



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Tuesday, September 03, 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 August 19, 2024.

2. **Iowa Code §7D.10**

A. Attorney General's office requests Payment for Expenses under Iowa Code §7D.10 in the amount of \$42,468.25.

3. **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 *Kathrine Williams v. 6th Judicial District Department, 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

4. Special Counsel

- A. The Department of Justice, Attorney General's Office, requests the retention of special counsel pursuant to Iowa Code §13.7(1), to represent the Treasurer of State to retain Foster Garvey, P.C., to advise his office on matters related to the revision of the Treasurer's investment policy under Iowa Code §§ 12.8, 12B.10, and 12B.10B. Special counsel would be paid from the Treasurer's funds.

Attorney: Foster Garvey, P.C.
1111 3rd Ave 30th Fl
Seattle, WA 98101

Rate: \$610/hour for principals and of-counsel lawyers, \$540/hour for associate lawyers and \$210/hour for paralegals.

5. Emergency Allocations

- A. Board of Regents - University of Iowa is requesting a supplemental emergency allocation in the amount of \$23.34. This brings the total allocation to \$145,130.38. On May 7, 2023, hail caused roof damage to the Oakdale Biology Greenhouse. 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.

- B. Department of Natural Resources is requesting an emergency allocation in the amount of \$47,088.89. On May 24, 2024, a flood caused damages to the Swan Refuge at Red Rock Wildlife Management Area. 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 \$12,000.00. On July 1, 2024, a fallen tree caused damages to the pit latrine at Stephens State Forest. 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 in the amount of \$9,648.89. On May 21, 2024, severe weather events exposed cables in Polk, Adams, Wapello and Black Hawk 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.

- E. Iowa Communications Network is requesting an emergency allocation in the amount of \$26,957.09. On June 12, 2024, a cable was damaged due to excessive erosion along Highway 34 west of Loomis Avenue in Adams 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.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$97,622.95. On June 22, 2024, a cable was damaged due to excessive erosion along Highway 60 at Otter Creek in Osceola 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.

- G. Iowa Communications Network is requesting an emergency allocation in the amount of \$62,558.89. On June 22, 2024, a cable was damaged due to excessive erosion and flooding of Floyd River along 330th Street in Sioux 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.

- H. Iowa Communications Network is requesting an emergency allocation in the amount of \$17,549.42. On July 8, 2024, an exposed cable was damaged due to flooding along Highway 75 south of 150th Street in Plymouth 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.

- I. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$1,210.73. This brings the total allocation to \$6,143.42. 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 and reimbursement. 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 \$552.60. This brings the total allocation to \$6,144.80. On May 21, 2024, Vehicle #105539 was damaged by a fallen tree. 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.

- K. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$373.52. This brings the total allocation to \$5,645.76. On May 28, 2024, 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 and reimbursement. This represents full and final payment and this allocation will be closed.

- L. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,242.14. On July 14, 2024, Vehicle #204 was damaged by a racoon. 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 \$7,898.66. On July 29, 2024, Vehicle #1782 was damaged by a storm. 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 \$5,604.98. On August 1, 2024, Vehicle #1038 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 Public Safety is requesting an emergency allocation in the amount of \$9,500.00. On November 28, 2023, a random cover was damaged on the Albia ISICS Communication Tower. 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 Public Safety is requesting an emergency allocation in the amount of \$41,063.47. On June 21, 2024, flooding caused water damage to Post 6. 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. Board of Regents University of Iowa.....\$9,149.40
On October 25, 2021, HVAC failure caused water damage to generators at the Seamans 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.

B. Board of Regents University of Iowa.....\$40,923.47
On March 22, 2022, a malfunctioning water fountain caused water damage to the College of Medicine Administration Building. 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 Iowa.....\$21,763.00
On May 26, 2022, a water leak caused damages to Carver River Research and Education Facility. Request is to cover repair costs.

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

- D. Board of Regents University of Iowa\$44,025.40
 On June 11, 2022, a failed chilled water pressure pump caused water damage to the Iowa Advanced Technology Laboratories. 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. Board of Regents University of Iowa.....\$10,167.00
 On October 5, 2023, an exterior window was damaged at the Dental Science Building. 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. Iowa State Fair.....\$8,430.00
 On December 24, 2023, a vehicle crashed and caused damages to a flag pole, gate and landscaping. Request is to cover repair costs.
- The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$3,969.00 will be reverted and this allocation closed.
- G. Department of Administrative Services.....\$2,004.15
 On April 23, 2024, Vehicle #153 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, \$8.00 will be reverted and this allocation closed.
- H. Department of Administrative Services\$6,772.48
 On May 20, 2024, Vehicle #1451 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, \$151.80 will be reverted and this allocation closed.
- I. Department of Administrative Services.....\$6,880.67
 On May 21, 2024, Vehicle #1294 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, \$77.00 will be reverted and this allocation closed.
- J. Department of Administrative Services.....\$2,301.50
 On May 21, 2024, Vehicle #112 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 Administrative Services.....\$3,396.40
 On May 23, 2024, Vehicle #395 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, \$267.90 will be reverted and this allocation closed.

- L. Department of Administrative Services.....\$4,357.50
On May 24, 2024, Vehicle #204 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, \$58.00 will be reverted and this allocation closed.
- M. Department of Administrative Services.....\$3,713.00
On May 24, 2024, Vehicle #464 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, \$20.50 will be reverted and this allocation closed.
- N. Department of Administrative Services.....\$3,909.11
On May 24, 2024, Vehicle #105217 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, \$21.60 will be reverted and this allocation closed.
- O. Department of Administrative Services.....\$2,349.95
On June 1, 2024, Vehicle #99 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.
- P. Department of Administrative Services.....\$8,748.55
On June 12, 2024, Vehicle #1685 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, \$608.70 will be reverted and this allocation closed.
- Q. Department of Administrative Services.....\$3,787.75
On June 25, 2024, Vehicle #479 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, \$321.25 will be reverted and this allocation closed.
- R. Department of Public Safety.....\$157,908.44
On December 25, 2022, a burst pipe caused water damage at Post 8. Request is to cover repair costs.
- The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$20,404.89 will be reverted and this allocation closed.
- S. Richard J. Bennett, Sr.....\$3,450.00
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.

T. 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 Attorney General's Office's General Fund

U. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$762.50
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.

V. Patterson Law Firm L.L.P.....\$208.00
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.

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

X. Patterson Law Firm L.L.P.....\$256.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cheryl Doyle-Carrig v. UIHC and State of Iowa and Second Injury Fund

Leif Olson, 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.....\$80.00
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.

Z. Patterson Law Firm L.L.P.....\$608.00
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.

AA. Patterson Law Firm L.L.P.....\$320.00
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.

BB. Patterson Law Firm L.L.P.....\$48.00
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.

CC. Patterson Law Firm L.L.P.....\$638.00
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.

DD. Patterson Law Firm L.L.P.\$432.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Wendy Netolicky v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund

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

EE. Patterson Law Firm L.L.P.\$416.00
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.

FF. Patterson Law Firm L.L.P.\$457.00
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.

7. Adjourn Meeting