

# EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

**MAY 4, 2015**

1. Approval of minutes of meeting held April 20, 2015
2. Personal Appearance –
  - A. Marvin Shultz, Department of Human Services will be present to request Resolution of Funds per Governor's Proclamation of a State of Disaster Emergency for Clinton County pursuant to House File 896 Section 1 in the amount of \$25,000.00.  
TAB # 1
3. Litigation Expense Fund – Page 1  
TAB # 2
4. Emergency Allocations – Pages 1 - 3
5. Payment of Cost Items – Pages 3 - 6
6. Information Items – Page 6

### 3. Litigation Expense Fund

- A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$60,000.00 from the Litigation Expense Fund during the fourth quarter of the 2015 fiscal year.

TAB # 2

### 4. Emergency Allocations

- A. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$970.74; this will bring the new total to \$10,567.58. On April 14, 2014 ICN cable was damaged along US Highway 63 in Davis County due to erosion. Request is to cover repair.
- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$24,337.84. On January 23, 2015 ICN cable was damaged along US Highway 34, West of Corning, due to erosion and rodent chew. Request is to cover repair.
- C. Iowa Communications Network is requesting an emergency allocation in the amount of \$28,161.66. On November 12, 2014 ICN cable was damaged along I-80 in Cass County, due to rodent chew. Request is to cover repair.
- D. Iowa Communications Network is requesting an emergency allocation in the amount of \$15,112.82. On January 13, 2015 ICN cable was damaged along US Highway 30 and Highway 17 in Boone, Iowa due to frost damage at SP125 Hut. Request is to cover repair.

The State Auditor's Office has reviewed the above requests and recommends allocations, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- E. Department of Public Safety is requesting an emergency allocation in the amount of \$10,126.39. On October 28, 2014 Vehicle # 2138 was damaged as a result of hitting a deer East on Highway 2. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- F. Department of Public Safety is requesting an emergency allocation in the amount of \$6,279.65. On August 31, 2014 Vehicle # 111 was damaged as a result of hitting a deer westbound on Highway 18/27. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$3,584.74. On October 28, 2014 Vehicle # 2368 was damaged as a result of hitting a deer on Highway 92. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$8,352.17. On November 4, 2014 Vehicle # 2184 was damaged as a result of hitting a deer on Interstate 80. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$3,150.10. On October 5, 2014 Vehicle # 412 was damaged as a result of hitting a raccoon on Highway 71. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- J. Department of Public Safety is requesting a supplemental emergency allocation in the amount \$2,122.63, which would bring the total to \$8,141.38, and payment in the amount of \$8,141.38. On July 8, 2014 in Ringgold County damage to Vehicle #89 as a result of hitting a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends supplemental allocation and payment. This represents full and final payment and this allocation will be closed.

- K. Department of Natural Resources is requesting an emergency allocation in the amount of \$2,687.18. On January 11, 2015 there was a break-in and theft at the State Forest Nursery in Ames. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices, and a copy of the police report.

- L. Department of Natural Resources is requesting an emergency allocation in the amount of \$18,421.19. Flood damage at several State Parks and State Forest Campgrounds over the period of April 17, 2013 thru June 28, 2013. Total costs of repairs were \$73,691.74 with FEMA covering \$55,270.55. Request is to cover the State's share.

The State Auditor's Office has reviewed this request and recommends an allocation, subject to audit of actual invoices.

M. Department of Administrative Services is requesting an emergency allocation in the amount of \$5,725.01. On September 11, 2014 a lightning strike at Ankeny Labs damaged a chilled water pump VFD. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices

N. Department of Administrative Services is requesting an emergency allocation and payment in the amount of \$6,027.66. On February 11, 2015, a power interruption caused damage to the HVAC System at Terrace Hill. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation and payment as requested. This represents full and final payment.

## 5. Payment of Cost Items

A. Iowa Communications Network ..... \$8,138.24  
On January 6, 2014 ICN sustained cable damage due to freezing water in the conduit located under 15th Street and Grand Avenue at the Iowa Prison Industries Building in Des Moines. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$1,037.53 will be reverted and this allocation will be closed.

B. Iowa Communications Network ..... \$18,741.08  
On January 8, 2014 ICN sustained cable damage due to ice compression at 83rd Street and Douglas Avenue in Urbandale. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment and this allocation will be closed.

C. Department of Public Safety ..... \$3,370.15  
On May 22, 2014 Public Safety Vehicle # 360 was damaged as a result of hitting a raccoon on Highway 25, Intersection of 150th and Highway 25. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$67.95 will be reverted and this allocation will be closed.

- D. Department of Public Safety ..... \$8,171.75  
On March 15, 2014 in Ringgold County on Highway 169 damage to Vehicle #175 as a result of hitting a deer. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$837.45 will be reverted and this allocation will be closed.

- E. Department of Public Safety ..... \$2,760.00  
On May 30, 2014 damage to Vehicle #127 was sustained due to a hail storm in the Cascade area. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$450.00 will be reverted and this allocation will be closed.

- F. Department of Public Safety ..... \$23,184.01  
On June 3, 2014 eight vehicles were damaged due to a hail storm. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$4,529.65 will be reverted and this allocation will be closed.

- G. Department of Corrections ..... \$5,628.15  
On September 10, 2014 damage was caused by lightning to the security fence at the Mount Pleasant Correctional Facility. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment in the amount of the original allocation of \$5,603.98. This represents full and final payment and this allocation will be closed.

- H. Iowa Workforce Development ..... \$8,108.00  
On December 16, 2014 a water leak in the ceiling at the IWD office in Mason City caused damage to the copier. Request is to cover costs of damage.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment.

- I. Hudson, Mallaney, Shindler & Anderson, P.C..... \$110.00  
5015 Grand Ridge Drive, Suite 100  
West Des Moines, IA 50265  
Peregrine Financial Group (PFG) Bankruptcy

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made by UNI.

- J. Nyemaster Goode P.C.....\$38.00  
700 Walnut Street  
Suite 1600  
Des Moines, IA 50309  
Collections of Accounts in Court

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Economic Development Authority.

- K. Foley & Lardner, LLP.....8,748.89  
321 North Clark Street  
Chicago, IL 60654  
Legal Advice to OCIO

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the OCIO.

- L. Huber, Book, Lanz & McConkey, P.L.L.C. ....\$1,823.00  
2700 Westown Parkway, Suite 170  
West Des Moines, IA 50266-1411  
Pam O'Brien v. Iowa Attorney General, State of Iowa and Second Injury Fund

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment.

- M. Patterson Law Firm L.L.P.....\$65.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Valerie Hague-Renfro v. Newton Correctional Facility and State of Iowa and the Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment.

- N. Simmons Perrine Moyer Bergman PLC.....\$71,244.76  
 115 Third Street SE, Suite 1200  
 Cedar Rapids, IA 52402  
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

- O. McDowell, Rice, Smith & Buchanan.....\$71,399.53  
 605 West 47<sup>th</sup> Street, Suite 350  
 Kansas City, MO 64112  
Tobacco Settlement Authority

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.

- P. Barnes & Thornburg LLP..... \$791.50  
 One North Wacker Drive, Suite 4400  
 Chicago, IL 60606  
Peregrine Financial Group (PFG) Bankruptcy

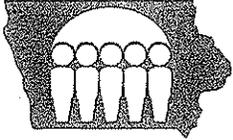
Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made by UNI.

- Q. LaMarca & Landry, P.C.....\$120,135.43  
 1820 N.W. 118<sup>th</sup> Street, Suite 200  
 Des Moines, IA 50325  
Godfrey v. State of Iowa et al. civil rights complaint

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment.

**6. Information Items**

Notification from the State Auditor’s Office that funds previously allocated for Department of Natural Resources in the amount of \$21,933.93 will be reverted and the allocation closed. Funds were allocated on March 4, 2013 for damage at Mines of Spain State Recreation Area because of 10 - 15 inches of rain.



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

2015 APR 22 AM 11:14  
EXECUTIVE COUNCIL

APR 22 2015

Executive Council  
Attn: GeorgAnna Madsen  
Capitol Building  
LOCAL

Item: Governor Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Madsen:

Per the Governor Disaster Declaration, I am requesting funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, April 27, 2015. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$25,000.00 from the 2015 disaster allocation in funds pursuant to House File 896 Section 1 to distribute to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance.

This Disaster is to address the Governor's Individual Assistance Disaster declaration dated April 17, 2015 for Clinton County, Iowa.

The account coding for the funds to be transferred will be:

Dept Fund Appr Org  
401 0391 0000 1504 State Only Disaster – April, 2015

Thank you for your assistance.

Sincerely,

Charles M. Palmer  
Director

cc: Vern Armstrong  
Marvin Shultz  
Mihneta Lisinovic  
Natalie Storm



THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL

ADDRESS REPLY TO:  
1305 E. Walnut Street  
Des Moines, IA 50319  
www.IowaAttorneyGeneral.org

Telephone: 515/281-4419  
Fax: 515/281-4209  
Jeffrey.Thompson@Iowa.gov

Iowa Department of Justice

January 30, 2015

GeorgAnna Madsen  
Executive Secretary Executive  
Council State Capitol  
L-O-C-A-L

Re: Litigation Expense Fund

Dear GeorgAnna:

On behalf of the Department of Revenue, Assistant Attorney General Jim Miller requests authorization to expend monies from the Litigation Expense Fund pursuant to Iowa Code section 441.73 in the fourth quarter of the 2015 fiscal year. The Department started the 2015 fiscal year with a balance of \$689,968.70 which included a carryover of \$469,968.70 and a transfer of \$220,000 into the Fund as authorized by the Executive Council in June 2014. From July 1 through September 30, 2014, the Department expended \$35,952.20; from October 1 through December 31, 2014, the Department expended \$20,229.54; and from January 1 through March 31, 2015, the Department expended \$25,310.50.

Litigation expenses in the fourth quarter of fiscal year 2015 will involve the ongoing Windstream appeals and NIPCO and the pipeline appeal involving Buckeye Transportation. Litigation fees and expenses are estimated not to exceed \$60,000.

The Department, therefore, requests authorization to expend \$60,000 from the Litigation Expense Fund in order to cover estimated litigation fees and expenses for the fourth quarter of the 2015 fiscal year.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson", written over a horizontal line.

JEFFREY S. THOMPSON  
Solicitor General

cc: Courtney M. Kay-Decker

EXECUTIVE COUNCIL  
2015 APR 30 AM 10:27