

JEFFERSON COUNTY BOARD OF SUPERVISORS' PROCEEDINGS
December 20, 2021

At 8:30 A.M., Chair Sandquist called the regular meeting of the Board of Supervisors to order.

Board members present were: Dee Sandquist, Chairman; Susie Drish, Vice-Chairman; Daryn Hamilton, Supervisor.

It was moved by Drish, seconded by Hamilton that the minutes for the December 13th, 2021 meeting be acknowledged. All "Aye". Motion carried.

It was moved by Sandquist, seconded by Drish that the following resolution be approved:

RESOLUTION

Authorizing Jefferson County, Iowa, 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, Cruegar Dickinson LLC, Simmons Hanly Conroy LLC, and von Briesen & Rober, s.c. (“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 (“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 the Allocation MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 to the 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 the Allocation MOU.

WHEREAS, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund from the County’s general 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 and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU. 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 the Allocation MOU. If any such audit 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, Jefferson County, Iowa, must comply annually with the reporting requirements in the Allocation MOU;

WHEREAS, the if Jefferson County, Iowa, 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; (c) approves the Allocation MOU; (d) 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 Jefferson County, Iowa, 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 Jefferson County Board of Supervisors hereby approves and authorizes Dee Sandquist, Jefferson County Board of Supervisors Chairperson, 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: Jefferson County, Iowa, 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 Jefferson County 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.

Roll Call Vote: Sandquist - Aye, Hamilton - Aye, Drish - Aye

PASSED AND ADOPTED on the 20th day of December 2021.

Dee Sandquist, Chair
Daryn Hamilton, Supervisor
Susie Drish, Supervisor

Attest: Scott Reneker, County Auditor

Supervisors discussed the need for a 28E Agreement with Cardinal School District for a Resource Officer.

The Board met with the County Engineer.

Supervisors met with Joe Vens to go over County Insurance.

It was moved by Hamilton, seconded by Drish that the following resolution be approved:

RESOLUTION IN THE JEFFERSON COUNTY SHERIFF'S OFFICE

WHEREAS, Iowa Code section 331.903 states that the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, Jefferson County Sheriff desires to step increase one Correctional Officer salary, therefore,

BE IT RESOLVED by the Board of Supervisors of Jefferson County, Iowa, that the Jefferson County Sheriff is authorized to step increase the salary for Correctional Officer, Donna Dobson

BE IT ALSO RESOLVED by the Board of Supervisors of Jefferson County, Iowa, that Donna Dobson salary, step increases from \$36,304.86 to full pay of \$42,711.75 effective September 16th, 2021.

Passed and approved this 20th day of December, 2021

ATTEST:
Scott Reneker
Jefferson County Auditor

Daryn Hamilton
Dee Sandquist
Susie Drish

It was moved by Hamilton, seconded by Drish to set the Redistricting Public Hearing date and time for January 3, 2022 at 9:00 A.M. All “Aye”. Motion carried.

It was moved by Hamilton, seconded by Sandquist to set the Voting Precincts Ordinance Public Hearing date and time for January 3, 2022 at 9:00 A.M. All “Aye”. Motion carried.

Hamilton reported on the SIACC and SIADSA meetings he had attended. Drish reported on her 10-15 Transit meeting. Sandquist reported on the Compensation Board meeting she’d attended.

Public comments: Bart Richmond stated that he supports the Cardinal resource officer.

It was moved by Drish, seconded by Hamilton to allow the claims against the county and to direct the county auditor to issue checks against the various funds of the county in payment of the claims allowed. All “Aye”. Motion carried.

There being no further business, it was moved by Drish, seconded by Hamilton to adjourn. All “Aye”. Motion carried.

ATTEST:

Scott D. Reneker
County Auditor

Dee Sandquist, Chairman
Board of Supervisors