



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, November 21, 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 Secretary Naig that the Council approve the minutes from the Executive Council Meeting held on October 10, 2022.

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

2. Iowa Code §7D.10

Moved by Treasurer Fitzgerald and seconded by Secretary Naig that the Council approve the request from the Attorney General's office for payment of Expenses under Iowa Code §7D.10 in the amount of \$11,200.00.

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

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 \$32,579.80.

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

3. Outside Counsel

Moved by Secretary Naig seconded by Treasurer Fitzgerald 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 outside counsel pursuant to Iowa Code section 13.3(1) in *Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm:	Patterson Law Firm, L.L.P.
Attorney:	Ryan Clark 505 5th Avenue Suite 729 Des Moines, IA 50309
Rate:	\$160.00 Per Hour

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Ronald Simmons v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm:	Patterson Law Firm, L.L.P.
Attorney:	Ryan Clark 505 5th Avenue Suite 729 Des Moines, IA 50309
Rate:	\$160.00 Per Hour

- C. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm:	Patterson Law Firm, L.L.P.
Attorney:	Ryan Clark 505 5th Avenue Suite 729 Des Moines, IA 50309
Rate:	\$160.00 Per Hour

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

4. Special Counsel

Moved by Secretary Naig seconded by Treasurer Fitzgerald 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 University of Iowa Hospitals and Clinics (UIHC) and former UIHC employee Dr. Ademola Abiose with respect to claims asserted in *D.J. et al. v. University of Iowa Hospitals and Clinics, et al.*, Case No. 2:22:-cv-00752-CB (W.D. Pa 2022) (Fabry Working Group Litigation).

Firm: Husch Blackwell
 120 South Riverside Plaza, Suite 2200
 Chicago, IL 60606-3912
Rate: Fees charged will be reduced 15% from standard rates and range from \$680 to \$370 per hour. Fee and associated costs of litigation will be paid by UIHC.

- B. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.7 to continue representation for the State of Iowa in criminal cases when the offenses are committed by non-natives against non-natives or without a victim on the Sac and Fox Indian Settlement in Tama County through June 30, 2023.

Attorney: Michael Marquess
 2183 Docks Drive
 Garwin, IA 50632
Rate: \$5,000.00 per month retainer plus litigation expenses

- 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 *Shirtcliff v. State of Iowa*, Case No. LACV052619, in the Iowa District Court for Story County.

Firm: Husch Blackwell
 4801 Main Street, Suite 1000
 Kansas City, MO 64112-2551
Rate: Fees charged will be the same as those charged by the firm for work with other public universities and range from \$341 to \$393 per hour for attorneys. The fees will be subject to a 5% annual escalation through 2024.

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

5. Emergency Allocations

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

- A. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$21,672.58. On April 6, 2022, an exposed cable was damaged at the culvert along Highway 63 in Davis County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- B. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$12,702.97. On May 3, 2022, an exposed cable was damaged at the culvert along Highway 59 in Crawford County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- C. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$986.95. This brings to total allocation to \$69,746.67. On May 3, 2022, excessive erosion and an exposed cable caused damage at 3 locations along Highway 5 in Appanoose County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$1,268.70 This brings to total allocation to \$18,213.88. On May 5, 2022, excessive erosion and an exposed cable caused damage along Highway 149 in Wapello County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- E. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$659.98. This brings to total allocation to \$17,556.98. On June 6, 2022, a rodent chew caused cable damage along I-80 near West Branch in Cedar County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- F. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$15,670.24. On August 9, 2022, a cable was damaged by a rodent chew along E 14th Street near I-235 Ramp in Polk County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- G. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$73,304.24. On August 31, 2022, a cable was damaged by a rodent chew at Highway 18 and 200th Street in Fayette County. Request was to cover repair costs.
- H. Department of Administrative Services requested an emergency allocation in the amount of \$3,903.76. On March 2, 2022, Vehicle #2204 was damaged by a deer. Request was to cover repair costs.
- I. Department of Administrative Services requested an emergency allocation in the amount of \$2,458.72. On March 5, 2022, Vehicle #2804 was damaged by a tornado. Request was to cover repair costs.
- J. Department of Administrative Services requested an emergency allocation in the amount of \$2,458.72. On May 17, 2022, Vehicle #1782 was damaged by a deer. Request was to cover repair costs.

- K. Department of Administrative Services requested an emergency allocation in the amount of \$5,194.40. On August 8, 2022, Vehicle #105973 was damaged by a deer. Request was to cover repair costs.
- L. Department of Administrative Services requested an emergency allocation in the amount of \$6,709.64. On August 24, 2022, Vehicle #1122 was damaged by a deer. Request was to cover repair costs.
- M. Department of Administrative Services requested an emergency allocation in the amount of \$13,195.24. On August 31, 2022, Vehicle #1740 was damaged by a deer. Request was to cover repair costs.
- N. Department of Public Safety requested an emergency allocation in the amount of \$11,260.80. On November 21, 2021, State Patrol Vehicle #540 was damaged by a deer. Request was to cover repair costs.
- O. Department of Public Safety requested an emergency allocation in the amount of \$7,980.90. On March 17, 2022, State Patrol Vehicle #246 was damaged by a deer. Request was to cover repair costs.
- P. Department of Public Safety requested an emergency allocation in the amount of \$2,465.75. On April 9, 2022, State Patrol Vehicle #381 was damaged by a raccoon. Request was to cover repair costs.
- Q. Department of Public Safety requested an emergency allocation in the amount of \$9,362.14. On May 21, 2022, State Patrol Vehicle #484 was damaged by a deer. Request was to cover repair costs.
- R. Department of Public Safety requested an emergency allocation in the amount of \$2,173.00. On June 25, 2022, State Patrol Vehicle #105143 was damaged due to hail. Request was to cover repair costs.
- S. Department of Public Safety requested an emergency allocation in the amount of \$4,119.00. On July 2, 2022, State Patrol Vehicle #175 was damaged by a small animal. Request was to cover repair costs.
- T. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,982.37. This brings to total allocation to \$9,707.99. On July 5, 2022, State Patrol Vehicle #193 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- U. Department of Public Safety requested an emergency allocation in the amount of \$3,551.25. On July 11, 2022 State Patrol Vehicle #100 was damaged by hail. Request was to cover repair costs.
- V. Department of Public Safety requested an emergency allocation in the amount of \$8,998.44. On August 19, 2022, State Patrol Vehicle #64 was damaged by hail. Request was to cover repair costs.
- W. Department of Public Safety requested a supplemental emergency allocation in the amount of \$8,722.00. This brings to total allocation to \$53,256.76. On March 5, 2022, numerous ISICS communication towers were damaged by tornado/wind. Request was to cover repair costs.

- X. Department of Public Safety requested an emergency allocation in the amount of \$15,286.00. On April 12, 2022, the microwave path was blown out of alignment due to high winds/storm at the Franklin ISICS Communication Tower. Request was to cover repair costs.
- Y. Department of Public Safety requested an emergency allocation in the amount of \$106,304. On June 25, 2022, a lightning strike and severe storm caused damages to the Jones ISICS Communication Tower. Request was to cover repair costs.
- Z. Department of Public Safety requested an emergency allocation in the amount of \$16,429.00. On July 11, 2022, the microwave path was blown out of alignment due to high winds/storm at the Kossuth ISICS Communication Tower. Request was to cover repair costs.
- AA. Department of Public Safety requested an emergency allocation in the amount of \$8,722.00. On July 11, 2022 and July 14, 2022, the microwave path was blown out of alignment and the radome cover was broken due to high winds/storm at the Denison ISICS Tower. Request was to cover repair costs.
- BB. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$10,462.00. This brings to total allocation to \$22,462.00. On October 29, 2018, a flood caused damages to Big Marsh WMA in Butler County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- CC. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$154.59. This brings to total allocation to \$3,453.55. On November 23, 2021, a fire caused damages to the Yurt Deck at McIntosh Woods State Park. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

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

6. Payment of Cost Items

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

- A. Iowa Communications Network\$18,330.68
 On April 13, 2022, an exposed cable and excessive erosion caused damages at the culvert along Highway 169 in Union County between 230th St and Oriole Avenue. Request was to cover repair costs. This represents full and final payment, \$26.84 will be reverted and this allocation closed.
- B. Iowa Communication Network\$60,490.16
 On April 20, 2022, excessive erosion caused damages in multiple areas along Highway 34 in Monroe County. Request was to cover repair costs. This represents full and final payment, \$95.40 will be reverted and this allocation closed.
- C. Iowa State Fair\$151,631.00
 On December 15, 2021, a windstorm caused damages to the Varied Industries Building, Soda Shop, Grandstand and General Store. Request was to cover repair costs. This represents full and final payment, \$2,641.00 will be reverted and this allocation closed.

- D. Board of Regents - Iowa School for the Deaf\$50,303.00
On December 15, 2021, a wind and storm caused damages to the Administration Building, Parking Garage and Lied Multi-Purpose Center. Request was to cover repair costs. This represents partial payment.
- E. Board of Regents - University of Northern Iowa\$40,887.18
On November 29, 2021, a steam pipe break caused damages to the gymnasium floor at the Wellness Recreation Center. Request was to cover repair costs. This represents full and final payment.
- F. Board of Regent - University of Iowa.....\$11,012.02
On August 10, 2021, a failed air handling unit caused water damages to the Pomerantz Center. Request was to cover repair costs. This represents full and final payment.
- G. Department of Natural Resources.....\$20,431.77
On September 29, 2016, a flood caused damages at various Iowa state parks. Request was to cover repair costs. This represents full and final payment, \$41,187.35 will be reverted and this allocation closed.
- H. Department of Natural Resources\$3,750.00
On August 12, 2021, a tree caused damage to the West Gate Shelter at Backbone State Park. Request was to cover repair costs. This represents full and final payment, \$250.00 will be reverted and this allocation closed.
- I. Department of Natural Resources\$49,240.69
On August 30, 2021, a flood caused damages at Sweet March WMA and Leopold WMA in Bremer County. Request was to cover repair costs. This represents partial payment.
- J. Department of Public Safety\$7,980.90
On March 17, 2022, State Patrol Vehicle #246 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- K. Department of Public Safety.....\$2,173.00
On March 25, 2022, Vehicle #105143 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- L. Department of Public Safety\$2,465.75
On April 9, 2022, State Patrol Vehicle #381 was damaged by a raccoon. Request was to cover repair costs. This represents full and final payment.
- M. Department of Public Safety\$38,912.30
On March 5, 2022, a tornado and wind caused damaged to numerous ISICS Communication Towers. Request was to cover repair costs. This represents partial payment.
- N. Department of Public Safety.....\$3,551.25
On July 11, 2022, State Patrol Vehicle #100 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- O. Department of Administrative Services\$3,256.90
On May 23, 2019, Vehicle #1601 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.

P. Department of Natural Resources\$106,023.07
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Allamakee	\$1,601.05
Calhoun	\$1,535.00
Clay	\$589.75
Des Moines	\$10,706.00
Dickinson	\$2,880.00
Fremont	\$9,917.90
Hancock	\$29,434.00
Harrison	\$1,372.50
Howard	\$42.00
Humboldt	\$775.93
Jackson	\$548.94
Kossuth	\$12.30
Louisa	\$16,248.00
Mills	\$1,866.33
Monona	\$550.00
Muscatine	\$2,657.00
Pocahontas	\$30.87
Pottawattamie	\$2,635.00
Van Buren	\$232.92
Winnebago	\$4,425.87
Woodbury	\$16,533.09
Worth	\$529.00
Wright	\$899.62

Q. Department of Natural Resources\$21.51
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Mills	\$21.51
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R. Department of Natural Resources\$8.00
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Emmet	\$8.00
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S. Gray Miller Persh, LLP.....\$9,526.60
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS

T. Gray Miller Persh, LLP.....\$2,316.10
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS

- U. Patterson Law Firm L.L.P.....\$96.00
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
- V. Patterson Law Firm L.L.P.....\$16.00
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
- W. 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
- X. Patterson Law Firm L.L.P.....\$256.00
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
- Y. Patterson Law Firm L.L.P.....\$192.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa
- Z. Patterson Law Firm L.L.P.....\$752.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa
- AA. Patterson Law Firm L.L.P.....\$1,472.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- BB. Patterson Law Firm L.L.P.....\$112.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

CC. Patterson Law Firm L.L.P.....	\$32.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Jason Hawk v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa</u>	
DD. Patterson Law Firm L.L.P.....	\$174.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa</u>	
EE. Patterson Law Firm L.L.P.....	\$198.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa</u>	
FF. Patterson Law Firm L.L.P.....	\$112.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa</u>	
GG. Patterson Law Firm L.L.P.....	\$112.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa</u>	
HH. Patterson Law Firm L.L.P.....	\$48.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa</u>	
II. Patterson Law Firm L.L.P.....	\$472.00
729 Insurance Exchange Building	
505 Fifth Avenue	
Des Moines, IA 50309-2390	
<u>Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa</u>	
JJ. Richard J. Bennett, Sr.....	\$2,478.00
PO Box 65666	
West Des Moines, IA 50265	
<u>Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office</u>	

- KK. Richard J. Bennett, Sr.....\$2,742.00
 PO Box 65666
 West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office

- LL. 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

- MM. 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

- NN. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$37.80
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

- OO. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$25.20
 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

- PP. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$291.00
 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

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

7. Information Items

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

8. Adjourn Meeting

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

Respectfully submitted,

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

Victoria Newton