



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, May 06, 2024 at 10:00 AM

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## MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Secretary of State Paul Pate presided over the meeting. Auditor of State Rob Sand, Treasurer of State Roby Smith, and Secretary of Agriculture Mike Naig were present. Governor Kim Reynolds was absent.

### 1. Approval of Minutes

Moved by Secretary Naig and seconded by Auditor Sand that the Council approve the minutes from the Executive Council meeting held on April 1, 2024.

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

### 2. Personal Appearances

Moved by Secretary Naig and seconded by Treasurer Smith that the Executive Council approve the following request:

- A. Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request the following:
  1. Emergency Allocation and payment in the amount of \$761.59 pursuant to Iowa Code 29C.8(3)(f)(1) and Iowa Administrative Code 605, Chapter 12, in response to the Specialty Team Activation – Cedar Rapids Fire Department (Urban Search & Rescue).

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

Moved by Secretary Naig and seconded by Treasurer Smith that the Executive Council approve the following request:

- B. Nate Ristow, Administrative Rules Coordinator, Office of the Governor, was present to request approval of the Adopted and Final rules from November 6, 2023 Red Tape Review.

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

### 3. Iowa Code §7D.10

- A. Attorney General’s office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$23,200.00.

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

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

### 4. Outside Counsel

Moved by Secretary Naig seconded by Auditor Sand 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 outside counsel pursuant to Iowa Code section 13.3(1) in *Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund*, 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:	Secretary Pate Auditor Sand Treasurer Smith Secretary Naig
	Nays:	None

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:

- B. The Department of Justice, Attorney General's Office, requested retention of outside counsel pursuant to Iowa Code section 13.3(1) in *John Larson v. Newton Correctional Facility 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: Secretary Pate  
Auditor Sand  
Treasurer Smith  
Secretary Naig  
Nays: None

## 5. Special Counsel

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:

- A. The Department of Justice, Attorney General's Office, requested retention of special counsel pursuant to Iowa Code section 13.7(1) to represent 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.

Attorney: Michael Marquess  
203 W. High St.  
P.O. Box 51  
Toledo, IA 52342  
Rate: \$6,000.00 Per Month

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

## 6. Litigation Expense Fund

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the following litigation expense fund request:

- A. Request from the Department of Revenue to expend \$250,000 to cover potential expenses for the fourth quarter of the 2024 fiscal year.

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

## 7. Emergency Allocations

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

- A. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$9,149.40. On October 25, 2021, Seamans Center generators experienced water damages due to HVAC system failure. Request was to cover repair costs.
- B. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$9,634.96. On October 28, 2022, Van Allen Hall experienced water damages due to broken pipe. Request was to cover repair costs.
- C. Board of Regents - Iowa State University requested an emergency allocation and reimbursement in the amount of \$155,292.02. On January 23, 2023, Lagomarcino Hall experienced water damages due to fire. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- D. Department of Administrative Services requested an emergency allocation and reimbursement in the amount of \$4,119.94. On July 20, 2023, Vehicle #2437 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- E. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$119.06. This brings to total allocation to \$4,092.61. On August 11, 2023, Vehicle #1366 was damaged by hail. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- F. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$222.33. This brings the total allocation to \$4,805.38. On October 13, 2023, Vehicle #117271 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- G. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$99.80. This brings to total allocation to \$10,647.50. On September 29, 2023, Vehicle #2323 was damaged by deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

- H. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$1,537.89. This brings the total allocation to \$6,043.87. On October 16, 2023, Vehicle #16 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- I. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$141.91. This brings the total allocation to \$6,197.85. On October 22, 2023, Vehicle #1368 was damaged by deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- J. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$765.45. This brings the total allocation to \$3,413.81. On October 29, 2023, Vehicle #414 was damaged by a raccoon. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- K. Department of Administrative Services requested an emergency allocation in the amount of \$6,272.50. On November 7, 2023, Vehicle #2318 was damaged by a deer. Request was to cover repair costs.
- L. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$131.86. This brings the total allocation to \$7,274.45. On November 11, 2023, Vehicle #1388 was damaged by deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- M. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$3,664.20. This brings to total allocation to \$11,989.58. On November 17, 2023, Vehicle #105201 was damaged by deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- N. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$1,299.59. This brings the total allocation to \$4,793.89. On November 30, 2023, Vehicle #117 was damaged by a deer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- O. Department of Administrative Services requested an emergency allocation in the amount of \$8,853.25. On December 20, 2023, Vehicle #196 was damaged by a deer. Request was to cover repair costs.
- P. Department of Administrative Services requested an emergency allocation in the amount of \$61,586.97. On July 27, 2023, the Oran Pape Building experienced multiple equipment failures due to excessive heat. Request was to cover repair costs.
- Q. Department of Public Safety requested an emergency allocation in the amount of \$4,146.25. On May 7, 2023, State Patrol Vehicle #30 was damaged by hail. Request was to cover repair costs.
- R. Department of Public Safety requested a supplemental emergency allocation in the amount of \$498.26. This brings the total allocation to \$3,929.21. On August 9, 2023, State Patrol Vehicle #627 was damaged by a raccoon. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

- S. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,342.01. This brings to total allocation to \$30,742.02. On September 9, 2023, numerous State Patrol Vehicles were damaged by vandalism. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- T. Department of Public Safety requested a supplemental emergency allocation in the amount of \$133.50. This brings to total allocation to \$8,813.00. On October 8, 2023, State Patrol Vehicle #443 was damaged by 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 \$24,340.00. On October 6, Hardin ISICS Communication Tower was damaged by lightning. Request was to cover repair costs.
- V. Iowa Communication Network requested an emergency allocation in the amount of \$46,677.19. On November 30, 2023, a cable was damaged by a rodent along US 30 near the Carroll and Green County Line. Request was to cover repair costs.
- W. Iowa Communication Network requested an emergency allocation in the amount of \$13,197.36. On December 11, 2023, a cable along 230th street in Madison County was exposed due to erosion. Request was to cover repair costs.
- X. Judicial Branch requested an emergency allocation and reimbursement in the amount of \$152,186.11. On July 19, 2018, Marshall County Courthouse was damaged by a tornado. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- Y. Department of Corrections – Fort Dodge Correctional Facility requested a supplemental emergency allocation in the amount of \$1,007.77. This brings the total allocation to \$177,528.74. On May 9, 2022, Fort Dodge Correctional Facility Cedar Unit was damaged by a hot water tank leak. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- Z. Department of Corrections - Mount Pleasant requested an emergency allocation and reimbursement in the amount of \$7,581.88. On August 31, 2023, a power surge caused damages to boiler and mixer. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.

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

**8. Payment of Cost Items**

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

- A. Board of Regents - University of Northern Iowa .....\$727,051.61  
 On December 15, 2021, Nielsen Fieldhouse and Wellness Recreation Center roofs were damaged by a wind storm. Request was to cover repair costs. This represents full and final payment.

- B. Board of Regents - University of Iowa .....\$17,350.54  
On May 19, 2022, a freezer at Carver Biomedical Research Building was damaged due to a power surge. Request was to cover repair costs. This represents full and final payment.
- C. Board of Regents - University of Northern Iowa .....\$26,310.07  
On October 13, 2023, a well pump at ITTC was damaged by lightning strike. Request was to cover repair costs. This represents full and final payment, \$13,122.00 will be reverted and this allocation closed.
- D. Department of Administrative Services .....\$9,800.14  
On August 17, 2023, Vehicle #604 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- E. Department of Administrative Services .....\$5,551.24  
On October 6, 2023, Vehicle #1461 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- F. Department of Administrative Services .....\$2,443.80  
On November 5, 2023, Vehicle #247 was damaged by a raccoon. Request was to cover repair costs. This represents full and final payment, \$24.00 will be reverted and this allocation closed.
- G. Department of Administrative Services .....\$6,728.25  
On November 11, 2023, Vehicle #1190 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$2,657.58 will be reverted and this allocation closed.
- H. Department of Administrative Services .....\$10,366.60  
On November 17, 2023, Vehicle #468 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$1,336.40 will be reverted and this allocation closed.
- I. Department of Administrative Services .....\$10,331.96  
On November 21, 2023, Vehicle #418 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$3,462.50 will be reverted and this allocation closed.
- J. Department of Public Safety .....\$4,241.25  
On April 4, 2023, State Patrol Vehicle #223 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- K. Department of Public Safety .....\$9,170.00  
On April 4, 2023, State Patrol Vehicle #357 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- L. Department of Public Safety .....\$8,905.50  
On April 4, 2023, Post 2 roof and several State Patrol Vehicles were damaged by hail. Request was to cover repair costs. This represents partial payment. As additional damages are identified, the Department will submit additional allocation and reimbursement requests.
- M. Department of Public Safety .....\$8,087.01  
On May 10, 2023, State Patrol Vehicle #2879 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.

- N. Department of Public Safety .....\$8,722.00  
On March 31, 2023, radome cover on Atlantic ISICS communication tower was damaged by a storm. Request was to cover repair costs. This represents full and final payment.
- O. Department of Public Safety .....\$8,722.00  
On March 31, 2023, radome cover on Shelby ISICS communication tower was damaged by a storm. Request was to cover repair costs. This represents full and final payment.
- P. Department of Public Safety .....\$26,166.00  
On February 21, 2023, radome covers on Sioux County ISICS Communication Tower was damaged by a storm. Request was to cover repair costs. This represents full and final payment.
- Q. Department of Natural Resources .....\$27,794.19  
On April 29, 2019, various wildlife management areas along Missouri River Wildlife Unit were damaged due to flooding. Request was to cover repair costs not covered by FEMA. This represents partial payment.
- R. Department of Natural Resources .....\$166,307.74  
On August 10, 2020, multiple parks were damaged due to derecho. Request was to cover repair costs not covered by FEMA. This represents partial payment.
- S. Department of Natural Resources .....\$2,505.94  
On April 11, 2023, a burglary took place at Palisades-Kepler State Park. Request was to cover repair costs. This represents full and final payment, \$915.13 will be reverted and this allocation closed.
- T. Department of Corrections - Iowa Correctional Institution for Women .....\$10,103.06  
On December 24-26, 2022, extreme cold weather caused frozen and burst pipes. Request was to cover repair costs. This represents full and final payment.
- U. Department of Natural Resources .....\$8,979.86  
Drainage Assessments Pursuant to Iowa Code Section 468.43:
- |           |            |
|-----------|------------|
| Dickinson | \$320.00   |
| Fremont   | \$8,659.86 |
- V. Richard J. Bennett, Sr.....\$3,492.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- W. Kevin Cmelik.....\$1,155.00  
814 Shawnee Avenue  
Des Moines, IA 50313  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- X. Dentons Davis Brown Law Firm.....\$3,900.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309  
Unclaimed Property Probate Matters



Y.	Davis, Brown, Koehn, Shors & Roberts, P.C.....	\$357.50
	The Davis Brown Tower 215 10th Street, Suite 1300 Des Moines, IA 50309-3993 <u>Legal Services to state agencies on issues related to the visa status of prospective state employees</u>	
Z.	Davis, Brown, Koehn, Shors & Roberts, P.C.....	\$100.00
	The Davis Brown Tower 215 10th Street, Suite 1300 Des Moines, IA 50309-3993 <u>Legal Services to state agencies on issues related to the visa status of prospective state employees</u>	
AA.	Gray Miller Persh, LLP.....	\$397.80
	2233 Wisconsin Avenue NW Suite 226 Washington, D.C. 20007 <u>Iowa PBS</u>	
BB.	Gray Miller Persh, LLP.....	\$353.60
	2233 Wisconsin Avenue NW Suite 226 Washington, D.C. 20007 <u>Iowa PBS</u>	
CC.	Thomas Hillers.....	\$8,166.60
	112 Main St West, Suite 100 State Center, IA 50247 <u>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</u>	
DD.	Betty Neuman McMahon, PLC.....	\$4,760.00
	1900 East 54th Street Davenport, IA 52807 <u>Special Counsel McKenrick v. State of Iowa</u>	
EE.	Patterson Law Firm L.L.P.....	\$704.00
	729 Insurance Exchange Building 505 Fifth Avenue Des Moines, IA 50309-2390 <u>John Baker v. Iowa Veterans Home and State of Iowa and Second Injury Fund of Iowa</u>	
FF.	Patterson Law Firm L.L.P.....	\$64.00
	729 Insurance Exchange Building 505 Fifth Avenue Des Moines, IA 50309-2390 <u>David Funk v. Iowa State Fair and State of Iowa and Second Injury Fund of Iowa</u>	

- GG. Patterson Law Firm L.L.P. ....\$314.00  
 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
  
- HH. Patterson Law Firm L.L.P. ....\$131.00  
 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
  
- II. Patterson Law Firm L.L.P. ....\$192.00  
 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. ....\$32.00  
 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:	Secretary Pate Auditor Sand Treasurer Smith Secretary Naig
	Nays:	None

**9. Information Items**

- A. Quarterly status update of State Aid (Iowa Code 29C.20) allocations.
  
- B. The South Central Iowa Landfill Agency made their second Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on August 8, 2022 and is prorated not to exceed twenty years. Total repayment to date: \$100,000.00.
  
- C. Notification from the State Auditor’s Office that funds previously allocated for the Department of Natural Resources to cover damages to Black Hawk State Park on May 5, 2023 are not required; \$15,945.00 will be reverted and this allocation closed.
  
- D. Notification from the State Auditor’s Office that funds previously allocated for the Department of Natural Resources to cover damages to Black Hawk State Park on May 5, 2023 are not required; \$15,945.00 will be reverted and this allocation closed.

## 10. Adjourn Meeting

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

Respectfully submitted,

*Victoria Newton*

Victoria Newton