

# EXECUTIVE COUNCIL OF IOWA

## MINUTES

### JULY 6, 2021

The Executive Council met in regular session at 10:00 a.m. via conference call as a meeting in person was impractical due to the Governor's State of Public Health Disaster Emergency Proclamation. Secretary Paul Pate presided over the meeting. Governor Kim Reynolds and Treasurer of State Michael Fitzgerald were present. Auditor of State Rob Sand and Secretary of Agriculture Michael Naig were absent.

Regular Session  
July 6, 2021

Moved by Governor Reynolds and seconded by Treasurer Fitzgerald that the Council approve the minutes of the Executive Council Meeting on June 21, 2021.

Minutes Approved

The vote:     Ayes:           Governor Reynolds  
  Secretary Pate  
  Treasurer Fitzgerald  
                  Nays:           None

Moved by Treasurer Fitzgerald and seconded by Governor Reynolds that the Council approve the request from the Attorney General's Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$21,600.00 for prosecuting cases under Iowa Code chapter 229A.

Approved Iowa  
Code §7D.10

The vote:     Ayes:           Governor Reynolds  
  Secretary Pate  
  Treasurer Fitzgerald  
                  Nays:           None

Moved by Treasurer Fitzgerald and seconded by Governor Reynolds that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Special Counsel

- A. The Department of Justice, Attorney General's office requested retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the State of Iowa with respect to antitrust claims against GlaxoSmithKline ("GSK") related to its product Flonase (the "Flonase Litigation").

Firm: Meade Young LLC  
 909 Poydras Street  
 Suite 1600  
 New Orleans, LA 70112

Rate: Contingent fee basis

The vote: Ayes: Governor Reynolds  
 Secretary Pate  
 Treasurer Fitzgerald

Nays: None

Moved by Treasurer Fitzgerald and seconded by Governor Reynolds that the Council approve the following lease:

Approved Leases

- A. Lease between DNR and Mau Marine Incorporated  
 Date of Lease: Date of Consent to October 31, 2024  
 Legal Description: East Lake Okoboji frontage in Section 20, Township 99 North, Range 36 West of the 5<sup>th</sup> P.M., Dickinson County, Iowa. There are four leased areas all having the minimum frontage and depth, less than 50 feet by 100 feet.  
 Purpose: Docks, boat slips and boat ramp  
 Annual Fee: \$1,200.00

The vote: Ayes: Governor Reynolds  
 Secretary Pate  
 Treasurer Fitzgerald

Nays: None

Moved by Treasurer Fitzgerald and seconded by Governor Reynolds that the Council approve the following emergency allocations:

Approved Emergency Allocations

- A. Department of Administrative Services requested an emergency allocation in the amount of \$265,723.48. On February 15, 2021, there was a natural gas emergency & curtailment. Request was to cover repair costs.

- B. Department of Human Services – Glenwood Resource Center requested an emergency allocation and reimbursement in the amount of \$12,420.00. On February 17, 2021, extremely cold temperatures caused multiple broken water lines. Request was to cover costs. This represents full and final payment
- C. Iowa Communications Network requested an emergency allocation in the amount of \$45,941.45. On April 14, 2021, ICN sustained cable damage due to erosion along North Park Road in Appanoose County. Request was to cover repair costs.
- D. Iowa Communications Network requested an emergency allocation in the amount of \$21,548.12. On April 22, 2021, ICN sustained cable damage due to exposure in the south right-of-way of Interstate 80 in Cass County. Request was to cover repair costs.
- E. Iowa Communications Network requested an emergency allocation in the amount of \$18,525.23. On April 23, 2021, ICN sustained cable damage due to exposure in the east right-of-way oh Highway 61 in Clinton County. Request was to cover repair costs.
- F. Iowa Communications Network requested an emergency allocation in the amount of \$21,427.54. On April 29, 2021, ICN sustained cable damage due to exposure at Interstate 80 in Dallas County between Dexter and Earlham. Request was to cover repair costs.
- G. Iowa Communications Network requested an emergency allocation in the amount of \$18,176.65. On April 14, 2021, ICN sustained cable damage due to exposure at Creek in East Right-of-way of Highway 14 in Jasper County. Request was to cover repair costs.
- H. Iowa Communications Network requested an emergency allocation in the amount of \$22,241.48. On April 7, 2021, ICN sustained cable damage due to exposure along Interstate 80 in Madison County. Request was to cover repair costs.
- I. Iowa Communications Network requested an emergency allocation in the amount of \$45,234.23. On April 16, 2021 and April 18, 2021, ICN sustained cable damages at multiple locations due to rodent chews along Highway 18 and 570<sup>th</sup> Avenue in Palo Alto County. Request was to cover repair costs.
- J. Iowa Communications Network requested an emergency allocation in the amount of \$79,930.68. On April 6, 2021, ICN sustained cable damage due to exposure along Highway 71 in 2 locations in Audubon County. Request was to cover repair costs.

K. Iowa Communications Network requested an emergency allocation in the amount of \$56,939.63. On May 14, 2021, ICN sustained cable damage due to excessive erosion along Highway 34 between 120<sup>th</sup> Avenue and 127<sup>th</sup> Avenue and 185<sup>th</sup> Trail and 190<sup>th</sup> Avenue in Lucas County. Request was to cover repair costs.

L. Board of Regents – University of Iowa requested an emergency allocation in the amount of \$15,959.01. On March 17, 2021, a broken water pipe leading to the fire sprinkler system caused water damages at the Pappajohn Education Center. Request was to cover repair costs.

The vote:      Ayes:              Governor Reynolds  
   Secretary Pate  
   Treasurer Fitzgerald  
   Nays:              None

Moved by Governor Reynolds and seconded by Treasurer Fitzgerald that the Council approve the following cost items:

Approved Payment  
of Cost Items


- A. 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
- B. Patterson Law Firm L.L.P.....\$1,148.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
MaryLou Birdsell v. Iowa State Penitentiary, State of Iowa and Second Injury Fund of Iowa
- C. Wandro & Associates, P.C. ....\$4,775.00  
2501 Grand Avenue, Suite B  
Des Moines, IA 50312  
Unclaimed Property Probate Matters
- D. Davis Brown Law Firm.....\$46.00  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

- E. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$308.61  
 The Davis Brown Tower  
 215 10<sup>th</sup> Street, Suite 1300  
 Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees
  
- F. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,156.29  
 PO Box 771910  
 Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals
  
- G. Hall Render Killian Heath & Lyman P.C. (Baker).....\$330.12  
 PO Box 771910  
 Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals
  
- H. Hall Render Killian Heath & Lyman P.C.  
 (Baker).....\$697.85  
 PO Box 771910  
 Detroit, MI 48277-1910  
University of Iowa Hospitals and Clinics (UIHC) Appeals

The vote:      Ayes:              Governor Reynolds  
    Secretary Pate  
    Treasurer Fitzgerald  
    None  
    Nays:

Solicitor General, Jeffrey Thompson, previously presented the history of the guidelines for allocating 29C.20 funds at the April 19, 2021 Executive Council meeting. Iowa Code did not limit or prevent the Council from allocating funds over the guideline limit. The Council members discussed increasing the \$500,000 maximum. Solicitor General, Jeffrey Thompson, will draft updated language to the guidelines for allocating 29C.20 funds and will present it at the next Executive Council meeting for further discussion. No action was taken on the request for allocation from the Department of Administrative Services.

The meeting was adjourned at 10:06 a.m.

Respectfully submitted,  
  
 Victoria Newton  
 Executive Secretary

Discussion

Meeting adjourned

