

Sibley, Iowa
March 28, 2023

The Osceola County Board of Supervisors met pursuant to law and adjournment at 8:45 am at Osceola County Courthouse Board Room in Sibley, Iowa with the following members present: Ed Jones, Jerry Helmers, LeRoy DeBoer, Jayson Vande Hoef, and Mike Schulte. Absent: None.

Jones moves to approve the March 28, 2023 agenda. Second by DeBoer. Ayes- Jones, DeBoer, Helmers, Schulte. Nay – None. Absent- Vande Hoef.

It was moved Jones, second by Helmers to approve March 14, 2023 minutes. Ayes- Jones, Helmers, DeBoer, Schulte. Nay -None. Absent- Vande Hoef. Motion carried.

Jones moves to approve the April schedule as follows: April 11th and 25th with claims being paid on the 11th and 25th. Second by DeBoer. Ayes- Jones, Helmers, DeBoer, Schulte. Nay – None. Absent- Vande Hoef. Motion carried.

Vande Hoef is in attendance.

Sande Smith, Ambulance Coordinator gave updates with regards to the ambulance service.

It was moved by Jones, second by Helmers to approve the appointment of Buffie Dake as Veterans Affairs Director with a salary of \$21,500 per year. All vote aye. Motion carried.

A public hearing was held at 9 am for the proposed property tax levy for FY 23/24. With there being no oral or written comments, the public hearing was closed. It was moved by Vande Hoef, second by Helmers to approve the following resolution:

Resolution #31- 22/23

Approval of FY 23/24 Maximum Property Tax Dollars

WHEREAS, the Osceola County Board of Supervisors have considered the proposed FY 23/24 county maximum property tax dollars for both General County Services and Rural County Services, and WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county website and

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 28th, 2023.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Osceola County that the maximum property tax dollars for General County Services and Rural County Services for FY 23/24 shall not exceed the following:

General County Services - \$2,793,465

Rural County Services - \$1,485,762

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY 23/24 does not represent an increase of 102% from the Maximum Property Tax dollars requested for FY 22/23.

By Roll Call Vote: Ayes- Vande Hoef, Helmers, DeBoer, Jones, Schulte. Nay – None. Passed and adopted the 28th day of March, 2023.

It was moved by Vande Hoef, second by DeBoer to approve the following resolution:

Resolution# 32 22/23

Authorization for Access to and Use of UEI Number

WHEREAS, the Osceola County Conservation Board has applied for and received a Destination Iowa Grant from the State of Iowa, and

WHEREAS, the County of Osceola, Iowa does maintain a UEI number, and

WHEREAS, the Osceola County Conservation Board is a division of Osceola County Government, NOW, THEREFORE it be resolved by the Board of Supervisors of Osceola County as follows:

The Osceola County Conservation Board is hereby authorized access to, and use of, the UEI number of Osceola County, and Conservation Board Executive Director Nicholas J. Schmalen is authorized to sign for Items related to the Destination Iowa Grant as related to the Willow Creek Campground Expansion Project under the UEI number associated with Osceola County, Iowa.

Roll call voted: AYE- Vande Hoef, DeBoer, Helmers, Jones, Schulte. Nay- None. Motion Carried.

THEREFORE, the above foregoing resolution was approved and adopted by the Board of Supervisors of Osceola County Iowa on March 28, 2023.

Keith Brann, County Engineer explained the amendment to FY 23 county secondary road five-year program. Vande Hoef moves to approve the amendment to FY 23 secondary road five-year program. Second by Helmers. All vote aye. Motion carried.

It was moved by Jones, second by Schulte to approve the FY 24 secondary road five-year program. All vote aye. Motion carried.

It was moved by Vande Hoef, second by Jones to approve the following resolution:

RESOLUTION NO. 33- 22/23

Authorizing Osceola 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 Osceola 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 Chairman, Board of Supervisors 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. Ayes- Vande Hoef, Jones, Helmers, DeBoer, Schulte. Nay – None. Motion carried. Adopted by the Osceola County Board of Supervisors this 28th day of March, 2023.

Helmets moves to approve to destroy county records as submitted by the auditor's office. Second by Jones. All vote aye. Motion carried.

The Board reviewed the updates to the condemnation compensation commission.

It was moved by Helmers, second by DeBoer to approve April 25th, 2023 at 9 am as the public hearing date for FY 22/ 23 budget amendment. All vote aye. Motion carried.

The Board reviewed the FY 23/24 budgets. They would like to transfer another \$150,000 from general basic fund into jail remodel fund.

Jones moves to approve April 25th, 2023 at 9:15 am as the FY 23/24 proposed budget public hearing date. Second by Vande Hoef. All vote aye. Motion carried.

The contractor discussed options with the Board about the water damage to the ceiling in the recorder's office. It was moved by Jones, second by Schulte to remove the paint to the plaster, fix the cracks and paint the ceiling. Ayes- Jones, Schulte, DeBoer, Vande Hoef. Nay- Helmers. Motion carried.

Payroll registers from March 22nd and 24th were reviewed.

Jones moves to approve claim # 1601 to Bosma Water Service. Second by Helmers. Ayes- Jones, Helmers, DeBoer, Schulte. Nay-None. Abstain- Vande Hoef. Motion carried. It was moved by Vande Hoef, second by Helmers to approve the remainder of the claims. All vote aye. Motion carried.