

# EXECUTIVE COUNCIL OF IOWA AGENDA

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

**OCTOBER 3, 2016**

1. Approval of minutes of meeting held September 19, 2016
2. Personal Appearance –
  - A. Karin Gregor DAS –Human Resources Enterprise COO will be present to request approval of SPOC Insurance Rates for 2017.  
**TAB # 1**
  - B. Christie Templeton, Department of Human Services will be present to request Resolution of Funds in the amount of \$1,000,000.00 pursuant to Iowa Code 29C.20A with regard to Governor’s Proclamation of a State of Disaster Emergency.  
**TAB # 2**
3. Outside Counsel – Page 1  
**TAB #'s 3 and 4**
4. Leases – Page 1
5. Payment of Cost Items – Pages 1 - 5

**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 Darryn Abben vs. 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 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309  
Rate: \$120.00 per hour

**TAB # 3**

- B. The Department of Justice, Attorney General's office requests retention of special counsel to provide legal advice to the Office of the Chief Information officer.

Firm: Foley & Lardner, LLP  
Attorney: Mr. Christopher Cain; Mr. Aaron Tantleff and Mr. Chanley Howell  
321 North Clark Street  
Chicago, IL 60654  
Rate: \$495.00 per hour

**TAB # 4**

**4. Leases**

- A. Lease between DNR and Corn Belt Telephone Company  
Date of Lease: Five Years Expiring June 30, 2021  
Legal Description: Underground TV cable buried on the roadsides through Black Hawk State Park in Sac County.  
Annual Fee: \$ 300.00

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

**5. Payment of Cost Items**

- A. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$42.00  
The Davis Brown Tower  
215 10<sup>th</sup> 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, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Department of Economic Development Authority.

- B. Barnes & Thornburg LLP..... \$190.00  
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.

- C. Patterson Law Firm L.L.P..... \$24.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jolene Murren v. Clarinda Correctional Facility and State of Iowa and Second Injury Fund of Iowa
- D. Patterson Law Firm L.L.P..... \$204.00  
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
- E. Patterson Law Firm L.L.P..... \$144.00  
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
- F. Patterson Law Firm L.L.P..... \$186.00  
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
- G. Patterson Law Firm L.L.P..... \$180.00  
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

- H. Patterson Law Firm L.L.P..... \$78.00  
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
- I. Patterson Law Firm L.L.P..... \$24.00  
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
- J. Patterson Law Firm L.L.P..... \$96.00  
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
- K. Patterson Law Firm L.L.P..... \$384.00  
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
- L. Patterson Law Firm L.L.P..... \$48.00  
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
- M. Patterson Law Firm L.L.P..... \$828.00  
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
- N. Patterson Law Firm L.L.P..... \$120.00  
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

- O. Patterson Law Firm L.L.P..... \$360.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mark Voyles v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa
- P. Patterson Law Firm L.L.P..... \$12.00  
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
- Q. Patterson Law Firm L.L.P..... \$36.00  
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
- R. Patterson Law Firm L.L.P..... \$276.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Diana Mindham v. Iowa Correctional Facility for Women, State of Iowa, and Second Injury Fund

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

- S. Iowa Communications Network ..... \$8,479.52  
On April 9, 2015 ICN cable was damaged along Highway 93 in Fayette County due to erosion. Request was to cover repair.

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

- T. Iowa Communications Network ..... \$2,168.82  
On May 31, 2016 ICN cable was damaged due to erosion along Hunt Avenue,  
north of Kanessville Road in Pottawattamie County. Request was to cover  
repair costs.

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

- U. Iowa Communications Network ..... \$9,471.54  
On November 12, 2014 ICN cable was damaged along I-80 in Cass County,  
due to rodent chew. Request was to cover repair.

The State Auditor has reviewed this request and recommends payment. This  
represents full and final payment, \$18,690.12 will be reverted and this  
allocation closed.

- V. Iowa Communications Network ..... \$8,778.22  
On November 2, 2015 ICN cable was damaged due to a mudslide along  
Highway 14, Near Post 62 in Jasper County. Request was to cover repair  
costs.

The State Auditor has reviewed this request and recommends payment. This  
represents full and final payment, \$2,057.79 will be reverted and this  
allocation closed.

## Iowa Department of Administrative Services

Service • Efficiency • Value

Governor Terry E. Branstad  
Lt. Governor Kim Reynolds

Janet Phipps, Director

September 28, 2016

## MEMORANDUM

TO: The Honorable Terry E. Branstad, Governor  
 The Honorable Paul Pate, Secretary of State  
 The Honorable Mary Mosiman, Auditor of State  
 The Honorable Michael L. Fitzgerald, Treasurer of State  
 The Honorable William H. Northey, Secretary of Agriculture & Land Stewardship

FR: Janet Phipps, Director, Department of Administrative Services

RE: State Police Officers Council 2017 Group Insurance

Below please find information regarding the 2017 health insurance program offered to State Police Officer Council (SPOC) covered employees. A Notice of Intent to Award has been issued for Wellmark, as a result of public bid. The health premiums for SPOC covered employees will not increase from 2016 if the recommended rates are approved. Employee shares and wellness incentive for SPOC covered employees are negotiated in the collective bargaining process.

**Wellmark Premium Rates – SPOC**  
 (Wellness Incentive Included)

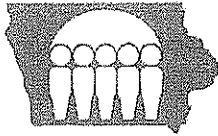
Wellmark	Contract Type	2016			Percent Inc/(Dec)	2017		
		Total Premium	State Share	Employee Share		Total Premium	State Share	Employee Share
Alliance Select	Single	\$428.85	\$408.89	\$19.96	0.00%	\$428.85	\$408.89	\$19.96
	EE+Spouse	\$878.28	\$768.44	\$109.84	0.00%	\$878.28	\$768.44	\$109.84
	EE+Children	\$811.81	\$715.27	\$96.54	0.00%	\$811.81	\$715.27	\$96.54
	Family	\$1,316.14	\$1,118.72	\$197.42	0.00%	\$1,316.14	\$1,118.72	\$197.42

**Wellmark Premium Rates – SPOC**  
 (Wellness Incentive Not Included)

Wellmark	Contract Type	2016			Percent Inc/(Dec)	2017		
		Total Premium	State Share	Employee Share		Total Premium	State Share	Employee Share
Alliance Select	Single	\$428.85	\$343.07	\$85.78	0.00%	\$428.85	\$343.07	\$85.78
	EE+Spouse	\$878.28	\$702.62	\$175.66	0.00%	\$878.28	\$702.62	\$175.66
	EE+Children	\$811.81	\$649.45	\$162.36	0.00%	\$811.81	\$649.45	\$162.36
	Family	\$1,316.14	\$1,052.90	\$263.24	0.00%	\$1,316.14	\$1,052.90	\$263.24

**DAS is asking the Executive Council to do the following:**

- Approve entering a contract with Wellmark for fully insured health insurance for employees covered by the State Police Officers Council collective bargaining agreement for a length of up to 6 years if all extensions are executed.
- Approve the SPOC health premium rates for 2017.



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

SEP 29 2016

GeorgAnna Madsen, Executive Secretary  
Executive Council of Iowa  
State 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, October 3, 2016. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$1,000,000.00 to be allocated as follows:

- \$600,000.00 for Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cedar, Chickasaw, Delaware, Floyd, Franklin, Linn, and Wright Counties
- \$200,000.00 for Cerro Gordo, Hancock, Mitchell, and Worth Counties
- \$200,000.00 for Howard, Jones, Louisa, and Story Counties

Pursuant to Iowa Code 29C.20A these funds will be distributed 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:

<u>Dept</u>	<u>Fund</u>	<u>Appr</u>	<u>Org</u>	
401	0391	0000	1710	State Only Disaster - Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cedar, Chickasaw, Delaware, Floyd, Franklin, Linn, Wright _ Sept 2016
401	0391	0000	1711	State Only Disaster - Cerro Gordo, Hancock, Mitchell, Worth _ Sept 2016
401	0391	0000	1712	State Only Disaster - Howard, Jones, Louisa, Story _ Sept 2016

Thank you for your assistance.

Sincerely,

Charles M. Palmer  
Director

cc: Vern Armstrong, Department of Human Services  
Christie Templeton, 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

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

September 26, 2016

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

EXECUTIVE COUNCIL  
2016 SEP 29 AM 9:35

Re: Retention of Outside Counsel


Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *Darryn Abben vs. 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 5<sup>th</sup> 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

JEFFREY S. THOMPSON  
SOLIDITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

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Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

September 26, 2016

EXECUTIVE COUNCIL  
2016 SEP 29 AM 9:36

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

Re: Retention of Special Counsel

Dear GeorgAnna:

The Office of the Chief Information Officer (OCIO) is requesting approval to hire Special Counsel to assist with cloud-based and other highly specialized information technology (as defined in Iowa Code § 8B.1(5)) transactions. These transactions involve complex business and legal issues and substantial risks.

The OCIO believes Special Counsel will be beneficial for purposes of risk mitigation and reducing enterprise liability, including but not limited to liability arising from a data-security breach. The OCIO may also utilize the expertise of Special Counsel to assist with the preparation of specialized contract provisions and forms.

In 2014, the OCIO interviewed four law firms and requested hiring Foley & Lardner, LLP (Foley) as Special Counsel. The Agreement was from June 9, 2014, to June 9, 2015, with up to four (4) additional one-year renewal terms. The Agreement was extended in 2015 for an additional year (June 9, 2015 – June 9, 2016); however, when that one-year extension expired, the Agreement was not renewed.

Foley has agreed to execute a new Agreement for Special Counsel under the same payment terms as the prior Agreement. However, because Chanley Howell has experience negotiating IT equipment leases and with IBM as recently as this year, under the new Agreement for Special Counsel, he would be specifically listed as Special Counsel in addition to Mr. Cain and Mr. Tantleff. The hourly rates for all three attorneys would initially be \$495, and for associates \$270-\$330. The hourly rates reflect a discount off the firm's standard rates. The firm's standard hourly rates are \$575 for Mr. Cain, \$610 for Mr. Howell, \$600 for Mr. Tantleff, and \$270-\$330 for associates. A senior partner, James Kalyvas, would serve in a total project oversight role at no charge (his

GeorgAnna Madsen  
Page 2

standard hourly rate is \$870). If permissible, the hourly rates would be subject to annual increases in amounts not to exceed the amount equal to the percentage change in the Consumer Price Index ("CPI") during the preceding calendar year. Director von Wolfradt has requested that the new Agreement be for an initial three-year term with two optional single-year renewals thereafter.

Accordingly, our office recommends Foley & Lardner, LLP, be approved as Special Counsel with all attorney fees and costs to be paid by the OCIO.

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