

March 20, 2023
Garner, Iowa

The Hancock County, Iowa, Board of Supervisors met in adjourned session on the above captioned date pursuant to adjournment with Supervisors Florence (Sis) Greiman, Gary Rayhons and Jerry J. Tlach present. Absent: none.

The minutes of March 13, 2023 meeting were read and approved.

On motion by Supervisor Tlach, seconded by Supervisor Rayhons and carried unanimously, the Board gave approval to the following: Hiring of Paul Schroader, part-time summer help, Secondary Road department effective April 3, 2023 at \$23.45 per hour. Authorized the issuance of credit card to the Hancock County Attorney, Rachel Ginbey. Acceptance vote of Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., proposed settlements regarding opioid defendants.

On motion by Supervisor Rayhons, seconded by Supervisor Tlach and carried unanimously, the Board gave approval to the following: Appointed Rachel Ginbey, Hancock County Attorney, as HIPAA Privacy Officer for Hancock County. Signed member proxy form for Iowa Communities Assurance Pool appointing, Michelle Eisenman, County Auditor as primary and Rachel Ginbey, County Attorney, as alternate. Hiring of Andrea Porter, on-call dispatcher, Communications Department effective March 20, 2023 at 12 noon at \$18.00 per hour. Designation of Rachel Ginbey, County Attorney to sign settlement documents on behalf of Hancock County.

On motion by Supervisor Tlach, seconded by Supervisor Rayhons and carried unanimously, the Board gave approval to the following Resolution:

RESOLUTION NO. 2023-009

Authorizing Hancock 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 2021, the County Board of Supervisors authorized Hancock 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 Rachel Ginbey 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.

On motion by Supervisor Tlach, seconded by Supervisor Rayhons and carried unanimously, the Board authorized the County Auditor to issue checks for the claims on file from March 6 to March 20, 2023 as follows:

ABSOLUTE WASTE REMOVAL,MISC/EXP	241.09
AHLERS & COONEY P C,PROFESSIONAL SERVICES	750.00
AIRGAS USA LLC,WELDING SUPPLIES	453.71
ALLIANT ENERGY,UTILITIES	12,816.89
AMAZON CAPITAL SERVICES,SUPPLIES	926.49
ARNOLD MOTOR SUPPLY,BATTERIES	383.86
AT & T MOBILITY,PHONE	1,086.37
ATCO INTERNATIONAL,MISC SUPPLIES	813.20
AXON ENTERPRISE INC,TRAINING	495.00
BAUER BUILT INC.,TIRES	15,892.80
BELL'S FIRE STOP,SAFETY FIRE EXTINGUISHER INSPECTION	923.00
BLACK HILLS ENERGY,UTILITIES	575.95
BLACKSTRAP INC,SALT	20,125.16
BOLTON & MENK INC,PROF SERV	7,162.50
BOMGAARS SUPPLY INC,SUPPLIES	3.99
BRAD'S PEST CONTROL,EXT/SERVICES	64.00
BROTHERS ACE HARDWARE,MISC/EXP	223.51
BURTNESS-LUNDGREN PLUMBING & HEATING, INC,FIXED PLANT	170.00
CALHOUN-BURNS/ASSOC INC,DESIGN WORK	2,929.60
CAMPBELL SUPPLY CO INC,PARTS	2,878.36
CENTRAL IOWA DISTRIBUTING, INC.,CUST/SUPPLY	939.00
CENTURY LINK,PHONE	33.95
CHRYSLER OF FOREST CITY,VEHICLE SERVICE	700.06
CITY LAUNDERING CO,MISC SUPPLIES	107.10
CITY OF BRITT,SEWER & WATER	113.78
CITY OF CRYSTAL LAKE,WATER/SEWER	50.14
CITY OF GARNER,W & S	229.97
CITY OF GOODELL,SEWER & WATER	60.00
CITY OF WODEN,SEWER & WATER	63.00
CLARION DISTRIBUTING LLC,MISC SUPPLIES	159.50
COLOFF DIGITAL,WEBSITE SUPPORT PACKAGE	169.00
COMMUNICATIONS 1 NETWORK,INTERNET/PH	916.06
CONSOLIDATED ENERGY COMPANY,UTIL	550.00
CORWITH MUN UTILITIES,WATER & SEWER	135.83
COTT SYSTEMS INC,HOSTED ONLINE INDEX BOOKS	265.00
CULLIGAN MASON CITY,CUST/SUPPLY	28.95
DAVID LANE,SHOP TOOLS	352.88
DES MOINES STAMP MFG CO,STAMP & STAMP PADS	93.65
DETECTACHEM INC.,DRUG TEST STRIP	81.80
DUNCAN HEIGHTS INC, PAYEE SERVICES	520.00
ELECTRONIC ENGINEERING,MISC REPAIRS	5,963.79
ELECTRONIC SPECIALTIES INC,MONTHLY RADIO SERVICE	174.00

ELIZABETH H POWERS,CLEANING SERVICE	320.00
FARMERS CO-OP ASSOCIATION,FUEL	110.05
FIVE STAR SHOP SERVICE,BOLTS	2,841.75
FORGE & BUILD,PARTS	184.32
FRANK DUNN CO,ASPHALT PATCH	949.00
FRONTIER,PHONE	79.52
GALLS LLC,UNIFORMS	315.43
GLOBE GAZETTE CIRCULATION DEPT,YR SUBSCRIPTION	104.00
GOVERNMENT FORMS AND SUPPLIES, SUPPLIES	711.00
HANCOCK CO AUDITOR,POSTAGE DD	4.20
HANCOCK COUNTY COOP OIL ASS'N,PARTS	17,876.12
HANCOCK COUNTY HEALTH SYSTEM,GRANTS	33,386.51
HANCOCK COUNTY MEDICAL BENEFIT,APRIL MEDICAL PREMIUMS/FEEES/PSF	137,676.82
HANCOCK COUNTY SHERIFF,SERV	179.90
HEARTLAND POWER COOP,UTILITIES	10.00
HIWAY TRUCK EQUIP INC,PARTS	670.15
HY-VEE ACCOUNTS RECEIVABLE,CUST/SUPPLY	9.97
IACCVSO,EDUC & TRAINING SERV	60.00
IOWA COUNTY RECORDER'S ASSOCIATION,RECORDERS SUMMER CONF	100.00
IOWA DEPT OF REVENUE,HOTEL & MOTEL TAX/FEB 23	90.39
IOWA DNR,WATER DISCHARGE PERMIT	175.00
IOWA LAW ENFORCEMENT ACADEMY,TRAINING	125.00
IOWA OUTDOORS,E.E. MAGAZINE	15.00
IOWA STATE SHERIFFS' & DEPUTIES' ASSOCIATION,2023 ISSDA CIVIL SCH REGIS	125.00
IOWA STATE UNIVERSITY,MEETING FEE	945.00
IOWA'S COUNTY CONSERVATION SYSTEM,CCPOA TRAINING	20.00
JACOBSON-WESTERGARD & ASSOCIATES INC,PROF SERV	1,210.80
JEREMY PURVIS,MEETING REIMB	17.00
JIM MORRIS,3 BEAVER TAILS DD 159	280.00
JOHN DEERE FINANCIAL,PARTS	1,127.80
JOHNSON, MULHOLLAND, COCHRANE,LEGAL FEES DD	1,086.25
JOSEPH DAVID PETERSEN,CORONERS CASE	100.00
K.C. NIELSEN, LTD.,MISC EXP	87.30
MAIL SERVICES LLC,MV NOTICES	432.75
MARCO TECHNOLOGIES LLC,CONTRACT BASE RATE	1,671.07
MENARDS,PARTS	552.96
MICHELLE EISENMAN,MLGE/MEALS	214.33
MID-AMERICA PUBLISHING CORP,PUBL	828.21
MILLER AUTO BODY INC,PARTS/REPAIR	1,470.06
MODUS ENGINEERING, LTD,ENGINEERING SERVICES	2,415.00
MOTOROLA SOLUTIONS INC,RADIO REPAIR	480.00
NATIONAL ACADEMY OF SCIENCES,MEETING FEE	400.00
NEW COOPERATIVE INC,GAS	1,479.25
NEXT GENERATION TECH LLC,ELECT SETUP/MONTHLY SERV/OFF EQUIP	28,582.93
NORTH IOWA MEDIA GROUP,PUBL	799.25
NORTHERN SAFETY CO INC,SAFETY SUPPLIES	164.55
NUWAY-K & H COOPERATIVE,DIESEL	12,809.57
OFFICE ELEMENTS,CABINETS	1,534.00
OLLENBURG MOTORS INC,VEHICLE SERVICE	159.50
P & P ELECTRIC INC,FIXED PLANT	357.61

PETROBLEND CORPORATION,OIL	2,321.89
PITNEY BOWES GLOBAL FINANCIAL SERVICES LLC,LEASE PSTGE MACHINE	707.61
POMP'S TIRE SERVICE INC,TIRES	7,037.40
POWERPLAN,PARTS	24,862.47
PRAIRIE ENERGY COOPERATIVE,COMM TOWER	681.23
PRITCHARD AUTO COMPANY,PARTS	2,545.93
REES HYDRAULIC SALES & SVC,PARTS	239.97
RELIABLE GLASS SOLUTIONS LLC,PARTS	110.00
SEAT TREASURER,SEAT DUES/2023	350.00
SIGNS & DESIGNS BY LIZ,SIGNS FOR ACCESS FOR VESTIBULE PROJECT	70.00
SIRCHIE ACQUISTION COMPANY LLC,STERILE WATER	39.49
SIS GREIMAN,MLGE	38.50
SKYBLUE SOLUTIONS,PHONE	996.73
SPECTRUM GROUP,BUSINESS CARD	30.55
SPENCER DIESEL INJECTION,PARTS	4,058.37
STAPLES CREDIT PLAN,PAPER	224.95
STATE HYGIENIC LABORATORY,WELL WATER TESTING	572.00
STOREY KENWORTHY,LASER FORMS	598.96
SWENSON'S HARDWARE,PARTS	345.59
TONY RASMUSSEN,MEALS	82.70
TONYA LORENTZEN,MLGE	139.70
TRACY L MARSHALL,MLGE/MEALS/PARKING	151.57
TRAVIS N TRAMPEL,RENT	550.00
TRUCK SPECIALITIES,TRUCK BOX	624.82
TSP COURT REPORTING INC,LEGAL & COURT	74.25
TYLER TECHNOLOGIES INC,DISASTER RECOVERY	3,343.06
U.S. CELLULAR,CELL PHONE	567.26
UNITY POINT HEALTH-ALLEN CHILD PROTECTION CENTER,LEGAL AND COURT	62.50
VANGUARD APPRAISALS INC.,SOFTWARE	13,200.00
VERIZON,PHONE	40.01
VISUAL EDGE IT,CONTRACT BASE RATE	93.71
WASTE MANAGEMENT,DISPOSAL	488.64
WELLS FARGO FINANCIAL LEASING,HP COPIER	279.53
WEST PAYMENT CENTER,DATABASE	311.65
WEX BANK,GAS	16,536.60
WILSON DENTAL CLINIC PLC,INMATE DENTAL	83.00
WINNEBAGO COOP,PHONE	660.69
WINNEBAGO COUNTY JAIL,MONTHLY INMATES	11,250.00
ZIEGLER INC.,PARTS	6,197.81
TOTAL	436,536.40

No further business to come before the Board, motion made to adjourn at 10:19 a.m. by Supervisor Rayhons and carried. All Supervisors present voting, "Aye," session to adjourn and will meet again on March 27, 2023.

ATTEST: _____
Michelle K. Eisenman, Auditor

Florence Sis Greiman, Chair