

# EXECUTIVE COUNCIL OF IOWA

## MINUTES

### MARCH 3, 2014

The Executive Council met in regular session at 10:00 a.m. Room G09 of the Capitol Building with Governor Terry Branstad (via telephone) presiding. Secretary of State Matt Schultz, Auditor of State Mary Mosiman and Treasurer of State Michael Fitzgerald and were present. Secretary of Agriculture William Northey was absent.

Regular session  
March 3, 2014

Moved by Auditor Mosiman and seconded by Treasurer Fitzgerald that the Council approve the minutes of the Executive Council meeting held February 24, 2014.

Minutes  
Approved

The vote:      Ayes:              Governor Branstad  
   Auditor Mosiman  
   Treasurer Fitzgerald  
                         Nays:              None

Secretary Schultz arrived at meeting.

Moved by Secretary Schultz and seconded by Treasurer Fitzgerald that the Council approve the requests from the Department of Justice, Attorney General's office as follows:

Approved  
Outside  
Counsel

- A. The Department of Justice, Attorney General's office request for retention of outside counsel pursuant to Iowa Code section 13.3(1) in Deborah Dreyer v. Anamosa State Penitentiary and 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 5<sup>th</sup> Avenue  
                    Suite 729  
                    Des Moines, Iowa 50309  
Rate:            \$120.00 per hour

B. The Department of Justice, Attorney General's office request for retention of outside counsel pursuant to Iowa Code section 13.3(1) in John Martin v. Iowa State Penitentiary and 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 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309  
Rate: \$120.00 per hour

C. The Department of Revenue request for retention of special counsel pursuant to Iowa Code section 13.7 to represent the Department in litigation over tax valuation issues.

Firm: Hiscock & Barclay  
Attorney: Peter Crossett  
One Park Place  
300 South State Street  
Syracuse, NY 13202  
Rate: \$345.00 per hour

The vote: Ayes: Governor Branstad  
Secretary Schultz  
Auditor Mosiman  
Treasurer Fitzgerald  
Nays: None

Moved by Secretary Schultz and seconded by Treasurer Fitzgerald that the Council approve requests for emergency allocations as follows:

Approved  
Emergency  
Allocations

A. Iowa Communications Network request for a supplemental emergency allocation in the amount of \$4,258.16, 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 \$12,434.33. On July 28, 2013 ICN cable was damaged north of Winterset along Highway 169 due to a land slide. Request is to cover repair.

B. Iowa Communications Network request for a supplemental emergency allocation in the amount of \$7,880.19, 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 \$19,158.65. On or about March 8, 2013 ICN cable was damaged due to flooding near a box Culvert under US Highway 34 between Ottumwa and Albia. Request is to cover repair costs.

C. Iowa Communications Network request for a supplemental emergency allocation in the amount of \$3,322.06, 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 \$41,960.98. 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 vote:      Ayes:            Governor Branstad  
   Secretary Schultz  
   Auditor Mosiman  
   Treasurer Fitzgerald  
                                 Nays:            None

Moved by Treasurer Fitzgerald and seconded by Auditor Mosiman that the Council approve the following cost items:

Approved Cost  
Items

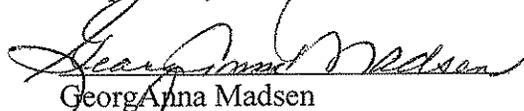
- A. Iowa Communications Network ..... \$8,992.25  
On or about April 16, 2013 damage to ICN cable due to erosion and flooding along US Highway 34 near MP 159 in Monroe County. Request is to cover repair costs. This represents full and final payment.
- B. Iowa Communications Network ..... \$2,748.56  
On or about May 19, 2013 lightning caused damage to HVAC Control Board in Independence. Request is to cover repair costs. This represents full and final payment.
- C. Iowa Communications Network ..... \$6,370.92  
On or about April 29, 2013 ICN cable was damaged due to rodent chew along Highway 20 near Dyersville. Request is to cover repair. This represents full and final payment.

The vote:      Ayes:            Governor Branstad  
   Secretary Schultz  
   Auditor Mosiman  
   Treasurer Fitzgerald  
                                 Nays:            None

The meeting was adjourned at 10:05 a.m.

Meeting  
adjourned

Respectfully submitted,

  
Georganna Madsen  
Executive Secretary