



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, May 16, 2022 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. Michael L. Fitzgerald | **Treasurer of State**
Hon. Michael L. Naig | **Secretary of Agriculture**

Teleconference Only

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

1. Approval of Minutes

A. Approval of the minutes from the Executive Council meeting held on May 9, 2022.

2. Iowa Code §7D.10

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$15,522.10.

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 *Toribo Joseph Estrada v. ISP; 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. Leases

- A. Lease between DNR and Fidelity Properties Ltd.

Date of Lease: December 1, 2019 to November 30, 2024

Legal Description: An irregular strip of the bed of East Okoboji Lake adjoining Government Lot 5 in Section 20, Township 99N, Range 36W, Dickinson County, Iowa.

Purpose: Continued presence of a platform deck

Annual Fee: \$2,495.00

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

5. Emergency Allocations

- A. The Department of Administrative Services is requesting an emergency allocation in the amount of \$3,084.50. On October 5, 2020, vehicle 1315 was damaged after striking 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. The Department of Administrative Services is requesting an emergency allocation in the amount of \$3,256.90. On May 19, 2019, vehicle 1601 was damaged after striking 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. The Department of Administrative Services is requesting an emergency allocation in the amount of \$2,562.20. On May 22, 2019, vehicle 2189 was damaged after striking a wild animal. 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. The Department of Administrative Services is requesting an emergency allocation in the amount of \$4,160.99. On July 7, 2019, vehicle 2462 was vandalized. 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. The Department of Administrative Services is requesting an emergency allocation in the amount of \$9,542.32. On June 2, 2020, vehicle 105537 was damaged after striking 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.

- F. The Department of Administrative Services is requesting an emergency allocation in the amount of \$2,113.08. On October 3, 2019, vehicle 105947 was damaged after striking 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.

- G. The Department of Public Safety is requesting an emergency allocation in the amount of \$2,486.86. On November 28, 2018, vehicle 248 was damaged after striking 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.

- H. The Department of Public Safety is requesting an emergency allocation in the amount of \$2,234.59. On December 24, 2020, vehicle 291 was damaged after striking 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.

- I. The Department of Public Safety is requesting a supplemental emergency allocation in the amount of \$1,031.18. This brings to total allocation to \$54,517.72. On September 7, 2021, the tower lighting system on the Waterloo ISICS Communication Tower was damaged by accumulative weather. 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. The Iowa Communications Network is requesting an emergency allocation in the amount of \$21,323.29. On March 22, 2022, equipment along US Highway 1 in Jefferson County was damaged 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.

6. Payment of Cost Items

- A. Department of Transportation\$280,290.20
On August 10, 2020, a derecho damaged multiple buildings and facilities. Request is to cover repair costs.

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

- B. Iowa General Assembly\$8,760.21
On February 2, 2020, the capitol building was damaged due to vandalism. 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. Department of Public Safety\$28,050.05
On July 9, 2021, a hailstorm caused damage to multiple vehicles. Request is to cover repair costs.

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

- D. Patterson Law Firm L.L.P.\$48.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- E. Patterson Law Firm L.L.P.\$592.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- F. Patterson Law Firm L.L.P.\$48.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Donald Briggie v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- G. Patterson Law Firm L.L.P.\$272.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- H. Patterson Law Firm L.L.P.\$1,232.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- I. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- J. Patterson Law Firm L.L.P.....\$528.00
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

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- K. Patterson Law Firm L.L.P.....\$160.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Larry Opal v. Clarinda Correctional Facility, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- L. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- M. Patterson Law Firm L.L.P.....\$192.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- N. Patterson Law Firm L.L.P.....\$240.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Bryson Powell v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- O. Patterson Law Firm L.L.P.....\$700.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Geoffrey Ray Wellman v. Iowa State Penitentiary, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- P. Wandro & Associates, P.C.\$2,525.00
2501 Grand Avenue, Suite B
Des Moines, IA 50312
Unclaimed Property Probate Matters

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

7. Information Items

- A. The City of Nashua made their second Contingency Loan payment of \$163,204.00. This loan was approved for \$754,933.00 on March 8, 2021, and is prorated not to exceed twenty years. Total repayment to date: \$706,394.00.
- B. Fremont County made their second Contingency Loan payment of \$8,000.00. This loan was approved for \$131,250.00 on October 19, 2020, and is prorated not to exceed twenty years. Total repayment to date: \$14,562.50.
- C. On Monday, February 15, 2021, the Executive Council approved an emergency allocation for the Department of Public Safety in the amount of \$10,953.40. On August 10, 2020, State Patrol Vehicle #383 was damaged when a building collapsed on the vehicle while at the repair shop. Request was to cover repair costs.

The Department of Public Safety was reimbursed for these damages by the repair shop's insurance company; therefore, the allocation should be reverted to the State Treasury and the allocation closed.

8. Adjourn Meeting