



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, April 03, 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. 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 March 6, 2023.

### 2. **Special Counsel**

A. The Department of Justice, Attorney General's Office, requests retention of special counsel pursuant to Iowa Code section 13.7 to represent Iowa PBS on highly specialized FCC matters. Attorney fees and costs will be paid from Iowa PBS.

Firm: Gray Miller Persh  
1200 New Hampshire Ave. N.W., Suite 410  
Washington, D.C. 20036-3802

Rate: \$442 per hour for the next year, with two one-year renewal options subject to a \$5per hour rate increase per hour.

B. The Department of Justice, Attorney General's Office, requests retention of special counsel to represent the State of Iowa in criminal 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 through June 30, 2023.

Attorney: Thomas L. Hillers  
Hillers Legal, P.C.  
112 W Main St., Suite 100  
State Center, IA 50247

Rate: \$5,000.00 per month retainer with a prorated \$1,935 March retainer

- C. The Department of Justice, Attorney General's Office, requests retention of special counsel to provide legal services for the State Treasurer's Office, Unclaimed Property Division, in regard to Unclaimed Property. Attorney fees and costs will be paid from the Unclaimed Property Fund.

Firm: Dentons Davis Brown Law Firm  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309

Rate: Routine Matters – \$175 per claim  
Complicated Matters - \$350 per claim  
Complex Matters – Hourly with a 10% discount off standard rates

### 3. Outside CPA

- A. Request from Rob Sand, Auditor of State, to employ the services of FORVIS, LLP to perform the annual audits of the Office of Auditor of State, the State Executive Council, the State Appeal Board, and the Tobacco Settlement Authority for years ending June 30, 2023, June 30 2024 and June 30 2025. The total reimbursement shall not be for more than \$70,000, \$74,750 and \$79,750, respectively.

### 4. Emergency Allocations

- A. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$193.51. This brings to total allocation to \$6,902.21. On March 16, 2019, a flood caused damages at Pikes Peak State Park in Clayton 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.

- B. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$2,580.56. This brings to total allocation to \$9,539.92. On March 18, 2019, a flood caused damages to Walnut Woods State Park in Polk 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.

- C. Board of Regents - University of Iowa is requesting a supplemental emergency allocation in the amount of \$755.73. This brings to total allocation to \$94,911.58. On September 27, 2019, a power outage caused building components and equipment damages. 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

- D. Department of Public Safety is requesting an emergency allocation in the amount of \$8,466.67. On January 18, 2023, copper grounding cables were stolen at the Keosauqua 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.

- E. Department of Corrections - Clarinda Correctional Facility is requesting an emergency allocation in the amount of \$340,581.24. On April 18, 2022, a hot water leak caused damages. 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 Corrections - Clarinda Correctional Facility is requesting an emergency allocation in the amount of \$375,144.35. On April 23, 2022, high winds caused roof damages. 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 Corrections - Fort Dodge Correctional Facility is requesting an emergency allocation in the amount of \$176,520.97. On May 9, 2022, the underground hot water tank leaked and caused damages. 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 Corrections – Fort Dodge Correctional Facility is requesting an emergency allocation in the amount of \$223,366.00. On December 20, 2022, a unit hot water tank leaked and caused damages. 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 Corrections - Iowa Correctional Institution for Women is requesting an emergency allocation in the amount of \$10,103.06. Between December 24-26, 2022, extreme cold weather caused frozen and burst pipes which resulted in damage. 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 Corrections - Newton Correctional Facility is requesting an emergency allocation and reimbursement in the amount of \$10,165.55. On December 11, 2022, a deteriorated water pipe caused damages at the CRC Training Center. 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.

- K. Iowa Veterans Home is requesting an emergency allocation and reimbursement in the amount of \$743,934.82. On August 10, 2020, a derecho caused damages to the Iowa Veterans Home. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement in the amount of \$743,934.82, with \$637,564.18 paid to the Department of Administrative Services and \$106,370.64 paid to the Iowa Veterans Home. This represents full and final payment and this allocation will be closed.

**5. Payment of Cost Items**

- A. Department of Natural Resources .....\$10,442.64  
On March 14, 2019, a flood caused damages at Dolliver State Park in Webster County. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$2,087.36 will be reverted and this allocation closed.

- B. Department of Natural Resources.....\$4,947.14  
On March 14, 2019, a flood caused damages at Fairport State Recreation Area in Muscatine County. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$15,437.71 will be reverted and this allocation closed.

- C. Department of Natural Resources.....\$3,707.94  
On March 14, 2019, a flood caused damages to Lake Manawa State Park in Pottawattamie County. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$1,756.19 will be reverted and this allocation closed.

- D. Department of Natural Resources.....\$11,537.15  
On March 15, 2019, a 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 payment. This represents partial payment.

- E. Board of Regents - University of Northern Iowa.....\$278,101.79  
On December 15, 2021, a wind storm caused damages to the roof of the Nielsen Fieldhouse and Wellness and Recreation Center. Request is to cover repair costs.

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

- F. Board of Regents - University of Iowa.....\$90,786.82  
On September 25, 2020, a failed water pipe caused water damages to MacBride Hall. Request is to cover repair costs.

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

- G. Board of Regents - University of Iowa.....\$18,162.80  
On March 26, 2021, a water leak caused damages to Biology Building East. Request is to cover repair costs.

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

- H. Board of Regents - University of Iowa.....\$23,163.95  
On May 20, 2021, a roof leak caused water damages to the English Philosophy Building.  
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 Natural Resources .....\$1,732.20  
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Polk                    \$1,732.20

Michael J. Moss, Assistant Attorney General, has reviewed this request and recommends payment.

- J. Gray Miller Persh, LLP.....\$4,238.90  
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.

- K. 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.

- L. Richard J. Bennett, Sr.....\$2,280.00  
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.

- M. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,120.40  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Natural Resources.

- N. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$280.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue.

- O. Patterson Law Firm L.L.P.....\$945.00  
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.

- P. Patterson Law Firm L.L.P.....\$674.00  
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.

- Q. Patterson Law Firm L.L.P.....\$304.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Luanna Hollingsworth v. Woodward Resource Center 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.

- R. Patterson Law Firm L.L.P.....\$422.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Gail Martens 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.

- S. Patterson Law Firm L.L.P.....\$280.00  
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.

- T. Patterson Law Firm L.L.P.....\$713.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debbie Wessels v. Department of Correctional Services 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. The Benton Washington Levee made their first Contingency Loan payment of \$310,000.00. This loan was approved for \$1,000,000.00 on June 8, 2020 and is prorated not to exceed twenty years. Total repayment to date: \$310,000.00.

**7. Adjourn Meeting**