



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, August 05, 2024 at 10:00 AM

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## 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 Treasurer Smith that the Council approve the minutes from the Executive Council meeting held on July 15, 2024 and the Board of Canvass meeting held on July 1, 2024.

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

### 2. Personal Appearances

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

- A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, will be present to request the allocation of \$56,905,542.00 pursuant Iowa Code 29C.6(17) for Presidential Disaster Declarations FEMA-4779-DR, FEMA-4784-DR, FEMA-4796-DR.

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

### 3. Iowa Code §7D.10

Moved by Secretary Naig and seconded by Secretary Pate that the Executive Council approve the following request:

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$43,330.65.

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

### 4. Outside Counsel

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

- A. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Overstreet, Shana v. University of Iowa Hospitals and Clinics, 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

- B. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Overstreet, Simmons, Ronald v. Iowa Department of Transportation and 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

- C. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stevenson, Brad v. Iowa Department of Transportation, State of Iowa, 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

- D. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stufflebeam, Douglas v. University of Northern Iowa and 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  
Treasurer Smith  
Secretary Naig  
Nays: None

## 5. Special Counsel

Moved by Secretary Naig and seconded by Auditor Sand 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, requests renewal of the retention of Kevin Cmelik, to represent State of Iowa in criminal appeals cases for a six-month duration, with an option of renewal. Amounts paid under the contract would be paid from the Office's Forfeiture Fund.

Attorney: Kevin Cmelik  
814 Shawnee Avenue  
Des Moines, IA 50313  
Rate: \$60/hour

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

## 6. Leases

Moved by Auditor Sand and seconded by Secretary Pate that the Council approve the following lease:

- A. Lease between DNR and Cargill  
Date of Lease: May 1, 2023 to December 31, 2027.  
Legal Description: A portion of the bed of the Mississippi River approximately 595 feet in

frontage and 265 feet in depth, at Mississippi River Mile 486.5, located in the NE 1/4 of Section 33, Township 78 North, Range 4 East of the 5th P.M., Scott County, Iowa.

Purpose: Barge loading and unloading

Annual Fee: \$9,460.50

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

The vote:     Ayes:           Governor Reynolds  
                                  Secretary Pate  
                                  Auditor Sand  
                                  Treasurer Smith  
                                  Secretary Naig

                  Nays:           None

## 7. Emergency Allocations

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

- A. Department of Administrative Services requested an emergency allocation in the amount of \$3,374.58. On April 30, 2024, Vehicle #502 was damaged by hail. Request was to cover repair costs.
- B. Department of Administrative Services requested an emergency allocation in the amount of \$6,924.28. On May 20, 2024, Vehicle #1451 was damaged by hail. Request was to cover repair costs.
- C. Department of Administrative Services requested an emergency allocation in the amount of \$3,339.24. On May 20, 2024, Vehicle #117529 was damaged by hail. Request was to cover repair costs.
- D. Department of Administrative Services requested an emergency allocation in the amount of \$2,301.50. On May 21, 2024, Vehicle #112 was damaged by hail. Request was to cover repair costs.
- E. Department of Administrative Services requested an emergency allocation in the amount of \$5,972.13. On May 21, 2024, Vehicle #410 was damaged by a storm. Request was to cover repair costs.
- F. Department of Administrative Services requested an emergency allocation in the amount of \$16,021.93. On May 21, 2024, Vehicle #1231 was damaged by a storm. Request was to cover repair costs.
- G. Department of Administrative Services requested an emergency allocation in the amount of \$6,957.67. On May 21, 2024, Vehicle #1294 was damaged by a storm. Request was to cover repair costs.
- H. Department of Administrative Services requested an emergency allocation in the amount of \$5,592.20. On May 21, 2024, Vehicle #105539 was damaged by a fallen tree. Request was to cover repair costs.

- I. Department of Administrative Services requested an emergency allocation in the amount of \$3,664.30. On May 23, 2024, Vehicle #395 was damaged by a storm. Request was to cover repair costs.
- J. Department of Administrative Services requested an emergency allocation in the amount of \$2,858.55. On May 23, 2024, Vehicle #591 was damaged by a deer. Request was to cover repair costs.
- K. Department of Administrative Services requested an emergency allocation in the amount of \$4,415.50. On May 24, 2024, Vehicle #204 was damaged by a deer. Request was to cover repair costs.
- L. Department of Administrative Services requested an emergency allocation in the amount of \$3,733.50. On May 24, 2024, Vehicle #464 was damaged by hail. Request was to cover repair costs.
- M. Department of Administrative Services requested an emergency allocation in the amount of \$3,930.71. On May 24, 2024, Vehicle #105217 was damaged by a storm. Request was to cover repair costs.
- N. Department of Administrative Services requested an emergency allocation in the amount of \$5,272.24. On May 28, 2024, Vehicle #478 was damaged by a deer. Request was to cover repair costs.
- O. Department of Administrative Services requested an emergency allocation in the amount of \$2,349.95. On June 1, 2024, Vehicle #99 was damaged by a raccoon. Request was to cover repair costs.
- P. Department of Administrative Services requested an emergency allocation in the amount of \$7,039.60. On June 6, 2024, Vehicle #1126 was damaged by a deer. Request was to cover repair costs.
- Q. Department of Administrative Services requested an emergency allocation in the amount of \$5,327.54. On June 12, 2024, Vehicle #225 was damaged by a raccoon. Request was to cover repair costs.
- R. Department of Administrative Services requested an emergency allocation in the amount of \$2,586.00. On June 12, 2024, Vehicle #479 was damaged by hail. Request was to cover repair costs.
- S. Department of Administrative Services requested an emergency allocation in the amount of \$5,714.37. On June 12, 2024, Vehicle #611 was damaged by hail. Request was to cover repair costs.
- T. Department of Administrative Services requested an emergency allocation in the amount of \$13,777.04. On June 12, 2024, Vehicle #621 was damaged by hail. Request was to cover repair costs.
- U. Department of Administrative Services requested an emergency allocation in the amount of \$9,357.25. On June 12, 2024, Vehicle #1685 was damaged by hail. Request was to cover repair costs.

- V. Department of Administrative Services requested an emergency allocation in the amount of \$11,850.68. On June 12, 2024, Vehicle #1886 was damaged by hail. Request was to cover repair costs.
- W. Department of Administrative Services requested an emergency allocation in the amount of \$4,754.20. On June 12, 2024, Vehicle #2280 was damaged by a deer. Request was to cover repair costs.
- X. Department of Administrative Services requested an emergency allocation in the amount of \$2,998.60. On June 13, 2024, Vehicle #2026 was damaged by a deer. Request was to cover repair costs.
- Y. Iowa State Fair requested an emergency allocation in the amount of \$10,815.61. On March 24, 2024, a lightning strike caused damages to the communication equipment at Elwell Outdoor Area. Request was to cover repair costs.
- Z. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$35,409.01. On July 9, 2023, a fire caused damage to the Medical Research Building. Request was to cover repair costs.
- AA. Department of Public Safety requested an emergency allocation in the amount of \$9,500.00. On October 13, 2023, a storm caused damage to the radome cover at the Dubuque ISICS Communication Tower. Request was to cover repair costs.
- BB. Department of Public Safety requested an emergency allocation in the amount of \$9,500.00. On October 13, 2023, a storm caused damage to the radome cover at the Holy Cross ISICS Communication Tower. Request was to cover repair costs.

**8. Payment of Cost Items**

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

- A. Gray Miller Persh, LLP.....\$132.60  
 2233 Wisconsin Avenue NW  
 Suite 226  
 Washington, D.C. 20007  
Iowa PBS
- B. Department of Natural Resources .....\$1,746.51  
 Drainage Assessments Pursuant to Iowa Code Section 468.43:  
  
         Story     \$1,746.51
- C. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$980.00  
 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

- D. Richard J. Bennett, Sr.....\$2,070.00  
 PO Box 65666  
 West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office
- E. Kevin Cmelik.....\$345.00  
 814 Shawnee Avenue  
 Des Moines, IA 50313  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office
- F. Kevin Cmelik.....\$945.00  
 814 Shawnee Avenue  
 Des Moines, IA 50313  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office -  
 Brammer
- G. Dentons Davis Brown Law Firm.....\$1,050.00  
 The Davis Brown Tower  
 215 10th Street, Suite 1300  
 Des Moines, IA 50309  
Unclaimed Property Probate Matters
- H. Marquess & Hoyer Law Office, P.C.....\$6,000.00  
 203 W. High Street  
 P.O. Box 51  
 Toledo, IA 52342  
Criminal Prosecution for Meskwaki Settlement Matters
- I. Patterson Law Firm L.L.P.....\$93.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Amy Ausborn v. Eldora State Training School and State of Iowa and Second Injury Fund of  
 Iowa
- J. Patterson Law Firm L.L.P.....\$16.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa
- K. Patterson Law Firm L.L.P.....\$683.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Betty Detert v. DHS Johnson County and State of Iowa and Second Injury Fund of Iowa
- L. Patterson Law Firm L.L.P.....\$394.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Sam Ferrell and Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

- M. Patterson Law Firm L.L.P.....\$928.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Funk v. Iowa State Fair and State of Iowa and Second Injury Fund of Iowa
- N. Patterson Law Firm L.L.P.....\$1,040.00  
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
- O. Patterson Law Firm L.L.P.....\$208.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Sharon Jackson v. University of Iowa Hospitals and Clinics and State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P.....\$292.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
John Larson v. Newton Correctional Facility and Clinics and State of Iowa and Second Injury Fund of Iowa
- Q. Patterson Law Firm L.L.P.....\$256.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Wendy Netolicky v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund
- R. Patterson Law Firm L.L.P.....\$48.00  
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
- S. Patterson Law Firm L.L.P.....\$135.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jeffrey Welder v. Iowa State University, State of Iowa and Second Injury Fund of Iowa

**9. Information Items**

- A. The Muscatine Louisa Drainage District made their sixth 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: \$56,250.00.
- B. Quarterly status update of State Aid (Iowa Code 29C.20) allocations.



## **Adjourn Meeting**

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

Respectfully submitted,  
*Kristi Onstot*  
Kristi Onstot