

EXECUTIVE COUNCIL OF IOWA AGENDA

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

APRIL 18, 2016

1. Approval of minutes of meeting held April 4, 2016

2. Outside Counsel – Page 1
TAB #'s 1 and 2

3. Assignment and Assumption of Land Use Agreement – Page 1
TAB # 3

4. Emergency Allocations – Pages 1 - 2

5. Payment of Cost Items – Pages 2 - 3

6. Information Items – Page 3
TAB #'s 4, 5 and 6

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 Daniel D. Reed v. Iowa Department of Transportation, 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, 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 Randolph Dean Oaks v. University of Iowa, 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, Iowa 50309
Rate: \$120.00 per hour

TAB # 2

3. Assignment and Assumption of Land Use Agreement

- A. Request from Department of Natural Resources to approve consent to Agreement and Assumption of Land Use Agreement between Iowa Department of Natural Resources and Ameristar Casino Council Bluffs, LLC to Pinnacle Entertainment Inc.

TAB # 3

This request has been reviewed by David L. Dorff, Assistant Attorney General who recommends approval.

4. Emergency Allocations

- A. University of Northern Iowa – Board of Regents is requesting an emergency allocation in the amount of \$58,354.00. On January 28, 2016 a broken sprinkler caused water damage to the Wellness/Recreation Center at the University of Northern Iowa. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends an allocation in the amount of \$55,339.00, subject to audit of actual invoices, disallowing \$3,015.00 which was included in the estimate to the repair the entire floor, not just the damaged area.

- B. Department of Public Safety is requesting an emergency allocation in the amount of \$6,301.23. On February 28, 2016 damaged was caused to vehicle #826 as a result of hitting a deer on Highway 30 and 680th Avenue in Story County. Request is to cover repair costs.

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

- C. Department of Administrative Services is requesting an emergency allocation in the amount of \$11,828.42. On February 3, 2016 a power blip at the Ankeny Labs resulted in damage to equipment. Request is to cover repair costs.

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

- D. Department of Administrative Services is requesting an emergency allocation in the amount of \$214,436.96. On April 3, 2015 ground shifting caused damage to the steam line serving the IWD Building, request is to cover repair costs.

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

5. Payment of Cost Items

- A. Richard J. Bennett, Sr. \$3,288.00
Attorney at Law
5610 Waterbury Circle
Des Moines, IA 50312
Iowa Court of Appeals/Iowa Supreme Court Cases

Jeffrey Thompson, Solicitor General, Attorney General's Office has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

- B. Gray Miller Persh, LLP.....\$754.00
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
Iowa Public Television

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

- C. Kristin Guddall \$5,286.00
 Attorney at Law
 2609 NW 14th Street
 Ankeny, IA 50322
Iowa Court of Appeals/Iowa Supreme Court Cases

Jeffrey Thompson, Solicitor General, Attorney General’s Office has reviewed this invoice and recommends payment. Payment will be made from the Attorney General’s Office’s Forfeiture Fund.

- D. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$42.00
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Represent Iowa in copyright, trademark, and patent legal advice for various agencies

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

- E. Department of Human Resources\$155,927.50
 On May 5, 2015 a fire in the paint shop at the Glenwood Resource Center caused damage. Request was to cover repair costs.

The State Auditor has reviewed this request and recommends payment in the amount of \$155,443.37 because of an error in the amount of \$484.13. This represents full and final payment, \$6,692.09 will be reverted and this allocation will be closed.

6. Information Items

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
TAB #'s 4, 5 and 6



THOMAS J. MILLER
ATTORNEY GENERAL

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

2016 APR -7 AM 9:19
EXECUTIVE COUNCIL

April 4, 2016

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 *Daniel D. Reed 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".

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger

EXECUTIVE COUNCIL

2016 APR 13 PM 2:54
THOMAS J. MILLER
ATTORNEY GENERAL

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

April 12, 2016

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 *Randolph Dean Oaks v. University of Iowa, State of Iowa and Second Injury Fund*, 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", written over a horizontal line.

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Burger

EXECUTIVE COUNCIL

2016 APR 14 AM 11:36



THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

Note new address
Environmental & Farm Divisions
Hoover State Office Building
1305 E. Walnut, 2nd Floor
Des Moines, IA 50319

Phone: (515) 281-5351; Fax (515) 281-6771

April 14, 2016

HAND-DELIVERED

GeorgAnna Madsen, Administrative Secretary
Executive Council of Iowa
Capitol Building
LOCAL

Re: Consent to Assignment and Assumption of Land Use Agreement between Iowa Department of Natural Resources and Ameristar Casino Council Bluffs, LLC to Pinnacle Entertainment, Inc.

Dear Ms. Madsen:

On behalf of the Iowa Department of Natural Resources, I am requesting that the Executive Council approve the assignment of a 1995 Land Use Agreement between the Iowa Department of Natural Resources (DNR) and Ameristar Casino Council Bluffs, LLC (Ameristar) to Pinnacle Entertainment, Inc. (Pinnacle).

By way of background, the DNR entered into a Settlement, Use and Management Agreement and DNR Permit dated May 15, 1995 with Koch Fuels, Inc. (Koch). Among other issues, the Agreement settled a quiet title action brought by Koch challenging ownership of property located adjacent to the Missouri River in Pottawattamie County. In exchange for dismissing its action and making a one-time payment of \$556,555 to the State of Iowa for deposit in an "expendable trust fund," Koch was permitted to develop a portion of the subject property as a commercial recreational complex featuring a casino gambling boat and related appurtenances and facilities including hotels, shopping areas, docking and terminal facilities, parking areas, driveways and walkways. Paragraph 19 of the Agreement expressly permitted Koch to assign its rights and obligations under the Agreement to Ameristar. Paragraph 19 further provided that "neither Koch nor any assignee of Koch shall assign this Agreement without the consent of the DNR, which consent shall not be unreasonably withheld or delayed."

Ameristar is now seeking to assign its rights and obligations under the aforementioned Agreement to Pinnacle. The DNR and this office have reviewed the proposed Consent to Assignment and determined that the terms thereof are acceptable and will bind Pinnacle to the same terms and conditions accepted by the DNR and Executive Council as part of the 1995 Settlement Agreement. I am enclosing a copy of the original Agreement, as well as a draft

GeorgAnna Madsen
April 14, 2016
Page 2

Assignment and Assumption Agreement between Ameristar and Pinnacle, for the Executive Council's information. I am also enclosing an original Consent to Assignment which has now been signed by representatives of Ameristar and Pinnacle, as well as by the Director of the DNR.

I would kindly request that this matter be placed on the Executive Council's agenda at the earliest possible opportunity for approval and signature by its representative. I would further request that I be notified as to when this request will be considered by the Executive Council so that I may be present to answer any questions the Council might have. In the meantime, feel free to contact me if you have questions or concerns. Thank you.

Sincerely,



DAVID L. DORFF
Assistant Attorney General
Environmental Law Division
Phone: (515) 281-5351
E-mail: David.Dorff@iowa.gov

DLD/cj
Enclosures
cc: Jeffrey Thompson, Solicitor General of Iowa

EXECUTIVE COUNCIL
2016 APR -4 PM 12:27

Executive Council Authorization of Funds for a Governor's Proclamation of a State of Disaster Emergency (29C.20A)

Unit	Description	DHS Ltr Dated	ExecC Ltr Dated	Authorized Amount	Cumulative Auth. to Date	Spent as of 03/31/2016	Unspent 03/31/2016
1204	Fremont and Union	4/19/12	4/23/12	200,000	200,000		
	Return unspent funds		4/17/14	-154,108	45,892	45,892	0
1304	Cedar Johnson Mahaska Scott Washington	4/19/12	4/29/13	500,000	500,000		
	Return unspent funds		4/17/14	-174,836	325,164	325,164	0
1305	May June 2013 flooding	4/19/12	6/6/13	500,000	500,000		
	Increased for added counties		7/1/13	300,000	800,000		
	Increased for added counties		8/19/13	600,000	1,400,000		
	Return unspent funds April (\$5,000 refund May)		4/17/14	-73,687	1,326,313	1,321,313	5,000
1406	June 2014 storms	6/12/14	6/23/14	1,000,000	1,000,000		
	Increased		9/4/14	200,000	1,200,000		
	Increased		11/6/14	150,000	1,350,000	1,217,493	132,507
1504	April 2015 Clinton Co	4/22/15	5/4/15	25,000	25,000	32,263	-7,263
1505	August 2015 Calhoun Co		5/18/15	50,000	50,000	0	50,000
1506	June 2015 Davis, Humboldt, Monroe & Wright Co	6/24/15	6/29/15	200,000	200,000	21,974	178,026
1507	September 2014 storms Adair Guthrie Ringgold Union Wa	9/17/14	9/22/14	200,000	200,000	142,745	57,255
1508	August 22-23 2014 Clarke Co	8/28/14	9/2/14	35,000	35,000	0	35,000
1513	May 2015 Clarke Co	5/27/15	6/1/15	25,000	25,000	13,651	11,349
1603	March 2016 Clinton Co	3/18/16	3/28/16	20,000	20,000	0	20,000
1607	June 10 2015 Adair, Appanoose, Dallas, Guthrie, Henry, Lt	7/1/15	7/6/15	300,000	300,000	224,439	75,561
1609	September 2015 Guthrie & Hamilton Co	9/17/15	9/28/15	80,000	80,000	0	80,000
1613	July 2015 Marion and Warren Co	8/3/15	8/3/15	150,000	150,000	93,519	56,481

Funds authorized by Exec Council under 29C.20A last four fiscal years

	Maximum Authorized	Spent as of 03/31/2016	Unspent 03/31/2016
SFY2013 funds authorized and spent	1,900,000	1,651,477	1,646,477
SFY2014 funds authorized and spent	1,350,000	1,350,000	1,217,493
SFY2015 funds authorized and spent	535,000	535,000	210,633
SFY2016 funds authorized and spent	530,000	530,000	317,959

State Share authorized for FEMA Other Needs Assistance (ONA) grant under the federal Individual Assistance Program

Unit	Description	DHS Ltr Dated	ExecC Ltr Dated	Authorized Amount	Cumulative Auth. to Date	Spent as of 03/31/2016	Unspent 03/31/2016
1930	ONA 2010 - 25% state share		8/30/10	500,000	500,000		
	ONA 2010 - 25% state share		9/20/10	300,000	800,000	639,532	160,468
	ONA 2010 - return unspent 25% state share		4/17/14	-160,233	639,767	639,767	0
1998	ONA 2011 - state 25% share		10/24/11	41,000	41,000		
1998,1999	ONA 2011 - state 25%/admin above FEMA 5% cap		1/30/12	35,000	76,000	73,659	2,341
1998,1999	ONA 2011 - return unspent state share		4/17/14	-2,341	73,659	73,659	0

STATUS OF STATE AID (Iowa Code 29C.20) NON-HSEMD ALLOCATIONS
 Quarterly Update, 03/31/2016
 Presented by Office of Treasurer of State

EXECUTIVE COUNCIL
 2016 APR 12 AM 9:42

Job Number	Date of Event	Department	Type of Event	Original Allocation	Remaining State Liability
1031	08/09/2009	DHS	State Training School storm damage	\$ 883,628.00	\$ 25,001.03
1534	April - June 2013	DNR	Flood damage at several State Parks And State Forest Campgrounds	\$ 18,421.19	\$ 18,421.19
1506	April - June 2013	DNR	Flood damage at Stephens State Forest and Yellow River State Forest	\$ 15,924.95	\$ 15,924.95
1514	02/18/2014	DAS	Fire in the Hoover Bldg.	\$ 57,341.30	\$ 455.28
1515	02/18/2014	ITE	Fire in the Hoover Bldg.	\$ 197,424.12	\$ 9,567.42
1502	05/16/2014	ICN	Damage to cable along US Hwy 34 in Wapello County due to erosion	\$ 16,388.61	\$ 16,388.61
1542	11/12/2014	ICN	Cable damage along Highway I-80 due to rodent chew	\$ 28,161.66	\$ 28,161.66
1531	12/17/2014	DOC	Storm damage to Power Plant roof, Building roof and others at Anamosa State Penitentiary	\$ 231,285.59	\$ 125,000.00
1541	01/13/2015	ICN	Cable damage along Highway 30 and 17 in Boone due to frost damage	\$ 15,112.82	\$ 15,112.82
1543	01/23/2015	ICN	Cable damage along Highway 34 West of Corning due to erosion and rodent chew	\$ 24,337.84	\$ 24,337.84
1552	04/08/2015	DPS	Hail damage to the roof at the Mount Pleasant facility	\$ 10,230.00	\$ 10,230.00
1560	04/09/2015	ICN	Cable damage along Highway 93 in Fayette County due to erosion	\$ 6,926.69	\$ 6,926.69
1561	04/16/2015	ICN	Cable damage along 240th St in Ringgold County due to erosion	\$ 7,867.40	\$ 7,867.40
1559	04/21/2015	ICN	Cable damage along 28th St in Lincoln Township in Winneshiek County due to erosion & flooding	\$ 17,816.70	\$ 17,816.70
1567	04/27/2015	ICN	Cable damage due to erosion along I-80 in Cass County	\$ 16,340.07	\$ 16,340.07
1606	05/05/2015	DHS	Fire in the paint shop at Glenwood Resource Center	\$ 162,135.46	\$ 162,135.46
1618	06/24/2015	DAS	Water leak at the State Historical Building	\$ 75,516.54	\$ 75,516.54
1619	06/26/2015	DNR	Storm damage at Maquoketa Coves State Park	\$ 4,922.73	\$ 4,922.73
1620	06/29/2015	DNR	Storm damage at Wapsipicon State Park	\$ 23,741.34	\$ 23,741.34
1621	06/30/2015	DNR	Storm damage at Palsades Kepler State Park	\$ 21,337.36	\$ 21,337.36
1608	07/14/2015	ICN	Cable damage due to erosion along Hwy 34 at Cedar Creek in Monroe County	\$ 47,130.88	\$ 47,130.88
1631	09/22/2015	DAS	Water leak in the State Capitol caused damage to Auditor's Office	\$ 6,521.14	\$ 6,521.14
1630	11/02/2015	ICN	Cable damage due to a mudslide along Hwy 14 in Jasper County	\$ 10,836.01	\$ 10,836.01
TOTALS				\$ 1,899,348.60	\$ 689,693.32

Executive Council of Iowa
 Status of Disaster Aid (Iowa Code 29C.6(17))
 State / Federal Disaster Declarations

EXECUTIVE COUNCIL
2016 APR 13 AM 8:15

QUARTERLY UPDATE: 3/31/2016

Executive Council Agenda -- Information Item

Agency Iowa Department of Homeland Security and Emergency Management
 Contact Name Pat Hall, Recovery Division Administrator
 Contact Phone 515-979-1835
 Contact Email patrick.hall@iowa.gov

Declaration Number	Date of Event	Type of Event	Executive Council Authorized/Allocated	Expended Year-to-Date	Remaining State Liability	"X" if Final Update
DR 1763	05/25/2008 to 08/13/2008	Severe Storms, Tornadoes, Floods	\$ 101,648,464.00	\$ 80,772,617.19	\$ 20,875,846.81	
DR 1880	01/19/2010 to 01/26/2010	Severe Winter Storms	\$ 16,626,781.00	\$ 13,226,072.32	\$ 3,400,708.68	
DR 1928	05/12/2010 to 05/13/2010	Severe Storms, Floods	\$ 1,905,460.00	\$ 433,399.63	\$ 1,472,060.37	
DR 1930	06/01/2010 to 08/31/2010	Severe Storms, Tornadoes, Floods	\$ 10,012,620.00	\$ 7,304,540.64	\$ 2,708,079.36	
DR 1977	04/09/2011 to 04/10/2011	Severe Storms, Tornadoes, Straight-Line Winds	\$ 965,310.00	\$ 372,076.14	\$ 593,233.86	
DR 1998	05/25/2011 to 08/01/2011	Missouri River Flooding	\$ 8,620,888.00	\$ 6,404,428.22	\$ 2,216,459.78	
DR 4016	07/09/2011 to 07/14/2011	Severe Storms, Straight-line Winds, Floods	\$ 1,055,892.00	\$ 759,226.93	\$ 306,665.07	
DR 4018	07/27/2011 to 07/29/2011	Severe Storms, Floods	\$ 819,935.00	\$ 673,249.20	\$ 146,685.80	
DR 4114	04/09/2013 to 04/11/2013	Severe Winter Storms	\$ 2,012,949.00	\$ 524,424.97	\$ 1,488,524.03	
DR 4119	04/17/2013 to 04/30/2013	Severe Storms, Straight-line Winds, Floods	\$ 1,339,904.00	\$ 762,387.55	\$ 577,516.45	
DR 4126	05/19/2013 to 06/14/2013	Severe Storms, Tornadoes, Floods	\$ 3,576,351.00	\$ 2,012,854.95	\$ 1,563,496.05	
DR 4135	06/21/2013 to 06/28/2013	Severe Storms, Tornadoes, Floods	\$ 877,378.00	\$ 482,312.99	\$ 395,065.01	
DR 4181	06/03/2014 to 06/04/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 1,656,191.00	\$ 346,457.76	\$ 1,309,733.24	
DR 4184	06/14/2014 to 06/23/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 4,096,072.00	\$ 1,223,980.59	\$ 2,872,091.41	
DR 4187	06/26/2014 to 07/07/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 4,213,843.00	\$ 1,063,774.61	\$ 3,150,068.39	
DR 4234	06/20/2015 to 06/25/2015	Severe Storms, Tornadoes, SL Winds, Floods	\$ 1,843,737.00	\$ 494,517.98	\$ 1,349,219.02	
TOTALS			\$ 161,281,775.00	\$ 116,856,321.67	\$ 44,425,453.33	

The above data is provided as an information update to the Executive Council of Iowa.

Patrick J. Hall
 4/13/16
 Date

Patrick J. Hall, Recovery Division Administrator