



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, March 04, 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 Auditor Sand that the Council approve the minutes from the Executive Council meeting held on February 5, 2024.

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

2. Iowa Code §7D.10

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$33,600.00.

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

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

3. Special Counsel

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

- A. The Department of Justice, Attorney General's Office, requested retention of special counsel pursuant to Iowa Code Section 13.7, to represent the State of Iowa in criminal appeals cases. Attorney fees and costs will be paid from the Attorney General's Forfeiture Fund.

Attorney: Kevin Cmelik
814 Shawnee Avenue
Des Moines, IA 50313
Rate: \$60/hour

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

Moved by Secretary Naig seconded by Treasurer Smith that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- B. The Department of Justice, Attorney General's Office requested retention of special counsel pursuant to Iowa Code section 13.7 to represent Iowa PBS on highly specialized FCC matters. Attorney fees and costs will be paid from Iowa PBS.

Firm: Gray Miller Persh
1200 New Hampshire Ave. N.W., Suite 410
Washington, D.C. 20036-3802
Rate: \$447 per hour for the next year, with two one-year renewal options subject to a \$5 per hour rate increase per hour.

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

4. Leases

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

A. Lease between DNR and Interstate Power and Light Company

Date of Lease: April 1, 2024 to December 31, 2028

Legal Description: A portion of the bed of the Mississippi River approximately 600 feet in frontage and 400 feet in depth with an appendage of 50 feet in depth and 70 feet in frontage at river mile 660.0 in Sections 2 & 3, Township 98 North, Range 3 East of the 5th P.M. in Allamakee County, Iowa.

Purpose: Piling of coal and remediating the parcel.

Annual Fee: \$9,062.50

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

5. Emergency Allocations

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

- A. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$40,923.47. On March 22, 2022, a drinking fountain malfunction caused water damages to the College of Medicine Administration Building. Request was to cover repair costs.
- B. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$17,350.54. On May 19, 2022, a power surge caused damages to a freezer at the Carver Biomedical Research Building. Request was to cover repair costs.
- C. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$21,763.00. On May 26, 2022, a water leak caused damages to the Carver River Research and Education Facility. Request was to cover repair costs.
- D. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$44,025.40. On June 11, 2022, a failed chilled water pressure pump caused water damages to the Iowa Advanced Technology Laboratories. Request was to cover repair costs.
- E. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$18,095.00. On August 15, 2022, gunshots damaged windows at the Pappajohn Medical Center. Request was to cover repair costs.
- F. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$50,444.19. On December 28, 2022, a frozen water line and leak caused water damages to the Eckstein Medical Research Building. Request was to cover repair costs.
- G. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$145,107.04. On May 7, 2023, the roof of the Oakdale Biology Greenhouse was damaged by hail. Request was to cover repair costs.

- H. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$10,167.00. On October 5, 2023, an exterior window was damaged at the Dental Sciences Building. Request was to cover repair costs.
- I. Board of Regents - Iowa State University requested an emergency allocation and reimbursement in the amount of \$848,146.54. On January 3, 2022, subzero temperatures caused a frozen sprinkler line and water damage to the Enrollment Services Building. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- J. Board of Regents - Iowa State University requested an emergency allocation and reimbursement in the amount of \$15,324.64. On August 24, 2023, a soft water tank failure caused water damages at the Seed Science Building. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- K. Board of Regent - University of Northern Iowa requested an emergency allocation in the amount of \$39,432.07. On October 13, 2023, a lightning strike caused damages to a well pump at the ITTC. Request was to cover repair costs.
- L. Department of Natural Resources requested an emergency allocation in the amount of \$2,730.00. On October 13, 2023, a storm caused damages to the covered picnic table at Lewis and Clark State Park. Request was to cover repair costs.
- M. Department of Natural Resources requested an emergency allocation in the amount of \$3,365.00. On October 19, 2023, a fallen tree caused damages to the log pioneer cabin roof at Ambrose A Call State Park. Request was to cover repair costs.
- N. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$19,788.71. This brings the total allocation to \$33,111.87. On February 8, 2023, an exposed cable was damaged by excessive erosion along Highway 169 in Union County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- O. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$50.00. This brings to total allocation to \$15,550.00. On April 18, 2023, a cable was damaged by a rodent along 150th Street east of Kirkwood Avenue in Floyd County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- P. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$783.38. This brings to total allocation to \$16,846.99. On July 28, 2023, a cable was damaged due to a rodent chew at Highway 59 between E Avenue and F Avenue in Crawford County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- Q. Iowa Communications Network requested a supplemental emergency allocation in the amount of \$17.08. This brings to total allocation to \$12,987.44. On September 14, 2023, an exposed cable was damaged by erosion at Otter Creek along Highway 65 between 190th St and 180th St in Franklin County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

- R. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$28,601.14. On November 1, 2023, a cable was damaged due to excessive erosion along I-80, at Middle Silver Creek in Pottawattamie County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- S. Iowa Communication Agency requested an emergency allocation and reimbursement in the amount of \$14,332.50. On October 31, 2023, a cable was damaged by a rodent chew along 230th Street, East of Highway 27 in Bremer County. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- T. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$5,709.60. This brings the total allocation to \$18,563.85. On May 19, 2023, Vehicle #105872 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 Administrative Services requested an emergency allocation in the amount of \$9,800.14. On August 17, 2023, Vehicle #604 was damaged by a deer. Request was to cover repair costs.
- V. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$1,298.70. This brings to total allocation to \$9,966.91. On September 17, 2023, Vehicle #110 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- W. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$854.50. This brings to total allocation to \$3,906.60. On September 18, 2023, Vehicle #164 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- X. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$461.55. This brings to total allocation to \$5,345.85. On September 21, 2023, Vehicle #1342 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- Y. Department of Administrative Services requested an emergency allocation in the amount of \$2,467.80. On November 5, 2023, Vehicle #247 was damaged by a raccoon. Request was to cover repair costs.
- Z. Department of Administrative Services requested an emergency allocation in the amount of \$4,716.72. On November 8, 2023, Vehicle #2166 was damaged by a deer. Request was to cover repair costs.
- AA. Department of Administrative Services requested an emergency allocation in the amount of \$7,142.59. On November 11, 2023, Vehicle #1388 was damaged by a deer. Request was to cover repair costs.
- BB. Department of Administrative Services requested an emergency allocation in the amount of \$9,385.83. On November 11, 2023, Vehicle #1190 was damaged by a deer. Request was to cover repair costs.
- CC. Department of Administrative Services requested an emergency allocation in the amount of \$8,325.38. On November 17, 2023, Vehicle #105201 was damaged by a deer. Request was to cover repair costs.

- DD. Department of Administrative Services requested an emergency allocation in the amount of \$11,703.00. On November 17, 2023, Vehicle #468 was damaged by a deer. Request was to cover repair costs.
- EE. Department of Administrative Services requested an emergency allocation in the amount of \$13,794.46. On November 21, 2023, Vehicle #418 was damaged by a deer. Request was to cover repair costs.
- FF. Department of Administrative Services requested an emergency allocation in the amount of \$4,189.80. On November 23, 2023, Vehicle #160 was damaged by a deer. Request was to cover repair costs.
- GG. Department of Administrative Services requested an emergency allocation in the amount of \$9,508.93. On November 23, 2023, Vehicle #404 was damaged by a deer. Request was to cover repair costs.
- HH. Department of Administrative Services requested an emergency allocation in the amount of \$6,103.77. On November 26, 2023, Vehicle #39 was damaged by a deer. Request was to cover repair costs.
- II. Department of Administrative Services requested an emergency allocation in the amount of \$3,494.30. On November 30, 2023, Vehicle #117 was damaged by a deer. Request was to cover repair costs.
- JJ. Department of Administrative Services requested an emergency allocation in the amount of \$5,510.50. On December 29, 2023, Vehicle #1069 was damaged by a deer. Request was to cover repair costs.
- KK. Department of Administrative Services requested an emergency allocation in the amount of \$15,929.35. On December 29, 2023, various vehicles were vandalized. Request was to cover repair costs.
- LL. Department of Public Safety requested an emergency allocation in the amount of \$9,170.00. On April 4, 2023, State Patrol Vehicle #357 was damaged by hail. Request was to cover repair costs.
- MM. Department of Public Safety requested an emergency allocation in the amount of \$4,241.25. On April 4, 2023, State Patrol Vehicle #223 was damaged by hail. Request was to cover repair costs.
- NN. Department of Public Safety requested a supplemental emergency allocation in the amount of \$466.60. This brings to total allocation to \$2,708.80. On May 7, 2023, State Patrol Vehicle #340 was damaged by hail. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- OO. Department of Public Safety requested an emergency allocation in the amount of \$8,087.01. On May 10, 2023, State Patrol Vehicle #2879 was damaged by a deer. Request was to cover repair costs.
- PP. Department of Public Safety requested an emergency allocation in the amount of \$3,430.95. On August 9, 2023, State Patrol Vehicle #627 was damaged by a raccoon. Request was to cover repair costs.

- QQ. Department of Public Safety requested a supplemental emergency allocation in the amount of \$771.10. This brings to total allocation to \$5,072.11. On May 15, 2023, State Patrol Vehicle #104 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- RR. Department of Public Safety requested an emergency allocation in the amount of \$4,459.31. On November 14, 2023, State Patrol Vehicle #838 was damaged by a deer. Request was to cover repair costs.
- SS. Department of Public Safety requested an emergency allocation in the amount of \$5,231.00. On November 18, 2023, State Patrol Vehicle #484 was damaged by a deer. Request was to cover repair costs.
- TT. Department of Public Safety requested a supplemental emergency allocation in the amount of \$500.00. This brings to total allocation to \$28,385.68. On August 25, 2023, the Fairfield ISICS tower light system suffered water damage. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- UU. Department of Public Safety requested an emergency allocation in the amount of \$13,500.00. On October 26, 2023, the Appanoose ISICS communication tower had copper and grounding cables stolen. Request was to cover repair costs.
- VV. Department of Public Safety requested an emergency allocation in the amount of \$15,000.00. On January 19, 2024, the Dubuque ISICS communication tower sustained damages due to a winter storm power surge. Request was to cover repair costs.
- WW. Department of Public Safety requested an emergency allocation in the amount of \$8,905.50. On April 4, 2023, hail caused damage to several vehicles and the Post 2 roof. Request was to cover repair costs.
- XX. Department of Health & Human Services - Woodward Resource Center requested a supplemental emergency allocation in the amount of \$261,850.26. This brings to total allocation to \$1,208,850.94. On August 10, 2020, a derecho caused damages to roofs, trees and also caused water damage. 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
 Auditor Sand
 Treasurer Smith
 Secretary Naig
 Nays: None

6. Payment of Cost Items

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

- A. Department of Natural Resources.....\$18,215.58
 On August 10, 2020, a derecho caused damages to multiple parks. Request was to cover repair costs not covered by FEMA. This represents partial payment.

- B. Department of Natural Resources.....\$8,669.26
On September 27, 2023, a fire damaged a skid steer at Lake Macbride State Park. Request was to cover repair costs. This represents full and final payment, \$2,433.24 will be reverted and this allocation closed.
- C. Board of Regents - University of Iowa.....\$78,884.17
On March 13, 2021, an overflowing sick caused water damages at Spence Labs. Request was to cover repair costs. This represents full and final payment.
- D. Board of Regents - University of Iowa.....\$40,231.71
On July 7, 2021, a leaking deionized water line caused water damages to the Medical Education Research Facility. Request was to cover repair costs. This represents full and final payment.
- E. Board of Regents - University of Iowa.....\$91,376.92
On February 5, 2022, frozen and burst water pipes caused damages to the Field House. Request was to cover repair costs. This represents full and final payment.
- F. Board of Regents - University of Iowa.....\$12,846.21
On February 20, 2022, a leaking deionized water line caused water damages at the Pappajohn Biomedical Discovery Building. Request was to cover repair costs. This represents full and final payment.
- G. Department of Administrative Services\$8,031.28
On June 19, 2023, Vehicle #1975 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$45.71 will be reverted and this allocation closed.
- H. Department of Administrative Services.....\$9,728.45
On July 17, 2023, Vehicle #105188 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- I. Department of Administrative Services.....\$3,280.04
On August 19, 2023, Vehicle #1835 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- J. Department of Administrative Services.....\$3,133.50
On October 23, 2023, Vehicle #325 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$100.50 will be reverted and this allocation closed.
- K. Department of Public Safety.....\$10,988.91
On October 22, 2022, State Patrol Vehicle #242 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- L. Department of Public Safety.....\$16,058.80
On May 7, 2023, State Patrol Vehicle #981 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- M. Department of Public Safety.....\$23,374.34
On May 7, 2023, State Patrol Vehicles #256, 162, 525 were damaged by hail. Request was to cover repair costs. This represents full and final payment, \$5,762.17 will be reverted and this allocation closed.

- N. Department of Public Safety.....\$18,975.83
On July 14, 2023, State Patrol Vehicle #70 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$4,285.00 will be reverted and this allocation closed.
- O. Department of Public Safety.....\$4,174.00
On September 23, 2023, State Patrol Vehicle #196 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- P. Department of Public Safety.....\$10,767.21
On October 2, 2023, State Patrol Vehicle #598 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- Q. Department of Public Safety.....\$25,219.62
On December 25, 2022, a burst pipe caused water damages to Post 8. Request was to cover repair costs. This represents partial payment.
- R. Department of Public Safety.....\$2,674.80
On March 31, 2023, hail caused damage to several vehicles and Post 11. Request was to cover repair costs. This represents full and final payment, \$27.20 will be reverted and this allocation closed. As additional damages are identified for the remaining vehicles and Post 11 building, the Department will submit additional allocation and reimbursement requested.
- S. Department of Natural Resources\$124.00
Drainage Assessments Pursuant to Iowa Code Section 468.43:
- | | |
|-------------|----------|
| Cerro Gordo | \$124.00 |
|-------------|----------|
- T. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$126.50
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
- U. Richard J. Bennett, Sr.....\$3,912.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- V. Thomas Hillers.....\$5,000.00
112 Main St West, Suite 100
State Center, IA 50247
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County
- W. Patterson Law Firm L.L.P.....\$352.00
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

- X. Patterson Law Firm L.L.P.....\$552.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Baker v. Iowa Veterans Home and State of Iowa and Second Injury Fund of Iowa
- Y. Patterson Law Firm L.L.P.....\$48.00
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
- Z. Patterson Law Firm L.L.P.....\$311.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Cheryl Doyle-Carrig v. UIHC and State of Iowa and Second Injury Fund
- AA. Patterson Law Firm L.L.P.....\$448.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Sam Ferrell v. Iowa State Penitentiary and State of Iowa and Second Injury Fund
- BB. Patterson Law Firm L.L.P.....\$64.00
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
- Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.
- CC. Patterson Law Firm L.L.P.....\$64.00
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
- DD. Patterson Law Firm L.L.P.....\$256.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Luanna Hollingsworth v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa
- EE. Patterson Law Firm L.L.P.....\$208.00
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

- FF. Patterson Law Firm L.L.P.....\$251.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Stephen Littlepage v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa
- GG. Patterson Law Firm L.L.P.....\$192.00
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
- HH. Patterson Law Firm L.L.P.....\$144.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Wendy Netolicky v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund
- II. Patterson Law Firm L.L.P.....\$240.00
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
- JJ. Patterson Law Firm L.L.P.....\$48.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Jeffrey Welder v. Iowa State University, State of Iowa and Second Injury Fund of Iowa

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

7. Information Items

- A. The Benton Washington Levee made their second Contingency Loan payment of \$55,555.56. This loan was approved for \$1,000,000.00 on June 8, 2020 and is prorated not to exceed twenty years. Total repayment to date: \$365,555.56.

8. Adjourn Meeting

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

Respectfully submitted,

Victoria Newton

Victoria Newton