

**MONONA COUNTY BOARD OF SUPERVISORS MEETING
MARCH 21, 2023**

The Monona County Board of Supervisors met in regular session at 8:30 a.m. o'clock on Tuesday, March 21, 2023 in the boardroom of the courthouse in Onawa, Monona County, Iowa with Chairman Fox presiding. Other, Supervisors present: Tom Brouillette and Vince Phillips. Supervisor Absent: None. Also, present was Auditor Peggy A. Rolph.

Motion was made by Supervisor Brouillette, seconded by Supervisor Phillips to approve the agenda. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

Motion was made by Supervisor Fox, seconded by Supervisor Phillips to set public hearing date for April 11, 2023 at 11 a.m. for the max levy. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Supervisor Phillips introduced and moved for adoption the following Resolution, seconded by Supervisor Brouillette:

**RESOLUTION 2023-07
Resolution to Enter into Settlement Agreements for Opioid Epidemic**

Authorizing Monona 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, 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 Ian McConeghey, County Attorney 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.

Adopted by the Monona County Board of Supervisors this 21st day of March, 2023

Ayes: /s/ Bo Fox
/s/ Tom Brouillette
/s/ Vincent Phillips

Nays: _____

/s/ Bo Fox
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: /s/ Peggy A. Rolph
MONONA COUNTY AUDITOR

Secondary Roads Engineer Dustin Wallis and Zach Schrader, Assistant to Engineer II were present for Secondary Roads business. Motion was made by Supervisor Fox, seconded by Supervisor Phillips to authorize the Supervisor's signatures on cover sheet for FM-CO67(93)—55-67 (220th Street culvert over Rock Creek). Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

Discussion items were roads, cutting trees, and finishing DOT projects. No action was taken.

Motion was made by Supervisor Fox, seconded by Supervisor Phillips to advertise for Secondary Road's Engineer position. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

In reference to the petition filed by William L Noble on the Fletcher Drainage District on 3/2/2023, a letter was sent out on March 15, 2023 to the landowners of Parcel #824509275002 in Sherman Township, Monona County, Iowa. Please see attached.

Pictures are attached showing silt build up on the Fletcher. Chairman Fox has talked to County Engineer Wallis. Since they will be doing work on the McNeill ditch, they will remove silt from this portion of the Fletcher ditch and haul away.

Jim Wigton, IT Director, was present to update the Supervisors on the projects he has been working on which include the temperature sensors, panic buttons, the new server cutover, doors, website, and making a new password policy for the handbook. Discussion followed with no action taken.

Debie Lahr, Burgess Public Health Promotion Coordinator; Adam Hadden, Burgess Public Health Director; Kaylee Kirkpatrick, Burgess Public Health Parent Educator Learning for Life; Michelle Carlson, Family Crisis Centers; Paula Nagel, West Central Community Action Head Start were present for child abuse prevention month and requested the Supervisor declare April as Child Abuse Prevention Month. Debie requested that everyone wear blue on April 1, 2023.

Motion was made by Supervisor Fox, seconded by Supervisor Phillips to sign the Proclamation declaring April as Child Abuse Prevention Month. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

Motion was made by Supervisor Fox, seconded by Supervisor Brouillette to recess at 11:10 a.m. and to reconvene at 11:55 a.m. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

Bids for the McNeill Main Phase 1 Cleanout Project were due by 12:00 p.m. today. The bids were opened and tabulated as follows by ISG:

Hendrickson Transportation	\$ 937,135.11
Empire Excavation	\$1,055,736.60
Pruett Grading	\$1,072,865.70
Healy Excavating	\$1,107,099.60
L.A. Carlson Contracting	\$1,213,410.90
Mount Farm Drainage LLC	\$1,227,398.69
CJ Moyna & Sons	\$1,551,066.81
Oban Construction	\$1,866,304.64
Fenton Construction	\$3,918,636.00

It was moved by Fox, seconded by Brouillette to take the low bid of Hendrickson Transportation, in the amount of \$937,135.11, under consideration and direct the engineers to research the project and schedule to reconsider award of the contract for next Tuesday, March 28, 2023 at 1:00 pm over teleconference. Vote on motion: Ayes: Fox, Phillips, Brouillette and Straight. Nays: None. Motion carried.

A draft letter prepared by ISG was reviewed and will be sent out to the traversed landowners on the Phase 1 project after the bid has been awarded. A Pre-Construction meeting with the contractor will also be scheduled after the bid has been awarded and the letter encourages landowners to attend that meeting along with (1) representative from the Harrison Board of Supervisors and (1) representative from the Monona County Board of Supervisors.

It was moved by Phillips, seconded by Brouillette to appoint Brian Rife from Harrison County and Bo Fox from Monona County to be present at the Pre-Construction meeting. Vote on motion: Ayes: Fox, Phillips, Brouillette, Straight and Rife. Nays: None. Motion carried.

It was moved by Straight, seconded by Phillips that any Change Order under the amount of \$5,000. can be approved verbally by (2) representatives being Bo Fox from Monona County and Brian Rife from Harrison County. Vote on motion: Ayes: Fox, Phillips, Brouillette, Straight and Rife. Nays: None. Motion carried.

Progress meetings will be scheduled for the first week of each month once the contractor begins the work. These can be done via teleconference to the Monona County Board of Supervisors at their Tuesday meeting time and forwarded to Harrison County Board of Supervisors for their approval at their Thursday meeting time.

Present for the discussion on the NEW Cooperative Maritime Grant proposal were Charlie Persinger, Monona County Economic Development; Sandy Bubke, Zoning Administrator; and Abby Riesberg, Treasurer. Questions for NEW Cooperative were discussed. More information from NEW Cooperative is needed before the County would consider moving forward with applying for the Maritime Grant on behalf of NEW Cooperative. No action was taken.

Motion was made by Supervisor Phillips, seconded by Supervisor Fox to approve the minutes of March 14, 2023 as read. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Motion was made by Supervisor Fox, seconded by Supervisor Brouillette to approve claims. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Supervisor Fox attended the Monona County Board of Health and Monona County Conservation meetings. He shared the information presented.

Motion was made by Supervisor Phillips, seconded by Supervisor Brouillette to acknowledge receipt of Manure Management Annual update for NTG, LLC—Tyson Goslar #66757. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Motion was made by Supervisor Fox, seconded by Supervisor Brouillette to acknowledge receipt of resignation letter from Charles Pike from the Monona County Board of Adjustments. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Motion was made by Supervisor Fox, seconded by Supervisor Brouillette to authorize the Chairman's signature on amended lease with William J. & Myrna L. Wood. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

Per the handbook, working from home is only allow with Board of Supervisor approval.

Agenda items for the four-county meeting on April 5, 2023 in Denison were discussed. n\No action taken.

Supervisor Fox was contacted about have a joint meeting with Woodbury and Plymouth Counties regarding legislation on April 7, 2023. No action was taken.

Motion was made by Supervisor Brouillette, seconded by Supervisor Phillips to authorize the Board of Supervisor's signatures on the Monona County Sheriff's Union Contract. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

Motion was made by Supervisor Phillips, seconded by Supervisor Fox to authorize the Board of Supervisor's signatures on the Monona County Secondary Road's Union Contract. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion carried.

It was moved by Supervisor Fox, seconded by Supervisor Brouillette to hereby adjourn at the hour of 3:10 p.m. o'clock. Vote on motion: Ayes: Fox, Brouillette, and Phillips. Nays: None. Motion Carried.

/s/Bo Fox
BO FOX, CHAIRPERSON MONONA COUNTY
BOARD OF SUPERVISORS

ATTEST: /s/Peggy A. Rolph
PEGGY A. ROLPH, AUDITOR