

EXECUTIVE COUNCIL OF IOWA AGENDA

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

OCTOBER 14, 2013

1. Introduction of Attendees
2. Approval of minutes of meeting held October 7, 2013
3. Outside Counsel – Page 1
TAB # 1
4. Emergency Allocations – Pages 1-3
5. Payment of Cost Items – Page 4
6. Information Items – Page 4
TAB # 2

3. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.3(1) in Robert Helmick v. Iowa State Penitentiary, State of Iowa and the 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: \$80.00 per hour

TAB # 1

4. Emergency Allocations

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$38,638.92. On or about May 25, 2013 ICN cable was washed out at a river crossing south of Ottumwa on Highway 63. 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.

- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$9,242.16. On or about June 27, 2013 ICN cable was damaged caused by erosion under a culvert, North of Highway 18 on 570th Avenue in Palo Alto County. 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.

- C. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$267.32. On or about April 29, 2013 ICN cable was damaged due to rodent chew along Highway 20 near Dyersville. 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. The total allocation will now be \$6,370.92.

- D. Department of Natural Resources is requesting an emergency allocation in the amount of \$7,475.00. On November 29, 2012 a cabin at Nine Eagles State Park, Decatur County suffered damage. This request is to cover repair costs to the cabin.

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

- E. Department of Corrections, Anamosa State Penitentiary is requesting a supplemental emergency allocation in the amount of \$320,233.57. On September 23, 2012 the State Penitentiary sustained fire damage to a boiler at the Power Plant. Request is to cover repairs.

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

- F. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$3,526.10 to cover the repair costs of Vehicle #185 that was damaged as a result of hitting a raccoon north of Whiting, Iowa on May 19, 2013.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$3,491.10, disallowing \$35.00 for appraiser costs. This represents full and final payment for this allocation.

- G. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$5,882.43 to cover the repair costs of vehicle #56 that sustained damage as a result of hitting a deer on I-80 near mile marker 251 on June 15, 2013.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$5,772.43, disallowing \$110.00 for appraiser costs. This represents full and final payment for this allocation.

- H. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$3,596.91 to cover the repair costs of vehicle #244 that sustained damage as a result of hitting a deer on I-35 near mile marker 196 on June 13, 2013.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$3,561.91, disallowing \$35.00 for appraiser costs. This represents full and final payment for this allocation.

- I. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$2,973.02 to cover the repair costs of vehicle #196 that sustained damage as a result of hitting a deer on Highway # 6 near South Amana on June 16, 2013.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$2,938.02, disallowing \$35.00 for appraiser costs. This represents full and final payment for this allocation.

- J. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$3,944.01 to cover the repair costs of vehicle #566 that sustained damage as a result of hail.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$3,808.36, disallowing \$135.65 for appraiser costs. This represents full and final payment for this allocation.

- K. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$8,047.98 to cover the repair costs of vehicle #114 that sustained damage as a result of hitting a deer Southbound on Highway 69 on May 20, 2013.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$7,914.23, disallowing \$133.75 for appraiser costs. This represents full and final payment for this allocation.

- L. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$5,830.95 to cover the repair costs of vehicles #277 and 435 that sustained damage as a result of hail.

The State Auditor has reviewed this request and recommends an allocation and payment in the amount of \$5,656.30, disallowing \$174.65 for appraiser costs. This represents full and final payment for this allocation.

- M. Department of Public Safety is requesting an emergency allocation and payment in the amount of \$2,154.70 to cover the repair costs of Vehicle #288 that was damaged as a result of hitting raccoons on County Road Y-34 on July 23, 2013.

The State Auditor has reviewed this request and recommends an allocation, subject to audit of actual invoices.

5. Payment of Cost Items

- A. Department of Corrections, Anamosa State Penitentiary..... \$19,724.35
On September 23, 2012 the State Penitentiary sustained fire damage to a boiler at the Power Plant. Request is to cover repairs.

The State Auditor's Office has reviewed these invoices and recommends payment.

- B. Department of Administrative Services..... \$13,650.00
On May 31, 2013 the parking lot at the IWD Building was damaged due to heat causing buckling. Request is to cover repair costs.

The State Auditor's Office has reviewed these invoices and recommends payment. This represents full and final payment, and this allocation will be closed.

6. Information Items

On October 3, 2011 Executive Council approved an initial emergency allocation for the Department of Public Safety with supplemental allocations following totaling \$205,534.93. No activity has been taken on this allocation since December 2012, therefore the Auditor is recommending that \$42,545.54 be reverted and this allocation closed.

TAB # 2

2013 OCT 17 11:11:53



THOMAS J. MILLER
ATTORNEY GENERAL

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319
Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

October 9, 2013

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 *Robert Helmick v. Iowa State Penitentiary, State of Iowa and the 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.

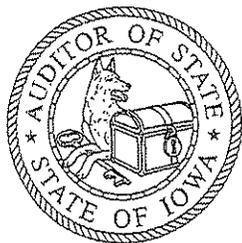
In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa, 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$80.00 per. 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,

JULIE F. POTTORFF
Deputy Attorney General

cc: Julie Burger



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

October 9, 2013

GeorgAnna Madsen
Executive Council
LOCAL

Subject: Storm/Hail Damage to Iowa State Patrol District Office in Council Bluffs,
Atlantic State Radio and 20 vehicles on August 18, 2011
Department of Public Safety - Iowa State Patrol
Claim Dated August 30, 2011
Additional Information Received on September 9, 2011
Supplemental Request Dated September 19, 2011,
October 28, 2011 and May 9, 2012
Supplemental Request Dated July 10, 2012

In accordance with Executive Council policy, we previously recommended an allocation of \$205,534.93 of 29C.20 funds for the above-mentioned damage. To date, the Department has requested and received payments totaling \$162,989.39. There has been no activity on this allocation since December 2012; therefore, we recommend Executive Council close the above-mentioned allocation and revert the amount of \$42,545.54 to the State Treasury.

Sincerely,

Andrew E. Nielsen, CPA
Deputy Auditor of State

cc: Major Todd Misel, Department of Public Safety
Captain Shane Antle, Department of Public Safety
Jeannie Adams, Risk Manager, Department of Administrative Services