



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, March 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 January 23, 2023.

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. Allocate an additional \$2,460,000.00 pursuant Iowa Code 29C.6(17) for Presidential Disaster Declaration DR-4483 (Corona virus Disaster 2019, 1/20/2020 and continuing).
2. Approval of Hazard Mitigation Financial Assistance in the amount of \$221,012.00 (Iowa Code 29C.7) for the Building Resilience Infrastructure and Communities (BRIC) Program.

3. **Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$16,000.00.
- B. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$6,625.00.
- C. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$7,200.00.

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 *Luanna Hollingsworth v. Woodward Resource Center and 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

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Amy Ausborn v. Eldora State Training School and 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 Attorney General's office on behalf of the Department of Revenue to expend \$175,000.00 to cover potential expenses for the third quarter of the 2023 fiscal year.

6. Emergency Allocations

- A. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$110.46. This brings to total allocation to \$12,187.99. From March 21, 2019 to July 11, 2019, floods caused damages at various wildlife management areas within the Great Lakes Wildlife Unit. 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 a supplemental emergency allocation in the amount of \$14,165.55. This brings to total allocation to \$39,988.50. On May 30, 2019, a flood caused damages at Odessa Wildlife Management Area in Louisa 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.

- C. Department of Natural Resources is requesting an emergency allocation in the amount of \$408,102.00. On March 5, 2022, Red Haw State Park 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.

- D. Iowa Communications Network is requesting an emergency allocation and reimbursement in the amount of \$4,300.00. On November 16, 2022, a cable was cut at the Intersection of Plank Road and High Street in Lee 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.

- E. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$365.86. This brings to total allocation to \$7,810.91. 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 and payment. This represents full and final payment and this allocation will be closed.

- F. Department of Administrative Services is requesting an emergency allocation in the amount of \$8,570.19. On November 15, 2022, Vehicle #1650 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 Administrative Services is requesting an emergency allocation in the amount of \$4,130.43. On December 14, 2022, Vehicle #1343 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 Administrative Services is requesting an emergency allocation in the amount of \$2,558.00. On January 4, 2023, Vehicle #1948 was damaged by vandalism. 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. Iowa Veterans Home is requesting a supplemental emergency allocation and reimbursement in the amount of \$206,718.74. This brings to total allocation to \$590,624.97. On May 17, 2017, straight line winds caused damage to various roofs, buildings, trees and the cemetery. 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.

- J. Iowa Veterans Home is requesting a supplemental emergency allocation and reimbursement in the amount of \$352,790.84. This brings to total allocation to \$422,262.79. On July 19, 2018, a tornado damaged buildings and trees. 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.

- K. Iowa State University is requesting an emergency allocation and reimbursement in the amount of \$2,000,000.00. On February 22, 2021, a fire in the 1st floor custodial room caused damages to Ross Hall. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation and reimbursement although the allocation and reimbursement of \$2,000,000.00 exceeds the \$1,920,000.00 maximum threshold for 29C.20 claims set by the Executive Council on July 18, 2022. This represents full and final payment and this allocation will be closed.

7. Payment of Cost Items

- A. Department of Natural Resources.....\$4,235.00
On July 26, 2019, Red Rock Wildlife Management Unit was damaged by a flood. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$787.50 will be reverted and this allocation closed.

- B. Department of Administrative Services.....\$8,865.15
On November 3, 2021, Vehicle #2971 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, \$3,238.75 will be reverted and this allocation closed.

- C. Department of Administrative Services\$3,503.29
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 payment. This represents full and final payment, \$8,810.00 will be reverted and this allocation closed.

- D. Department of Administrative Services.....\$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 payment. This represents full and final payment.

- E. Department of Public Safety.....\$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 payment. This represents full and final payment.

- F. Department of Public Safety.....\$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 payment. This represents full and final payment.

- G. Department of Public Safety.....\$10,024.81
On September 9, 2022, State Patrol Vehicle #105401 was damaged by a deer.

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

- H. Department of Public Safety.....\$8,259.17
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 payment. This represents full and final payment, \$6,182.23 will be reverted and this allocation closed.

- I. Department of Human Services - Woodward Resource Center.....\$442,008.60
On July 10, 2021, a storm caused window, roof and siding damage at the Woodward Resource Center. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$144,871.40 will be reverted and this allocation closed.

- J. Iowa Communications Network.....\$4,813.28
On August 10, 2020, a derecho caused damages to equipment, fiber cable, HVAC and service outages. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$56,451.08 will be reverted and this allocation closed.

- K. Board of Regents - University of Iowa.....\$40,275.78
On May 23, 2020, a sewer back up caused damages to the Lindquist Center. 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. Board of Regents - University of Iowa.....\$247,270.29
On June 20, 2020, a broken leg on the exterior fire hydrant caused water damages to the Main Library. Request is to cover repair costs.

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

- M. Board of Regents - University of Iowa\$20,508.88
On July 26, 2020, an air handling unit leak caused water damages to the Sciences Library.
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. Board of Regents - University of Iowa\$14,611.05
On March 9, 2021, snow and ice caused damages to the lighting protection system at the Hawkeye Tennis and Recreation Center. 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. Richard J. Bennett, Sr.....\$2,862.00
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.

- P. Gray Miller Persh, LLP.....\$2,359.80
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. Patterson Law Firm L.L.P.....\$616.00
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.

- R. Patterson Law Firm L.L.P.....\$1,328.00
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.

S. Patterson Law Firm L.L.P.....\$48.00
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.....\$336.00
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

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.....\$957.00
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.

V. Patterson Law Firm L.L.P.....\$176.00
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.

W. Patterson Law Firm L.L.P.....\$146.00
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

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.....\$1,376.00
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.

- Y. Patterson Law Firm L.L.P.....\$228.00
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.

- Z. 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.

- AA. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$617.80
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.

- BB. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$97.50
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.

8. Information Items

- A. Notification from the State Auditor's Office that funds previously allocated for the Iowa State Fair to cover damages to the Administration Building on April 29, 2021 are not required; \$6,750.91 will be reverted and this allocation closed.
- B. Notification from the State Auditor's Office that funds previously allocated for the Department of Corrections - Iowa Medical and Classification Center to cover the emergency replacement of the main facility boiler on November 13, 2020 are not all needed. \$21,046.41 will be reverted and this allocation closed.

9. Adjourn Meeting