



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, February 03, 2025 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. Treasurer of State Roby Smith, Secretary of Agriculture Mike Naig, Secretary of State Paul Pate and Auditor of State Rob Sand were present.

1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve of the minutes from the Executive Council meeting held on January 6, 2025.

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

2. Iowa Code §7D.10

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

- A. Attorney General's office requests Payment for Expenses under Iowa Code §7D.10 in the amount of \$17,600.00.

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

3. Outside Counsel

Moved by Secretary Naig and seconded by Treasurer Smith that the Council table the following requests:

- A. The Department of Justice, Attorney General’s Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Mendenhall, Mark v. Clarinda Correctional Facility/State of Iowa, 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 *Grilli, Charles 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

- C. The Department of Justice, Attorney General’s office requests an hourly compensation rate increase for Patterson Law Firm for cases assigned on or after January 1, 2025, from \$160 to \$175 per hour for partners. Raises for other personnel at the firm would be \$155 per hour for an associate, \$100 per hour for a paralegal.

The vote: Ayes: Governor Reynolds
Treasurer Smith
Secretary Naig
Secretary Pate
Auditor Sand

Nays: None

4. Special Counsel

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

- A. The Department of Justice, Attorney General’s Office, requests renewal of the retention of Gray Miller Persch, to represent Iowa PBS on highly specialized FCC matters.

Firm: Gray Miller Persch
1200 New Hampshire Ave. N.W., Suite 410
Washington, D.C. 20036-3802
Rate: \$452 per hour for the duration of one year

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

Moved by Secretary Naig and seconded by Secretary Pate that the Council table the following request:

- B. The Department of Justice, Attorney General’s Office requests retention of special counsel to provide legal services and representation to Iowa with respect to investigations into and possible litigation of certain business practices of Institutional Shareholder Services Inc. (ISS) and Glass Lewis & Co (Glass Lewis). The engagement will be governed by a separate contingent fee agreement under Iowa Code section 23B.3.

Firm: Lehotsky Keller Cohn LLP
 200 Massachusetts Ave NW
 Washington, District of Columbia, 20001

Rate: Governed by a separate contingent fee agreement under Iowa Code section 23B.3

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

5. Leases

Moved by Secretary Pate and seconded by Auditor Sand that the Council table the following lease:

- A. Lease between DNR and Olson - Landowner
Date of Lease: December 1, 2024 to November 30, 2029
Legal Description: An area nineteen (19) feet wide by twenty-eight (28) feet long located adjacent to Lot 18, Block 35, Blue Water Beach Subdivision in Section 2, Township 99 North, Range 35 West of the 5th P.M., Dickinson County, Iowa.
Purpose: The lessees, Randy and Betty, intend to use the property for a deck with stairs
Annual Fee: \$154.95

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

6. Emergency Allocations

Moved by Secretary Pate and seconded by Treasurer Smith that the Council table the following allocations:

- A. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$4,510.85. This brings the total allocation to \$157,671.96. On May 21, 2019, Green Island Wildlife area in Jackson County and Princeton Wildlife Area in Scott County were damaged by flood. Request was to cover repair costs.
- B. Department of Natural Resources requested an emergency allocation in the amount of \$3,250.00. On May 23, 2024, Lake Manawa State Park was damaged by Mosquito Creek flooding. Request was to cover repair costs.
- C. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$338.47. This brings the total allocation to \$2,863.47. On May 29, 2024, McIntosh Woods State Park was damaged by theft. Request was to cover repair costs.
- D. Department of Natural Resources requested an emergency allocation in the amount of \$12,148.00. On July 12, 2024, Odessa Wildlife Management Area in Louisa County was damaged by flood. Request was to cover repair costs.
- E. Board of Regents - Iowa State University requested an emergency allocation and reimbursement in the amount of \$254,311.00. On April 8, 2024, Durham Center Building was damaged by accidental activation of the fire suppression system. Request was to cover repair costs.
- F. Board of Regents - Iowa State University requested an emergency allocation and reimbursement in the amount of \$23,366.31. On January 14, 2024, Hach Hall and the Molecular Biology Building had water damage due to frozen pipes. Request was to cover repair costs.
- G. Iowa Communications Network requested an emergency allocation in the amount of \$45,049.84. On October 16, 2024, equipment in the banks of Floyd River along Lily Avenue and north of 390th street in Sioux County were exposed due to excessive erosion. Request was to cover repair costs.
- H. Department of Public Safety requested a supplemental emergency allocation in the amount of \$13,000.00. This brings the total allocation to \$22,500.00. On May 21, 2024, Tama ISICS Communication Tower was damaged by a storm. Request was to cover repair costs.
- I. Department of Administrative Services requested an emergency allocation in the amount of \$12,100.00. On May 21, 2024, multiple buildings on the Capitol Complex and Ankeny Labs Facility were damaged by storm. Request was to cover repair costs.
- J. Department of Administrative Services requested an emergency allocation in the amount of \$7,179.69. On November 8, 2024, Vehicle #31 was damaged by a deer. Request was to cover repair costs.
- K. Department of Administrative Services requested an emergency allocation in the amount of \$7,841.61. On December 23, 2024, Vehicle #93 was damaged by a deer. Request was to cover repair costs.

- L. Department of Administrative Services requested an emergency allocation in the amount of \$9,063.90. On November 14, 2024, Vehicle #209 was damaged by a deer. Request was to cover repair costs.
- M. Department of Administrative Services requested an emergency allocation in the amount of \$15,755.83. On October 31, 2024, Vehicle #234 was damaged by a deer. Request was to cover repair costs.
- N. Department of Administrative Services requested an emergency allocation in the amount of \$6,538.47. On November 19, 2024, Vehicle #236 was damaged by a deer. Request was to cover repair costs.
- O. Department of Administrative Services requested an emergency allocation in the amount of \$5,618.99. On November 13, 2024, Vehicle #491 was damaged by a deer. Request was to cover repair costs.
- P. Department of Administrative Services requested an emergency allocation in the amount of \$5,709.50. On November 14, 2024, Vehicle #1336 was damaged by a deer. Request was to cover repair costs.
- Q. Department of Administrative Services requested an emergency allocation in the amount of \$4,932.85. On November 16, 2024, Vehicle #1786 was damaged by a deer. Request was to cover repair costs.
- R. Department of Administrative Services requested an emergency allocation in the amount of \$5,933.97. On November 6, 2024, Vehicle #1847 was damaged by a deer. Request was to cover repair costs.
- S. Department of Administrative Services requested an emergency allocation in the amount of \$4,630.33. On December 16, 2024, Vehicle #105575 was damaged by a deer. Request was to cover repair costs.
- T. Department of Administrative Services requested an emergency allocation in the amount of \$4,454.07. On October 30, 2024, Vehicle #106144 was damaged by a deer. Request was to cover repair costs.
- U. Department of Administrative Services requested an emergency allocation in the amount of \$27,296.15. On November 6, 2024, Vehicle #106188 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 \$1,539.13. This brings the total allocation to \$13,726.35. On June 27, 2024, Vehicle #160 was damaged by a deer. Request was to cover repair costs.
- W. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$5,256.95. This brings the total allocation to \$14,451.59. On May 21, 2024, Vehicle #259 was damaged by hail. Request was to cover repair costs.
- X. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$110.25. This brings the total allocation to \$3,371.75. On September 9, 2024, Vehicle #319 was damaged by a deer. Request was to cover repair costs.

- Y. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$76.29. This brings the total allocation to \$6,048.42. On May 21, 2024, Vehicle #410 was damaged by a storm. Request was to cover repair costs.
- Z. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$1,011.04. This brings the total allocation to \$4,146.17. On April 26, 2024, Vehicle #1274 was damaged by tornado. Request was to cover repair costs.
- AA. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$216.36. This brings the total allocation to \$4,938.70. On May 3, 2024, Vehicle #1546 was damaged by a deer. Request was to cover repair costs.
- BB. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$34.84. This brings the total allocation to \$2,594.38. On September 23, 2024, Vehicle #1751 was damaged by a deer. Request was to cover repair costs.
- CC. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$346.40. This brings the total allocation to \$3,345.00. On June 13, 2024, Vehicle #2026 was damaged by a deer. Request was to cover repair costs.
- DD. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$302.50. This brings the total allocation to \$5,056.70. On June 12, 2024, Vehicle #2280 was damaged by a deer. Request was to cover repair costs.

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

 Nays: None

7. Payment of Cost Items

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

- A. Department of Administrative Services.....\$3,872.68
 On July 14, 2024, Vehicle #204 was damaged by a raccoon. Request was to cover repair costs.
 This represents full and final payment, \$369.46 will be reverted and this allocation closed.
- B. Department of Administrative Services\$6,525.36
 On June 25, 2024, Vehicle #466 was damaged by hail. Request was to cover repair costs.
 This represents full and final payment, \$70.24 will be reverted and this allocation closed.
- C. Department of Administrative Services\$2,781.40
 On May 23, 2024, Vehicle #591 was damaged by a deer. Request was to cover repair costs.
 This represents full and final payment, \$77.15 will be reverted and this allocation closed.
- D. Department of Administrative Services\$9,021.57
 On April 19, 2024, Vehicle #1016 was damaged by a deer. Request was to cover repair costs.
 This represents full and final payment, \$281.21 will be reverted and this allocation closed.

- E. Department of Administrative Services\$7,183.78
On July 29, 2024, Vehicle #1782 was damaged by storm. Request was to cover repair costs. This represents full and final payment, \$714.88 will be reverted and this allocation closed.
- F. Department of Administrative Services\$3,304.74
On May 20, 2024, Vehicle #117529 was damaged by hail. Request was to cover repair costs. This represents full and final payment, \$34.50 will be reverted and this allocation closed.
- G. Department of Natural Resources\$100,281.87
On February 29, 2024, a fire at Red Rock Wildlife Unity destroyed the skid loader. Request was to cover repair costs. This represents full and final payment, \$3,987.15 will be reverted and this allocation closed.
- H. Department of Corrections - Anamosa State Penitentiary\$24,123.26
On March 5, 2023, a lightning strike cause damage to various systems. Request was to cover repair costs. This represents full and final payment.
- I. Department of Public Safety\$9,082.00
On July 30, 2024, Adair County ISICS communication tower was damaged by a lightning strike. Request was to cover repair costs. This represents full and final payment, \$918.00 will be reverted and this allocation closed.
- J. Department of Public Safety\$15,000.00
On March 31, 2023, radomes at Iowa and Woodward ISICS communication towers were broken due to storms. Request was to cover repair costs. This represents full and final payment, \$8,000.00 will be reverted and this allocation closed.
- K. Department of Public Safety\$15,000.00
On February 23, 2023 and April 18, 2024, radome covers on the O'Brien ISICS Communication Tower were damaged by storm. Request was to cover repair costs. This represents full and final payment, \$4,000.00 will be reverted and this allocation closed.
- L. Department of Public Safety\$15,000.00
On November 1, 2023, radome covers on Plymouth ISICS communication tower was damaged by strong winds. Request was to cover repair costs. This represents full and final payment, \$4,000.00 will be reverted and this allocation closed.
- M. Department of Public Safety\$24,620.27
From April 26 to May 21, 2024, severe storms misaligned microwave dishes/loose cables on Underwood and Harrison ISICS communication towers. Request was to cover repair costs. This represents full and final payment, \$15,379.73 will be reverted and this allocation closed.
- N. Iowa Communications Network\$2,950.00
On May 17, 2024, a cable along S Gear Avenue in Des Moines County was exposed due to excessive erosion. Request was to cover repair costs. This represents full and final payment, \$2,050.00 will be reverted and this allocation closed.
- O. Iowa Communications Network.....\$23,414.00
On July 8, 2024, a cable was exposed at a culvert along 170th Street east of Starling Avenue in Osceola County due to excessive erosion. Request was to cover repair costs. This represents full and final payment, \$1,653.84 will be reverted and this allocation closed.

- P. Kevin Cmelik.....\$1,875.00
814 Shawnee Avenue
Des Moines, IA 50313
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office
- Q. Richard J. Bennett, Sr.....\$4,446.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office
- R. 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
- S. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,842.50
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
- T. Dentons Davis Brown Law Firm.....\$3,006.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Unclaimed Property Probate Matters
- U. Patterson Law Firm L.L.P.....\$160.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Amy Ausborn v. Eldora State Training School, State of Iowa and Second Injury Fund of Iowa
- V. Patterson Law Firm L.L.P.....\$32.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Therese Blake v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- W. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Patricia Brown v. Iowa Correctional Institution for Women, State of Iowa, Second Injury Fund of Iowa
- X. Patterson Law Firm L.L.P.....\$32.00
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

- Y. Patterson Law Firm L.L.P.....\$32.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Karen Crew v. University of Iowa Hospitals and Clinics, State of Iowa, Second Injury Fund of Iowa
- Z. Patterson Law Firm L.L.P.....\$1,440.00
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
- AA. Patterson Law Firm L.L.P.....\$64.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Shana Overstreet v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury Fund of Iowa
- BB. Patterson Law Firm L.L.P.....\$1,192.00
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
- CC. Patterson Law Firm L.L.P.....\$400.00
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
- DD. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Brad Stevenson v. Iowa Department of Transportation, State of Iowa, Second Injury Fund of Iowa
- EE. Patterson Law Firm L.L.P.....\$1,377.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Stine, Phillip v. Mt. Pleasant Correctional Facility and State of Iowa and Second Injury Fund

FF. Patterson Law Firm L.L.P.....\$16.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Douglas Stufflebeam v. University of Northern Iowa, State of Iowa, 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
Katherine Williams v. 6th Judicial District and Second Injury Fund of Iowa

The vote: Ayes: Governor Reynolds
 Treasurer Smith
 Secretary Naig
 Secretary Pate
 Auditor Sand

Nays: None

8. Information Items

- A. Department of Revenue's second quarter status update of the Litigation Expense Fund.
- B. Per the Civil Reparations Trust Fund Agreement, \$329,808.00 will be transferred to Iowa Legal Aid. This is payment number two of three.
- C. Notification from the State Auditor’s Office that funds previously allocated for the Department of Administrative Services to cover damages to Vehicle #2057 on February 26, 2024 are not required; \$3,452.65 will be reverted and this allocation closed.
- D. Notification from the State Auditor’s Office that funds previously allocated for the Department of Administrative Services to cover damages to Vehicle #479 on June 12, 2024 are not required; \$2,586.00 will be reverted and this allocation closed.
- E. Notification from the State Auditor’s Office that funds previously allocated for the Department of Public Safety to cover damages to antennas on the O'Brien County ISICS Communication Tower on July 29, 2024 are not required; \$5,000.00 will be reverted and this allocation closed.
- F. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.

Adjourn Meeting

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

Respectfully submitted,
Kristi Onstot
Kristi Onstot