



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, April 03, 2023 at 10:00 AM

MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Auditor of State Rob Sand, Treasurer of State Roby Smith, and Secretary of Agriculture Mike Naig were present.

1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the minutes from the Executive Council meeting held on March 6, 2023.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Treasurer Smith Secretary Naig
	Nays:	None

2. Special Counsel

Moved by Secretary Pate seconded by Treasurer Smith that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- A. The Department of Justice, Attorney General's Office requested retention of special counsel pursuant to Iowa Code section 13.7 to represent Iowa PBS on highly specialized FCC matters. Attorney fees and costs will be paid from Iowa PBS.

Firm: Gray Miller Persh
1200 New Hampshire Ave. N.W., Suite 410
Washington, D.C. 20036-3802

Rate: \$442 per hour for the next year, with two one-year renewal options subject to a \$5per hour rate increase per hour.

- B. The Department of Justice, Attorney General’s Office, requested retention 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, 2023.

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 with a prorated \$1,935 March retainer

- C. The Department of Justice, Attorney General’s Office requested retention of special counsel to provide legal services for the State Treasurer’s Office, Unclaimed Property Division, in regard to Unclaimed Property. Attorney fees and costs will be paid from the Unclaimed Property Fund.

Firm: Dentons Davis Brown Law Firm
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Rate: Routine Matters – \$175 per claim
Complicated Matters - \$350 per claim
Complex Matters – Hourly with a 10% discount off standard rates

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Treasurer Smith
Secretary Naig
Nays: None

3. Outside CPA

Moved by Secretary Pate seconded by Secretary Naig that the Council approve the request from the Auditor of State’s office as follows:

- A. Request from Rob Sand, Auditor of State, to employ the services of FORVIS, LLP to perform the annual audits of the Office of Auditor of State, the State Executive Council, the State Appeal Board, and the Tobacco Settlement Authority for years ending June 30, 2023, June 30 2024 and June 30 2025. The total reimbursement shall not be for more than \$70,000, \$74,750 and \$79,750, respectively.

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Treasurer Smith
Secretary Naig
Nays: None

4. Emergency Allocations

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following emergency allocation items:

- A. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$193.51. This brings to total allocation to \$6,902.21. On March 16, 2019, a flood caused damages at Pikes Peak State Park in Clayton County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- B. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$2,580.56. This brings to total allocation to \$9,539.92. On March 18, 2019, a flood caused damages to Walnut Woods State Park in Polk County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- C. Board of Regents - University of Iowa requested a supplemental emergency allocation in the amount of \$755.73. This brings to total allocation to \$94,911.58. On September 27, 2019, a power outage caused building components and equipment damages. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Department of Public Safety requested an emergency allocation in the amount of \$8,466.67. On January 18, 2023, copper grounding cables were stolen at the Keosauqua ISICS Communication Tower. Request was to cover repair costs.
- E. Department of Corrections - Clarinda Correctional Facility requested an emergency allocation in the amount of \$340,581.24. On April 18, 2022, a hot water leak caused damages. Request was to cover repair costs.
- F. Department of Corrections - Clarinda Correctional Facility requested an emergency allocation in the amount of \$375,144.35. On April 23, 2022, high winds caused roof damages. Request was to cover repair costs.
- G. Department of Corrections - Fort Dodge Correctional Facility requested an emergency allocation in the amount of \$176,520.97. On May 9, 2022, the underground hot water tank leaked and caused damages. Request was to cover repair costs.
- H. Department of Corrections – Fort Dodge Correctional Facility requested an emergency allocation in the amount of \$223,366.00. On December 20, 2022, a unit hot water tank leaked and caused damages. Request was to cover repair costs.
- I. Department of Corrections - Iowa Correctional Institution for Women requested an emergency allocation in the amount of \$10,103.06. Between December 24-26, 2022, extreme cold weather caused frozen and burst pipes which resulted in damage. Request was to cover repair costs.
- J. Department of Corrections - Newton Correctional Facility requested an emergency allocation and reimbursement in the amount of \$10,165.55. On December 11, 2022, a deteriorated water pipe caused damages at the CRC Training Center. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- K. Iowa Veterans Home requested an emergency allocation and reimbursement in the amount of \$743,934.82. On August 10, 2020, a derecho caused damages to the Iowa Veterans Home. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Smith
 Secretary Naig
 Nays: None

5. Payment of Cost Items

Moved by Secretary Naig and seconded by Secretary Pate that the Council approve the following cost items:

- A. Department of Natural Resources\$10,442.64
 On March 14, 2019, a flood caused damages at Dolliver State Park in Webster County. Request was to cover repair costs. This represents full and final payment, \$2,087.36 will be reverted and this allocation closed.
- B. Department of Natural Resources.....\$4,947.14
 On March 14, 2019, a flood caused damages at Fairport State Recreation Area in Muscatine County. Request was to cover repair costs. This represents full and final payment, \$15,437.71 will be reverted and this allocation closed.
- C. Department of Natural Resouces.....\$3,707.94
 On March 14, 2019, a flood caused damages to Lake Manawa State Park in Pottawattamie County. Request was to cover repair costs. This represents full and final payment, \$1,756.19 will be reverted and this allocation closed.
- D. Department of Natural Resources.....\$11,537.15
 On March 15, 2019, a flood caused damages at Wapsipinicon State Park in Jones County. Request was to cover repair costs. This represents partial payment.
- E. Board of Regents - University of Northern Iowa.....\$278,101.79
 On December 15, 2021, a wind storm caused damages to the roof of the Nielsen Fieldhouse and Wellness and Recreation Center. Request was to cover repair costs. This represents partial payment
- F. Board of Regents - University of Iowa.....\$90,786.82
 On September 25, 2020, a failed water pipe caused water damages to MacBride Hall. Request was to cover repair costs. This represents full and final payment.
- G. Board of Regents - University of Iowa.....\$18,162.80
 On March 26, 2021, a water leak caused damages to Biology Building East. Request was to cover repair costs. This represents full and final payment.
- H. Board of Regents - University of Iowa.....\$23,163.95
 On May 20, 2021, a roof leak caused water damages to the English Philosophy Building. Request was to cover repair costs. This represents full and final payment.
- I. Department of Natural Resources\$1,732.20
 Drainage Assessments Pursuant to Iowa Code Section 468.43:

Polk \$1,732.20

- J. Gray Miller Persh, LLP.....\$4,238.90
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS
- K. 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
- L. Richard J. Bennett, Sr.....\$2,280.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- M. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,120.40
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
- N. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$280.00
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
- O. Patterson Law Firm L.L.P.....\$945.00
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
- P. Patterson Law Firm L.L.P.....\$674.00
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
- Q. Patterson Law Firm L.L.P.....\$304.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Luanna Hollingsworth v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa

- R. Patterson Law Firm L.L.P.....\$422.00
 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

- S. Patterson Law Firm L.L.P.....\$280.00
 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

- T. Patterson Law Firm L.L.P.....\$713.00
 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


The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Treasurer Smith
 Secretary Naig
 Nays: None

6. Information Items

- A. The Benton Washington Levee made their first Contingency Loan payment of \$310,000.00. This loan was approved for \$1,000,000.00 on June 8, 2020 and is prorated not to exceed twenty years. Total repayment to date: \$310,000.00.

Adjourn Meeting

Moved by Secretary Pate and seconded by Secretary Naig that the meeting adjourns.

Respectfully submitted,

 Victoria Newton