



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 01, 2024 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 June 3, 2024.

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 Department of Revenue (IDR) to provide IP-related services for the Iowa Lottery, which includes reviewing new and proposed games for trademark issues.

Firm: Dentons Davis Brown PC

Attorney: Matthew Coryell
215 10th Street, Suite 1300
Des Moines, IA 50309

Rate: \$470.00 per hour with all attorney fees and costs to be paid from IDR funds and not general fund dollars.

- B. The Department of Justice, Attorney General's office, requests retention of special counsel pursuant to Iowa Code section 13.7 to represent the University of Iowa Health Care Medical Center Downtown in proceedings seeking to have its Medicare Inpatient Prospective Payment Rate rebased.

Firm: Bass, Berry & Sims, PLC
1201 Pennsylvania Avenue NW, Suite 300
Washington, DC 20004

Rate: There is no cost to the Medical Center for this representation. Mercy Hospital Iowa City and Besler, a Medicare reimbursement contractor, entered into a contract in 2019 under which Besler would attempt, on a contingency basis, to secure greater Medicare reimbursements for the hospital. Bass, Berry & Sims would be hired and paid for under that contract, which the University of Iowa inherited as part of its purchase of Mercy Iowa City out of bankruptcy.

3. Leases

- A. Lease between DNR and Matteson Marine Service, Inc.
Date of Lease: May 1, 2024 to April 30, 2029
Legal Description: A parcel in the bed of the Mississippi River including approximately 1,600 feet of frontage by 175 feet of depth located at the vicinity of Mississippi River Mile 430.3 located in sections 9 and 16, Township 73 North, Range 1 West of the 5th P.M., Louisa County, Iowa.
Purpose: Barge fleeting
Annual Fee: \$12,656.00

Andrew Steffensmeier, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

- B. Lease between DNR and Matteson Marine Service, Inc.
Date of Lease: October 1, 2024 to May 31, 2029
Legal Description: A parcel in the bed of the Mississippi River including approximately 100 feet of depth by 600 feet of length, Mississippi River Mile 427.7, located in Sec. 22, Twp 73N, R 1W of the 5th P.M., Louisa County, Iowa. The leased area begins 400 feet downstream of the Minneapolis and St. Louis Railroad Bridge, which is approximately 25 miles south of Muscatine, IA.
Purpose: Barge fleeting
Annual Fee: \$2,712.00

Andrew Steffensmeier, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

4. Emergency Allocations

- A. Board of Regents is requesting an emergency allocation in the amount of \$18,233.77. On May 7, 2023, the outfield net at University of Iowa's Hawkeye Softball Complex was damaged by strong 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.

- B. Board of Regents is requesting an emergency allocation in the amount of \$23,626.00. On July 31, 2023, a window at University of Iowa's Voxman Music Building was damaged. 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 Natural Resources is requesting an emergency allocation in the amount of \$5,000. On January 26, 2024, the stone entrance portal at Maquoketa Caves State Park was damaged by snowfall. 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 Natural Resources is requesting an emergency allocation in the amount of \$104,269.02. On February 29, 2024, a skid loader at Red Rock Wildlife was destroyed by a fire. 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. Iowa Communications Network is requesting an emergency allocation in the amount of \$35,105.42. On March 14, 2024, a cable along 170th Street in Osceola County was damaged due to gopher chewing. 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.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$12,490.78. On April 8, 2024, a cable along Highway 5 in Monroe County was damaged due to excessive erosion. 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.

- G. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$1,125.14. This brings the total allocation to \$3,275.06. On February 19, 2024, Vehicle #27 was damaged by a raccoon. 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.

- H. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$192.00. This brings the total allocation to \$7,126.20. On March 14, 2024, Vehicle #63 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.

- I. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,241.17. On March 26, 2024, Vehicle #109 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 Administrative Services is requesting an emergency allocation in the amount of \$7,378.68. On March 28, 2024, Vehicle #116 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 \$4,932.69. On March 29, 2024, Vehicle #1546 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.

- L. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,313.84. On March 30, 2024, Vehicle #110 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.

- M. Department of Administrative Services is requesting an emergency allocation in the amount of \$7,959.40. On April 14, 2024, Vehicle #171 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 \$9,302.78. On April 19, 2024, Vehicle #1016 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. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,198.25. On April 26, 2024, Vehicle #36 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.

P. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,294.75. On April 26, 2024, Vehicle #72 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.

Q. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,135.13. On April 26, 2024, Vehicle #1274 was damaged by a tornado. 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. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,162.20. On April 30, 2024, Vehicle #337 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.

S. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,238.50. On April 30, 2023, Vehicle #593 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.

T. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,722.34. On May 3, 2024, Vehicle #1546 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.

U. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,920.80. On May 8, 2024, Vehicle #1085 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.

5. Payment of Cost Items

A. Board of Regents - University of Iowa\$18,095.00
On August 15, 2022, windows at Pappajohn Medical Center were damaged by gunshots.
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 Administrative Services\$14,954.52
On December 29, 2023, various vehicles were damaged due to vandalism. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$974.83 will be reverted and this allocation closed.

- C. Department of Administrative Services\$2,624.78
On February 23, 2024, Vehicle #1102 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, \$478.32 will be reverted and this allocation closed.

- D. Department of Natural Resources\$10.00
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Dickinson \$10.00

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

- E. Dentons Davis Brown Law Firm.....\$950.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Registration of Trademark - Iowa DOT Logo

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

- F. Richard J. Bennett, Sr.....\$2,322.00
PO Box 65666
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.

- G. Gray Miller Persh, LLP.....\$928.20
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.

- H. Kevin Cmelik.....\$2,640.00
814 Shawnee Avenue
Des Moines, IA 50313
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.

- I. Dentons Davis Brown Law Firm.....\$350.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Unclaimed Property Probate Matters

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

- J. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$500.00
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

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.

- K. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Amy Ausborn 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.

- L. Patterson Law Firm L.L.P.....\$592.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Diane Chase v. Woodward Resource Center 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.

M. Patterson Law Firm L.L.P.....\$400.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Betty Detert v. DHS Johnson County 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.

N. Patterson Law Firm L.L.P.....\$64.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Sam Ferrell and 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.

O. Patterson Law Firm L.L.P.....\$411.00
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.

P. Patterson Law Firm L.L.P.....\$568.00
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.

Q. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Sharon Jackson v. University of Iowa Hospitals and Clinics 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.

- R. Patterson Law Firm L.L.P.....\$861.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Larson v. Newton Correctional Facility and Clinics 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.

- S. Patterson Law Firm L.L.P.....\$208.00
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

Leif Olson, 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.....\$115.00
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

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

- U. Marquess & Hoyer Law Office, P.C.....\$6,000.00
203 W. High Street
P.O. Box 51
Toledo, IA 52342
Criminal Prosecution for Meskwaki Settlement Matters

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.

- V. Marquess & Hoyer Law Office, P.C.....\$6,000.00
203 W. High Street
P.O. Box 51
Toledo, IA 52342
Criminal Prosecution for Meskwaki Settlement Matters

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.

6. Information Items

- A. Correspondence received by Robert Gast, State Court Administrator, Judicial Branch.
- B. The City of Eldora made their twelfth Contingency Loan payment of \$21,800. This loan was approved for \$196,800.00 on October 18, 2010, and is prorated not to exceed twenty years. Total repayment to date: \$196,800.00.
- C. The City of Sumner I made their seventh Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on September 25, 2017, and is prorated not to exceed twenty years. Total repayment to date: \$350,000.00.

7. Adjourn Meeting