

EXECUTIVE COUNCIL OF IOWA AGENDA

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

JUNE 20, 2016

1. Approval of minutes of meeting held May 31, 2016
2. Personal Appearance –
 - A. Marvin Shultz, Department of Human Services will be present to request additional Resolution of Funds in the amount of \$4,000.00 pursuant to House File 896 Section 1.
TAB # 1
3. Outside Counsel – Page 1
TAB #'s 2 and 3
4. Outside CPA – Page 1
TAB # 4
5. Conveyance of Property – Page 2
TAB # 5
6. Litigation Expense Fund – Page 2
TAB # 6
7. Emergency Allocations – Page 2
8. Payment of Cost Items – Pages 2 - 4

3. **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 Dennis Witte 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

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Mark Voyles v. Glenwood Resource Center, 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

4. **Outside CPA Firm**

- A. Request from Mary Mosiman, Auditor of State to employ the services of outside CPA firms to perform the periodic examinations for the cities listed below for the period ending June 30, 2016

Firm:	Cities:	Amount
Denman & Company	Beaver, Berkley, Lucas, Rippey, St. Marys	\$16,500
Hogan-Hansen	Brunsville, Cleghorn, Merrill, Oyens, Pierson	\$15,000
O'Connor + Brooks	Farmersburg, Harpers Ferry, Luana, St. Olaf, Waterville	\$15,000
Gronewold, Bell, Kyhnn	Farragut, Imogene, Randolph, Thurman, Yorktown	\$15,950
Hogan-Hansen	Columbus City, Cotter, Fredonia, Grandview, Letts	\$19,500

TAB # 4

5. Conveyance of Property

Request from Department of Public Defense, Iowa National Guard to convey ownership of two parcels of land to the City of Sioux City for the price of \$1.00.

TAB # 5

6. Litigation Expense Fund

A. Request from the Attorney Generals’ office on behalf of the Department of Revenue to transfer funds to the Litigation Expense Fund for FY 2017 in the amount of \$345,000.00

TAB # 6

7. Emergency Allocations

A. Department Natural Resources is requesting an emergency allocation in the amount of \$16,265.60. On June 25, 2015 flooding caused damage at the Walnut Woods State Park, request is to cover repair costs.

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

8. Payment of Cost Items

A. Nyemaster Goode, P.C.....\$168.00
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.

B. McDowell, Rice, Smith & Buchanan.....\$4,725.00
605 West 47th Street, Suite 350
Kansas City, MO 64112
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.

- C. Elisabeth Reynoldson..... \$1,878.00
Attorney at Law
200 West Jefferson Street
PO Box 199
Osceola, IA 50213-0199
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. Richard J. Bennett, Sr. \$1,260.00
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.

- E. Barnes & Thornburg LLP..... \$95.00
One North Wacker Drive, Suite 4400
Chicago, IL 60606
Peregrine Financial Group (PFG) Bankruptcy

Jeffrey Thompson, Solicitor General, Attorney General's Office has reviewed this invoice and recommends payments. Payment will be made by UNI.

- F. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$549.75
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

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

- G. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,141.50
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

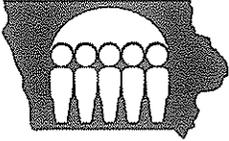
Jeffrey Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Department of Revenue.

- H. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$1,025.00
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 Thompson, Solicitor General, Attorney General's Office has reviewed this invoice and recommends payment. Payment will be made from the funds DOT.

- I. 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.



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

2016 JUN 14 AM 9:08
EXECUTIVE COUNCIL

JUN 14 2016

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 additional funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, June 20, 2016. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for additional Funds in the amount of \$4,000.00 for Clinton County pursuant to House File 896 Section 1 to distribute funds to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance. This will bring the total requested for this disaster to \$24,000.

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

Dept Fund Appr Org
401 0391 0000 1603 State Only Disaster – March, 2016 for Clinton County.

Thank you for your assistance.

Sincerely,

Charles M. Palmer
Director

cc: Vern Armstrong
Marvin Shultz
Mihneta Lisinovic
Rick Fox



THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

May 20, 2016

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

2016 JUN 14 AM 9:25
EXECUTIVE COUNCIL

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Dennis Witte v. Iowa Department of Transportation, 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,

JEFFREY S. THOMPSON
Solicitor General

THOMAS J. MILLER
ATTORNEY GENERAL
EXECUTIVE COUNCIL
2016 JUN 16 AM 7:35
JEFFREY S. THOMPSON
SOLICITOR GENERAL



1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

June 9, 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 *Mark Voyles v. Glenwood Resource Center, 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.

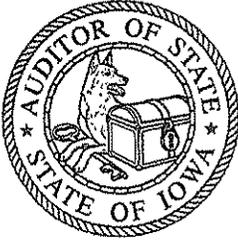
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Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

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

JEFFREY S. THOMPSON
Solicitor General



OFFICE OF AUDITOR OF STATE
STATE OF IOWA

Mary Mosiman, CPA
Auditor of State

State Capitol Building
Des Moines, Iowa 50319-0004

Telephone (515) 281-5834 Facsimile (515) 242-6134

June 10, 2016

EXECUTIVE COUNCIL
2016 JUN 14 AM 9:21

GeorgAnna Madsen, Secretary
Executive Council of Iowa
State Capitol Building
L O C A L

Dear GeorgAnna:

I respectfully request permission of the Executive Council to employ the services of the following CPA firms to perform the periodic examinations for the cities listed below for the period ending June 30, 2016 as required in Chapter 11 of the Code of Iowa.

<u>Firm Name</u>	<u>Cities Included in Agreement</u>	<u>Cost</u>
Denman & Company	Beaver, Berkley, Lucas, Rippey, St. Marys	\$ 16,500
Hogan-Hansen	Brunsville, Cleghorn, Merrill, Oyens, Pierson	15,000
O'Connor+Brooks	Farmersburg, Harpers Ferry, Luana, St. Olaf, Waterville	15,000
Gronewold, Bell, Kyhnn	Farragut, Imogene, Randolph, Thurman, Yorktown	19,950
Hogan-Hansen	Columbus City, Cotter, Fredonia, Grandview, Letts	19,500
	Total	<u>\$ 81,950</u>

The total reimbursement for the periodic examinations shall not be for more than \$81,950. A copy of each of the proposed Agreements is attached.

Your assistance in this matter is greatly appreciated.

Sincerely,

Mary Mosiman

MM/gp
Attachment

THOMAS J. MILLER
ATTORNEY GENERAL

GRANT K. DUGDALE
Assistant Attorney General



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Licensing & Administrative Law Division

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-3395
Email: Grant.Dugdale@iowa.gov
www.iowaattorneygeneral.gov

EXECUTIVE COUNCIL
2016 JUN -2 PM 2:13

May 29, 2016

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
Local

Re: Iowa National Guard/Sioux City Land Patents

Dear GeorgAnna:

I am writing to request that two land patents selling two parcels of property to the City of Sioux City be placed on the Executive Council's agenda at an upcoming meeting. As required by Iowa Code § 29A.57(2), the Iowa Armory Board requests Executive Council approval of two land patents to the City of Sioux City to be used as a right-of-way for a city-owned roadway. I have enclosed the two land patents and supporting documents as well as a letter from Brigadier General Benjamin J. Corell explaining why the Iowa Armory Board recommends that two parcels of property be sold. I have reviewed and approved the enclosed land patents as to legal form and sufficiency.

If you have any questions, please feel free to contact me. Thank you in advance for your assistance.

Sincerely,

GRANT K. DUGDALE
Assistant Attorney General



HEADQUARTERS IOWA NATIONAL GUARD

Office of the Adjutant General

Camp Dodge Joint Maneuver Training Center

7105 NW 70th Avenue

Johnston, Iowa 50131-1824

Terry Branstad
Governor

Kim Reynolds
Lieutenant Governor

October 29, 2015

Iowa Executive Council
Attention: GeorgAnna Madsen, Executive Secretary
1007 E. Grand Avenue Room 114
Des Moines, Iowa 50319

Dear Ms. Madsen,

The Iowa Armory Board requests the transfer of 1.44 acres of real estate to the City of Sioux City, Iowa to be used as a right of way for a city owned roadway. Iowa Code section 29A.57 (2) allows State property under the control of the Armory Board to be sold or exchanged on recommendation of the Armory Board with the approval of the Executive Council.

In 2011 the City of Sioux City requested 1.44 acres of State-owned land be transferred to the city as right of way for the construction of a new roadway. This property lies along the eastern edge of the Sioux City Army National Guard Armory and Field Maintenance Shop site. To offset the impact of the transfer, the City has provided a 20 year, no-fee, renewable lease to the State of Iowa on 2.5 acres of city-owned land located along the south side of the National Guard site.

The Iowa Armory Board approved recommending the land transfer at its meeting held October 5, 2011. In the process of preparing the transfer materials, National Guard and Sioux City staff discovered defects in the State's title to the 1.44 acres which would prevent transfer of clear title to the city. A "Right of Entry" agreement was prepared to allow the City to proceed with its roadway project while the title issues were resolved. The 2.5 acre lease was provided by Sioux City and has been accepted by the Armory Board pursuant to the authority granted in Iowa Code section 29A.58.

At the date of this request, the State's title to the 1.44 acres has been made clear. Executed Certificates in Support of Patent Request are enclosed. If approved, the attached patents will complete the transfer of the right of way area to the City of Sioux City. The patents have been reviewed and approved by the Attorney General's Office. Accordingly the Iowa Armory Board recommends that the Executive Council approve the transfer of property by patents as described.

If you have questions or concerns, you can contact our Government Relations Officer, CPT Barton at Katherine.m.barton2.mil@mail.mil or (515)252-4685 or myself at (515)252-4786.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin J. Corell".

Benjamin J. Corell
Brigadier General, Iowa National Guard
State Quartermaster

THOMAS J. MILLER
ATTORNEY GENERAL

EXECUTIVE COUNCIL

2016 JUN 16 AM 7:36

JEFFREY S. THOMPSON
AUDITOR GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-4419
Email: Jeffrey.Thompson@iowa.gov
www.iowaattorneygeneral.gov

June 9, 2015

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

Re: Litigation Expense Fund

Dear GeorgAnna:

The Department of Revenue requests that the Executive Council transfer funds to the Litigation Expense Fund to pay anticipated litigation expenses for the next fiscal year. The Litigation Expense Fund is “created in the state treasury” and “shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue” Iowa Code section 441.73(1). The Executive Council “shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 425.1 and 426.1 an amount necessary to pay litigation expenses.” Iowa Code section 441.73(4). The funds referenced in these sections are: the Homestead Tax Credit Fund (§ 425.1) with an unspecified standing appropriation and the Agricultural Land Credit Fund (§ 426.1) with a standing appropriation of \$39,100,000 the first \$10,000,000 of which is transferred into the Family Farm Tax Credit Fund.

The balance in the Fund is capped by statute. “The amount in the fund for each fiscal year shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the two separate funds. At any time when no litigation is pending or in progress the balance in the litigation expense fund shall not exceed one hundred thousand dollars.” Iowa Code § 441.23(4).

The Director of the Department of Revenue requests that a total of \$345,000 be transferred into the Litigation Expense Fund for FY ‘17 from these sources on the following basis:

78% - (\$269,100) - Homestead Tax Credit Fund under § 425.1; and
22% - (\$ 75,900) - Agricultural Land Credit Fund under § 426.1.

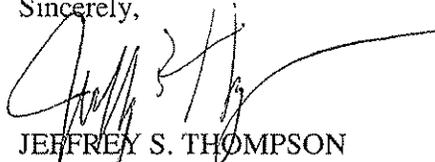
The amount of the request is based on estimates as to potential litigation costs involving experts and outside counsel as well as estimated litigation costs attributable to the Attorney General’s

GeorgAnna Madsen
Page 2

office during FY17. Litigation anticipated in the 2017 fiscal year will include Buckeye Pipe Line Transportation challenging its assessments for the 2013, 2014 and 2015 assessment years.

Generally, a transfer of funds at the start of each fiscal year is offset by any amount carried over from the previous fiscal year. The Department estimates a carryover from the 2016 fiscal year of approximately \$355,000 in unused funds. The transfer of an additional \$345,000 will bring the total to \$700,000 and will replenish the Litigation Expense Fund sufficiently to cover estimated litigation expenses without exceeding the maximum statutory cap of \$700,000. See Iowa Code § 441.73(4).

Sincerely,



JEFFREY S. THOMPSON
Solicitor General