



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, August 07, 2023 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. Auditor of State Rob Sand, Treasurer of State Roby Smith, and Secretary of Agriculture Mike Naig were present. Secretary of State Paul Pate, arrived after the Approval of Minutes.

1. Approval of Minutes

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the minutes from the Executive Council meeting held on July 10, 2023.

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

2. Personal Appearances

- A. Dennis Harper, Iowa Homeland Security and Emergency Management Department, was present to request a Resolution of Funds in the amount of \$330,000.00 pursuant to Iowa Code §29C.20A and Iowa Code §29C.20AB with regard to the Governor's Proclamation of a State of Disaster Emergency for Appanoose, Davis, Jefferson, Lee, Lucas, Monroe, Ringgold, Wapello, Union counties.

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. Iowa Code §7D.10

Moved by Auditor Sand 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 \$28,800.00 for prosecuting cases under Iowa Code chapter 229A.

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

4. Outside Counsel

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

- A. The Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Betty Detert v. DHS Johnson County 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 Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *David Funk v. Iowa State Fair 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 Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stephen Littlepage 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

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

5. Special Counsel

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

- A. The Attorney General's office requests authorization pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the State of Iowa with respect to an investigation into and possible litigation of certain deceptive business practices of TikTok, including its potential negligent, deceptive, or otherwise unlawful provision of products and services to minors.

Firm: Cooper & Kirk, PLLC
 1523 New Hampshire Ave NW
 Washington, DC 20036
Rate: Contingent-fee basis

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

6. Litigation Expense Fund

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

- A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$120,000.00 to cover potential expenses for the first quarter of the 2024 fiscal year.

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

7. Leases

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

A. Lease between DNR and Muscatine Power and Water

Date of Lease: July 1, 2023 to December 31, 2027

Legal Description: A portion of the bed of the Mississippi River approximately 2,177 feet in frontage and 200 feet in depth at river mile 453 in Section 14, Township 76 North, Range 2 West of the 5th P.M. in Muscatine County, Iowa immediately south of the Muscatine City limits as that limit existed in 1945. A map of the leased premises is attached as Exhibit "A", which is hereby incorporated herein.

Purpose: Barge loading and unloading of coal

Annual Fee: \$23,100.00

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

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

B. Lease between DNR and S&S Rentals, Inc.

Date of Lease: July 1, 2023 to December 31, 2027.

Legal Description: An area below the OHWL at Mississippi River Mile 662 in Section 33, Township 99 North, Range 3 West, Allamakee County, Iowa. The area consists of approximately 26' of frontage by 65' of depth. Located at the end of Wall Street and opposite Lots 20 and 21, Block 8, all in the City of Lansing, formerly North Capoli.

Purpose: Continued presence of a marine travel lift.

Annual Fee: \$585.72

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

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

C. Lease between DNR and Rowell Chemical

Date of Lease: June 1, 2023 to December 31, 2027.

Legal Description: An area approximately 120 feet of frontage by 35 feet of depth located within the Mississippi River mile 451.2 in Section 22, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa.

Purpose: Bulk barge loading and unloading

Annual Fee: \$938.00

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 lease:

- D. Lease between DNR and Bruce A. Lorch
Date of Lease: January 1, 2023 to December 31, 2027
Legal Description:
Dedicated public land approximately 28.4 feet in frontage and 4.8 feet in depth adjacent to Lot 10 and the South 15 feet of Lot 11, Block 35, Triboji Beach, Dickinson County, Iowa
Purpose: To use and occupy the Leased Premises only for a deck
Annual Fee: \$150.00

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

8. Purchase

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

- A. Department of Administrative Services requested Executive Council approval to purchase property located at 6200 Park Avenue, Des Moines, IA not to exceed \$18,000,000.00. The property consists of a fully furnished and move-in ready office building.

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

9. Emergency Allocations

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

- A. Department of Administrative Services requested an emergency allocation in the amount of \$3,898.29. On February 20, 2023, Vehicle #1343 was damaged by a deer. Request was to cover repair costs.
- B. Department of Administrative Services requested an emergency allocation in the amount of \$9,108.72. On May 7, 2023, Vehicle #2729 was damaged by hail. Request was to cover repair costs.

- C. Department of Administrative Services requested an emergency allocation in the amount of \$2,272.90. On May 26, 2023, Vehicle #314 was damaged by a racoon. Request was to cover repair costs.
- D. Department of Public Safety requested an emergency allocation in the amount of \$8,018.90. On October 6, 2022, State Patrol Vehicle #343 was damaged by a deer. Request was to cover repair costs.
- E. Department of Public Safety requested an emergency allocation in the amount of \$6,552.75. On November 25, 2022, State Patrol Vehicle #443 was damaged by a deer. Request was to cover repair costs.
- F. Department of Public Safety requested an emergency allocation in the amount of \$2,134.25. On December 11, 2022, State Patrol Vehicle #51 was damaged by a deer. Request was to cover repair costs.
- G. Department of Public Safety requested an emergency allocation in the amount of \$4,789.40. On December 27, 2022, State Patrol Vehicle #474 was damaged by a deer. Request was to cover repair costs.
- H. Department of Public Safety requested an emergency allocation in the amount of \$3,743.70. On January 3, 2023, State Patrol Vehicle #491 was damaged by a deer. Request was to cover repair costs.
- I. Department of Public Safety requested an emergency allocation in the amount of \$7,069.78. On January 4, 2023, State Patrol Vehicle #824 was damaged by a deer. Request was to cover repair costs.
- J. Department of Public Safety requested an emergency allocation in the amount of \$5,259.35. On January 8, 2023, State Patrol Vehicle #327 was damaged by a deer. Request was to cover repair costs.
- K. Department of Public Safety requested an emergency allocation in the amount of \$2,447.16. On March 31, 2023, State Patrol Vehicle #206 was damaged by hail. Request was to cover repair costs.
- L. Department of Public Safety requested an emergency allocation in the amount of \$5,863.00. On May 7, 2023, State Patrol Vehicle #33 was damaged by hail. Request was to cover repair costs.
- M. Department of Public Safety requested an emergency allocation in the amount of \$5,465.78. On May 7, 2023, State Patrol Vehicle #214 was damaged by hail. Request was to cover repair costs.
- N. Department of Public Safety requested an emergency allocation in the amount of \$7,065.29. On May 7, 2023, State Patrol Vehicle #354 was damaged by hail. Request was to cover repair costs.
- O. Department of Public Safety requested an emergency allocation in the amount of \$2,423.50. On May 7, 2023, State Patrol Vehicle #555 was damaged by hail. Request was to cover repair costs.

- P. Department of Public Safety requested an emergency allocation in the amount of \$2,361.25. On May 7, 2023, State Patrol Vehicle #640 was damaged by hail. Request was to cover repair costs.
- Q. Department of Public Safety requested an emergency allocation in the amount of \$16,058.80. On May 7, 2023, State Patrol Vehicle #981 was damaged by hail. Request was to cover repair costs.
- R. Department of Public Safety requested an emergency allocation in the amount of \$4,301.01. On May 15, 2023, State Patrol Vehicle #104 was damaged by a deer. Request was to cover repair costs.
- S. Department of Public Safety requested an emergency allocation and reimbursement in the amount of \$5,795.25. On January 9, 2023, a burst pipe caused water damages to Post 1. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- T. Department of Cultural Affairs requested an emergency allocation in the amount of \$2,410.00. On May 16, 2023, gunshots caused damage to Western Historic Trails Center in Council Bluffs. Request was to cover repair costs.
- U. Department of Corrections - Anamosa State Penitentiary requested an emergency allocation in the amount of \$153,389.20. On March 5, 2023, a lightning strike caused damage to various systems. Request was to cover repair costs.

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

 Nays: None

10. Payment of Cost Items

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

- A. Department of Administrative Services\$2,558.00
 On January 4, 2023, Vehicle #1948 was damaged by vandalism. Request was to cover repair costs. This represents full and final payment.
- B. Department of Administrative Services\$6,735.31
 On March 10, 2023, Vehicle #1274 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- C. Department of Public Safety\$5,034.10
 On September 29, 2022, State Patrol Vehicle #634 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- D. Department of Public Safety\$2,843.50
 On October 12, 2022, State Patrol Vehicle #31 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.

- E. Department of Public Safety\$7,861.71
On November 5, 2022, State Patrol Vehicle #261 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- F. Department of Public Safety\$5,898.40
On December 26, 2022, State Patrol Vehicle #191 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- G. Department of Public Safety\$11,513.32
On December 29, 2022, State Patrol Vehicle #104 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- H. Department of Corrections - Clarinda Correctional Facility.....\$359,463.21
On April 23, 2022, high winds caused roof damages. Request was to cover repair costs. This represents full and final payment, \$15,681.14 will be reverted and this allocation closed.
- I. Department of Corrections - Anamosa State Penitentiary\$83,115.18
On March 5, 2023, a lightning strike cause damage to various systems. Request was to cover repair costs. This represents partial payment.
- J. Gray Miller Persh, LLP.....\$2,828.80
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS
- K. Richard J. Bennett, Sr.....\$2,490.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- L. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$548.40
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
- M. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$189.00
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
- N. Dentons Davis Brown Law Firm.....\$1,400.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309
Unclaimed Property Probate Matters

- O. Patterson Law Firm L.L.P.....\$643.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Baker v. Iowa Veterans Homel and State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P.....\$120.00
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
- Q. Patterson Law Firm L.L.P.....\$416.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa
- R. Patterson Law Firm L.L.P.....\$330.00
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
- S. Patterson Law Firm L.L.P.....\$93.00
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.....\$48.00
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. Patterson Law Firm L.L.P.....\$432.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa

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

11. Information Items

- A. The South Central Iowa Landfill made their first 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: \$50,000.00.
- B. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
- C. Civil Reparations Trust Fund Balance as of June 30, 2023 is approximately \$1,014,926.06.

12. Adjourn Meeting

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

Respectfully submitted,

Victoria Newton

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