

March 20, 2023

Board met in regular session at 8:30 a.m. Members present Diana Dawley, Jeff Tindle and Jason Roudabush.

Chairman Roudabush led the pledge of allegiance.

Moved by Tindle, 2nd by Dawley to approve agenda. 3 ayes. Motion carried.

Moved by Dawley, 2nd by Tindle to approve March 16, 2023 board minutes. 3 ayes. Motion carried.

Moved by Tindle, 2nd by Dawley to approve letter of agreement between PPME Secondary Road and Poweshiek County amending the normal work week to four 10-hour days from June 5 to September 1. 3 ayes. Motion carried.

Moved by Dawley, 2nd by Tindle to approve Resolution #2023-43 authorizing Poweshiek County to enter into settlement agreements regarding litigation against opioid defendants. 3 ayes. Motion carried.

RESOLUTION NO. 2023-43

Authorizing Poweshiek 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 Poweshiek 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 the appropriate official of the County 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.
2. 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 Poweshiek County Board of Supervisors this 20 day of March 2023.

Jason Roudabush, Chairman
Diana Dawley, Vice Chairman
Jeff Tindle, Member
Attest: Melissa Eilander, Poweshiek County Auditor

Moved by Tindle, 2nd by Dawley to approve resolution #2023-40 supporting current Local Option Sales Tax and opposing SF550 as currently written. 3 ayes. Motion carried.

RESOLUTION #2023-40

WHEREAS, the voters of Poweshiek County and cities within the county have voted to enact a one cent Local Option Sales Tax in accordance with Iowa Code 423B, and

WHEREAS, the revenue derived from the tax is used for road and bridge improvements, public safety facilities, and property tax relief, and

WHEREAS, the residents of Poweshiek County have grown to rely on these revenues as a means to reduce property taxes, and

WHEREAS, the 2023 legislative session has seen the introduction of SF550, which proposes to convert the Local Option Sales Tax efforts into a statewide sales tax and impose the local option sales tax in every jurisdiction, thereby triggering the constitutional amendment to require an allocation of 3/8th of a cent to the Iowa Water and Land Legacy (WILL) trust fund, and

WHEREAS, SF550 proposed to backfill revenues lost due to the proposal, there are concerns of the Legislature's ability to continue backfilling revenues, and

WHEREAS, voters across Iowa who have voted to either implement a Local Option Sales Tax or not to do so, and

WHEREAS, voters across Iowa who have voted to utilize the Local Option Sales Tax have approved revenue purpose statements (RPS), and

WHEREAS, SF550 also sunsets these provisions on January 1, 2025, after which no jurisdiction will have the authority to take either a LOST proposal or revenue purpose statement to a vote, essentially deleting the local government's ability to have local option sales taxes.

THEREFORE, BE IT RESOLVED, the Poweshiek County Board of Supervisors would like to express their support of the current local Option Sales Tax. The current law best represents the interest of voters and further the reduction of property taxes, which is a common goal of the County and the Iowa Legislature. The Board of Supervisors support the Iowa Water and Land Legacy (WILL) trust fund; however, SF550 as currently written, would not only strip the County of control over Local Option Sales Tax (LOST) revenues, but would effectively disregard the will of the voters.

Passed and approved on this 20 day of March 2023.

Jason Roudabush, Chairman
Diana Dawley, Vice Chairman
Jeff Tindle, Member
Attest: Melissa Eilander, Poweshiek County Auditor

9:00 a.m. Board held 2nd Tier Canvass for Grinnell-Newburg Community School PPEL Special Election held March 7, 2023. Present: Laura Tish, Assistant Commissioner of Elections. Votes cast for Public Measure "A" in Poweshiek County and Jasper County were read. Moved by Dawley, 2nd by Tindle to approve 2nd Tier Canvass of March 7, 2023 Grinnell-Newburg Community School PPEL Special Election abstract of votes, election canvass summary, and declare Public Measure "A" **not adopted**. 3 ayes. Motion carried.

9:32 a.m. Moved by Tindle, 2nd by Dawley to enter into public hearing regarding adoption of FY24 Poweshiek County Budget. 3 ayes. Motion carried. Present: Jason Roudabush, Diana Dawley, Jeff Tindle, Supervisors; Missy Eilander, Auditor. No one was present from the public to speak on the FY24 budget. Auditor Eilander stated she had not received any comments prior to this public hearing regarding the FY24 budget as proposed. Board discussed the proposed budget and how, due to the passing of SF181 which lowered the valuations, affected the levy rate. Since the county could hold at the max dollars passed at the max levy hearing, this caused the levy rate to

increase due to the decrease in valuation. The county lost a total valuation of \$27,183,295, which would affect the levy for General Basic. Board wanted have the General Basic levy be 3.00 but with the decrease in valuation, that put the published proposed levy to 3.05423. Auditor Eilander stated if the board wanted to decrease the levy to 3.00, that would result in \$81,550 less in tax dollars collected. Further, Board wanted to have the Rural Services Basic levy be 3.55 but with the decrease in valuation, that put the published proposed levy to 3.59724. Auditor Eilander stated if the board wanted to decrease the levy to 3.55, that would result in \$49,827 less in tax dollars collected. Auditor Eilander stated with both levy reductions, the county would lose \$131,377 in tax dollars and that amount would need to be made up from ending fund balances in General Basic and Rural Services Basic funds. Having heard no further comments, it was moved by Dawley, 2nd by Tindle to end public hearing at 9:36 a.m. 3 ayes. Motion carried.

Board stated they wanted to keep the General Basic levy at 3.00 and the Rural Services Basic levy at 3.55 as they discussed at the onset of the budget process and prior to the ramification of the passing of SF181. Board felt the county had good ending fund balances to make up for the decrease in taxes due to decrease in valuations.

Moved by Dawley, 2nd by Tindle to approve Resolution #2023-41 approving the proposed budget with a reduction in General Basic tax dollars to \$4,511,493, resulting in a levy rate of 3.00 and a reduction in Rural Services Basic tax dollars to \$3,744,682, resulting in a levy rate of 3.55. 3 ayes. Motion carried.

**RESOLUTION #2023-41
RESOLUTION TO ADOPT FY'24 POWESHIEK COUNTY BUDGET**

WHEREAS, upon due and proper notice, published in accordance with law, said proposed FY'24 Poweshiek County Budget was set for public hearing March 20, 2023 at 9:30 a.m., Boardroom, Courthouse, Montezuma, IA, and residents or taxpayers were given the opportunity to present objections to, or arguments in favor of, any part of the proposed budget.

WHEREAS, the Poweshiek County Board of Supervisors held public hearing on March 20, 2023 at 9:30 a.m., Boardroom, Courthouse, Montezuma, IA and reviewed the proposed FY'24 Poweshiek County Budget, for fiscal year July 1, 2023 to June 30, 2024.

WHEREAS, due to passing of SF181, county valuations lowered, which resulted in an increase in levy rates for general basic and rural services basic to generate the maximum property tax dollars passed at the max levy hearing.

WHEREAS, Board of Supervisors want to hold the levy rates as initially discussed prior to the passing of SF181 and at the time of the max levy hearing, which will result in adopting budget with lower tax dollars.

WHEREAS, the FY'24 Poweshiek County Budget as submitted and proposed, is hereby approved with a reduction in General Basic tax dollars to \$4,511,493, resulting in levy rate of 3.00 and a reduction in Rural Services Basic tax dollars to \$3,744,682, resulting in levy rate of 3.55. Total reduction in tax dollars being \$131,377.

WHEREAS, the FY'24 Poweshiek County Budget is adopted, with the reduction in property tax dollars, for fiscal year July 1, 2023 to June 30, 2024. The budget hereby approved and adopted shall be signed by Jason Roudabush, Chairman and made part of the public records of Poweshiek County.

THEREFORE, be it resolved by the Board of Supervisors of Poweshiek County, Iowa that the FY'24 Poweshiek County Budget be hereby approved and adopted.

PASSED, APPROVED and ADOPTED THIS 20 day of March 2023.

POWESHIEK COUNTY BOARD OF SUPERVISORS

Jason Roudabush, Chairman

Diana Dawley, Vice Chairman

Jeff Tindle, Member

Attest: Melissa Eilander, Poweshiek County Auditor

Moved by Tindle, 2nd by Dawley to approve Adoption of Budget & Certification of Taxes for FY24 and authorize Chairman Roudabush to sign and deliver to County Auditor for certification. 3 ayes. Motion carried.

Board reviewed request from Grinnell Historical Museum Society for ARPA grant funds to increase the number of handicap accessible and gender non-specific restrooms in the new Grinnell Historical Museum for a cost totaling \$47,000. After reviewing the request and the quotes for the project, the Board felt \$30,000 would be appropriate for the ARPA grant. The \$30,000 to be used for plumbing, water heater, sewer line & construction work. Board stated the amount awarded shall not be applied to the upgrade to tile walls, tile floors, remodel to ceiling nor payment to museum volunteers. It was moved by Tindle, 2nd by Dawley to approve \$30,000 of ARPA grant funds to Grinnell Historical Museum. 3 ayes. Motion carried. Auditor Eilander will prepare appropriate resolution regarding disbursement of these funds for approval at next board meeting.

Tindle stated he has an EMA meeting on Wednesday this week.

Dawley stated she has a CICS mental health meeting Thursday this week.

Board discussed items to include on the next board meeting agenda. Those items include safety policy & committee and a vehicle use policy.

10:39 a.m. Moved by Dawley, 2nd by Tindle to adjourn. 3 ayes. Motion carried.

Melissa Eilander, Poweshiek County Auditor

Jason Roudabush, Chairman