



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, November 06, 2023 at 10:00 AM

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## 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 Treasurer Smith that the Council approve the minutes from the Executive Council meeting held on October 2, 2023.

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

### 2. Personal Appearances

- A. Leif Olson, Chief Deputy Attorney General, Attorney General's Office, was present to request distribution from the Civil Reparations Fund subject to the approval of the contract.

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

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

B. Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request the following:

1. Allocate \$448,594.00 (pursuant to Iowa Code 29C.7) for Pre-Disaster Mitigation (PDM) Program (PDM 2023 federal financial assistance was granted on September 25, 2023).

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

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

C. Nate Ristow, Administrative Rules Coordinator, Office of the Governor, was present to request authorization on the resulting rulemaking.

Moved by Auditor Sand and seconded by Secretary Pate 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

A. Attorney General's office requested Payment for Expenses under Iowa Code §7D.10 in the amount of \$45,600.00.

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

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

#### 4. Outside 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 outside counsel pursuant to Iowa Code section 13.3(1) in *Wendy Netolicky v. University of Iowa Hospitals & Clinics 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

- B. The Department of Justice, Attorney General's office requested retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Sam Ferrell v. Iowa State Penitentiary 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

- C. The Department of Justice, Attorney General's office requested retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Cheryl Doyle-Carrig v. UIHC 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

- D. The Department of Justice, Attorney General's office requested retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Jeffrey Welder v. Iowa State University, 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. 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 \$120,000.00 to cover potential expenses for the second quarter of the 2024 fiscal year.

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

## 6. 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 \$5,346.40. On May 7, 2023, Vehicle #2668 was damaged by hail. Request was to cover repair costs.
- B. Department of Administrative Services requested an emergency allocation in the amount of \$8,772.33. On June 7, 2023, Vehicle #105240 was damaged by a deer. Request was to cover repair costs.
- C. Department of Public Safety requested an emergency allocation in the amount of \$2,731.84. On February 1, 2022, State Patrol Vehicle #105149 was damaged by a deer. Request was to cover repair costs.
- D. Department of Public Safety requested an emergency allocation in the amount of \$5,089.30. On November 7, 2022, State Patrol Vehicle #193 was damaged by a deer. Request was to cover repair costs.
- E. Department of Public Safety requested an emergency allocation in the amount of \$2,392.59. On December 4, 2022, State Patrol Vehicle #469 was damaged by a raccoon. Request was to cover repair costs.
- F. Department of Public Safety requested an emergency allocation in the amount of \$4,038.15. On April 19, 2023, State Patrol Vehicle #204 was damaged due to strong winds and storms. Request was to cover repair costs.

- G. Department of Public Safety requested an emergency allocation in the amount of \$2,349.75. On April 21, 2023, State Patrol Vehicle #213 was damaged by hail. Request was to cover repair costs.
- H. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,908.56. This brings the total allocation to \$8,973.85. On May 7, 2023, State Patrol Vehicle #354 was damaged by hail. Request was to cover repair costs.
- I. Department of Public Safety requested an emergency allocation in the amount of \$6,432.20. On May 7, 2023, State Patrol Vehicles #161 and #431 were damaged by hail. Request was to cover repair costs.
- J. Department of Public Safety requested an emergency allocation in the amount of \$10,260.82. On May 7, 2023 and May 9, 2023, State Patrol Vehicle #309 was damaged by hail and then a raccoon.
- K. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,490.75. This brings to total allocation to \$10,927.00. On April 19, 2023, State Patrol Vehicles #44, 167, 636, 662 were damaged by hail. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- L. Department of Public Safety requested a supplemental emergency allocation in the amount of \$17,444.00. This brings the total allocation to \$26,166.00. On February 21, 2023, a storm caused damages to the radome covers on the Sioux County ISICS Communication Tower. Request was to cover repair costs.
- M. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$15,500.00. 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.
- N. Iowa Communications Network requested an emergency allocation and reimbursement in the amount of \$16,063.61. On July 28, 2023, a cable was damaged by a rodent at Highway 59 between E Avenue and F Avenue in Crawford County. Request was to cover repair costs.
- O. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$75,890.29. On December 31, 2020, a failed steam valve caused damages to the College of Public Health Building. Request was to cover repair costs.
- P. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$15,558.95. On February 8, 2021, a frozen and burst water line caused damages to the Field House. Request was to cover repair costs.
- Q. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$78,884.17. On March 13, 2021, an overflowing sink caused water damages at Spence Labs. Request was to cover repair costs.
- R. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$12,846.21. On February 20, 2022, a leaking deionized water line caused water damages to the Pappajohn Biomedical Discovery Building. Request was to cover repair costs.

- S. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$145,761.82. This brings the total allocation to \$158,501.33. On March 15, 2019, flood caused damages at Wapsipinicon State Park in Jones County. Request was to cover repair costs.
- T. Department of Natural Resources requested a supplemental emergency allocation in the amount of \$157,091.93. This brings the total allocation to \$314,252.79. On April 29, 2019, flooding caused damages at various Wildlife Management Areas along the Missouri River. Request was to cover repair costs.
- U. Department of Natural Resources requested an emergency allocation in the amount of \$15,945.00. On May 5, 2023, the stone wall at the Black Hawk State Park was damaged by a vehicle. Request was to cover repair costs.
- V. Department of Natural Resources requested an emergency allocation in the amount of \$75,200.00. On May 12, 2023, the Jones Creek Pond overflowed and caused damages at the Loess Hills State Forest. Request was to cover repair costs.
- W. Department of Health and Human Services - Woodward Resource Center requested a supplemental emergency allocation in the amount of \$38,272.97. This brings to total allocation to \$947,000.68. On August 10, 2020, a derecho caused damages to multiple roofs, trees and water damaged. Request was to cover repair costs. This represents partial payment and this allocation will be closed.

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

**7. Payment of Cost Items**

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

- A. Department of Administrative Services.....\$4,073.43  
 On January 6, 2023, Vehicle #1843 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- B. Department of Administrative Services.....\$3,898.29  
 On February 20, 2023, Vehicle #1343 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- C. Department of Administrative Services.....\$6,663.71  
 On April 4, 2023, vehicle #105404 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- D. Department of Administrative Services .....\$2,643.19  
 On April 19, 2023, vehicle #105573 was damaged by hail. Request was to cover repair costs. This represents full and final payment, \$11,732.75 will be reverted and this allocation closed.

- E. Department of Administrative Services .....\$6,994.93  
On May 4, 2023, vehicle #1774 was damaged by a deer. Request was to cover repair costs.  
This represents full and final payment.
- F. Department of Administrative Services.....\$5,248.72  
On May 7, 2023, Vehicle #2729 was damaged by hail. Request was to cover repair costs. This  
represents full and final payment, \$3,860.00 will be reverted and this allocation closed.
- G. Department of Administrative Services .....\$2,505.12  
On May 7, 2023, vehicle #712 was damaged by hail. Request was to cover repair costs. This  
represents full and final payment.
- H. Department of Administrative Services.....\$34,294.64  
On March 31, 2023, the roof membrane at the Hoover building was damaged by a storm. This  
represents full and final payment, \$3,580.36 will be reverted and this allocation closed.
- I. Department of Public Safety.....\$7,177.48  
On July 4, 2022, State Patrol Vehicle #383 was damaged by a deer. Request was to cover repair  
costs. This represents full and final payment.
- J. Department of Public Safety.....\$2,860.90  
On September 14, 2022, State Patrol Vehicle #642 was damaged by a small animal. Request  
was to cover repair costs. This represents full and final payment.
- K. Department of Public Safety.....\$8,018.90  
On October 6, 2022, State Patrol Vehicle #343 was damaged by a deer. Request was to cover  
repair costs. This represents full and final payment.
- L. Department of Public Safety.....\$6,552.75  
On November 25, 2022, State Patrol Vehicle #443 was damaged by a deer. Request was to  
cover repair costs. This represents full and final payment.
- M. Department of Public Safety.....\$2,134.25  
On December 11, 2022, State Patrol Vehicle #51 was damaged by a deer. Request was to cover  
repair costs. This represents full and final payment.
- N. Department of Public Safety .....\$6,446.56  
On December 5, 2022, State Patrol Vehicle #360 was damaged by a deer. Request was to cover  
repair costs. This represents full and final payment.
- O. Department of Public Safety.....\$4,789.40  
On December 27, 2022, State Patrol Vehicle #474 was damaged by a deer. Request was to  
cover repair costs. This represents full and final payment.
- P. Department of Public Safety.....\$3,743.70  
On January 3, 2023, State Patrol Vehicle #491 was damaged by a deer. Request was to cover  
repair costs. This represents full and final payment.
- Q. Department of Public Safety.....\$5,259.35  
On January 8, 2023, State Patrol Vehicle #327 was damaged by a deer. Request was to cover  
repair costs. This represents full and final payment.

- R. Department of Public Safety .....\$12,376.73  
On March 21, 2023, State Patrol Vehicle #891 was damaged by a deer. Request was to cover repair costs. This represents full and final payment, \$11,560 will be reverted and this allocation closed.
- S. Department of Public Safety .....\$2,447.16  
On March 31, 2023, State Patrol Vehicle #206 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- T. Department of Public Safety .....\$3,675.05  
On March 31, 2023, State Patrol Vehicle #482 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- U. Department of Public Safety .....\$3,414.83  
On April 20, 2023, State Patrol Vehicle #356 was damaged by a squirrel. Request was to cover repair costs. This represents full and final payment.
- V. Department of Public Safety.....\$2,423.50  
On May 7, 2023, State Patrol Vehicle #555 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- W. Department of Public Safety.....\$2,361.25  
On May 7, 2023, State Patrol Vehicle #640 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- X. Department of Public Safety .....\$5,863.00  
On May 7, 2023, Iowa State Patrol vehicle #33 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- Y. Department of Public Safety .....\$5,538.42  
On May 7, 2023, State Patrol Vehicles #305 and #191 were damaged by hail. Request was to cover repair costs. This represents full and final payment.
- Z. Department of Natural Resources .....\$139,094.98  
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Allamakee	\$828.14
Buena Vista	\$19,300.33
Carroll	\$53.00
Clay	\$608.75
Des Moines	\$10,918.00
Dickinson	\$903.00
Emmet	\$575.00
Franklin	\$313.25
Fremont	\$16,362.68
Hamilton	\$48.81
Hancock	\$15,515.00
Harrison	\$867.33
Howard	\$40.00
Humboldt	\$357.11
Jackson	\$737.75
Louisa	\$15,634.00
Mills	\$1,865.83



Monona	\$550.00
Muscatine	\$2,657.00
Pocahontas	\$422.57
Pottawattamie	\$3,389.00
Van Buren	\$232.92
Winnebago	\$15,384.25
Woodbury	\$14,141.95
Worth	\$100.00
Wright	\$6,294.14

- AA. Department of Cultural Affairs.....\$2,519.63  
 On November 1, 2022, gunshots caused damages to Western Historic Trails Center in Council Bluffs. Request was to cover repair costs. This represents full and final payment.
- BB. Gray Miller Persh, LLP.....\$5,038.80  
 2233 Wisconsin Avenue NW  
 Suite 226  
 Washington, D.C. 20007  
Iowa PBS
- CC. Gray Miller Persh, LLP.....\$2,165.80  
 2233 Wisconsin Avenue NW  
 Suite 226  
 Washington, D.C. 20007  
Iowa PBS
- DD. 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
- EE. 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
- FF. Richard J. Bennett, Sr.....\$1,206.00  
 PO Box 65666  
 West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- GG. Dentons Davis Brown Law Firm.....\$4,200.00  
 The Davis Brown Tower  
 215 10th Street, Suite 1300  
 Des Moines, IA 50309  
Unclaimed Property Probate Matters

HH. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$116.00  
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

II. Patterson Law Firm L.L.P.....\$1,444.00  
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

JJ. Patterson Law Firm L.L.P.....\$1,440.00  
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

KK. Patterson Law Firm L.L.P.....\$64.00  
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

LL. Patterson Law Firm L.L.P.....\$624.00  
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

MM. Patterson Law Firm  
L.L.P.....\$192.00  
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

NN. Patterson Law Firm L.L.P.....\$16.00  
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

OO. Patterson Law Firm L.L.P.....\$482.00  
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

PP. Patterson Law Firm L.L.P.....\$48.00  
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

QQ. Patterson Law Firm L.L.P.....\$235.00  
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

RR. Patterson Law Firm L.L.P.....\$154.00  
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

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

**8. Information Items**

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
- B. Notification from the State Auditor’s Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave paths blown out of alignment due to wind at the Buchanan & Allamakee ISICS Communication Tower on July 23, 2022 are not required; \$32,858.00 will be reverted and this allocation closed.
- C. Notification from the State Auditor’s Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave path alignment between Marshalltown and Grundy ISICS Towers due to strong winds on May 1, 2022 are not required; \$16,429.00 will be reverted and this allocation closed.
- D. Notification from the State Auditor’s Office that funds previously allocated for the Department of Public Safety to cover damages to the microwave path alignment at the Kossuth ISICS Tower due to strong winds on May 1, 2022 are not required; \$16,429.00 will be reverted and this allocation closed.
- E. Per Iowa Code 161E.14, the Johnson County Auditor certifies the amounts allocated to Johnson County Secondary Roads, school districts, and fire departments for the FY23 scheduled payment to Johnson County from the federal government for flood control pursuant to 33 USC 701c-3.

**9. Adjourn Meeting**

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

Respectfully submitted,

*Victoria Newton*

Victoria Newton