



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, May 06, 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 April 1, 2024.

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 \$761.59 pursuant to Iowa Code 29C.8(3)(f)(1) and Iowa Administrative Code 605, Chapter 12, in response to the Specialty Team Activation – Cedar Rapids Fire Department (Urban Search & Rescue).

B. Nate Ristow, Administrative Rules Coordinator, Office of the Governor, will be present to request approval of the Adopted and Final rules from November 6, 2023 Red Tape Review.

3. **Iowa Code §7D.10**

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$23,200.00.

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 *Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund*, 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 *John Larson v. Newton Correctional Facility 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. Special Counsel

- A. The Department of Justice, Attorney General's Office, requests retention of special counsel pursuant to Iowa Code section 13.7(1) 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.

Attorney: Michael Marquess
203 W. High St.
P.O. Box 51
Toledo, IA 52342
Rate: \$6,000.00 Per Month

6. Litigation Expense Fund

- A. Request from the Department of Revenue to expend \$250,000 to cover potential expenses for the fourth quarter of the 2024 fiscal year.

7. Emergency Allocations

- A. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$9,149.40. On October 25, 2021, Seamans Center generators experienced water damages due to HVAC system failure. 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 - University of Iowa is requesting an emergency allocation in the amount of \$9,634.96. On October 28, 2022, Van Allen Hall experienced water damages due to broken pipe. 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. Board of Regents - Iowa State University is requesting an emergency allocation and reimbursement in the amount of \$155,292.02. On January 23, 2023, Lagomarcino Hall experienced water damages due to fire. 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 Administrative Services is requesting an emergency allocation and reimbursement in the amount of \$4,119.94. On July 20, 2023, Vehicle #2437 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. 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 \$119.06. This brings to total allocation to \$4,092.61. On August 11, 2023, Vehicle #1366 was damaged by hail. 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 a supplemental emergency allocation in the amount of \$222.33. This brings the total allocation to \$4,805.38. On October 13, 2023, Vehicle #117271 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.

- G. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$99.80. This brings to total allocation to \$10,647.50. On September 29, 2023, Vehicle #2323 was damaged by 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.

- H. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$1,537.89. This brings the total allocation to \$6,043.87. On October 16, 2023, Vehicle #16 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 a supplemental emergency allocation in the amount of \$141.91. This brings the total allocation to \$6,197.85. On October 22, 2023, Vehicle #1368 was damaged by 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.

- J. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$765.45. This brings the total allocation to \$3,413.81. On October 29, 2023, Vehicle #414 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.

- K. Department of Administrative Services is requesting an emergency allocation in the amount of \$6,272.50. On November 7, 2023, Vehicle #2318 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 a supplemental emergency allocation in the amount of \$131.86. This brings the total allocation to \$7,274.45. On November 11, 2023, Vehicle #1388 was damaged by 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.

- M. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$3,664.20. This brings to total allocation to \$11,989.58. On November 17, 2023, Vehicle #105201 was damaged by 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.

- N. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$1,299.59. This brings the total allocation to \$4,793.89. On November 30, 2023, Vehicle #117 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.

- O. Department of Administrative Services is requesting an emergency allocation in the amount of \$8,853.25. On December 20, 2023, Vehicle #196 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.

- P. Department of Administrative Services is requesting an emergency allocation in the amount of \$61,586.97. On July 27, 2023, the Oran Pape Building experienced multiple equipment failures due to excessive heat. 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 Public Safety is requesting an emergency allocation in the amount of \$4,146.25. On May 7, 2023, State Patrol Vehicle #30 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.

- R. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$498.26. This brings the total allocation to \$3,929.21. On August 9, 2023, State Patrol Vehicle #627 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.

- S. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,342.01. This brings to total allocation to \$30,742.02. On September 9, 2023, numerous State Patrol Vehicles were damaged by vandalism. 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.

- T. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$133.50. This brings to total allocation to \$8,813.00. On October 8, 2023, State Patrol Vehicle #443 was damaged by 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.

- U. Department of Public Safety is requesting an emergency allocation in the amount of \$24,340.00. On October 6, Hardin ISICS Communication Tower was damaged by lightning. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- V. Iowa Communication Network is requesting an emergency allocation in the amount of \$46,677.19. On November 30, 2023, a cable was damaged by a rodent along US 30 near the Carroll and Green County Line. 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.

- W. Iowa Communication Network is requesting an emergency allocation in the amount of \$13,197.36. On December 11, 2023, a cable along 230th street in Madison County was exposed due to 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.

- X. Judicial Branch is requesting an emergency allocation and reimbursement in the amount of \$152,186.11. On July 19, 2018, Marshall County Courthouse was damaged by a tornado. 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.

- Y. Department of Corrections – Fort Dodge Correctional Facility is requesting a supplemental emergency allocation in the amount of \$1,007.77. This brings the total allocation to \$177,528.74. On May 9, 2022, Fort Dodge Correctional Facility Cedar Unit was damaged by a hot water tank leak. 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.

- Z. Department of Corrections - Mount Pleasant is requesting an emergency allocation and reimbursement in the amount of \$7,581.88. On August 31, 2023, a power surge caused damages to boiler and mixer. 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.

8. Payment of Cost Items

- A. Board of Regents - University of Northern Iowa\$727,051.61
On December 15, 2021, Nielsen Fieldhouse and Wellness Recreation Center roofs were damaged by a wind storm. 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. Board of Regents - University of Iowa\$17,350.54
On May 19, 2022, a freezer at Carver Biomedical Research Building was damaged due to a power surge. Request is to cover repair costs.

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

- C. Board of Regents - University of Northern Iowa\$26,310.07
On October 13, 2023, a well pump at ITTC was damaged by lightning strike. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$13,122.00 will be reverted and this allocation closed.

- D. Department of Administrative Services\$9,800.14
On August 17, 2023, Vehicle #604 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.

- E. Department of Administrative Services\$5,551.24
On October 6, 2023, Vehicle #1461 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 Administrative Services\$2,443.80
On November 5, 2023, Vehicle #247 was damaged by a raccoon. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$24.00 will be reverted and this allocation closed.

- G. Department of Administrative Services\$6,728.25
On November 11, 2023, Vehicle #1190 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, \$2,657.58 will be reverted and this allocation closed.

- H. Department of Administrative Services\$10,366.60
On November 17, 2023, Vehicle #468 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, \$1,336.40 will be reverted and this allocation closed.

- I. Department of Administrative Services\$10,331.96
On November 21, 2023, Vehicle #418 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, \$3,462.50 will be reverted and this allocation closed.

- J. Department of Public Safety\$4,241.25
On April 4, 2023, State Patrol Vehicle #223 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.

- K. Department of Public Safety\$9,170.00
On April 4, 2023, State Patrol Vehicle #357 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.

- L. Department of Public Safety\$8,905.50
On April 4, 2023, Post 2 roof and several State Patrol Vehicles were damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents partial payment. As additional damages are identified, the Department will submit additional allocation and reimbursement requests.

- M. Department of Public Safety\$8,087.01
On May 10, 2023, State Patrol Vehicle #2879 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.

- N. Department of Public Safety\$8,722.00
On March 31, 2023, radome cover on Atlantic ISICS communication tower was damaged by a storm. 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. Department of Public Safety\$8,722.00
On March 31, 2023, radome cover on Shelby ISICS communication tower was damaged by a storm. Request is to cover repair costs.

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

- P. Department of Public Safety\$26,166.00
On February 21, 2023, radome covers on Sioux County ISICS Communication Tower was damaged by a storm. Request is to cover repair costs.

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

- Q. Department of Natural Resources\$27,794.19
On April 29, 2019, various wildlife management areas along Missouri River Wildlife Unit were damaged due to flooding. Request is to cover repair costs not covered by FEMA.

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

- R. Department of Natural Resources\$166,307.74
On August 10, 2020, multiple parks were damaged due to derecho. Request is to cover repair costs not covered by FEMA.

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

- S. Department of Natural Resources\$2,505.94
On April 11, 2023, a burglary took place at Palisades-Kepler State Park. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$915.13 will be reverted and this allocation closed.

- T. Department of Corrections - Iowa Correctional Institution for Women\$10,103.06
On December 24-26, 2022, extreme cold weather caused frozen and burst pipes. Request is to cover repair costs.

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

- U. Department of Natural Resources\$8,979.86
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Dickinson	\$320.00
Fremont	\$8,659.86

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

- V. Richard J. Bennett, Sr.....\$3,492.00
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.

- W. Kevin Cmelik.....\$1,155.00
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.

- X. Dentons Davis Brown Law Firm.....\$3,900.00
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.

Y. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$357.50
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

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.

Z. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$100.00
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.

AA. Gray Miller Persh, LLP.....\$397.80
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.

BB. Gray Miller Persh, LLP.....\$353.60
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.

CC. Thomas Hillers.....\$8,166.60
112 Main St West, Suite 100
State Center, IA 50247
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

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

DD. Betty Neuman McMahon, PLC.....\$4,760.00
1900 East 54th Street
Davenport, IA 52807
Special Counsel McKenrick v. State of Iowa

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

EE. Patterson Law Firm L.L.P.....\$704.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Baker v. Iowa Veterans Home 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.

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

GG. Patterson Law Firm L.L.P.....\$314.00
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.

HH. Patterson Law Firm L.L.P.....\$131.00
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.

II. Patterson Law Firm L.L.P.....\$192.00
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.

JJ. Patterson Law Firm L.L.P.....\$32.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Jeffrey Welder v. Iowa State University, 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.

9. Information Items

- A. Quarterly status update of State Aid (Iowa Code 29C.20) allocations.
- B. The South Central Iowa Landfill Agency made their second Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on August 8, 2022 and is prorated not to exceed twenty years. Total repayment to date: \$100,000.00.
- C. Notification from the State Auditor’s Office that funds previously allocated for the Department of Natural Resources to cover damages to Black Hawk State Park on May 5, 2023 are not required; \$15,945.00 will be reverted and this allocation closed.
- D. Notification from the State Auditor’s Office that funds previously allocated for the Department of Natural Resources to cover damages to Black Hawk State Park on May 5, 2023 are not required; \$15,945.00 will be reverted and this allocation closed.

10. Adjourn Meeting