

# 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 Auditor Sand that the Council approve the minutes from the Executive Council meeting held on January 17, 2023.

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Auditor Sand
		<b>Treasurer Smith</b>
		Secretary Naig
	Nays:	None

### 2. Special Counsel

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

A. The Attorney General's Office on behalf of the Iowa Department of Revenue requested an attorney change with respect to centrally accessed property tax cases against Buckeye Terminals, LLC and Buckeye Pipeline Transportation, LLC. Joshua Whitt has notified the office that he is leaving Whitt Law, LLC. Stuart Whitt will continue his work on this litigation and attorney James Dougherty of Whitt Law, LLC has been recommended to assist in these litigations.

Firm:	Whitt Law, LLC	
Attorneys:	Stuart L. Whitt and James Dougherty	
	70 South Constitution Drive	
	Aurora, IL 60506	
Rate:	Fees will range from \$250 to \$210 per hour. Fees and associated costs will be paid by IDR from the Litigation Expense Fund pursuant to Iowa Code section 441.73.	

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Auditor Sand
		<b>Treasurer Smith</b>
		Secretary Naig
	Nays:	None

### 3. Emergency Allocations

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the following emergency allocations:

- A. Department of Administrative Services requested an emergency allocation in the amount of \$6,583.00. On November 28, 2022, Vehicle #2361 was damaged by a deer. Request was to cover repair costs.
- B. Department of Cultural Affairs requested an emergency allocation in the amount of \$2,519.63. On November 1, 2022, Western Historic Trails Center in Council Bluffs was damaged by gunshots. Request was to cover repair costs.
- C. Iowa Communication Network requested a supplemental emergency allocation in the amount of \$2,903.48. This brings to total allocation to \$34,609.19. On April 23, 2022, an exposed cable was damaged by erosion and severed by debris in Linn County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$2,510.32. This brings to total allocation to \$75,814.56. On August 31, 2022, a cable was damaged due to a rodent chew at Highway 18 and 200th Street in Fayette County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- E. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$291,190.99. On December 15, 2021, numerous ISICS Communication towers were damaged by a statewide wind storm. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- F. Department of Public requested a supplemental emergency allocation in the amount of \$46,321.73. This brings to total allocation to \$61,607.73. On April 12, 2022, a high wind storm caused damages to the Franklin and Mason City ISICS Communication Tower. Request was to cover repair costs. This represents partial payment.
- G. Department of Human Services Woodward Resources Center requested a supplemental emergency allocation in the amount of \$521,523.16. This brings to total allocation to \$873,107.92. On August 10, 2020, a derecho caused damaged to multiple roofs, trees and also caused water damage. Request was to cover repair costs. This represents partial payment.

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Auditor Sand
		<b>Treasurer Smith</b>
		Secretary Naig
	Nays:	None

#### 4. Payment of Cost Items

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

- A. Department of Natural Resources ......\$37,353.28 On June 21, 2018, various wildlife management areas in Winneshiek, Allamakee and Clayton Counties were damaged by heavy rains. Request was to cover repair costs. This represents full and final payment, \$38,117.69 will be reverted and this allocation closed.
- B. Department of Natural Resources......\$43,842.50
  On June 30, 2019, a storm caused damages at Maquoketa Caves State Park. Request was to cover repair costs. This represents partial payment.
- C. Department of Natural Resources......\$1,900.00 On May 2, 2022, a large tree during a wind storm fell on Balance Rock Boardwalk Stairs at Maquoketa Caves State Park. Request was to cover repair costs. This represents partial payment.
- D. Department of Public Safety.....\$5,045.35 On April 12, 2022, State Patrol Vehicle #371 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- E. Department of Public Safety.....\$3,136.10 On April 30, 2022, State Patrol Vehicle #384 was damaged by a pheasant. Request was to cover repair costs. This represents full and final payment.
- F. Department of Public Safety ......\$9,042.62 On July 2, 2022, State Patrol Vehicle #425 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- G. Board of Regents Iowa School for the Deaf......\$21,061.83 On December 15, 2021, a wind storm caused damages to the Administration Building, Parking Garage and Lied Multi-Purpose Center. Request was to cover repair costs. This represents full and final payment, \$350.11 will be reverted and this allocation closed.
- I. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$182.80 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

J.	Michael M	[arquess	\$5,000.00		
	2183 Dock	s 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 F	ox Indian Settlement in Tama County		
,	The vote:	Ayes:	Governor Reynolds		
			Secretary Pate		
			Auditor Sand		
			Treasurer Smith		

## 5. Information Items

Nays:

A. Civil Reparations Trust Fund Balance as of January 19, 2023 is approximately \$1,014,926.06.

#### **Adjourn Meeting** 6.

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

Secretary Naig

None

Respectfully submitted,

Victoria Newton

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