



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, August 05, 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 July 15, 2024 and the Board of Canvass meeting held on July 1, 2024.

2. **Personal Appearances**

- A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, will be present to request the allocation of \$56,905,542.00 pursuant Iowa Code 29C.6(17) for Presidential Disaster Declarations FEMA-4779-DR, FEMA-4784-DR, FEMA-4796-DR.

3. **Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$43,330.65.

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 *Overstreet, Shana v. University of Iowa Hospitals and Clinics, 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 *Overstreet, Simmons, Ronald v. Iowa Department of Transportation 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

- C. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stevenson, Brad v. Iowa Department of Transportation, State of Iowa, 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

- D. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stufflebeam, Douglas v. University of Northern Iowa 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 renewal of the retention of Kevin Cmelik, to represent State of Iowa in criminal appeals cases for a six-month duration, with an option of renewal. Amounts paid under the contract would be paid from the Office's Forfeiture Fund.

Attorney: Kevin Cmelik
814 Shawnee Avenue
Des Moines, IA 50313
Rate: \$60/hour

6. Leases

A. Lease between DNR and Cargill

Date of Lease: May 1, 2023 to December 31, 2027.

Legal Description: A portion of the bed of the Mississippi River approximately 595 feet in frontage and 265 feet in depth, at Mississippi River Mile 486.5, located in the NE 1/4 of Section 33, Township 78 North, Range 4 East of the 5th P.M., Scott County, Iowa.

Purpose: Barge loading and unloading

Annual Fee: \$9,460.50

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

7. Emergency Allocations

A. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,374.58. On April 30, 2024, Vehicle #502 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.

B. Department of Administrative Services is requesting an emergency allocation in the amount of \$6,924.28. 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 allocation subject to audit of actual invoices.

C. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,339.24. On May 20, 2024, Vehicle #117529 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.

D. Department of Administrative Services is requesting an emergency allocation in the amount of \$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 allocation subject to audit of actual invoices.

E. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,972.13. On May 21, 2024, Vehicle #410 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.

- F. Department of Administrative Services is requesting an emergency allocation in the amount of \$16,021.93. On May 21, 2024, Vehicle #1231 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.

- G. Department of Administrative Services is requesting an emergency allocation in the amount of \$6,957.67. 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 allocation subject to audit of actual invoices.

- H. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,592.20. 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 subject to audit of actual invoices.

- I. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,664.30. 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 allocation subject to audit of actual invoices.

- J. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,858.55. On May 23, 2024, Vehicle #591 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 \$4,415.50. On May 24, 2024, Vehicle #204 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 \$3,733.50. 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 allocation subject to audit of actual invoices.

- M. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,930.71. 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 allocation subject to audit of actual invoices.

- N. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,272.24. 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 subject to audit of actual invoices.

- O. Department of Administrative Services is requesting an emergency allocation in the amount of \$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 allocation subject to audit of actual invoices.

- P. Department of Administrative Services is requesting an emergency allocation in the amount of \$7,039.60. On June 6, 2024, Vehicle #1126 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.

- Q. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,327.54. On June 12, 2024, Vehicle #225 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.

- R. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,586.00. On June 12, 2024, Vehicle #479 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 \$5,714.37. On June 12, 2024, Vehicle #611 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 \$13,777.04. On June 12, 2024, Vehicle #621 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.

- U. Department of Administrative Services is requesting an emergency allocation in the amount of \$9,357.25. 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 allocation subject to audit of actual invoices.

- V. Department of Administrative Services is requesting an emergency allocation in the amount of \$11,850.68. On June 12, 2024, Vehicle #1886 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.

- W. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,754.20. On June 12, 2024, Vehicle #2280 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.

- X. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,998.60. On June 13, 2024, Vehicle #2026 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.

- Y. Iowa State Fair is requesting an emergency allocation in the amount of \$10,815.61. On March 24, 2024, a lightning strike caused damages to the communication equipment at Elwell Outdoor 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.

- Z. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$35,409.01. On July 9, 2023, a fire caused damage to the Medical Research 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.

AA. Department of Public Safety is requesting an emergency allocation in the amount of \$9,500.00. On October 13, 2023, a storm caused damage to the radome cover at the Dubuque 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.

BB. Department of Public Safety is requesting an emergency allocation in the amount of \$9,500.00. On October 13, 2023, a storm caused damage to the radome cover at the Holy Cross 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.

8. Payment of Cost Items

A. Gray Miller Persh, LLP.....\$132.60
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.

B. Department of Natural Resources\$1,746.51
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Story \$1,746.51

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

C. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$980.00
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.

D. Richard J. Bennett, Sr.....\$2,070.00
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.

- E. Kevin Cmelik.....\$345.00
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.

- F. Kevin Cmelik.....\$945.00
814 Shawnee Avenue
Des Moines, IA 50313
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office - Brammer

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. Dentons Davis Brown Law Firm.....\$1,050.00
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.

- H. 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.

- I. Patterson Law Firm L.L.P.....\$93.00
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.

J. Patterson Law Firm L.L.P.....\$16.00
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.

K. Patterson Law Firm L.L.P.....\$683.00
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.

L. Patterson Law Firm L.L.P.....\$394.00
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.

M. Patterson Law Firm L.L.P.....\$928.00
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.

N. Patterson Law Firm L.L.P.....\$1,040.00
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.

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

- P. Patterson Law Firm L.L.P.....\$292.00
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.

- Q. Patterson Law Firm L.L.P.....\$256.00
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.

- R. Patterson Law Firm L.L.P.....\$48.00
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.

- S. Patterson Law Firm L.L.P.....\$135.00
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. The Muscatine Louisa Drainage District made their sixth 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: \$56,250.00.
- B. Quarterly status update of State Aid (Iowa Code 29C.20) allocations.

10. Adjourn Meeting