



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 18, 2022 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. 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 June 27, 2022 and the Board of Canvass meeting held on July 1, 2022.

2. **Personal Appearances**

- A. Christie Templeton, Department of Human Services, will be present to request a Resolution of Funds in the amount of \$27,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Union County.
- B. Christie Templeton, Department of Human Services, will be present to request a Resolution of Funds in the amount of \$90,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Cerro Gordo, Greene, Hardin, Mills and Pottawattamie Counties.
- C. Christie Templeton, Department of Human Services, will be present to request a Resolution of Funds in the amount of \$90,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Emmet, Hancock, O'Brien and Winnebago Counties.

3. **Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$28,000.00.

4. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of substitute outside counsel pursuant to Iowa Code section 13.3 to represent the State in litigation challenging Iowa Code Sections 146A (HF 594) and 146C (SF359).

Attorney: Alan Ostergren
Firm: The Kirkwood Institute
500 Locust Street, Suite 199
Des Moines, Iowa 50309

Attorneys: Christopher Schandavel, Denise Harle, and John Bursch
Firm: Alliance Defending Freedom
44180 Riverside Parkway
Lansdowne, Virginia 20176

All four attorneys have agreed to represent the State at no cost to Iowa Taxpayers. The State will still be responsible for the reasonable court costs associated with the litigation.

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *David Denny v. University of Iowa; 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. Adjusted Annual Inflation for 29C.20 Claims for Fiscal Year 2023

- A. Recommendation from Michael L. Fitzgerald, Treasurer of State, to approve an annual inflation adjustment for the Executive Council's Guidelines for allocating Chapter 29C.20 funds to \$1,920,000.00 for fiscal year 2023, beginning July 1, 2022.

6. Emergency Allocations

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$31,705.71. On April 23, 2022, an exposed cable was damaged due to erosion and severed by debris in Cedar River in Linn 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.

- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$68,759.72. On May 3, 2022, an exposed cable was damaged due to excessive erosion at 3 locations along Highway 5 in Appanoose 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.

- C. Iowa Communications Network is requesting an emergency allocation in the amount of \$16,945.18. On May 5, 2022, an exposed cable was damaged due to excessive erosion along Highway 149 in Ottumwa. 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.

- D. Iowa Communication Network is requesting an emergency allocation in the amount of \$20,776.86. On May 27, 2022, an exposed cable was damaged due to excessive erosion at West Branch Floyd River along 400th Street east of Ibex Avenue in Sioux City. 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.

- E. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$14,051.50. On July 3, 2020, a leaking pressure relief valve caused water damages in the mechanical room at the Biology 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.

7. Payment of Cost Items

- A. Iowa Communications Network\$36,307.05
On April 14, 2021, an exposed cable was damaged due to excessive erosion along North Park Road in Appanoose 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, \$9,634.40 will be reverted and this allocation closed.

- B. Board of Regents - Iowa School for the Deaf\$11,351.25
On December 15, 2021, a wind and storm caused damages to the Administration Building, Parking Garage and Lied Multi-Purpose Center. Request is to cover repair costs.

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

- C. Denton Davis Brown PC.....\$2,499.00
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues

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

- D. Wandro & Associates, P.C.\$1,025.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

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

- E. Department of Natural Resources\$7,130.47
Drainage taxes for the following county:

Wright County \$7,130.47

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

- F. Patterson Law Firm L.L.P.\$304.00
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.

- G. Patterson Law Firm L.L.P.\$32.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Donald Briggles 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.

- H. Patterson Law Firm L.L.P.\$1,124.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Toribo Joseph Estrada v. ISP, 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.\$464.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, 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.....\$43.00
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.

- K. Patterson Law Firm L.L.P.....\$604.00
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.

- L. Patterson Law Firm L.L.P.....\$720.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Larry Opal v. Clarinda Correctional Facility, 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.

- M. Patterson Law Firm L.L.P.....\$784.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, 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.

- N. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, 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.

- O. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Bryson Powell v. Glenwood Resource Center, 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.

- P. Patterson Law Firm L.L.P.....\$896.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Geoffrey Ray Wellman v. Iowa State Penitentiary, 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.

- Q. Nyemaster Goode, P.C.....\$2,312.20
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

- R. Nyemaster Goode, P.C.....\$365,396.78
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

- S. Nyemaster Goode, P.C.....\$751.90
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

- T. Nyemaster Goode, P.C.....\$1,024.53
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

- U. Nyemaster Goode, P.C.....\$2,108.20
700 Walnut Street, Suite 1600
Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

8. Iowa Code §7D.16

- A. Jeffrey S. Thompson, Solicitor General, requests permission on behalf of Attorney General Miller to serve alcoholic beverages at the Iowa State Capitol Building on Monday, August 8, 2022 for the National Association of Attorneys General (NAAG) Presidential Initiative Conference.

9. Information Items

- A. The Muscatine Louisa Drainage District made their fourth Contingency Loan payment of \$9,375.00. This loan was approved for \$187,500.00 on June 3, 2019 and is prorated not to exceed twenty years. Total repayment to date: \$37,500.00.
- B. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.

10. Adjourn Meeting