





Iowa State Association of Counties

# 2014 Legislative Priorities

85th General Assembly, 2nd Session



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The Iowa State Association of Counties (ISAC) is a private, nonprofit corporation that was incorporated on October 8, 1964. Senate File 37, which was adopted on June 30, 1971, allowed counties to pay member dues to the organization. ISAC members are elected and appointed county officials from all 99 counties. Counties pay voluntary dues to belong to ISAC in return for a number of services, such as education and training, benefit programs, technical assistance and government relations. ISAC members participate in one of 15 different statewide affiliated associations corresponding to each county office.

ISAC's mission is to promote effective and responsible county government for the people of Iowa. To that end, ISAC's stated purpose is to secure and maintain cooperation among the counties and county officials, promote comprehensive study of local problems and find ways of solving them, provide methods of interchange of ideas among various county officials, and promote and work for the enactment of legislation that is most beneficial to the citizens of Iowa. These endeavors support our vision of being the principal, authoritative source of representation, information and services for and about county government in Iowa.

# 2014 Legislative Policy Committee

The 2014 ISAC Legislative Priorities were developed by the ISAC Legislative Policy Committee (LPC). This committee is composed of two representatives from each affiliate and is chaired by Melvyn Houser, Pottawattamie County Supervisor and ISAC 2nd Vice-President. The committee has worked together to create a short and cohesive set of legislative objectives for ISAC to pursue in 2014.

At the end of August the committee convened to hear legislative policy proposals from each affiliate. The committee worked hard for two days discussing implications of any changes. Between the August and September meetings at which the legislative objectives were adopted by the committee, staff and committee members performed research on any questions that needed to be answered or clarifications that needed to be made.

The 2014 Legislative Objectives, Policy Statements and ISAC Top Priorities recommendations were presented to the ISAC Board of Directors, which voted on October 18 to recommend them to the full membership. The full membership will vote to approve the legislative package during the General Session at the ISAC Fall School of Instruction on November 13, 2013.

## 2014 ISAC LPC Committee Members

**Committee Chair:** Melvyn Houser, Pottawattamie County Supervisor and ISAC 2nd Vice-President

### Assessors

Dale McCrean, Muscatine County  
Deb McWhirter, Butler County

### Auditors

Ken Kline, Cerro Gordo County  
Dennis Parrott, Jasper County

### Community Services

Lori Elam, Scott County  
Shane Walter, Sioux County

### Conservation

Dan Cohen, Buchanan County  
Matt Cosgrove, Webster County

### County Attorneys

Darin Raymond, Plymouth County  
John Werden, Carroll County

### Emergency Management

Mike Goldberg, Linn County  
AJ Mumm, Polk County

### Engineers

Paul Assman, Crawford County  
Lyle Brehm, Tama/Poweshiek County

### Environmental Health

Eric Bradley, Scott County  
Jon McNamee, Black Hawk County

### Information Technology

Micah Cutler, Franklin/Hardin County  
Jeff Rodda, Polk County

### Public Health

Kathy Babcock, Chickasaw County  
Patti Sallee, Louisa County

### Recorders

Kathy Flynn Thurlow, Dubuque County  
Sue Vande Kamp, Story County

### Sheriffs and Deputies

Don DeKock, Mahaska County  
Jerry Dunbar, Washington County

### Supervisors

Wayne Clinton, Story County  
Cara Marker-Morgan, Fremont County

### Treasurers

Judy Crain, Fremont County  
Dianne Kiefer, Wapello County

### Zoning

Joe Buffington, Henry County  
RJ Moore, Johnson County

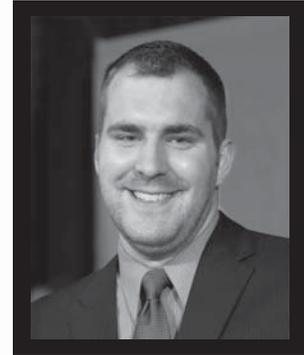
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## 2014 County Day at the Capitol



ISAC members will spend Wednesday, March 12, 2014 at the statehouse.

This event will begin at the Wallace Building auditorium. There will be special presenters on the hot issues of the time. From there, the group will travel to the Capitol. The time at the statehouse will give county officials the opportunity to participate in the lobbying process by meeting with their legislators.

We have secured space in the Capitol Rotunda for affiliate displays. This will give each individual affiliate the opportunity to introduce legislators and the public to your important roles in the effective administration of county government.

Lunch will be provided for legislators and attending county officials in the Capitol Rotunda West Wing. This will again give county officials the opportunity to interact with legislators.

County Day at the Capitol improves county government!

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# ISAC Top Priorities

- Road Funding
- User Fees
- Mental Health and Disability Services
- Rural Improvement Zones

## Road Funding

**PROBLEM:** Iowa's roads and bridges are a vital component of the continued growth of the state's economy, and every road jurisdiction is struggling to adequately maintain its portion of the road system. The cost of building and maintaining roads continues to increase, while the user fee per gallon of gasoline has not increased since 1989. In addition to general inflation, Iowa's road maintenance issues have been exacerbated by harsh winters, floods, and heavy equipment usage. Due to the shortfall in road funding, counties have turned to bonding in order to provide critical funding for maintenance of roads and bridges. These bonds are repaid with property tax revenues, contrary to the state's goal of reducing property tax expenditures throughout the state. Additionally, the use of bonds fails to capture funding from the out-of-state vehicles impacting Iowa's roads.

**SOLUTION:** ISAC recommends the following:

1. ISAC supports long term, sustainable transportation funding solutions including a phased-in 10-cent increase in the motor fuel tax. This would generate an estimated \$230 million for infrastructure maintenance and improvement.
2. TIME-21 seeks to focus \$225 million on the priorities set by the TIME-21 study. The \$225 million cap to the TIME-21 fund must be maintained, and increased revenues in excess of this cap should be distributed through the Road Use Tax Fund formula.
3. ISAC supports legislation that would enable the Iowa Department of Transportation to provide primary highway funds to counties and cities in lieu of federal funds.
4. ISAC supports enabling 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.

## Mental Health and Disability Services

**PROBLEM:** Counties are facing continuing funding challenges regarding the new regional mental health and disability services (MH/DS) 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 current services, let alone provide expanded services and services to additional populations as envisioned by redesign. In addition, there are two expense issues that need to be resolved: the split employment of the mental health advocates between the counties/regions and the judicial branch, which is inefficient and wastes tax dollars, and the funding of evaluations of competence to stand trial, which is not clearly a county or region responsibility. Finally, the requirement that the DHS director approve the regions' budgets or any budget amendments encroaches on home rule and will unnecessarily slow down a region's ability to make the decisions necessary to meet the needs of its citizens with disabilities.

**SOLUTION:** ISAC recommends that the Legislature:

1. Eliminate the 80% reversion to the state of projected savings to the county/regional system from the Healthy and Well Iowa program, and direct these savings into investments in the regional service system.
2. 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.
3. Clarify that the cost of evaluation and restoration of competence to stand trial pursuant to Iowa Code chapter 812 is a state funding responsibility.
4. Eliminate the requirement that the DHS director approve either the regions' budgets or any ensuing budget amendments.
5. Provide sufficient state funding both for FY 2014 and FY 2015 to ensure that the counties, and then the regions, have the resources necessary to provide and manage core services.

# ISAC Top Priorities

- Road Funding
- User Fees
- Mental Health and Disability Services
- Rural Improvement Zones

## User Fees

**PROBLEM:** Property tax reform passed in 2013 will take an estimated \$761.9 million out of county property tax revenues over the next 10 years. Counties provide necessary services and meet ever-increasing state mandates through property tax revenues. Adequate funding for roads, mental health services, local public health, the Environment First Fund, the Rural Enhancement and Protection (REAP) program and emergency management are areas of concern for counties. In addition, there are a number of services that counties provide to the public that are subsidized by property taxes because the fees charged to the customers are not adequate to pay for the service. Many fees have not been raised in years and the increased expenses are funded by the property tax payer. This is an area that could be addressed by either increasing fees or providing additional state funding to take the burden off of property taxes.

**SOLUTION:** Provide an avenue for additional funding for county government. One progressive tax alternative is to allow counties to impose a local option income tax surcharge. Another is to allow more local control of increases for fee-based services. Examples of fees that are controlled by the state and that need adjustment include:

- Driver's license fee – increase the amount provided to support this local service from \$7 to \$10;
- Parking fine and court debt collections – allow counties to charge \$5 for collecting delinquent parking tickets for cities and debts for the court system;
- Real estate transfer fee – increase the transfer fee from \$5 to \$10 not to exceed \$100;
- Marriage license fee – increase the marriage application fee from \$35 to \$45, allowing the counties to retain \$14 (currently \$4) to support this local service; and
- Civil fees - increase sheriff's civil fees for the provision of services in civil actions to better reflect the costs of carrying out these duties.



## Rural Improvement Zones

**PROBLEM:** Current law authorizing Rural Improvement Zone (RIZ) projects, designed to encourage private lake development in counties with less than 20,000 in population, can have a significant financial impact on county budgets with little recourse for local officials. RIZ districts can be established with little input by the elected officials within a county and have no end date. Without clear definitions in the Iowa Code Chapter 357H, which provides for the establishment of RIZ projects, the RIZ law is unnecessarily broad – allowing almost any area to be considered a lake development and almost any purpose to be considered an improvement.

**SOLUTION:** ISAC supports legislation that:

1. Requires county approval before any RIZ project is approved and allows the county to consider tax impacts and cost-benefit analyses in making its determination on the RIZ project.
2. Requires a fiscal impact statement be prepared by the entity or persons requesting the RIZ prior to final approval.
3. Limits all RIZ districts to a certain number of years.
4. Anytime there is a renewal of a RIZ district and/or project, the base year should be reestablished or advanced to the current valuation level at the time of renewal.
5. Prohibits tax abatement in RIZ districts.
6. Defines "lake" for purposes of Chapter 357H of the Iowa Code.

# Legislative Objectives

## **Agricultural Building Value**

**PROBLEM:** 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. This situation serves as a disincentive to agricultural economic development for county governments because large-scale livestock operations impose significant additional costs on counties, such as road maintenance, without expanding the tax base to help pay for those costs.

**SOLUTION:** Agricultural buildings should be valued at their replacement cost new less depreciation, and then the appropriate agricultural factor should be applied per Department of Revenue rule. The value of agricultural buildings would not change from its current level, but the value would be in addition to the value generated by the productivity formula for agricultural land. This could be accomplished by adding the following new language at the end of Iowa Code §441.21(6): "Beginning with valuations established as of January 1, 2014, a structure located on agricultural land, excluding agricultural dwellings, shall be valued at its replacement cost new less depreciation, and then adjusted by the appropriate agricultural factor. Such structures shall be valued as agricultural structures and the valuation determined under this subsection shall be in addition to the valuation determined for agricultural land, excluding agricultural dwellings, shall be valued at its replacement cost new less depreciation, and then adjusted by the appropriate agricultural factor. Such structures shall be valued as agricultural structures and the valuation determined under this subsection shall be in addition to the valuation determined for agricultural land under subsection 1."

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

**PROBLEM:** The exemption for farm houses and buildings from county building codes and zoning regulations needs to be clarified. Legislative amendments (1963) and an opinion from the Attorney General's Office (#97-1-1) have made it virtually impossible for counties to apply objective standards in uniformly and consistently administering the exemption. Because of the changing nature of agriculture, this state-mandated exemption will only become more difficult for counties to administer. When counties adopt building and zoning regulations, the public health, safety, and welfare benefits of those regulations should be applied to all households regardless of the owner's occupation. The exemption also 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.

**SOLUTION:** Amend Iowa Code §§331.304(3) (b) and 335.2 to eliminate the farm house exemption. The building exemption would still apply to "farm barns or farm outbuildings," and the zoning exemption would still apply to "land, farm barns, farm outbuildings, or other buildings or structures" used for agriculture. Amend the relevant sections of the Iowa Code to allow for the inclusion of farm buildings in county setback requirements.

## **Bonding for County Courthouse Improvements**

**PROBLEM:** Iowa law requires counties to provide and maintain space for the state-run court system. Under current law, bonds issued for public buildings are authorized as "essential county purpose" bonds if the cost of the building project does not exceed dollar amounts specified in the Iowa Code. The limits are indexed to county populations and increase incrementally from \$600,000 to \$1.5 million. Essential county purpose bonds issued within these parameters require a 10-day notice to the public and are not subject to reverse referendum. Bonds that exceed the limit are considered general county purpose bonds and must be approved by referendum with 60% of the voters approving. This is keeping some counties from providing and maintaining adequate space for the courts.

**SOLUTION:** Amend the Iowa Code to conform the requirements for essential county purpose bonds with the requirements for Iowa's cities and base bond amount limitations for public buildings on the amount of the bonds issued rather than on the total cost of the project. Essential county purpose bond limitation amounts would apply to the principal amount of the bonds issued rather than the cost of the project.

## **Conservation Resources**

**PROBLEM:** Iowa's natural resources need a consistent and protected funding source. Lack of funding translates into fewer investments that are important to quality of life and economic activity in Iowa communities. The Resource Enhancement and Protection (REAP) is a nationally recognized state funding program that 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. REAP investments are known to enhance Iowans' quality of life, and are economically important to Iowa communities. Funding of conservation resources is supported by the public - in November 2010, 63% of Iowa voters approved the creation of a constitutionally protected Natural Resources and Outdoor Recreation Trust Fund. REAP has never been fully funded, and the Natural Resources and Outdoor Recreation Trust Fund has not yet been funded.

# Legislative Objectives

SOLUTION: ISAC supports the increase in the state sales tax by at least 3/8<sup>th</sup> of a cent to fund the National Resources and Outdoor Recreation Trust Fund and full funding for REAP.

## **Election Reform**

### *Absentee Ballot Postmark*

PROBLEM: Ballots from voters that are received through the mail after Election Day cannot be counted if their return envelopes have no postmark or have an illegible postmark. Due to no fault of the voter, the ballot is rejected. The practice of postmarks being placed on return envelopes is inconsistent throughout the state of Iowa.

SOLUTION: Amend Iowa Code §53.17(2) to state that no absentee ballots received after polls close on Election Day will be counted.

### *Absentee Envelope Reduction*

PROBLEM: Iowa Code requires the use of two envelopes to return an absentee ballot by mail: 1) an envelope bearing an affidavit and 2) a return envelope. The use of two envelopes to return an absentee ballot is costly and complicated for some voters.

SOLUTION: Amend Iowa Code §53.8 to reduce the number of envelopes used to return an absentee ballot from two to one. The single envelope will bear the voter affidavit and return address, and will contain the absentee ballot.

### *Close of Voter Pre-Registration*

PROBLEM: Under current law, the deadline to pre-register to vote for primary and general elections is 10 days before the election. Pre-registering allows a voter to be listed on the election register. The pre-registration deadline is 11 days prior for all other types of elections. This mandates county auditor offices to be open on the Saturday 10 days prior to each primary election. Turnout on this Saturday is minimal due to the availability of Election Day registration and an increase in absentee voting during regular courthouse hours, at satellite voting locations, and by mail. Offices are being unnecessarily opened and staffed at a high cost to taxpayers.

SOLUTION: Change the pre-registration deadline to 11 days prior to the primary election.

## **Food Safety**

PROBLEM: Food safety inspections in Iowa are accomplished through the combined efforts of the Iowa Department of Inspections and Appeals, county and city health departments. These agencies are responsible for assuring food safety in over 21,000 restaurants, grocery stores, warehouses, bars, schools, mobile food units and temporary food stands.

Cyclospora, salmonella, e Coli and other food-borne illness outbreaks are occurring more often and in food that was once considered safe. Current funding in Iowa, last increased in 2008, does not cover the costs associated with conducting a modern, science-based inspection program. 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.

Iowans expect that government will provide adequate inspection services, but underfunding through license fees has eroded the ability of state and local agencies in Iowa to provide even the most basic level of restaurant, grocery, care facility or school inspections.

SOLUTION: Improve the funding mechanism for Iowa's food safety program, including administration, inspections and educational activities. This may be done through an increase in food licensing fees, through state general funds allocated to the local health departments, or a combination thereof. Consideration should be given to adopting fees for plan reviews of new food establishments, re-inspections, and school food programs.

## **Posting Notices**

PROBLEM: It is a costly requirement for counties to post all notices in newspapers. Counties currently spend in excess of \$3 million per year to publish various notices and other required documents in the newspaper. There are other options that would be much less costly and just as accessible to local citizens.

SOLUTION: ISAC supports changes to Iowa's open records law that would 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 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.

# Legislative Objectives

## **Records Requests**

**PROBLEM:** Government officials are required to 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 allow only open records requests for "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 residents, but Iowa has no such protections.

**SOLUTION:** 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 businesses and non-Iowa residents that are requesting records not related to any property they own in Iowa. Alternatively, amend Iowa's open records statute to require governmental entities to respond only to records requests from residents of Iowa, in-state businesses, or related to property owned in Iowa by the requestor.

## **Recording Assignments of Mortgages**

**PROBLEM:** Mortgages are often pooled, sold and resold as mortgage-backed securities. Companies like Mortgage Electronic Registration Systems, Inc. (MERS) have been developed to act as the mortgagee of record when recording land instruments. Members of MERS can then trade, sell, transfer and otherwise assign mortgages without recording these mortgage assignments with the county recorder. As a result, property owners lose the ability to have clear chain of title and counties lose the recording fees on these mortgage assignments. In addition, treasurers have difficulty locating lenders for tax sales.

**SOLUTION:** Clarify Iowa's recording statutes to require that assignments of mortgage must be recorded with the county recorder.

# Policy Statements . County Administration and Organization

## **County Home Rule and Local Governance**

In 1978, the County Home Rule Amendment was added to the Iowa Constitution, giving counties home rule power and authority to address local affairs and determine governmental structures. County officials seek to preserve local decision-making authority and oppose tax limitations, unfunded state mandates, state-mandated reorganization measures, or other state initiatives that limit a county's ability (and therefore its citizens' ability) to make spending, service, and governance decisions at the local level. ISAC reaffirms its commitment to the concept of local control over local governance issues.

## **County Technical Clean-Up Legislation**

County officials, including auditors, recorders, and treasurers, occasionally have technical concerns with the Iowa Code. Those who work in these areas annually identify technical improvements that can be made to allow their offices to operate more efficiently for both the customers and those who are working in and managing those offices. ISAC supports the efforts of each of these affiliates in bringing forward technical bills to address noncontroversial improvements.

## **Geographic Information System (GIS)**

Geographic Information Systems (GIS) data is playing an increasingly important role at all levels of government. The implementation and maintenance of an up-to-date system is vital to many county functions and is necessary to meet the increasing demands from the public and government agencies for information based on geography. ISAC supports the collaborative efforts among multiple government agencies that are engaged in the Iowa Geospatial Infrastructure program. ISAC encourages continuing efforts toward building partnerships and identifying funding for sustainable and integrated GIS at all levels of government.

## **Infamous Crime Provisions**

Iowa citizens convicted of aggravated misdemeanors have their individual voting rights terminated due to conflicts between Iowa Code §48A.6 and the Iowa Supreme Court's definition of "infamous crime" as used in the Iowa Constitution. ISAC supports legislation that will clarify the terminology used to report felony convictions to the state registrar of voters. All efforts to protect the voting privileges of Iowa's citizens must continue to be a high priority.

## **Maintaining County Elected Officials**

Having a full slate of local elected officials – and keeping them accountable every step of the way – is the best guarantee of a government that is fiscally responsible yet visionary, and always ready and able to promote the best our counties have to offer. As autonomous elected officials, county officials have the incentive to strategize with our peers to improve services to the public, to organize our offices in the most efficient manner in providing good value to our constituents, and to budget wisely in a very public setting. County officials know our customers and business partners – both public and private – and understand how legislation affects all aspects of our offices. County elected officials are accessible and can be contacted by the public at any time for discussions and questions. County officials work collaboratively with each other to provide a comprehensive planning process to guarantee the effective use of our tax dollars. By standing for election every four years, county officials give the public the opportunity to scrutinize our choices and accomplishments. ISAC supports elected officials representing county government.

## **Public Bidding of In-House Projects**

Some counties and cities have the capacity to complete public improvement projects in-house that cost over the threshold amount for competitive bids or quotations. The Iowa Code requires that all county projects over \$94,000 must obtain public quotations, and county projects must be put out for public bid if a horizontal project is over \$91,000 or a vertical project is over \$130,000. If a county intends to complete a public improvement project in-house, the public bidding and quotation processes waste the time and resources of both the county and any private companies that submit a bid or quotation on the project. ISAC supports adding an exemption from the public bidding and quotation requirements of Iowa Code §§26.3 and 26.14 for local governments that have projects over the applicable threshold amounts that will be completed by in-house staff, in order to eliminate this inefficient use of local tax resources.

## **Public Sector Collective Bargaining**

During the 2008 legislative session, legislation was vetoed that adopted broad language regarding the mandatory subjects of bargaining ("wages, hours and other terms and conditions of employment"), expanded the current list of the mandatory subjects of bargaining, changed the definition of "employee organization," and made other changes that would have had a significant fiscal and operational impact on local governments. In 2012, legislation was introduced to repeal public employees' collective bargaining altogether. ISAC supports the current Public Employment Relations Act and opposes changes to the current law that would shift the balance significantly in either direction. ISAC would support a careful review and study of the current law and an open process to make any necessary revisions.

# Policy Statements . County Administration and Organization

## **Retaining the Compensation Board**

After years of unfair and discriminatory methods of setting the compensation for elected county officials, the Legislature enacted a law that is fair to the elected officers and to the public. The present law, which allows seven county residents to review and set the compensation for elected officials with a built-in veto remedy by county supervisors, provides the proper checks and balances for the protection of the public and for fair and equitable treatment of elected officials.

## **Support for County E-Government Services and Issues**

Leadership at all levels of government should support and encourage open communication standards which will allow access to data and information regardless of the hardware or software platform. ISAC encourages transparent integration of e-government services at every level of government, while still respecting the boundaries and philosophies of policy makers and leveraging the capabilities of and investment in existing systems and infrastructure. Open communication standards will promote new and creative ways to use the services currently available and make delivery and integration of new services easier and more cost effective. Open communication standards offer pioneering agencies the freedom to choose appropriate support hardware, software, and service providers while maintaining connectivity with others. ISAC urges the Legislature to continue supporting counties in their endeavors to provide services electronically, and encourages public/private partnerships.

## **Townships and Township Trustees**

There have been ongoing discussions of the role that townships and township trustees play in Iowa's governmental system. It is important for local government to be as efficient and streamlined as possible. County officials realize that townships deliver needed services to Iowa's rural citizens, a fact often overlooked by critics. Therefore, any discussion of eliminating township government should include representatives of counties, including auditors, and other units of local government.

# Policy Statements . Environment and Public Health

## **Bottle Bill Expansion**

The “Bottle Bill,” has reduced the litter removal costs to highway and park departments, resulting in tax savings to the citizens of Iowa. This highly successful law was passed in 1979 and changes in packaging of beverages over the years have left many types of beverages uncovered by the deposit law. Easy access to recyclers is essential for this success to continue in rural areas. Of the \$0.05 deposit, redemption centers collect a \$0.01 handling fee for each recyclable container. The \$0.01 fee can no longer cover operating costs, including labor, energy, and increasing costs in materials. ISAC supports the expansion of Iowa’s Beverage Containers Deposit Law (the “Bottle Bill”) to include all beverage containers, require acceptance of empties by retail outlets, and increase the deposit or handling fees. Any increase in handling fees should be used to support and encourage the establishment of bottle and can recycling centers.

## **Energy Resources**

ISAC supports Iowa’s agricultural producers, educational institutions and industries in the research, development and use of renewable fuels, such as E85 and biodiesel, and alternative energy resources, such as wind power and geothermal. Increasing the supply and quality of environmentally friendly renewable fuels and alternative energy resources will boost local industry and economic growth, reduce harmful emissions, provide a less costly fuel energy supply and reduce dependence on foreign oil. This must be accomplished in a manner that weighs the benefits achieved against the local environmental impacts of such production. It is in the best long-term interest of the taxpayer for local governments to develop the capacity to conserve energy through improved practices in technology. ISAC supports providing state and federal grants and other funding to assist counties in this effort.

## **Fluoridation**

ISAC supports water fluoridation at concentrations recommended by the Centers for Disease Control and Prevention as the most economical and effective means to control the major public health problem of tooth decay.

## **Indemnity Fund**

The indemnity fund established to pay for cleanup of abandoned confined animal feeding operations (CAFOs) by local governments should be left intact and not be subjected to use for any other purpose unrelated to abandoned CAFOs. Many buildings are reaching the age at which they are likely to be abandoned, making this issue more urgent.

## **Lead-Based Paint Poisoning**

The childhood lead poisoning rate in Iowa is more than four times the national average. All homes built prior to 1978 are likely to contain lead-based paint (Iowa ranks in the top six states with the oldest housing stock), and lead-based paint hazards are the leading cause of childhood lead poisoning. While estimates of the cost of remediation range from \$12,000-\$20,000 per home, funding to remediate lead hazards is minimal or non-existent in most Iowa communities. It is for these reasons that ISAC supports both state and federal increases in funding for regional Childhood Lead Poisoning Prevention programs, community development block grant rehabilitation programs, and other programs related to reducing the lead poisoning rate in Iowa. It is imperative that our national leaders be informed and educated on the importance of funding small towns and rural communities so that federal housing and urban development lead hazard control assistance is awarded equitably across the country.

## **Local Public Health Funding**

Funding for local public health programs is inadequate and limits the ability of local public health departments to meet the increasing needs for services. It is essential that our local health departments are sufficiently funded to assess and address local public health priorities, prevent the spread of communicable disease, provide appropriate care to Iowa’s aging population, deliver needed health care to uninsured or underinsured children and their families, and assure staff are equipped and prepared to respond to all public health crises. The local public health service grant funding designated for local public health infrastructure, community needs assessment, disease prevention, and nursing and environmental health should be restored to the FY 2000 level of funding (as adjusted for inflation) and should allow for more flexibility for boards of health to address local health priorities.

## **Maintenance of Public Health Laws and Regulations**

Public health laws and regulations are intended to protect the health of all Iowans. Such laws and regulations, therefore, must be based on sound scientific principles. State and local boards of health are established to provide unbiased direction on important matters of public health. Proposals to change public health protections in the law should be in response to new evidence based on sound scientific principles of disease prevention and environmental protection. Policy changes should be accompanied by an assessment from the State Board of Health and organizations representing local public health agencies. Public health policy changes should undergo a thorough review by those charged with implementing the policies.

# Policy Statements . Environment and Public Health

## **Manure Management Plans**

ISAC supports the electronic submission of manure management plans and annual updates required by the Department of Natural Resources (DNR). Response to the ever-increasing demand for information pertaining to confinement feeding operations in Iowa would be enhanced by the use of digital technology at both the state and local levels of government. In addition, ISAC supports expanding DNR's oversight and monitoring capabilities related to manure management.

## **Master Matrix and Livestock Feeding Setback**

It has become apparent that there are some lands that are not adequately protected by current setback requirements for confined animal feeding operations (CAFO). In addition, some loopholes allow these operations to bypass intended setback distances from homes and public use areas. The legislature should address deficiencies in the master matrix. At minimum, legislation should:

- direct the Department of Natural Resources (DNR) to review the master matrix program with input from ISAC and the Iowa State Association of County Supervisors, among other stakeholders, to determine if separation distances are adequate to protect human health, the environment, property values, and community quality of life;
- afford county- and city-owned wetlands the same special setback protections as state- and federally-owned "designated wetlands," as found in Iowa Code §459.102(21);
- designate waterfowl production areas, whether managed by DNR or not, as "public use areas" for applying setbacks; and
- amend Iowa Code §459.205(1) so that it reads as follows, "A CAFO structure, if the structure is part of a CAFO which qualifies as a small animal feeding operation. However, this subsection shall not apply to the following: a) If the CAFO structure is an unformed manure storage structure; b) If the small animal feeding operation is no longer a small animal feeding operation due to common ownership or management of an adjacent CAFO as provided in Iowa Code §459. 201."

## **Radon**

Radon is a cancer-causing, natural, radioactive gas that you cannot see, smell or taste. It is the leading cause of lung cancer among non-smokers and the second-leading cause of lung cancer overall. It is responsible for about 21,000 deaths every year in the U.S. The EPA estimates that long-term exposure to radon potentially causes approximately 400 deaths each year in Iowa. Based on data collected from radon home tests, the Iowa Department of Public Health estimates that as many as 50% to 70% of homes across Iowa have elevated radon levels where remediation is recommended. ISAC supports requiring a time-of-transfer radon test in all homes and the installation of a radon resistant system in all new homes.

## **Raw Milk**

Raw milk accounts for approximately 1% to 3% of all milk sales in the United States while it is responsible for 97% to 99% of all milk-related outbreaks of food-borne illness. According to the Centers for Disease Control, outbreaks related to raw milk occur 150 times more often than outbreaks associated with pasteurized milk. Pasteurization is the process of heating raw milk to 161 degrees F for 20 seconds to kill any disease-causing bacteria that may be present to prevent illness, especially in children. The Legislature should continue to firmly support pasteurization of milk to protect the health of its citizens.

## **Regional Local Health Services Incentives**

Many of Iowa's counties have small populations and limited resources to address public health needs. In order to address the delivery of public health services in an efficient manner, regional collaborations and sharing of resources have been encouraged to take advantage of economies of scale. However, regional efforts require a lead agency to take charge. When these arrangements occur, the lead agency puts its local resources at risk beyond the boundaries of its original jurisdiction. State leaders need to provide the resources to assure that lead agencies will not risk local resources in order to assure the delivery of public health services on a regional basis.

## **Surface Water Quality**

Increased pollution and water run-off leads to contamination of lakes and streams. This can cause illness. Public waters should be periodically tested in order to protect public health and safety. The source of pollution needs to be found and the affected beaches need to be posted appropriately, and when cleaned up, posted as such. Cooperation between the Iowa Department of Natural Resources and local health and conservation entities needs to continue.

## **Tobacco**

ISAC supports efforts to curb the use of tobacco and tobacco products in order to address the long-term health costs created by the use of these products. Strategies to address this include banning smoking in casinos and banning the sale of tobacco products including dissolvable tobacco products.

# Policy Statements . Environment and Public Health

## **Unsewered Community Revolving Loan Fund**

More than 487 small communities in the state are considered to be “unsewered” or “undersewered.” Most of these communities either have inadequate centralized waste collection and treatment systems or a collection of private systems that may not be adequate to meet the needs of the community. Many of these small systems or collections of systems illegally discharge untreated human waste. Most of the unsewered communities are incorporated towns of less than 500 persons, unincorporated villages under county control, or pockets of small subdivisions scattered throughout a county. In 2009, HF 468 created the unsewered community revolving loan fund program to provide no-interest loans for the purpose of installing sewage disposal systems in small cities and unincorporated subdivisions. ISAC supports funding this program with a combination of state and federal money.

## **Zoning and Subdivision Wastewater System Review**

Many subdivisions in Iowa have inadequate sewer systems. Existing subdivisions were built without provisions for future on-site wastewater treatment and disposal needs. This lack of planning has caused financial hardship for some homeowners when the conventional systems prove inadequate and more expensive alternatives are required. Current zoning and subdivision regulations do not require that subdivision plans be reviewed or approved by the local board of health or its representative. By failing to require coordination with the entity that must develop and approve on-site wastewater treatment and disposal systems, developers may plat the property with inadequate lot sizes and fail to account for the needs of future waste disposal in the subdivision. ISAC supports legislation requiring preliminary and final plats for residential developments to be reviewed by the local board of health or county sanitarian prior to approval by the zoning commission and the governing body.

# Policy Statements . Human Services

## **Advance Psychiatric Directives**

ISAC supports legislation that gives advance psychiatric directives the same recognition as a durable power of attorney. Advance directives can ensure treatment without having to use intervention of the courts through the civil commitment process. However, while the similar durable power of attorney is readily accepted for somatic care, advance psychiatric directives are not generally recognized in Iowa.

## **Appeals Process**

ISAC supports amending Iowa Code Chapter 17A to reflect that any non-Medicaid appeal heard and ruled on by an administrative law judge cannot be overturned by the Department of Human Services (DHS) director. Except for cases involving contested legal settlement, the state appeals process allows the DHS director to override an administrative law judge decision, which is not consistent with the Attorney General's interpretation of *Salcido v. Woodbury* that boards of supervisors cannot be included in the county's appeal process.

## **Children's Services**

ISAC supports improvements in children's services to better meet the needs of children and families. The current child welfare, juvenile justice, and children's mental health waiver systems are not meeting the needs of children with mental health problems and their families. This is shown by an increase in the number of inappropriate mental health commitments of minors and the number of costly out-of-state placements.

## **Court-Related Expenses**

### *Rule 2.2 Commitments*

ISAC supports the development and state funding of specialized forensic programs to treat and supervise individuals found not guilty by reason of insanity (Rule 2.2). Individuals found not guilty by Rule 2.2 are currently inappropriately placed in the mental health system when they need specialized forensic treatment and supervision.

### *Chapter 812 Commitments*

ISAC supports legislation to revise Iowa Code Chapter 812 to clarify that the cost of evaluation and restoration of competence to stand trial under the provisions of that chapter is a state funding responsibility in cases where the defendants are unable to pay.

## **Department of Corrections**

ISAC supports clarifying that the cost of treatment ordered by the criminal court is a state funding responsibility. The Department of Corrections and the Department of Correctional Services are statutorily responsible for treating persons in their custody who need mental health, developmental disability, or substance abuse services.

## **Mental Health Disability Services Redesign**

ISAC supports a Mental Health and Disability Services (MH/DS) system based on the concepts of consumer-driven services provided in the community. It is ISAC's position that any system redesign must be adequately funded, including necessary funding for additional regional services or administrative costs, so that no existing class of consumers would have to give up services in order to finance system change.

## **Substance Abuse Treatment**

ISAC supports the appropriation of sufficient state funds to the Iowa Department of Public Health to make services available for evaluation, medical and social detoxification, and prescribed outpatient, residential or inpatient treatment, including treatment at Mental Health Institutes, for Iowans in need of substance abuse treatment, whether voluntary or involuntary.

# Policy Statements . Land Use and Rural Affairs

## Conservation Lands

Iowa is ranked 49th among the states in the percentage of public land available to its citizens. The loss of public lands reduces outdoor recreation opportunities, water quality, and protection of natural resources, all of which are of great importance to Iowans. Equally important are the jobs associated with public lands – jobs that are labor-intensive and vital to rural Iowa, including rural energy development and watershed management. In addition, when people travel to recreate on public lands, they spend money in neighboring towns, which are generally rural communities that depend on this income.

## Chronic Wasting Disease

Confined animals are more susceptible to transmitting disease due to their close contact and from being moved from site to site. Chronic Wasting Disease (CWD) has been found in several captive deer herds in Iowa. It is likely that the disease would enter Iowa's wild deer population which would be devastating to Iowa's Whitetail population and economy. ISAC supports regulations or prohibitions on private deer herds that reduce the threat of CWD to the wild deer population.

## Drainage District Ditches

Currently, state regulations provide an exemption that allows drainage district ditches to be maintained (cleaned out) without obtaining a permit from the Department of Natural Resources (DNR). The Environmental Protection Agency regional office in Kansas City has asked that the state Environmental Protection Commission remove this exemption, stating that it is "inconsistent with the provisions of the Clean Water Act." Requiring a permit from the DNR for every drainage district ditch maintenance project would be unnecessary, costly, and time consuming. ISAC supports retaining the current exemption.

## Environment First Fund

Gambling revenues finance the Environment First Fund. The fund contains many programs of importance, including the agriculture drainage well closure program, the Resource Enhancement and Protection (REAP) program, the conservation reserve enhancement program, the watershed protection program, the conservation cost share program, the conservation buffers, and other important water protection programs. The Legislature should fully fund the programs in the Environment First Fund. These funds are essential in assisting landowners to complete soil conservation and water quality improvement practices throughout Iowa.

## Flood Plain Management Policy

ISAC supports working with local, state and federal government agencies to fund efforts to accurately map all flood hazard areas in the state through the use of hydrologic models or other means that will determine future flood elevations and assist the state in the development of a plan to prevent future flood occurrences. The plan should provide for:

- Funding to support the continuing development of more accurate and updated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway maps. Light Detection and Ranging (LIDaR) or hydrological studies should be used to develop elevation data with a maximum of two-foot contours, in order to assist counties and cities in identifying and delineating flood-prone and floodway areas. The new maps that are adopted by the state and local municipalities must be recognized by the Federal Emergency Management Agency as the legal floodplain and floodway maps.
- Funding and technical assistance in obtaining 100-year and 500-year elevations for all FIRM maps to assist homeowners, insurance agencies and zoning officials in identifying safe areas and elevations for building.
- Funding to counties and cities to relocate structures in floodway areas and areas of severe and highly repetitive flooding, and the development of low-impact uses in these areas, such as parks and recreation facilities.
- Requiring a county floodplain ordinance that orders detailed hydrologic and hydraulic studies and that has guidelines for when and where these studies are needed prior to construction. The ordinance should require the property owner or developer to show the up- and downstream effects of filling or development on existing buildings and infrastructure. It should also provide statewide penalties for noncompliance. The ordinance should serve as the state standard that a county or city must adopt, while allowing the city or county to adopt a stricter version.
- Statewide solutions, including standards for watershed management, that will mitigate the effects of filling or developing in a floodplain area.
- Technical assistance to counties and cities that currently do not have trained staff to administer floodplain management ordinances or watershed management requirements.
- Reviewing, updating and developing additional statewide protocols, through Homeland Security, National Resources Conservation Services, the Department of Natural Resources (DNR) and the Army Corps of Engineers, for cities and counties to follow before, during and after flooding to provide the maximum protection to the public.
- Identification and acquisition, through easements or other means, of environmentally sensitive land by the DNR or other conservation agency.

# Policy Statements . Land Use and Rural Affairs

- Funding and technical assistance to utilize urban and rural best management practices in the design, construction and maintenance of projects that increase filtration of storm water, reduce water runoff and collect and hold runoff in upstream drainage areas.

## **Grants to Counties Program**

The Department of Public Health's (DPH) Grants to Counties program provides funds to county environmental health agencies for well testing, plugging, and rehabilitation. The funds for the program come from a tax on pesticides and amount to approximately \$1.7 million annually. At one time, participating counties received as much as \$30,000 annually due to a surplus that was divided equally. This allowed counties to test and rehabilitate wells and to plug abandoned wells at a significant rate in order to protect groundwater resources. The surplus is gone and counties are no longer receiving the amount of funds necessary to perform these functions. Abandoned wells are still prominent across Iowa and present a serious threat to groundwater quality. The Legislature should continue to provide authority to the DPH to reallocate unused funds to counties needing additional funds for the Grants to Counties program.

## **Invasive Species**

Iowa's native flora and fauna are under attack by invasive plants, animals, and insects. Non-native species threaten Iowa's ecosystems and have the potential to seriously impact Iowa's biologic diversity and economy. These threats have been increasing in recent decades, and the number of species of great concern has been growing. State government should support that planting and protection of native species and strongly discourage non-native species. The state should provide adequate funding for programs that monitor, regulate, and control invasive species in our lands and waters.

## **Lake Restoration**

The Lake Restoration Program was designed to improve water quality in many of Iowa's public waters. The program was based on a long-term ranking system that provides adequate funding over multiple years to address Iowa's most popular lakes. Current funding for the state's Lake and River Restoration Programs is in jeopardy of being significantly reduced or eliminated. One hundred and twenty seven of Iowa's principal public lakes were ranked for lake restoration suitability based upon a number of socio-economic, water quality, and watershed factors. The ranking process resulted in a priority list of 35 lakes. In order to address the issues identified in these watersheds, and to be able to adequately plan for these multi-year, multi-jurisdictional, and multi-funding source projects, the Lake Restoration Program needs stable funding of approximately \$8.6 million per year for at least a 10 year period.

## **Limiting Additional Exemptions to County Zoning**

Several attempts have been made to expand the types of uses that would qualify for exemptions to county zoning regulations. Creating a laundry list of exempt land uses undermines the basic intent of county planning and zoning, weakens local home rule authority, and sends a signal that local public policy can be undermined by special interest groups. ISAC opposes attempts to expand the types of land uses exempt from county zoning.

## **Rural Development**

In order to restore and sustain rural viability in Iowa, six important issues should be considered by lawmakers.

### *Renewable Energy Development*

On-site renewable energy generation can provide significant rural development opportunities to the generator and the public through personal and community energy independence, relief from high prices, increased property values, reduced pressure on the local energy grid, and diversification of the state's energy supply with a clean alternative. ISAC supports legislation that will result in an improved political, regulatory, and financial environment for this type of rural development.

### *Health Care*

Efforts should continue to be made by state and local governments, non-profit advocacy groups, and commercial interests to keep and attract new mental health, medical and health care professionals in rural Iowa. Current college tuition reimbursement programs to assist doctors who decide to practice in rural Iowa should be expanded to include dentists, mental health professionals, and health care professionals.

# Policy Statements . Land Use and Rural Affairs

## *Housing*

Rural Iowa cannot experience a revival until people know that affordable housing, new or existing, for low- to moderate-income families is available. The Iowa Enterprise Zone is an excellent program, but under existing law it does not work efficiently for the rural counties. The Enterprise Zone program needs to be changed to allow rural counties to cross “enterprise zones” for the purpose of constructing four or more speculation houses. Assisted living is also a key to the revival of rural Iowa, and additional state support is needed in this area. A partnership should be established between counties, cities and the state to create a housing trust fund.

## *Rural Firefighter and Emergency Personnel Training*

With the aging of the rural population, fewer younger men and women are available to staff volunteer emergency services. Local, state and federal governments must strive to provide training and incentives for assorted emergency and public safety personnel in under-served rural areas.

## *Water and Wastewater Programs*

The quality of both groundwater and surface water affects public health, community economic development and the attractiveness of Iowa as a place to live. Iowa’s municipal water systems and rural water districts work to maintain quality drinking water for thousands of people. Water availability depends on aging water infrastructure, and water quality is affected by the way waste water is handled. County public health programs have a responsibility to ensure the installation and maintenance of adequate septic systems. Unincorporated towns, housing developments, and rural villages with inadequate systems may be required to install modern, central wastewater systems or updated septic systems for individual dwellings. Practical regulations and adequate funding are necessary to assure these systems are affordable and meet the needs of the community, thereby furthering a continued high degree of confidence in Iowa’s water quality.

## *Broadband Internet Access for Rural Iowans*

High-speed broadband Internet service is not readily available in many parts of rural Iowa. Broadband access is required to grow existing and to attract new business and industry. It would also give schools, community colleges and libraries better access to information and provide better communications. In addition, while e-government and e-commerce are gaining momentum, the infrastructure required to sustain their momentum is severely lacking. Iowa must invest in the infrastructure necessary to achieve the goal of 99.95% accessibility to broadband in all areas of the state, giving rural counties and their citizens access to the Internet at the same level as more densely populated areas.

# Policy Statements . Public Safety

## **Byrne Grants**

ISAC supports continued federal funding of Byrne Grants, which support many local drug enforcement task forces and replace the need for state funds. If Byrne Grant funding declines, counties will be more reliant on state funding.

## **County Jails**

### *Sentencing Options*

Relying on county jails to address the state prison system's space problem leads to jail overcrowding, increased liability exposure, and more demands on property taxpayers. ISAC opposes legislation that would increase the county jail population unless the state pays any additional costs to counties. ISAC supports the judicious use of sentencing alternatives and the expansion of state residential and correctional facilities to house state prisoners.

### *Privatization*

Management of county jails should not be turned over to private contractors. Instead, counties and sheriffs should continue efforts to professionalize county jail operations in this state. It is acceptable for a private contractor to build a jail and lease it to the county as long as the jail continues to be run by the county sheriff and staffed by county personnel.

### *Multi-County Jails*

Counties throughout Iowa are facing a dilemma: old jails need to be replaced, but the property tax base isn't large enough to support new ones. Many of these counties are considering the possibility of a multi-county jail, but there is no statewide program to encourage the planning, development, and operation of such jails. The General Assembly should adopt legislation that includes the following components:

- a state-level, multi-county jail board including representatives of ISAC and the Iowa State Sheriffs' and Deputies' Association;
- a process for counties to create a multi-county jail commission to operate a multi-county jail;
- a state multi-county jail fund for grants and loans;
- a process for applying for grants and loans; and
- a state appropriation for multi-county jails.

Multi-county jails should be under the control of the sheriffs of the counties served.

## **Court System Access**

ISAC supports funding for the Iowa Judicial System that is adequate for the courts to successfully deliver vital services. Access, accountability and affordability should be the key considerations in the development of any service-delivery system. ISAC supports increasing the use of technology to provide access to the courts.

## **E911 Enhancements**

Receiving emergency calls from the public is a vital component of public safety communication. Continual change in communication methods (texting, voice-over-IP, etc.) requires that public safety communications technologies evolve to keep pace. With the decline in the use of wired phone services and the growth of cellular/internet services there is a need to pursue methods/sources to generate funds sufficient to support the evolution of the Enhanced-911 (E911) infrastructure.

## **Homeland Security**

Iowa has many homeland security vulnerabilities that require coordination among the local emergency response community, elected officials, public safety officers, state agencies, federal agencies, public health, and private industry. Local first responders should be a primary resource for the development of homeland security planning and funding priorities. Sustainable homeland security funding should be utilized to build specific capabilities, protect responders, reduce vulnerabilities, and ensure that Iowans receive the highest level of protection possible. ISAC supports legislative efforts to foster cooperative planning, specialized training, and coordinated response to acts of terror and natural disasters.

# Policy Statements . Public Safety

## **Interoperability**

The communication systems of each local, state and federal agency do not inherently communicate with each other. There are various frequencies, manufacturers, and technologies involved that are incompatible. The public expects and government should provide communications interoperability in Iowa to better protect people and property throughout the state. Any interoperability solution from the state needs to recognize that many proactive counties have already made large financial investments in communications equipment that could be made obsolete, depending on the state's approach. In addition, any statewide approach to interoperability needs to include adequate state funding. This large expense should not be put on local governments.

## **Iowa Law Enforcement Academy**

The Iowa Law Enforcement Academy (ILEA) at Camp Dodge has not seen significant improvements for many years. It has become too cramped, and local governments are now being charged additional fees for use of the ILEA weapons training range, which is also being used more by the federal guard personnel. County sheriffs' offices rely upon the ILEA to provide comprehensive training for their officers. Consistency in the training of officers is critical to their ability to safely serve their communities. The strength of a quality law enforcement training program lies in an up-to-date and consistent curriculum, ample and well-qualified trainers, and appropriate facilities, technologies and training fields. ISAC supports a feasibility study to properly identify the needs for an enhancement at ILEA. ISAC supports the study of various facility options, including a joint public safety training facility that could house fire safety, law enforcement, and emergency management under one roof, as long as the law enforcement curriculum and training program is kept intact. Proper training grounds for firearms training and pursuit driving as well as adequate dormitories must be available. These overdue improvements are needed to provide a quality training program that is consistent, accessible, and affordable for sheriff's departments across Iowa.

## **IPERS Status for Emergency Management Directors**

The responsibilities of Emergency Management Directors have evolved over the years. Emergency Management Directors are often required to be in the danger zone during emergencies. There are several examples of directors who have been seriously injured in the line of duty. This can end careers prematurely and even shorten life spans. Because of this, ISAC favors extending the Iowa Public Employees' Retirement System (IPERS) protected occupation status to Emergency Management Directors.

## **Jail Capacity Issues**

ISAC opposes any proposal to impose a statewide moratorium on the building of jails. Local elected officials and local voters should decide if a new jail is needed in their county.

## **Juveniles and Law Enforcement**

State funding limitations and caps on out-of-home placements of juveniles, children in need of assistance, and juvenile delinquents have resulted in the denial of timely placement and necessary treatment and remedial programming for children. This, in turn, has resulted in increased costs to counties for detention placements and increased risk of harm to children and public safety officials. Iowa needs more capacity in the child welfare system in order to provide the immediate, meaningful consequences that help fight juvenile crime. The Legislature needs to increase the number of residential placements available for youthful offenders. Youth are housed in county juvenile detention facilities for months, at a cost that may exceed \$165.00 per day plus medical costs, waiting for group home placements. Juvenile justice is a continuum, with programming including community prevention programs, school-based programs, adult court, and the state training schools. The Iowa Legislature must increase support for these programs to keep pace with the increases in juvenile crime, and support the child welfare system so appropriate alternatives are available for children in need of assistance.

## **Meeting Iowa's Correctional Needs**

The Legislature needs to consider less expensive, more innovative alternatives to prison.

### *Prisons*

If Iowa is going to be tough on crime, there must be adequate correctional beds to hold those who need to be separated from the community at large. ISAC supports the state adding more correctional capacity as necessary to house dangerous and violent inmates.

# Policy Statements . Public Safety

## *Community Corrections*

There is a significant shortage of community correction beds that can be used to reduce the demand for prison beds. ISAC supports the adequate funding of Iowa's current system of community-based corrections in order to provide a comprehensive range of sentencing alternatives and to ensure the statewide availability of community-based programs.

Regarding community-based corrections and treatment programs, the state needs to:

- expand community-based corrections with an emphasis on eliminating the "log jam" of inmates waiting in prison for community placement;
- safely increase the parole rate by providing education, job training, and mental health, substance abuse, and sex offender treatment while inmates are in prison. These programs help make changes in offender behavior that result in safer communities and fewer parole revocations, significantly decreasing the prison population;
- expand alternative sanctions, such as drug courts, to divert offenders from entering prison and to ensure statewide access to alternative sanctions and community-based corrections; and
- increase probation and parole supervision to reduce revocation rates and the prison population.

## **Permits to Carry Concealed Weapons**

ISAC supports the Iowa State Sheriffs' and Deputies' Association's efforts to address the public safety concerns presented by some provisions of Iowa's weapons carry permit law, including clarification of "open" versus "concealed" carry, the lack of firearms qualifications for new permit applicants, and the ability to carry in public while consuming alcohol.

## **Reducing the Cost of Probation Violators in County Jails**

Rather than being sent to prison, probation violators under the control of the Department of Corrections (DOC) are sentenced to county jail. Sometimes they end up in jail due only to the probation violation, but in many cases they also have another charge. Under current Iowa law, the DOC reimburses counties for housing parole violators but is not required to reimburse counties for probation violators. Therefore, the state moves parole violators in and out of the jails in seven to 10 days on average, while probation violators remain in jail on average six to eight weeks and in many cases for months. Local taxpayers are responsible for this increasing cost to counties. As the state assesses prison capacity and criminal sentencing, it must consider the housing of an increasing number of parole and probation violators in county jails, thus driving up costs to local taxpayers. ISAC supports two options to ease jail crowding and the significant costs to counties: 1) identify a state facility to house probation violators; or 2) reimburse counties for probation violators, just like it does for parole violators, if the probation violator has been in the county jail for more than seven days. If a prisoner is in county jail on a probation violation and another charge, the state should share the cost of housing the prisoner equally with the county.

## **Sheriff as an Elective Office**

The sheriff's jurisdiction covers the entire county, including all municipalities and townships. As the executive law enforcement officer of the county, the sheriff's duty is to make sure that those who violate the law are arrested, so that they may be availed of a fair trial, and, if convicted, appropriately punished. The sheriff is charged by the people to assess public safety needs and act accordingly within the law. The sheriff owes allegiance and accountability directly to the people. To remove the sheriff's office from the elective arena would be to deprive the citizenry of the right to select a person to preserve the peace and protect them against vice and crime. Accordingly, ISAC supports maintaining the sheriff as an elective office.

## **State Funding for Emergency Management**

While the state of Iowa places many requirements upon local emergency management, it pays nothing toward the preparedness planning, training and exercise drilling at the county level. These duties performed by county emergency management coordinators help to protect the state welfare and economy. In addition to local funding options, there needs to be a state appropriation to county emergency management agencies in order to help meet the present-day challenges of preparedness. Assistance is needed to cover the cost of all hazards planning, training, exercising, equipment, and personnel, all of which are similar to the limited federal emergency management performance grant program. Requirements for receiving state funds should not exceed current requirements set forth in both the Iowa Code and the Iowa Administrative Code.

## **State Reimbursement for State Prisoners**

Property taxpayers in Iowa spend more than \$130 million annually holding inmates in county jails. In recent years, the Department of Corrections has been holding more alleged violators of parole, work release, and OWI within the prison system rather than in county jails, which has decreased the number of claims. The county confinement line item in the state budget has remained fairly constant and this needs to continue.

# Policy Statements . Public Safety

## **Streamlining the Involuntary Commitment Process**

Involuntary commitment of Iowans for substance abuse and mental illness is increasing in Iowa. Law enforcement, courts and hospitals are struggling to manage this growing problem. The need for mental health placements has been a critical issue in Iowa for many years including the need for evaluation, transitional and detoxification beds. Court-ordered release of committed patients without law enforcement notification directly impacts public safety. Also, transporting and awaiting admittance for individuals being involuntarily committed takes law officers away from other public safety duties in the county. ISAC supports efforts to bring various stakeholders together to revamp Iowa's commitment law to address these and other issues.

## **Storm Shelters**

Many Iowans live in housing situations, including mobile and manufactured homes, which offer little protection from tornadoes and severe storms. These weather events also pose a significant risk to children in schools with inadequate shelter. ISAC supports legislation that would encourage the construction of Federal Emergency Management Agency (FEMA) standard storm shelters as part of a comprehensive prevention strategy aimed at reducing the loss of life associated with tornadoes and severe storms. This legislation could include tax incentives, such as tax credits or refunds, a multi-year phase-in of the law, or even a small amount of state-funded grants for the construction of FEMA standard storm shelters.

# Policy Statements . Taxation and Finance

## **Essential County Purpose**

Iowa law requires counties to provide and maintain space for the state-run court system. Building projects over a certain threshold depending on the size of the county must be approved by referendum with 60% of the voters as general county purpose bonds. ISAC supports increasing the cap for county buildings considered as essential county purpose (Iowa Code §331.441(2)(b)(5)), and making court-related building projects, including relocation of county offices to allow for adequate court space, an essential county purpose.

## **Funding of State Mandates**

County budgets are becoming increasingly burdened with the costs of current and new state mandates. Depending on how a mandate is defined, one-third to two-thirds of each county's budget is consumed by various state-mandated functions. This increases the reliance on a regressive form of taxation - the property tax. Current legislation prohibiting unfunded mandates (Iowa Code Chapter 25B) has been less than effective because of exceptions written into various new laws. Any service mandated by state legislation or administrative action should be fully funded by the state to cover all costs of the mandate.

## **Low-Income Elderly and Disabled Credit**

Iowa law allows a state-paid property tax credit of up to \$1,000 for low-income elderly and disabled persons. Because funding reductions to this program greatly impact the people who can least afford to pay more taxes, while only saving the state of Iowa a relatively small amount of money, this program should be fully funded.

## **Preservation of County Services**

Counties provide necessary services and meet ever-increasing state mandates through property tax revenues. State funding for roads and mental health services falls far short of the needs. Annually, adequate state support for local public health, the Environment First Fund, the Resource Enhancement and Protection (REAP) program, and emergency management are areas of concern for counties. In addition, the courts, local law enforcement, and county jails are enterprises that are funded with both state and local dollars. As the state determines how to manage its funding priorities, the legislature must understand that funding taken from local government will result either in significant cuts in services or in increased property taxes. Property tax credits represent a major issue. When the state reduces funding for property tax credits, but maintains the credit to the taxpayer, counties must raise property taxes to generate the difference. In essence, property tax payers fund their own credits. In addition, a disproportionate part of this increase is borne by commercial property owners – the very group the state has been focusing on for property tax relief. Adequate funding for the programs that counties provide is critical. Property tax credits in particular need to be funded at a level similar to FY 2012 and counties must be given the ability to adjust their levies if mental health property tax relief continues to be cut.

## **Property Tax**

Iowa's schools, cities, and counties provide many critical services to local citizens funded in part by property tax revenue. The passage of SF 295 at the end of 2013 legislative session will provide property tax relief for several classifications and subsets of property, but changing the assessment methodology for certain property will unduly reduce the future revenue of local governments. In order to mitigate the risk of a reduction in services or increase in property taxes among all classes, the legislature should fully fund the property tax credits and rollback replacement claims provided for in SF 295. ISAC also supports a state appropriation to help local governments deal with the reduction in revenue due to the changes to the assessment methodology for multiresidential and telecommunications property. As the state determines how to manage its funding priorities, the Legislature must understand that funding taken from local government will result either in significant cuts in services or increased property taxes. Any proposal brought forth that reduces the percentage at which property is assessed should be revenue neutral or provide the necessary level of funding to replace the loss in local government property tax dollars. Funding for services that local governments are required to provide should be equal to the cost of services.

# Policy Statements . Taxation and Finance

## **Tax Increment Financing**

ISAC sees the value of tax increment financing (TIF) in arresting decline and promoting growth in Iowa communities, but occasional excessive use of this economic development tool has led to a variety of concerns: residential property can be included in broadly defined “economic development” areas, sometimes covering entire cities; debt is reported annually in a way that masks its full amount; there is no limit to the percentage of total valuation in a city or county that may be dedicated to TIF; TIF projects can give an unfair advantage to businesses that have competing businesses nearby; and many TIF areas created before 1995 can be extended in perpetuity. Addressing this issue can mitigate budgeting difficulties for individual communities, unfair tax consequences for other local taxing bodies, and a loss of confidence in the TIF tool among legislators and the public. Changes could include 1) requiring county approval before any TIF project is approved; 2) requiring a fiscal impact statement prior to final approval, 3) limiting all TIF districts to a certain number of years; including TIF projects designated for eliminating urban slum or blight and TIF projects designated for economic development and created prior to January 1, 1995; applying the rollback proportionately to both the base and the incremental valuation in a TIF district; requiring that the base year be reestablished or advanced to the current valuation level anytime there is a renewal of a TIF district; and prohibiting tax abatement in TIF districts.

## **User Fees**

Many of the fees that local governments assess are governed by the Iowa Code and, over time, fail to compensate for the cost of the service. The shortfall is paid for by the local property tax payer. Examples of this include driver’s license fees, e-commerce fees, food code license fees, and boat license fees. ISAC supports transferring these and other user fees into the Iowa Administrative Code with a periodic agency analysis of the need for fee increases.

# Policy Statements . Transportation

## **Alternative Funding for County Roads**

County roads are increasingly being subjected to loads that are causing excessive damage due to changes in farming practices and the development of biofuels, wind farms and large confinement operations. The potential for additional mining and hydraulic fracturing projects in the state would make this problem even worse. County roads were not built with adequate base or surfacing to resist loads from an increasing number of trucks, large grain carts and wagons, manure tanks, agricultural floaters and construction vehicles. These larger vehicle loads are stressing county roads at a time when revenues are either flat or decreasing and material, labor and fuel costs are increasing and stressing road maintenance budgets. As vehicle fuel efficiency increases, traditional Road Use Tax Fund revenues will further decline. To address the additional road damage caused by these changes in equipment and the location of new facilities on unpaved or lightly paved county roads, ISAC supports additional revenue options that focus on recovering the cost for serving these facilities. ISAC recommends that these additional revenue options be in the form of surcharges, impact fees, development fees, or licensing fees for the location of these facilities. Examples include but are not limited to: a per head livestock fee; a per gallon liquid manure fee; a permit fee for large agricultural equipment used on county roads, similar to the agricultural floater permit; a minimal per gallon fee for each gallon of biofuel produced, similar to surtaxes on coal and other fossil fuels charged by many western states; or other use-based fees.

## **All-Terrain or Off Road Utility Vehicles**

County boards of supervisors may allow the use of all-terrain vehicles (ATVs/UTVs) on designated county roads for a specified period under Iowa Code §321I.10. ISAC opposes legislation requiring counties to allow the use of ATVs or UTVs on secondary roads. These vehicles are not designed for use on roads and improper use could lead to both accidents and considerable damage to county roads. Given the safety concerns and impact these vehicles could have on secondary roads, ISAC supports local control over road use and the ability of boards of supervisors to make a decision regarding the use of ATVs or UTVs on county roads in their jurisdiction.

## **Control of County Rights-of-Way**

Present law is vague on the extent of the authority counties have to control activities within the right-of-way, such as burning, brush cleaning, and utilities placement, yet the county is often held liable for vegetation growth and obstructions or hazards found within the right-of-way. ISAC supports the right of the board of supervisors to have control over all uses of the public rights-of-way.

## **Eminent Domain**

Condemnation is used as a last resort by Iowa counties, most often to acquire land for roads that are essential for the economy of rural Iowa. ISAC opposes any attempt to weaken the county's ability to use eminent domain beyond the considerable restrictions already in place, and ISAC supports continued local control of eminent domain for use in obtaining road rights-of-way. Further, ISAC opposes any changes to eminent domain that would mandate added costs or restrictions to counties. ISAC also opposes any action that would require taking an entire parcel of land when only a limited portion is needed for road rights-of-way.

## **Flexibility of Use of TIME-21 and Other New Road Funds by Counties**

Currently, federal aid dollars have requirements tied to their use that result in extra cost for the projects involved. Increasingly, state funds are subject to similar restrictions. Local elected officials are capable of deciding how to use funds for which they are responsible. Ultimately, local elected officials are judged by the voters as to whether they are appropriately spending tax revenues. Recent floods and unusually severe winters have exacerbated existing funding shortfalls and highlight the importance of giving local officials the flexibility to adjust expenditures to address emergencies and unexpected needs. TIME-21 funds are allocated to counties with restrictions on their use. Current law allows these funds to be spent on bridges and farm-to-market construction only. Similar restrictions do not apply to the state and cities who also receive a share of these funds. Bridges and farm-to-market roads have other dedicated sources for funding. To allow counties to address their individual transportation needs, ISAC supports removing restrictions on the use of TIME-21 and other new road funds and requests that counties be allowed to use all new road funds for any secondary road purpose.

## **Increased Vehicle Weights**

Increases in allowable vehicle weight limitations cause damage to Iowa's roadways and bridges. The increases in axle weight allowances create a condition of extreme danger to Iowa's bridges and the people who cross them. ISAC opposes unreasonable increases in allowable gross vehicle weights and any increase in allowable axle weights. ISAC has supported responsible increases in truck weights and opposes the annual increased weight proclamations by the Governor.

# Policy Statements . Transportation

## **Limitation of Liability for Non-Motorized Traffic Used on Public Highways**

Liability issues surrounding individual use of county highways by bicyclists and other non-motorized road users have not been addressed by the Legislature. As expenses for highway maintenance increase faster than revenues, counties cannot afford to meet a level of road maintenance above that which is necessary or practical for motor vehicles. ISAC supports efforts to clarify that counties will incur liability only when a roadway is not maintained to a standard appropriate for motor vehicles.

## **Road Embargo Extension**

Counties need additional flexibility in managing roads under their jurisdiction to stretch limited road budgets. Currently, counties can only impose weight restrictions on a county road for 90 days. ISAC supports allowing counties to impose longer embargoes to extend the useful life of those roads.

## **Road Maintenance Standards**

Current Iowa law protects municipalities from liability for winter road maintenance if the municipality has complied with its winter road maintenance policy. ISAC supports providing a similar level of liability protection for pavement maintenance of roadways. In addition, ISAC supports clearly providing that the same protections exist for counties that provide regulatory devices, signs, pavement markings and traffic control devices beyond what is required by law. In these cases of non-mandatory devices or pavement markings, ISAC supports protection from liability if the county conducts an engineering study or warrant investigation for such devices or markings which determines that the device or markings should be removed or no longer maintained and that the removal or cessation of maintenance is in accordance with the county's written policy. In addition, ISAC seeks to clarify that the definition of municipality in Iowa Code §668.10, which defines government exemptions from liability, includes counties as well as cities.

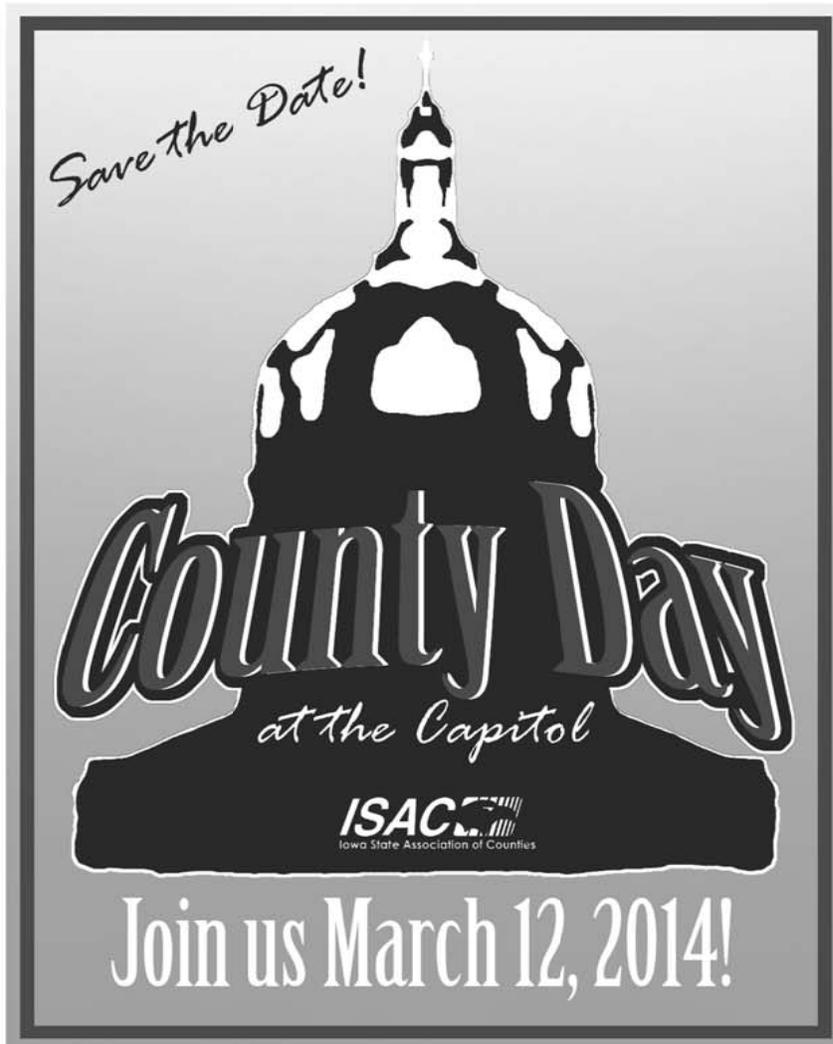
## **Road Use Tax Fund**

Current studies show that all road jurisdictions have lost substantial buying power and are facing an increasing shortfall of resources to maintain existing road and street systems. ISAC supports the current Road Use Tax Fund (RUTF) distribution formula of 47.5% to the Iowa Department of Transportation, 24.5% to the county secondary road fund, 8% to the county farm-to-market fund, and 20% to the cities. Survey data show that the distribution of vehicle miles of travel has remained constant for the past 21 years since current RUTF funding was put into place. During that time, counties and cities have been forced to assume an increasing amount of road mileage within the state. This fact should not be overlooked when deciding the distribution of any new dollars that become available to the RUTF. New dollars, beyond \$225 million generated for TIME-21, should be distributed according to the current RUTF formula. ISAC would oppose any change to the formula that would reduce the county portion.

# Notes







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