

# EXECUTIVE COUNCIL OF IOWA AGENDA

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

**JULY 25, 2016**

1. Approval of minutes of meeting held July 18, 2016
2. Personal Appearance –
  - A. Christie Templeton, Department of Human Services will be present to request Resolution of Funds in the amount of \$200,000.00 pursuant to Iowa Code 29C.20A for Benton and Wright Counties  
**TAB # 1**
3. Outside Counsel – Page 1  
**TAB # 2**
4. Emergency Allocations – Page 1
5. Payment of Cost Items – Pages 1 - 5
6. Information Items – Page 5  
**TAB #'s 3, 4 and 5**

**3. Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of outside counsel to provide legal advice to Department of Human Services (DHS) in a trademark issue.

Attorney: Brett Trout  
Firm: Brett J. Trout, P.C.  
516 Walnut Street  
Des Moines, IA 50309  
Rate: \$390.00

**TAB # 2**

**4. Emergency Allocations**

- A. Department of Public Safety, ISP District # 2, Osceola is requesting an emergency allocation and payment in the amount of \$7,950.00. On April 8, 2016 heavy rains caused damage to the roof. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, and payment in the amount requested.

**5. Payment of Cost Items**

- A. Simmons Perrine Moyer Bergman PLC.....\$12,275.53  
115 Third Street SE, Suite 1200  
Cedar Rapids, IA 52402  
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.

- B. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$141.97  
The Davis Brown Tower  
215 10<sup>th</sup> 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

- C. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$649.00  
The Davis Brown Tower  
215 10<sup>th</sup> 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.

- D. Patterson Law Firm L.L.P..... \$658.60  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joey Allan McGraw v. Iowa State Penitentiary, State of Iowa, and Second  
Injury Fund of Iowa

- E. Patterson Law Firm L.L.P..... \$120.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joyce Myers v. Iowa State University, State of Iowa, and Second Injury Fund  
of Iowa

- F. Patterson Law Firm L.L.P..... \$720.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Andrea Casey-Steciw v. University of Iowa, State of Iowa and Second Injury  
Fund of Iowa

- G. Patterson Law Firm L.L.P..... \$74.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Daniel Reed v. Iowa Department of Transportation, State of Iowa, and Second  
Injury Fund of Iowa

- H. Patterson Law Firm L.L.P..... \$888.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Annette Henning v. Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- I. Patterson Law Firm L.L.P..... \$732.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jason Landess v. Clarinda Correctional Facility and State of Iowa and Second Injury Fund of Iowa
- J. Patterson Law Firm L.L.P..... \$300.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Brandon Logan v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa
- K. Patterson Law Firm L.L.P..... \$24.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
James Conwell v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury Fund of Iowa
- L. Patterson Law Firm L.L.P..... \$330.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Maury White v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- M. Patterson Law Firm L.L.P..... \$36.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Randolph Dean Oaks v. University of Iowa, State of Iowa, and Second Injury Fund

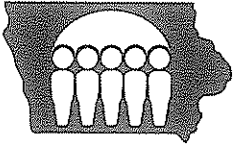
- N. Patterson Law Firm L.L.P..... \$48.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jonathan Arkulari v. University of Northern Iowa, State of Iowa, and Second Injury Fund of Iowa
- O. Patterson Law Firm L.L.P..... \$1,038.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Thomas Prine v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P..... \$234.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jasmina Tartic v. Department of Justice, State of Iowa, and Second Injury Fund of Iowa
- Q. Patterson Law Firm L.L.P..... \$174.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Julie Oxley v. Iowa State University, State of Iowa and Second Injury Fund of Iowa
- R. Patterson Law Firm L.L.P..... \$84.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Gary Letze v. Iowa Department of Transportation, State of Iowa and Second Injury Fund
- S. Patterson Law Firm L.L.P..... \$930.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Dennis Witte v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa

- T. Patterson Law Firm L.L.P..... \$420.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Jumeka L. Hemphill v. University of Iowa Student Health, State of Iowa and  
Second Injury Fund of Iowa
- U. Patterson Law Firm L.L.P..... \$534.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Kirby Bragg v. Iowa Department of Natural Resources, State of Iowa and  
Second Injury Fund of Iowa
- V. Patterson Law Firm L.L.P..... \$72.00  
505 Fifth Avenue, Suite 729  
Des Moines, IA 50309-2390  
Laurie Sue Cook v. Iowa State University, State of Iowa and Second Injury  
Fund of Iowa

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

**6. Information Items**

- A. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.  
**TAB #'s 3, 4 and 5**



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

2016 JUL 21 AM 8:57  
EXECUTIVE COUNCIL

July 19, 2016

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

Re: Governor's Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Madsen:

Per the Governor's Disaster Declaration, I am requesting funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, July 25, 2016. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$200,000.00 for Benton and Wright Counties pursuant to Iowa Code 29C.20A 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.

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

Dept Fund Appr Org  
401 0391 0000 1701\_State Only Disaster – Benton and Wright Counties\_Jul2017

Thank you for your assistance.

Sincerely,

Charles M. Palmer  
Director

cc: Vern Armstrong, Department of Human Services  
Christie Templeton, Department of Human Services  
Lori Lipscomb, Department of Human Services  
Mihneta Lisinovic, Department of Human Services  
Rick Fox, Department of Human Services  
Shashi Goel, Department of Management

THOMAS J. MILLER  
ATTORNEY GENERAL

EXECUTIVE COUNCIL

2016 JUL 21 AM 11:40



JEFFREY S. THOMPSON  
SOLICITOR 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

July 21, 2016

GeorgAnna Madsen  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Retention of Special Counsel

Dear GeorgAnna:

Our office is requesting Executive Council approval to retain Special Counsel to represent the Department of Human Services (DHS) in a trademark issue. The trademark "ia health link" logo and name is being used in connection with the Medicaid Managed Care program. It is important DHS have control over the name to prevent member and provider confusion.

Because our office lacks expertise in trademark matters, we are requesting approval to retain Brett Trout of The Law Offices of Brett J. Trout, P.C., 516 Walnut, Des Moines, IA 50309. He is an intellectual property attorney in Des Moines who has handled this type of work since 1992.

Beyond the estimated cost of \$1,400 to prepare the trademark application, Mr. Trout will be paid an hourly rate of \$390 and his legal assistant an hourly rate of \$150 with an upward adjustment each calendar year. Under the terms of the contract, fees and costs will be paid by DHS.

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General



## Funds Authorized by Executive Council for State and Federal Disasters

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

Unit	Description	ExecC Ltr Dated	Authorized Amount	Cumulative Auth. to Date	Spent as of 06/30/2016	Unspent 06/30/2016
1204	Fremont and Union	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	4/29/13	500,000	500,000		
	Return unspent funds	4/17/14	-174,836	325,164	325,164	0
1305	May June 2013 flooding	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	6/23/14	1,000,000	1,000,000		
	Increased	9/15/14	200,000	1,200,000		
	Increased	11/10/14	150,000	1,350,000	1,217,493	132,507
1504	April 2015 Clinton Co	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	6/29/15	200,000	200,000	21,974	178,026
1507	September 2014 storms Adair Guthrie Ringgold Union Wa	9/22/14	200,000	200,000	142,745	57,255
1508	August 22-23 2014 Clarke Co	9/2/14	35,000	35,000	0	35,000
1513	May 2015 Clarke Co	6/1/15	25,000	25,000	13,651	11,349
1603	March 2016 Clinton Co	3/28/16	24,630	24,630	24,425	205
1607	June 10 2015 Adair, Appanoose, Dallas, Guthrie, Henry, L	7/6/15	300,000	300,000	224,439	75,561
1609	September 2015 Guthrie & Hamilton Co	9/28/15	80,000	80,000	0	80,000
1613	July 2015 Marion and Warren Co	8/3/15	150,000	150,000	93,423	56,577

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

	Maximum Authorized	Authorized After Returns	Spent as of 06/30/2016	Unspent 06/30/2016
SFY2013 funds authorized and spent	1,900,000	1,651,477	1,646,477	5,000
SFY2014 funds authorized and spent	1,350,000	1,350,000	1,217,493	132,507
SFY2015 funds authorized and spent	535,000	535,000	210,633	324,367
SFY2016 funds authorized and spent	530,000	530,000	317,862	212,138

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

Unit	Description	ExecC Ltr Dated	Authorized Amount	Cumulative Auth. to Date	Spent as of 06/30/2016	Unspent 06/30/2016
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

EXECUTIVE COUNCIL  
2016 JUL -6 AM 10:07

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

QUARTERLY UPDATE: 6/30/2016

Executive Council Agenda -- Information Item

**EXECUTIVE COUNCIL**  
**2016 JUL 13 AM 8:38**

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	\$ 81,502,683.01	\$ 20,145,780.99	
DR 1880	01/19/2010 to 01/26/2010	Severe Winter Storms	\$ 16,626,781.00	\$ 13,267,779.17	\$ 3,359,001.83	
DR 1928	05/12/2010 to 05/13/2010	Severe Storms, Floods	\$ 905,460.00	\$ 433,399.63	\$ 472,060.37	
DR 1930	06/01/2010 to 08/31/2010	Severe Storms, Tornadoes, Floods	\$ 10,012,620.00	\$ 7,542,162.98	\$ 2,470,457.02	
DR 1977	04/09/2011 to 04/10/2011	Severe Storms, Tornadoes, Straight-Line Winds	\$ 965,310.00	\$ 420,390.42	\$ 544,919.58	
DR 1998	05/25/2011 to 08/01/2011	Missouri River Flooding	\$ 8,620,888.00	\$ 6,405,144.91	\$ 2,215,743.09	
DR 4016	07/09/2011 to 07/14/2011	Severe Storms, Straight-line Winds, Floods	\$ 759,608.84	\$ 759,608.84	\$ -	X
DR 4018	07/27/2011 to 07/29/2011	Severe Storms, Floods	\$ 819,935.00	\$ 703,921.85	\$ 116,013.15	
DR 4114	04/09/2013 to 04/11/2013	Severe Winter Storms	\$ 4,012,949.00	\$ 559,005.53	\$ 3,453,943.47	
DR 4119	04/17/2013 to 04/30/2013	Severe Storms, Straight-line Winds, Floods	\$ 1,339,904.00	\$ 898,006.57	\$ 441,897.43	
DR 4126	05/19/2013 to 06/14/2013	Severe Storms, Tornadoes, Floods	\$ 3,576,351.00	\$ 2,213,914.00	\$ 1,362,437.00	
DR 4135	06/21/2013 to 06/26/2013	Severe Storms, Tornadoes, Floods	\$ 877,378.00	\$ 497,367.81	\$ 380,010.19	
DR 4181	06/03/2014 to 06/04/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 1,636,486.00	\$ 380,365.47	\$ 1,256,120.53	
DR 4184	06/14/2014 to 06/23/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 4,056,752.00	\$ 1,356,286.11	\$ 2,700,465.89	
DR 4187	06/26/2014 to 07/07/2014	Severe Storms, Tornadoes, SL Winds, Floods	\$ 4,194,138.00	\$ 1,212,587.92	\$ 2,981,550.08	
DR 4234	06/20/2015 to 06/25/2015	Severe Storms, Tornadoes, SL Winds, Floods	\$ 1,843,737.00	\$ 664,347.43	\$ 1,179,389.57	
<b>TOTALS</b>			<b>\$ 161,896,761.84</b>	<b>\$ 118,816,971.65</b>	<b>\$ 43,079,790.19</b>	

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

Patrick J. Hall, Recovery Division Administrator

Date

TAB # 4

7/13/16

**STATUS OF STATE AID (Iowa Code 29C.20) NON-HSEMD ALLOCATIONS**  
**Quarterly Update, 06/30/2016**  
**Presented by Office of Treasurer of State**

**EXECUTIVE COUNCIL**

**2016 JUL 21 PM 2:04**

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
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
1635	04/03/2015	DAS	Ground shifting caused damage to the steam line at the IWD Building	\$ 214,436.96	\$ 214,436.96
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 285th 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
1640	06/25/2015	DNR	Flood damage at Walnut Woods State Park	\$ 16,265.60	\$ 16,265.60
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 Wapsipinicon State Park	\$ 23,741.34	\$ 23,741.34
1621	06/30/2015	DNR	Storm damage at Palisades 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
1634	08/14/2015	DAS	Heavy rains caused mudslide on Court Avenue Hillside	\$ 179,676.16	\$ 179,676.16
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
1638	01/28/2016	UNI	Broken Sprinkler caused water damage to Wellness/Rec Center	\$ 55,339.00	\$ 55,339.00
1636	02/03/2016	DAS	Power blip at the Ankeny Labs resulted in damage to equipment	\$ 11,828.42	\$ 11,828.42
1637	02/28/2016	DPS	Damage to vehicle #826 as a result of hitting a deer	\$ 6,301.23	\$ 6,301.23
1633	03/15/2016	DPS	Hail damage to vehicles #128, 386, 320, 328 and 363 in Muscatine and Cedar Co	\$ 11,353.25	\$ 11,353.25
1639	03/29/2016	DHS	Pipe burst at the powerhouse at Glenwood Resource Center	\$ 7,544.38	\$ 7,544.38
<b>TOTALS</b>				<b>\$ 1,877,362.42</b>	<b>\$ 912,449.86</b>