



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 18, 2022 at 10:00 AM

MINUTES

The Executive Council met in regular session at 10:01 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Auditor of State Rob Sand, and Secretary of Agriculture Michael Naig were present. Treasurer of State Michael Fitzgerald was absent.

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 June 27, 2022 and the Board of Canvass meeting held on July 1, 2022

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

2. Personal Appearances

- A. Christie Templeton, Department of Human Services, was present to request a Resolution of Funds in the amount of \$27,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Union County.
- B. Christie Templeton, Department of Human Services, was present to request a Resolution of Funds in the amount of \$90,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Cerro Gordo, Greene, Hardin, Mills and Pottawattamie Counties.
- C. Christie Templeton, Department of Human Services, was present to request a Resolution of Funds in the amount of \$90,000.00 pursuant to Iowa Code §29C.20A with regard to the Governor's Proclamation of a State of Disaster Emergency for Emmet, Hancock, O'Brien and Winnebago Counties.

Moved by Secretary Naig and seconded by Secretary Pate that the Executive Council approve the requests.

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

3. Iowa Code §7D.10

Moved by Auditor Sand and seconded by Secretary Naig 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 \$28,000.00 for prosecuting cases under Iowa Code chapter 229A.

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

4. Outside Counsel

Moved by Secretary Pate seconded by Secretary Naig 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 substitute outside counsel pursuant to Iowa Code section 13.3 to represent the State in litigation challenging Iowa Code Sections 146A (HF 594) and 146C (SF359).

Attorney:	Alan Ostergren
Firm:	The Kirkwood Institute 500 Locust Street, Suite 199 Des Moines, Iowa 50309

Attorneys:	Christopher Schandavel, Denise Harle, and John Bursch
Firm:	Alliance Defending Freedom 44180 Riverside Parkway Lansdowne, Virginia 20176

All four attorneys have agreed to represent the State at no cost to Iowa Taxpayers. The State will still be responsible for the reasonable court costs associated with the litigation.

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

Moved by Secretary Naig seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *David Denny v. University of Iowa; 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

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

5. Adjusted Annual Inflation for 29C.20 Claims for Fiscal Year 2023

Moved by Secretary Pate seconded by Secretary Naig that the Council approve the request from Michael L. Fitzgerald, Treasurer of State as follows:

- A. Recommendation from Michael L. Fitzgerald, Treasurer of State, to approve an annual inflation adjustment for the Executive Council's Guidelines for allocating Chapter 29C.20 funds to \$1,920,000.00 for fiscal year 2023, beginning July 1, 2022.

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

6. Emergency Allocations

Moved by Secretary Naig and seconded by Auditor Sand that the Council approve the following emergency allocations:

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$31,705.71. On April 23, 2022, an exposed cable was damaged due to erosion and severed by debris in Cedar River in Linn County. Request was to cover repair costs.
- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$68,759.72. On May 3, 2022, an exposed cable was damaged due to excessive erosion at 3 locations along Highway 5 in Appanoose County. Request was to cover repair costs.
- C. Iowa Communications Network is requesting an emergency allocation in the amount of \$16,945.18. On May 5, 2022, an exposed cable was damaged due to excessive erosion along Highway 149 in Ottumwa. Request was to cover repair costs.

- D. Iowa Communication Network is requesting an emergency allocation in the amount of \$20,776.86. On May 27, 2022, an exposed cable was damaged due to excessive erosion at West Branch Floyd River along 400th Street east of Ibex Avenue in Sioux City. Request was to cover repair costs.
- E. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$14,051.50. On July 3, 2020, a leaking pressure relief valve caused water damages in the mechanical room at the Biology Building. Request was to cover repair costs.

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

7. Payment of Cost Items

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

- A. Iowa Communications Network\$36,307.05
 On April 14, 2021, an exposed cable was damaged due to excessive erosion along North Park Road in Appanoose County. Request was to cover repair costs. This represents full and final payment, \$9,634.40 will be reverted and this allocation closed.
- B. Board of Regents - Iowa School for the Deaf\$11,351.25
 On December 15, 2021, a wind and storm caused damages to the Administration Building, Parking Garage and Lied Multi-Purpose Center. Request was to cover repair costs. This represents partial payment.
- C. Denton Davis Brown PC.....\$2,499.00
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Special Counsel for Copyright, Trademark & Patent Issues
- D. Wandro & Associates, P.C.\$1,025.00
 2501 Grand Avenue, Suite B
 Des Moines, IA 50312
Unclaimed Property Probate Matters
- E. Department of Natural Resources\$7,130.47
 Drainage taxes for the following county:
- Wright County \$7,130.47
- F. Patterson Law Firm L.L.P.....\$304.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Robert Allen v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

- G. Patterson Law Firm L.L.P.....\$32.00
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
- H. Patterson Law Firm L.L.P.....\$1,124.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Toribo Joseph Estrada v. ISP, State of Iowa and Second Injury Fund of Iowa
- I. Patterson Law Firm L.L.P.....\$464.00
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
- J. Patterson Law Firm L.L.P.....\$43.00
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
- K. Patterson Law Firm L.L.P.....\$604.00
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
- L. Patterson Law Firm L.L.P.....\$720.00
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
- M. Patterson Law Firm L.L.P.....\$784.00
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
- N. Patterson Law Firm L.L.P.....\$80.00
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

- O. Patterson Law Firm L.L.P.....\$16.00
 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
- P. Patterson Law Firm L.L.P.....\$896.00
 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
- Q. Nyemaster Goode, P.C.....\$2,312.20
 700 Walnut Street, Suite 1600
 Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint
- R. Nyemaster Goode, P.C.....\$365,396.78
 700 Walnut Street, Suite 1600
 Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint
- S. Nyemaster Goode, P.C.....\$751.90
 700 Walnut Street, Suite 1600
 Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint
- T. Nyemaster Goode, P.C.....\$1,024.53
 700 Walnut Street, Suite 1600
 Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint
- U. Nyemaster Goode, P.C.....\$2,108.20
 700 Walnut Street, Suite 1600
 Des Moines, IA 20309
Godfrey v. State of Iowa et al, civil rights complaint

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

8. Iowa Code §7D.16

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the request from Jeffrey S. Thompson, Solicitor General, to serve alcoholic beverages at the Iowa State Capitol Building on Monday, August 8, 2022 for the National Association of Attorneys General (NAAG) Presidential Initiative Conference.

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

9. Information Items

- A. The Muscatine Louisa Drainage District made their fourth 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: \$37,500.00.
- B. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.

10. Adjourn Meeting

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

Respectfully submitted,



Victoria Newton