

# The Iowa County

Iowa State Association of Counties

**ISAC**  
Iowa State Association of Counties

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**WELCOME FROM ISAC**

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation. ISAC members are elected and appointed county officials from all 99 counties. ISAC's mission is to promote effective and responsible county government for the people of Iowa. ISAC's vision is to be the principal, authoritative source of representation, information and services for and about county government in Iowa.

**CONTACT US**

5500 Westown Parkway, Suite 190  
West Des Moines, Iowa 50266  
515.244.718

Monday - Friday 8:00 am - 4:30 pm

**NEW AND NOTEWORTHY**

- Gender Balance Info
- 2013 ISAC Legislative Priorities
- 8.13 Iowa Medicaid Enterprise Newsletter
- Master Matrix Adoption of Construction Evaluation

**FEATURED**

**ISAC's Fall School of Instruction**

ISAC Fall School of Instruction

This annual meeting is the Association's policy-setting conference, where legislative priorities are proposed and voted upon by the membership in [...]

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- ISAC University
- Fall School of Instruction
- County Day at the Capitol

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- Budget Summaries
- The Iowa County Magazine
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- National Association of Counties
- Legal
- Classified Ads
- Affiliate Websites

**PROGRAMS**

- Wellness Program
- ISAC Education Foundation
- ETC/CSN
- CCMS

2013 Iowa State Association of Counties

Des Moines Website Design by Webpoec Design

November 2013

2014 Scholarship Application

NEW ISAC Website!

2014 Legislative Proposals





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# The Iowa County

November 2013 \* Volume 42, Number 11

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Rachel Bennett, EDITOR

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

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Jeanine Scott - ETC/CSN Program Manager

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Jake Underwood - Data Integrity Analyst

Dylan Young - Data/Information Technology Specialist

### 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.

## ISAC Website Redesign Rolls Out

A much needed redesign of the ISAC website is now officially complete! The new ISAC website, still located at [www.iowacounties.org](http://www.iowacounties.org), rolled out on November 1, 2013. After a lot of member feedback and an extensive and insightful process, we are excited that we now have a website that will meet the needs of our members in a much more effective and efficient way.

The website redesign process began with the County Strategic Technology Advisory Resource (CoSTAR) board in 2010. They heard and saw the necessity for a new website and began the process of identifying specific needs and wants. By performing a survey of members and comparing the sites of many other associations around the country, CoSTAR built a great base for which ISAC staff could continue moving the process along.

Tammy Norman, ISAC Office Manager, and I worked together to come up with a strategy for a full redesign including a complete reorganization. After many meetings reviewing member input, researching the latest and greatest features, and trudging through the old site the needs were finalized and RFPs were sent to several companies in late 2012. ISAC chose Webspec Design of Des Moines based on price, timeliness, support, quality, and ease of use.

The new website has been built from the ground up by working closely with the staff at Webspec Design to create a site that is easy for our members to use. We started with an improved overall organization and the ability to search the entire site. Easily usable and readable drop-down menus are also a great new feature. A clickable site map will always be located at the bottom of the page to assist as well. The calendar tool is a nifty way to organize upcoming events and meetings. These meetings will be sortable by category: ISAC, CCMS, NACo, affiliate, etc.

**By: Rachel Bennett**

ISAC Marketing/Communication Coordinator



It is worth noting that many features will remain unchanged from the old site, including: affiliate websites, county directory, meeting registration, salary survey, and tracking tool.

We spent a great deal of time on the design, function and contents of the homepage of the website (see cover of this magazine). We wanted the site to be clean and professional while remaining warm and welcoming. There are several areas that you will note – each with a specific function. The QUICK LINKS area will be a list of the most sought after and widely used portions of our website. NEW AND NOTEWORTHY will feature up-to-date items that are of note to county officials. These items will be in constant flux and worth noting often. The right panel serves as our FEATURED area. This area will also be updated often with the major events, news and opportunities that ISAC is offering at any given time. Handy buttons on the homepage include direct links to ISAC corporate opportunities, *The Iowa County* magazine, the county directory, and ISAC's social media sites. The site is rounded out by the afore-mentioned drop downs, search box and site map.

Thanks so much for spending the time giving your feedback about the ISAC website. This redesign was done with you in mind, and we hope that the outcome is one that makes you proud AND makes your life easier!

Moving forward we know that the site will not be perfect. If you come across any issues – from outdated information to a link that is not working to information that the site lacks completely – please contact me at [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org). As always, we look forward to hearing your feedback so that we can continue to improve the services that we offer to our members.



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## How to Search the Iowa Code

By: *Kristi Harshbarger*

ISAC Legal Counsel



I'm getting ready to give a presentation for a county treasurers' class on how to search the Iowa Code, and I've also heard from a couple of counties on my county visits that they would like more information on how to search the Iowa Code. I am guessing that there are more of you out there that have this question, too, so I thought I would try to cover it briefly here. You can access the Iowa Code in a variety of different ways. The most traditional way is through the hardcover books of the Iowa Code. I really like looking at the hardcover book version of the Code because it allows me to highlight language, make notes, or put in sticky tabs for Iowa Code sections I need to refer to frequently. The biggest hurdle to searching the Iowa Code this way is to make sure you are using the most up-to-date version. Hardcover books are printed every other year, in odd years. Supplements come out in the even years. The first volume begins with a table of contents for the entire Iowa Code, each volume contains a table of contents for the particular volume and there is a more detailed table of contents at the beginning of each Code Chapter. If you don't know the Code Chapter you need to look at, then you will want to use the Index, which is a separately bound volume of the Code. The Index works by a key word or topic search. For example, if you want to look up how an election process works for a county bonding project, you would look up "Elections," subheading "Counties," sub-subheading "Bond Issues." You might also start by looking up "Counties," subheading "Bonds." Or you might start by looking up "Bonds," subheading "Counties," sub-subheading "Elections." Both of these search options would cross-reference you back to the "Elections" category in the Index.

I also do a lot of my Iowa Code research online. There are a couple of advantages to using this research tool: 1) it's always the most up-to-date version; and 2) you can form your own searches instead of relying on the headings in the Index. To search the Iowa Code online go here: <http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>.

From there you will see various search text boxes:

- Use the "contained in the Iowa Code" box if you know the exact Code section or Chapter you are looking for. For example, if you know it is in Iowa Code Chapter 331, but can't remember the section number, you can just type "331" into this box and it will bring up the entire Chapter 331.
- Use the "contained in the Iowa Administrative Code" box if you know the exact Administrative Rules citation you are looking for.
- Use the "containing all these words" box if you want to create your own keyword search. Following our example

from above, you might type in county election bonds. This box is not a Boolean search – meaning, you don't have to use quotation marks or the ampersand to link words. If your search isn't locating what you want, try checking the box towards the bottom of the page that says "Find alternate word forms (stemming)." In our example, it would then also pull up Code sections that include all your search terms but with different formats of your search terms – for example, counties, bonding.

- Use the "not containing any of these words" in conjunction with other boxes. Continuing our county bonding example, when you type in "county election bonds" in the "containing all these words" box, one of the responses is Iowa Code §174.17, which talks about the election process for the issuance of bonds of county fairs. If you want to narrow your results, and not see anything about county fairs, then you might type in "fair" in the "not containing any of these words" box in addition to entering "county election bonds" in the "containing all these words" box.
- Use the "containing one or more of these words" box when there are couple of terms that might describe what you are looking for, and you aren't sure which is used in the particular Code section. For example, some Code sections use the term "municipality" to encompass various types of local governments. If you are looking for a county Code section, but think that the term "municipality" might actually be used, then you could type the terms county and municipality into this search box to get results for both terms.
- Use the "containing this exact phrase" when you have terms that you want to search for in a particular order. This will get you more tailored search results when you are fairly confident on the terms you are searching for. For example, searching for "open meetings" will only get you Code sections that have those two words side-by-side, and won't pull up related Code sections on things like "open records."
- The final box is "containing words near each other." I don't use this search box very often, but you could use it for situations where you might only be able to remember part of a search term. For example, if you wanted to search for Code sections on general obligation bonds, but couldn't remember the word "obligation" in the phrase, then you could just put general bonds into this search box.

Continues on page 11.

## 2014 Legislative Proposals

In preparation for the 2014 legislative session, ISAC's Legislative Policy Committee (LPC) met on September 26 to finalize its proposed policy statements and legislative objectives for recommendation to the ISAC Board of Directors. The ISAC Board reviewed these proposals at its meeting on October 17 and 18. The final platform will go before the entire membership on November 13 at the ISAC Fall School of Instruction General Session. At that time ISAC members will have the opportunity to amend the ISAC platform as approved by the ISAC Board prior to final passage by the full membership. It was clear from the discussion at the LPC meeting, that infrastructure funding will be a top priority for ISAC in the coming session.

The LPC's recommendations included 12 legislative objectives, although several of the objectives include multi-part solutions. Items were combined into one objective when they covered the same subject or fit together thematically. The objectives forwarded to the ISAC Board were as follows:

### **Agricultural Building Value**

As part of the property tax reform discussion, ISAC has consistently proposed that the changes be made to capture the value of agricultural buildings. Agricultural buildings account for about \$1.9 billion, or 1.4%, of taxable property value in Iowa, but the value generated from agricultural buildings is automatically subtracted from the value generated for agricultural land by the productivity formula. The result is that the construction of any new agricultural building adds zero net value to Iowa's property tax base. ISAC will once again propose that agricultural buildings be valued at their replacement cost new less depreciation.

### **Agricultural Exemptions from Zoning and Building Codes**

The agricultural exemption from zoning and building codes currently includes farm houses. ISAC will seek to eliminate that exemption so that the public health and safety codes would apply to all homes whether in town or on a farm. In addition, the current exemption prevents a county from enforcing setback requirements on farm buildings. Buildings too close to the road have a significant impact on drifting snow, road maintenance, and traffic safety. This proposal seeks to amend the Iowa Code to allow for the inclusion of farm buildings in county setback requirements.

### **Bonding for County Courthouse Improvements**

Iowa law requires counties to provide and maintain space for the state-run court system. Last year, ISAC attempted to se-

**By: Linda Hinton**

ISAC Government Relations  
Manager



ecure legislation to increase the threshold for general county purpose bonds, which require a referendum. This year, the focus will be on making the threshold apply to the amount of the bond sought rather than the amount of the project. This will allow some courthouse projects where there are other sources of financing to move forward without a referendum and will make the requirements for counties the same as they are for cities.

### **Conservation Resources**

Iowa's natural resources need a consistent and protected funding source. ISAC supported the creation of a constitutionally protected Natural Resources and Outdoor Recreation Trust Fund and now supports the enactment of the sales tax designated to fund the program. In addition, ISAC continues to support the full funding of the Resource Enhancement and Protection (REAP) program, which helps counties make improvements to parks and facilities, protect important outdoor recreation areas, build and improve trails, protect water quality and conserve soil, conduct education programs, manage roadsides, and preserve and enhance historic sites and tourism attractions.

### **Election Reform**

ISAC continues to pursue common sense election reform including addressing the problems created by requiring absentee ballot postmarks as the determinant of whether a ballot received after election day should be counted, eliminating one of the two envelopes included with an absentee ballot, and changing the pre-registration deadline to 11 days prior to a primary election, thus eliminating the mandate for the auditor's office to be open on the Saturday 10 days prior to the election.

### **Food Safety**

Current funding for Iowa's food safety program, last increased in 2008, does not cover the costs associated with conducting a modern, science-based inspection program of restaurants, groceries, care facilities and schools. Re-inspections to confirm the correction of critical violations, plan reviews and new educational requirements combine to severely impact food inspection budgets already strained by increasing costs. ISAC supports any efforts to improve the funding mechanism including general fund appropriations, increasing food licensing fees, and adopting fees for plan-reviews of new food establishments, re-inspections and school food programs.

Continues on next page.

## Limiting Records Requests to Iowa Residents

Local government officials spend significant time and resources to comply with record requests from out-of-state companies seeking data and information about Iowa's taxpayers for resale. The United States Supreme Court has ruled that open records statutes can constitutionally limit access to public records to residents of that state, holding that it is acceptable to limit open records requests "to those who fund the state treasury and whom the State was created to serve." Currently, Alabama, Arkansas, Delaware, Missouri, New Hampshire, Tennessee and Virginia have public records statutes that are available only to their citizens. ISAC recommends that the legislature amend Iowa's open records statute to allow government officials to charge reasonable fees (not just actual costs) to fill records requests from out-of-state residents, or limit the responsibility to respond to records requests to residents of Iowa only.

## Mental Health and Disability Services Funding

Counties are facing continuing funding challenges regarding the new regional mental health and disability services system. All regions will be fully functional on July 1, 2014. It remains to be seen whether the state has adequately funded the regions in order for the service system to maintain. ISAC will be pursuing legislation to ensure that there is sufficient funding for the county/regions for both FY 2014 and 2015. In addition, ISAC will seek to eliminate the 80% reversion to the state of projected savings to the county/regional system from the Healthy and Well Iowa program and have these savings directed into investments in the regional service system; amend the Iowa Code to vest all employment responsibilities, including payment, for the judicial mental health advocates with the state, or, in the alternative, with the regions; clarify that the cost of evaluation and restoration of competence to stand trial pursuant to Iowa Code chapter 812 is a state funding responsibility; and eliminate the requirement that the DHS director approve either the regions' budgets or any ensuing budget amendments.

## Posting Notices

In order to address the increasing cost of publishing notices, ISAC will once again pursue legislation to allow local governments to publish abbreviated notices in the newspaper with a reference to how the entire document may be accessed, including having the document mailed to the constituent upon request; allow counties with populations below 10,000 to designate only one official newspaper for publication purposes; and allow publication of resolutions by reference, utilizing a summary statement and informing citizens that the entire text is available for their review.

## Recording Assignments of Mortgages

ISAC will pursue legislation to require that assignments of mortgage must be recorded with the county recorder. This would address problems created by the "pooling" of mortgages, that are then sold and resold as mortgage-backed securities. Companies have developed to act as the mortgagee of record when recording land instruments. Mortgages are then traded, sold, transferred and otherwise assigned without recording these mortgage assignments with the county recorder. As a result, property owners lose the ability to have clear chain of title, counties lose the recording fees on these mortgage assignments, and treasurers may have difficulty locating lenders for tax sales.

## Road Funding

ISAC will continue to support long term, sustainable transportation funding solutions including a phased-in 10-cent increase in the motor fuel tax; oppose the elimination of the \$225 million cap to the TIME-21 fund; support allowing the Iowa Department of Transportation to provide primary highway funds to counties and cities in lieu of federal funds; and support legislation to allow the development of public-private partnerships aimed at economic development by encouraging businesses to locate in areas where adequate infrastructure exists through incentive programs and by entering into development agreements which leverage private dollars with public funds in areas where site specific transportation improvements are required.

## User Fees

Property tax reform passed in 2013 will take an estimated \$761.9 million out of county property tax revenues over the next 10 years. ISAC will be pursuing several user fee increases to provide additional support for the services provided by county government. Examples of fees that are controlled by the state and that need adjustment include driver's license fees, parking fine and court debt collections fees, real estate transfer fees, marriage license fees, and vital records fees.

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## Data Infrastructure and Architecture

By: *Andrea Jansen and Madeline Schmitt*  
ISAC Staff

Having good data infrastructure and architecture is the second step for an organization to overcome being data rich and information poor. One may ask, how can a company with so much data, be information poor? It usually comes down to two reasons, lack of enterprise data infrastructure and poor data stewardship.

For an organization to overcome its lack of an enterprise data infrastructure, it would be important to integrate a data warehouse. Here they would be able to use the warehouse to perform analytics on their data. This is especially true for healthcare organizations. Many organizations are reluctant to give access to the backend of databases for various reasons. But, in order for a company to improve its data delivery and be information rich, it is essential to incorporate this enterprise data warehouse to make use of the data.

In order to make use of the data in the warehouse, an organization must have data stewardship to get the full potential of the data. According to an article from Health Catalyst:

“Data stewardship is the aspect of data governance that focuses on providing the appropriate access to users, helping users to understand the data, and taking ownership of data quality. Without appropriate stewardship, even the best infrastructures become underutilized and poorly understood by knowledge workers who could be generating value with the data every day.”

If an organization does not have the proper data stewardship in place, they are more than likely not able to give their users a proper understanding of the infrastructure used to house the data. When this is the case, users could be generating data with no value, making the systems information poor. In addition to this there are three main reasons why data stewardship is so important.

**Good data warehouse architecture promotes good data stewardship.** Each IT environment is different in how its data systems are configured. In most, there are many access points making it a challenge to manage the access to the data in one central location. Sometimes, a company will have only one person granting access to all of the different points. This causes a backlog of work for that one person, and this designated access giver may not have all of the knowledge for each specific data part.

Having a centralized enterprise data warehouse can make giving access much easier in the organization. In the warehouse itself

there are many parts, but with each part comes a data steward with specific knowledge for that particular part. Many times the collection of parts is called a ‘source mart’ or a ‘subject mart.’ Having an expert for each ‘mart’ located within the data warehouse allows the architecture of the system to run smoothly, eliminating confusion of users by specifying for what each part is responsible.

**Good data warehouse tools promote good data stewardship.** According to Health Catalyst, the most important tool to have in an organizations warehouse would be, “...a tool to let the data warehouse user community know who these data stewards are.” To achieve the proper use of this tool, Health Catalyst suggests using a metadata tool that lists all data marts in the warehouse and which data stewards one would go to in order to retrieve information or access for that particular mart. Allowing the steward to create and edit the information about their mart for users to access is the first step in promoting a self-sufficient data warehouse community.

**Good data stewardship creates a well-informed and thriving user base.** If users do not know essential information about data marts, then how are they to provide accurate data to outsiders? The final, and third reason for explaining the importance of data stewardship in an organization is so user can provide accurate data. “...the best way to *create long-term value* is to have a thriving user base.” The only way to achieve this thriving user base is to implement data stewards into the organizations system. A need for ‘experts’ on the data marts is essential to successful infrastructure and data analytics. These stewards provide the analysts with the information they need to connect with the data. In other words, they allow the analysts to do their jobs more efficiently and accurately.

Overall, for an organization, especially in healthcare, it is vital to have data stewardship integrated into the every day processes. This allows for the users to better understand the data they work with and helps them to use the data in a more efficient and precise way. Incorporating these data stewards along with an enterprise data warehouse will make an organization not only data rich, but also information rich, which is what the organization needs to be completely connected to the data they store.

Our next and final article in this three part series will focus on assessing data and its quality within healthcare organizations.

## Fall School Reminders

In preparation for the ISAC Fall School of Instruction on November 13-15, here are some last-minute conference reminders:

- **Location** - All conference events (unless otherwise noted) will be held at the Veterans Memorial Community Choice Credit Union Convention Center, 730 3rd Street, Des Moines.
- **Parking** - Parking is available north of the convention center with entrances off the following streets: 3rd and 5th. These surface lots offer the closest and most convenient access to the facility and Interstate 235. Parking is \$7 per day. Please have cash available for payment. All ISAC conference hotels will provide complimentary shuttle service to/from the convention center. Please check-in with the hotel front desk for shuttle service.
- **Books for Blank** - Last year's program was a huge success, so we will once again be collecting brand new children's books for Blank Children's Hospital in support of their literacy programs. We are encouraging each conference attendee to donate at least one brand new children's book (primary need is toddler through middle school) so we can surpass last year's donation of over 200 books and \$300 in cash donations. Donations will be accepted near the conference registration area.
- **Conference Attire** - The attire for the conference on Wednesday and Thursday is business casual; however, please feel free to dress casually on Friday. Also, please remember that meeting room temperatures do not feel the same to everyone. You may want to bring a sweater or jacket should the meeting room temperatures be too cool for you. Don't forget to wear your walking shoes so that you can participate comfortably in ISAC Steps to Wellness.
- **ISAC Steps to Wellness** - ISAC is excited to bring back the ISAC Steps to Wellness walking program during the fall school. With the support of Wellmark and the ISAC Wellness Program, ISAC Steps to Wellness is designed to encourage conference attendees to exercise through walking while using the great skywalk system that downtown Des Moines has to offer. All conference attendees will have the opportunity to participate in the walking program free of charge and will have a chance to win a free registration to the 2014 ISAC Spring School of Instruction. Each attendee will receive a pedometer and instructions in their registration packet. After picking up your pedometer at ISAC registration, please be sure to

By: *Stacy Horner*

ISAC Meeting/Event Administrator



stop by the Wellmark booth to pick up your complimentary water bottle.

Last year, we had 131 members participate in the walking program. Let's strive for over 200 participants for this year's ISAC Steps to Wellness!

- **Registration Location** - ISAC registration/information will be located in the Exhibit hall/Grand Ballroom at the convention center. Access to the Exhibit hall/Grand Ballroom is located at the east end of the convention center on the meeting room/skywalk level by escalator, stairs and elevator. Please remember that all conference attendees are REQUIRED to wear their name badge to all conference events. It will serve as your conference meal and admission ticket.
- **Hospitality Rooms/ISAC Dance and Karaoke Party** - These two events will take place at the Des Moines Marriott Downtown, 700 Grand Avenue, on Wednesday evening, November 13.

Please don't hesitate to contact me at 515.244.7181 or [shorner@iowacounties.org](mailto:shorner@iowacounties.org) if you have any questions in regards to the fall school. Please don't forget to continue to check out [www.iowacounties.org/fallschool.htm](http://www.iowacounties.org/fallschool.htm) for important conference information, updates, agendas and maps. We look forward to seeing everyone in Des Moines!

\*\*\*Mark your calendars now for ISAC University being held on January 22-23, 2014 at the West Des Moines Marriott. The agenda and event details will be available in the December issue of *The Iowa County* magazine.

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## Crisis/Safety and Emergency Planning

Planning for any crisis or emergency is not something most people think about on a regular basis. Case manager's however, are preparing crisis/safety plans for their members at least annually and are continuously discussing and planning for emergencies. With 30+ members on their case load it is not uncommon that Crisis/Safety/Emergency planning is something that is done several times a month. The members that case managers serve have a variety of issues that need to be thought out and planned for with regard to each level of their abilities. When a person feels safe they can be calmer, have the ability to achieve more, and it's always nice to know that someone "has your back." The following information will hopefully give ideas/issues to think about when planning for the safety of others.

The first thing to identify is the types of possible emergencies or crisis. Some of the most common are fire, tornado, flooding, extreme heat, winter storms, thunder storms, loss of electricity, physical health issues, mental health issues and overall safety in the home and community.

It would then be best to assess the person's ability to address their own needs. What will they need assistance with and what can they do for themselves? What possible modifications can be used or equipment is needed that will allow the person to care for themselves (or to assist the caregiver) in an emergency? Do they need or can they operate a smoke detector, fire extinguisher, first aid kit, flashlight, a radio, personal comfort items, medical information, medications, blankets, pet supplies, and emergency paperwork with phone numbers and contact information. An emergency "toolbox" that is kept in a handy location could be ideal. (Some information may also need to be kept at another location).

The vast majority of safety and crisis plans that I read are written for either children or adults that live in a 24-hour waiver home and adults that are living in their own home with hourly services. Each one of these population groups has their own specific needs, not to mention that each individual has their own specific needs. I have read plans that appear to be generic with no specific person centered information. (Mary will leave the home in case of fire and will go to basement in case of tornado, or Bobby's caregivers will be responsible for his safety in case of fire and tornado).

**By: Cindy Chappelle**

ISAC Case Management Specialist



When planning for another persons safety (and for your own family) try to think of all possible scenario's by brainstorming with the team or other family members.

### Children

Do the parents have an actual safety/emergency plan? What is it? If other children in the home, is one parent assigned to the member, and one parent to the other children? Are there specific instructions for providers/caregivers in regard to safety and medical emergencies? How will the child react to emergencies, sirens, and a change in routine? Is contact information written down?

### Adults with 24-Hour Care

What is the actual safety/emergency plan for fire, tornado/severe weather, power outage, or medical issues? Do they have special instructions based on their personal needs? Are staff/caregivers trained in regard to possible emergencies? Is there a back-up plan if relocation is needed? Are there regular emergency drills so everyone is prepared? Are contact information, medications, and health issues written down for substitute caregivers? Is there safety/first aid equipment in the home? When in the community do they carry personal and emergency contact information?

### Adults with Hourly Services

What is the actual safety/emergency plan for fire, tornado/severe weather, power outage, or medical issues? Is there safety/first aid equipment in the home? Do they have a first aid kit, fire extinguisher, smoke alarms, flashlights, radio, and can they use them? Do they have a "tool box" filled with emergency or personal items? Is there a plan for pets and children in the home? Do they carry personal and emergency contact information with them?

Continues on next page.



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See you at the ISAC Conference in November!

Individuals with mental health issues and/or behavioral issues have the same needs as stated above; however, there also needs to be planning for symptom care. Identifying triggers (situations that may cause increased anxiety and frustrations) is important so others, along with the individual, can plan ahead, identifying what behaviors may occur when those situations arise, and then most importantly, having a plan for the individual to follow before the symptoms arises to a crisis level. Most common crisis plans note that individuals will take a walk, watch TV, and/or go to their room, or talk to a family member. When assisting an individual with creating a crisis plan it is should be evaluated to make sure the person will actually follow through with what they have indentified as "their plan." Having natural supports indentified is an important factor. Natural supports can be anyone the person likes to talk

with, sit next to, or to just be around. They do not have to be a professional support. Discussing natural supports can be beneficial for the individual to take a different look at who they turn to to help them feel better. If the issues turn in to a crisis level situation having a plan that involves professionals would be developed based on their individual needs. This may include hospitalization, police involvement, therapy, and possibly relocation.

Planning for an individual's safety in the community is a big responsibility. People with disabilities rely on others to look out for their best interest and to keep them safe. Case managers play an important role in the development of these plans and are often the leader when it comes to the discussion surrounding safety/crisis and emergency planning.

## legal briefs

Continued from page 5.

A note about how search results are displayed: after doing a search, the main part of the screen will have a list view of search results. I don't find this to be the most helpful way to see results, especially because it often pulls non-Code documents into this list – Iowa Acts, Administrative Rules, etc. If you look to the left of your screen after doing a search, there is a table of contents menu with pull down tabs. After doing a search, the table of contents will highlight the various Code section results and you can access the results using the pull down menus. For example, if I type in county election bonds in the "containing all these words" search box, I will see that there are 85 results in the Iowa Code. Then using the dropdown tabs to get to "Title IX Local Government, Subtitle 1 Counties, Chapter 331 County Home Rule Implementation" I will see there are 19

Code sections in Chapter 331 with my search terms. I can then browse through these 19 Code sections. I also prefer to view my results this way because it helps me get a sense of how the Code is structured and makes it easier for me to remember and find key Code sections the next time.

One final note, I've had a couple of requests to bring back a feature of Legal Briefs that listed any new Attorney General opinions. I took a look and the most recent Attorney General Opinion was issued in March of 2012 and related to online education. The Attorney General's office does not issue as many opinions as it used to, but if an opinion does come out related to counties, I will be sure to note it in Legal Briefs.



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# Criteria and Procedures for ISAC Scholarships

The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation whose members are county officials and employees from the 99 counties in Iowa. ISAC has established the following criteria and procedures for granting scholarships:

1. Eligibility to apply is limited to children of current county officials or employees. This does not include city employees, employees of county extension offices, or candidates who are themselves county employees. Children of county assessors are eligible to apply for this scholarship.
2. At least one (1) \$1,000 scholarship shall be awarded annually.
3. The candidates must be seniors in high school.
4. This is a one (1) year scholarship, and can be received only once by an individual.
5. The scholarship can be awarded to anyone who will be a full-time student of any college requiring at least a minimum of two (2) years for a degree.
6. The scholarship monies will be paid directly to the college; one-half upon acceptance, one-half upon completion of the first semester.
7. The candidates must provide personal reference statements from three (3) individuals other than family members, complete an application, and submit to an interview.
8. The criteria used in awarding the scholarship will be scholastic achievement, financial need, participation in extracurricular/community activities and overall character.
9. The scholarship committee shall award all scholarships and the decision of the selection committee shall be final.
10. The scholarship committee shall consist of seven (7) members, to be appointed by the ISAC President. The selection committee shall consist of one (1) representative from each ISAC district, plus one (1) member of the ISAC Board of Directors.
11. ISAC reserves the right to verify any information provided on any application.
12. Scholarships will be awarded at the ISAC Spring School in March.
13. Scholarship winners have two years to use their award. During the two years, they may apply to the scholarship committee for an extension of the time limit. The scholarship committee shall recommend to the ISAC Board of Directors whether to allow the extension of the time limit.
14. **Applications must be postmarked by December 13, 2013.**
15. **Applications should be mailed to:  
ISAC, 5500 Westown Parkway, Suite 190, West Des Moines, IA 50266-8202**



# Scholarship Application

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Home County \_\_\_\_\_ Home Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_ Name of High School \_\_\_\_\_

Mother's Name \_\_\_\_\_ Father's Name \_\_\_\_\_

Which parent is a county official or employee? \_\_\_\_\_

County and Department \_\_\_\_\_ County Position \_\_\_\_\_

County Phone # \_\_\_\_\_

Proposed college \_\_\_\_\_

Have you taken the SAT/ACT \_\_\_\_\_ If so, your score \_\_\_\_\_

Total Class Size \_\_\_\_\_ Rank in Class \_\_\_\_\_ Grade Point \_\_\_\_\_ on a 4.0 scale

**Financial Need:** In the space provided, explain your financial need for this scholarship:

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**Essay:** On another sheet of paper type an essay of no more than 250 words explaining your career plans and future goals. MAKE US SEE THE REAL YOU.

**Extra Curricular Activities:** In the space provided, please identify your most significant extra curricular activities, school activities, work experience, etc. that might be helpful to the committee in judging your application.

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**References:** We need personal reference letters from three (3) individuals other than family members (Teachers, employers, advisors, etc.).

**Transcript:** Please enclose a copy of your high school transcript with your application.

**Technology Award:** We are also offering the Iowa Counties Information Technology (ICIT) Award Scholarship. This scholarship is available to an applicant who intends to pursue a two (2) or four (4) year degree in a technology related major and/or a degree that leverages/incorporates technology. If this applies to you, on another sheet of paper which should be label "Technology Essay," tell us about your plans in this area.

**For you to be considered for a scholarship you must:**

- 1. Return application filled out completely**
- 2. Enclose your typed essay**
- 3. Include three letters of personal reference**
- 4. Enclose your official high school transcript**

Return to: Iowa State Association of Counties, 5500 Westown Parkway, Suite 190, West Des Moines, IA 50266-8202. **Applications must be postmarked by December 13, 2013.**

**I hereby certify that this application contains no misrepresentation or falsifications and that the information given by me is true and complete to the best of my knowledge and belief.**

**Signature of Applicant:** \_\_\_\_\_

## Habeas Corpus, Part 3

**By: Grant Veeder**

NACo Board of Directors  
Black Hawk County Auditor



As the seriousness of America's civil conflict deepened and the pace of the war quickened, John Merryman, the Maryland farmer arrested for burning bridges in the first days of the war, dropped out of public view. However, his post-arrest experience is instructive on how the issue of the privilege of the writ of habeas corpus played out during the Civil War.

Despite Lincoln's refusal to honor Justice Taney's habeas writ, Merryman, arrested by the army on May 25, was handed over to federal authorities in July, and a federal grand jury indicted him for treason. Merryman was able to raise the \$40,000 bail, and while the specter of possible execution hung over him for nearly six more years, he didn't spend another day in prison after his July 13 release. Meanwhile, over 14,000 people were eventually arrested by the army under the suspension of the habeas writ. After a couple of incremental expansions, Lincoln in September of 1862 suspended the privilege of the writ throughout the nation and declared martial law for the duration of the war.

The argument continued as to whether Congress or the president was empowered by the Constitution to suspend the writ, but the question became academic as Lincoln showed no disposition to relinquish that authority, and he had the biggest army on the block to back him up. But his use of the suspension evolved as the government came to grips with the realities of a civil war. At the heart of the issue was the crime of treason. Article III Section 3 of the Constitution states, "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort."

This is plainly aimed at U.S. citizens. Foreign enemies aren't considered traitors for levying war against the United States. So the Constitution was actually contemplating a situation like the one that occurred in 1861: American citizens were making war on the United States, and were thus guilty, if convicted, of treason, and subject to the death penalty. This seemed pretty clear, but a number of difficult questions kept muddying the waters. Was the whole Confederate Army guilty of treason? Should all prisoners, and there were thousands, be executed? Even if you exempted armies who sincerely believed that they were citizens of a new country, what about rebels in the Border States, the northernmost slave states that stayed in the Union? If they were trying unsuccessfully to get their states to leave the Union, were they more guilty of treason than their successful neighbors to the South? If you tried someone for treason in a Border State court, how could you be sure the jury wouldn't be filled with Confederate sympathizers? And what

if you got a conviction? Would executions deter further treason, or would they create martyrs and fan the flames of rebellion?

Lincoln's Attorney General, Edward Bates, knew that a string of acquittals in treason cases would severely damage his office and the war effort, so he advised his district attorneys to try only the safest cases, saying it would be "better [to] let twenty of the guilty go free...than to be defeated in a single case." John Merryman's case was considered one of the more provable, so his treason indictment went forward. However, since it involved a capital crime, his trial was remitted to the U.S. Circuit Court for the District of Maryland, and thus would be heard by the U.S. Supreme Court justice for that district, Lincoln antagonist Roger B. Taney. Now that the body of Mr. Merryman had been brought, it was time for Judge Taney to leave off lecturing the president on the privilege of the writ of habeas corpus and to start trying John Merryman for treason. However, Taney claimed ill health, but rather than retire, he kept putting off the 60 cases of treason brought by the government in his district. His pro-Southern tilt effectively prevented the trying of treason cases in Maryland, where anti-government activities most critically threatened the nation's capital.

Since straightforward trials for treason through the judicial system were so problematic, Lincoln substituted suspension of the habeas writ. For crimes ranging from murder to simple criticism of the government, Lincoln allowed the military arrests of thousands of Americans who were deemed dangers to the public safety. Many were also tried by military tribunals, but most were simply held without charges and later released. The Lincoln administration felt that those arrested were stopped before they could commit a more serious crime, that their imprisonment would deter potential imitators, and that they were released before their punishment gave them the status of martyrs. As Lincoln put it in a similar context, "The severest justice may not always be the best policy." Furthermore, Lincoln knew that judicious use of the presidential pardon would create gratitude and reduce resistance. In December of 1863 he issued a Proclamation of Amnesty and Reconstruction, which promised a pardon to low-ranking rebels who took an oath of future loyalty to the government and agreed to support measures taken for the emancipation of slaves.

Continues on the next page.

# lincoln letters

When Roger B. Taney died in 1864, he was replaced as chief justice by Salmon P. Chase. The war was winding down, and Chase expected Lincoln, who was inclined to temper the Confederacy's defeat with mercy where possible, to declare a general amnesty, so he too held off trying the Maryland treason cases. John Merryman's case was finally dropped under a *nolle prosequi* (look it up yourself) on April 23, 1867, two years after the end of the war, and six years to the day after he and his troop of Baltimore County Horse Guards destroyed the property of the Northern Central Railway, which he did to keep federal troops from coming to the aid of the nation's capital,

or to protect his beloved city of Baltimore from destruction, or both. Merryman went back to tending his prize-winning cattle, but thenceforward bore the nickname "Habeas Corpus John."

So did Lincoln's methods protect the Constitution, or violate it? Before we finish with the habeas corpus issue we'll look at a few more cases, starting with a Congressman who dared the U.S. Army to arrest him.

*To be continued.*

# employment

## Road Foreman

Notice is hereby given that Clarke County is accepting applications from individuals with the qualifications for the position of Clarke County Road Foreman (Maintenance Supervisor). Applications must be submitted on the application forms provided by the Clarke County Engineer to: Clarke County Courthouse; 100 South Main Street; Osceola, Iowa 50213, no later than 4:00 pm. on Friday, November 15, 2013. This position is a salaried position, with the responsibility of supervising the Clarke County Secondary Road Department and directing the efforts of the Clarke County Secondary Road Department staff and equipment, as directed by the Clarke County Engineer. The Clarke County Road Foreman is "on-call" 24 hours a day for emergency situations and winter road maintenance operations. Applications will be accepted only from candidates having a high school diploma, or its equivalent. The successful applicant will have to take a post offer pre-employment physical and drug and alcohol test. The applicant selected will be on probation for six months. The successful candidate must live or be

willing to re-locate within three months to within a 30 minute response time to the Clarke County Engineer's Office; or be located within or relocate to Clarke County. Clarke County will award this job to the applicant deemed the most qualified for the job. Preference will be given to applicants having a Class "A" Commercial Driver's License(CDL); having experience and/or education in the engineering and construction fields; having demonstrated excellent communication, supervisory, and human relation skills; having demonstrated abilities to work in a safe, professional, efficient manner; and having demonstrated experience working with the public in a safe, courteous, and efficient manner.

If you have any questions or comments, please contact the Clarke County Engineer, Mr. Thomas B. Andersen, P.E., at 641.414.0812. Clarke County is an equal opportunity employer. Published by order of the Clarke County Board of Supervisors.



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## Henry County's Experiences with OSHA Consultations

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

More often than not, when you hear the acronym OSHA, you think of enforcement, citations and fines. Here in Iowa we are fortunate to have a state-run organization that, in addition to enforcing Occupational Safety and Health Administration (OSHA) regulations, has a group of experts that will come to your location upon request to provide free consultation services. Henry County decided that they would take advantage of this service and set up a consultation earlier this year.

Iowa Occupational Safety and Health (IOSH) consultants are familiar with municipal worker exposures, and understand that county employees run the full spectrum of hazards, including law enforcement and emergency services. You do it all when it comes to on-the-job work hazards and are often required to work when others are not, especially when providing essential services to communities. This broad range of exposures set municipalities apart from private industry, where a business is often focused on a particular service and does not have as wide a range of exposures as a county.

Iowa is part of region seven, that also includes Kansas, Missouri and Nebraska. Government employees in those states are not covered by OSHA, while government employees in Iowa are covered by IOSH. This includes all state, county and local government workers. Iowa OSHA follows federal OSHA regulations 29 CFR 1910, 1926 and 1928 as adopted by reference by the Division of Labor.

IOSH and IMWCA recommend counties focus on developing strong safety and health management systems, which require management commitment, employee involvement, planning and implementation, and evaluation and review. We believe focusing on a sound safety and health system is paramount to a successful safety program. Common hazards are electrical exposures, slip and fall exposures, wearing seat belts on equipment with roll-over protective structures (ROPS) and confined spaces will go a long way towards improving public sector safety in the workplace. In addition to consultation services, IOSH supports IOSH's Voluntary Protection Program, IOSH Partnerships and Alliances, and training.

Derek Wellington, safety director for Henry County requested IOSH visit the county and perform a health and safety audit. Because consultation is a voluntary activity, you must make a formal request. You have the choice to request a health audit, a safety audit or both. You also have the choice to limit the scope of the audit, or you may choose a complete review of your operations. This service is confidential, no information is provided to the IOSH enforcement staff. Your only obligation is to make a commitment to correct serious job safety and health hazards in a timely manner. The only case where consultation would be required to refer a violation to

enforcement is when serious violations are not corrected within the agreed upon time. IOSH encourages employers to take advantage of a full evaluation, and that is exactly what Henry County did.

In January 2013, IOSH Consultation met Wellington at the county courthouse. After completing some paperwork, they embarked on a full scale review of the county's operations. Wellington said together "they went out and started going through our facilities, they took LOTS of pictures and documented things. They always told me what they were doing and any issues they were finding." The end result was two reports, a 22-page health survey and a 62-page safety survey. Both reports included a number of serious violations, and the county agreed to correct these hazards within an agreed upon time period. In this case, 30 days was the deadline. Derek was able to meet the date; however, there are procedures where you can ask for an extension if necessary.

The actual report lists each violation, identifies the type (e.g. Serious), gives a location, states the condition, and provides the applicable OSHA standard the condition violates. The report also includes the potential effects the violation may cause, and provides the recommended action necessary to correct the violation. Here's an example: Hazard Type: Serious; Location: Where battery water will be added; Condition: There is a shower but no eye wash; Standard: 1910.151 (c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use; Potential Effects: Battery acid burn; Recommended Action: While waiting for a suitable eyewash/shower to be installed, do not add water to batteries. When adding water to batteries, the employees must use proper personal protective equipment for eye, face and body.

Henry County's safety report listed several electrical hazards, and in each case the report included a photo of the hazard. The report also included some examples of the correct way to use electrical cords and outlets in the workplace. According to Wellington, "both guys were very professional and very nice to work with, and willing to explain anything or answer any of my questions."

The end result: the county received some excellent safety and health advice; they were able to correct all the hazards within the allotted time, and best of all, the employees of Henry County are provided a safer work environment, so they have every opportunity to go home safe at the end of the day.

To learn more about Iowa OSHA consultation, visit: [www.iowa-workforce.org/labor/iosh/consultation/index.htm](http://www.iowa-workforce.org/labor/iosh/consultation/index.htm)

# miscellaneous

## Three Benefits of Combining Retirement Plan Assets

By: *Nationwide Retirement Solutions*

We all want to make the most out of the money we're saving for retirement. If you've changed employers throughout your career, there's a chance you have more than one retirement account. Even though you're no longer making contributions to that plan, the money you've invested could earn interest.

If you have money in another qualified retirement plan, how much attention are you giving those assets? A simple way to manage assets from a 401(k), a 403(b), an IRA or even another 457 plan, is to move them into your Nationwide deferred comp account.

**1. Get your retirement income sources in order.** Knowing where your income will come from in retirement is important. Having convenient access to that money when you need to take a distribution is crucial. When you combine your qualified retirement assets into your 457 plan, you know where your money is and Nationwide can help you manage it.

**2. Align all of your plan assets with your retirement goals.** Over time, your investment strategy and risk tolerance can change. Combine your qualified assets into one account, and be assured all of your money is working toward a common goal. Your Nationwide representative can help you conduct an annual plan review to make sure that you are on target with your plans for retirement.

**3. Relax and let your deferred comp plan do the work.** Finally, once you retire or separate from service, you don't have to move your money away. It can remain in your Nation-

wide account and have the opportunity to continue to grow tax-deferred until you are ready to take a distribution. And taking distributions from one source is simpler than managing multiple sources.

Call your Nationwide representative today at 303.452.6300. Tell them you'd like to combine your qualified plan assets. They'll help you complete the necessary forms and simplify the process.

Qualified retirement plans are all different, including fees and when you can access funds. Assets rolled over from another qualified plan may be subject to both surrender charges and a 10% penalty tax if withdrawn before age 59½.

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# 2013/2014 calendar

## **November 2013**

- 3-6 County Attorneys Fall Training Conference (Coralville)
- 7 CCMS Advanced Case Management Meeting (Stoney Creek Inn, Johnston)
- 13-15 ISAC Fall School of Instruction (Veteran's Memorial Community Choice Credit Union Convention Center, Des Moines)

## **December 2013**

- 4 ISAC Board of Directors Meeting (ISAC Office, West Des Moines)
- 5-7 NACo Board of Directors Meeting (Cedar Rapids)
- 10-12 ICEA Annual Conference (Ames)

## **January 2014**

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

## **February 2014**

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

## **March 2014**

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

## **April 2014**

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

## **May 2014**

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

## **June 2014**

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

## **July 2014**

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

## **August 2014**

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

## **September 2014**

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

## **October 2014**

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

## **November 2014**

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

## **December 2014**

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

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

## **2013 ISAC Preferred Vendors**

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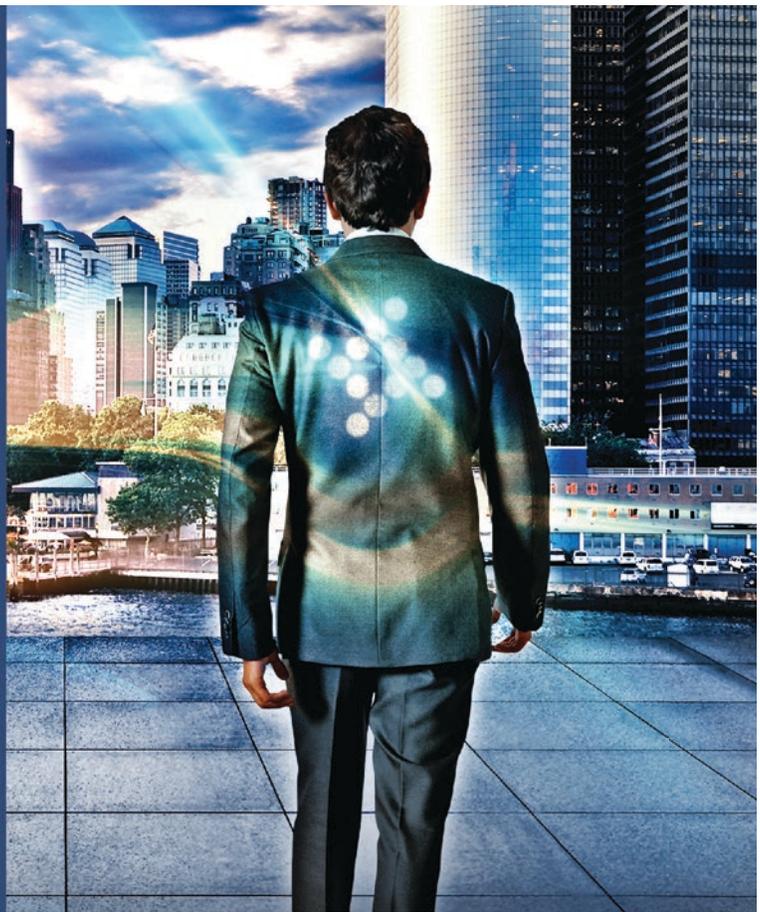
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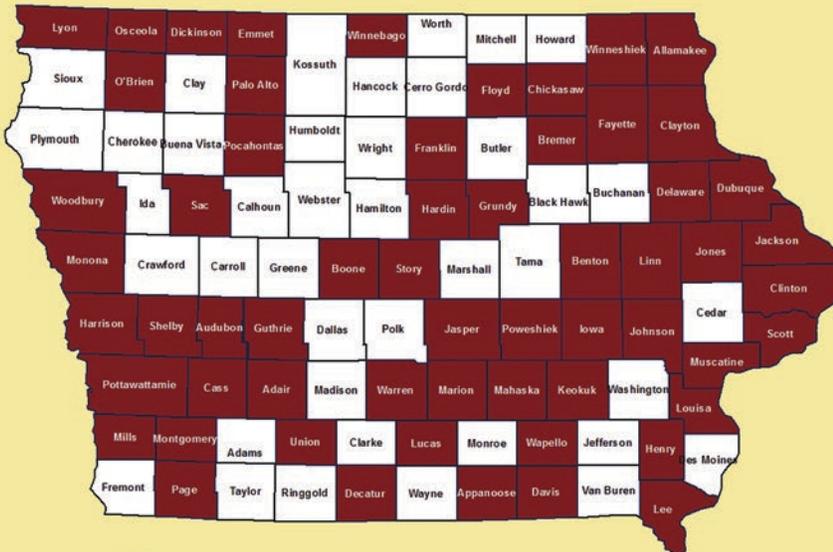
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