



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, January 23, 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 17, 2023.

2. **Special Counsel**

A. The Attorney General's Office on behalf of the Iowa Department of Revenue requests an attorney change with respect to centrally accessed property tax cases against Buckeye Terminals, LLC and Buckeye Pipeline Transportation, LLC. Joshua Whitt has notified the office that he is leaving Whitt Law, LLC. Stuart Whitt will continue his work on this litigation and attorney James Dougherty of Whitt Law, LLC has been recommended to assist in these litigations.

Firm: Whitt Law, LLC

Attorneys: Stuart L. Whitt and James Dougherty
70 South Constitution Drive
Aurora, IL 60506

Rate: Fees will range from \$250 to \$210 per hour. Fees and associated costs will be paid by IDR from the Litigation Expense Fund pursuant to Iowa Code section 441.73.

3. Emergency Allocations

- A. Department of Administrative Services is requesting an emergency allocation in the amount of \$6,583.00. On November 28, 2022, Vehicle #2361 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.

- B. Department of Cultural Affairs is requesting an emergency allocation in the amount of \$2,519.63. On November 1, 2022, Western Historic Trails Center in Council Bluffs was damaged by gunshots. 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. Iowa Communication Network is requesting a supplemental emergency allocation in the amount of \$2,903.48. This brings to total allocation to \$34,609.19. On April 23, 2022, an exposed cable was damaged by erosion and severed by debris in Linn 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.

- D. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$2,510.32. This brings to total allocation to \$75,814.56. On August 31, 2022, a cable was damaged due to a rodent chew at Highway 18 and 200th Street in Fayette 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.

- E. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$291,190.99. On December 15, 2021, numerous ISICS Communication towers were damaged by a statewide wind storm. 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.

- F. Department of Public is requesting a supplemental emergency allocation in the amount of \$46,321.73. This brings to total allocation to \$61,607.73. On April 12, 2022, a high wind storm caused damages to the Franklin and Mason City ISICS Communication Tower. Request is to cover repair costs.

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

- G. Department of Human Services - Woodward Resources Center is requesting a supplemental emergency allocation in the amount of \$521,523.16. This brings to total allocation to \$873,107.92. On August 10, 2020, a derecho caused damage to multiple roofs, trees and also caused water damage. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation and reimbursement to the Department of Administrative Services. This represents partial payment.

4. Payment of Cost Items

- A. Department of Natural Resources\$37,353.28
On June 21, 2018, various wildlife management areas in Winneshiek, Allamakee and Clayton Counties were damaged by heavy rains. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$38,117.69 will be reverted and this allocation closed.

- B. Department of Natural Resources.....\$43,842.50
On June 30, 2019, a storm caused damages at Maquoketa Caves State Park. Request is to cover repair costs.

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

- C. Department of Natural Resources.....\$1,900.00
On May 2, 2022, a large tree during a wind storm fell on Balance Rock Boardwalk Stairs at Maquoketa Caves State Park. Request is to cover repair costs.

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

- D. Department of Public Safety.....\$5,045.35
On April 12, 2022, State Patrol Vehicle #371 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.....\$3,136.10
On April 30, 2022, State Patrol Vehicle #384 was damaged by a pheasant. 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\$9,042.62
On July 2, 2022, State Patrol Vehicle #425 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.

- G. Board of Regents - Iowa School for the Deaf.....\$21,061.83
On December 15, 2021, a wind 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 full and final payment, \$350.11 will be reverted and this allocation closed.

- H. Board of Regents - University of Norther Iowa.....\$65,967.34
On October 16, 2021, the water fountain in Bender Hall was vandalized. Request is to cover repair costs.

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

- I. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$182.80
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.

- J. 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.

5. Information Items

- A. Civil Reparations Trust Fund Balance as of January 19, 2023 is approximately \$1,014,926.06.

6. Adjourn Meeting