



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Tuesday, January 18, 2022 at 10:00 AM

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## AGENDA

### MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**

Hon. Paul D. Pate | **Secretary of State**

Hon. Rob Sand | **Auditor of State**

Hon. Michael L. Fitzgerald | **Treasurer of State**

Hon. Michael L. Naig | **Secretary of Agriculture**

### Teleconference Only

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

### 1. Approval of Minutes

- [A.](#) Approval of the minutes from the Executive Council meeting held on January 3, 2022.

### 2. Personal Appearances

- [A.](#) Christie Templeton, Department of Human Services, will be present to request funds in the amount of \$180,000.00 pursuant to Iowa Code §29C.20A and §29C.20B with regard to the Governor's Proclamation of a State of Disaster Emergency for Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Humboldt, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, Worth, and Woodbury counties.

### 3. Iowa Code §7D.10

- [A.](#) Attorney General's office request payment for expenses under Iowa Code §7D.10 in the amount of \$9,600.00.

#### **4. Leases**

- A. Lease between DNR and Buckeye Terminals, LLC  
Date of Lease: Date of Consent to December 31, 2026  
Legal Description: A parcel approximately 100 feet in depth by 150 feet of frontage located at Mississippi River Mile 487.1 in Scott County, Iowa.  
Purpose: Barge loading and unloading of petroleum products.  
Annual Fee: \$938.00

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

#### **5. Payment of Cost Items**

- A. Denton Davis Brown PC.....\$63.00  
215 10th Street,  
Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Iowa Department of Human Services.

#### **6. Conveyance of Property**

- A. Request from the Department of Public Defense, Iowa National Guard, to approve the land patent transfer of property held by the Iowa National Guard on behalf of the State of Iowa pursuant to Iowa Code §29A.57(2).

#### **7. Information Items**

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, January 03, 2022 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. Secretary of State Paul Pate, Treasurer of State Michael Fitzgerald and Secretary of Agriculture Michael Naig were present. Auditor of State Rob Sand was absent.

### 1. Approval of Minutes

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the minutes of the Executive Council and Board of Canvass meeting held on December 27, 2021.

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

### 2. Iowa Code §7D.10

Moved by Secretary Naig and seconded by Secretary Pate 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 \$24,000.00 for prosecuting cases under Iowa Code chapter 229A.

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

### 3. Emergency Allocations

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

- A. Iowa Communications Network requested an emergency allocation in the amount of \$32,155.80. On April 28, 2021, ICN sustained cable damage due to excessive erosion along Highway 34 in Wapello County. Request was to cover repair costs.
- B. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$190.44. This increases the total allocation to \$3,782.65. On January 25, 2021, Vehicles #1134 and #105455 had catalytic converters stolen. Request was to cover repair costs. This represents full and final payment and this allocation is closed.
- C. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$542.28. This increases the total allocation to \$5,257.25. On May 27, 2021, Vehicles #10567 and #105581 had catalytic converters stolen. Request was to cover repair costs. This represents full and final payment and this allocation is closed.
- D. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$6,529.55. This increases the total allocation to \$39,658.06. On August 10, 2020, Vehicles #1695, #105732, #105642, #2314, #2077, #2540 were damaged by a derecho. Request was to cover repair costs. This represents full and final payment and this allocation is closed.
- E. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$966.90. This increases the total allocation to \$3,378.57. On April 23, 2021, Vehicle #2174 was damaged by a pheasant. Request was to cover repair costs. This represents full and final payment and this allocation is closed.
- F. Department of Administrative Services requested an emergency allocation in the amount of \$13,789.09. On July 9, 2021, Vehicles #309, #561, #774, #101 and #212 were damaged by hail. Request was to cover repair costs.
- G. Department of Administrative Services requested an emergency allocation in the amount of \$12,769.00. On July 9, 2021, Vehicles #1094, #1468, #2345, #2480 and #1980 were damaged by hail. Request was to cover repair costs.
- H. Department of Administrative Services requested an emergency allocation in the amount of \$64,618.50. On May 26, 2021, a water main break at Ankeny Labs caused damage. Request was to cover repair costs.
- I. Department of Public Safety requested an emergency allocation in the amount of \$4,413.64. On June 4, 2020, State Patrol Vehicle #367 was damaged by hail. Request was to cover repair costs.
- J. Department of Public Safety requested a supplemental emergency allocation in the amount of \$333.02. This brings the total allocation to \$4,749.73. On March 6, 2021, State Patrol Vehicle #54 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation is closed.

- K. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,199.20. This brings the total allocation to \$4,069.49. On September 11, 2020, State Patrol Vehicle #241 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation is closed
- L. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,589.15. This brings the total allocation to \$3,755.35. On January 12, 2021, State Patrol Vehicle #299 was damaged by a possum. Request was to cover repair costs. This represents full and final payment and this allocation is closed
- M. Department of Public Safety requested an emergency allocation in the amount of \$6,389.05. On July 7, 2021, State Patrol Vehicle #493 was damaged by a deer. Request was to cover repair costs.
- N. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,239.94. This brings the total allocation to \$9,929.12. On June 3, 2020 and July 4, 2020, State Patrol Vehicle #175 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation is closed
- O. Department of Public Safety requested a supplemental emergency allocation in the amount of \$3,266.00. This brings the total allocation to \$9,842.00. On March 10, 2021 and March 29, 2021, high winds caused damage to the Cedar Rapids tower cable. Request was to cover repair costs. This represents full and final payment and this allocation is closed.
- P. Department of Corrections – Mount Pleasant requested an emergency allocation in the amount of \$3,186.00. On October 12, 2021, Vehicle #2297 was damaged by a raccoon. Request was to cover repair costs.

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

#### 4. Payment of Cost Items

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

- A. Department of Administrative Services .....\$5,860.99  
On January 21, 2021, Vehicle #1024 had its catalytic converter stolen. Request was to cover repair costs. This represents full and final payment, \$884.20 will be reverted and this allocation closed.
- B. Department of Administrative Services .....\$2,068.16  
On April 1, 2021, Vehicle #1455 had its catalytic converter stolen. Request was to cover repair costs. This represents full and final payment.
- C. Department of Administrative Services .....\$3,151.86  
On September 30, 2020, Vehicle #1771 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$216.60 will be reverted and this allocation closed.

- D. Department of Public Safety .....\$2,893.48  
On December 5, 2020, Vehicle #2923 was damaged by vandalism. Request was to cover repair costs. This represents full and final payment.
- E. Department of Administrative Services .....\$25,084.56  
On July 11, 2020, Vehicles #1519, #1524, #1526, #2258 and #105740 were damaged by hail. Request was to cover repair costs. This represents full and final payment, \$6,871.76 will be reverted and this allocation closed.
- F. Department of Administrative Services .....\$21,718.68  
On August 10, 2020, Vehicles #2093, #1912, #105281, #105772, #1775, #1348, #1663 was damaged by a derecho. Request was to cover repair costs. This represents full and final payment, \$18,856.80 will be reverted and this allocation closed.
- G. Department of Administrative Services .....\$2,070.99  
On January 29, 2019, Vehicles #105749 and # 105986 had catalytic converters stolen. Request was to cover repair costs. This represents full and final payment.
- H. Department of Administrative Services .....\$343,452.79  
On August 10, 2020, a storm caused damages to Capitol Complex. Request was to cover repair costs. This represents partial payment.
- I. Richard J. Bennett, Sr.....\$966.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- J. 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

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

## 5. Adjourn Meeting

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the meeting adjourn.

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

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Victoria Newton". The signature is written in a cursive, flowing style.

Victoria Newton  
Executive Secretary



# Department of HUMAN SERVICES

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Director

Victoria Newton, Executive Secretary  
Executive Council of Iowa  
State Capitol Building

Re: Governor's Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Newton:

On December 15, 2021, there were damaging winds, straight-line winds, heavy rains, thunderstorms, tornadoes, and fires in Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Humboldt, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, Worth, and Woodbury counties causing damage.

Per the Governor's Disaster Proclamation, I am requesting funding for the Iowa Individual Assistance Grant Program (IIAGP) and Iowa Disaster Case Management Grant Program (IDCM) be placed on the Executive Council Agenda for Tuesday, January 18, 2022. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$180,000.00 to be allocated as follows.

- \$100,000.00 for IIAGP for Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Humboldt, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, Worth, and Woodbury counties
- \$50,000.00 for IDCM for Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Humboldt, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, Worth, and Woodbury counties
- \$25,000.00 for IIAGP for Carroll County
- \$5,000.00 for IDCM for Carroll County

Pursuant to Iowa Code 29C.20A, these funds will be distributed to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance. Pursuant to Iowa Code 29C.20B, funding will be distributed to Disaster Case Management to help individuals or families with unmet needs that were affected by the disaster to establish a recovery plan.

The account coding for the funds to be transferred will be:

Dept	Fund	Appr	Org
401	0391	0000	1961 – State Only Disaster IIAGP – 49 counties (12/15/21)
401	0391	0000	6071 – State Only Disaster IDCM – 49 counties (12/15/21)
401	0391	0000	1962 – State Only Disaster IIAGP – Carroll counties (12/15/21)
401	0391	0000	6072 – State Only Disaster IDCM – Carroll counties (12/15/21)

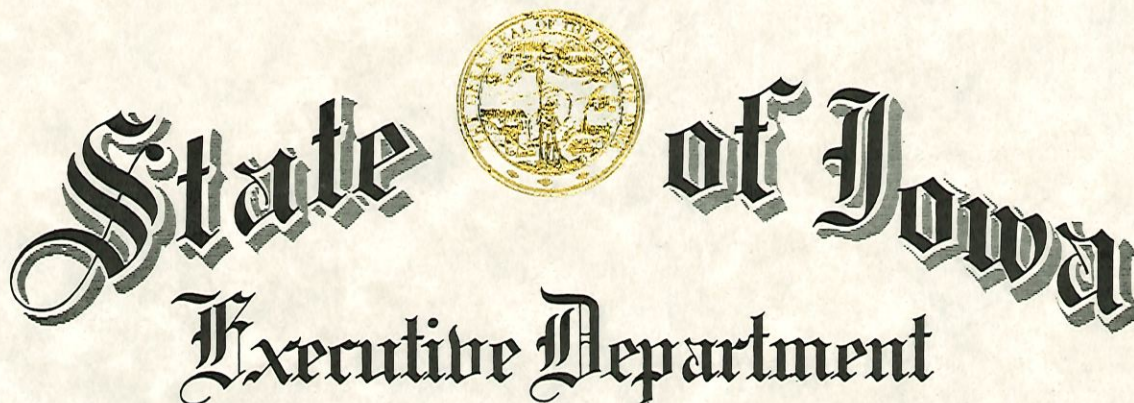
Thank you for your assistance.

Sincerely,

  
Kelly Garcia  
Director

cc: Vern Armstrong, Department of Human Services  
Christie Templeton, Department of Human Services  
Barb DeJooode, Department of Human Services  
Robert Beran, Department of Human Services  
Julie McCauley, Department of Human Services  
Linda Leto, Department of Management





IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

## PROCLAMATION OF DISASTER EMERGENCY

**WHEREAS**, on December 15, 2021, and continuing thereafter, a severe storm system affected the state of Iowa; and

**WHEREAS**, this storm system caused severe weather, including damaging winds, straight-line winds, heavy rains, thunderstorms, tornadoes, and fires, resulting in death, personal injury, significant damage to public and private property, and power outages resulting from downed power lines and poles; and

**WHEREAS**, Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, and Worth counties suffered significant damage from this event; and

**WHEREAS**, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinators in the affected counties indicate that state individual assistance pursuant to Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1) is needed to assist certain individuals and families adversely affected by the disaster who cannot be helped by other means of financial assistance and for whom federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens in the disaster area; and

**WHEREAS**, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6(1).

**NOW, THEREFORE, I, KIMBERLY K. REYNOLDS**, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6 (1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Ida, Lucas, Kossuth, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, and Worth counties and do hereby **ORDER** and **DIRECT** the following:

**SECTION ONE.** As required by Iowa Code § 29C.6(1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster counties.

**SECTION TWO.** I authorize the Iowa Department of Human Services under the terms and conditions as allowed by Iowa law to render individual disaster assistance to eligible



residents of Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, and Worth counties. Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1).

**SECTION THREE.** The Department of Human Services, the Department of Homeland Security and Emergency Management, county emergency management coordinators, and any other state agencies and private organizations providing services associated with the Iowa Individual Assistance Grant Program or Iowa Disaster Case Management are authorized to share any information necessary to ensure appropriate resources are provided to eligible residents impacted by this disaster. Such information may be shared throughout the implementation of the programs and shall continue for as long as needed to provide necessary services to residents impacted by this disaster, to include after the formal closure of the program(s).

**SECTION FOUR.** I temporarily suspend the regulatory provisions of 11 Iowa Admin. Code § 53.11 (3) prohibiting pay to those State of Iowa employees for hours worked in excess of 40 hours per work week while present in the State's Emergency Operations Center or otherwise engaged in assigned disaster response missions or other activities. This suspension shall be retroactive to the initial activation of the State's Emergency Operations Center.

**SECTION FIVE.** I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to respond to this disaster emergency. Iowa Code § 29C.6 (6).

**SECTION SIX.** I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods and services while responding to disaster sites during the duration of this disaster, subject to these conditions:

- A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
- D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this declaration provides under title 49 CFR § 390.23.
- E. Upon the expiration of the effective date of this Proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.



**SECTION SEVEN.** I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(6) (a) and (b) and 321E.29 and 761 Iowa Admin. Code Chapter 511, to the extent those provisions restrict the movement of loads related to disaster repairs on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(6) (b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

**SECTION EIGHT.** Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(3), 321E.2, 321E.8, and 321E.9 that limit issuance of permits for oversize or overweight loads to loads which are indivisible, to allow annual permits issued under Iowa Code § 321E.8 and single-trip permits issued under § 321E.9 to be issued for loads which are divisible and related to responding to and recovering from this disaster. I further waive for vehicle and loads, whether divisible or indivisible, the regulatory provisions of Iowa Code § 321E.12 that require the vehicle traveling under a permit to be registered for the gross weight of the vehicle and load and the regulatory provisions of Iowa Code § 321E.14 that require the payment of a fee for a permit issued for a vehicle and load related to responding to and recovering from this disaster. The provisions of this paragraph apply only when the movement of the vehicle and load is related to responding to and recovering from this disaster. The movement of any vehicle or load under this paragraph must comply with all other requirements of Chapter 321E of the Iowa Code and of the permit issued, other than as suspended in this proclamation. The provisions of this paragraph relating to the permitting and movement of divisible loads authorize the movement of such loads on all highways of this state, excluding the interstate system.

**SECTION NINE.** The Iowa Department of Transportation is directed to monitor the operation of this proclamation to assure the public's safety and facilitate the movement of trucks involved in responding to this disaster.

**SECTION TEN.** This state of disaster emergency shall be effective immediately, shall continue for thirty (30) days, and shall expire at 11:59 PM on January 15, 2022, unless sooner terminated or extended in writing by me. Iowa Code § 29C.6(1).



IN TESTIMONY WHEREOF, I HAVE  
HEREUNTO SUBSCRIBED MY NAME AND  
CAUSED THE GREAT SEAL OF THE STATE  
OF IOWA TO BE AFFIXED AT DES MOINES,  
IOWA THIS SIXTEENTH DAY OF  
DECEMBER IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE.

*Kim Reynolds*  
KIMBERLY K. REYNOLDS  
GOVERNOR

ATTEST:

*Paul D. Pate*  
PAUL D. PATE  
SECRETARY OF STATE



## MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNORHON. PAUL D. PATE  
SECRETARY OF STATEHON. ROB SAND  
AUDITOR OF STATEHON. MICHAEL L. FITZGERALD  
TREASURER OF STATEHON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE

## Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 18, 2022

Mr. Luke Donahe  
Office of the Treasurer  
LOCALRE: Resolution for Funds  
Pursuant to Governor's Proclamation of State of Disaster Emergency

Dear Mr. Donahe:

The Executive Council in their meeting on today's date approved an allocation request from Department of Human Services, in the amount of \$180,000.00 pursuant to Iowa Code §29C.20A and §29C.20B for the Iowa Individual Assistance Grant Program and to transfer funds for disbursement to the individual applicant without Executive Council approval for each individual applicant for Allamakee, Appanoose, Audubon, Bremer, Buena Vista, Butler, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Chickasaw, Davis, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Humboldt, Ida, Kossuth, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, O'Brien, Page, Pottawattamie, Ringgold, Sac, Shelby, Union, Washington, Webster, Winnebago, Winneshiek, Wright, Worth, and Woodbury counties.

The accounting information for transfer is as follows:

Dept.	Fund	Appr	Org
401	0391	0000	1961
401	0391	0000	6071
401	0391	0000	1962
401	0391	0000	6072

EXECUTIVE COUNCIL OF IOWA

Victoria Newton  
Executive Secretary

cc: Kelly Garcia, Director, Department of Human Services  
Vern Armstrong, Department of Human Services  
Christie Templeton, Department of Human Services  
Barb DeJoode, Department of Human Services  
Robert Beran, Department of Human Services  
Julie McCauley, Department of Human Services  
Linda Leto, Department of Management

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

January 12, 2022

Ms. Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council "[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department." There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$9,600.00 for record review/report preparation (invoices enclosed).

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General

**SVP Invoices - SFY 2022 (01/05/22)**

Date Received	Vendor	Description	Amount	Paid by Executive Council	Approval Date
12/27/21	William A. Schmitt, Ph.D., LLC	Initial Eval/Prelim Report Marques Robinson	\$3,200.00		
12/27/21	William A. Schmitt, Ph.D., LLC	Initial Eval/Prelim Report Damion Rutues	\$3,200.00		
12/17/21	Jeffrey Davis, Ph.D.	Record Review/Report Preparation Bullock	\$3,200.00		

<b>\$9,600.00</b>	<b>\$0.00</b>
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William A. Schmitt, Ph.D., LLC  
Licensed Psychologist

PO Box 930376  
Verona, WI 53593  
(608) 698-2713  
wschmitt55@gmail.com

**INVOICE**  
**Preliminary Evaluation for Iowa §229A**

Re: **Marques Robinson**  
DOB: **June 3, 1985**

Evaluator: **William A. Schmitt, PhD**  
Date: **December 23, 2021**

- Initial Evaluation/Preliminary Report was completed and submitted December 23, 2021.


**Contracted fee for services rendered: \$3200.**

Thank you for this interesting referral.



William A. Schmitt, Ph.D.  
Licensed Psychologist

Approved



Date 1/5/22 Amt 3,200.00

Agency SVPEXENSE Robinson

Class \_\_\_\_\_ Obj \_\_\_\_\_ Org \_\_\_\_\_

0000 3101313

**Palmer, Tina**

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**From:** Brown, ScottAG [AG]  
**Sent:** Tuesday, January 4, 2022 9:31 PM  
**To:** Palmer, Tina  
**Subject:** RE: MR Prelim report

Approved

SCOTT

Please note new email address: [scott.brown@ag.iowa.gov](mailto:scott.brown@ag.iowa.gov)



**Scott D. Brown**  
**Special Assistant Attorney General/Area Prosecutions Division**  
 Office of the Attorney General of Iowa  
 1305 E. Walnut St.  
 Des Moines, IA 50319  
 Main: (515) 281-5164 | Division: (515) 281-3648 | Direct: (515) 281-6691 | Fax: (515) 281-8894  
 Email: [scott.brown@ag.iowa.gov](mailto:scott.brown@ag.iowa.gov) | [www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

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**From:** Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>  
**Sent:** Tuesday, January 4, 2022 4:16 PM  
**To:** Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>  
**Subject:** FW: MR Prelim report

**From:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Sent:** Monday, December 27, 2021 11:25 AM  
**To:** Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>; Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>  
**Subject:** FW: MR Prelim report

Please see the attached invoice. Thank you!

**From:** Bill Schmitt <[wschmitt55@gmail.com](mailto:wschmitt55@gmail.com)>  
**Sent:** Thursday, December 23, 2021 8:19 PM  
**To:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Subject:** MR Prelim report



William A. Schmitt, Ph.D., LLC  
Licensed Psychologist

PO Box 930376  
Verona, WI 53593  
(608) 698-2713  
wschmitt55@gmail.com

**INVOICE**  
**Preliminary Evaluation for Iowa §229A**

Re: **Damion Rutues**  
DOB: July 19, 1979

Evaluator: William A. Schmitt, PhD  
Date: December 27, 2021

- Initial Evaluation/Preliminary Report was completed and submitted December 27, 2021.

**Contracted fee for services rendered: \$3200.**

Thank you for this interesting referral.



William A. Schmitt, Ph.D.  
Licensed Psychologist

Approved Jina Palmer  
Date 1/5/22 Amt 3,200.00  
Agency SVP Expense Rutues  
Class \_\_\_\_\_ Obj \_\_\_\_\_ Org \_\_\_\_\_  
0000 3101313

**Palmer, Tina**

---

**From:** Brown, ScottAG [AG]  
**Sent:** Tuesday, January 4, 2022 9:31 PM  
**To:** Palmer, Tina  
**Subject:** RE: Prelim reports

Approved

SCOTT

Please note new email address: [scott.brown@ag.iowa.gov](mailto:scott.brown@ag.iowa.gov)



**Scott D. Brown**  
**Special Assistant Attorney General/Area Prosecutions Division**  
 Office of the Attorney General of Iowa  
 1305 E. Walnut St.  
 Des Moines, IA 50319  
 Main: (515) 281-5164 | Division: (515) 281-3648 | Direct: (515) 281-6691 | Fax: (515) 281-8894  
 Email: [scott.brown@ag.iowa.gov](mailto:scott.brown@ag.iowa.gov) | [www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

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---

**From:** Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>  
**Sent:** Tuesday, January 4, 2022 4:16 PM  
**To:** Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>  
**Subject:** FW: Prelim reports

---

**From:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Sent:** Monday, December 27, 2021 11:32 AM  
**To:** Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>; Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>  
**Subject:** FW: Prelim reports

Please see the attached invoice. Thank you!

---

**From:** Bill Schmitt <[wschmitt55@gmail.com](mailto:wschmitt55@gmail.com)>  
**Sent:** Monday, December 27, 2021 11:14 AM  
**To:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Subject:** Prelim reports

Jeffrey Davis, Ph.D.

Licensed Psychologist • Iowa License #083838 • California License #PSY19044  
P.O. Box 6243 • Los Osos, CA 93412 • 805-748-5081  
jeffreydavisphd@gmail.com

December 17, 2021

Olivia McAtee, Investigator II  
Iowa Attorney General's Office  
1305 E. Walnut  
Des Moines, IA 50319

Respondent: BULLOCK, Daunte D.  
DCI No.: 1147686

Dear Ms. McAtee,

Below is the invoice for the preliminary evaluation of Mr. Daunte Bullock pursuant to Iowa Code § 229A. Please remit to the address shown above.

Activity	Report Date	Total
Record Review/Report Preparation	12-13-21	\$3,200

Please do not hesitate to contact me if you have questions.

Respectfully,

*Jeffrey Davis Ph.D.*

Jeffrey Davis, Ph.D.

Approved

*Jina Palmer*

Date 1/5/22

Amt 3,200.00

Agency SVPE Expense Bullock

Class \_\_\_\_\_ Obj \_\_\_\_\_ Org \_\_\_\_\_

*00003096001*

**Palmer, Tina**

---

**From:** Brown, ScottAG [AG]  
**Sent:** Tuesday, January 4, 2022 9:31 PM  
**To:** Palmer, Tina  
**Subject:** RE: Invoice for Bullock

Approved

SCOTT

Please note new email address: [scott.brown@ag.iowa.gov](mailto:scott.brown@ag.iowa.gov)



**Scott D. Brown**  
**Special Assistant Attorney General/Area Prosecutions Division**  
 Office of the Attorney General of Iowa  
 1305 E. Walnut St.  
 Des Moines, IA 50319  
 Main: (515) 281-5164 | Division: (515) 281-3648 | Direct: (515) 281-6691 | Fax: (515) 281-8894  
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**From:** Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>  
**Sent:** Tuesday, January 4, 2022 4:17 PM  
**To:** Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>  
**Subject:** FW: Invoice for Bullock

**From:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Sent:** Friday, December 17, 2021 12:19 PM  
**To:** Brown, ScottAG [AG] <[Scott.Brown@ag.iowa.gov](mailto:Scott.Brown@ag.iowa.gov)>; Palmer, Tina <[Tina.Palmer@ag.iowa.gov](mailto:Tina.Palmer@ag.iowa.gov)>  
**Subject:** FW: Invoice for Bullock

Please see the attached invoice. Thank you!

**From:** Jeff Davis <[jeffreydavisphd@gmail.com](mailto:jeffreydavisphd@gmail.com)>  
**Sent:** Friday, December 17, 2021 12:12 PM  
**To:** McAtee, Olivia <[Olivia.Mcatee@ag.iowa.gov](mailto:Olivia.Mcatee@ag.iowa.gov)>  
**Subject:** Invoice for Bullock

MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNOR

HON. PAUL D. PATE  
SECRETARY OF STATE

HON. ROB SAND  
AUDITOR OF STATE

HON. MICHAEL L. FITZGERALD  
TREASURER OF STATE

HON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE



## Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 18, 2022

Mr. Jeffrey S. Thompson, Solicitor General  
Iowa Attorney General  
Hoover Bldg., 2<sup>nd</sup> Floor  
L O C A L

Re: Approval of Iowa Code § 7D.10 Expenses

Dear Mr. Thompson

The Executive Council, in a meeting held this date, approved your request for payment pursuant to Iowa Code § 7D.10 for payment of expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program, in the amount of \$9,600.00.

EXECUTIVE COUNCIL OF IOWA

A handwritten signature in cursive script that reads "Victoria Newton".

Victoria Newton  
Executive Secretary

cc: Luke Donahe, State Treasurer's Office

**Newton, Victoria [TOS]**

**From:** Moss, Michael J. [DOT] <Michael.Moss@iowadot.us>  
**Sent:** Wednesday, January 5, 2022 8:50 AM  
**To:** Kramme, Luke; Newton, Victoria [TOS]  
**Subject:** RE: Chapter 18 Lease Renewal - Buckeye Terminals - Scott County, 81-N  
**Attachments:** 81-N Buckeye 2021 2.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Newton,

This is to advise that I have reviewed and hereby recommend Executive Council approval of the attached Chapter 18 lease forwarded to me for review by Luke Kramme at the DNR's Bureau of Lands and Waters.

By way of background, this a commercial lease which involves 100 feet by 150 feet of frontage of the Mississippi River at Mississippi River Mile 487.1 in Scott County, Iowa. The lessee, Buckeye Terminals, LLC, intends to use three barge mooring cells for purposes of unloading and loading petroleum products, and it has agreed to pay an annual fee of \$938.00 for this privilege. The term of the lease is five (5) years. The DNR has determined that a lease subject to the conditions of this agreement will preserve the State's title and not adversely affect public use of the real estate.

If you or the Executive Council members need me to provide anything further, please do not hesitate to let me know. Thank you.

Sincerely,

Michael J. Moss



**Michael J. Moss**

**Assistant Attorney General**

Office of the Attorney General of Iowa

Transportation Division

800 Lincoln Way

Ames, Iowa 50010

Main: (515) 239-1521 | Direct: (515) 239-1524

Email: [Michael.moss@iowadot.us](mailto:Michael.moss@iowadot.us) | [www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

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**From:** Kramme, Luke <luke.kramme@dnr.iowa.gov>

**Sent:** Wednesday, December 22, 2021 10:18 AM

**To:** Moss, Michael J. [DOT] <Michael.Moss@iowadot.us>; Newton, Victoria [TOS] <victoria.newton@tos.iowa.gov>

**Subject:** Chapter 18 Lease Renewal - Buckeye Terminals - Scott County

Hi Mike, I've attached a chapter 18 lease renewal. If you approve, please reply all with the same.

Victoria, I inter-office this lease right now.

Thanks,  
Luke



[www.iowadnr.gov](http://www.iowadnr.gov)

**LUKE KRAMME | Land Manager**

Land & Waters Bureau

*Iowa Department of Natural Resources*

**P: 515-371-2062**

502 E. 9th Street, Des Moines, IA 50319



LEASE NO. 81-R

**EXECUTIVE COUNCIL OF IOWA LEASE  
[IOWA DEPARTMENT OF NATURAL RESOURCES]**

The Executive Council of Iowa (Council), upon recommendation of the Iowa Department of Natural Resources (DNR), is authorized by Iowa Code Section 461A.25, to lease public real estate in accordance with a rental fee schedule established in 571 Iowa Administrative Code, Chapter 18.

Whereas Buckeye Terminals, LLC, (Tenant) 6161 Hamilton Boulevard, Allentown, PA 18106, a limited liability company under the laws of Delaware, has made a proper application for a renewal lease of real estate described as state-owned land. The Tenant's request has been reviewed by the DNR and it has determined that a lease subject to the conditions of this agreement will preserve the state's title and not adversely affect public use of the real estate.

Therefore, the Council leases to the Tenant the following described premises (referred to in these lease terms as "Leased Premises"):

A parcel approximately 100 feet in depth by 150 feet of frontage located at Mississippi River Mile 487.1 in Scott County, Iowa.

The Tenant, in consideration of the agreements below, leases from the State of Iowa the Leased Premises, according to the following conditions:

- 1. TERM OF LEASE.** The term of this lease shall be from the date it is approved by the Council to December 31, 2026 inclusive.
- 2. RENTAL.** The DNR has determined the proposed use to be commercial. The Tenant shall pay rent for the term of this lease to the DNR at its offices at the Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034 or at such place as it may direct, as follows: \$938.00 on the date this lease is executed by the Tenant, and \$938.00 on or before August 31 in each succeeding year for the term of the lease.
- 3. TENANT'S USE OF THE PREMISES.** Consistent with the limitations described herein, the Tenant agrees during the term of this lease to use and occupy the leased premises only for barge loading and unloading of petroleum products. Other uses are prohibited unless authorized by a written amendment to this lease.

**4. STRUCTURES.**



- a. Only those structures or fills existing on the Leased Premises at the time of execution of this lease are authorized under this lease. The following structures and fills exist on the premises at the time of execution of this lease:
    - i. Three barge mooring cells
  - b. The Tenant shall not materially modify, alter or add to those structures or fills identified herein without first obtaining permission from the DNR, which may require the issuance of a Sovereign Lands construction permit pursuant to Iowa Code section 461A.4 and 571 IAC chapter 13 depending on the extent of such modification or addition. The Tenant also agrees to obtain all necessary permits from other governmental agencies prior to performing any construction on the Leased Premises and comply with any zoning requirements that may apply to their adjacent property.
  - c. If the structures described herein deteriorate beyond repair or are otherwise destroyed, regardless of cause, the Tenant must reconstruct, repair or remove such structures, but only after consultation with and written approval by DNR, which may require the issuance of a Sovereign Lands construction permit pursuant to Iowa Code section 461A.4 and 571 IAC chapter 13 depending on the extent of such modification or addition.
  - d. General maintenance described in paragraph five (5) below does not constitute a material modification, alteration, or addition for purposes of subparagraphs b and c of this section.
- 5. MAINTENANCE.** The structure(s) described above shall be maintained by the Tenant to keep in good working order. The Tenant shall be responsible to make repairs and adjustments to such structures, if required, to avoid any harm or injury to the public.
- 6. TITLE TO PREMISES.** The Tenant agrees that title of the state of Iowa to the Leased Premises will not be affected by Tenant's occupancy.
- 7. DEPARTMENT'S USE OF THE PREMISES.** Representatives of the DNR may enter upon the Leased Premises for the purposes of viewing alteration thereof by the Tenant, to inspect compliance with the terms of this lease, or to perform any duties of the DNR.
- 8. PUBLIC USE OF THE PREMISES.** This lease shall not be construed to give the Tenant exclusive use of the Leased Premises. The right to enter upon the Leased Premises for any lawful purpose is hereby specifically reserved to the public of the state of Iowa. However, this lease is not intended to deny the Tenant the right to exclude the public from using the Leased Premises, or portions thereof, in a manner that poses risk to the public health, safety or welfare by virtue of the Tenant's authorized use or that unreasonably interferes with the Tenant's authorized use.
- 9. SURRENDER OF PREMISES AT END OF TERM.** At the expiration of the term of this lease and any renewal periods, the Tenant will yield possession of the Leased Premises to the DNR and will,

within 90 days after the expiration of the term of this lease, remove all fill, equipment or structures and restore the affected area to an undisturbed condition.

**10. AMENDMENT, TRANSFER, ASSIGNMENT, AND SUBLEASE.** This lease may be amended only by written mutual consent of the parties. The Tenant shall not transfer or assign this lease and shall not sublet the Leased Premises or any part thereof except with prior written consent of the DNR.

**11. INDEMNIFICATION.** The Tenant agrees to jointly and severally indemnify and hold the State, its agencies, officials and employees harmless from all costs, expenses, losses, claims, damages, liabilities, settlements and judgments, including reasonable value of the time spent by the Attorney General's Office, and the costs and expenses and reasonable attorneys' fees of other counsel required to defend the State of Iowa or the DNR, related to or arising from its acts under this Lease. The Tenant shall be solely responsible and liable for any and all of its actions or inactions, as well of the actions or inactions of its subcontractors, employees, agents, licensees, and invitees, and results thereof, of any nature, which may occur within or upon the Leased Premises or in connection with this Lease.

**12. TERMINATION AND DEFAULT OF TENANT.** This lease shall terminate automatically, without notice, on the date specified in numbered Paragraph 1 above. However, the DNR may terminate this lease for material violation of any condition of this lease. Notice of such termination by the DNR shall be given in writing, and the Tenant shall have 30 days after service thereof to remove themselves from the Leased Premises unless a longer period is specified in the notice. If the Tenant, after termination, fails to remove any structure or fill placed on state land under authority of a DNR permit or this lease, the DNR, with assistance from the Attorney General, may bring an action for a court order compelling removal at the Tenant's expense.

**13. NOTICES.** All notices provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, postage prepaid, addressed to the parties as provided above. The address to which the notices shall be mailed to either party may be changed by written notice given by either party to the other. Nothing in this paragraph shall preclude the giving of any notice by personal service.

**14. CONSTRUCTION.** Words and phrases in this document shall be construed as in the singular or plural number and as masculine, feminine or neuter gender according to the context.

**15. RENEWAL.** This lease may be renewed if it does not adversely affect a public interest. In the event renewal is desired, the Tenant agrees to apply for renewal of this lease at least 60 days prior to the expiration date.

**16. SEVERABILITY.** If any provision of this lease is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other part or provision of this lease.

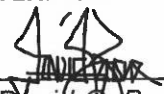
**17. COMPLIANCE WITH LAWS.** The Tenant shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations and orders in its utilization of the Leased Premises.

**18. CHOICE OF LAW AND FORUM.** The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this lease without regard to the choice of law provisions of Iowa law. In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this lease, the exclusive jurisdiction for the proceeding shall be brought in the local state district court for the county in which the Leased Premises are located, or in the United States District Court for the district in which the Leased Premises are located, wherever jurisdiction is appropriate. This provision shall not be construed as waiving any immunity to suit or liability including without limitation sovereign immunity in State or Federal court, which may be available to DNR or the State of Iowa.

**19. ENTIRE AGREEMENT.** This lease constitutes the entire agreement between DNR and the Tenant with respect to the use of the Leased Premises as described here, and the Tenant acknowledges that it is entering into the lease solely on the basis of the terms and conditions herein contained and not in reliance upon any representation, statement, inducement or promise, whether oral or written, not contained herein. This lease supersedes all prior contracts and agreements between DNR and the Tenant for the use of the Leased Premises.

*- Remainder of this page left intentionally blank. -*

**TENANT:**

  
\_\_\_\_\_  
David C. Boone

*Sr. Manager Right of Way, Real Estate and Damage Prevention Services*

STATE OF PENNSYLVANIA, Lehigh COUNTY:

This instrument was acknowledged before me on October 25, 2021 (date) by David G. Boone (tenant) as Sr. Manager, ROW, Real Estate (title) of Buckeye Terminals, LLC (company, if applicable) and Damage Prevention

NOTARY PUBLIC FOR THE STATE OF PENNSYLVANIA

Commonwealth of Pennsylvania - Notary Seal  
Teriann E. Williams, Notary Public  
Lehigh County  
My commission expires July 2, 2024  
Commission number 1243214  
Member, Pennsylvania Association of Notaries

# IOWA DEPARTMENT OF NATURAL RESOURCES:

Recommended for approval by majority vote of the Iowa Natural Resource Commission at its meeting on October 14<sup>th</sup> 2021, as reflected by the minutes.

Kayla Lyon, Director

## EXECUTIVE COUNCIL OF IOWA:

This lease is approved under the authority of a resolution adopted at an official meeting of the Executive Council of Iowa on January 18, 2022, as reflected by the minutes.

Victoria Newton  
Executive Secretary



MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNOR

HON. PAUL D. PATE  
SECRETARY OF STATE

HON. ROB SAND  
AUDITOR OF STATE

HON. MICHAEL L. FITZGERALD  
TREASURER OF STATE

HON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE



CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 18, 2022

Mr. Luke Kramme  
DNR Bureau of Lands and Waters  
LOCAL

Dear Mr. Kramme:

The Executive Council, in a meeting held this date, approved the following lease:

Lease between DNR and Buckeye Terminals, LLC  
Date of Lease: Date of Consent to December 31, 2026  
Legal Description: A parcel approximately 100 feet in depth by 150 feet of frontage  
located at Mississippi River Mile 487.1 in Scott County, Iowa.  
Purpose: Barge loading and unloading of petroleum products.  
Annual Fee: \$938.00

EXECUTIVE COUNCIL OF IOWA

A handwritten signature in cursive script, reading "Victoria Newton", is written over the printed name.

Victoria Newton  
Executive Secretary

MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNORHON. PAUL D. PATE  
SECRETARY OF STATEHON. ROB SAND  
AUDITOR OF STATEHON. MICHAEL L. FITZGERALD  
TREASURER OF STATEHON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE

## Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 6, 2022

Mr. Jeffrey Thompson  
Solicitor General  
Attorney General Office-Hoover Bldg.  
L O C A L

Re: Approval of attorney fees

Dear Mr. Thompson:

I received the enclosed statement from Dentons Davis Brown PC for the following fees:

Special Counsel for Copyright, Trademark &amp; Patent Issues

Current balance	\$63.00
Waiting for AG recommendation	\$0.00
Pending EC Approval	\$0.00
Claims in Process	\$0.00
Warrant sent	\$0.00
Outstanding Total	\$63.00

May I please have your recommendation of this payment request?

EXECUTIVE COUNCIL OF IOWA

Victoria Newton  
Executive Secretary

In Account With

**DENTONS DAVIS BROWN PC**

Attorneys and Counselors at Law  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
(515) 288-2500  
Federal I.D. No. 42-1343884

Iowa Department of Human Services  
Victoria Newton  
ExecutiveCouncil@tos.iowa.gov

Statement: 1492932  
Date: 12/30/2021

Re: 4247438-146370 - TM: IQ4K (logo)

**For Professional Services Rendered**

**Professional Fees**

Hours

11/12/2021 MCOR Email to and from M. Beard regarding trademark issues.

0.30

**Total Hours: 0.30**

**Rate Summary**

Matthew W. Coryell	0.30 hours at \$210.00/hr	63.00
Total hours:	0.30	

**Total Current Billing: \$63.00**

Effective March 29, 2021, Davis Brown Law Firm formally combined with Dentons to become Dentons Davis Brown PC. Visit [www.dentons.com/BusinessTerms](http://www.dentons.com/BusinessTerms) to find our Terms of Business, which will apply to our relationship to the extent that it is not inconsistent with the material terms and conditions of any existing engagement agreement. Please contact your lawyer or other professional if you have questions about the Terms of Business or with any respect of your representation.

Current statement due within 30 days of statement date. Please disregard any previously paid amounts. Contact us at 515-246-7812 with any questions. Please include the statement number on your check.

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

January 12, 2022

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Payment of Claims for Fees by Special Counsel

Dear Victoria:

Our office is forwarding to the Executive Council approval for payment of attorney fees in the amount of \$63.00 for legal services regarding patent issues for the Iowa Department of Human Services. Because our office does not have staff with expertise, the State has retained, Dentons Davis Brown, P.C., to perform similar work for a number of state agencies.

The amount of the claim appears to be reasonable. We have reviewed both the billing and the Services Agreement and recommend payment. Pursuant to the terms of the contract, payment should be made from the funds of the Department of Transportation and not from the General Fund.

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General



MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNOR

HON. PAUL D. PATE  
SECRETARY OF STATE

HON. ROB SAND  
AUDITOR OF STATE

HON. MICHAEL L. FITZGERALD  
TREASURER OF STATE

HON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE



## Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 18, 2022

Julie A. Allison  
ACFS/Child Care Bureau Chief  
Iowa Department of Human Services  
1305 E Walnut St,  
Des Moines, IA 50309

Dear Ms. Allison:

The Executive Council, in a meeting held on this date, approved payment of the following cost item:

Denton Davis Brown PC.....\$63.00  
215 10th Street,  
Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

EXECUTIVE COUNCIL OF IOWA

Victoria Newton  
Executive Secretary

cc: Micki Beard, Quality Program Manager, Department of Human Services

Ms. Victoria Newton  
January 7, 2022  
Page Two  
THOMAS J. MILLER  
ATTORNEY GENERAL



1305 E. WALNUT ST.  
DES MOINES, IA 50319  
P: 515-281-8760  
www.iowaattorneygeneral.gov

Alan Nagel  
Assistant Attorney General

IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
LICENSING AND ADMINISTRATIVE LAW DIVISION

January 7, 2022

Iowa Executive Council  
Attention: Victoria Newton  
Executive Secretary  
1007 E. Grand Avenue Room 114  
Des Moines, IA 50319

Ms. Newton,

I write to support the Iowa National Guard's request that the Executive Council approve transfer of property held by the Iowa National Guard on behalf of the State of Iowa pursuant to Iowa Code § 29A.57(2). That property is legally described as follows:

A tract of land located in the Northeast Quarter (1/4) of Section twenty three (23), T65-N-R5W of the Fifth (5th) P.M., Keokuk Township, Lee County, Iowa, more particularly described and located by starting at the intersection of the west and north lines of Boulevard Road, a legally platted and publicly used street in the City of Keokuk, Iowa in said Northwest Quarter (1/4) of Section twenty three (23) and going east fifty and eight-tenths (50.8) feet along the north line of said Boulevard Road to the point of beginning, thence continuing east on the same line sixty (60) feet to the stone on north line of said Boulevard Road, thence north along east line of land owned by the State of Iowa a distance of seven hundred thirty one and seven-tenths (731.7) feet, thence west fifty (50) feet, thence south four hundred fifty six and seven-tenths (456.7) feet, thence west ten (10) feet, thence south two hundred seventy five (275) feet to the point of beginning all in said Northeast Quarter (1/4) of Section Twenty-Three (23) in the City of Keokuk.

If the Executive Council approves transfer to the City of Keokuk, the Iowa National Guard proposes that the enclosed Proposed Patent legally describing the property be issued pursuant to Iowa Code chapter 9G. To that end, the Iowa National Guard has enclosed an Executed Certificate in Support of Patent Request.

I have reviewed the initial warranty deed between the City of Keokuk and the State concerning this parcel and other adjoining land and the State's subsequent easement granting the City of Keokuk certain access to this parcel for use of a public road. After reviewing these and other supporting documents concerning the parcel, I would advise that the evidence supports that the State holds title to the property. *See* Iowa Code § 29A.57(2), (6). Further, I have reviewed the

Ms. Victoria Newton  
January 7, 2022  
Page Two

Proposed Patents and advise that each is in a format that, if further processed for issuance, would comply with Iowa Code § 9G.5. Finally, I have reviewed the Executed Certificates in Support of Patent Request and advise that it is compliant with Iowa Code § 9G.6 and would allow the Proposed Patent to be issued.

For the forgoing reasons, I recommend that the Executive Council approve transfer of the above described property pursuant to Iowa Code § 29A.57(2) and that the Proposed Patents be issued in accordance with Iowa Code chapter 9G to carry out this transfer. Please let me know if the Executive Council requires anything further to review this request.

Sincerely,

/s/ Alan Nagel

---

Alan Nagel  
Assistant Attorney General  
Office of the Attorney General of Iowa  
1305 E Walnut St, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
Ph: 515-281-5637  
E-mail: Alan.Nagel@ag.iowa.gov

Preparer: Alan Nagel, Assistant Attorney General, TEL: 515-281-5637  
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, IA 50319

# *State of Iowa*

## OFFICE OF THE SECRETARY OF STATE

Patent No. \_\_\_\_\_

### STATE LAND OFFICE

The **STATE OF IOWA** hereby conveys to **City of Keokuk, Iowa** real estate in Lee County, Iowa, described as:

A tract of land located in the Northeast Quarter (1/4) of Section twenty three (23), T65-N-R5W of the Fifth (5th) P.M., Keokuk Township, Lee County, Iowa, more particularly described and located by starting at the intersection of the west and north lines of Boulevard Road, a legally platted and publicly used street in the City of Keokuk, Iowa in said Northwest Quarter (1/4) of Section twenty three (23) and going east fifty and eight-tenths (50.8) feet along the north line of said Boulevard Road to the point of beginning, thence continuing east on the same line sixty (60) feet to the stone on north line of said Boulevard Road, thence north along east line of land owned by the State of Iowa a distance of seven hundred thirty one and seven-tenths (731.7) feet, thence west fifty (50) feet, thence south four hundred fifty six and seven-tenths (456.7) feet, thence west ten (10) feet, thence south two hundred seventy five (275) feet to the point of beginning all in said Northeast Quarter (1/4) of Section Twenty-Three (23) in the City of Keokuk.

**AUTHORITY/CONSIDERATION:** Authority and consideration for issuance of this patent are stated in the certificate of the **Adjutant General of the Iowa Department of Public Defense**, a copy of which is filed with the State Land Office as provided in Iowa Code § 9G.6 and attached to this Patent as **Exhibit "A"**.

**RECITAL:** This conveyance is exempt from real estate transfer tax pursuant to Iowa Code § 428A.2(6). No Declaration of Value Filing is required as the State of Iowa is the Grantor and is exempt from such filings pursuant to Iowa Code § 428A.1(2). Pursuant to Iowa Code § 9G.14, this patent "shall inure to the benefit of the original purchaser and the original purchaser's grantees only." This conveyance is subject to all easements of record.

I, **Kim Reynolds**, Governor of the State of Iowa, have caused this instrument to issue and the Great Seal of the State of Iowa to be affixed to it at Des Moines, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Kimberly K. Reynolds**, Governor

\_\_\_\_\_  
**Paul D. Pate**, Secretary of State

I hereby certify that the foregoing Patent is recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_ in the State Land Office.

\_\_\_\_\_  
**Paul D. Pate**, Secretary of State

Preparer: Alan Nagel, Assistant Attorney General, TEL: 515-281-5637  
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, Iowa 50319;

## **CERTIFICATE IN SUPPORT OF PATENT REQUEST**

### **AND EXHIBIT "A" TO PATENT**

### ***TO: THE GOVERNOR AND SECRETARY OF STATE***

#### **RE: PATENT TO City of Keokuk, Iowa**

Pursuant to Iowa Code § 9G.6, the Iowa National Guard requests a patent conveying to City of Keokuk, Iowa real estate in Lee County, Iowa, described as:

A tract of land located in the Northeast Quarter (1/4) of Section twenty three (23), T65-N-R5W of the Fifth (5th) P.M., Keokuk Township, Lee County, Iowa, more particularly described and located by starting at the intersection of the west and north lines of Boulevard Road, a legally platted and publicly used street in the City of Keokuk, Iowa in said Northwest Quarter (1/4) of Section twenty three (23) and going east fifty and eight-tenths (50.8) feet along the north line of said Boulevard Road to the point of beginning, thence continuing east on the same line sixty (60) feet to the stone on north line of said Boulevard Road, thence north along east line of land owned by the State of Iowa a distance of seven hundred thirty one and seven-tenths (731.7) feet, thence west fifty (50) feet, thence south four hundred fifty six and seven-tenths (456.7) feet, thence west ten (10) feet, thence south two hundred seventy five (275) feet to the point of beginning all in said Northeast Quarter (1/4) of Section Twenty-Three (23) in the City of Keokuk.

On April 30, 2020 the Iowa Armory Board approved the transfer of the property to the City of Keokuk, Iowa as permitted by Iowa Code § 29A.57.



Benjamin J. Corell  
Major General, Adjutant General  
IOWA NATIONAL GUARD

STATE OF IOWA, POLK COUNTY: This instrument was acknowledged before me on the 8 day of Nov, 2021 by Major General Benjamin J. Corell as the Adjutant General of the Iowa National Guard.

  
NOTARY PUBLIC for the State of Iowa



**Iowa Army National Guard**  
*Camp Dodge Joint Maneuver Training Center*  
 7105 NW 70<sup>th</sup> Avenue  
 Johnston, Iowa 50131-1824

November 9, 2021

Iowa Executive Council  
 Attention: Victoria Newton, Executive Secretary  
 1007 E. Grand Avenue Room 114  
 Des Moines, IA 50319

Dear Ms. Newton,

The Iowa Armory Board requests the transfer of 0.8 acres of land currently used as a public street in Keokuk to the City of Keokuk, Iowa. Iowa Code 29A.57 (2) allows State property under the control of the Armory Board to be sold or exchanged with the approval of the Executive Council.

The City of Keokuk provided property for the National Guard armory in Keokuk in 1952. The property included a 0.8 acre strip of ground used to access the armory from the nearest city street. In 1985, the Armory Board granted an easement over this strip of ground to allow the City to construct a public street. Transferring the underlying ownership of the public street to the City of Keokuk is intended to eliminate ambiguity associated with maintenance responsibility of the public street and associated right of way.

The Adjutant General of Iowa executed a Certificate in Support of Patent Request on November 8, 2021. If approved by the Executive Council, execution of the enclosed Patent will complete the transfer of property.

If you have questions or concerns, please contact me at (515) 252-4786.

Sincerely,

HARRIS.MICHAEL  
 JON.1140552220

Digitally signed by  
 HARRIS.MICHAEL.JON.11405522  
 20  
 Date: 2021.11.15 09:26:53 -06'00'

Michael J. Harris  
 Colonel (Retired), Iowa National Guard  
 State Quartermaster

Encl. 1



MEMBERS OF COUNCIL

HON. KIM REYNOLDS  
GOVERNOR

HON. PAUL D. PATE  
SECRETARY OF STATE

HON. ROB SAND  
AUDITOR OF STATE

HON. MICHAEL L. FITZGERALD  
TREASURER OF STATE

HON. MICHAEL L. NAIG  
SECRETARY OF AGRICULTURE



## Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319  
PHONE: 515 281-5368  
FAX: 515 281-7562

January 18, 2022

Michael J. Harris  
Colonel (Retired), Iowa National Guard  
State Quartermaster  
LOCAL

Dear COL (Ret) Harris:

The Executive Council in meeting held this date approved your request for the land patent transfer of property held by the Iowa National Guard on behalf of the State of Iowa pursuant to Iowa Code §29A.57(2).

Sincerely,

A handwritten signature in cursive script that reads "Victoria Newton".

Victoria Newton  
Executive Secretary  
Executive Council of Iowa

cc: Alan Nagel, Assistant Attorney General, Attorney General's Office  
Luke Slings, IGI&S Manager, Iowa Army National Guard

Paul D. Pate  
Secretary of State



State Capitol  
Des Moines, Iowa 50319

OFFICE OF THE IOWA SECRETARY OF STATE

January 21, 2022

Iowa Executive Council  
Attention: Victoria Newton  
Executive Secretary  
1007 E. Grand Avenue Room 114  
Des Moines, IA 50319

Dear Ms. Newton:

We are enclosing herewith **Patent 6381** that conveys to the **City of Keokuk, Iowa** real estate in **Lee County, Iowa**.

We are also enclosing your file in connection with the matter.

Please acknowledge receipt of these documents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carl Dietz".

Carl Dietz  
Director of Business Services  
State Land Office

Enclosures

Preparer: Alan Nagel, Assistant Attorney General, TEL: 515-281-5637  
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, IA 50319

# State of Iowa

## OFFICE OF THE SECRETARY OF STATE

Patent No. 6381

### STATE LAND OFFICE

The **STATE OF IOWA** hereby conveys to **City of Keokuk, Iowa** real estate in Lee County, Iowa, described as:

A tract of land located in the Northeast Quarter (1/4) of Section twenty three (23), T65-N-R5W of the Fifth (5th) P.M., Keokuk Township, Lee County, Iowa, more particularly described and located by starting at the intersection of the west and north lines of Boulevard Road, a legally platted and publicly used street in the City of Keokuk, Iowa in said Northwest Quarter (1/4) of Section twenty three (23) and going east fifty and eight-tenths (50.8) feet along the north line of said Boulevard Road to the point of beginning, thence continuing east on the same line sixty (60) feet to the stone on north line of said Boulevard Road, thence north along east line of land owned by the State of Iowa a distance of seven hundred thirty one and seven-tenths (731.7) feet, thence west fifty (50) feet, thence south four hundred fifty six and seven-tenths (456.7) feet, thence west ten (10) feet, thence south two hundred seventy five (275) feet to the point of beginning all in said Northeast Quarter (1/4) of Section Twenty-Three (23) in the City of Keokuk.

**AUTHORITY/CONSIDERATION:** Authority and consideration for issuance of this patent are stated in the certificate of the **Adjutant General of the Iowa Department of Public Defense**, a copy of which is filed with the State Land Office as provided in Iowa Code § 9G.6 and attached to this Patent as **Exhibit "A"**.

**RECITAL:** This conveyance is exempt from real estate transfer tax pursuant to Iowa Code § 428A.2(6). No Declaration of Value Filing is required as the State of Iowa is the Grantor and is exempt from such filings pursuant to Iowa Code § 428A.1(2). Pursuant to Iowa Code § 9G.14, this patent "shall inure to the benefit of the original purchaser and the original purchaser's grantees only." This conveyance is subject to all easements of record.



I, **Kim Reynolds**, Governor of the State of Iowa, have caused this instrument to issue and the Great Seal of the State of Iowa to be affixed to it at Des Moines, on this 19<sup>th</sup> day of January, 2022

  
**Kimberly K. Reynolds**, Governor

  
**Paul D. Pate**, Secretary of State

I hereby certify that the foregoing Patent is recorded in Vol. 28 Page 99 in the State Land Office.

  
**Paul D. Pate**, Secretary of State

Preparer: Alan Nagel, Assistant Attorney General, TEL: 515-281-5637

Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, Iowa 50319;

## **CERTIFICATE IN SUPPORT OF PATENT REQUEST**

### **AND EXHIBIT "A" TO PATENT**

### ***TO: THE GOVERNOR AND SECRETARY OF STATE***

#### **RE: PATENT TO City of Keokuk, Iowa**

Pursuant to Iowa Code § 9G.6, the Iowa National Guard requests a patent conveying to City of Keokuk, Iowa real estate in Lee County, Iowa, described as:

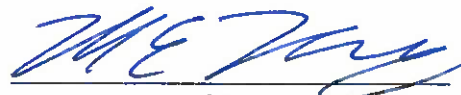
A tract of land located in the Northeast Quarter (1/4) of Section twenty three (23), T65-N-R5W of the Fifth (5th) P.M., Keokuk Township, Lee County, Iowa, more particularly described and located by starting at the intersection of the west and north lines of Boulevard Road, a legally platted and publicly used street in the City of Keokuk, Iowa in said Northwest Quarter (1/4) of Section twenty three (23) and going east fifty and eight-tenths (50.8) feet along the north line of said Boulevard Road to the point of beginning, thence continuing east on the same line sixty (60) feet to the stone on north line of said Boulevard Road, thence north along east line of land owned by the State of Iowa a distance of seven hundred thirty one and seven-tenths (731.7) feet, thence west fifty (50) feet, thence south four hundred fifty six and seven-tenths (456.7) feet, thence west ten (10) feet, thence south two hundred seventy five (275) feet to the point of beginning all in said Northeast Quarter (1/4) of Section Twenty-Three (23) in the City of Keokuk.

On April 30, 2020 the Iowa Armory Board approved the transfer of the property to the City of Keokuk, Iowa as permitted by Iowa Code § 29A.57.



Benjamin J. Corell  
Major General, Adjutant General  
IOWA NATIONAL GUARD

STATE OF IOWA, POLK COUNTY: This instrument was acknowledged before me on the 8 day of Nov, 2021 by Major General Benjamin J. Corell as the Adjutant General of the Iowa National Guard.

  
NOTARY PUBLIC for the State of Iowa



THOMAS J. MILLER  
ATTORNEY GENERAL



1305 E. WALNUT ST.  
DES MOINES, IA 50319  
P: 515-281-8760  
[www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

Alan Nagel  
Assistant Attorney General

IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
LICENSING AND ADMINISTRATIVE LAW DIVISION

January 7, 2022

Iowa Executive Council  
Attention: Victoria Newton  
Executive Secretary  
1007 E. Grand Avenue Room 114  
Des Moines, IA 50319

Ms. Newton,

I write to support the Iowa National Guard's request that the Executive Council approve transfer of property held by the Iowa National Guard on behalf of the State of Iowa pursuant to Iowa Code § 29A.57(2). That property is legally described as follows:

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If the Executive Council approves transfer to the City of Keokuk, the Iowa National Guard proposes that the enclosed Proposed Patent legally describing the property be issued pursuant to Iowa Code chapter 9G. To that end, the Iowa National Guard has enclosed an Executed Certificate in Support of Patent Request.

I have reviewed the initial warranty deed between the City of Keokuk and the State concerning this parcel and other adjoining land and the State's subsequent easement granting the City of Keokuk certain access to this parcel for use of a public road. After reviewing these and other supporting documents concerning the parcel, I would advise that the evidence supports that the State holds title to the property. *See* Iowa Code § 29A.57(2), (6). Further, I have reviewed the Proposed Patents and advise that each is in a format that, if further processed for issuance, would

Ms. Victoria Newton  
January 7, 2022  
Page Two

comply with Iowa Code § 9G.5. Finally, I have reviewed the Executed Certificates in Support of Patent Request and advise that it is compliant with Iowa Code § 9G.6 and would allow the Proposed Patent to be issued.

For the forgoing reasons, I recommend that the Executive Council approve transfer of the above-described property pursuant to Iowa Code § 29A.57(2) and that the Proposed Patents be issued in accordance with Iowa Code chapter 9G to carry out this transfer. Please let me know if the Executive Council requires anything further to review this request.

Sincerely,

/s/ Alan Nagel

---

Alan Nagel  
Assistant Attorney General  
Office of the Attorney General of Iowa  
1305 E Walnut St, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
Ph: 515-281-5637  
E-mail: Alan.Nagel@ag.iowa.gov


**Executive Council of Iowa**  
**Status of Disaster Aid (Iowa Code 29C.6(17) and 29C.7)**  
**State / Federal Disaster Declarations and Hazard Mitigation Assistance**

QUARTERLY UPDATE: 12/31/2021  
**Executive Council Agenda -- Information Item**

**Agency** Iowa Department of Homeland Security and Emergency Management  
**Contact Name** Dennis Harper, Recovery Division Administrator  
**Contact Phone** 515-725-9348  
**Contact Email** [dennis.harper@iowa.gov](mailto:dennis.harper@iowa.gov)

Declaration Number	Date of Event		Type of Event	Executive Council Authorized/Allocated	Expended Year-to-Date	Remaining State Liability	"X" if Final Update
DR 1763	05/25/2008	to 08/13/2008	Severe Storms, Tornadoes, Floods	\$ 98,399,526.00	\$ 96,645,148.11	\$ 1,754,377.89	
DR 4334	07/19/2017	to 07/23/2017	Severe Storms, Tornadoes, SL Winds, Floods	\$ 2,046,749.00	\$ 1,571,927.02	\$ 474,821.98	
DR 4386	06/06/2018	to 07/02/2018	Severe Storms, Tornadoes, SL Winds, Floods	\$ 5,588,108.00	\$ 1,820,998.86	\$ 3,767,109.14	
DR 4392	07/19/2018	to 07/19/2018	Severe Storms, Tornadoes	\$ 1,047,894.00	\$ 455,030.66	\$ 592,863.34	
DR 4421	03/12/2019	to 06/15/2019	Severe Storms, Flooding	\$ 18,577,269.00	\$ 7,384,431.49	\$ 11,192,837.51	
DR 4557	08/10/2020	to 08/10/2020	Severe Storms	\$ 49,134,563.00	\$ 11,098,850.88	\$ 38,035,712.12	
FMA 2019	09/14/2020	to 09/14/2020	Hazard Mitigation Assistance (Iowa Code 29C.7)	\$ 15,275.00	\$ 275.00	\$ 15,000.00	
PDM 2019	09/15/2020	to 09/15/2020	Hazard Mitigation Assistance (Iowa Code 29C.7)	\$ 119,139.00	\$ 46,667.82	\$ 72,471.18	
<b>TOTALS</b>				<b>\$ 174,928,523.00</b>	<b>\$ 119,023,329.84</b>	<b>\$ 55,905,193.16</b>	

The above data is provided as an information update to the Executive Council of Iowa.


 Digitally signed by Dennis T Harper  
 Date: 2022.01.06 13:46:00 -06'00'

## STATUS OF STATE AID (Iowa Code 29C.20) NON-HSEMD ALLOCATIONS

Quarterly Update, 12/31/2021

Presented by Office of Treasurer of State

Job Number	Date of Event	Department	Type of Event	Original Allocation	Remaining State Liability
1944	09/29/2016	DNR	Flood damage at various Iowa State Parks	\$ 93,139.02	\$ 61,619.12
2010	06/21/2018	DNR	Heavy rains damaged multiple wildlife management areas	\$ 75,470.97	\$ 75,470.97
2180	10/29/2018	DNR	Flooding damage at Big Marsh WMA in Butler County	\$ 12,000.00	\$ 12,000.00
2017	11/07/2018	DNR	Damage to the road crossings at Little Sioux Wildlife Management Area in Clay County	\$ 27,210.00	\$ 21,235.51
2008	03/14/2019	DNR	Flood damage to George Wyth State Park in Black Hawk County	\$ 60,339.50	\$ 35,923.52
2139	03/14/2019	DNR	Flood damage at Fairport State Recreations Area in Tama County	\$ 20,374.85	\$ 20,374.85
2142	03/14/2019	DNR	Flood damage Lake Manawa State Park in Pottawattamie County	\$ 5,464.13	\$ 5,464.13
2143	03/14/2019	DNR	Flood damage at Dolliver State Park in Wester County	\$ 12,530.00	\$ 12,530.00
21AB	03/15/2019	DNR	Flood damage at Wapsipinicon State Park in Jones County	\$ 12,739.51	\$ 12,739.51
2138	03/16/2019	DNR	Flood damage at Pikes Peak State Park in Clayton County	\$ 6,708.70	\$ 6,708.70
2165	03/16/2019	DNR	Flood damage to wildlife areas in Lucas, Wayne and Appanoose Counties	\$ 121,185.93	\$ 121,185.93
2137	03/18/2019	DNR	Flood damage at Walnut Woods State Park in Polk County	\$ 6,959.36	\$ 6,959.36
2164	03/19/2019	DNR	Flood damage to wildlife areas in Keokuk County	\$ 51,345.00	\$ 51,345.00
2155	03/21/2019	DNR	Flooding damage at Great Lakes Wildlife Unit	\$ 12,077.53	\$ 12,077.53
19AU	05/16/2019	DPS	Damage to vehicle #239 by a raccoon in Worth County	\$ 2,448.49	\$ 2,448.49
2018	06/05/2019	DNR	Hail Storm caused damage to various buildings at Lacey Keosauqua State Park in Van Buren County	\$ 64,218.00	\$ 69,560.61
2051	06/30/2019	DNR	Storm damage to Maquoketa Caves State Park	\$ 77,190.00	\$ 65,000.00
2175	12/16/2019	U of I	Sewer back up damage at the Engineering Research Facility	\$ 13,469.60	\$ 13,469.60
2131	02/02/2020	LSA	Capitol Building damage by vandalism	\$ 8,760.21	\$ 8,760.21
2123	05/29/2020	IWD	150 Des Moines Street Building damaged by vandalism	\$ 4,279.95	\$ 4,279.95
2106	07/26/2020	DNR	Flooding damage at Red Rock Wildlife Management Unit	\$ 5,022.50	\$ 5,022.50
2121	08/10/2020	DAS	Storm damage to Capitol Complex	\$ 236,678.00	\$ 205,113.25
2147	08/10/2020	ICN	Damage to equipment, fiber cable, HVAC and multiple services outages due to the derecho	\$ 61,264.36	\$ 61,264.36
2160	08/10/2020	DPS	Damage to vehicle #383 when a building collapsed while at the repair shop	\$ 10,953.40	\$ 10,953.40
2176	08/10/2020	DOT	Derecho damage to numerous DOT buildings and facilities	\$ 1,493,236.27	\$ 840,206.34
2181	08/10/2020	DNR	Derecho damage to multiple parks	\$ 215,049.00	\$ 198,350.56
2159	10/05/2020	DAS	Damage to vehicle #2855 by a deer	\$ 6,028.79	\$ 6,028.79
2177	11/13/2020	DOC	Boiler failure in the main facility - IMCC	\$ 146,872.00	\$ 21,046.41
2154	01/11/2021	HSEMD	Pre-Disaster Mitigation Program	\$ 119,139.00	\$ 49,919.00
2197	03/17/2021	U of I	Broken water pipe/fire sprinkler water damage at Papajohn Education Center	\$ 15,959.01	\$ 15,959.01

2195	04/06/2021	ICN	Damage to cable due to exposure in Audubon County	\$	79,930.68	\$	79,930.68
2199	04/09/2021	ICN	Damage to cable due to accidental tripping of fire suppression system at DMACC Ankeny	\$	7,327.00	\$	7,327.00
2188	04/14/2021	ICN	Damage to cable due to erosion in Appanoose County	\$	45,941.45	\$	45,941.45
2192	04/14/2021	ICN	Damage to cable due to exposure in Jasper County	\$	18,176.65	\$	18,176.65
2194	04/16/2021	ICN	Damage to cable due to rodent chew in Palo Alto County	\$	45,234.23	\$	45,234.23
21AA	04/29/2021	ISF	Water line break caused damage to the Iowa State Fair Administration Building	\$	6,750.91	\$	6,750.91
2196	05/14/2021	ICN	Damage to cable due to excessive erosion in Lucas County	\$	88,736.85	\$	88,736.85
21AD	05/21/2019	DNR	Flood damage at Green Island Wildlife Area in Jackson County and Princeton Wildlife in Scott County	\$	153,161.11	\$	153,161.11
21AC	05/30/2019	DNR	Flood damage at Odessa Wildlife Management Area in Louisa County	\$	25,822.95	\$	25,822.95
2255	11/09/2020	DAS	Damage to vehicle #1344 by a deer	\$	2,853.00	\$	2,853.00
2235	11/29/2020	DPS	Damage to vehicle #88 by a raccoon	\$	2,525.50	\$	2,525.50
2238	12/21/2020	DPS	Damage to vehicle #380 by a raccoon	\$	2,977.20	\$	2,977.20
2237	01/11/2021	DPS	Damage to vehicle #191 by a raccoon	\$	2,485.00	\$	2,485.00
2236	01/14/2021	DPS	Damage to vehicle #109 by a deer	\$	6,830.00	\$	6,830.00
2223	06/22/2021	DAS	Damage to vehicle #2659 by a deer	\$	3,608.39	\$	3,608.39
21AE	06/23/2021	ICN	Damage to cable due to exposure in Webster County	\$	13,908.72	\$	13,908.72
2227	04/10/2021	DHS	Wind and hail storm damage to windows, roof and siding at Woodward Resource Center	\$	586,880.00	\$	586,880.00
2245	06/09/2021	DPS	Damage to vehicle #176 by a raccoon	\$	2,421.85	\$	2,421.85
2259	06/18/2021	DAS	Damage to vehicle #2857 by hail	\$	2,383.48	\$	2,383.48
2246	06/19/2021	DPS	Damage to vehicle #257 by a deer	\$	9,072.00	\$	9,072.00
2229	06/21/2021	DNR	Hail damage at Colyn Wildlife Management Area in Lucas County	\$	35,500.00	\$	35,500.00
2244	06/28/2021	DPS	Damage to vehicle #152 by a deer	\$	2,149.68	\$	2,149.68
2247	07/09/2021	DAS	Damage to vehicles #111, #697, #74, #902 and #633 by hail	\$	15,587.92	\$	15,587.92
2248	07/09/2021	DAS	Damage to vehicle #296 by hail	\$	5,262.10	\$	5,262.10
2249	07/09/2021	DAS	Damage to vehicles #455, #202 and #155 by hail	\$	4,988.94	\$	4,988.94
2250	07/09/2021	DAS	Damage to vehicle #581 by hail	\$	5,015.48	\$	5,015.48
2251	07/09/2021	DAS	Damage to vehicle #628 by hail	\$	6,476.51	\$	6,476.51
2253	07/09/2021	DAS	Damage to vehicles #696, #319, #61, #31 and #775 by hail	\$	13,572.92	\$	13,572.92
2254	07/09/2021	DAS	Damage to vehicles #1305, #1499, #1348, #1714 and #2089 by hail	\$	5,675.50	\$	5,675.50
2256	07/09/2021	DAS	Damage to vehicles #2013, #1929 and #2243 by hail	\$	5,498.55	\$	5,498.55
2257	07/09/2021	DAS	Damage to vehicle #2164 by hail	\$	2,908.50	\$	2,908.50
2258	07/09/2021	DAS	Damage to vehicle #2617 by hail	\$	4,770.92	\$	4,770.92
2260	07/09/2021	DAS	Damage to vehicle #105115 by hail	\$	4,869.76	\$	4,869.76
2252	07/23/2021	DAS	Damage to vehicle #1079 by a deer	\$	2,630.56	\$	2,630.56
2241	08/04/2021	DPS	Damage to vehicle #126 by a deer	\$	4,397.10	\$	4,397.10

2240	08/11/2021	DPS	Damage to vehicle #77 by a fallen tree	\$	6,155.34	\$	6,155.34
2234	08/18/2021	ICN	Damage to cable due to excessive erosion along Hwy 148 in Taylor County	\$	18,937.52	\$	18,937.52
2230	08/30/2021	DNR	Flood damage at Sweet Marsh WMA and Leopold WMA in Bremer County	\$	106,800.00	\$	106,800.00
2233	09/02/2021	ICN	Damage to cable due to exposed equipment along Hwy 24 in Winneshiek County	\$	39,022.12	\$	39,022.12
2242	09/06/2021	DPS	Damage to vehicle #138 by a deer	\$	17,492.25	\$	17,492.25
2232	09/07/2021	ICN	Damage to cable due to exposure along Hwy 24 in Chickasaw County	\$	28,867.95	\$	28,867.95
2243	09/08/2021	DPS	Damage to vehicle #143 by a deer	\$	11,389.18	\$	11,389.18
2239	09/23/2021	DPS	Damage to vehicle #55 by a deer	\$	5,322.91	\$	5,322.91
<b>TOTALS</b>				<b>\$</b>	<b>4,458,431.76</b>	<b>\$</b>	<b>3,493,335.29</b>