

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

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

**AUGUST 12, 2013**

1. Introduction of Attendees
2. Approval of minutes of meeting held August 5, 2013
3. Litigation Expense – Page 1  
TAB # 1
4. Iowa Code 7D.29 Senate File 2126 – Page 1  
TAB # 2
5. Payment of Cost Items – Page 1

**3. Litigation Expense Fund**

A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$170,000.00 from the Litigation Expense Fund during the first quarter of the 2014 fiscal year.

TAB # 1

**4. Iowa Code 7D.29 Senate File 2126**

A. Request from IPERS for reimbursement for Federal-State Agreement Administration Costs

TAB # 2

**5. Payment of Cost Items**

A. Wandro & Associates, P.C. ....\$3,050.00  
2501 Grand Avenue, Suite B  
Des Moines, IA 50312  
Unclaimed Property Probate Matters

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.



THOMAS J. MILLER  
ATTORNEY GENERAL

AUG - 5 11 9:30

Address Reply To:  
1305 E. Walnut Street  
Des Moines, Iowa 50319

Telephone: 515/281-3349  
Fax: 515/281-4209  
Julie.Pottorff@iowa.gov

JULIE F. POTTORFF  
DEPUTY ATTORNEY GENERAL

## Iowa Department of Justice

August 2, 2013

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 first quarter of the 2014 fiscal year. A total of \$193,308.56 was expended during the 2013 fiscal year. The Department started the 2014 fiscal year with a balance of \$698,362.44 which includes a carryover of \$488,362.44 and a transfer of \$210,000 into the Fund as authorized by the Executive Council in June, 2013.

Funds expended in the 2014 fiscal will involve the Cable One, Inc., case that is currently on appeal to the Iowa Supreme Court and several appeals by small telephone companies. Litigation fees and expenses are estimated not to exceed \$170,000 during the first quarter of the fiscal year.

The Department, therefore, requests authorization to expend \$170,000 from the Litigation Expense Fund in order to cover estimated litigation fees and expenses for the first quarter of the 2014 fiscal year.

Sincerely,

JULIE F. POTTORFF  
Deputy Attorney General

July 17, 2013

2013 JUL 17 PM 2:05

Executive Council  
Attention: GeorgAnna Madsen  
Capitol Building  
LOCAL

RE: Request for Reimbursement – SF2126 – Federal-State Agreement Administration Costs

Dear Ms. Madsen:

I am requesting that the Iowa Public Employees' Retirement System (IPERS) be reimbursed \$10,000 for costs associated with administering the Federal-State Agreement Administration Costs that were incurred during FY2013. Actual costs in FY2013 were \$16,356.02. Per SF2126, costs paid from the Executive Council shall not exceed ten thousand dollars each fiscal year.

All states that participate in social security coverage must designate an agency to act as the State Social Security Administrator (SSA). As stated in §97C.2(8), IPERS is Iowa's designated State Administrator.

In the past, the IPERS Trust Fund has borne the cost of the State Administrator duties. This is in conflict with two statutory provisions:

- §97B.7 which states that the monies of the IPERS Trust Fund are for the exclusive benefit of the members of the trust fund, and
- §97C.19 provides:
  - *The money spent for personnel, rentals, supplies, and equipment used by the state agency in administering this chapter and chapters 97 and 97B shall be equitably apportioned and charged against the funds provided for the administration of this chapter and those chapters.*

While the amount required to administer this role is relatively small, by statute, the IPERS Trust Fund cannot be used to pay for these expenses. Annual expenses related to administering SSA typically run \$3,000 to \$8,000. However, in FY2013, IPERS had additional legal expenses of \$8,394.22 for social security coverage issues, which increased total expenses in FY2013 to \$16,356.02.

Expenses incurred during FY13 were salary expenses of \$6,065.33 incurred by staff working on social security coverage issues, out-of-state travel expenses of \$1,646.47 incurred to send an employee to the annual National Conference of State Social Security Administrators (NCSSSA), the annual membership payment of \$250.00 to the NCSSSA, and legal services of \$8,394.22 incurred for legal guidance from outside counsel regarding coverage issues for certain IPERS-covered employers.

The account coding for the funds to be transferred to is: 0791-553-4110-86.

Thank you for your assistance.

Sincerely,



Donna M. Mueller  
Chief Executive Officer



MEMBERS OF COUNCIL

HON. TERRY E. BRANSTAD  
GOVERNOR

HON. MATT SCHULTZ  
SECRETARY OF STATE

HON. MARY MOSIMAN  
AUDITOR OF STATE

HON. MICHAEL L. FITZGERALD  
TREASURER OF STATE

HON. WILLIAM H. NORTHEY  
SECRETARY OF AGRICULTURE

Executive Council of Iowa

CAPITOL BUILDING  
DES MOINES, IOWA 50319

PHONE: 515 281-5368  
FAX: 515 281-7562

July 23, 2013

Mr. Glen Dickinson, Director  
Legislative Services Agency  
State Capitol  
L-O-C-A-L

Dear Mr. Dickinson:

Pursuant to Senate File 2126, Section 1 with reference to Iowa Code section 7D.29, I am writing to notify the Legislative Services Agency that the Iowa Public Employees' Retirement System (IPERS) has requested funds in the amount of \$10,000.00 to cover costs with regard to the Federal-State Agreement. Enclosed is background information from the Department that will be provided to the Executive Council in support of this request.

Executive Council will not vote to approve or deny the request for two weeks following issuance of this notice. We therefore anticipate this matter being placed on the August 12, 2013 Agenda for consideration

Executive Council of Iowa

  
Georganna Madsen  
Executive Secretary

cc: Donna M. Mueller, Chief Executive Officer, IPERS

Enclosures