



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 10, 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. Auditor of State Rob Sand, Treasurer of State Roby Smith, and Secretary of Agriculture Mike Naig were present. Secretary of State Paul Pate, arrived after Personal Appearances.

1. Approval of Minutes

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the minutes from the Executive Council meeting held on June 5, 2023.

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

2. Personal Appearances

- A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, was present to request a Contingency Fund Loan for the City of Lawler.

Moved by Secretary Naig and seconded by Treasurer Smith that the Executive Council approve the request.

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

- B. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, was present to request Resolution of Funds in the amount of \$100,000.00 pursuant to Iowa Code §29C.20B with regard to SFY24 Disaster Case Management training.

Moved by Secretary Naig and seconded by Auditor Sand that the Executive Council approve the request.

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

3. Iowa Code §7D.10

Moved by Secretary Pate 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 \$21,686.00 for prosecuting cases under Iowa Code chapter 229A.

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

4. Special Counsel

Moved by Secretary Naig seconded by Secretary Pate 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 extension 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, 2024.

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

- B. The Attorney General’s Office, on behalf of the Iowa Department of Agriculture and Land Stewardship requested retention of special counsel to provide legal services in regard to trademark protection for the Choose Iowa logo and program name at both the state and federal level. Attorney fees and costs will be paid from Iowa Department of Agriculture and Land Stewardship.

Firm: Belin McCormick
 Attorney: Aaron Jones
 666 Walnut St # 2000
 Des Moines, IA 50309

Rate: \$260/hour Aaron Jones
 \$200/hour intellectual property paralegal

- C. The Department of Justice, Attorney General’s Office, requested renewal of the retention of Richard J Bennett, to represent State of Iowa in criminal appeals case through June 30, 2024.

Attorney: Richard J. Bennett
 5610 Waterbury Circle
 PO Box 65666
 West Des Moines, IA 50265

Rate: \$60/hour

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

5. Outside CPA

Moved by Secretary Naig seconded by Treasurer Smith 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 outside CPA firms to perform the periodic examinations for the cities listed below for the period ending March 31, 2023.

<u>Firm Name</u>	<u>Cities Included in Agreement</u>	<u>Cost</u>
Gronewold, Bell, Kyhnn	Albion, Ferguson, Gilman, Kellogg, St. Anthony	\$18,320
Rachelle Thompson, CPA	Bronson, Craig, Lester, Meriden, Salix	\$25,000
Rachelle Thompson, CPA	Beaman, New Providence, Randall, Union, Whitten	\$23,300
Gronewold, Bell, Kyhnn	Macedonia, Minden, Modale, Mondamin, Wiota	\$19,210
Faller, Kincheloe & Co	Cincinnati, Clio, Moravia, Plano, Rathbun	\$19,195
Faller, Kincheloe & Co	Chillicothe, Drakesville, Exline, Pulaski, Udell	\$17,995
	Total	\$123,020

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

C. Lease between DNR and American River Transport Company

Date of Lease: June 1, 2023 to May 31, 2028

Legal Description: A portion of the bed of the Mississippi River including approximately 1,000 feet of frontage by 105 feet of depth located at Mississippi River Mile 607.5 located in Section 7, Township 91 North, Range 1 West of the 5th P.M., Clayton County, Iowa.

Purpose: Barge fleeting

Annual Fee: \$4,797.54

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

7. Adjusted Annual Inflation for 29C.20 Claims for Fiscal Year 2024

Moved by Secretary Naig seconded by Secretary Pate that the Council approve the request from Roby Smith, Treasurer of State as follows:

- A. Recommendation from Roby Smith, Treasurer of State, to approve an annual inflation adjustment for the Executive Council's Guidelines for allocating Chapter 29C.20 funds to \$1,990,000.00 for fiscal year 2024, beginning July 1, 2023.

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

8. Emergency Allocations

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

- A. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$795.60. This brings to total allocation to \$7,378.60. On November 28, 2022, Vehicle #2361 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- B. Department of Administrative Services requested an emergency allocation in the amount of \$6,735.31. On March 10, 2023, Vehicle #1274 was damaged by a deer. Request was to cover repair costs.
- C. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$14,945.52. This brings to total allocation to \$66,290.52. On March 19, 2019, a flood caused damages to wildlife areas in Keokuk County. Request was to cover repair costs not covered by FEMA. This represents full and final payment and this allocation will be closed.

- D. Department of Natural Resources requested an emergency allocation in the amount of \$3,421.07. On April 11, 2023, a burglary took place at Palisades-Kepler State Park. Request was to cover repair costs.
- E. Department of Corrections - Newton Correctional Facility requested an emergency allocation and reimbursement in the amount of \$45,179.22. On November 30, 2022, a deteriorated center line drain pipe cause water damages in the dietary kitchen. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- F. Department of Corrections - Newton Correctional Facility requested an emergency allocation and reimbursement in the amount of \$25,632.75. On February 3, 2023, a deteriorated water pipe and significant leaks caused water damages at the CRC Training Center and ILU House. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- G. Iowa State University requested an emergency allocation and reimbursement in the amount of \$9,345.75. On December 23, 2022, low temperatures caused a pipe to burst and cause damage at the Veterinary Medical Research Institute Building 5. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- H. Department of Public Safety requested a supplemental emergency allocation in the amount of \$972.35. This brings to total allocation to \$3,366.05. On June 25, 2022, State Patrol Vehicle #357 was damaged by hail. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- I. Department of Public Safety requested an emergency allocation in the amount of \$5,034.10. On September 29, 2022, State Patrol Vehicle #634 was damaged by a deer. Request was to cover repair costs.
- J. Department of Public Safety requested an emergency allocation in the amount of \$2,843.50. On October 12, 2022, State Patrol Vehicle #31 was damaged by a deer. Request was to cover repair costs.
- K. Department of Public Safety requested an emergency allocation in the amount of \$7,861.71. On November 5, 2022, State Patrol Vehicle #261 was damaged by a deer. Request was to cover repair costs.
- L. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$24,528.33. On November 23, 2022, a lightning strike caused damage to the Fairfield ISICS communication tower. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- M. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$26,889.09. On December 22, 2022, a blizzard caused damages to the Brooklyn ISICS communication tower. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- N. Department of Public Safety requested an emergency allocation in the amount of \$5,898.40. On December 26, 2022, State Patrol Vehicle #191 was damaged by a deer. Request was to cover repair costs.

- O. Department of Public Safety requested an emergency allocation in the amount of \$11,513.32. On December 29, 2022, State Patrol Vehicle #104 was damaged by a deer. Request was to cover repair costs.
- P. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On February 21, 2023, a storm caused damages to the radome cover on the O'Brien ISICS communication tower. Request was to cover repair costs.
- Q. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On February 21, 2023, a storm caused damages to the radome cover on the Sioux City ISICS communication tower. Request was to cover repair costs.
- R. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On February 27, 2023, a storm caused damages to the radome cover on the Marshalltown ISICS communication tower. Request was to cover repair costs.
- S. Department of Public Safety requested an emergency allocation in the amount of \$4,321.90. On March 31, 2023, State Patrol Vehicle #803 was damaged by hail. Request was to cover repair costs.
- T. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$18,984.00. On March 31, 2023, a lightning strike caused damage at the Kossuth ISICS communications tower. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- U. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Atlantic ISICS communication tower. Request was to cover repair costs.
- V. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Adair North ISICS communication tower. Request was to cover repair costs.
- W. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On March 31, 2023, a storm caused damages to the radome cover on the Shelby ISICS communication tower. Request was to cover repair costs.
- X. Department of Public Safety requested an emergency allocation in the amount of \$2,702.00. On March 31, 2023, several vehicles and Post 11 were damaged by hail. Request was to cover repair costs.
- Y. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On May 10, 2023, a storm caused damages to the radome cover on the Fayette County ISICS Communication Tower. Request was to cover repair costs.
- Z. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On May 31, 2023, a storm caused damages to the radome cover on the Grundy County ISICS Communication Tower. Request was to cover repair costs.

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

 Nays: None

9. Payment of Cost Items

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

- A. Department of Public Safety.....\$7,950.40
Between March 18, and March 31, 2022, high winds caused damage to the Woodward ISICS communication tower radome tower. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.
- B. Department of Public Safety.....\$7,950.40
On March 25, 2022, high winds damaged the Rockwell City ISICS communication tower radome cover. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.
- C. Department of Public Safety.....\$7,950.40
On April 12, 2022, a storm caused damages to the Storm Lake ISICS communication tower radome cover. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.
- D. Department of Public Safety.....\$4,666.67
On April 12, 2022, a storm and high winds caused damage to the Franklin and Mason City ISICS communication towers. Request was to cover repair costs. This represents full and final payment, \$10,619.33 will be reverted and this allocation closed.
- E. Department of Public Safety.....\$9,362.14
On May 21, 2022, State Patrol Vehicle #484 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- F. Department of Public Safety.....\$7,950.40
On July 11 and July 14, 2022, high winds caused the microwave path to be blown out of alignment and the radome cover broken at the Denison ISICS communication tower. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.
- G. Department of Public Safety.....\$7,950.40
On July 19, 2022, a storm caused damages to the Brooklyn ISICS communication tower radome cover. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.
- H. Department of Public Safety.....\$7,950.40
On July 21, 2022, flying debris caused damage to the Atlantic ISICS communication tower radome cover. Request was to cover repair costs. This represents full and final payment, \$771.60 will be reverted and this allocation closed.

- I. Department of Natural Resources.....\$35,612.78
On August 30, 2021, a flood caused damages at Sweet Marsh WMA and Leopold WMA in Bremer County. Request was to cover repair costs. This represents full and final payment, \$21,946.53 will be reverted and this allocation closed.
- J. Gray Miller Persh, LLP.....\$486.20
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS
- K. Dentons Davis Brown Law Firm.....\$350.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Unclaimed Property Probate Matters
- L. Richard J. Bennett, Sr.....\$3,108.00
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.....\$244.60
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. Patterson Law Firm L.L.P.....\$432.00
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
- O. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P.....\$400.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa
- Q. Patterson Law Firm L.L.P.....\$368.00
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

- R. Patterson Law Firm L.L.P.....\$640.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa
- S. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa
- T. Patterson Law Firm L.L.P.....\$96.00
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
- U. Patterson Law Firm L.L.P.....\$925.00
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
- V. Patterson Law Firm L.L.P.....\$50.00
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
- W. Patterson Law Firm L.L.P.....\$196.00
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
- X. Patterson Law Firm L.L.P.....\$176.00
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
- Y. Thomas Hillers.....\$5,000.00
112 Main St West, Suite 100
State Center, IA 50247
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

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

10. Iowa Code §7D.16

Moved by Secretary Naig and seconded by Secretary Naig that the Council approve the request from Ambassador Terry Branstad, President of The World Food Prize®, to serve wine at the Laureate Award Ceremony reception to be held at the Iowa State Capitol on October 26, 2023, as part of its annual Laureate Award Ceremony.

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

11. Information Items

- A. The City of Sumner made their sixth Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on September 25, 2017 and is prorated not to exceed twenty years. Total repayment to date: \$300,000.00.
- B. The Muscatine Louisa Drainage District made their fifth 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: \$46,875.00.
- C. Department of Health and Human Services will be returning unspent disaster grant funds issued during Fiscal Year 2018, 2019, 2020, 2021 and 2022.
- D. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.

12. Adjourn Meeting

Moved by Secretary Pate and seconded by Auditor Sand that the meeting adjourns.

Respectfully submitted,

Victoria Newton

Victoria Newton