

## Wayne County Board of Supervisors

Regular Scheduled Meeting of the Wayne County Board of Supervisors was held on the 13th day of December 2021, in the Conference Room of the Wayne County Courthouse, Corydon, Iowa, pursuant to notice duly given in compliance with Iowa Code Section 21.4. The Board noted due notice of meeting subject to said Code Section.

Present were David Dotts, Tom Swearingin, Don Seams members of the Board, Aaron Hoelting, Randy Zerr, Rhonda Bennett, Jen Reed and Michelle Dooley. Corey Metzger, Resource Consulting Engineers, LLC, joined by zoom meeting.

The Corydon Times Republican live streams the Board of Supervisors regular session meetings on their facebook page. **Unless otherwise noted, all motions are approved unanimously by all Board members present.**

Dotts called meeting to order at 9:00 AM and took roll call.

Pledge of Allegiance

Seams made a motion to approve the December 13, 2021, agenda with an amendment, seconded by Swearingin. Amendment included: Set Public Hearing for setting precinct boundaries & capital asset addition.

Swearingin made motion to approve the November 29, 2021, minutes, seconded by Seams.

Seams made motion to approve the December 10, 2021, payroll, seconded by Swearingin.

Swearingin made motion to approve the December 13, 2021, claims, seconded by Seams.

No public comments regarding agenda items.

Swearingin made the motion to set Public Hearing for Wayne County Precinct Boundaries for Monday, January 3, 2022, at 9AM in the Courthouse Basement conference room, seconded by Seams.

Swearingin made motion to approve the capital asset addition for Conservation; E-Z Dock for \$33,341, seconded by Seams.

Corey Metzger, Engineer with Resource Consulting Engineers, LLC joined by zoom meeting and presented 4 options for a new courthouse HVAC System.

- 1) Variable Refrigerant Flow (VRF)
  - 1A) Air Source
  - 1B) Ground-Source w/geothermal
- 2) Chilled Water/Hot Water Fan Coil Unit System
  - 2A) Air-cooled chiller and heating hot water boiler
  - 2B) Ground-coupled water-to-water heat pump(s)
- 3) Water-Source Heat Pump System
- 4) Variable Volume Dual-Duct System

Randy Zerr, Wayne County Engineer, presented to the Board. Medicine Creek project is on track with a Spring 2022 start date. Zerr also commented that the 28E agreement is still with legal counsel for review but that he will be following up and getting that finished. They have received the 3 rail car tankers for the project on Fillmore & 220<sup>th</sup> Street and will begin that project soon. Theft of rock and obstructions in the right-of-way is still a concern and working with Sheriff Davis and County Attorney Wilson.

Dotts read RESOLUTION 22-16 Adopting the Wayne County Multi-Jurisdictional Local Hazard Mitigation Plan (Wayne County, Iowa)

**Whereas**, Wayne County recognizes the threat that natural hazards pose to people and property within our community; and **Whereas**, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**Whereas**, the U.S Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards;

**Whereas**, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and  
**Whereas**, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and  
**Whereas**, Wayne County fully participated in the hazard mitigation planning process to prepare this Multi-Jurisdictional Local Hazard Mitigation Plan; and Whereas, the Iowa Homeland Security and Emergency Management Department and the Federal Emergency Management Agency Region VII officials have reviewed the "Wayne County Multi-Jurisdictional Local Hazard Mitigation Plan," and approved it contingent upon this official adoption of the participating governing body; and  
**Whereas**, Wayne County desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Wayne County Multi-Jurisdictional Local Hazard Mitigation Plan; and  
**Whereas**, adoption by the governing body for Wayne County demonstrates the jurisdictions' commitment to fulfilling the mitigation goals outlined in this Multi- Jurisdictional Local Hazard Mitigation Plan; Whereas, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan;  
**Now, therefore, be it resolved**, that Wayne County adopts the "Wayne County Multi-Jurisdictional Local Hazard Mitigation Plan" as an official plan; and Be it further resolved, Wayne County will submit this Adoption Resolution to the Iowa Homeland Security and Emergency Management Department and Federal Emergency Management Agency Region VII officials to enable the plan's final approval.

Seams made the motion to approve Resolution 22-16, seconded by Swearingin.

Dotts read Resolution 22-17 *Authorizing David Dotts, Wayne County Supervisor Chairman, to Enter into Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the Iowa Opioid Allocation Memorandum of Understanding and Authorize Entry Into that Memorandum of Understanding*

**WHEREAS**, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, 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**, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively "Settlement Agreements");

**WHEREAS**, copies of the Settlement Agreements as well as 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, upon occurrence of certain events as defined in the Settlement Agreements ("Iowa Opioid Funds");

**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 proposed 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**, a copy of the Allocation MOU and the Exhibits to that MOU has been provided with this Resolution;

**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"), less 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 are set forth in Exhibit 1 to this 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 this 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.” Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government. 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. 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**, each LG Abatement Fund shall be subject to audit in a manner consistent with Code of Iowa §§331.402(2)(i) and 11.6. Any such audit shall be a financial and performance audit to ensure that the LG Abatement Fund disbursements are consistent with the terms of this MOU. If any such audit reveals an expenditure inconsistent with the terms of this MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure.

**WHEREAS**, County has contracted with the Law Firms for representation in the Litigation and the Law Firms have been representing those entities since 2018 and in consideration for the Law Firms’ representation, the County entered into a contract with the Law Firms for a 25% contingency fee applied to County’s total recovery from any settlement.

**WHEREAS**, the Settlement Agreements provide for the payment of attorney’s fees and legal expenses owed by States and Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this, the Court in the MDL Litigation has established a fund to compensate attorneys representing plaintiffs in the Litigation (the “National Attorney Fee Fund”).

**WHEREAS**, the Law Firms intend to make application to the National Attorney Fee Fund. However, because there is still uncertainty regarding what counsel for litigating local governments will recover as compensation for the large volume of work done and the large out of pocket expense of the Litigation, and whereas the Parties to the Allocation MOU desire to fairly compensate outside counsel for the work done on behalf of the Participating Local Governments in Iowa, the Allocation MOU provides that a fund be created from 15 % of the LG Share attributable to the Litigating Local Governments, less any amounts a Litigating Local Government (“Iowa Backstop Fund”)

**WHEREAS**, the Iowa Backstop Fund is meant to compensate outside counsel for participating local governments only for amounts not recovered at the National Fee Fund attributable to their Iowa clients;

**WHEREAS**, to be eligible for the Iowa Backstop Fund, the Law Firms must first seek payment from the National Attorneys’ Fees Fund and may not recover amounts attributable to Counsel’s representation of the County received at the National Attorneys’ Fees Fund from the Iowa Backstop Fund;

**WHEREAS**, the County, by this Resolution, agrees to the creation of the Iowa Backstop Fund in the amount of 15% of the LG Share attributable to the Litigating Local Governments in order to fund a state-level “backstop” for payment of the fees, costs, and disbursements of the Law Firms;

**WHEREAS**, in no event shall the total of the amounts received by the Law Firms at the National Attorney’s Fees Fund related to the County and the amount received at the Iowa Backstop Fund exceed the amount the Law Firms would have been entitled to pursuant their fee contract with the County;

**WHEREAS**, the County, by this Resolution, shall establish an account for the receipt of the LG Abatement Share consistent with the terms of this Resolution (“the LG Abatement Fund”);

**WHEREAS**, the County’s LG Abatement Fund shall be separate from the County’s general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

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

**WHEREAS**, the 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; (3) approves the Allocation MOU; (4) executes the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

**WHEREAS**, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements and to enter into the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

**NOW, THEREFORE, BE IT RESOLVED:** the County Board of Supervisors hereby approves and authorizes David Dotts, Wayne County Board of Supervisor Chairman to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, Allocation MOU and all exhibits thereto, including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding.

**BE IT FURTHER RESOLVED:** the County hereby establishes an account separate and distinct from the County's general fund which shall be 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.

Seams made motion to approve Resolution 22-17, seconded by Swearingin.

Seams made motion to accept the Clerk of Court's November Report, Seconded by Swearingin. Deposits were \$387.82.

Seams made motion to accept the Recorder's November Report, seconded by Swearingin. Deposits were \$7,573.83.

Seams made motion to accept the Sheriff's November Report, seconded by Swearingin. Deposits were \$27,454.81.

Discussion: Seams discussed that the safety committee has met and has reviewed the county wide manual. The manual has been set to Jack Reed for his review. And the committee will be meeting monthly at 8:30AM on the 1<sup>st</sup> Wednesday of every month. The committee will be working with the individual offices/departments to get their safety manual updated.

Supervisor meetings:

Swearingin attended the Conservation Board meeting. Kenny & his staff are doing well, and everything is ready for winter.

Dotts attended the Wayne County Development meeting, and they are working on some future projects.

Seams attended the Wayne County Safety Committee meeting.

No Public Comments:

Claims paid on December 13, 2021

ABEL, GARRETT	REIMBRSMNT/SHERIFF	750.00
ADVANCED CORRECTIONAL, HEALTHCARE INC	SERVICE/SHERIFF	1,524.15
AGRILAND FS INC	FUEL/SHERIFF	1,429.96
ALEXANDER, KELLEY	MILEAGE/PHN	150.00
ALLERTON LUMBER COMPANY	SHOP TOOLS/SEC RDS	148.94
ALLIANT ENERGY	ELECT BILL(AS)/GEN RELIEF	150.00
ALLIANT ENERGY-IP&L	UTILITIES/SHERIFF	432.71
ARGETSINGER, LUANN	MILEAGE/VA	663.50
B & D AUTOMOTIVE, (CARQUEST OF HUMESTON)	PARTS77/SEC RDS	1,475.46
BAILEY OFFICE OUTFITTERS	SUPPLIES/E911	38.95
BANKS, KENNY	PHONE/CONSERVATION	25.00
BICKEL, SHELLEY	MILEAGE/PHN	125.00
BI-STATE ELECTRONICS	SUPPLIES/E911	56.00
BUTTZ, DEIDRE	MILEAGE/PHN	167.50
C & E TRUCKING	SERVICE/CONSERVATION	120.00
CANINE TACTICAL, LLC	SERVICE/SHERIFF	800.00
CANTERA AGGREGATE, LLC	ROCK/SEC RDS	8,108.42
CNA SURETY	BOND (AW)/BOS	100.00
CORYDON PLUMBING & HEATING	SERVICE/NV	345.00
COUCHMAN, ERIC	SERVICE/SANITATION	500.00
DBL EAGLE THERAPY SERVICES LLC	SERVICE/PHN	6,022.50

DEITZZ INC	BLDG-REPR-MAINT/CONSERVATION	8,603.00
DOOLEY, MICHELLE	5TH DIST MTG/AUDITOR	160.50
DOTTS, DAVID	MILEAGE/VA	18.00
EMERGENCY SERVICES MKT CORP	SUBSCRIPTION/E911	290.00
FURLIN LANDSCAPING SERVICES	SERVICE/CTYD	531.48
GALLS, LLC	UNIFORM/SHERIFF	330.76
GAMBLE'S	SUPPLIES/SHERIFF	819.95
GOBEN AUTOMOTIVE LLC	REPAIR/SANITATION	18.69
GRAND RIVER MUTUAL TELEPHONE C	SERVICE/CONSERVATION	131.59
GREAT WESTERN BANK-VISA	OUTREACH/VA	1,362.20
GREEN, JACQUELINE	MILEAGE/VA	22.00
HEALTHCARE FIRST	SERVICE/PHN	1,868.27
HOELTING, AARON	PHONE/GEN SERVICE	35.00
HYSELL, JESSICA	MILEAGE/PHN	25.00
INLAND TRUCK PARTS CO	PARTS/SEC RDS	58.90
IOWA DEPT OF PUBLIC SAFETY, TECHNOLOGY SERVICES	SERVICE/SHERIFF	978.00
IOWA PRECINCT ATLAS CONSORTIUM, (IPAC)	SOFTWARE REWRITE/AUDITOR	3,000.00
IOWA PRISON INDUSTRIES	SIGNS/SEC RDS	128.04
JOHNSON CONTROLS FIRE, PROTECTION LP	MAINT/SHERIFF	1,319.04
KOHL WHOLESALE	PROVISION/SHERIFF	2,324.60
LAW ENFORCEMENT SYSTEMS	TAGS/SHERIFF	101.00
LENZ, KEVIN	SERVICE/SANITATION	500.00
LOCKRIDGE INC	SUPPLIES/E911	7.20
LUCIS CORP	RENT/PHN	300.00
MEYER LABORATORY INC.	SERVICE/SHERIFF	89.00
MFA OIL COMPANY (HUMESTON)	FUEL/CONSERVATION	1,721.20
MHC KENWORTH-DES MOINES	PARTS/SEC RDS	567.03
MIDDLEBROOK, MELINDA	PHONE/MH	25.00
MIDWEST OFFICE TECHNOLOGY INC	SERVICE/RECORDER	1,983.84
MILES LAW FIRM	CERT MAIL/ATTY	14.76
MOORE, SUSAN	MILEAGE/PHN	145.50
NACO	MEMBERSHIP/BOS	450.00
NATIONAL PEN CO LLC	ADVERTISING/VA	281.30
NORRIS QUARRIES, LLC	ROCK/SEC RDS	8,455.96
PERRY, JOELLA	PHONE/VA	50.00
PRODUCTIVITY PLUS ACCOUNT, DEPT 93-1147114528	PARTS/SEC RDS	696.17
RATHBUN LAND & WATER ALLIANCE	UTILITIES/CONSERVATION	156.25
RHODES, DAVID	PHONE/SANITATION	50.00
SCANTRON TECHNOLOGY SOLUTIONS	SERVICE/DP	4,136.30
SCC NETWORKS	SERVICE	3,001.86
SECONDARY ROAD FUND	SIGN REPAIR/E911	1,278.37
SEYMOUR HERALD	SNOW REMVL AD/NV	80.00
SHELTON, JENNIFER	MILEAGE/PHN	244.50
SHRED-IT USA, C/O STERICYCLE, INC.	SERVICE/AUDITOR	257.36
SIOUX SALES CO	UNIFORM/SHERIFF	124.90
SMITH WELDING SUPPLY, S J	WELDING/SEC RDS	317.17
SNOW, BRITTANY	PHONE/CONSERVATION	25.00
SOCIETY OF LAND SURVEYORS, OF IOWA	SCHOOLING-ZERR/SEC RDS	140.00
SOUTHERN IOWA OIL	DIESEL/SEC RDS	9,390.01
SOUTHERN IOWA PLUMBING	BTHRM REMODEL /NV	2,881.00
STAGGS, HUBERT	MILEAGE/VA	25.00
STANARD & ASSOCIATES INC	POST TEST/SHERIFF	45.50
STANLEY, LINDA	MILEAGE/PHN	25.00
STOREY KENWORTHY /MATT PARROTT	FORMS/AUDITOR	83.55
THE RAILROAD YARD INC	STEEL 220TH & FILLMORE/SEC RDS	28,125.00
U.S. CELLULAR	SERVICE	800.26
VAN FLEET, CHARLOTTE	PHONE/PHN	25.00
WASH-ECLAIR	SERVICE/SHERIFF	35.00
WAYNE CO EXTENSION SERV	SPRAYING/SEC RDS	35.00
WAYNE CO. PUBLIC HEALTH	SERVICE/SHERIFF	329.18
WAYNE COUNTY HOME CARE, AIDE AGENCY	SERVICE	8,469.25

WAYNE COUNTY HOSPITAL	SHERIFF INMATE(JM)/GEN RELIEF	583.60
WAYNE COUNTY NEWSPAPERS	BD PROC/BOS	2,741.36
WILLADSON, MAXINE	MILEAGE/PHN	30.00
WILTAMUTH, JAMES	REIMBRSMT/SHERIFF	500.00
WINDSTREAM LAKEDALE INC	SERVICE/E911	130.68
XEROX FINANCIAL SERVICES	SERVICE/SHERIFF	256.50
ZIEGLER INC	PARTS/SEC RDS	1,220.43
	<b>GRAND TOTAL</b>	<b>126,089.10</b>

There being no further business the next Regular Scheduled meeting of the Wayne County Board of Supervisors will be held on the 28TH day of December 2021, at 9:00AM in the Wayne County Courthouse Conference Room.

Swearingin made motion to adjourn at 10:39AM, seconded by Seams.

  
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 David Dotts, Chairperson

Attested   
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 Michelle Dooley, Auditor