



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, July 01, 2024 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, Auditor of State Rob Sand, Treasurer of State Roby Smith and Secretary of Agriculture Mike Naig were present.

1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the minutes from the Executive Council meeting held on June 3, 2024.

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

2. Special Counsel

Moved by Auditor Sand and seconded by Treasurer Smith that the Council approve the following request:

- A. The Department of Justice, Attorney General's office, requested retention of special counsel pursuant to Iowa Code section 13.7 to represent Iowa Department of Revenue (IDR) to provide IP-related services for the Iowa Lottery, which includes reviewing new and proposed games for trademark issues.

Firm:	Dentons Davis Brown PC
Attorney:	Matthew Coryell 215 10th Street, Suite 1300 Des Moines, IA 50309
Rate:	\$470.00 per hour with all attorney fees and costs to be paid from IDR funds and not general fund dollars.

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

Moved by Auditor Sand and seconded by Treasurer Smith that the Council approve the following request:

- B. The Department of Justice, Attorney General’s office, requested retention of special counsel pursuant to Iowa Code section 13.7 to represent the University of Iowa Health Care Medical Center Downtown in proceedings seeking to have its Medicare Inpatient Prospective Payment Rate rebased.

Firm: Bass, Berry & Sims, PLC
1201 Pennsylvania Avenue NW, Suite 300
Washington, DC 20004

Rate: There is no cost to the Medical Center for this representation. Mercy Hospital Iowa City and Besler, a Medicare reimbursement contractor, entered into a contract in 2019 under which Besler would attempt, on a contingency basis, to secure greater Medicare reimbursements for the hospital. Bass, Berry & Sims would be hired and paid for under that contract, which the University of Iowa inherited as part of its purchase of Mercy Iowa City out of bankruptcy.

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

3. Leases

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

- A. Lease between DNR and Matteson Marine Service, Inc.
Date of Lease: May 1, 2024 to April 30, 2029
Legal Description: A parcel in the bed of the Mississippi River including approximately 1,600 feet of frontage by 175 feet of depth located at the vicinity of Mississippi River Mile 430.3 located in sections 9 and 16, Township 73 North, Range 1 West of the 5th P.M., Louisa County, Iowa.
Purpose: Barge fleeting
Annual Fee: \$12,656.00

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

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

- B. Lease between DNR and Matteson Marine Service, Inc.
Date of Lease: October 1, 2024 to May 31, 2029
Legal Description: A parcel in the bed of the Mississippi River including approximately 100 feet of depth by 600 feet of length, Mississippi River Mile 427.7, located in Sec. 22, Twp 73N, R 1W of the 5th P.M., Louisa County, Iowa. The leased area begins 400 feet downstream of the Minneapolis and St. Louis Railroad Bridge, which is approximately 25 miles south of Muscatine, IA.
Purpose: Barge fleeting
Annual Fee: \$2,712.00

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

4. Emergency Allocations

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

- A. Board of Regents is requesting an emergency allocation in the amount of \$18,233.77. On May 7, 2023, the outfield net at University of Iowa's Hawkeye Softball Complex was damaged by strong winds. Request was to cover repair costs.
- B. Board of Regents is requesting an emergency allocation in the amount of \$23,626.00. On July 31, 2023, a window at University of Iowa's Voxman Music Building was damaged. Request was to cover repair costs.
- C. Department of Natural Resources is requesting an emergency allocation in the amount of \$5,000. On January 26, 2024, the stone entrance portal at Maquoketa Caves State Park was damaged by snowfall. Request was to cover repair costs.
- D. Department of Natural Resources is requesting an emergency allocation in the amount of \$104,269.02. On February 29, 2024, a skid loader at Red Rock Wildlife was destroyed by a fire. Request was to cover repair costs.
- E. Iowa Communications Network is requesting an emergency allocation in the amount of \$35,105.42. On March 14, 2024, a cable along 170th Street in Osceola County was damaged due to gopher chewing. Request was to cover repair costs.
- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$12,490.78. On April 8, 2024, a cable along Highway 5 in Monroe County was damaged due to excessive erosion. Request was to cover repair costs.
- G. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$1,125.14. This brings the total allocation to \$3,275.06. On February 19, 2024, Vehicle #27 was damaged by a raccoon. Request was to cover repair costs.

- H. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$192.00. This brings the total allocation to \$7,126.20. On March 14, 2024, Vehicle #63 was damaged by a deer. Request was to cover repair costs.
- I. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,241.17. On March 26, 2024, Vehicle #109 was damaged by a deer. Request was to cover repair costs.
- J. Department of Administrative Services is requesting an emergency allocation in the amount of \$7,378.68. On March 28, 2024, Vehicle #116 was damaged by a deer. Request was to cover repair costs.
- K. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,932.69. On March 29, 2024, Vehicle #1546 was damaged by a deer. Request was to cover repair costs.
- L. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,313.84. On March 30, 2024, Vehicle #110 was damaged by a raccoon. Request was to cover repair costs.
- M. Department of Administrative Services is requesting an emergency allocation in the amount of \$7,959.40. On April 14, 2024, Vehicle #171 was damaged by a deer. Request was to cover repair costs.
- N. Department of Administrative Services is requesting an emergency allocation in the amount of \$9,302.78. On April 19, 2024, Vehicle #1016 was damaged by a deer. Request was to cover repair costs.
- O. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,198.25. On April 26, 2024, Vehicle #36 was damaged by hail. Request was to cover repair costs.
- P. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,294.75. On April 26, 2024, Vehicle #72 was damaged by hail. Request was to cover repair costs.
- Q. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,135.13. On April 26, 2024, Vehicle #1274 was damaged by a tornado. Request was to cover repair costs.
- R. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,162.20. On April 30, 2024, Vehicle #337 was damaged by hail. Request was to cover repair costs.
- S. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,238.50. On April 30, 2023, Vehicle #593 was damaged by hail. Request was to cover repair costs.
- T. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,722.34. On May 3, 2024, Vehicle #1546 was damaged by a deer. Request was to cover repair costs.

- U. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,920.80. On May 8, 2024, Vehicle #1085 was damaged by a deer. Request was to cover repair costs.

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

5. Payment of Cost Items

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

- A. Board of Regents - University of Iowa\$18,095.00
 On August 15, 2022, windows at Pappajohn Medical Center were damaged by gunshots.
 Request was to cover repair costs.
- B. Department of Administrative Services\$14,954.52
 On December 29, 2023, various vehicles were damaged due to vandalism. Request was to cover repair costs.
- C. Department of Administrative Services\$2,624.78
 On February 23, 2024, Vehicle #1102 was damaged by a deer. Request was to cover repair costs.
- D. Department of Natural Resources\$10.00
 Drainage Assessments Pursuant to Iowa Code Section 468.43:
 Dickinson \$10.00
- E. Dentons Davis Brown Law Firm.....\$950.00
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309
Registration of Trademark - Iowa DOT Logo
- F. Richard J. Bennett, Sr.....\$2,322.00
 PO Box 65666
 West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office
- G. Gray Miller Persh, LLP.....\$928.20
 2233 Wisconsin Avenue NW
 Suite 226
 Washington, D.C. 20007
Iowa PBS
- H. Kevin Cmelik.....\$2,640.00
 814 Shawnee Avenue

Des Moines, IA 50313
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

- I. Dentons Davis Brown Law Firm.....\$350.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Unclaimed Property Probate Matters
- J. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$500.00
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
- K. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Amy Ausborn v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa
- L. Patterson Law Firm L.L.P.....\$592.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa
- M. Patterson Law Firm L.L.P.....\$400.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Betty Detert v. DHS Johnson County and State of Iowa and Second Injury Fund of Iowa
- N. Patterson Law Firm L.L.P.....\$64.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Sam Ferrell and Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa
- O. Patterson Law Firm L.L.P.....\$411.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Funk v. Iowa State Fair and State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P.....\$568.00
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

- Q. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Sharon Jackson v. University of Iowa Hospitals and Clinics and State of Iowa and Second Injury Fund of Iowa
- R. Patterson Law Firm L.L.P.....\$861.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Larson v. Newton Correctional Facility and Clinics and State of Iowa and Second Injury Fund of Iowa
- S. Patterson Law Firm L.L.P.....\$208.00
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
- T. Patterson Law Firm L.L.P.....\$115.00
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
- U. Marquess & Hoyer Law Office, P.C.....\$6,000.00
203 W. High Street
P.O. Box 51
Toledo, IA 52342
Criminal Prosecution for Meskwaki Settlement Matters
- V. Marquess & Hoyer Law Office, P.C.....\$6,000.00
203 W. High Street
P.O. Box 51
Toledo, IA 52342
Criminal Prosecution for Meskwaki Settlement Matters

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

6. Information Items

- A. Correspondence received by Robert Gast, State Court Administrator, Judicial Branch.
- B. The City of Eldora made their twelfth Contingency Loan payment of \$21,800. This loan was approved for \$196,800.00 on October 18, 2010, and is prorated not to exceed twenty years. Total repayment to date: \$196,800.00.
- C. The City of Sumner I made their seventh Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on September 25, 2017, and is prorated not to exceed twenty years. Total repayment to date: \$350,000.00.

7. Adjourn Meeting

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

Respectfully submitted,
Kristi Onstot
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