

## EXECUTIVE COUNCIL OF IOWA

Teleconference Only Monday, November 06, 2023 at 10:00 AM

## **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. Mike 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 October 2, 2023.

### 2. Personal Appearances

- A. Stan Thompson, Chief Deputy Attorney General, Attorney General's Office, will be present to request distribution from the Civil Reparations Fund.
- B. Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, will be present to request the following:
  - 1. Allocate \$448,594.00 (pursuant to Iowa Code 29C.7) for Pre-Disaster Mitigation (PDM) Program (PDM 2023 federal financial assistance was granted on September 25, 2023).
- C. Nate Ristow, Administrative Rules Coordinator, Office of the Governor, will be present to request authorization on the resulting rulemaking.

## 3. Iowa Code §7D.10

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$45,600.00.

#### 4. Outside Counsel

A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Wendy Netolicky v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, IA 50309

Rate: \$160.00 Per Hour

B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Sam Ferrell v. Iowa State Penitentiary and State of Iowa and Second Injury Fund, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, IA 50309

Rate: \$160.00 Per Hour

C. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Cheryl Doyle-Carrig v. UIHC and State of Iowa and Second Injury Fund*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, IA 50309

Rate: \$160.00 Per Hour

D. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Jeffrey Welder v. Iowa State University, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, IA 50309

Rate: \$160.00 Per Hour

### 5. Litigation Expense Fund

A. Request from the Department of Revenue to expend \$120,000.00 to cover potential expenses for the second quarter of the 2024 fiscal year.

### 6. Emergency Allocations

A. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,346.40. On May 7, 2023, Vehicle #2668 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.

B. Department of Administrative Services is requesting an emergency allocation in the amount of \$8,772.33. On June 7, 2023, Vehicle #105240 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.

C. Department of Public Safety is requesting an emergency allocation in the amount of \$2,731.84. On February 1, 2022, State Patrol Vehicle #105149 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 \$5,089.30. On November 7, 2022, State Patrol Vehicle #193 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.

E. Department of Public Safety is requesting an emergency allocation in the amount of \$2,392.59. On December 4, 2022, State Patrol Vehicle #469 was damaged by a raccoon. Request is to cover repair costs.

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

F. Department of Public Safety is requesting an emergency allocation in the amount of \$4,038.15. On April 19, 2023, State Patrol Vehicle #204 was damaged due to strong winds and storms. 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 \$2,349.75. On April 21, 2023, State Patrol Vehicle #213 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.

H. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,908.56. This brings the total allocation to \$8,973.85. On May 7, 2023, State Patrol Vehicle #354 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 \$6,432.20. On May 7, 2023, State Patrol Vehicles #161 and #431 were 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.

J. Department of Public Safety is requesting an emergency allocation in the amount of \$10,260.82. On May 7, 2023 and May 9, 2023, State Patrol Vehicle #309 was damaged by hail and then a raccoon.

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

K. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,490.75. This brings to total allocation to \$10,927.00. On April 19, 2023, State Patrol Vehicles #44, 167, 636, 662 were 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.

L. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$17,444.00. This brings the total allocation to \$26,166.00. On February 21, 2023, a storm caused damages to the radome covers on the Sioux County ISICS Communication Tower. 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. Iowa Communications Network is requesting an emergency allocation and reimbursement in the amount of \$15,500.00. On April 18, 2023, a cable was damaged by a rodent along 150th Street east of Kirkwood Avenue in Floyd County. Request is to cover repair costs.

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

N. Iowa Communications Network is requesting an emergency allocation and reimbursement in the amount of \$16,063.61. On July 28, 2023, a cable was damaged by a rodent at Highway 59 between E Avenue and F Avenue in Crawford 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.

O. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$75,890.29. On December 31, 2020, a failed steam valve caused damages to the College of Public Health Building. Request is to cover repair costs.

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

P. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$15,558.95. On February 8, 2021, a frozen and burst water line caused damages to the Field House. 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. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$78,884.17. On March 13, 2021, an overflowing sink caused water damages at Spence Labs. Request is to cover repair costs.

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

R. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$12,846.21. On February 20, 2022, a leaking deionized water line caused water damages to the Pappajohn Biomedical Discovery Building. Request is to cover repair costs.

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

S. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$145,761.82. This brings the total allocation to \$158,501.33. On March 15, 2019, flood caused damages at Wapsipinicon State Park in Jones 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.

T. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$157,091.93. This brings the total allocation to \$314,252.79. On April 29, 2019, flooding caused damages at various Wildlife Management Areas along the Missouri River. Request is to cover repair costs.

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

U. Department of Natural Resources is requesting an emergency allocation in the amount of \$15,945.00. On May 5, 2023, the stone wall at the Black Hawk State Park was damaged by a vehicle. Request is to cover repair costs.

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

V. Department of Natural Resources is requesting an emergency allocation in the amount of \$75,200.00. On May 12, 2023, the Jones Creek Pond overflowed and caused damages at the Loess Hills State Forest. Request is to cover repair costs.

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

W. Department of Health and Human Services - Woodward Resource Center is requesting a supplemental emergency allocation in the amount of \$38,272.97. This brings to total allocation to \$947,000.68. On August 10, 2020, a derecho caused damages to multiple roofs, trees and water damaged. Request is to cover repair costs.

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

## 7. Payment of Cost Items

| A. | Department of Administrative Services\$4,073.43  |
|----|--|
|    | On January 6, 2023, Vehicle #1843 was damaged by a deer. Request is to cover repair costs. |
|    | The State Anditon's Office has anxious define accurate and accommand accument. This        |

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

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

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

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$11,732.75 will be reverted and this allocation closed.

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

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$3,860.00 will be reverted and this allocation closed.

| G. | Department of Administrative Services  |
|----|--|
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.   |
| Н. | Department of Administrative Services  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$3,580.36 will be reverted and this allocation closed. |
| I. | Department of Public Safety\$7,177.48<br>On July 4, 2022, State Patrol Vehicle #383 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.   |
| J. | Department of Public Safety\$2,860.90 On September 14, 2022, State Patrol Vehicle #642 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.   |
| K. | Department of Public Safety\$8,018.90 On October 6, 2022, State Patrol Vehicle #343 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 Public Safety  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.   |
| M. | Department of Public Safety\$2,134.25<br>On December 11, 2022, State Patrol Vehicle #51 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.   |

| N. | Department of Public Safety  |
|----|--|
|    | On December 5, 2022, State Patrol Vehicle #360 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.   |
| O. | Department of Public Safety\$4,789.40 On December 27, 2022, State Patrol Vehicle #474 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.   |
| P. | Department of Public Safety\$3,743.70 On January 3, 2023, State Patrol Vehicle #491 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.   |
| Q. | Department of Public Safety  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.   |
| R. | Department of Public Safety  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$11,560 will be reverted and this allocation closed. |
| S. | Department of Public Safety  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.   |
| T. | Department of Public Safety  |
|    | The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.   |

| U. |  |   | s damaged by a squirrel. Request is to cover    |  |
|----|--|---|---|--|
|    | The State Auditor's Gull and final paymen    |   | uest and recommends payment. This represents    |  |
| V. | ±  | _                                       | damaged by hail. Request is to cover repair     |  |
|    | The State Auditor's Crepresents full and fin | -                                       | uest and recommends payment. This               |  |
| W. |  |   | damaged by hail. Request is to cover repair     |  |
|    | The State Auditor's Crepresents full and fin |   | uest and recommends payment. This               |  |
| X. |  |   | was damaged by hail. Request is to cover repair |  |
|    | The State Auditor's Gfull and final paymen   |   | uest and recommends payment. This represents    |  |
| Y. |  |   | #191 were damaged by hail. Request is to        |  |
|    | The State Auditor's Gfull and final paymen   | -                                       | uest and recommends payment. This represents    |  |
| Z. | -  | al Resourcests Pursuant to Iowa Code Se | \$139,094.98 ection 468.43:                     |  |
|    |  | Allamakee                               | \$828.14  |  |
|    |  | Buena Vista                             | \$19,300.33                                     |  |
|    |  | Carroll                                 | \$53.00   |  |
|    |  |   | 1   |  |

| Allamakee   | \$828.14    |
|-------------|-------------|
| Buena Vista | \$19,300.33 |
| Carroll     | \$53.00     |
| Clay        | \$608.75    |
| Des Moines  | \$10,918.00 |
| Dickinson   | \$903.00    |
| Emmet       | \$575.00    |
| Franklin    | \$313.25    |
| Fremont     | \$16,362.68 |
| Hamilton    | \$48.81     |
| Hancock     | \$15,515.00 |
| Harrison    | \$867.33    |
| Howard      | \$40.00     |
| Humboldt    | \$357.11    |
|             |             |

| Jackson       | \$737.75    |
|---------------|-------------|
| Louisa        | \$15,634.00 |
| Mills         | \$1,865.83  |
| Monona        | \$550.00    |
| Muscatine     | \$2,657.00  |
| Pocahontas    | \$422.57    |
| Pottawattamie | \$3,389.00  |
| Van Buren     | \$232.92    |
| Winnebago     | \$15,384.25 |
| Woodbury      | \$14,141.95 |
| Worth         | \$100.00    |
| Wright        | \$6,294.14  |
|               |             |

Andrew E. Steffensmeier, Assistant Attorney General, has reviewed this request and recommends payment.

AA. Department of Cultural Affairs......\$2,519.63 On November 1, 2022, gunshots caused damages to Western Historic Trails Center in Council Bluffs. Request is to cover repair costs.

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

BB. Gray Miller Persh, LLP.....\$5,038.80

2233 Wisconsin Avenue NW

Suite 226

Washington, D.C. 20007

**Iowa PBS** 

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

CC. Gray Miller Persh, LLP....\$2,165.80

2233 Wisconsin Avenue NW

Suite 226

Washington, D.C. 20007

Iowa PBS

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

DD. Thomas Hillers.....\$5,000.00

112 Main St West, Suite 100

State Center, IA 50247

<u>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</u>

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

| EE. | Thomas Hillers  |
|-----|---|
|     | State Center, IA 50247 <u>Tribal cases when the offenses are committed by non-natives against non-natives (or without a</u>   |
|     | victim) on the Sac and Fox Indian Settlement in Tama County   |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.                                |
| FF. | Richard J. Bennett, Sr  |
|     | West Des Moines, IA 50265 Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office   |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund. |
| GG  | Dentons Davis Brown Law Firm  |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.                     |
| НН  | Davis, Brown, Koehn, Shors & Roberts, P.C   |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue.     |
| II. | Patterson Law Firm L.L.P  |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends   |

payment. Payment will be made from the Second Injury Fund.

| JJ. | Patterson Law Firm L.L.P   |
|-----|--|
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| KK  | 7. Patterson Law Firm L.L.P  |
|     | Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa  |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| LL. | Patterson Law Firm L.L.P\$624.00 729 Insurance Exchange Building 505 Fifth Avenue Des Moines, IA 50309-2390                                    |
|     | David Funk v. Iowa State Fair and State of Iowa and Second Injury Fund of Iowa   |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| MN  | M.Patterson Law Firm L.L.P\$192.00 729 Insurance Exchange Building 505 Fifth Avenue  |
|     | Des Moines, IA 50309-2390  Jason Hawk v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa                              |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| NN  | 7. Patterson Law Firm L.L.P\$16.00 729 Insurance Exchange Building 505 Fifth Avenue  |
|     | Des Moines, IA 50309-2390 <u>Luanna Hollingsworth v. Woodward Resource Center and State of Iowa and Second Injury</u> <u>Fund of Iowa</u>      |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |

| OO  | Patterson Law Firm L.L.P\$482.00 729 Insurance Exchange Building   |
|-----|--|
|     | 505 Fifth Avenue Des Moines, IA 50309-2390   |
|     | Stephen Littlepage v. Eldora State Training School and State of Iowa and Second Injury Fund  |
|     | of Iowa  |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| PP. | Patterson Law Firm L.L.P\$48.00 729 Insurance Exchange Building 505 Fifth Avenue   |
|     | Des Moines, IA 50309-2390  |
|     | Stephen Littlepage v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa  |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| QQ  | Patterson Law Firm L.L.P\$235.00 729 Insurance Exchange Building 505 Fifth Avenue  |
|     | Des Moines, IA 50309-2390  |
|     | <u>Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury</u> <u>Fund of Iowa</u>                            |
|     | Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund. |
| RR. | Patterson Law Firm L.L.P   |
|     | Des Moines, IA 50309-2390<br>Ronald Simmons v. Iowa Department of Transportation and State of Iowa and Second Injury                           |
|     | <u>Fund of Iowa</u>  |
|     | Laif Olson, Chief Danuty, Attornay Canaral, has ravioused this invoice and recommends  |

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

## 8. Information Items

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
- B. Notification from the State Auditor's Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave paths blown out of alignment due to wind at the Buchanan & Allamakee ISICS Communication Tower on July 23, 2022 are not required; \$32,858.00 will be reverted and this allocation closed.
- C. Notification from the State Auditor's Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave path alignment between Marshalltown and Grundy ISICS Towers due to strong winds on May 1, 2022 are not required; \$16,429.00 will be reverted and this allocation closed.

- D. Notification from the State Auditor's Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave path alignment at the Kossuth ISICS Tower due to strong winds on May 1, 2022 are not required; \$16,429.00 will be reverted and this allocation closed.
- E. Per Iowa Code 161E.14, the Johnson County Auditor certifies the amounts allocated to Johnson County Secondary Roads, school districts, and fire departments for the FY23 scheduled payment to Johnson County from the federal government for flood control pursuant to 33 USC 701c-3.

# 9. Adjourn Meeting