements are available on the ISAC website, [www.iowacounties.org](http://www.iowacounties.org). Pictures from the event are on the next page.

We look forward to seeing everyone at ISAC's 2010 Fall School of Instruction being held November 17-19 at the Coralville Marriott Hotel and Conference Center. Registration and conference hotel room blocks will not open until late summer. Please **DO NOT** try to make your hotel reservations until this time.

# ISAC meetings



## NACo Legislative Conference Report

Several ISAC members and staff attended the 2010 National Association of Counties (NACo) Legislative Conference at the Wardman Park Marriott Hotel in Washington, D.C. March 6 to 10. In most ways, it was a typical NACo Legislative Conference, with good (albeit occasionally controversial) speakers, efficiently conducted business, and useful interaction with our representatives in Congress. In one respect, however, it was sinister and foreboding. Maybe I'm exaggerating. You be the judge. But first, other stuff:

NACo's position on the topic consuming the capital, health care reform, is that whatever happens, county issues should be considered and county officials should be consulted. There are hopeful signs that this is occurring, one of them being the acknowledgement during the general session by Melody Barnes, Director of the Domestic Policy Council at the White House, who singled out Linn County Supervisor Linda Langston, Chair of the NACo Health Steering Committee, and a couple of other NACo members for working closely with the administration on this issue. Health care figured prominently in the remarks of Speaker of the House Nancy Pelosi, Health and Human Services Secretary Kathleen Sebelius, and conference keynote speaker Joe Klein of *Time* Magazine. All three supported passage of the Congressional plan, and no speakers spoke against it, eliciting a degree of indignation from plan opponents at the conference.

Other speakers included U.S. Representative Gerry Connolly, formerly a Fairfax County, Virginia supervisor; Assistant Labor Secretary William Spriggs, and Secretary of Agriculture Tom Vilsack. Iowans in attendance were justly proud to find that Vilsack was hands-down the best speaker of the conference. His quiet, matter-of-fact description of the courage and determination of an Iowa National Guardsman severely injured in Iraq moved the audience to tears and applause.

Our Iowa delegation attended Senator Tom Harkin's weekly Delegate Breakfast at the Dirksen Building on the morning of March 10, and moved from there to the Capitol Visitor's Center, where ISAC sponsored a breakfast that was attended by First District Congressman Bruce Braley, Michael Blake of the White House Office of Intergovernmental Affairs, and staff from our senators and other congressmen. Part of our group met later with Fifth District Congressman Steve King. All were very informative on the arcane minutiae of government as it affects issues of import to counties.

These things in and of themselves, along with the valuable

**By: Grant Veeder**

Black Hawk County Auditor,  
ISAC Board NACo Representative



and enjoyable networking within the NACo community, would have constituted a memorable conference. But the greatest impression I received was at the embassy of the People's Republic of China, which hosted the NACo Board of Directors reception on the evening of March 8.

ISAC President Chuck Rieken and Cass County Treasurer Tracey Marshall also attended as guests. The embassy, which opened at this location only a couple of years ago, is an architectural marvel. Its public areas are spacious and simple, and decorated with large and impressive artifacts and works of art.

We were treated to a buffet including Chinese and American dishes (like the chafing tray filled with french fries and chicken fingers) and a jazz trio. In time, the trio gave way to Chinese Chargé d'Affaires Xie Feng. Mr. Xie was entrancing us with a comparison of current trade statistics to those when our relations were normalized in 1979 when he took a sharp turn and began condemning the United States for a planned \$6 billion arms sale to Taiwan, which the PRC considers part of a single China. As he detailed his objections, I progressed from consternation that he felt our organization was influential enough to be honored with this scolding, to an irrational fear that we would be pawns in an international affair.

Suddenly, the innocuous-looking gents stationed at the enormous doors at either end of the hall looked like implacable guards. Did Xie plan to hold us until President Obama acceded to the Chinese demands? Would our captors start to collect our electronic devices so we couldn't communicate with the outside? But would someone be caught mid-tweet, and be able to tap out "OMG, we're hostages to PRC!" before all devices were confiscated? Would the ISAC black ops squad (Bill, Rachel, Hanna, Nate), faces streaked with lampblack, lower themselves on ropes from the skylight and help us kung fu our way out? No. None of these things happened, as far as you know.

Instead, Xie quoted a Chinese proverb to the effect that those in the same boat should row in the same direction, then drifted into a comparatively tame rant against protectionist economic measures. We tried to relax and enjoy the refreshments. Three or four of us split a thimbleful of maotai, a traditional Chinese distillation that cleared out our sinuses and performed other medical miracles. Then we went back to the hotel, where we could breathlessly explain to our friends how we had narrowly escaped with our lives.

Continues on page 17.



## Green Government Initiative

# County Forum on the Green Economy

Thursday and Friday, June 17–18, 2010  
Chicago Botanic Garden • Glencoe, Illinois

## What is a green business, and how can my county grow one?

Join NACo in Cook County's stunning Chicago Botanic Garden to learn how your county can capitalize on the emerging green economy. The County Forum on the Green Economy will explore the county role in economic and workforce development through energy conservation and efficiency, local food systems, sustainable community design and development, and green technology. NACo knows that counties have limited resources so, in addition to providing hotel accommodations at our expense, we'll help you assess your community and discuss how to move forward with your county's unique assets and opportunities.

### Who should attend?

Consider sending a team of 2-3 representatives from your county:

- Elected county officials
- County managers and administrators
- Planning, park and recreation directors
- Energy managers
- Sustainability leads
- Economic and workforce development directors
- Cooperative Extension partners

Plan to arrive Wednesday evening, June 16, for an opening reception and depart after lunch on Friday, June 18.

Nearby hotel accommodations are available at Renaissance Chicago North Shore, Northbrook, Illinois

#### Registration

\$100 by May 14, 2010 (See attached registration form.)

NACo will cover the expense of up to two nights' lodging at the Renaissance Chicago North Shore for as many as three representatives from NACo member counties. Upon registering for the event, NACo will reserve hotel rooms for the nights indicated on the attendee registration form. Charges for room and tax only will be billed directly to NACo; no other room charges or expenses will be reimbursed.

#### Registration refund policy

Registration fees will be refunded in full up to seven days prior to the event with a written cancellation notice. No refunds are given after seven days prior.

#### Contact

Cindy Wasser at [cwasser@naco.org](mailto:cwasser@naco.org) or 202.942.4274.

[www.greencounties.org](http://www.greencounties.org)

## Pioneer Cemeteries: Who's Responsible?

During an educational seminar given by Russ Sporer, County Risk Management Services, Inc. (CRMS), at the 2010 ISAC Spring School of Instruction, questions arose regarding coverage for pioneer cemeteries.

A cemetery is designated as a pioneer cemetery if there have been twelve or fewer burials on its grounds in the last fifty years (amended from six burials by legislation signed by Governor Culver in May, 2009).

According to the State Association for the Preservation of Iowa Cemeteries (SAPIC), which was formed in 1996, state legislation allows each of the 99 Iowa counties to adopt ordinances assuming jurisdiction and control of township and abandoned cemeteries in the county. Such an ordinance transfers the powers and duties relating to the establishment, maintenance, and repair of these cemeteries from the township trustees to the county.

The legislation also provides counties an alternative to direct responsibility for these properties by giving county supervisors the authority to appoint a cemetery commission and delegate all or part of the related duties and powers to that commission (in which case county supervisors will retain the power to approve or disapprove tax levies certified by the commission).

In the case of Iowa Communities Assurance Pool (ICAP) Members, liability coverage for the actions of a county cemetery commission (assuming no separate legal entity has been formed via 501 (c) (3) or 28E document) is provided through the definition of member.

Under ICAP, "member" includes individuals appointed to commissions, as well as all of its employees and volunteers acting within the scope of their duties.

Similar wording exists in most traditional commercial insurance policies as the definition of "insured;" however, it is still recommended that non-ICAP members contact their insurance professional for confirmation. In the event the cemetery commission is a legal entity separate from the county for which it provides service, it should seek its own insurance.

Regardless of whether it is separate or included under the county, it is important to know who qualifies for coverage when working on the commission's behalf.

*By: County Risk Management Services, Inc.*

Under Iowa workers' compensation law, volunteers are explicitly excluded, with the exception of elected officials, reserve peace officers, volunteer first responders and volunteer firefighters.

In an effort to work around this exclusion, the Iowa Municipalities' Workers Compensation Association (IMWCA) created the *Non-Statutory Volunteer Medical-Only Coverage Endorsement*, which provides coverage in excess of the volunteer's health insurance. This endorsement pays the deductible, co-insurance and other medical expenses not covered under the volunteer's policy, and is limited to \$25,000 per occurrence or two years from the date of injury.

IMWCA members can benefit from this coverage for a mere \$10 per volunteer with an annual minimum premium of \$100. Members must request the endorsement, which requires volunteers to complete a coverage application prior to beginning work.

This application is critical. It also includes a *Release and Waiver of Liability* that relieves the member from any other liability in connection with the volunteer's services and can serve to reduce the likelihood of a tort liability claim being filed against the member.

Though this lessens the risk of tort liability, property damage may still be an issue. In fact, damage to gravesites and headstones has proven very tricky for pioneer cemeteries, where headstones are irreplaceable – at least from a historical perspective.

Generally, a homeowner's insurance policy will provide limited coverage for damage to family gravesites of the insured; however, such policies often do not cover the full amount should damages occur.

ICAP is able to provide property coverage on a blanket limit basis for cemeteries listed on the Member property Statement of Values.

Members should contact their local agent in order to effect such coverage. Non-ICAP cemetery commissions should contact their insurance professional to determine what options exist for this type of coverage.

This article was prepared by contributions from Val Bilbrey, Curt Svalstad and Russ Sporer.

## Recovering Lost Work Hours

*By: Iowa Municipalities Workers' Compensation Association*

As an employer, you are constantly looking for ways to reduce your insurance costs. In this article, we will explore one way that will help you not only reduce workers' compensation insurance costs but also reduce hidden costs associated with work-related injuries. While it is important to implement programs designed to prevent injuries, it is just as important to have processes in place to effectively manage the claim after an injury occurs.

Prudent employers have three key concerns following an injury to an employee:

- ensuring that the injured worker gets the best available medical care;
- getting the employee back to meaningful work as soon as possible
- ensuring that the employee reaches maximum medical; and improvement as quickly as possible (sometimes referred to as the healing period).

The best way to address these concerns is by establishing an effective return-to-work (RTW) program. A well planned and well managed RTW program is designed specifically to control the cost of claims by helping employees recover faster, reducing lost-time days, lowering or possibly eliminating litigation expenses, and reducing potential fraud. The program should apply to all employees and participation should be a condition of employment. When implementing the program, the employer has the opportunity to let every employee know they are a valuable resource to the organization.

Fundamental to developing a good RTW program are complete, detailed job descriptions. While a job description is important to making a good hire, it can be even more important when an employee is injured and a medical professional is asked to make an evaluation regarding what the employee can and cannot do. To make that evaluation, the physician must have a job description that accurately reflects the essential job functions of the injured employee's position. This includes the physical demands of the job; like lifting, how much (weight) and how often (none, seldom, 1-6%, occasionally, 7-33%, etc.) and the environment (working indoors, outdoors, noise, dust) and so on. A detailed job description gives the medical professional a better understanding of the work involved and helps him or her provide the employer with a more accurate evaluation of what work the employee can and cannot perform during the healing period.

Another key piece of the equation is to have identified temporary restricted work assignments already available in the event

an injured employee is unable to return to their regular job. Most organizations have tasks that they would like to have completed, if only the time was available or another person could help out for a short period. Be it sedentary administrative tasks or other tasks within restrictions specified by the medical professional, most municipalities can find meaningful short-term work for the injured employee that will be of benefit to the employer and to getting the employee back in the work environment during the healing period until they can return to their regular job. Statistics show that the longer an injured employee is off work and away from the workplace, the less likely he or she is to return to work.

An advantage that Iowa employers have is the right to direct the medical care of their injured employees. This right is a valuable tool in that it allows the employer the opportunity to establish a good working relationship with a competent medical provider of their choice. The employer should encourage the provider to visit their facilities and become familiar with the essential job functions of each type of work performed. The employer should also confirm that the provider is in agreement with the organization's return-to-work philosophy. By using a designated physician or clinic, an employer can ensure quality medical care for injured workers from a medical specialist familiar with the organization and its job requirements.

Once established, the RTW program must be monitored. This is best accomplished by appointing one responsible person, such as a human resources director or department head, to be in charge of oversight and monitoring. Temporary light duty assignments should have reasonable time limits (e.g. 30, 60 or 90 days) depending on the injured workers' prognosis for recovery. This is a very important limitation as allowing a temporary work assignment to continue beyond a reasonable period of time may result in the employer unwittingly creating another permanent position for the employee.

The person assigned as monitor should maintain contact with the employee, the claims examiner, and the medical professional throughout the healing period until the employee is back to regular duty. When an injured employee must be off work, employers with successful RTW programs make a point of contacting the employee early and often. This makes employees feel important to the organization, helps them regain their confidence, and tends to get them to come back to work more quickly. And if they know temporary duty assignments are available, more employees will choose to stay at work and not take time off.

Continues on page 16.

### Making Medicare Make Sense

I see that Medicare has redesigned their consumer website [www.medicare.gov](http://www.medicare.gov). What are the new design features, and why was the website changed?

In April, the Centers for Medicare and Medicaid Services (CMS) posted a new and easier to use version of [www.medicare.gov](http://www.medicare.gov), the Medicare consumer-focused website. The updated website is part of the steps Medicare is taking to make using [www.medicare.gov](http://www.medicare.gov) easier for Medicare beneficiaries and people who care for them to find the information they need about Medicare. The improved website provides users with a summary of Medicare benefits, coverage options, rights and protections, and answers to the most frequently asked questions about Medicare.

The new design was focus-tested with Medicare beneficiaries, caregivers and operators at Medicare's helpline, 1.800.MEDICARE, who are some of the most frequent users of [www.medicare.gov](http://www.medicare.gov). The new design gives Medicare more flexibility to quickly update information that is important to users, especially the people with Medicare and the family members who care for them.

One of the best features of Medicare's redesigned website is a section at the very top of the home page for those who are new to the Medicare program. This is an excellent resource for baby boomers and the soon-to-be eligible for Medicare benefits to learn about Medicare. Next to the icon, "New to Medicare" and under a title, "Getting Started," are these selections: Are You a New Beneficiary?; Find Out if You're Eligible; Choosing or Changing Your Coverage?; Medicare & You 2010 Handbook; and Apply Online for Medicare Now. By selecting the first option, "Are You a New Beneficiary?" you will find information on the six things you need to do if you are new to Medicare. This is very important information for any Medicare beneficiary – all on one page.

Another great feature in the middle of the home page is a box holding links to new developments with the Medicare program titled "What's New." The current topics include: Improved COMPARE Data Interface & Website; Latest on HealthCare Reform; Stop Medicare Fraud and Medicare Premium; and Coinsurance rates for 2010.

Underneath the "What's New" section is a box titled, "Medicare Benefits" that has links broken down to the four parts of Medicare: Part A – Hospital Coverage; Part B Medical Insurance; Part C Medicare Advantage Plans, and Part D Prescription Drug Plans. On the Part C and Part D information pages

you will find a link to compare your plan options and even enroll online, during enrollment time periods.

Finally, in the box at the bottom right hand corner titled, "Need Help," there are informational links that offer information to contact Medicare and to get financial help with your out-of-pocket medical and drug costs, such as with your premiums, deductibles, co-pays and there is also information about qualifying for the Medicaid program. Also in the "Need Help," box is a link for appealing a claim, and another link for getting your Medicare questions answered through a variety of links to website resources such as your free State Health Insurance Assistance Programs, Social Security, the Coordination of Benefits Contractor, Railroad Retirement Board and many others. The remaining two links in the "Need Help," box are helpful for complaints, appeals and other concerns "Have a Complaint About Your Care," and the "Ombudsman". The link to the Ombudsman will give you information about The Office of the Medicare Ombudsman's (OMO) core tasks as mandated by Congress. OMO receives complaints, grievances, and requests for information from people with Medicare and provides help regarding complaints, grievances, and requests for information and submits an annual report of OMO activities to Congress and the Secretary of Health & Human Services (HHS). This report includes the Ombudsman's recommendation for improvements to the Medicare Program.

## miscellaneous

Continued from page 15.

By establishing an effective RTW program, you are empowered to make a large impact on your workers' compensation costs. Reducing expenses related to workers' compensation injuries leads to a more cost-effective operation and productive organization. Treat the money you spend on workers' compensation claims like it is your own, the losses certainly are.

Article provided by the Iowa Municipalities Workers' Compensation Association (IMWCA). Learn more about IMWCA at [www.imwca.org](http://www.imwca.org). IMWCA can be reached at [imwcainfo@iowaleague.org](mailto:imwcainfo@iowaleague.org) or 800.257.2708.



## capitol comments

Continued from page 4.

**Permits to Carry Concealed Weapons:** A strong push by the National Rifle Association and other “right to carry groups” combined with the extra pressure of an election year, led to the passage of SF 2379, changing Iowa from a “may issue” to a “shall issue” state in the issuance of permits to carry concealed weapons. On the plus side, ISAC supported SF 2357, a bill that prohibits a person who is subject to a no-contact order or who has been convicted of domestic violence from possessing, transferring or selling firearms and ammunition.

## technology center

Continued from page 6.

have a static website; and those that, while already providing e-gov, services can expand and improve such resources. The intended goal of this campaign is to speed expansion of e-gov resources across Iowa.

**No Child Left Offline (NCLC).** The NCLC program aims to tackle the computer ownership barrier to broadband adoption by donating 1,200 free computers. Eligibility for the program will be based on income and three target “high vulnerability” groups: children eligible for school subsidized lunches; the elderly; and people with disabilities. Complimentary software addressing online safety concerns will also be provided. Broadband providers across Iowa have agreed to support this initiative by offering one or more of the following services to recipients of NCLC computers: free installation and setup; limited-time free or discounted broadband service; and limited free or discounted digital literacy training. The program will be designed and implemented in coordination with key IDEC partners working with the target populations.

Next Month: The Role of Community Anchor Institutions and what part can the counties play.

## NACo news

Continued from page 12.

I’m not sure how NACo plans to handle this, but who knows? It may be a campaign issue in the upcoming election for Second Vice President. So get to know your candidates: Burrell Ellis of DeKalb County, Georgia; Joe Giles of Erie County, Pennsylvania; and Chris Rodgers of Douglas County, Nebraska. The election will be held at the annual conference, so be sure to sign up to go to Reno in Washoe County, Nevada, July 16-20!

## legal briefs

Continued from page 5.

- Disqualifiers from eligibility include: Person is under 21 years old (18 years old for professional permit to carry); is addicted to alcohol; probable cause exists through documented actions of the applicant, where at least one of the actions occurred within two years of the application, that the applicant is likely to use a weapon unlawfully or to endanger the applicant’s self or others; convicted felon who knowingly possesses, receives, transports, or causes to be transported firearms; convicted of serious or aggravated misdemeanor not involving a firearm or explosive within previous three years; or, is prohibited by federal law;
- Allows for immediate suspension or revocation of permit if holder is arrested for disqualifying offense;
- Makes permit invalid when individual is intoxicated;
- Non-residents may only obtain professional permits;
- Makes changes to annual permit to acquire process;
- Increases permit fees from \$10 to \$50 for a five year permit and from \$5 to \$25 for a renewal permit (county keeps \$40 and \$20, respectively); and
- Adds provisions governing persons subject to mental and substance abuse health-related orders or commitments.

## CCMS

Continued from page 8.

food, society pressures, highly processed foods, and just personal choices. But her facts are clear, nutrition from the foods we eat have a significant effect as the breakdown of the chemistry involved is observed with scientific accuracy.

So, how does this relate to case management? As a case manager it is crucial that you ask about diet, locate any dieticians a resource in your community, and review the medications of clients to make sure there are no food restrictions related to any of the medications. Communicate with the person’s physician before suggesting changes in diet or adding any over the counter supplements. As you link the individual to services, determine if provider staff assigned to help with grocery shopping and food preparation is aware of restrictions. As for the Twinkie loving client, choice is a factor to consider but is it an informed choice; would nutrition education make a difference in quality of life?

This is very exciting research with significant potential for the people we care about. I hope you will also dive in to learn more. Food for thought well worth digesting.

# associate member highlight

## ITC Midwest, LLC

ITC Midwest, LLC owns and operates high-voltage electric transmission lines across Iowa and Minnesota, and parts of Illinois and Missouri. A subsidiary of ITC Holdings Corp. (NYSE:ITC), ITC Midwest purchased nearly 7,000 miles of electric transmission lines from Alliant Energy's Interstate Power and Light subsidiary in December 2007.

ITC Midwest is committed to enhancing the region's electric transmission system to improve electric reliability and create a strong electric backbone to provide customers with greater access to sources of electric generation. By connecting energy sources to the grid, ITC Midwest supports the region's commitment to renewable energy, including the development of wind energy. Headquartered in Cedar Rapids, with facilities in Dubuque, Iowa City and Perry, Iowa, and Albert Lea and Lakefield, Minnesota, ITC Midwest works closely with counties and communities to help plan for their long-term energy needs and contribute to the region's quality of life.



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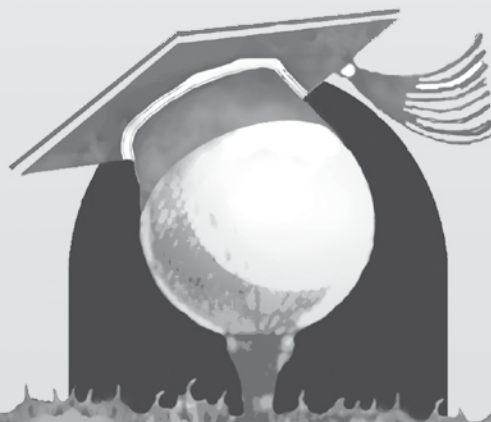
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# 2010 calendar

## **May 2010**

- 5 ISAC Legislative Webinar
- 12-14 ISCTA Annual Conference (Clear Lake)
- 13 CCMS Advanced Case Management (Adventureland Inn, Altoona)

## **June 2010**

- 3 CCMS Supervisors Training (Hilton Garden Inn, Urbandale)
- 16-18 ICIT Mid-year Conference (West Des Moines Marriott)
- 16-17 CCMS Fundamentals Training (Holiday Inn Airport, Des Moines)
- 18 ISAC Board of Directors Meeting (ISAC Office, Des Moines)

## **July 2010**

- 13-14 ICEA Mid-year Conference (Gateway Hotel, Ames)
- 14 ISAC Scholarship Golf Fundraiser (AH Blank Golf Course, Des Moines)
- 16-20 NACo Annual Conference (Reno, Nevada)

## **August 2010**

- 4-6 ICRA Summer School (Hotel Julien, Dubuque)
- 5-6 Supervisors Executive Board Retreat (Iowa City Sheraton)
- 18-20 CCMS Annual Conference (Sheraton, West Des Moines)

## **September 2010**

- 16-17 ISAC Board Meeting and Retreat (Cass County)

## **October 2010**

- 28-29 ISAC Board of Directors Meeting (ISAC Office, Des Moines)

## **November 2010**

- 17-19 ISAC Fall School of Instruction (Coralville Marriott Hotel and Conference Center)

## **December 2010**

- 7-9 ICEA Statewide Annual Conference (Scheman Center, Ames)
- 9 ISAC Board of Directors Meeting (ISAC Office, Des Moines)

Please visit ISAC's online calendar of events at [www.iowacounties.org](http://www.iowacounties.org) and click on 'Upcoming Events.' A listing of all the meetings scheduled thus far in 2010, 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 or would like to add an affiliate meeting to the ISAC Calendar, please contact Stacy Horner at 515.244.7181 or [shorner@iowacounties.org](mailto:shorner@iowacounties.org).

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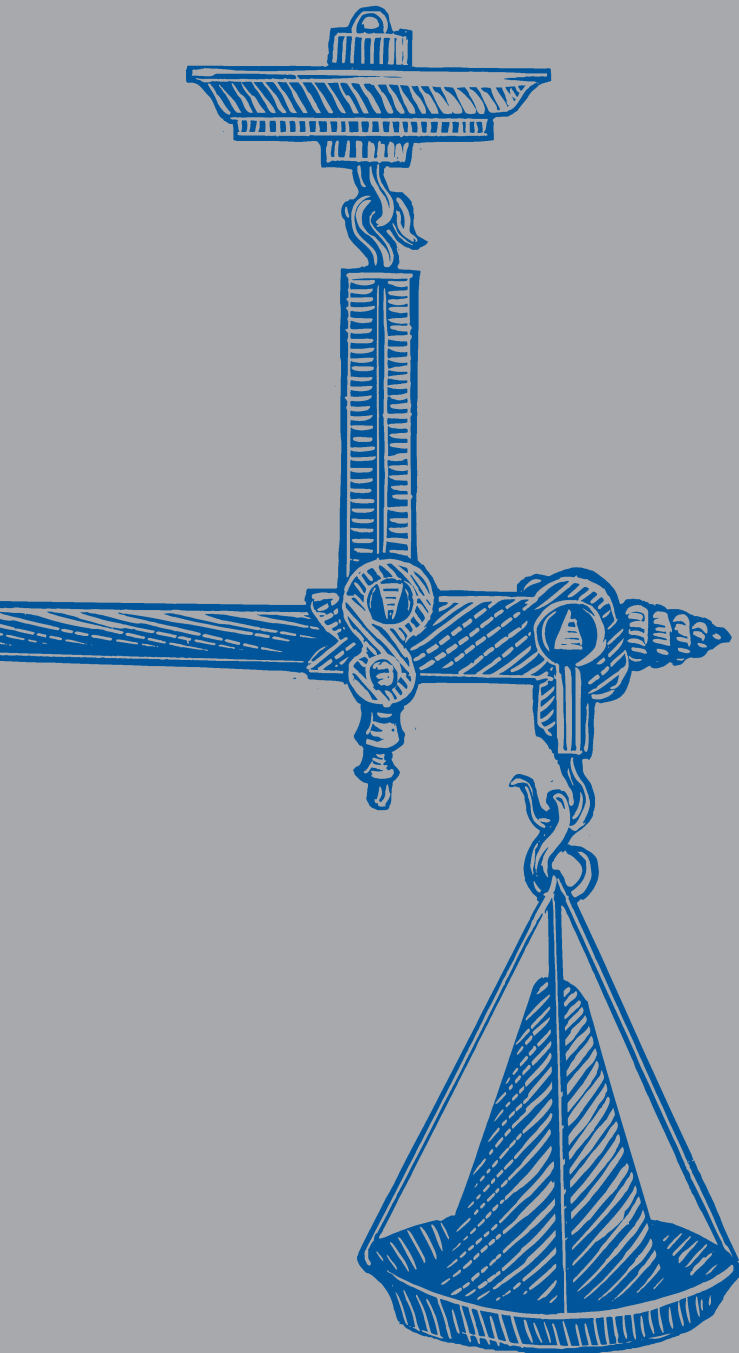


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