

# The Iowa County



## August 2018

Counties and Justice

Pictured: County Leadership Institute Class of 2018  
(See page 14.)





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# The Iowa County

August 2018 \* Volume 47, Number 8

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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.

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# Feature

## Specialty Treatment Courts Work

Illicit drug use continues to remain a problem in the state according to a recent report from the Iowa Office of Drug Control Policy. In the newly released 2018 Iowa Drug Control Strategy, marijuana remains the most widely used narcotic, but opioid and methamphetamine use continues to trend upwards. According to the national Adoption and Foster Care Analysis and Reporting System (AFCARS), Iowa is ranked 8<sup>th</sup> in terms of children being removed from the home due to parental substance abuse with the majority of those children (65.7%) being under the age of 1. The traditional approach and services have not been effective in helping these individuals or families become successful.

Specialty Treatment Courts, however, have emerged as a solution for issues that are deemed complex and require an alternative response in order to improve outcomes. Specialty courts are credited with reducing recidivism, retaining clients in treatment, reunifying families which reduces foster care placements. They also improve education, employment, housing, and financial stability.

There are over 3,000 treatment courts in the United States. Currently in Iowa, there are 39 specialty treatment courts.

Type of Specialty Court	Locations
<b>Adult Criminal Drug Court:</b> are designed to rehabilitate drug offenders and teach accountability. Adult drug courts are often used as an alternative for incarceration or as a diversion program prior to adjudication where charges may be dropped upon successful completion of the program.	Black Hawk, Cerro Gordo, Dubuque, Lee, Polk, Pottawattamie, Scott, Wapello and Webster Counties
<b>Adult Criminal &amp; OWI Court:</b> is designed to meet the needs of both adult drug offenders and Operating While Intoxicated Offenders.	Linn, Plymouth and Woodbury Counties
<b>Adult OWI Court only:</b> this specialty court is designed to meet the specific needs of repeat offenders for Operating while Intoxicated.	Warren County
<b>Family Treatment Courts:</b> address cases of child abuse and neglect that involve parental substance abuse. The overall goal is to reduce child maltreatment by treating the parents' or caretakers' underlying substance use issues.	Black Hawk, Buena Vista, Cass/Audubon, Cerro Gordo, Johnson, Linn, Polk, Scott, Wapello, Warren, Webster and Woodbury Counties
<b>Juvenile Delinquency Drug Courts:</b> provide treatment to substance use involved juvenile offenders with the goal of reducing recidivism and substance abuse.	Clay, Des Moines, Henry, Marshall, Plymouth, Polk- Girls, Polk-Boys, and Woodbury Counties
<b>Domestic Violence Court:</b> is designed to improve victim safety and enhance offender accountability	Black Hawk County
<b>Mental Health Court:</b> serve individuals who would ordinarily be prison-bound to long term community-based treatment. They rely on mental health assessments, individualized treatment plans and on-going judicial oversight to address mental health needs of the individual and public safety.	Pottawattamie, Scott, Wapello and Woodbury Counties
<b>Veteran's Treatment Court:</b> this specialty is designed to meet the specific needs of veterans that may be struggling with substance use issues, Post Traumatic Stress Disorder or traumatic brain injury.	Woodbury County

\*\*\*\*\* In rural areas of the state, some Specialty Treatment Courts serve individuals from neighboring counties so the specialty treatment court may be located in a particular county, but they accept referrals from additional counties.



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Over 30 years ago, the first drug court was developed. The intent was to offer an alternative to allowing individuals with long histories of addiction and crime to continue to cycle through the justice system at great expense to the public. These specialty courts use the leverage of the courts to keep participants engaged in treatment long enough to be successful. Today, drug courts and other treatment courts have proven that a combination of accountability and compassion can save lives, valuable resources, and reduce criminal justice costs.

Although drug or treatment courts vary in target population, program design and resources, they are generally based on a similar model. The model includes: an assessment of a participant's needs; frequent judicial oversight; monitoring and supervision; treatment and rehabilitation; and graduated incentives and sanctions. Drug or Treatment Courts are usually managed by a multidisciplinary team which includes; judges, county attorneys, defense attorneys, correctional officers, social workers, and treatment professionals.

Numerous studies have been conducted on the cost effectiveness of treatment courts. A recent cost-related



meta-analysis concluded that Drug Courts produce an average of \$2.21 in direct benefits to the criminal justice system for every \$1.00 invested — a 221% return on investment (Bhati et al., 2008). When Drug Courts targeted their services to the more serious, higher-risk offenders, the average return on investment was determined to be even higher: \$3.36 for every \$1.00 invested.

These savings reflect measurable cost-offsets to the criminal justice system stemming from reduced re-arrests, law enforcement contacts, court hearings, and use of jail or prison beds. When more distal cost-offsets were also taken into account, such as savings from reduced foster care placements and healthcare service utilization, studies have reported economic benefits ranging from approximately \$2.00 to \$27.00 for every \$1.00 invested (Carey et al., 2006; Loman, 2004; Finigan et al., 2007; Barnoski & Aos, 2003). The result has been net economic benefits to local communities ranging from approximately \$3,000 to \$13,000 per Drug Court participant (e.g., Aos et al., 2006; Carey et al., 2006; Finigan et al., 2007; Loman, 2004; Barnoski & Aos, 2003; Logan et al., 2004).

Criminal and Juvenile Justice Planning in the Iowa Department of Human Rights has been evaluating family treatment courts in Iowa for the past 10 years. According to the most recent evaluation report, Iowa family treatment courts have served 1,001 families comprised of 1,160 parents or caregivers and 1,932 children. The results have continued to indicate that family treatment courts show effectiveness in increasing family reunification rates and parental placement into substance abuse treatment. Estimates suggest that if all reunified family treatment courts children remain with their parents through age 18, the family treatment courts have the potential to generate over \$10 million dollars in cost avoidance for the state. This is an average of approximately \$11,282.92 per family (Davidson, 2017).

The Judicial Branch of Iowa has initiated several data-specific studies to better understand the outcomes, programmatic needs of treatment courts, and will eventually determine the cost effectiveness of these courts. The National Center for State Courts has been working with State Court Administration on identifying Adult Drug Court performance measures and a process evaluation of all treatment courts. They are also working on a summary or status report of treatment courts for the Iowa legislature.

The bottom line is that research has demonstrated that specialty courts save money and save lives. In order for them to be effective, they should be funded at a level to meet best practice standard, and they should be accessible to everyone.

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# Feature

## Stepping Up to Reduce Mental Illness in Jails: Collecting Data to Drive Change

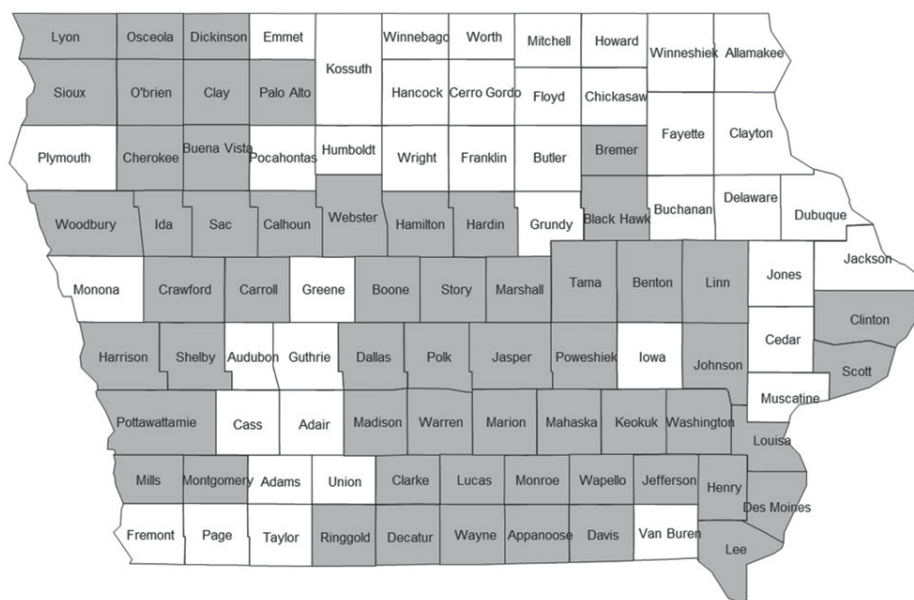
County leaders in Iowa and across the country are grappling with a crisis: a large number of people in their jails have mental illnesses. Policy and funding barriers, along with limited opportunities for law enforcement training and arrest alternatives in many communities, have made county and other local jails the de facto mental health facilities for people who have mental illnesses. Counties recognize the need for systems-level change to help them improve outcomes for people who have mental illnesses while protecting public safety in fiscally responsible and effective ways, but many lack the information they need to understand the scale of the problem in their own communities.

THE  
**STEPPINGUP**  
INITIATIVE

**The National Stepping Up Partners**  
<https://stepuptogether.org>

In May 2015, the National Association of Counties (NACo), The Council of State Governments (CSG) Justice Center, and the American Psychiatric Association (APA) Foundation partnered to create *Stepping Up*, a national initiative designed to rally local, state, and national leaders to address the crisis of mental illnesses in jails. Since that time, more than 450 counties across 43 states – including 58 in Iowa! (shaded below) – have passed *Stepping Up* resolutions, committing themselves to reducing the number of people in their jails who have mental illnesses. Although counties have made significant progress on addressing this issue, the problem remains. This crisis is solvable, but it requires a new approach – one that is data-driven, focused on systems-level change, and collaborative in nature.

**Stepping Up Resolutions Received as of July 1, 2018**



One of the challenges many counties face when seeking data-driven solutions to address this issue is identifying people who have mental illnesses at the point of entry into their local criminal justice systems. Having this information not only helps connect people to appropriate treatment and services while they are in the jail and when they return to the community, but also provides data and information that is critical for county leaders to make policy and funding decisions that will meet the needs of their community.

systematically identify people entering their jails who have mental illnesses – and specifically people with serious mental illnesses (SMI), who are often the highest utilizers of resources. The goal is to have every county collecting accurate, accessible data on these individuals.

To achieve this goal, it is recommended that counties use the following approach:

- Establish a shared definition of SMI for your *Stepping Up* efforts that is used throughout the local criminal justice and behavioral health systems;
- Use a validated mental health screening tool on every person booked into the jail, and refer people who screen positive for symptoms of SMI to a follow-up clinical assessment by a licensed mental health professional; and
- Record clinical assessment results and regularly report on this population to stakeholders.

*Stepping Up* is calling on counties to establish processes to



*Stepping Up* recognizes that jails are fast-paced environments from which many people are released to the community in less than 48 hours, leaving little time to complete the recommended approach. Although counties may find that using the recommended approach is challenging due to limited resources and time constraints, it should be considered as the high bar for having accurate, accessible data on people who have SMI in jails. As part of this effort, the national *Stepping Up* initiative is creating technical assistance resources to help counties improve their mental health screening and assessment processes and to strengthen data collection and tracking.

To help counties implement this approach, *Stepping Up* has selected a number of Innovator Counties to share their experiences and expertise with identifying people who have SMI in their jails and gathering and using data on these individuals. The seven inaugural Innovator Counties are each using the recommended three-step approach outlined above. They include Calaveras County, California; Miami-Dade County, Florida; Champaign County, Illinois; Douglas County, Kansas; Johnson County, Kansas; Franklin County, Ohio; and Pacific County, Washington. These counties are demonstrating that this type of data collection is critical and feasible regardless of a county's size or resources. Other counties that are already using or are committed to using this approach are encouraged to contact *Stepping Up* about joining the Innovator County cohort.

Iowa counties are finding innovative ways to identify and collect data on people with mental illnesses in their jails as well. Here are two examples:

In **Plymouth, Sioux, and Woodbury counties**, individuals with mental illnesses who are booked into jail can be identified two ways. First, correctional officers in the jail administer the Brief Jail Mental Health Screen (BJMHS) as part of the intake process to determine if a person has symptoms of SMI. The BJMHS is imbedded in the jail's Crime Information System (CIS) to allow for a more seamless intake process. Second, the Jail Alternatives Coordinator – an employee of Sioux Rivers Regional Mental Health and Disability Services (MH/DS) – receives a roster of individuals booked into each jail daily, which allows her to match these records to MH/DS electronic health records to see if the individuals have a mental health diagnosis or history of receiving treatment. The coordinator also has access to the CIS, allowing her to view the results of the BJMHS. Once an individual with SMI and/or a co-occurring mental illness and substance use disorder is identified, the coordinator will meet with the individual in person to conduct an initial intake screening that includes everything from health and cognitive conditions to mental health and medications. In addition, the magistrate presiding over first appearances will assess the individual for pretrial risk to determine his/her appropriateness for mental health court, drug court, or the jail alternatives program, which helps provide information for discharge planning and connections to community-based resources.

In **Polk County**, the sheriff's office does an initial screen when a person is dropped off at the jail to determine if a person is experiencing symptoms of a mental illness, including suicidal thoughts, in which case they are immediately referred to one of two full-time in-jail mental health counselors for assessment. After this initial screening, all individuals meet with a registered nurse who conducts a medical and mental health screening. The mental health screening is done using the BJMHS, and individuals who screen positive for symptoms of mental illness are referred to counselors who conduct a full assessment within 7-14 days depending on the person's acuity. Individuals can also self-refer to see a mental health counselor, and the jail diversion coordinator can look up individuals' treatment history in the Polk County Health Services electronic health record. In addition, every morning an electronic file is sent to the county's Mental Health Services that will automatically match individuals in the jail to existing clients and notify community-based case managers who can share medication information with the jail medical staff. The jail diversion coordinator works with individuals on discharge planning and referrals to community-based treatment and services. Individuals in the jail are tracked in the Correct Care Solutions (the jail medical provider) electronic health record and the jail management system, and the data are reported to the county's criminal justice coordinating council at its bimonthly meetings according to an agreed-upon definition of mental illness.

Once counties are collecting and tracking data on how many people who have SMI are admitted to their jails, how long they stay in jail, whether they are connected to community-based treatment and their recidivism rates, they'll be able to better understand the extent of the problem locally, set goals for improvement and measure progress. Equipped with this data, counties can also target scarce resources and develop an action plan that will create a system-wide impact, ultimately protecting public safety and improving outcomes for people who have mental illnesses in their criminal justice systems and in their communities.

For more information on *Stepping Up* or to join the initiative, contact Nastassia Walsh, NACo program manager, at 202.942.4289 or [nwalsh@naco.org](mailto:nwalsh@naco.org) or check out [www.StepUpTogether.org](http://www.StepUpTogether.org).

# Feature

## No Sanctuary Under the Law

In April 2014, Sheriff's Offices across Iowa received a letter from the American Civil Liberties Union of Iowa (ACLU) informing them that detainer requests from the U.S. Immigrations and Customs Enforcement (ICE) provided no legal authority to hold individuals beyond their sentence in their jails. The ACLU warned that holding individuals pursuant to an ICE request could expose the entity to "significant legal and financial liability." In a "detainer," ICE may request that a local law enforcement agency hold (detain) an individual who has been arrested on local criminal charges if ICE has probable cause to believe the individual is in the country illegally so that ICE can take custody of the individual when he or she is released from custody. In response to the ACLU letter, some counties reassessed their policy of holding inmates at the request of ICE while others refused to comply with ICE detainers. Whether by design or by accident, some counties amending their detainer practices found themselves characterized as a "sanctuary county" for illegal aliens.

The Iowa Legislature tackled the detainer/sanctuary issue this legislative session by passing Senate File 481 (SF 481), the "anti-sanctuary" bill, which Governor Reynolds signed into law on April 10, 2018. SF481 is codified at Iowa Code Chapter 825, "Immigration Laws—Enforcement." The new law, which went into effect July 1, 2018, requires law enforcement agencies to "fully comply" with ICE detainers and restricts a city or county (and any of their officers, attorneys or employees) from implementing and enforcing a policy that discourages enforcement of federal immigration law. This article addresses Chapter 825 from a county perspective.



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In addition to the general requirements set out above, Chapter 825 specifically prohibits a county from discouraging a "law enforcement officer, corrections officer, county attorney...or other officer or employee who is employed by or otherwise under the direction or control of" the county from inquiring about the immigration status of an individual under lawful detention or arrest for any public offense (other than a moving traffic violation). Under Chapter 825, a county may not prohibit an employee from inquiring, collecting, maintaining, or sharing immigration status information with another agency or from assisting a federal immigration officer with immigration enforcement.

County employees are prohibited under Chapter 825 however from soliciting national origin information from a crime victim or witness reporting a crime unless the information is pertinent to the criminal investigation. Chapter 825 also prohibits county employees from discriminating against an individual on the basis of race, skin color, language spoken, or national origin when enforcing immigration laws.

So, what should a county be doing to comply with the new law? County officials and their attorneys should familiarize themselves with Chapter 825. Sheriff's departments and jails need to review their policies and procedures concerning immigration enforcement and reduce them to writing. Section 825.5 requires that law enforcement agencies formalize their policies and procedures concerning the enforcement of immigration laws *in writing* no later than January 1, 2019. County officials should seek guidance from their county attorney if necessary. The Iowa County Attorneys Association has provided a model policy to each county attorney for any county needing guidance on formalizing their immigration and detainer policies and procedures.

What happens if a county fails to comply with Iowa Code Chapter 825? Section 825.8 provides that any person, including a federal agency, may file a complaint with the attorney general's office. The attorney general may then file a legal action to obtain a judicial determination of whether a county intentionally violated Chapter 825. If the court finds that a county intentionally violated any provision of Chapter 825, the county "including any entity that is under the jurisdiction of the [county], shall be ineligible to receive any state funds" for each (state) fiscal year after which a court finds a violation. A county may petition the court to reinstate state funding however upon a showing of compliance with the requirements of Chapter 825.

Under Chapter 825, the attorney general is required to develop and maintain a searchable database on their website of each county (and city) found to violate Chapter 825 and the department of management is directed to adopt administrative rules to ensure uniform application of the law by all state agencies that distribute funds to county agencies. There is no implementation date provided for these requirements.

Continues on next page.



Other provisions under Iowa Code Chapter 825 include that an individual's sentencing order shall reference that the individual is subject to an ICE detainer and that the individual may be transferred to federal custody to serve the final days of their local sentence as agreed to by local and federal officials. If you have questions concerning the requirements of Iowa Code 825 and how they will affect your county, please contact your county attorney.



**What?** Stepping Up: A National Initiative to reduce the number of people with mental illness in jails.

The number of people with mental illness in U.S. jails has reached crisis levels. In counties across the nation, jails now have more people with mental illness than psychiatric hospitals.

Stepping Up asks communities to come together to develop an action plan that can be used to achieve measurable impact in local criminal justice systems of all sizes across the country.

As of May 2018, 58 Iowa Counties had signed a resolution and decided to take action in their communities.

**Iowa Stepping Up Summit**  
**October 24, 2018**  
**Hy-Vee Hall, Des Moines**

In addition to a great keynote speaker, this summit will feature panel discussions each focussing on one of the four key measures: booking, length of stay, connections to treatment, and recidivism. County teams will be given time for working sessions following each presentation. Programming will be pertinent to communities at all levels - just signed the resolution to those that have programs in place.

## Who?

County officials and employees from every Iowa Stepping Up county

- A group of five team members from each county is recommended. Each team member should represent a different agency/office. (e.g. sheriff, supervisor, county attorney, community services, etc.)

Others are encouraged to attend as well - partners, legislators, and non-stepping-up county officials and employee.

Registration opens at [www.iowacounties.org](http://www.iowacounties.org) on August 1, 2017. There are a limited number of seats, so register early.

## When?

Tuesday, October 24, 2018 | Tentatively 8:30 am - 4:30 pm

## Where?

Hy-Vee Hall | 730 3rd Street | Des Moines, Iowa 50309

Questions? Contact Rachel Bennett at 515.244.7181 or [rbennett@iowacounties.org](mailto:rbennett@iowacounties.org).

# Feature

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## Overall Costs of County Jails

They are often forgotten about or misunderstood, but jails are a necessary service in our communities. Once a story is no longer newsworthy, jails often go back to being out of sight and out of mind to most of society. The reality is, jails have a great deal of responsibility and are expensive to manage. It can be difficult to pinpoint the actual costs of maintaining a full-service jail due to having so many variables. Some large expenses for jails include personnel costs, prisoner health care costs, and capital costs. In addition, the continuous increase in the number of prisoners can take a toll on a facility's budget for basic necessities such as food, clothing, laundry, medication, hygiene and cleaning supplies, utilities, and more.

Personnel costs for salary and benefits vary widely across the country. While it is fortunate that all jail employees in Iowa are able to participate in Iowa Public Employees' Retirement System (IPERS), salary and remaining benefits may differ drastically among agencies. There have been countless times I have taken a group on a jail tour and after seeing a direct supervision housing unit, someone would say, "I don't know how much they get paid, but it can't be enough." Jail employees are tasked with a difficult and stressful job that many people would not even consider doing. As a result, finding and keeping good employees can be a challenge in many sheriff's offices. A competitive salary and benefits package can help with hiring and retention.



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Some agencies do their own hiring process and others use their county's human resources department to assist. For agencies that do their own, costs can include staff time to proctor tests, conduct interviews, and send letters; payment or donation to a testing site if needed, payment for tests through a testing service, pre-employment background checks, physicals, and psychological exams. Something else to consider is the type of officer that works in a jail. Twenty years ago jails only had prisoners accused of committing crimes or sentenced to less than a year for their crimes. Today, jails have turned into mental health facilities that also happen to have prisoners. Imagine spending a large amount of your shift with a fully grown adult male prisoner that, due to mental illness or intellectual disability, is mentally six years old. This prisoner does not understand why he is in jail or when/how he will get released. He is likely not able to assist in his own defense, which could cause him to be in jail longer. Perhaps he won't eat because he doesn't know you so he thinks you are poisoning him or perhaps he is delusional and won't take his medications because he thinks you have switched them for other medications. Minutes later you may have to handle another prisoner that, due to bad behavior, has flooded his cell just to be difficult; a short time later you may have to break up a fight or prevent a suicide attempt. Always being prepared for what you MAY have to do is part of the stress of working in a jail. Jails have had to add specialized training and handle their workload differently to accommodate the changes in the prisoner population. There is more specialized training available than just a couple of years ago. Many agencies have access to Mental Health First Aid and Crisis Intervention Training (CIT), which have been deemed helpful in managing prisoners with mental illness. The ability for an agency to get staff to trainings can sometimes be difficult due to the need to staff the jail and the financial commitment if travel is involved. This can be especially taxing for smaller Iowa jails.

In 2015, the VERA Institute of Justice conducted a survey of 35 jails throughout the United States in an effort to measure the price of jail. The results indicated that "jails are one of the most significant public safety expenditures a community makes every year" and that "bigger jail populations mean increased costs for staff and associated overhead expenses" as well as basic necessities. The survey can be found at [www.vera.org/price-of-jails](http://www.vera.org/price-of-jails) for additional reading.



Prisoner medical care is another expense that depletes a large portion of a jail's budget. The prisoner population is often unhealthy and uninsured. Jails are charged with caring for all prisoners in custody. Often times, a prisoner that is insured at the time of intake loses those benefits within 30 days. This leaves the jails responsible for all health care services, including but not limited to physicians, psychiatrists, dentists, nurses, pharmaceuticals, and hospital care. These costs can be astronomical to the agency. Cancer, dialysis, severe psychiatric disorders, child birth, gunshot wounds, and car/motorcycle accidents are all examples of pre-existing medical conditions that can drain the medical care line item of an agency. Of the prisoner medications Pottawattamie County orders monthly, 65-70% are for psychotropic medications. That does not mean that 65-70% of the prisoners have a mental illness as some prisoners are on multiple medications. However, it is estimated that 48% of prisoners in the Pottawattamie County Jail have a mental illness diagnosis. In addition to general medical costs, it takes time and manpower for medical appointments to take place, often in the form of overtime for transportation.

Capital costs include purchasing equipment and maintaining buildings/equipment. Some of these costs may be included in a jail's budget while larger purchases may need bonds issued. Many items needed must be heavy duty or commercial grade due to the jail's 24/7 operation. One thing that was surprising to me and took a while to get used to was the cost of commercial grade equipment versus non-commercial. Everyone who owns a home knows that there is always something that needs to be maintained, updated, or replaced. The same is true in a jail but on a much larger scale and with budgetary restrictions. It becomes challenging to try to predict when expensive equipment will need to be replaced and budget accordingly. You don't want to replace equipment while it still has life, but when it's past the projected life expectancy, you don't want to put a significant amount of money into repairs. These are tough decisions to make when you are trying to be cognizant of how the budget is being spent. Even the most organized of replacement plans can have unexpected equipment and repair needs. Additionally, when a jail is newly built, much of the equipment is brand new. When the jail has aged and it comes time to replace major equipment, much of the equipment may need replaced around the same time or within a few years of each other, also causing a possible strain on the budget. Once it is determined that equipment, repairs, or maintenance needs to be completed and the finances have been worked out, jails may also run into a challenge of getting the work done. For example, Pottawattamie County's routine maintenance plan has a schedule for painting cells to keep them looking clean, removing graffiti, etc. The paint has to dry for 24 hours. Pottawattamie County's prisoner population is often near capacity, which means there is no way to shut down a cell for 24 hours because there are not any empty cells. This can be a challenge to performing routine maintenance, and can cause maintenance work to get backlogged. Of course, if the work that needs to be completed poses a safety and/or sanitation risk, the jail will do what is necessary to make arrangements for the work to be completed.

Basic necessities such as food, clothing/bedding, laundry, hygiene supplies, cleaning supplies, utilities, and more can take a lot out of a budget, and even more so when the prisoner population is higher than anticipated. When the jail population is high, MORE of everything is required to maintain basic daily operations; more meals, more clothing/bedding issued, more hygiene supplies issued, more laundry, and more cleaning supplies are used. In addition, utilities increase: more laundry = more water; more people showering = more water, and more gas to heat the water; more food needs cooked then more dishes need done = more water, more overall cleaning needs done, and building temperatures need regulated, which can also increase utility bills.

These are not all of the costs associated with jail operations, merely some highlights of jail expenses that all jails may experience at any given time. While many jails have learned how to do more with less out of necessity, some jails are facing significant challenges with trying to maintain operations.

To all jail employees in the state of Iowa, THANK YOU for the very important work that you do!

# Feature

## Financing County Projects with General Obligation Bonds

Until about 15 years ago, the only types of projects for which counties in Iowa issued general obligation bonds payable from property taxes were public buildings such as jails and courthouses. Most other capital projects and equipment needs were paid for in cash. Since that time, however, increased scrutiny by taxpayers and state legislators has curtailed efforts by counties to accumulate cash for purchases. Instead, county officials have looked at state statutes that authorize counties to borrow money for all types of projects and to levy property taxes to repay the debt.

Here are the essential elements of state law related to county general obligation borrowing:



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Constitutional debt limit: A

county may not have total general obligation debt payable from property taxes that exceeds 5% of the actual valuation of all the taxable property in the county.

Debt Service Levy: There is no statutory limit on the amount a county may levy each year as a debt service tax for the purpose of repaying general obligation debt.

Time limits: General obligation bonds must mature in no more than 20 years after their date of issuance.

Statutory procedures: The types of projects for which a county may issue general obligation bonds are divided into "essential county purposes" and "general county purposes." Bonds may be issued for essential county purposes after a board of supervisors holds a public hearing, while bonds may be issued for general county purposes, with certain exceptions, only following approval from at least 60% of voters at a referendum

### Essential County Purpose (Iowa Code §331.441(2)(b))

Voting systems

Sanitary sewers, solid waste collection and disposal, and storm water collection and disposal

County buildings, improvements, and equipment, when the "cost of the project" does not exceed the following limits:

- a. \$600,000 in counties with 25,000 or less population
- b. \$750,000 in counties with population between 25,000 and 50,000
- c. \$900,000 in counties with population between 50,000 and 100,000
- d. \$1,200,000 in counties with population between 100,000 and 200,000
- e. \$1,500,000 in counties with population over 200,000
4. Insurance premiums or self-insurance programs
5. GPS database systems
6. Bridges, roads, and culverts related to economic development, damage caused by a disaster, or prevention or mitigation of future disasters
7. Peace officer and emergency services communication equipment and systems
8. Programs for housing or acquisition and demolition of abandoned or dangerous buildings
9. Urban renewal projects

### General County Purposes (Iowa Code §331.441(2)(c))

County buildings, improvements and equipment when the "cost of the project" exceeds an amount that qualifies as an "essential county purpose."

Virtually any other purpose not defined as an "essential county purpose," including, for example, sheriff's and emergency services vehicles and county road maintenance vehicles



“Home Rule” purpose: Any other purpose which is necessary for the operation of the county or the health and welfare of its citizens

Reverse Referendum eligibility: Instead of holding a referendum, a county is authorized to issue bonds for a general county purpose up to certain dollar amounts, as more fully described under the heading GENERAL COUNTY PURPOSE ISSUANCE PROCEDURES

## Essential County Purpose Issuance Procedures (Iowa Code §331.443)

Board of supervisors sets a date for a public hearing and publishes notice of hearing not less than four nor more than 20 days before date of hearing.

Following hearing, board may take action to sell and issue bonds

## General County Purpose Issuance Procedures (Iowa Code §31.442)

Following consultation with engineer or architect to determine amount of bonds to be issued, Board of Supervisors sets date for referendum on issuance of bonds. Bond amount in ballot proposition is maximum amount of bonds that may be issued; it is not a limit on total cost of project or total amount of other county funds that may be spent on project.

- a. Referendum may be held only on these days: first Tuesday in March, May, August, and November
  - b. Board must give notice to county auditor at least 46 days before date of special election
  - c. Referendum measure must receive approval from at least 60% of those voting
  - d. If measure fails, it may not be resubmitted to voters for six months
2. Following successful election, board may take action to sell and issue bonds.
  3. Alternative procedure: Reverse Referendum. Applicable to following dollar amounts:
    - \$100,000 in counties with population of 20,000 or less
    - \$200,000 in counties with population between 20,000 and 50,000
    - \$300,000 in counties with population over 50,000

Board sets date for public hearing, including right of voters to file petition requesting referendum; notice must be published not less than 10 days before date of hearing; if no petition is filed, Board may proceed with issuance of bonds; if petition is filed board may set date for referendum or decide not to proceed with financing the project.

## Other Provisions and Considerations

Counties may not spend public funds to promote a “Yes” vote at a referendum, but may prepare information that explains the need for a project. Generally, a citizen group, with private funding, will be set up to promote the passage of a proposition.

Counties may either issue bonds at public sale or enter into loan agreements. A loan agreement may be negotiated with a lender.

Often, counties will establish urban renewal areas as part of a program to issue general obligation bonds. Establishing an urban renewal area provides two significant benefits. First, general obligation bonds may be issued for an urban renewal project using the Reverse Referendum process described above without any dollar limitation, and second, incremental property tax revenues generated within the urban renewal area may be used to supplement debt service property tax levies to repay bonds.

Other possible sources of funds that may be available to repay general obligation bonds include local option sales tax revenues (depending on the language of the ballot by which the local sales tax was approved) and county general funds. Tax exemption of interest on bonds. Generally, the interest paid by a county to a holder of general obligation bonds will qualify for exemption from federal income taxation. (This tax exemption is the primary incentive for lenders and investors to purchase a county’s bonds.) The interest paid on general obligation bonds issued for urban renewal purposes may also qualify for exemption from Iowa state income taxation. Interest on bonds issued for operating expenses, such as insurance costs, will not qualify for exemption from federal taxation.

*Robert Josten and John Danos are partners in Dorsey & Whitney LLP, a law firm located in Des Moines. They represent counties across Iowa in connection with the issuance of bonds, economic development and urban renewal projects and all other related county financing activities. Their office is located at 801 Grand, Suite 4100, Des Moines, Iowa 50309. Telephone: 515.283.1000.*

# NACo News

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## County Leadership Institute

Thank you for nominating me to participate in the 2018 County Leadership Institute. The four-day training program was presented by the Cambridge Leadership Associates and hosted by the National Association of Counties (NACo) in Washington, D.C. There were 30 participants as well as two facilitators; Jill Hufnagel, a professional counselor who trained at both UVA Darden's Graduate School of Business and the Harvard Kennedy School of Government and Ron Alexander who is the President of R.E. Alexander and Associates, LLC as well as a member of the Core Teaching Team at the Kansas Leadership Center. The focus of our training centered on adaptive leadership and the opportunity to meet, discuss, and exchange information with peers to improve our own county leadership roles.

I had a preconceived expectation that the program would be a typical classroom style lecture where we would be instructed on basic leadership skills. Boy, was I wrong. Jill and Ron quickly engaged everyone in capacity development, possibility thinking, tolerance for productive conflict, and connecting on shared purpose. They poked, pushed, and challenged each of us to reach beyond our comfort zones to actively participate in developing new skills.

Prior to the program's start, each participant was asked to provide a write up describing a current challenge or issue in our area. The beginning of the program then focused on identifying whether that challenge was technical or adaptive. Technical challenges are problems fixed by simply plugging in an x, y, or z solution. Adaptive challenges are far more complicated and take more effort from everyone involved along with the right amount of "discomfort" that drives people to make change.

The discomfort that drives people to change is what our instructors referred to as disequilibrium. Need and desire equals heat. If the heat is not hot enough, people are unlikely to change. But if it is turned up too high and people feel too pressured, they fight, flee, or shut down. The key is to identify when and how much heat is needed to create change; as well as identify when being passive and accepting the status quo to avoid any heat can cause more harm than good.

This disequilibrium, or heat, was applied in the classroom each day of the program. We were pushed to examine every thought we have and even how we arrive at developing such thoughts. Ultimately, the pressure achieved its intended goal, and we were driven to see things from different views and then to grow from those newly gained perspectives.

The conclusion of training focused on identifying how we observe and interpret things. We were encouraged to take a balcony approach when looking at the different issues we face. Stepping back to look at the whole scenario, from the balcony's view point, and being patient to collect our observations before we determine our opinion can be challenging. Intentionally challenging ourselves will often generate greater personal growth.

I am extremely grateful and humbled to have been able to attend such a rigorous and challenging program. The value of the class and the relationships that I made there with peers are invaluable. I look forward to using my new skills and continuing to learn and grow with the tools I obtained in this program.



## Dave Muhlbauer

Crawford County Supervisor

[dmuhlbauer@crawfordcounty.org](mailto:dmuhlbauer@crawfordcounty.org)

Pictured above: Dave Muhlbauer (center) accepts his CLI certificate from NACo Staff Brian Namey and Linda Langston.

Pictured on cover: CLI class of 2018

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# IPERS Update

The IPERS Investment Board held its regularly scheduled meeting on June 28, 2018. Like everyone in the investment community, IPERS' money managers continue to try to understand where the markets are headed in these volatile times. Talks of trade disputes, tariffs, and interest rate increases have investment managers in nearly every sector of the economy on edge.

In 2017, IPERS lowered our fund's "discount rate" – that is our future expected rate of return on our investments – to 7%. Although that change had an impact on our contribution rate, our Investment Board was (and still is) convinced it was a prudent step to take. An extensive report was completed by the Actuary firm of Cavanaugh Macdonald to review our funding objectives and funding policy, and that report was presented for review at our June 28 meeting.

It is necessary to view pension funding as a long-term proposition. It is possible that dependents of current members could be eligible for payments from our plan for as many as the 80 years into the future. In order to make the best projection for the long-term success at IPERS, the report by Cavanaugh Macdonald reviewed the latest estimates of things that could impact our future pension liability.

At IPERS, we are committed to the kind of honest evaluation that is necessary to keep our plan safe and predictable. There are factors in the Actuary's report other than expected return on our investments that have an impact on our future fund security. Such things as future wage growth for public employees, future disability rates, deferred vested benefit requests, mortality rates, and other employment termination reasons will affect our plan. As any of these conditions change, we must and will update our plan to make sure the future is secure.


On another topic, IPERS is currently evaluating options for managing some assets "in house" as opposed to relying on external managers for investment decisions. It is possible that significant savings could be realized by using an internal management team for some of our asset allocations. Like any other change, IPERS will only make changes that will benefit our system. Our board recently hired Kalytix Partners to analyze the viability of this plan. As this study moves forward, we will keep our members updated on any changes.

Donna Mueller was recently recognized for 15 years of service at IPERS. We are grateful for the leadership she has provided at IPERS. Her strong, steady management style has helped IPERS stay safe and solid, and we appreciate her service to our members.



**Wayne Walter**

IPERS Investment Board Chair  
Winneshiek County Treasurer  
[wwalter@co.winneshiek.ia.us](mailto:wwalter@co.winneshiek.ia.us)



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# ISAC Brief

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## **ISAC Board Meeting Summary - Wednesday, June 27, 2018**

ISAC President Lonny Pulkrabek called the meeting to order and led the Board in the Pledge of Allegiance. The meeting minutes of the April 26, 2018 ISAC Board of Directors were accepted.

Brad Holtan reported on the financials as of May 31, 2018. Dues notices have gone out. The financial report was accepted.

Nicole Loux and Wendy Moran, McGowen, Hurst, Clark & Smith, P.C., discussed issues related to the FY 2018 audit with the ISAC Board. Staff was dismissed giving board members an opportunity to raise any issues of concern prior to the start of the audit scheduled for August 2018.

Rachel Bennett reported that ISAC staff will be continuing county visits this summer and presenting on topics as requested by each host county.

Jeanine Scott reported that all contracts have been signed and finalized and that termination has gone through with LightEdge. The migration process is going smoothly. The contracts were accepted.

Tammy Norman reviewed activities of the Iowa Precinct Atlas Consortium and plans moving forward. The IPAC Board has passed a new service fee structure that includes additional hardware support. Brad reported that ISAC will take over financials as of July 1. A discussion involving an increase in dues will be needed in the future. Other discussion included the use of the Basecamp website, a support ticketing system, and the governance structure.

Kristi Harshbarger discussed legal matters of interest to counties.

Beth Manley reviewed and the Board approved recommended changes to the HIPAA Policies and Procedures.

Katie Cook reported that all affiliates have been contacted and all participating affiliates are on schedule to be migrated from the ISAC affiliate websites to Basecamp prior to July 1, 2018. She reviewed a list of those utilizing Basecamp, our meeting registration system, and CEUs.

Rachel reported that the ISAC Golden Eagle Committee recommended and the Board named Harlan Hansen, ISAC Past President and former Humboldt County Supervisor, as the 2018 ISAC Golden Eagle.

Rachel reported that the Summary of Legislation, a 2018 session wrap-up video, and a call for legislative proposals for the 2019 legislative session were sent to the membership.

Jamie Cashman gave an overview of the session. Overall it was a good session and progress was made on our priorities. The supervisors have again contracted with ISAC for the 2019 legislative session.

Kelsey Sebern reported that the ISAC Scholarship Golf Fundraiser will be held on the Tuesday prior to the Annual Conference (August 21). Registrations are on track for golfers and sponsors.

Kelsey reported that the opening of registration and hotel rooms for the 2018 ISAC Annual Conference went very smoothly. During the conference free professional photos will be offered for all attendees, graphic recording will be included in three sessions, and the community service project will benefit the Momentum project. She reviewed the Board scenario.

Jacy Bartling reported that the preferred vendor program has added seven new preferred vendors in 2018 and has retained 34 of 36 from the previous year. Booth and sponsorship sales for the Annual Conference are going well also.

# Keep Iowa Beautiful

“That’s one small step for a man, one giant leap for mankind!” is the famous quote credited to astronaut Neil Armstrong as he stepped on to the moon, 49 years ago – July 20, 1969. It has become indelibly etched in the minds of many and is symbolic of any effort of achievement! The start of any project normally begins with small steps while always keeping the bigger picture or vision in mind.

It would be easier to simply bypass the numerous small steps and get to the end goal. We know that is generally not how it works. Armstrong’s phrase is one that many Iowa communities need to keep in mind. The goal of improving the appearance of your community takes many steps, hours of project coordination and planning of the project, numerous volunteer hours and materials, supplies, and funding. None of these come easy. They require hard work along with a strong sense of commitment.

All of us have attended meetings where we talk about a great project for the community. It tends to start with an active and excited discussion until we come to the subject of “cost.” When we discover the price tag, we tend to get discouraged. In a number of instances, we walk away from the idea. We throw up our hands and dismiss the potential of the project for the community.

In other cases, we continue the discussion until someone encourages us to break down the costs into stages or segments. Once we do that the initial project cost becomes easier to handle and one we can accept. For example, a million-dollar project can often be broken down into phases. For example, we can start with a first step of \$200,000, and the remaining costs spread over a period of time – in other words “small steps.”

Leaders need to be diligent, task masters at times and in some ways, magicians. All of this along with good luck, is the formula for success. Thanks, recognition, and even rewards from leadership to all those involved or that provided support – in the form of a celebration. A series of celebrations for each “small step” can bring increased awareness and support. Take your “big” idea and see if you can attain it in small steps. It may take a little longer, but the satisfaction and benefits will still be achieved.



KEEP AMERICA BEAUTIFUL AFFILIATE

**Gerald F. Schnepf**

Executive Director, Keep Iowa  
Beautiful

[gschnepf@keepiowabeautiful.com](mailto:gschnepf@keepiowabeautiful.com)

## ISAC Brief

Rachel discussed Iowa events being held in conjunction with the 2018 NACo Annual Conference which was held from July 13-16 in Nashville, Tennessee.

Kelsey reported that contracting needs to begin for the 2022 and 2023 Annual and Spring Conferences. The Board came to the consensus and approved holding the conferences in Des Moines over similar dates in March and August.

President Pulkrabek adjourned the meeting following board members sharing issues, concerns, ideas, and achievements with other board members.



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## 2018/2019 Calendar

### August 2018

- 21 ISAC Scholarship Golf Fundraiser  
(Toad Valley Golf Course, Pleasant Hill)
- 22 ISAC LPC Retreat  
(Veterans Memorial Community Choice Credit  
Union Convention Center, Des Moines)
- 22-24 ISAC Annual Conference  
(Veterans Memorial Community Choice Credit  
Union Convention Center, Des Moines)

### September 2018

- 16-19 ISSDA Jail School  
(Holiday Inn Des Moines Airport)
- 20 ISAC LPC Meeting  
(ISAC Office)

### October 2018

- 3-5 ISAC Board of Directors Retreat  
(Johnson County)
- 3-5 Iowa Environmental Health Association Fall  
Conference (West Des Moines Marriott)
- 21-24 Assessors Fall Conference  
(Holiday Inn Des Moines Airport)
- 24 Iowa Stepping Up Summit  
(Hy-Vee Hall, Des Moines)

### November 2018

- 15-16 ISAC Board of Directors Meeting  
(ISAC Office)

### December 2018

- 2-5 ISSDA Winter School  
(Holiday Inn Des Moines Airport)
- 12-14 Iowa County Engineers Conference  
(Veterans Memorial Community Choice Credit  
Union Convention Center, Des Moines)

### January 2019

- 16-17 ISAC New County Officers School  
(Sheraton West Des Moines)
- 31 Statewide Supervisors Meeting  
(Embassy Suites Des Moines Downtown)

### March 2019

- 2-5 NACo Legislative Conference  
(Washington, D.C.)
- 13 County Day at the Capitol  
(Iowa State Capitol, Des Moines)
- 14-15 ISAC Spring Conference  
(Veterans Memorial Community Choice Credit  
Union Convention Center, Des Moines)

### July 2019

- 12-15 NACo Annual Conference  
(Las Vegas, Nevada)

### August 2019

- 21-23 ISAC Annual Conference  
(Veterans Memorial Community Choice Credit  
Union Convention Center, Des Moines)

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

### 2018 ISAC Preferred Vendors

#### Endorsed Elite Preferred Vendors

County Risk Management Services, Inc.  
representing ICAP and IMWCA  
Kingston Life and Health

#### Elite Preferred Vendor

IP Pathways

#### Endorsed Platinum Preferred Vendors

Iowa Public Agency Investment Trust  
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#### Platinum Preferred Vendors

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