

**Marshall County Board of Supervisors
Regular Session March 1, 2023, at 9:00 a.m.
Marshall County Sheriff's Office 2369 Jessup Avenue, Marshalltown, Iowa**

MINUTES

The Marshall County Board of Supervisors met in regular session according to the posted notices in the 3rd floor conference room, Sheriff's Complex, 2369 Jessup Avenue, Marshalltown, Iowa, and online via ZOOM. Chair Heil called the meeting to order on March 1, 2023, at 9:00 a.m. Present: Chair Jarret Heil, Vice Chair Steve Salasek, Member Carol Hibbs. Salasek moved to approve the agenda, second by Hibbs. Motion carried 3-0.

Hibbs moved to adopt the **Consent Agenda**, second by Salasek. Motion carried 3-0. Items:

1. Approve Minutes, February 15, 2023.
2. Approve claims as audited and authorize the County Auditor and Recorder to issue payment of the same. The listing of claims paid at this meeting and all claims paid in the current month will be published as part of the first meeting of the following month.
3. File Manure Management Plans
 - a. Dennis Anderson ID 62848, 1833 Main St Rd, State Center - no changes
 - b. BURT MMP ID62502 2747 170th St Mtwn - no changes
 - c. JT Farms West Site ID63207, 2236 292nd St Haverhill - no changes
 - d. Prestage Farms ID67105 1441 120th St Clemons - no changes
4. Personnel Changes:
 - a. Approve new hire, Sheriff's Department, Jailer, Kade Manship, permanent full time, 41.25 hours per week, \$20.41/hr., start on or after March 13, 2023.
 - b. Approve new hire, Sheriff's Department, Jailer, Logan Millizer, permanent full time, 41.25 hours per week, \$20.41/hr., start on or after March 13, 2023.
 - c. Approve status change, County Attorney's Office, County Attorney, Kiyoko Kieffer, salary change from \$76,478.88, to \$81,478.88, effective 3/1/2023.
 - d. Approve status change, County Attorney's Office, County Attorney, Luke Hansen, salary change from \$76,478.88, to \$79,978.88, effective 3/1/2023.

Marshall County Property Tax Levy Public Hearing

PROPOSED PROPERTY TAX LEVY Fiscal Year July 1, 2023 - June 30, 2024. Motion by Salasek, second by Hibbs, to open the public hearing at 9:05 a.m. Motion carried 3-0.

There were no written comments, questions, or objections on file in the County Auditor and Recorder's Office. Of the eleven individuals attending the public hearing, no individuals presented oral comments, questions, or objections. Motion by Hibbs, second by Salasek, to close the public hearing at 9:06 a.m. Motion carried 3-0. Board members thanked all departments for their budget presentations and Nan & Maria for putting it all together.

Motion by Salasek, second by Hibbs, to adopt **RESOLUTION #2023-0014, APPROVAL OF FY 2024 MAXIMUM PROPERTY TAX DOLLARS**. Resolution adopted 3-0. Benson stated the certified budget may be less than this resolution but may not be increased.

RESOLUTION 2023-0014 APPROVAL OF FY2024 MAXIMUM PROPERTY TAX DOLLARS

Whereas SF634, modified provisions governing the establishment and approval of county and city budgets by requiring an annual resolution to approve maximum property tax dollars, and

Whereas the Marshall Board of Supervisors has considered the proposed FY2024 county maximum property tax dollars for both General County Services and Rural County Services, and

Whereas a notice concerning the proposed county maximum property tax dollars was published as required and posted on county web site and/or applicable social media accounts, and


Whereas a public hearing concerning the proposed county maximum property tax dollars was held on March 1, 2023,

Now Therefore Be It Resolved by the Board of Supervisors of Marshall County that the maximum property tax dollars for General County Services and Rural County Services for FY2024 shall not exceed the following:

General County Services: \$13,043,209
Rural County Services: \$3,015,200

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY2024 represents an increase of greater than 102% from the Maximum Property Tax dollars requested for FY2023.

Adopted this 1st day of March, 2023.


Jarret P. Heil
Board of Supervisors, Chair

Attest: 
Nan Benson
Marshall County Auditor / Recorder

Set Public Hearing on Proposed 2022-2023 Marshall County Budget Amendment

Motion by Hibbs, second by Salasek, to set March 29, 2023, at 9:00 a.m., in the Marshall County Sheriff's Office Meeting Room, 3rd Floor 3B, 2369 Jessup Avenue, Marshalltown, Iowa, as the time and place to conduct the Proposed 2022-2023 Marshall County Budget Amendment Public Hearing and authorize the Marshall County Auditor and Recorder to publish notice of public hearing. Motion carried 3-0.

Set Public Hearing on Proposed 2022-2023 Marshall County Decrease in Appropriations

Motion by Hibbs, second by Salasek, to set March 29, 2023, at 9:00 a.m., in the Marshall County Sheriff's Office Meeting Room, 3rd Floor 3B, 2369 Jessup Avenue, Marshalltown, Iowa, as the time and place to conduct the Proposed 2022-2023 Marshall County Decrease in Appropriations Public Hearing and authorize the Marshall County Auditor and Recorder to publish notice of public hearing. Motion carried 3-0. Benson noted appropriation decreases are usually accompanied with increases.

Set Public Hearing on Proposed 2023-2024 Marshall County Budget

Motion by Salasek, second by Hibbs, to set March 29, 2023, at 9:00 a.m., in the Marshall County Sheriff's Office Meeting Room, 3rd Floor 3B, 2369 Jessup Avenue, Marshalltown, Iowa, as the time and place to conduct the Proposed 2023-2024 Marshall County Budget Public Hearing and authorize the Marshall County Auditor and Recorder to publish notice of public hearing. Motion carried 3-0.

Motion by Hibbs, second by Salasek to adopt **RESOLUTION NO. 2023-0013 Authorizing MARSHALL COUNTY** to Enter into Settlement Agreements with Teva, Allergan, CVS, Walgreens, and Walmart and proceed as authorized. Resolution adopted 3-0. Gaffney reviewed the new settlement agreements, noting \$100k has been received so far with additional amounts anticipated. Partners include Primary Health, YSS and SATUCI. Settlement monies are required to benefit individuals harmed by opioids and may not be used for staff wages or programming expenses.

RESOLUTION NO. 2023-0013 AUTHORIZING MARSHALL COUNTY TO ENTER INTO SETTLEMENT AGREEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART

WHEREAS negotiations to settle claims against several of the Opioid Defendants, specifically Teva, Allergan, CVS, Walgreens, and Walmart (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 Final Teva Global Settlement Agreement, Final Allergan Global Settlement Agreement, CVS Settlement Agreement, Walgreens Settlement Agreement, and Walmart 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 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 that was executed in Marshall County on December 21, 2021;

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 (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 are set forth in Exhibit 1 to this 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 this 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.” Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government. 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 this MOU. If any such audit reveals an expenditure inconsistent with the terms of this MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure.

WHEREAS County has contracted with the Law Firms for representation in the Litigation and the Law Firms have been representing those entities since 2018 and in consideration for the Law Firms’ representation, the County entered into a contract with the Law Firms for a 25% contingency fee applied to County’s total recovery from any settlement.

WHEREAS the Settlement Agreements provide for the payment of attorney’s fees and legal expenses owed by States and Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this, the Court in the MDL Litigation has established a fund to compensate attorneys representing plaintiffs in the Litigation (the “National Attorney Fee Fund”).

WHEREAS the Law Firms intend to make application to the National Attorney Fee Fund. However, because there is still uncertainty regarding what counsel for litigating local governments will recover as compensation for the large volume of work done and the large out of pocket expense of the Litigation, and whereas the Parties to the Allocation MOU desire to fairly compensate outside counsel for the work done on behalf of the Participating Local Governments in Iowa, the Allocation MOU provides that a fund be created from 15 % of the LG Share attributable to the Litigating Local Governments, less any amounts a Litigating Local Government (“Iowa Backstop Fund”)

WHEREAS the Iowa Backstop Fund is meant to compensate outside counsel for participating local governments only for amounts not recovered at the National Fee Fund attributable to their Iowa clients;

WHEREAS to be eligible for the Iowa Backstop Fund, the Law Firms must first seek payment from the National Attorneys’ Fees Fund and may not recover amounts attributable to Counsel’s representation of the County received at the National Attorneys’ Fees Fund from the Iowa Backstop Fund;

WHEREAS the County, by this Resolution, agrees to the creation of the Iowa Backstop Fund in the amount of 15% of the LG Share attributable to the Litigating Local Governments in order to fund a state-level “backstop” for payment of the fees, costs, and disbursements of the Law Firms;

WHEREAS in no event shall the total of the amounts received by the Law Firms at the National Attorney’s Fees Fund related to the County and the amount received at the Iowa Backstop Fund exceed the amount the Law Firms would have been entitled to pursuant their fee contract with the County;

WHEREAS the County, by this Resolution, shall establish an account for the receipt of the LG Abatement Share consistent with the terms of this Resolution (“the LG Abatement Fund”);

WHEREAS the County’s LG Abatement Fund shall be separate from the County’s general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

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; (3) approves the Allocation MOU; (4) 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 the County 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 County Board of Supervisors hereby approves and authorizes JORDAN J. GAFFNEY to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, including taking the following measures:


1. The execution of the Subdivision and Special District Settlement Participation Forms for each of the Settling Defendants and any and all documents ancillary thereto.

BE IT FURTHER RESOLVED: the County 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 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 Marshall County Board of Supervisors this 1st day of March, 2023.


Jarret P. Hell
Board of Supervisors, Chair

Attest: 
Nan Benson
Marshall County Auditor / Recorder

Tabled: Motion by Salasek, second by Hibbs, to remove audit proposal item from table for discussion and possible action. Motion carried 3-0.

Marshall County Audit. Discussion, possible motion.

Proposals for the annual audit of Marshall County for the fiscal years July 1, 2022, through June 30, 2025, were opened at the Regular Session of the Board of Supervisors on February 15, 2023. Motion by Hibbs, second by Salasek, to approve the Audit Services proposal and bid from Eide Bailly, LLP, for the annual audit for three fiscal years from July 1, 2022, to June 30, 2025, in the amounts: FYE 6/30/2023 \$60,000; FYE 6/30/2024 \$64,300; FYE 6/30/2025 \$68,600. Motion carried 3-0.

Motion by Salasek second by Hibbs to **set special meetings on 3/14 and 3/21 at 9:00 AM for GMG School Election Canvass**. Motion carried 3-0. Auditor & Recorder Benson explained the public notices had been published before the meetings had been changed to Wednesday, with little room for flexibility. Benson stated canvass meetings are required to be held on Monday or Tuesday following the election, anticipating more flexibility with the time of the meeting in the future.

Public Forum. Kim Elder: waiting for new construction estimates for the siren project. Lucas: Zoom Construction meeting at 2pm March 1, 2023, updated schedule and planning for staff transition into the courthouse. Nan Benson: March 7, 2023, GMG School Election, absentee voting available at bank. Tama County also has an election scheduled. Marshall County is lead county requiring two canvass meetings. Joel Phillips: Sheriff Office architect is working on updated bids for the control system and HVAC system, funded by ARPA.

Adjournment. The next regular session is Wednesday, March 15, 2023, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Wednesday, March 8, 2023, at 12:00 p.m. There being no further business to come before the Board, the meeting is adjourned at 9:34 a.m.


Jarret P Heil
Board of Supervisors, Chairman

Attest:


Nan Benson, Auditor and Recorder