

EXECUTIVE COUNCIL OF IOWA AGENDA

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

AUGUST 18, 2014

1. Approval of minutes of meeting held August 4, 2014
2. Personal Appearance –
 - A. Patrick Hall, Recovery Division Administrator, Department of Public Defense, Iowa Homeland Security and Emergency Management Division will be present to request the following:
 1. Emergency Allocation in the amount of \$1,305,267.00 pursuant to Presidential Disaster Declaration DR-4181
TAB # 1
 2. Emergency Allocation in the amount of \$2,156,752.00 pursuant to Presidential Disaster Declaration DR-4184
TAB # 2
 3. Emergency Allocation in the amount of \$2,294,138.00 pursuant to Presidential Disaster Declaration DR-4187
TAB # 3
3. Outside Counsel – Page 1
TAB #s 4 and 5
4. Iowa Code 7D.29 – Page 1
TAB # 6
5. Litigation Expense Fund – Page 1
TAB # 7
6. Emergency Allocations – Page 2
7. Payment of Cost Items – Pages 2-3
8. Department of the Navy – Page 3
TAB # 8

3. Outside Counsel

- A. The Department of Justice, Attorney General's office requests retention of outside counsel to represent University of Northern Iowa (UNI) in a bankruptcy proceeding pending in the Northern District of Illinois regarding Peregrine Financial Group (PFG).

Firm: Hudson, Mallaney, Shindler & Anderson, P.C.
Attorney: Michael Mallaney
5015 Grand Ridge Drive, Suite 100
West Des Moines, IA 50265
Rate: \$275.00 per hour

TAB # 4

- B. The Department of Justice, Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in Mary E. Lowe v. Judicial Branch – Juvenile Court Services and State of Iowa and 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: \$120.00 per hour

TAB # 5

4. Iowa Code 7D.29 Iowa Code Section 97C13A

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

TAB # 6

5. Litigation Expense Fund

- A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$50,000.00 from the Litigation Expense Fund for the first quarter of the 2015 fiscal year.

TAB # 7

6. Emergency Allocations

- A. University of Northern Iowa – Board of Regents is requesting an emergency allocation in the amount of \$39,025.96. On June 30, 2014 lightning damaged a well pump at the Wellness/Recreation Center at the University. Request is to cover repair costs.

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

7. Payment of Cost Items

- A. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$580.00
The Davis Brown Tower
215 10th 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.

- B. Belin McCormick, P.C.\$1,072.50
666 Walnut Street, Suite 2000
Des Moines, IA 50309
Iowa Public Information Board in Case No. CVCV047363 under Iowa Code Chapter 17A

Jeffrey Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made pursuant to Iowa Code §7D.10.

- C. Huber, Book, Cortese & Lanz, P.L.L.C.\$72.20
2700 Westown Parkway, Suite 170
West Des Moines, IA 50266-1411
Pam O'Brien v. Iowa Attorney General, State of Iowa and Second Injury Fund

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

D. Gray Miller Persh, LLP.....\$4,717.39
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.

8. Department of the Navy

A. Request from the Department of the Navy to extend the loan of ship model USS Iowa (BB-61), Supplement No. 31 Contract N00024-82-C-0204, from September 1, 2014 to September 1, 2015.
TAB # 8



STATE OF IOWA

TERRY E. BRANSTAD
GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

IOWA HOMELAND SECURITY AND
EMERGENCY MANAGEMENT DEPARTMENT
MARK J. SCHOUTEN, HOMELAND SECURITY ADVISOR
AND EMERGENCY MANAGEMENT DIRECTOR

August 13, 2014

LOCAL

Ms. GeorgAnna Madsen, Executive Secretary
Executive Council of Iowa

Subject: Executive Council Agenda for August 18, 2014
Presidential Disaster Declaration DR-4181

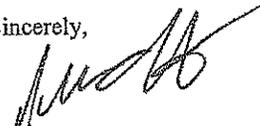
Dear Ms. Madsen:

I respectfully request time on the Executive Council Agenda for August 18, 2014. Please find enclosed the following item for the agenda:

- Presidential Disaster Declaration DR-4181
(Severe Storms, Tornadoes, Straight-line Winds, and Flooding, 6/3/2014 to 6/4/2014)
 - Request for Approval of Disaster Aid (Iowa Code 29C.6(17)) – new request
 - Estimated total state liability is \$1,305,267
 - Amount requested to transfer at this time is \$294,308
 - SFY2014 -- \$40,920
 - SFY2015 -- \$253,388
 - Map of 9 counties impacted

I appreciate your approval of these actions, and look forward to our continued joint partnership in ensuring the citizens of our state are able to recover from disasters.

Sincerely,

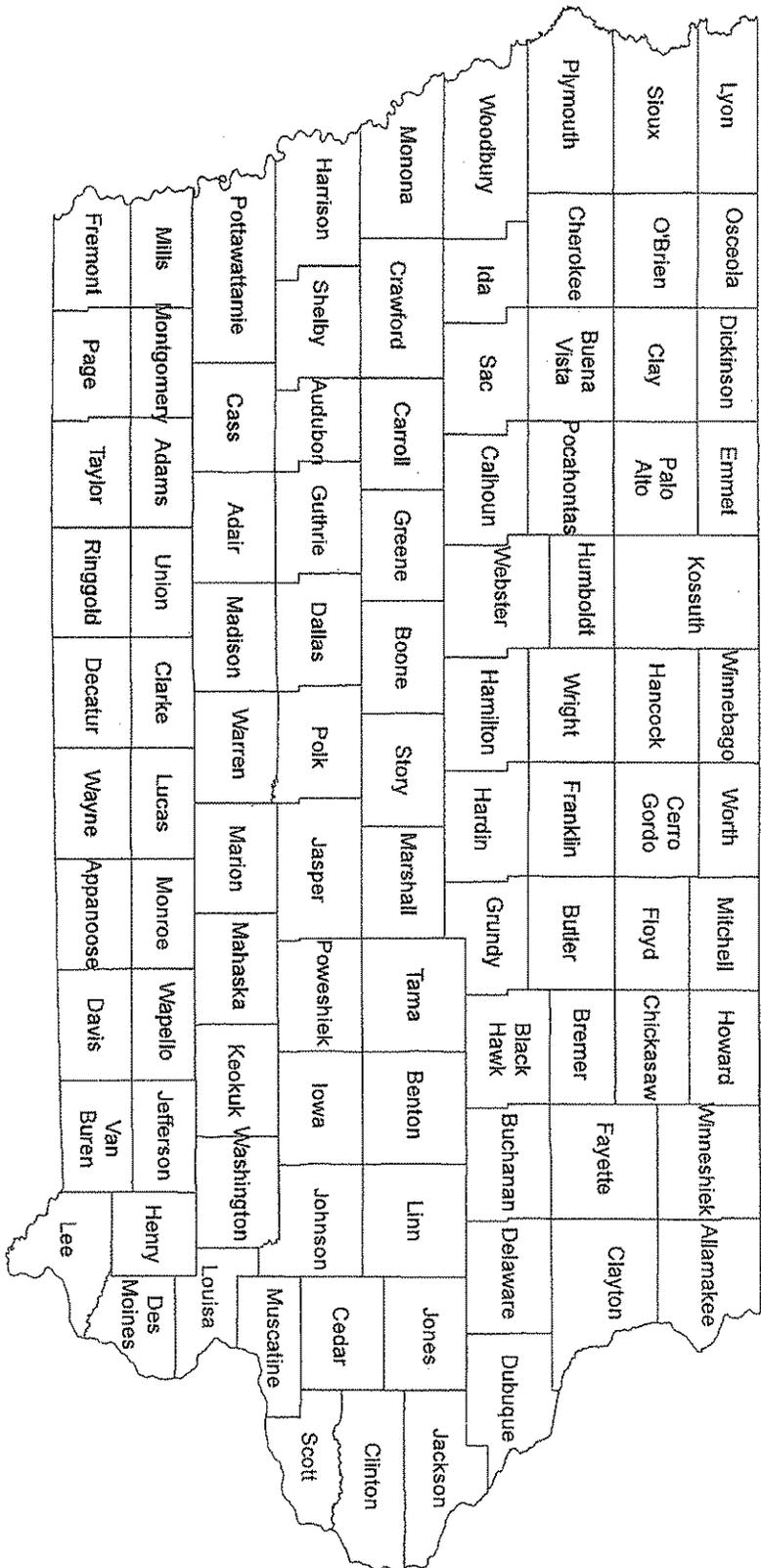


Patrick J. Hall
Administrator, Recovery Division

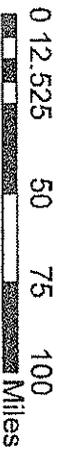
Enclosures



**Presidential Disaster Declaration
June 3-4, 2014 - Severe Storms, Tornadoes, SL Winds, Flooding
FEMA DR-4181**



Legend
 DR-4181 Counties





EXECUTIVE COUNCIL

2014 AUG 14 PM 12:08

Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD
GOVERNORKIM REYNOLDS
LT. GOVERNORIOWA HOMELAND SECURITY AND
EMERGENCY MANAGEMENT DEPARTMENT
MARK J. SCHOUTEN, HOMELAND SECURITY ADVISOR
AND EMERGENCY MANAGEMENT DIRECTOR

August 13, 2014

LOCAL

Ms. GeorgAnna Madsen, Executive Secretary
Executive Council of IowaSubject: Executive Council Agenda for August 18, 2014
Presidential Disaster Declaration DR-4184

Dear Ms. Madsen:

I respectfully request time on the Executive Council Agenda for August 18, 2014. Please find enclosed the following item for the agenda:

- Presidential Disaster Declaration DR-4184
(Severe Storms, Tornadoes, Straight-line Winds, and Flooding, 6/14/2014 to 6/23/2014)
 - Request for Approval of Disaster Aid (Iowa Code 29C.6(17)) – **new request**
 - Estimated total state liability is \$2,156,752
 - Amount requested to transfer at this time is \$574,727
 - SFY2014 -- \$74,824
 - SFY2015 -- \$499,903
 - Map of 26 counties impacted

I appreciate your approval of these actions, and look forward to our continued joint partnership in ensuring the citizens of our state are able to recover from disasters.

Sincerely,

Patrick J. Hall
Administrator, Recovery Division

Enclosures



STATE OF IOWA

TERRY E. BRANSTAD
GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

IOWA HOMELAND SECURITY AND
EMERGENCY MANAGEMENT DEPARTMENT
MARK J. SCHOUTEN, HOMELAND SECURITY ADVISOR
AND EMERGENCY MANAGEMENT DIRECTOR

August 13, 2014

LOCAL

Ms. GeorgAnna Madsen, Executive Secretary
Executive Council of Iowa

Subject: Executive Council Agenda for August 18, 2014
Presidential Disaster Declaration DR-4187

Dear Ms. Madsen:

I respectfully request time on the Executive Council Agenda for August 18, 2014. Please find enclosed the following item for the agenda:

- Presidential Disaster Declaration DR-4187
(Severe Storms, Tornadoes, Straight-line Winds, and Flooding, 6/26/2014 to 7/7/2014)
 - Request for Approval of Disaster Aid (Iowa Code 29C.6(17)) – new request
 - Estimated total state liability is \$2,294,138
 - Amount requested to transfer at this time is \$564,389
 - SFY2014 -- \$0
 - SFY2015 -- \$564,389
 - Map of 24 counties impacted

I appreciate your approval of these actions, and look forward to our continued joint partnership in ensuring the citizens of our state are able to recover from disasters.

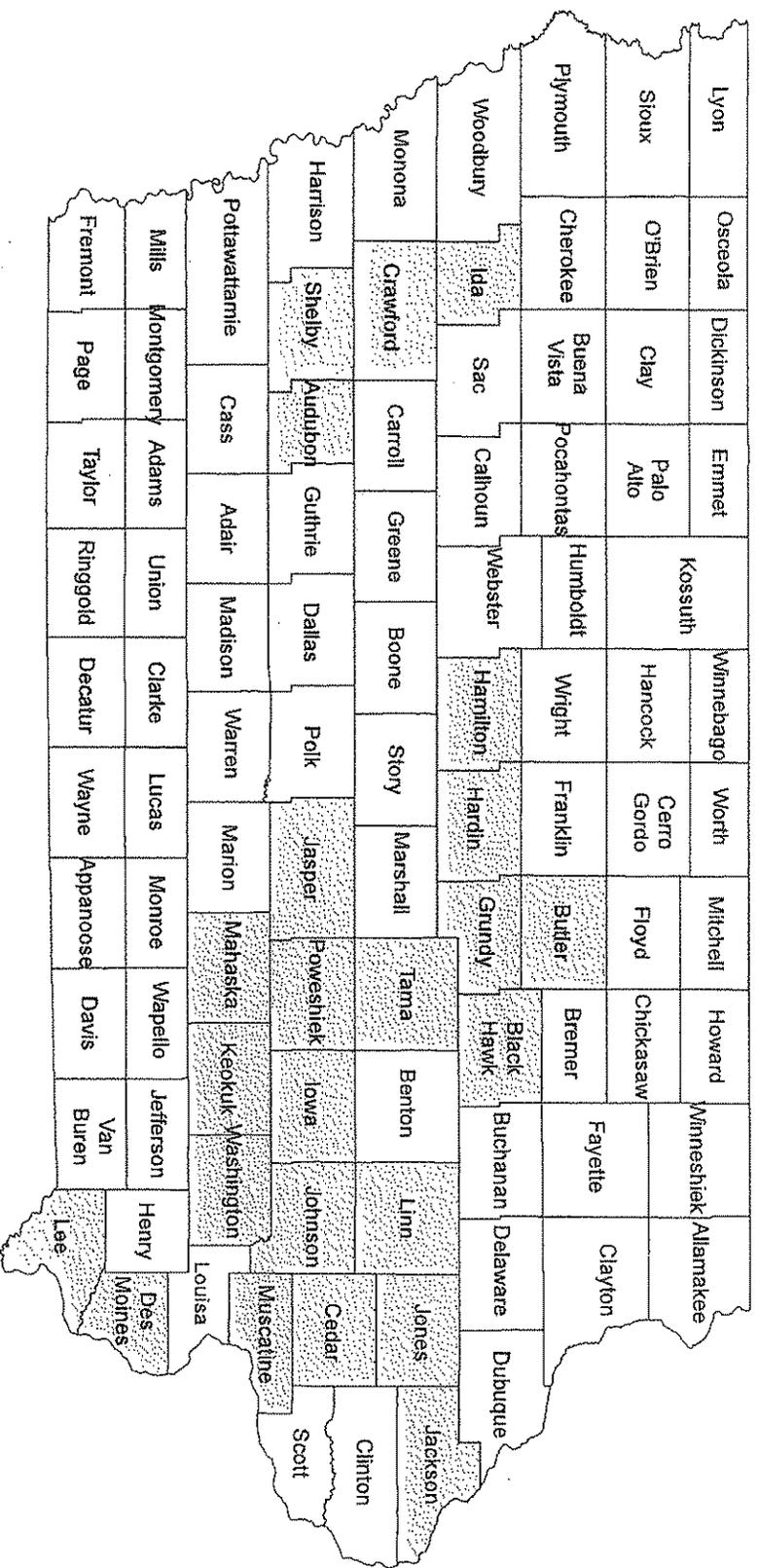
Sincerely,

Patrick J. Hall
Administrator, Recovery Division

Enclosures



**Presidential Disaster Declaration
June 26 - July 7, 2014 - Severe Storms, Tornadoes, SL Winds, Flooding
FEMA DR-4187**



Legend

DR-4187 Counties

DR-4187 Add On



EXECUTIVE COUNCIL

2014 AUG -7 AM 9:46

THOMAS J. MILLER
ATTORNEY GENERALADDRESS REPLY TO:
1305 E. Walnut Street
Des Moines, IA 50319
www.IowaAttorneyGeneral.orgJEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

Telephone: 515/281-4419
Fax: 515/281-4209
Jeffrey.Thompson@iowa.gov

August 4, 2014

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
LOCAL

Re: Request for Outside Counsel

Dear GeorgAnna:

Our office is requesting Executive Council approval to retain outside counsel to represent the University of Northern Iowa (UNI) in a bankruptcy proceeding currently pending in the Northern District of Illinois. The adversary proceeding seeks to recover \$500,000, the amount of a gift made to UNI by Peregrine Financial Group (PFG) on December 1, 2011, plus interest, costs and fees. The gift was made to UNI directly, which in turn endorsed the funds to the UNI Foundation. Plaintiff Ira Bodenstein, trustee for the estate of PFG, claims PFG was insolvent at the time and did not have the right to use funds to make charitable contributions.

Because our office lacks expertise in bankruptcy matters and the suit is filed out of state, we are requesting approval to retain Michael Mallaney as outside legal counsel to represent UNI. Mr. Mallaney practices with Hudson, Mallaney, Shindler & Anderson, P.C., 5015 Grand Ridge Drive, Suite 100, West Des Moines, IA 50265. He is a 1980 graduate of Drake Law School. He clerked for the bankruptcy judge in the Southern District of Iowa for two years and has been practicing in Des Moines since 1982. Mr. Mallaney has extensive experience in bankruptcy and has represented creditors, debtors and bankruptcy trustees. He has also handled many adversary proceedings.

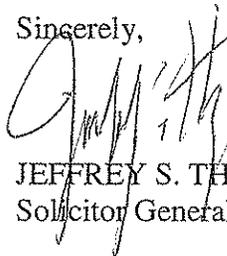
Mr. Mallaney will be representing three other Iowa entities that are party Defendants in separate adversary proceedings in the PFG Bankruptcy. Those other defendants are the Memorial Foundation of Allen Hospital, St. Luke's Health Care Foundation and the University of Iowa Foundation. Mr. Mallaney has agreed that to the extent he works on matters that are common to all of the Iowa defendants, the fees will be split equally among the four defendants.

GeorgAnna Madsen

Page 2

Mr. Mallaney's hourly rate is \$275 per hour. He estimates that he will handle approximately 95% of the case himself. If necessary, associate time would be billed at \$200/hour and paralegal time at \$75/hour. Mr. Mallaney will be sponsored by a local attorney in Illinois and can then practice in Illinois bankruptcy court. It is estimated that the Illinois attorney will incur minimal time (less than 10 hours) to review matters prior to filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Thompson", is written over a horizontal line. The signature is stylized and somewhat cursive.

JEFFREY S. THOMPSON
Solicitor General

EXECUTIVE COUNCIL

THOMAS J. MILLER
ATTORNEY GENERAL



JEFFREY S. THOMPSON
SOLICITOR GENERAL

Iowa Department of Justice

ADDRESS REPLY TO:
1305 E. Walnut Street
Des Moines, IA 50319
www.IowaAttorneyGeneral.org

Telephone: 515/281-4419
Fax: 515/281-4209
Jeffrey.Thompson@iowa.gov

August 12, 2014

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 *Mary E. Lowe v. Judicial Branch – Juvenile Court Services and State of Iowa and 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 \$120.00 per hour. 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,

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

JEFFREY S. THOMPSON
Solicitor General

Terry E. Branstad
GOVERNOR

Kim Reynolds
LT. GOVERNOR

EXECUTIVE COUNCIL

2014 JUL 30 PM 2:01



Donna M. Mueller
CHIEF EXECUTIVE OFFICER
TAB # 6

July 30, 2014

Executive Council
Attention: GeorgAnna Madsen
Capital Building
LOCAL MAIL

RE: Request for Reimbursement – State Social Security Administrator Expenses
Iowa Code Section 97C.13A

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 FY2014. In support of this request, I submit the following:

- IPERS is designated as the State Social Security Administrator (§97C.2(8)).
- The state agency designated as the State Social Security Administrator shall be reimbursed actual expenses, not to exceed ten thousand dollars each fiscal year (§97C.13A).
- Actual expenses in FY2014 incurred by IPERS as the State Social Security Administrator totaled \$11,185.09.
 - \$8,030.80 in salary of staff working on social security coverage issues.
 - \$2,904.29 in out-of-state travel for two employees to attend the annual National Conference of State Social Security Administrators (NCSSSA).
 - \$250.00 for the annual membership payment to NCSSSA.

I would be happy to provide further detail if required.

The accounting code for the funds to be transferred to is: 0791-553-4110-86.

Thank you for your assistance.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna M. Mueller".

Donna M. Mueller
Chief Executive Officer

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

7401 Register Drive P.O. Box 9117 Des Moines, IA 50306-9117 1-800-622-3849 www.ipers.org

PHONE 515-281-0020 BENEFITS FAX 515-281-0053 LEGAL & INVESTMENTS FAX 515-281-0045 E-MAIL info@ipers.org



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 30, 2014

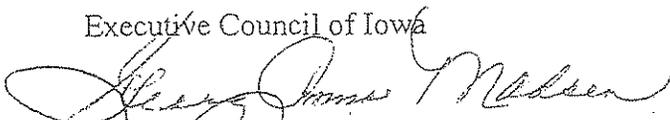
Mr. Glen Dickinson, Director
Legislative Services Agency
State Capitol
L-O-C-A-L

Dear Mr. Dickinson:

Pursuant to Iowa Code Section 97C13A addressed in 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 18, 2014 Agenda for consideration

Executive Council of Iowa



Georg Anna Madsen
Executive Secretary

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

Enclosures

EXECUTIVE COUNCIL

2014 AUG 13 PM 2: 14



THOMAS J. MILLER
ATTORNEY GENERAL

JEFFREY S. THOMPSON
SOLICITOR GENERAL

ADDRESS REPLY TO:
1305 E. Walnut Street
Des Moines, IA 50319
www.iowaAttorneyGeneral.org

Telephone: 515/281-4419
Fax: 515/281-4209
Jeffrey.Thompson@iowa.gov

Iowa Department of Justice

August 13, 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 first quarter of the 2015 fiscal year. The Department started the 2015 fiscal year with a balance of \$689,968.70 which included a carryover of \$469,968.70 and a transfer of \$220,000 into the Fund as authorized by the Executive Council in June 2014.

Litigation expenses in the first quarter of fiscal year 2015 will involve the ongoing three telephone appeals involving the Windstream group and expenses from the Little Sioux and Cable One appeals before the Supreme Court. Litigation fees and expenses are estimated not to exceed \$50,000.

The Department, therefore, requests authorization to expend \$50,000 from the Litigation Expense Fund in order to cover estimated litigation fees and expenses for the first quarter of the 2015 fiscal year.

Sincerely,

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

JEFFREY S. THOMPSON
Solicitor General

cc: Courtney M. Kay-Decker



EXECUTIVE COUNCIL

2014 AUG 11 AM 9:39

DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEM COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376

IN REPLY REFER TO

5750

Ser 00D/0621-01

August 1, 2014

Ms. G. Madsen
Executive Council of Iowa
1007 East Grand
State Capitol Bldg. Rm. 114
Des Moines, IA 50319

Dear Ms. Madsen:

The Naval Sea Systems Command is pleased to be able to offer you the loan of our exhibition ship model for another year. Contract N00024-82 -C0204 which will expire on 1 September 2014.

To easily extend the loan agreement, sign both copies of Supplement No. 31 and return them along with a current Certificate of Insurance. The Certificate of Insurance should reflect the requirement to provide 30 days advance written notice of any policy cancellation. It should also show adequate Fine Arts coverage, reflecting the current value as stated on the enclosed supplement, and Bodily Injury Liability coverage in the amount of \$300,000.00, per occurrence. Upon acceptance, a counter-signed copy of the supplement will be sent back to you.

Your prompt attention is greatly appreciated. It is our hope that you continue to enjoy the model, and we look forward to receiving your reply. We can be reached on (202) 781-2975 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Rory O'Connor".

E. RORY O'CONNOR
Director, Office of
Corporate Communications