

EXECUTIVE COUNCIL OF IOWA AGENDA

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

DECEMBER 21, 2015

1. Approval of minutes of meeting held November 30, 2015
2. Outside Counsel – Page 1
TAB #'s 1, 2 and 3
3. Leases – Page 2
4. Emergency Allocations – Pages 2 - 3
5. Payment of Cost Items – Pages 3 - 6
6. National Governors Association Summer Meeting 2016 – Page 6
TAB # 4

2. **Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Maury White v. Iowa Department of Transportation, 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, Iowa 50309
Rate: \$120.00 per hour

TAB # 1

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Thomas Prine v. Iowa Department of Transportation, 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, Iowa 50309
Rate: \$120.00 per hour

TAB # 2

- C. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Jonathan Arkulari v. University of Northern Iowa, 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, Iowa 50309
Rate: \$120.00 per hour

TAB # 3

3. Leases

- A. Lease between DNR and LaFarge North America Inc.
Date of Lease: Five Years Ending September 1, 2020
Legal Description: A portion of the sovereign bed of the Mississippi River more particularly described as a tract with a frontage of 300 feet by a depth of 250 feet at River Mile 486.8 located in NW ¼ of the NW ¼ of Section 34, Township 78 North, Range 4 East of the 5th P.M., Scott County, Iowa.
Annual Fee: \$5,850.00

- B. Lease between DNR and River Trading Company LTD
Date of Lease: Five Years Ending December 31, 2020
Legal Description: A portion of the bed of the Mississippi River approximately 500 feet in frontage by 30 feet of width at River Mile 451.4, located in the SW ¼ of the NE ¼ of Section 22, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa
Annual Fee: \$3,000.00

- C. Lease between DNR and Lee Schulz
Date of Lease: Five Years ending August 31, 2020
Legal Description: A parcel extending 30 feet northwesterly and parallel to the northwest line of Lot 67A, Block 3, Auditor's Plat of Section 33 and the E ½ of Section 32, Township 85 North, Range 16 West of the 5th P.M., Tama County, Iowa.
Annual Fee: \$ 300.00

David Dorff, Assistant Attorney General, has reviewed the above leases and approved the leases as to form.

4. Emergency Allocations

- A. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$199.40. On May 11, 2015 equipment was damaged due to a tornado at Southern CAL High School in Lake City. Request is to cover repair costs. This will bring the total allocation to \$6,234.30.

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

- B. Department of Human Resources is requesting a supplemental emergency allocation in the amount of \$6,195.00. On May 5, 2015 a fire in the paint shop at the Glenwood Resource Center caused damage. Request is to cover repair costs. This will bring the total allocation to \$162,135.46.

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

5. Payment of Cost Items

- A. Nyemaster, Goode, West, Hansell & O'Brien, P.C.....\$16,543.00
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Legal Advice to Iowa Economic Development Authority on Bond Issues

Eric Tabor, Chief Deputy Attorney General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

- B. Nyemaster Goode P.C.....\$879.23
700 Walnut Street
Suite 1600
Des Moines, IA 50309
Collections of Accounts in Court

Eric Tabor, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Economic Development Authority.

- C. Davis Brown Law Firm.....\$1,080.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Eric Tabor, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- D. Hudson, Mallaney, Shindler & Anderson, P.C..... \$55.00
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.

- E. Dorsey & Whitney, LLP\$523.60
P.O. Box 1680
Minneapolis MN 55480-1680
Community Development Div. of the Department of Economic Development

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

- F. Gray Miller Persh, LLP.....\$678.60
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
IPTV before the Federal Communications Commission

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

- G. Patterson Law Firm L.L.P..... \$1,314.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Eugene Grandstaff v. Department of Commerce Alcoholic Beverages Division
State of Iowa and Second Injury Fund of Iowa

- H. Patterson Law Firm L.L.P..... \$60.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Laurie Sue Cook v. Iowa State University, State of Iowa and Second Injury
Fund of Iowa

- I. Patterson Law Firm L.L.P..... \$108.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mary E. Lowe v. Judicial Branch – Juvenile Court Services and State of Iowa and
Second Injury Fund of Iowa

- J. Patterson Law Firm L.L.P..... \$768.00
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Julie Oxley v. Iowa State University, State of Iowa and Second Injury Fund of Iowa

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

- K. Iowa Communications Network\$7,944.71
 On May 22, 2015 ICN cable was damaged due to erosion along Highway 14 at Warren Grove Creek in Jasper County. Request was to cover damage.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment, \$2,221.92 will be reverted and this allocation will be closed.

- L. Iowa Communications Network \$17,536.93
 On January 7, 2014 ICN sustained cable damage due to rodent chew along Highway 3/13, SE of Strawberry Point. Request was to cover repair costs.

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

- M. Department of Corrections \$9,477.58
 On July 14, 2015 the Newton Correctional Facility lost electrical power and sustained power line damage as a result of a goose striking the line. Request was to cover repair costs.

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

- N. Department of Corrections \$29,725.85
 On September 6, 2015 the Fort Dodge Correctional Facility sustained damage due to a Main Water Line Rupture under the Power Plant. Request is to cover repair costs.

The State Auditor has reviewed this request and recommends payment in the amount of \$28,938.73 disallowing \$787.12 overtime pay due to the hours added to comp time. This represents full and final payment \$787.12 will be reverted and this allocation closed.

- O. Department of Natural Resources.....\$3,419.89
On December 25, 2011 the State Parks Trails Office at Big Creek State Park sustained fire damage. Request is to cover repair costs.

The State Auditor's Office has reviewed these invoices and recommends payment, this represents full and final payment, \$26,677.00 will be reverted and this allocation closed.

- P. Department of Natural Resources \$2,615.60
On January 11, 2015 there was a break-in and theft at the State Forest Nursery in Ames. Request was to cover repair costs.

The State Auditor's Office has reviewed these invoices and recommends payment, this represents full and final payment, \$71.58 will be reverted and this allocation closed.

- Q. Department of Natural Resources \$5,836.13
On February 14, 2014 a fire at Mines of Spain State Recreation Area in Dubuque County damaged a Wildlife Viewing Blind. Request was to cover repair costs.

The State Auditor's Office has reviewed these invoices and recommends payment, this represents full and final payment, \$6,363.87 will be reverted and this allocation closed

- R. Department of Administrative Services \$4,577.98
On March 31, 2015 damage occurred at the Ankeny Lab due to a storm with high winds that caused a power surge. Request was to cover repair costs.

The State Auditor's Office has reviewed these invoices and recommends payment; this represents full and final payment.

- S. Department of Human Resources \$3,338.00
On September 2, 2015 a lightning strike damaged the tornado siren system at the Glenwood Resource Center. Request was to cover repair costs

The State Auditor's Office has reviewed these invoices and recommends payment; this represents full and final payment.

6. Alcoholic Beverages in State Capitol or complex grounds 7D.16

Mr. Doug Hoelscher, Chairman, National Governors Association 2016 Summer Meeting Committee requests permission to serve alcohol (wine, beer, liquor) at the reception/dinner at the Iowa State Capitol on July 14, 2016.

TAB # 4

EXECUTIVE COUNCIL

THOMAS J. MILLER
ATTORNEY GENERAL

2015 DEC 17 AM 9:44



JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

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

December 7, 2015

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

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Maury White v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$120.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson", with a long horizontal line extending to the right.

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger

EXECUTIVE COUNCIL

THOMAS J. MILLER
ATTORNEY GENERAL

2015 DEC 17 AM 9:44



JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

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

December 7, 2015

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

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Thomas Prine v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$120.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson", with a long horizontal flourish extending to the right.

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger

EXECUTIVE COUNCIL

THOMAS BURGER
ATTORNEY GENERAL

2015 DEC 16 AM 10:12



JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

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

December 15, 2015

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

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Jonathan Arkulari v. University of Northern Iowa, State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$120.00 per hour. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Thompson", with a long horizontal flourish extending to the right.

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger



NGA 2016 Summer Meeting Committee | 510 E Locust St, Ste. 200 | Des Moines, IA
50309

EXECUTIVE COUNCIL
2015 DEC 17 AM 9:28

December 11, 2015

Memorandum to: Executive Council, State of Iowa
The Honorable Terry Branstad, Governor of Iowa
Paul Pate, Secretary of State
Michael Fitzgerald, Treasurer of State
Bill Northey, Secretary of Agriculture
Mary Mosiman, Auditor of State

Subject: Permission to serve alcohol at National Governors Association Summer Meeting
2016 at the State Capitol on July 14, 2016

In accordance with action by the Iowa General Assembly, this memorandum is to officially request permission for the NGA 2016 Summer Meeting Committee to serve alcohol (wine, beer, liquor) at the reception/dinner, which it will host at the Iowa State Capitol on July 14, 2016, as part of the National Governors Association Summer Meeting 2016.

The National Governors Association (NGA) is a bipartisan organization of the nation's governors. Through NGA, governors share best practices, speak with a collective voice on national policy, and develop innovative solutions that improve state government and support the principles of federalism. The 2016 Summer Meeting will be held July 14-17 in Des Moines. The last time an NGA meeting was held in Iowa was 2005, when Governor Vilsack hosted in Des Moines. The 2005 meeting included an event at the State Capitol, where alcohol was permitted in specific parts of the building and on the Capitol grounds.

Given this precedent, we request the same permissions and look forward to sharing our historic State Capitol with governors and industry representatives from across the nation at our reception and dinner. We anticipate having approximately 800 guests for this event, and have initially requested use of the House and Senate Chambers, first and second floor rotundas, Law Library, and Capitol Lawns. Guests will be able to circulate throughout the space during the event with their drinks, with limited access to specific portions of the building – specifically, food and drink will not be allowed in the Law Library or the Chambers for the all-attendee event.

During the 2009 legislative session, the Iowa General Assembly included language in Senate File 478 indicating that henceforth this decision should be directed to the Executive Council. In accordance with that legislation, please consider this a request to serve alcohol at our 2016 Summer Meeting event on July 14, 2016.

If you need further information or have questions, please feel free to reach out to Emily Claghorn, 2016 Summer Meeting coordinator, at (515) 720-5709 or eclaghorn@ls2group.com.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Doug Hoelscher".

Doug Hoelscher
Chairman, NGA 2016 Summer Meeting Committee