



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 10, 2023 at 10:00 AM

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## 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 June 5, 2023.

#### 2. **Personal Appearances**

A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, will be present to request a Contingency Fund Loan for the City of Lawler.

B. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, will be present to request Resolution of Funds in the amount of \$100,000.00 pursuant to Iowa Code §29C.20B with regard to SFY24 Disaster Case Management training.

#### 3. **Iowa Code §7D.10**

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$21,686.00.

#### 4. **Special Counsel**

A. The Department of Justice, Attorney General's Office, requests a retention extension of special counsel 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 through June 30, 2024.

Attorney: Thomas L. Hillers  
Hillers Legal, P.C.  
112 W Main St., Suite 100  
State Center, IA 50247  
Rate: \$5,000.00 per month retainer

- B. The Attorney General’s Office, on behalf of the Iowa Department of Agriculture and Land Stewardship requests retention of special counsel to provide legal services in regard to trademark protection for the Choose Iowa logo and program name at both the state and federal level. Attorney fees and costs will be paid from Iowa Department of Agriculture and Land Stewardship.

Firm: Belin McCormick  
 Attorney: Aaron Jones  
 666 Walnut St # 2000  
 Des Moines, IA 50309  
 Rate: \$260/hour Aaron Jones  
 \$200/hour intellectual property paralegal

- C. The Department of Justice, Attorney General’s Office, requests renewal of the retention of Richard J Bennett, to represent State of Iowa in criminal appeals case through June 30, 2024.

Attorney: Richard J. Bennett  
 5610 Waterbury Circle  
 PO Box 65666  
 West Des Moines, IA 50265  
 Rate: \$60/hour

**5. Outside CPA**

- A. Request from Rob Sand, Auditor of State, to employ the services of outside CPA firms to perform the periodic examinations for the cities listed below for the period ending March 31, 2023.

<b>Firm Name</b>	<b>Cities Included in Agreement</b>	<b>Cost</b>
Gronewold, Bell, Kyhnn	Albion, Ferguson, Gilman, Kellogg, St. Anthony	\$18,320
Rachelle Thompson, CPA	Bronson, Craig, Lester, Meriden, Salix	\$25,000
Rachelle Thompson, CPA	Beaman, New Providence, Randall, Union, Whitten	\$23,300
Gronewold, Bell, Kyhnn	Macedonia, Minden, Modale, Mondamin, Wiota	\$19,210
Faller, Kincheloe & Co	Cincinnati, Clio, Moravia, Plano, Rathbun	\$19,195
Faller, Kincheloe & Co	Chillicothe, Drakesville, Exline, Pulaski, Udell	\$17,995
Total		\$123,020

**6. Leases**

- A. Lease between DNR and Consolidated Grain and Barge Co.  
 Date of Lease: May1, 2023 to December 31, 2027  
 Legal Description: An area consisting of three loading and unloading docks and 14 Piling Clusters located within Mississippi River mile 624.32 to 622.37 in Section 6 and 7, Township 93 North, Range 2 West of the 5th P.M., Clayton County, Iowa.  
 Purpose: Barge loading and unloading of scrap metal  
 Annual Fee: \$2,700.00

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

- B. Lease between DNR and American River Transport Company  
Date of Lease: June 1, 2023 to May 31, 2028  
Legal Description: A parcel of the bed of the Mississippi River including approximately 1200 feet of frontage by 210 feet of depth located at Mississippi River Mile 636.2 located in Section 10, Township 95 North, Range 3 West of the 5th P.M., Clayton County, Iowa.  
Purpose: Barge fleeting  
Annual Fee: \$11,514.09

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

- C. Lease between DNR and American River Transport Company  
Date of Lease: June 1, 2023 to May 31, 2028  
Legal Description: A portion of the bed of the Mississippi River including approximately 1,000 feet of frontage by 105 feet of depth located at Mississippi River Mile 607.5 located in Section 7, Township 91 North, Range 1 West of the 5th P.M., Clayton County, Iowa.  
Purpose: Barge fleeting  
Annual Fee: \$4,797.54

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

## **7. Adjusted Annual Inflation for 29C.20 Claims for Fiscal Year 2024**

- A. Recommendation from Roby Smith, Treasurer of State, to approve an annual inflation adjustment for the Executive Council's Guidelines for allocating Chapter 29C.20 funds to \$1,990,000.00 for fiscal year 2024, beginning July 1, 2023.

## **8. Emergency Allocations**

- A. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$795.60. This brings to total allocation to \$7,378.60. 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 and payment. This represents full and final payment and this allocation will be closed.

- B. Department of Administrative Services is requesting an emergency allocation in the amount of \$6,735.31. On March 10, 2023, Vehicle #1274 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.

- C. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$14,945.52. This brings to total allocation to \$66,290.52. On March 19, 2019, a flood caused damages to wildlife areas in Keokuk County. Request is to cover repair costs not covered by FEMA.

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. Department of Natural Resources is requesting an emergency allocation in the amount of \$3,421.07. 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 allocation subject to audit of actual invoices.

- E. Department of Corrections - Newton Correctional Facility is requesting an emergency allocation and reimbursement in the amount of \$45,179.22. On November 30, 2022, a deteriorated center line drain pipe cause water damages in the dietary kitchen. 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 Corrections - Newton Correctional Facility is requesting an emergency allocation and reimbursement in the amount of \$25,632.75. On February 3, 2023, a deteriorated water pipe and significant leaks caused water damages at the CRC Training Center and ILU House. 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.

- G. Iowa State University is requesting an emergency allocation and reimbursement in the amount of \$9,345.75. On December 23, 2022, low temperatures caused a pipe to burst and cause damage at the Veterinary Medical Research Institute Building 5. 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.

- H. Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$972.35. This brings to total allocation to \$3,366.05. On June 25, 2022, 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 allocation and payment. This represents full and final payment and this allocation will be closed.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$5,034.10. On September 29, 2022, State Patrol Vehicle #634 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.

- J. Department of Public Safety is requesting an emergency allocation in the amount of \$2,843.50. On October 12, 2022, State Patrol Vehicle #31 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 Public Safety is requesting an emergency allocation in the amount of \$7,861.71. On November 5, 2022, State Patrol Vehicle #261 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 Public Safety is requesting an emergency allocation and reimbursement in the amount of \$24,528.33. On November 23, 2022, a lightning strike caused damage to the Fairfield ISICS communication tower. 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.

- M. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$26,889.09. On December 22, 2022, a blizzard caused damages to the Brooklyn ISICS communication tower. 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.

- N. Department of Public Safety is requesting an emergency allocation in the amount of \$5,898.40. On December 26, 2022, State Patrol Vehicle #191 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 \$11,513.32. On December 29, 2022, State Patrol Vehicle #104 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 Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On February 21, 2023, a storm caused damages to the radome cover on the O'Brien 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.

- Q. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On February 21, 2023, a storm caused damages to the radome cover on the Sioux City 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.

- R. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On February 27, 2023, a storm caused damages to the radome cover on the Marshalltown 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.

- S. Department of Public Safety is requesting an emergency allocation in the amount of \$4,321.90. On March 31, 2023, State Patrol Vehicle #803 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 Public Safety is requesting an emergency allocation and reimbursement in the amount of \$18,984.00. On March 31, 2023, a lightning strike caused damage at the Kossuth ISICS communications tower. 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.

- U. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Atlantic 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.

- V. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Adair North 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.

- W. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Shelby 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.

- X. Department of Public Safety is requesting an emergency allocation in the amount of \$2,702.00. On March 31, 2023, several vehicles and Post 11 were 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.

- Y. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On May 10, 2023, a storm caused damages to the radome cover on the Fayette County 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.

- Z. Department of Public Safety is requesting an emergency allocation in the amount of \$8,722.00. On May 31, 2023, a storm caused damages to the radome cover on the Grundy County 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.

**9. Payment of Cost Items**

- A. Department of Public Safety.....\$7,950.40  
Between March 18, and March 31, 2022, high winds caused damage to the Woodward ISICS communication tower radome tower. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- B. Department of Public Safety.....\$7,950.40  
On March 25, 2022, high winds damaged the Rockwell City ISICS communication tower radome cover. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- C. Department of Public Safety.....\$7,950.40  
On April 12, 2022, a storm caused damages to the Storm Lake ISICS communication tower radome cover. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- D. Department of Public Safety.....\$4,666.67  
On April 12, 2022, a storm and high winds caused damage to the Franklin and Mason City ISICS communication towers. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$10,619.33 will be reverted and this allocation closed.

- E. Department of Public Safety.....\$9,362.14  
On May 21, 2022, State Patrol Vehicle #484 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 Public Safety.....\$7,950.40  
On July 11 and July 14, 2022, high winds caused the microwave path to be blown out of alignment and the radome cover broken at the Denison ISICS communication tower. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- G. Department of Public Safety.....\$7,950.40  
On July 19, 2022, a storm caused damages to the Brooklyn ISICS communication tower radome cover. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- H. Department of Public Safety.....\$7,950.40  
On July 21, 2022, flying debris caused damage to the Atlantic ISICS communication tower radome cover. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- I. Department of Natural Resources.....\$35,612.78  
On August 30, 2021, a flood caused damages at Sweet Marsh WMA and Leopold WMA in Bremer 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, \$21,946.53 will be reverted and this allocation closed.

- J. Gray Miller Persh, LLP.....\$486.20  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS.

- K. Dentons Davis Brown Law Firm.....\$350.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309  
Unclaimed Property Probate Matters

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.



- L. Richard J. Bennett, Sr.....\$3,108.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

- M. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$244.60  
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 Revenue.

- N. Patterson Law Firm L.L.P.....\$432.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$80.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$400.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$368.00  
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

Sam Langholz, 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.....\$640.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$80.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

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

T. Patterson Law Firm L.L.P.....\$96.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Gail Martens v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

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

U. Patterson Law Firm L.L.P.....\$925.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Gail Martens v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

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

- V. Patterson Law Firm L.L.P.....\$50.00  
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

Sam Langholz, 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.....\$196.00  
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

Sam Langholz, 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.....\$176.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa

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

- Y. Thomas Hillers.....\$5,000.00  
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

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

**10. Iowa Code §7D.16**

- A. Ambassador Terry Branstad, President of The World Food Prize®, requests permission for the World Food Prize Foundation to serve wine at the Laureate Award Ceremony reception to be held at the Iowa State Capitol on October 26, 2023, as part of its annual Laureate Award Ceremony.

**11. Information Items**

- A. The City of Sumner made their sixth Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on September 25, 2017 and is prorated not to exceed twenty years. Total repayment to date: \$300,000.00.

- B. The Muscatine Louisa Drainage District made their fifth 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: \$46,875.00.
- C. Department of Health and Human Services will be returning unspent disaster grant funds issued during Fiscal Year 2018, 2019, 2020, 2021 and 2022.
- D. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.

## **12. Adjourn Meeting**