



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, December 12, 2022 at 10:00 AM

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## MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Treasurer of State Michael Fitzgerald, and Secretary of Agriculture Michael Naig were present. Auditor of State Rob Sand arrived after approval of minutes.

### 1. Approval of Minutes

Moved by Secretary Pate and seconded by Treasurer Fitzgerald that the Council approve the minutes from the Executive Council Meeting held on November 21, 2022 and the Board of Canvass meeting held on December 1, 2022.

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

### 2. Personal Appearances

Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request funds in the amount of \$9,127.48 pursuant to Iowa Code 29C.8(3)(f)(1) and Iowa Administrative Code 605, Chapter 12 in regard to activation to Highly Pathogenic Avian Influenza (HPAI) in Hardin County.

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

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

Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request funds in the amount of \$25,425.56 pursuant to Iowa Administrative Code 605—12.5(4) in regard to a search and rescue mission of a missing person in Winneshiek County near Decorah, Iowa.

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

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

### 3. Iowa Code §7D.10

Moved by Treasurer Fitzgerald 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 \$18,400.00.

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

### 4. Special Counsel

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

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the Iowa Grain Indemnity Fund Board with respect to claims asserted in a bankruptcy matter, *In re Pipeline Foods*, Case No. 21-11002, pending in Delaware.

Firm: Bielli & Klauder LLC  
1204 N. King Street  
Wilmington, DE 19801

Rate: Fees and associated costs of litigation will be paid by the board and will range from \$225 to \$400 per hour

- B. The Department of Justice, Attorney General’s office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the University of Iowa with respect to claims asserted in *Wadley v. University of Iowa*, Case No. 4:20-cv-366, in the United States District Court for the Southern District of Iowa.

Firm: Shuttleworth & Ingersoll, PLC  
115 3rd Street SE  
Cedar Rapids, IA 52401

Rate: Fees and associated costs of litigation will be paid by the University of Iowa and will range from \$250 to \$325 per hour

- C. The Department of Justice, Attorney General’s office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to Iowa State University and the State of Iowa with respect to claims asserted in *Ben-David v. Iowa State University*, Case No. LACV052940, in the Iowa District Court for Story County.

Firm: Nyemaster Goode  
700 Walnut, Suite 1600  
Des Moines, IA 50309

Rate: Rates and associated costs of litigation will be paid by Iowa State University at \$360 per hour

- D. The Department of Justice, Attorney General’s office requests retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to Iowa State University and the State of Iowa with respect to claims asserted in *Ben-David v. Iowa State University*, Case No. LACV052940, in the Iowa District Court for Story County.

Firm: Hallquist Law Firm, LLC  
17 Janssen Place  
Kansas City, MO 64108

Rate: Rates and associated costs of litigation will be paid by Iowa State University at \$350 per hour

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

## 5. Emergency Allocations

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

- A. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$2,962.89. This brings to total allocation to \$38,462.89. On June 21, 2021, hail caused damages at the Colyn Wildlife Management Area in Lucas County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

- B. Department of Natural Resources requested an emergency allocation in the amount of \$55,950.00. On May 2, 2022, a large tree fell on Balance Rock Boardwalk stairs at Maquoketa Caves State Park. Request was to cover repair costs.
- C. Iowa Workforce Development requested a supplemental emergency allocation in the amount of \$1,065.92. This brings to total allocation to \$5,345.87. On May 29, 2020, damaged was caused by vandalism at 150 Des Moines Street. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Woodward Resource Center requested a supplemental emergency allocation and reimbursement in the amount of \$155,873.87. This brings to total allocation to \$351,584.76. On August 10, 2020, a derecho damaged multiple roofs, trees and caused water damage. Request was to cover repair costs.
- E. Department of Public Safety requested an emergency allocation in the amount of \$2,041.60. On December 7, 2021, high winds caused damaged to the door springs of State Patrol Vehicle #414. Request was to cover repair costs.
- F. Department of Public Safety requested an emergency allocation in the amount of \$7,097.93. On December 18, 2021, State Patrol Vehicle #31 was damaged by a deer. Request was to cover repair costs.
- G. Department of Public Safety requested an emergency allocation in the amount of \$2,572.00. On February 25, 2022, State Patrol Vehicle #478 was damaged by a deer. Request was to cover repair costs.
- H. Department of Public Safety requested an emergency allocation in the amount of \$3,019.40. On February 28, 2022, State Patrol Vehicle #372 was damaged by a deer. Request was to cover repair costs.
- I. Department of Public Safety requested an emergency allocation in the amount of \$5,045.35. On April 12, 2022, State Patrol Vehicle #371 was damaged due to hail/storms. Request was to cover repair costs.
- J. Department of Public Safety requested an emergency allocation in the amount of \$3,136.10. On April 30, 2022, State Patrol Vehicle #384 was damaged by a pheasant. Request was to cover repair costs.
- K. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$6,618.24. On June 19, 2022, State Patrol Vehicle #236 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- L. Department of Public Safety requested an emergency allocation in the amount of \$9,042.62. On July 2, 2022, State Patrol Vehicle #425 was damaged by a deer. Request was to cover repair costs.

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

**6. Payment of Cost Items**

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

- A. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$290.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees
  
- B. Patterson Law Firm L.L.P.....\$64.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa
  
- C. Patterson Law Firm L.L.P.....\$528.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Robert Allen v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa
  
- D. Patterson Law Firm L.L.P.....\$32.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald Briggie v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa
  
- E. Patterson Law Firm L.L.P.....\$1,216.00  
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
  
- F. Patterson Law Firm L.L.P.....\$832.00  
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
  
- G. Patterson Law Firm L.L.P.....\$139.00  
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

- H. Patterson Law Firm L.L.P.....\$512.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa
- I. Patterson Law Firm L.L.P.....\$873.00  
 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
- J. Patterson Law Firm L.L.P.....\$64.00  
 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


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

**7. Information Items**

- A. The City of Volga made their third Contingency Loan payment of \$1,560.00. This loan was approved for \$31,200.00 on November 2, 2020 and is prorated not to exceed twenty years. Total repayment to date: \$4,680.00.
- B. Per Iowa Code 161E.14, the Johnson County Auditor certifies the amounts allocated to each school district, local fire departments of the unincorporated villages, townships, and cities of the county which are principally affected by the federal flood control project involved, to be paid and prorated among them as determined by the board of supervisors for FY22.

**Adjourn Meeting**

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

Respectfully submitted,  
  
 Victoria Newton