

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

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

**MAY 12, 2014**

1. Approval of minutes of meeting held April 28, 2014
2. Litigation Expense Fund – Page 1  
TAB # 1
3. Emergency Allocations – Pages 1 - 4
4. Payment of Cost Items – Pages 4 - 5

**2. Litigation Expense Fund**

- A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$60,000.00 from the Litigation Expense Fund during the fourth quarter of the 2014 fiscal year.

**TAB # 1**

**3. Emergency Allocations**

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$27,210.93. On January 31, 2014 ICN sustained cable damage due to freezing water within the duct located at SE 14th and Hartford Avenue in Des Moines. 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 \$21,954.87. On February 21, 2014 ICN sustained cable damage due to floating ice chunks and debris at Big Cedar Creek along Highway 34, east of Batavia. 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 an emergency allocation in the amount of \$12,198.40. January 7, 2014 ICN sustained cable damage due to rodent chew along Highway 3/13, SE of Strawberry Point. 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.

- D. Iowa Communications Network is requesting an emergency allocation in the amount of \$16,956.66. On December 22, 2013 ICN sustained cable damage due to rodent chew along Highway 24, near 343rd Avenue between Calmar and New Hampton. 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. Iowa Communications Network is requesting an emergency allocation in the amount of \$32,615.66. On December 13, 2013 ICN sustained cable damage due to rodent chew along Highway 9, west of Decorah. 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.

- F. Iowa Communications Network is requesting an emergency allocation in the amount of \$15,088.68. On January 25, 2014 ICN sustained cable damage due to ice compression at East 14th Street between Indianola Avenue and Polk Avenue in Des Moines. 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.

- G. Iowa Communications Network is requesting an emergency allocation in the amount of \$20,336.60. On January 24, 2014 ICN sustained cable damage due to ice compression at East 14th Street between Grand Avenue and Walnut Street in Des Moines. 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.

- H. Iowa Communications Network is requesting an emergency allocation in the amount of \$129,262.08. On February 10, 2014 ICN sustained cable damage due to ice compression at SE 14th Street between Army Post Road and Indianola Road in Des Moines. 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.

- I. Iowa Communications Network is requesting an emergency allocation in the amount of \$36,242.77. On January 8, 2014 ICN sustained cable damage due to ice compression along Merle Hay Road between Aurora Avenue and Douglas Avenue in Des Moines. 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.

- J. Iowa Communications Network is requesting an emergency allocation in the amount of \$18,741.08. On January 8, 2014 ICN sustained cable damage due to ice compression at 83rd Street and Douglas Avenue in Urbandale. 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.

- K. Iowa Communications Network is requesting an emergency allocation in the amount of \$77,356.94. On January 8, 2014 ICN sustained cable damage due to ice compression along University Avenue between Hubbell Avenue and 31st Street in Des Moines. 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.

- L. Iowa Communications Network is requesting an emergency allocation in the amount of \$9,175.77. On January 6, 2014 ICN sustained cable damage due to freezing water in the conduit located under 15th Street and Grand Avenue at the Iowa Prison Industries Building in Des Moines. 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.

- M. Iowa Communications Network is requesting an emergency allocation in the amount of \$36,662.18. On February 8, 2014 ICN sustained cable damage due to ice compression at MLK Boulevard between Prospect Road and Euclid Avenue in Des Moines. 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.

- N. Iowa State Fair is requesting an emergency allocation in the amount of \$2,190.00. Iowa State Fairgrounds sustained damage to the fence on the north side of the grounds as a result of a stolen car crashing into the fence. Request is to cover repair costs.

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

#### 4. Payment of Cost Items

- A. Iowa Communications Network ..... \$3,779.00  
In August, a fiber optic cable was damaged due to flooding of the Skunk River in Jasper County near I-80 between Colfax and Mitchellville. Request is to cover repair costs that exceed the technician hours per the maintenance agreement.

The State Auditor's Office has reviewed the invoices and recommends payment. This represents full and final payment, \$18,307.34 will be reverted and this allocation closed.

- B. Simmons Perrine Moyer Bergman PLC.....\$59,316.94  
115 Third Street SE, Suite 1200  
Cedar Rapids, IA 52402  
Tobacco Settlement Authority

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

- C. Davis Brown Law Firm.....\$108.00  
 The Davis Brown Tower  
 215 10<sup>th</sup> 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.

- D. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$177.00  
 The Davis Brown Tower  
 215 10<sup>th</sup> 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 S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Department of Administrative Services, Information Technology Enterprise.

- E. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$245.00  
 The Davis Brown Tower  
 215 10<sup>th</sup> 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 S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Department of Administrative Services.

- F. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$1,015.97  
 The Davis Brown Tower  
 215 10<sup>th</sup> 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 S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the Department of Revenue.

- G. Huber, Book, Cortese & Lanz, P.L.L.C. ....\$952.60  
 2700 Westown Parkway, Suite 170  
 West Des Moines, IA 50266-1411  
Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment.

THOMAS J. MILLER  
ATTORNEY GENERAL

EXECUTIVE COUNCIL  
2014 MAY -8 AM 9:33



JEFFREY S. THOMPSON  
SOLICITOR GENERAL

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Iowa Department of Justice

May 5, 2014

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

Re: Litigation Expense Fund

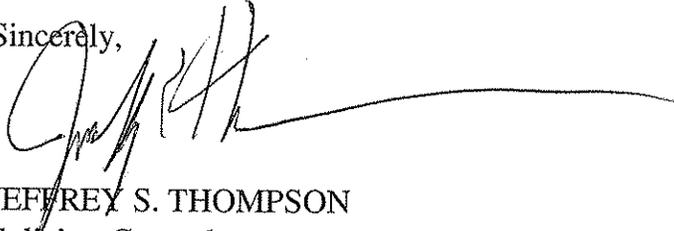
Dear GeorgAnna:

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 fourth quarter of the 2014 fiscal year. The Department started the 2014 fiscal year with a balance of \$698,362.44 which included a carryover of \$488,362.44 and a transfer of \$210,000 into the Fund as authorized by the Executive Council in June 2013. From July 1 through September 30, 2013, the Department expended \$137,768.71; from October 1 through December 31, 2013, the Department expended \$32,473.95; and from January 1 through March 31, 2014, the Department expended \$21,359.57.

Litigation expenses in the fourth quarter of the 2014 fiscal year will involve the ongoing Cable One and Little Sioux cases as well as litigation expenses for the new appeals. Litigation fees and expenses are estimated not to exceed \$60,000.

The Department, therefore, requests authorization to expend \$60,000 from the Litigation Expense Fund in order to cover estimated litigation fees and expenses for the fourth quarter of the 2014 fiscal year.

Sincerely,



JEFFREY S. THOMPSON  
Solicitor General

cc: Courtney M. Kay-Decker