

EXECUTIVE COUNCIL OF IOWA AGENDA

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

MARCH 10, 2014

1. Approval of minutes of meeting held March 3, 2014
2. Outside Counsel – Page 1
TAB # 1
3. Payment of Cost Items – Pages 1 – 4

2. **Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of special council pursuant to Iowa Code section 13.7 in *Missouri v. Harris* a case filed in the U.S. District Court for the Eastern District of California challenging the constitutionality of AB1437.

Firm: Coleman & Horowitz, LLP
499 West Shaw Avenue, Ste. 116
Fresno, CA 93704

Rate: \$260.00 per hour

TAB # 1

3. **Payment of Cost Items**

- A. Iowa State Fair \$5,975.00
Damage at the Ticket Booth 3 at the Iowa State Fair on July 7, 2012 which was damaged from a fire.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment \$4,960.00 will be reverted and this allocation closed.

- B. Iowa Communications Network \$8,102.12
On October 13, 2011 there was damage to the fiber optic cable due to flooding and erosion at Little Turkey River on West Bank at Jackson Junction. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment \$2,116.55 will be reverted and this allocation closed.

- C. Iowa Communications Network \$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 the invoices and recommends payment. This represents full and final payment.

- D. Iowa Communications Network \$16,609.64
On September 13, 2013 ICN cable was damaged due to flooding and erosion along Highway 34 at Bear Creek, West of Ottumwa. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment \$132.63 will be reverted and this allocation closed.

- E. Iowa Communications Network \$15,521.11
On or about February 20, 2013 damage to ICN cable due to erosion and flooding along US Highway 34 at 197th Trail in Monroe County. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

- F. Department of Public Safety \$2,154.70
Vehicle #288 that was damaged as a result of hitting raccoons on County Road Y-34 on July 23, 2013.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

- G. Department of Public Safety \$7,078.64
On November 3, 2013 vehicle # 1344 was damaged as a result of hitting a deer near Grant Avenue and 100th Street in Guthrie County. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment in the amount of \$6,915.40 the amount of the approved allocation, no supplemental was requested. This represents full and final payment.

- H. Department of Public Safety \$5,622.06
On November 22, 2013 Vehicle # 433 was damaged as a result of hitting a deer on Highway 16 near Eldon. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment.

- I. Department of Public Safety..... \$5,529.06
On November 21, 2013 Vehicle # 111 was damaged as a result of hitting a deer on County Road T16 South of 220th Street in Butler County. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment in the amount of \$5,400.30 the amount of the approved allocation, no supplemental was requested. This represents full and final payment.

- J. Department of Public Safety..... \$6,888.00
On November 18, 2013 vehicle # 1741 was damaged as a result of hitting a deer in Walnut. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment in the amount of \$5,364.82 the amount of the approved allocation, no supplemental was requested. This represents full and final payment.

- K. Department of Public Safety \$7,075.80
On November 11, 2013 vehicle # 478 was damaged as a result of hitting a deer northbound on Highway 2 in Taylor County. Request is to cover repair costs.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment, \$17.20 will be reverted and this allocation closed.

- L. Gray Miller Persh, LLP.....\$943.60
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036
Iowa Public Television

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

- M. Frandzel Robins Bloom & Csato, L.C.....\$4,699.07
6500 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90048-4920
Wong v. Neutraltus Pharmaceuticals Inc. UOI Pharmaceuticals et, al

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

- N. Davis Brown Law Firm.....\$862.50
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Jeffrey S. Thompson, Solicitor General, Iowa Department of Justice, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- O. Nyemaster, Goode, West, Hansell & O'Brien, P.C.....\$1,032.00
 700 Walnut Street
 Suite 1600
 Des Moines, IA 50309
Legal Advice to Iowa Economic Development Authority on Bond Issues

Jeffrey S. Thompson, Solicitor General, Iowa Department of Justice, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

- P. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$480.00
 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 S. Thompson, Solicitor General, Iowa Department of Justice has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.

- Q. LaMarca & Landry, P.C.....\$3,134.98
 1820 N.W. 118th Street, Suite 200
 Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

Jeffrey S. Thompson, Solicitor General, Iowa Department of Justice has reviewed these invoices and recommends payment.

- R. Patterson Law Firm L.L.P..... \$398.40
 729 Insurance Exchange Building
 505 Fifth Avenue
 Des Moines, IA 50309-2390
Jaqueline Salazar v. Fifth Judicial District Department of Correctional Services, State of Iowa and the Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, Iowa Department of Justice has reviewed this invoice and recommends payment.

EXECUTIVE COUNCIL

2014 MAR -6 AM 11:39

THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL



Iowa Department of Justice

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March 6, 2014

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Retention of Special Counsel

Dear GeorgAnna:

Our office requests appointment of special counsel pursuant to Iowa Code section 13.7 in *Missouri v. Harris*, a case filed in the U.S. District Court for the Eastern District of California, Fresno Division, challenging the constitutionality of AB1437. Our office represents Governor Branstad in this matter but requires local counsel in California because our office lacks specialized knowledge of California law to assist with procedural matters in the federal court.

Our office has contacted Coleman & Horowitz, LLP, 499 West Shaw Avenue, Ste. 116, Fresno, CA 93704, to represent the State of Iowa. The firm has agreed to undertake the work at a rate of \$260 per hour, not to exceed a total of \$10,000 without specific authorization. All attorney fees and costs will be paid from the General Fund.

Accordingly, our office requests Executive Council approval to retain Coleman & Horowitz, LLP, as special counsel at the rate of \$260 per hour to represent the State of Iowa in the California court.

Sincerely,

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

JEFFREY S. THOMPSON
Solicitor General