

Muscatine County Board of Supervisors
Monday, April 3, 2023

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Chick, Kirchner, Mather, Sauer and Sorensen present. Chairperson Sauer presiding.

On a motion by Sorensen, second by Mather, the agenda was approved as presented. Ayes: All.

On a motion by Sorensen, second by Kirchner, claims dated April 3, 2023, were approved in the amount of \$186,963.84. Ayes: All.

On a motion by Sorensen, second by Mather, stamped warrants payable dated April 3, 2023, were approved in the amount of \$2,326.88. Ayes: All. County Attorney Barry stated he will check on the status of the project.

Discussion was held with Liberty Communications CEO Justin Stinson on the post-completion project in regards to the ARPA-funded Liberty Communications fiber overbuild project. Stinson reported 36 rural Muscatine County customers were reached with the project and thanked the Board for the funding.

On a motion by Sorensen, second by Chick, the Board approved an intergovernmental mutual aid agreement between Muscatine Police Department and Muscatine County Sheriff's Office. Ayes: All.

Discussion was held with Sheriff Quinn Riess and Muscatine Police Captain Jeff Jirak regarding a grant application for a 2023 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Project (no matching funds required) with the City of Muscatine. The grant is federally funded through the Department of Justice to provide additional training/peer support group for department staff, sheriff deputies and police officers in an on-site program to be led by a training company from Minnesota. Jirak stated the request is to continue a grant that was issued two years ago to Muscatine Police Department in the amount of \$85,000 with the department being one of 57 national agencies awarded the grant. Jirak stated the 2023 grant application process will be more competitive, however Muscatine has a good track record and he is optimistic the grant will be awarded. Sorensen asked if the program has data from the initial grant. Jirak stated he does not have data as the original grant was written to develop a care support group with MUSCOM and the Chaplaincy, which was completed in February 2023. Jirak stated the on-going program will collect and gauge accomplishments based on officer retention. Jirak stated Wilton and West Liberty Iowa Police Departments have been contacted and agreed to participate.

On a motion by Sorensen, second by Mather, the Board approved a grant application for a 2023 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Project (no matching funds required) with the City of Muscatine. Ayes: All.

On a motion by Sorensen, second by Kirchner, the Board authorized the Chair to sign a Statement of Election Costs for the March 7, 2023 Durant Community School District Special Election and

the March 7, 2023 Davenport Community School District Special Election. Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved a new 8-month application for a Class C Liquor License and Outdoor Service Permit for The Chart House, Inc. dba The Lighthouse, 2142 Water Street, Muscatine, Iowa.

On a motion by Sorensen, second by Chick, the minutes of the March 27, 2023 regular meeting were approved as written. Ayes: All.

Correspondence:

All Supervisors received an email from Emery Davis regarding a Lower Cedar Watershed flyer focusing on edge field practices.

All Supervisors received a phone call from James Buser regarding uncontrolled intersections.

All Supervisors received an email from Dusty Buffington regarding the bridge on 245th Street, Conesville, Iowa.

Chick received an email regarding the public hearing held on March 27, 2023.

Kirchner received a call from a resident regarding a bridge on a nature trail north of Nichols, Iowa.

Kirchner received a call from a resident regarding weight limits on a secondary road bridge.

Committee & Meeting Reports:

Sorensen and Sauer attended a Region 9 Transportation Policy Board meeting on March 30, 2023.

Kirchner attended a West Liberty Economic Area Development (WELEAD) meeting on March 30, 2023.

On a motion by Sorensen, second by Mather, the Board approved Resolution #04-03-23-01 Authorizing Muscatine County to Enter Into Settlement Agreements with Teva Pharmaceuticals Industries LTD, Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc. Roll Call Vote: Ayes: All.

RESOLUTION #04-03-23-01

AUTHORIZING MUSCATINE COUNTY, IOWA TO ENTER INTO 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 Muscatine 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; and

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; and

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; and

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation; and

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”); and

WHEREAS, the Settlement Agreements as well as a summary of the main terms of the Settlement Agreements, the deadlines for submitting 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; and

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; and

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; and

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”); and

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”); and

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 the MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 to the MOU (Iowa State – Local Allocation MOU); and

WHEREAS at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized only for the “Core Strategies” listed in Schedule A of Exhibit 1 to the Allocation MOU; and

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”; and

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; and

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; and

WHEREAS, if an 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; and

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

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreements and Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executing the Participation Agreements stating the County’s intention to be bound by the Settlement Agreements; and

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 that the Muscatine County Board of Supervisors hereby approves and authorizes Scott Sauer, Board Chair 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 Agreements to the Settlement Agreements and any and all documents ancillary thereto.
2. The execution and delivery of any and all further documents necessary to effectuate the foregoing and the terms of this Resolution.

BE IT FURTHER RESOLVED that Muscatine 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.

Passed and approved this 3rd day of April, 2023.

ATTEST:

/s/Tibe Vander Linden
Muscatine County Auditor

/s/Scott Sauer, Chairperson
Muscatine County Board of Supervisors

Discussion was held with Kala Naber, Budget Coordinator, regarding a proposed Right-to-Use Lease Asset Policy for Muscatine County. Naber stated the policy is required with the state auditors to account for two copier leases the County currently has. Naber stated the copiers will be purchased instead of leased in the future. On a motion by Sorensen, second by Kirchner, the Board approved a Right-to-Use Lease Asset Policy for Muscatine County. Ayes: All.

On a motion by Sorensen, second by Mather the Board approved a change in the Iowa Department of Homeland Security and Emergency Management for Muscatine County's Authorized Representative, designating County Engineer Bryan Horesowsky (replacing former County Engineer Keith White) and Chief Financial Officer designating Budget Coordinator Kala Naber (replacing former Budget Coordinator Sherry Seright). Ayes: All.

On a motion by Sorensen, second by Chick, the Board approved a hiring request for Building, Zoning and Environmental Department Office Administrator – Grade 8/Step 8. Ayes: All.

Morgan Kent, Muscatine County resident, stated her concern with uncontrolled intersections on gravel roads in Muscatine County. Sauer stated County Engineer Bryan Horesowsky is reviewing

the policy and will report to the Board at a future meeting.

Josh Christofferson, Conesville, Iowa stated his concern with uncontrolled intersections on rural roads in Muscatine County. Christofferson stated his son, Troy was seriously injured when involved in a collision at an uncontrolled intersection with no stop signs. Christofferson questioned the Board asking if there has been any forward progress with placing stop signs at intersections and asked for the time-frame if the Board acts on the issue. Sauer stated a decision cannot be made at this time as the Board is waiting on information from the County Engineer. Administrative Services Director Nancy Schreiber stated a traffic study will be required to determine if changes are to be made at intersections. Christofferson stated he suggests a change to the uncontrolled intersection at Blue Heron Avenue and 230th Street, Conesville, Iowa.

The meeting was adjourned at 9:32 A.M.

ATTEST:

Tibe Vander Linden
County Auditor

Scott Sauer, Chairperson
Board of Supervisors