EXECUTIVE COUNCIL OF IOWA AGENDA

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

NOVEMBER 6, 2017

1. Approval of minutes of meeting held October 23, 2017

2. Outside Counsel – Page 1
   TAB # 1

3. Iowa Code §7D.10 – Page 1
   TAB # 2

4. Litigation Expense Fund – Page 1
   TAB # 3

5. Leases – Page 1

6. Emergency Allocations – Pages 2 - 4

7. Payment of Cost Items – Pages 4 - 5
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 *Kareem A. Duckett v. Mt. Pleasant Correctional Facility, 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**

3. **Iowa Code §7D.10**

   A. Attorney General’s office request Payment for Expenses under Iowa Code §7D.10 in the amount of $17,195.11.

   **TAB # 2**

4. **Litigation Expense Fund**

   A. Request from the Attorney General’s office on behalf of the Department of Revenue to expend $30,000.00 from the Litigation Expense Fund during the second quarter of the 2018 fiscal year.

   **TAB # 3**

5. **Leases**

   A. Lease between DNR and Tallgrass Apartments, L.L.V  
   Date of Lease: Five Years ending December 31, 2021  
   Legal Description: A portion of Parcel "H" in the NW ¼ of the NE ¼ of Section 17, Township 99N, Range 36W, in Dickinson County, Iowa. A map of the Leased Premises is attached as Exhibit A, which is incorporated by this reference.  
   Annual Fee: $300.00

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

A. Department of Public Safety is requesting a supplemental emergency allocation in the amount of $1,154.18 and payment in the amount of $4,682.64. On May 4, 2017 State Patrol Car # 271 was damaged due to a deer accident on County Road E29. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends allocation and payment. This will represent full and final payment and this allocation will be closed.

B. Department of Corrections is requesting an emergency allocation in the amount of $27,215.00. On May 19, 2017 the Fort Dodge Correctional Facility sustained storm/lightning to fire panel. 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 Natural Resources is requesting an emergency allocation in the amount of $9,311.89. On September 3, 2017 a break-in at the Yellow State Forest caused damage to shop and also items were stolen. Request is to cover costs.

The State Auditor’s Office has reviewed request and recommends allocation in the amount of $8,913.78 due to quotes and supporting documentation showing the lesser amount, subject to audit of actual invoices.

D. Iowa Communications Network is requesting an emergency allocation in the amount of $10,111.77. On August 22, 2017 ICN sustained cable damage due to rodent chew and a washout in Plymouth County south of Le Mars. Request is to cover repair costs.

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.

E. Department of Public Safety is requesting an emergency allocation in the amount of $2,260.46. On September 22, 2017 State Patrol Vehicle # 100 was damaged due to an accident involving a raccoon. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends allocation, subject to audit of actual invoices.
F. Department of Public Safety is requesting an emergency allocation in the amount of $4,721.30. On September 8, 2017 State Patrol Vehicle # 106 was damaged due to an accident involving a deer. Request is to cover repair costs.

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

G. Department of Public Safety is requesting an emergency allocation in the amount of $6,575.23. On July 18, 2017 State Patrol Vehicle # 186 was damaged due to an accident involving a deer in Chickasaw County. Request is to cover repair costs.

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

H. Department of Public Safety is requesting an emergency allocation in the amount of $2,965.22. On May 22, 2017 State Patrol Vehicle # 187 was damaged due to an accident involving a deer in Fayette County. Request is to cover repair costs.

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

I. Department of Public Safety is requesting an emergency allocation in the amount of $5,814.97. On June 29, 2017 State Patrol Vehicle #s 297 and 699 were damaged by a hail storm in Sioux City. Request is to cover repair costs.

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

J. Department of Public Safety is requesting an emergency allocation in the amount of $2,362.43. On July 12, 2017 State Patrol Vehicle # 459 was damaged due to an accident involving a deer in Lee County. Request is to cover repair costs.

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

K. Department of Public Safety is requesting an emergency allocation in the amount of $2,129.45. On October 11, 2017 Iowa State Patrol Vehicle # 775 was damaged due to a deer accident in Mitchell County. Request is to cover repair costs.

The State Auditor’s Office has reviewed request and recommends allocation, subject to audit of actual invoices.
L. Department of Public Safety is requesting an emergency allocation in the amount of $8,792.43. On October 5, 2017 Iowa State Patrol Vehicle # 105230 was damaged due to a deer accident near Sibley. Request is to cover repair costs.

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

M. Department of Public Safety is requesting an emergency allocation in the amount of $3,363.44. On July 11, 2017 Iowa State Patrol Vehicle # 105106 was damaged during a storm in Dubuque. Request is to cover repair costs.

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

7. Payment of Cost Items

A. Department of Public Safety ..............................................$3,197.95
On May 7, 2017 Patrol Vehicle #189 sustained damage as a result of an accident involving a raccoon in Postville. Request was to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, $26.01 will be reverted and this allocation closed.

B. Department of Public Safety ..............................................$10,526.23
On May 17, 2017 three patrol cars were damaged due to a hail storm in Jefferson County. Request was to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.

C. Iowa Communications Network ...........................................$42,595.28
On October 4, 2016 ICN cable was damaged at multiple locations in Winneshiek and Allamakee Counties due to flooding. Request was to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment and this allocation will be closed.

D. Department of Corrections .............................................. $27,215.00
On May 19, 2017 the Fort Dodge Correctional Facility sustained storm/lightning to fire panel. Request was to cover repair costs.

The State Auditor has reviewed this request and recommends payment. This represents full and final payment and this allocation will be closed.
E. Foley & Lardner, LLP...............................................$297.00
321 North Clark Street
Chicago, IL 60654
Legal Advice to OCIO

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

F. Davis, Brown, Koehn, Shors & Roberts, P.C......................$3,000.00
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 Iowa Vocational Rehabilitation Services.

G. Hall Render Killian Heath & Lyman P.C. (Baker)......................$3,455.03
Suite 2000, Box 82064
One American Square
Indianapolis, IN 46282
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

H. Simmons Perrine Moyer Bergman PLC.............................$37,265.01
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52402
Tobacco Settlement Authority

Jeffrey Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Tobacco Settlement Authority.
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 Kareem A. Duckett v. Mt. Pleasant Correctional Facility, 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,

JEFFREY S. THOMPSON  
Solicitor General
Ms. GeorgAnna Madsen  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Ms. Madsen:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council "if sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department." There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of $17,195.11 in expert witness fees (invoices enclosed).

Sincerely yours,

ERIC TABOR  
Chief Deputy

Encl.
October 19, 2017

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

Re: Litigation Expense Fund

Dear GeorgAnna:

On behalf of the Department of Revenue, Assistant Attorney General Jim Miller requests authorization to expend monies from the Litigation Expense Fund pursuant to Iowa Code section 441.73 in the second quarter of the 2018 fiscal year. The Department started the 2018 fiscal year with an approximate balance of $467,000 which is the carryover from fiscal year 2017.

Litigation expenses in the second quarter of fiscal year 2018 will cover potential appeals and other miscellaneous matters that may arise. Litigation fees and expenses are estimated not to exceed $30,000.

The Department, therefore, requests authorization to expend $30,000 from the Litigation Expense Fund in order to cover estimated expenses for the second quarter of the 2018 fiscal year.

Sincerely,

JEFFREY S. THOMPSON
Solicitor General

cc: Julie Roisen