

Courthouse
Emmetsburg, Iowa
March 28, 2023, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Ronald Graettinger, Chair; Keith Wirtz, Roger Faulstick, Craig Merrill, Linus Solberg. Present: Peter Hart, County Attorney; Diane Weiland, Reporter/Democrat; Carla Larson, Delary Bredehoeft.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Faulstick, Wirtz, Solberg, Merrill, Graettinger. Nays: None. Abstentions: None.

Ronald Graettinger Chair, called the meeting to order and led the Pledge of Allegiance.

Motion by Solberg, 2nd by Wirtz to approve the agenda for March 28, 2023. Motion Carried.

Motion by Wirtz, 2nd by Faulstick to approve the minutes for March 20 & 21, 2023. Motion Carried.

Motion by Graettinger, 2nd by Solberg to introduce and approve the following Resolution 3-28-2023 (A). Ayes: Faulstick, Wirtz, Solberg, Merrill, Graettinger. Resolution Passed.

RESOLUTION NO. 3-28-2023 (A)

Authorizing Palo Alto 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 the Palo Alto 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 Palo Alto County Board of Supervisors this 28th, day of March, 2023

Ron Graettinger, Board Chair

ATTEST: Carmen Moser, County Auditor

Motion by Solberg, 2nd by Merrill to approve the transfer to the Debt Service Fund from TIF Wind for \$427,464.84 and TIF Road for \$560,779.42. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve the Lakeland EZ Stop Class E Retail Liquor License. Motion Carried.

Carla Larson was present for public comment and asked the Board if they had read the FAA report.

John King, Sheriff, & Seth Nelson, Deputy Sheriff, introduced Ryan Reynolds, Deputy Sheriff to the Board.

Chris Towell, Assistant to County Engineer, met with the Board for approval of the federal aid agreement for the bridge replacement project.

Motion by Solberg, 2nd by Wirtz to approve the Federal-Aid Agreement for BROS-C074(112)—8J-74, Bridge Replacement Project. Motion Carried.

John Hansen, Midwest Construction Consultants, met with the Board. John updated the Board on the progress of the construction of the public safety building.

Motion by Merrill, 2nd by Faulstick to introduce and approve the following Resolution.
Ayes: All. Resolution Passed.

RESOLUTION # 3-28-2023
NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT COUNTY BUDGET
2022/2023

The Board of Supervisors met this date for the purpose of amending the current FY23 County Budget. No objectors were present therefore,
BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PALO ALTO COUNTY TO adopt the amended budget as published and change the following appropriations as listed:

Department Number	Department Title	Appropriation Prior to Resolution	Appropriation Adjustment Per Resolution	Final Appropriation Per Resolution
01	Supervisors	\$327,347	\$3,000	\$330,347
02	Auditor (Elections)	\$61,900	\$6,719	\$68,619
05	Sheriff (General Basic General Supplemental)	\$845,838	\$69,888	\$915,726
05	Sheriff (Rural Services Basic)	\$322,183	\$25,758	\$347,941
05	Sheriff (Sheriff Investigations Fund 06000)	\$0	\$4	\$4
05	Sheriff (Forfeit Funds Fund 07000)	\$0	\$2,269	\$2,269
20	Engineer (Secondary Road Capital Projects Bond Fund 30004)	\$3,900,000	\$1,850,000	\$5,750,000
20	Engineer (Fund 20000)	\$7,425,287	\$785,000	\$8,210,287
22	Conservation Board	\$604,267	\$13,491	\$617,758
51	General Services- Courthouse	\$102,069	\$1,100	\$103,169
52	Data Processing	\$110,060	\$6,000	\$116,060
55	General Services- Brink Building	\$19,000	\$600	\$19,600
60	MH-DD Reimbursable Fund Service Coordinator & Adm	\$149,263	\$12,101	\$161,364

71	Solid Waste Disposal	\$580,212	\$17,000	\$597,212
99	Non Departmental (Insurance/Bond)	\$125,300	\$6,100	\$131,400
99	Non Departmental (Other Policy & Admin)	\$89,350	\$10,665	\$100,015
99	Non Departmental (Capital Projects)	\$82,000	\$30,000	\$112,000

99	Non Departmental (Debt Service Fund-Interest) (Fund 40000)	\$46,140	\$336,967	\$383,107
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Adopted this 28th day of March, 2023 by the Palo Alto County Board of Supervisors, with the vote thereon being as follows:
 Ayes: Faulstick, Wirtz, Solberg, Merrill, Graettinger. Nays: none. Resolution Carried.
 Ronald Graettinger, Chairman Carmen Moser, Auditor

Committee Reports: Keith: IDDA meeting; Roger: Jt 60 cleanout.

Motion by Solberg, 2nd by Merrill to approve the county claims and drainage claims for March 28, 2023.

Motion Carried.

General Basic Fund

Amazon Capital Services	Office & Data Processing	93.44
Bauer Plumbing & Heating Inc.	Buildings	90.00
Canon	Photocopy & Dup. Serv.	166.00
Central Ia Juv Detention Ctr	Crisis Stab Comm Based Se	1400.00
Clay County Sheriff	Inmate Housing-out of cou	1320.00
Dan Cooper Builders	Buildings	45.00
CoZo Stephanie Lientz	Education/Training/Hotel	75.00
Electronic Specialties	Equipment	48.72
Farm & Home Publishers	Equipment	572.50
IA COUNTY RECORDER'S ASSN LISA	Education/Training/Hotel	20.00
IA Lakes Electric Coop	Electric Light & Power	335.00
Iowa Lakes Regional Water	Water & Sewer	59.49
Iowa Trust & Savings Bank	Stationery/Forms/Gen Ofc	125.41
Jodi Jergens	Employee Mileage & Meals	83.60
Knight Protection	Buildings	628.00
Loffler Companies - 131511	Photocopy & Dup. Serv.	47.05
Mail Services, LLC	Postage & Mailing	340.80
Mid-American Research Chemical	Custodial Supplies	186.77
MidAmerican Energy	electricity	1658.54
MOCIC ATTN: MEMBERSHIP	Dues & Memberships	100.00
Northwest Communications	Telecommunications Serv.-	209.90
Palo Alto Co Sec Road	Fuels	462.64
RESERVE ACCOUNT	Postage & Mailing	25.00
Rooney's Auto & Custom Exhaust	Tires & Tubes	26.07
Susan Ruppert	Employee Mileage & Meals	180.40
Solutions, Harris Local Gov	services	11281.01
Spencer Office Supplies	Stationery/Forms/Gen Ofc	347.99
Stanard & Associates, Inc.	Legal/Ct-Related Ser/Tran	60.00
Swanson Hardware	Minor Equip & Hand Tools	29.71
Traffic Logix Corporation	Other	3397.00
UMB BANK, N.A. Attn: Diana Van	Misc Expense	300.00
VISA	Conservation Board	288.78
Visual Edge IT, Inc. DBA Couns	Equipment	177.34
Wells Fargo Financial Leasing	Equipment	66.00
Windstream	phone	776.80
Angela Wise	Wages-Temp, Pt. Time Empl	25.50

General Supplemental Fund

IA State Assn of Counties	Dues & Memberships	250.00
MidAmerican Energy	electricity	40.57
State Election Adm Training	Education/Training/Hotel	400.00

Rural Services Basic Fund

IA Lakes Electric Coop	Electric Light & Power	426.00
Northwest Communications	Telecommunications Serv.-	84.95
The Print Shop	Stationery/Forms/Gen Ofc	46.20
Shamrock Recycling, Inc	Sanitation & Disposal Ser	2426.98
City of Spencer	Sanitation & Disposal Ser	15901.94
Windstream	phone	65.93

Secondary Road Fund

Alliant Energy	Engineering Services	214.95
Amazon Capital Services	Engineering Services	126.77
Arnold Motor Supply ATT: Sue	Engineering Services	206.12
Ayrshire Farmers Mut Telephone	Engineering Services	49.37
B & B FARM DRAINAGE INC	Engineering Services	20724.80
Barco Municipal Products, Inc.	Engineering Services	570.00
Central Iowa Distributing Inc	Engineering Services	492.00
Cintas	Engineering Services	380.95
E.M.U.	Engineering Services	1533.60
Evora Petroleum Solutions	Engineering Services	640.50
Exhaust Pros	Engineering Services	100.00
Fleet Pride Truck & Trailer	Engineering Services	2324.31
Forge & Build North Iowa Lumbe	Engineering Services	361.69
David Geerdes	Engineering Services	292.50
Gordon Flesch Company Inc GFC	Engineering Services	693.75
Graham Tire	Engineering Services	705.48
IA Great Lakes Doors, Inc.	Engineering Services	12255.00
IA Lakes Electric Coop	Engineering Services	13.30
Iowa Lakes Regional Water	Engineering Services	113.24
Iowa State University Institut	Engineering Services	195.00
KRISTAT AUTO PARTS LLC	Engineering Services	89.34
Lawson Products Inc	Engineering Services	84.10
Lube Tech Accelerating Perform	Engineering Services	44.17
MidAmerican Energy	Engineering Services	2102.27
MSC INDUSTRIAL SUPPLY CO	Engineering Services	490.53
Northern Safety Co., Inc.	Engineering Services	130.86
Northwest Communications	Engineering Services	42.32
Picrays Welding & Fab.	Engineering Services	73.84
Rick's Home Repair	Engineering Services	310.00
Rouse Tire and Repair, LLC	Engineering Services	100.00
Ruthven Coop Oil Co	Engineering Services	9939.18
Safelite Fulfillment, Inc.	Engineering Services	248.00
Staples Credit Plan	Engineering Services	127.62
Swanson Hardware	Engineering Services	249.16
SynTech Systems	Engineering Services	455.50
Verizon Wireless	Engineering Services	240.06
Visual Edge IT, Inc. DBA Couns	Engineering Services	93.75
Wausau Equipment Co	Engineering Services	758.46
City of West Bend	Engineering Services	416.97
Ziegler Inc	Engineering Services	2265.97

E911 Surcharge Fund

Ayrshire Farmers Mut Telephone	Engineering Services	158.99
MEDIACOM LLC	Engineering Services	208.80
Northwest Communications	Engineering Services	158.99
Windstream	phone	80.44
WINDSTREAM IA Comm Inc	phone	161.51

Drainage Claims

Hudson Law Firm	DD 180 Lat 1-Attny Fees	232.40
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Motion by Solberg, 2nd by Wirtz to adjourn. Motion Carried.

 Ronald Graettinger, Chairman

 Carmen Moser, County Auditor