

Board Minutes April 3, 2023

The Adams County Board of Supervisors met on Monday, April 3, 2023, at 9:00 AM with the following members present: Leland Shipley, Chris Standley, Bobbi Maynes Tony Hardisty, and Scott Akin. The meeting was called to order by Chairperson Shipley and the Pledge of Allegiance was recited. Akin moved, seconded by Maynes to approve the minutes of March 27, 2023, meeting and to approve the agenda as presented. All supervisors voted aye. Motion carried.

John Thomas, Director of Hungry Canyons Alliance Program, educated the board on Hungry Canyons and the work that he does. The Loess soil is found in 19 counties and this type of soil is very erosive which has caused many banks to be unstable. This program helps with our culverts and bridge projects that have bank stabilization needs. So far Adams County has completed 11 projects with around \$450,000 worth of investments for our banks and streams.

Maynes moved, seconded by Standley to approve the Secondary Roads 5 Year plan as presented by Engineer Bechtold. All supervisors voted aye. Motion carried.

Hardisty moved, seconded by Standley to approve Utility Permit applications #23-05 (Sec 23 in Washington township) & #23-06 (Sec 22 in Nodaway township) for SIRWA. All supervisors voted aye. Motion carried.

The board discussed the driveway policy and have pulled information from surrounding counties on their driveway policies. The board wants to see the previous policy to look at as well before making any decision.

Maynes moved, seconded by Hardisty to regretfully unappoint Larry Maeder as the weed commissioner for 2023 as he has shared interest in retiring and to appoint Travis Paul as interim weed commissioner effective today. The board thanked Larry for his service to Adams County. All supervisors voted aye. Motion carried.

No action was taken on the Veteran Affairs Commissioner retiring, but the VA Commission is looking at the process to hire and train a new commissioner.

Maynes moved, seconded by Akin to approve Resolution 2023-10 Authorizing Adams County to Enter into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co, Walmart Inc., CVS Health Corp and CVS Pharmacy, Inc.

RESOLUTION NO. 2023-10

Authorizing Adams County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.,

WHEREAS, in 2018, the County Board of Supervisors authorized Adams County (the “County”) to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC and von Briesen & Roper, s.c. (the “Law Firms”) to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the County and resources necessary to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants in 2018 and have been litigating against the Opioid Defendants since that time;

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc (the “Settling Defendants”) have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively “Settlement Agreements”);

WHEREAS, the Settlement Agreements as well as a summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court’s Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided to the County prior to the execution of this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Iowa including to the State of Iowa and Participating Subdivisions, as that term

is defined in the Settlement Agreements (“Iowa Opioid Funds”), upon occurrence of certain events as defined in the Settlement Agreements;

WHEREAS, the Law Firms have engaged in extensive discussions with the State Attorney General’s Office (“AGO”) as to how the Iowa Opioid Funds will be allocated, which has resulted in the Iowa Opioid Allocation Memorandum of Understanding (“Allocation MOU”), which is an agreement between all of the entities who are signatories to the Allocation MOU;

WHEREAS, the Allocation MOU divides Iowa Opioid Funds as follows: (i) 50% to the State (“the Iowa Abatement Share”) and (ii) 50% to Participating Local Governments (“LG Share”), net of fees and costs allocated to the Iowa Backstop Fund as set forth in Section D of the Allocation MOU and in this Resolution (“LG Abatement Share”);

WHEREAS, the LG Abatement Share shall be distributed in direct payments to the Counties that are Participating Local Governments according to the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804) in the amounts set forth on Exhibit 2 to the Allocation MOU (“Direct Distribution Percentage”). The Direct Distribution Percentage will be multiplied by the total LG Abatement Share to arrive at the total allocation to the Participating Local Government (the “Direct Distribution Amount”);

WHEREAS, 100% of the Iowa Abatement Share and the LG Abatement Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures incurred after the Effective Date of this MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 of the MOU (Iowa State – Local Allocation MOU).

WHEREAS at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized for only the “Core Strategies” listed in Schedule A of Exhibit 1 to Allocation MOU;

WHEREAS, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund on its financial books and records that is designated for the receipt and expenditure of the entity’s Direct Distribution Amount, called the “LG Abatement Fund;”

WHEREAS, Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government, but a Participating Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Participating Local Government;

WHEREAS, Funds in a LG Abatement Fund may be expended by a Participating Local Government only for Opioid Related Expenditures, shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU and, for avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements or payments made or incurred prior to the Settlement;

WHEREAS, if any audit required by the Allocation MOU reveals an expenditure inconsistent with the terms of the Allocation MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure;

WHEREAS, the County must comply annually with the reporting requirements in the Allocation MOU;

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement and the Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreements stating the County’s intention to be bound by the Settlement Agreements;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements.

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves and authorizes Leland Shipley to settle and release the County’s claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements by taking the following measures:

1. The execution and delivery of the Participation Agreement to the Settlement Agreements and any and all documents ancillary thereto.
3. The execution and delivery of any and all further and other documents necessary to effectuate the foregoing and the terms of this Resolution.

BE IT FURTHER RESOLVED: the County shall deposit the LG Share in its account titled “LG Abatement Fund” to receive the LG Abatement Share from the Settlement Agreements.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

All supervisors voted aye. Motion carried. Adopted by the Adams County Board of Supervisors this 3rd day of April, 2023. Attested by Auditor Rebecca Bissell. The original resolution is on file in the Auditor's Office.

Hardisty moved, seconded by Standley to approve Family Farm Applications as presented. All supervisors voted aye. Motion carried.

Akin moved, seconded by Maynes to approve the Tax Abatement for Singer. All supervisors voted aye. Motion carried.

Akin moved, seconded by Hardisty to approve the bill for the Corning School Special Election. All supervisors voted aye. Motion carried.

Standley moved, seconded by Maynes to approve the Enhanced Security Services with OCIO. All supervisors voted aye. Motion carried.

Akin moved, seconded by Maynes to open the public hearing at 10:00 am for the FY 23/24 budget. All supervisors voted aye. Motion carried. There were no written or oral objections. Akin moved, seconded by Hardisty to go close the public hearing at 10:02 am. All supervisors voted aye. Motion carried.

Maynes moved, seconded by Standley to approve Resolution 2023-13 Approving FY 23/24 Budget with 100% Appropriations.

RESOLUTION NO. 2023-13
APPROVAL OF BUDGET AND CERTIFICATION OF TAXES
AND APPROPRIATIONS FOR FY 23/24

WHEREAS, IA Code 331.434(5) requires that after a budget hearing, the Adams County Board of Supervisors shall adopt by resolution a budget and certificate of taxes, and;

WHEREAS, the Adams County Board of Supervisors has met the budget publication requirements in IA Code 331.434(3) through publication in the Adams County Free Press on 3/23/2023, and;

WHEREAS, the Adams County Board of Supervisors has met the budget hearing requirements in IA Code 331.434(3) and 331.434(4) through the public hearing held on 4/3/2023 at 10:00 A.M.;

THEREFORE, BE IT RESOLVED, on the 3rd day of April 2023, that the Adams County Board of Supervisors hereby adopts by resolution the attached Adoption of Budget and Certification of Taxes for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2023, in accordance with Section 331.434, Subsection 6, of the Code of Iowa,

NOW THEREFORE, BE IT RESOLVED by the Adams County Board of Supervisors, Adams County Iowa, as follows:

Section 1. The amounts itemized by fund and by department or office on the attached schedule are hereby 100% appropriated from the resources of each fund so itemized, to the department or office listed in the first column on the same line of the attached schedule.

Section 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized fund, effective July 1, 2023.

Section 3. In accordance with section 331.437, Code of Iowa, no department or officer shall expend any money or incur any liability or enter into any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the FY23/24 budget year, the auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, he/she shall immediately so inform the board and recommend appropriate corrective action.

Section 5. The auditor shall establish separate accounts for the appropriations authorized in section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the

unencumbered balance. The auditor shall report the status of such accounts to the applicable departments and officers monthly during the FY23/24 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business, June 30, 2024.

The above and foregoing resolution was adopted by the Board of Supervisors of Adams County, Iowa on April 3, 2023, the vote thereon being as follows: Motion made by Maynes, seconded by Standley. Roll call vote: Akin aye, Maynes, Aye, Standley Aye, Hardisty Aye, and Shipley Aye. Motion carried. Attested by Auditor Rebecca Bissell. The original resolution is on file in the Auditor's Office.

Department Head Reports: Secondary Roads – Having Purple Wave coming to look at more equipment to auction. The yellow semi and the old engineer car will be up for auction. The southeast area of the county has had contract rock completed. Recorder – Sent 30 books to Omaha for scanning and working on a committee to bring more options to Iowa Land Records. Treasurer – 93.5% of second half of taxes have been paid leaving around \$400,000 left to collect. Delinquent notices won't go out until May so there is still time to get them paid. IT – Sheriff backups have been tested and are working properly and now dealing with a lot of security alerts. Conservation – Cottage cleaner is going to be advertised soon as it is presumed there will be an opening soon. DNR is coming to take a look at the Conservation shop and offices as they believe it's a great template for their own future shops. April 13-14th is the free camping weekend. Boat docks are in except at the marina. Starting to turn on campground's water. Utility project to add more full-service sites at Lakeview will be starting in a couple weeks. The archery range is being set up, they are pouring the pad for the shelter/storage site. Majority of this project has been made possible with donations. Seeing a lot of waterfowl moving in the area. Still on the list for trout stocking. Assessor – Working through informal reviews and updating the Beacon site. Auditor – Family Farm and Ag Credit claims have been submitted to the State Dept of Revenue.

Public comments were presented by the following: Joel Bovaird, Juli Cooper, Carmen Dahl, and Marcia Allen who all spoke against wind turbines and asked for increasing the setbacks and being a good neighbor to those who aren't participating.

Committee and Meeting reports were presented as follows: Akin - Quad Co Meeting, Afton, Mar 31, SICOG, Creston, Mar 28, ACEDC, Corning, Mar 30; Maynes - Quad Co Meeting, Afton, Mar 31, Crossroads Finance, via Zoom, Mar 27, and Crossroads, Creston, Mar 27; Shipley – MATURA, Creston, Mar 28, and Quad Co Meeting, Afton, Mar 31; Standley - Quad Co Meeting, Afton, Mar 31; and Hardisty – Quad Co Meeting, Afton, Mar 31, and SWI Trolley, Creston, Mar 30.

Akin moved, seconded by Maynes to adjourn the meeting at 11:30 am. All supervisors voted aye. Motion carried.

ATTEST: Leland Shipley, Chairperson, Adams County Board of Supervisors
Rebecca Bissell, Adams County Auditor