



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Tuesday, January 17, 2023 at 10:00 AM

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## AGENDA

### MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**  
Hon. Paul D. Pate | **Secretary of State**  
Hon. Rob Sand | **Auditor of State**  
Hon. Roby Smith | **Treasurer of State**  
Hon. Michael L. Naig | **Secretary of Agriculture**

### Teleconference Only

Conference Call Phone Number: (877) 304-9269

Conference Code Pin: 364626

### 1. **Approval of Minutes**

- A. Approval of the minutes from the Executive Council meeting held on December 12, 2022 and the Board of Canvass meeting held on December 16, 2022.

### 2. **Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$7,001.14.
- B. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$20,800.00.

### 3. **Special Counsel**

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide legal services and representation to University of Iowa with respect to potential litigation arising from the University's public-private partnership for the operation of the campus utility system.

Firm: Baird Holm  
1700 Farnam Street, Suite 1500  
Omaha, NE 68102

Rate: Fees and associated costs of litigation will be paid by the University and will range from \$430 to \$220 per hour

#### 4. Emergency Allocations

- A. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,028.36. This brings to total allocation to \$8,126.29. On December 18, 2021, State Patrol Vehicle #31 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- B. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$8,085.91. On May 26, 2022, State Patrol Vehicle #272 was damaged by a rock. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement to the Department of Administrative Services. This represents full and final payment and this allocation will be closed.

- C. Department of Public Safety is requesting an emergency allocation in the amount of \$3,957.55. On June 3, 2022, State Patrol Vehicle #438 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- D. Department of Public Safety is requesting an emergency allocation in the amount of \$2,781.00. On July 4, 2022, State Patrol Vehicle #105236 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- E. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,480.73. This brings to total allocation to \$10,479.17. On August 19, 2022, State Patrol Vehicle #64 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- F. Department of Public Safety is requesting an emergency allocation in the amount of \$3,370.25. On August 21, 2022, State Patrol Vehicle #344 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$10,024.81. On September 9, 2022, State Patrol Vehicle #105401 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$2,633.00. On September 17, 2022, State Patrol Vehicle #438 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$5,276.60. On October 30, 2022, State Patrol Vehicle #104 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- J. Department of Public Safety is requesting an emergency allocation in the amount of \$14,441.40. On October 31, 2022, State Patrol Vehicle #434 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- K. Department of Administrative Services is requesting an emergency allocation in the amount of \$12,313.29. On August 19, 2022, Vehicle #2426 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- L. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,838.33. On September 17, 2022, Vehicle #2857 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- M. Department of Administrative Services is requesting an emergency allocation in the amount of \$7,445.05. On October 30, 2022, Vehicle #1733 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- N. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,837.86. On November 14, 2022, Vehicle #1645 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- O. Iowa Communications Network is requesting an emergency allocation in the amount of \$16,332.61. On September 27, 2022, an exposed cabled was damaged by excessive erosion at two locations along 90th Street in Louisa County. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- P. Department of Human Services - Glenwood Resource Center is requesting an emergency allocation in the amount of \$391,195.70. On December 15, 2021, multiple buildings were damaged due to high winds. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- Q. Iowa State Fair is requesting an emergency allocation in the amount of \$27,300.00. On August 19, 2022, multiple lightning strikes damaged the communications infrastructure. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation subject to audit of actual invoices.

**5. Payment of Cost Items**

- A. Department of Public Safety.....\$11,260.80  
On November 21, 2021, State Patrol Vehicle #540 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- B. Department of Public Safety.....\$2,041.60  
On December 7, 2021, State Patrol Vehicle #414 door was damaged due to high winds. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- C. Department of Public Safety.....\$2,572.00  
On February 25, 2022, State Patrol Vehicle #478 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- D. Department of Public Safety.....\$3,019.40  
On February 28, 2022, State Patrol Vehicle #372 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- E. Department of Public Safety.....\$4,119.00  
On July 2, 2022, State Patrol Vehicle #175 was damaged by a small animal. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- F. Department of Administrative Services.....\$5,773.44  
On October 5, 2020, Vehicle #2855 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$255.35 will be reverted and this allocation closed.

- G. Department of Administrative Services.....\$16,799.38  
On July 9, 2021, multiple vehicles were damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$2,332.21 will be reverted and this allocation closed.

- H. Department of Administrative Services.....\$3,903.76  
On March 2, 2022, Vehicle #2204 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- I. Department of Administrative Services.....\$2,458.72  
On March 5, 2022, Vehicle #2804 was damaged by a tornado. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- J. Department of Administrative Services.....\$2,396.74  
On May 17, 2022, Vehicle #1782 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- K. Department of Administrative Services.....\$6,709.64  
On August 24, 2022, Vehicle #1122 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- L. Department of Administrative Services.....\$12,218.24  
On August 31, 2022, Vehicle #1740 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$977.00 will be reverted and this allocation closed.

M. Richard J. Bennett, Sr.....\$4,014.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

N. Richard J. Bennett, Sr.....\$1,104.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

O. Gray Miller Persh, LLP.....\$699.20  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS.

P. Gray Miller Persh, LLP.....\$874.00  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS.

Q. Michael Marquess.....\$5,000.00  
2183 Docks Drive  
Garwin, IA 50632  
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

R. Patterson Law Firm L.L.P.....\$64.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

S. Patterson Law Firm L.L.P.....\$1,728.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Robert Allen v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

T. Patterson Law Firm L.L.P.....\$84.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

U. Patterson Law Firm L.L.P.....\$464.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

V. Patterson Law Firm L.L.P.....\$336.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

W. Patterson Law Firm L.L.P.....\$224.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- X. Patterson Law Firm L.L.P.....\$34.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Ronald Simmons v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

**6. Information Items**

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
- B. Settlement report of \$250,000 or more, pursuant to Iowa Code 13.2(1)(o).
- C. On December 12, 2022, Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request an emergency allocation. Part 2 of the request was initially requested for a missing person in Winneshiek County near Decorah, Iowa. The request amount was correct, but the location should have been in the City of Yarmouth in Des Moines County, Iowa.

**7. Adjourn Meeting**