



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, December 12, 2022 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. Michael L. Fitzgerald | **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 November 21, 2022 and the Board of Canvass meeting held on December 1, 2022.

### 2. **Personal Appearances**

- A. Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, will be present to request the following:
  - 1. Emergency Allocation and payment in the amount of \$9,127.48 pursuant to Iowa Code 29C.8(3)(f)(1) and Iowa Administrative Code 605, Chapter 12. Response activation to Highly Pathogenic Avian Influenza (HPAI) in Hardin County.
  - 2. Emergency Allocation and payment in the amount of \$25,425.56 pursuant to Iowa Administrative Code 605—12.5(4). Search and rescue mission of a missing person in Winneshiek County near Decorah, Iowa.

### 3. **Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$18,400.00.

#### 4. 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 specialized legal services and representation to the Iowa Grain Indemnity Fund Board with respect to claims asserted in a bankruptcy matter, *In re Pipeline Foods*, Case No. 21-11002, pending in Delaware.

Firm: Bielli & Klauder LLC  
1204 N. King Street  
Wilmington, DE 19801

Rate: Fees and associated costs of litigation will be paid by the board and will range from \$225 to \$400 per hour

- B. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the University of Iowa with respect to claims asserted in *Wadley v. University of Iowa*, Case No. 4:20-cv-366, in the United States District Court for the Southern District of Iowa.

Firm: Shuttleworth & Ingersoll, PLC  
115 3rd Street SE  
Cedar Rapids, IA 52401

Rate: Fees and associated costs of litigation will be paid by the University of Iowa and will range from \$250 to \$325 per hour

- C. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to Iowa State University and the State of Iowa with respect to claims asserted in *Ben-David v. Iowa State University*, Case No. LACV052940, in the Iowa District Court for Story County.

Firm: Nyemaster Goode  
700 Walnut, Suite 1600  
Des Moines, IA 50309

Rate: Rates and associated costs of litigation will be paid by Iowa State University at \$360 per hour

- D. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to Iowa State University and the State of Iowa with respect to claims asserted in *Ben-David v. Iowa State University*, Case No. LACV052940, in the Iowa District Court for Story County.

Firm: Hallquist Law Firm, LLC  
17 Janssen Place  
Kansas City, MO 64108

Rate: Rates and associated costs of litigation will be paid by Iowa State University at \$350 per hour

## 5. Emergency Allocations

- A. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$2,962.89. This brings to total allocation to \$38,462.89. On June 21, 2021, hail caused damages at the Colyn Wildlife Management Area in Lucas County. 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 Natural Resources is requesting an emergency allocation in the amount of \$55,950.00. On May 2, 2022, a large tree fell on Balance Rock Boardwalk stairs at Maquoketa Caves State Park. 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. Iowa Workforce Development is requesting a supplemental emergency allocation in the amount of \$1,065.92. This brings to total allocation to \$5,345.87. On May 29, 2020, damaged was caused by vandalism at 150 Des Moines Street. 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.

- D. Woodward Resource Center is requesting a supplemental emergency allocation and reimbursement in the amount of \$155,873.87. This brings to total allocation to \$351,584.76. On August 10, 2020, a derecho damaged multiple roofs, trees and caused water damage. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment to the Department of Administrative Services.

- E. Department of Public Safety is requesting an emergency allocation in the amount of \$2,041.60. On December 7, 2021, high winds caused damaged to the door springs of State Patrol Vehicle #414. 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 \$7,097.93. 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 subject to audit of actual invoices.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$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 allocation subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$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 allocation subject to audit of actual invoices.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$5,045.35. On April 12, 2022, State Patrol Vehicle #371 was damaged due to hail/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.

- J. Department of Public Safety is requesting an emergency allocation in the amount of \$3,136.10. On April 30, 2022, State Patrol Vehicle #384 was damaged by a pheasant. 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 Public Safety is requesting an emergency allocation and reimbursement in the amount of \$6,618.24. On June 19, 2022, State Patrol Vehicle #236 was damaged by a deer. 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.

- L. Department of Public Safety is requesting an emergency allocation in the amount of \$9,042.62. On July 2, 2022, State Patrol Vehicle #425 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.

**6. Payment of Cost Items**

- A. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$290.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Natural Resources.

- B. 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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- C. Patterson Law Firm L.L.P.....\$528.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- D. Patterson Law Firm L.L.P.....\$32.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald Briggie v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- E. Patterson Law Firm L.L.P.....\$1,216.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- F. Patterson Law Firm L.L.P.....\$832.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

G. Patterson Law Firm L.L.P.....\$139.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

H. Patterson Law Firm L.L.P.....\$512.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

I. Patterson Law Firm L.L.P.....\$873.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

J. Patterson Law Firm L.L.P.....\$64.00  
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

**7. Information Items**

- A. The City of Volga made their third Contingency Loan payment of \$1,560.00. This loan was approved for \$31,200.00 on November 2, 2020 and is prorated not to exceed twenty years. Total repayment to date: \$4,680.00.
- B. Per Iowa Code 161E.14, the Johnson County Auditor certifies the amounts allocated to each school district, local fire departments of the unincorporated villages, townships, and cities of the county which are principally affected by the federal flood control project involved, to be paid and prorated among them as determined by the board of supervisors for FY22.

**8. Adjourn Meeting**