Marshall County Board of Supervisors
Regular Session December 21, 2021 at 9:05 a.m.
1 E MAIN ST, GRAND COURT ROOM AND VIA ZOOM
MINUTES

The Marshall County Board of Supervisors met in regular session according to the posted notices in the Grand Courtroom, 1 E Main Street, and via online ZOOM. Due to active construction in the courthouse area and the concern for the safety of all residents of Marshall County, the Board of Supervisors' Public Meetings will be available LIVE online, as previously established on March 31, 2020, through the COVID-19 Virus pandemic, to continue until the courthouse area, including the grounds, courthouse building and the Grand Courtroom, is no longer an official construction site. The Board passed "Resolution 2021-0030 Restricting Public Access to Courthouse During Active Construction" at their meeting of July 20, 2021, per advisement of legal counsel. The Board encourages the public to remain engaged and actively participate via the ZOOM process. Presenters may provide documentation electronically for inclusion during the meeting prior to the agenda deadline and are requested to participate via ZOOM.

Chair Thompson called the meeting to order on December 21, 2021, at 9:05 a.m. and led the Pledge of Allegiance. Present: Chair David E Thompson, Vice Chair Bill Patten, Member Steve Salasek. Salasek moved to approve the agenda as printed, second by Patten. Roll call vote, motion carried 3-0.

The Board congratulated Tammi Woosley for 25 years of service at the Sheriff's Department and Dave Schulte for 15 years at Secondary Roads.

Consent Agenda: Patten moved to approve the Consent Agenda items, second by Salasek. Roll call vote, motion carried 3-0. Items:

a. **Approve Minutes**. Approve Regular Session Minutes of December 7, 2021, and claims for the month of November 2021.
b. **Approve Claims**. 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.
c. **File Clerk of District Court Report:** November 2021. General Supplemental Fund Surcharge- $180.

PUBLIC HEARING – Redistricting Ordinance. Thompson opened the public hearing at 9:11 am, upon motion by Salasek, second by Patten. Motion carried 3-0. Auditor and Recorder Benson reviewed the changes required by the Secretary of State to include the City of Marshalltown's precincts, necessitating a first reading. Benson reviewed the changes made due to redistricting. The amendment consolidates and reduces the number of polling locations in unincorporated areas of the county. Benson explained there are few workers to serve on polling day and many of the sites have low voter turnout on election day at those sites. County Treasurer Heil asked for statistics. Benson will provide additional information at the January 4 board meeting. There were no written or public comments during the meeting. Esther Mosher called Benson and Patten, asking to keep the Liscomb polling place. Patten moved to close the public hearing at 9:18 am, second by Salasek. Motion carried 3-0.

Patten moved to Adopt the **First Reading of Proposed Amendment 2021-01 to Marshall County Ordinance No. 21, To Establish Election Precincts in Marshall County, and Waiver/Suspension of Second Reading by Board Action**, second by Salasek. First Reading adopted 3-0.

Amendment 2101-01 to AN ORDINANCE REPEALING AND REPLACING ORDINANCE #21 "ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, AND DEFINING THE BOUNDARIES"

Whereas pursuant to Chapter 49 of the Code of Iowa, 2021, Marshall County is required to establish new voting precincts in Marshall County, due to the required reprecincting following the 2020 decennial census; and

Whereas the Marshall County Board of Supervisors has established new election precincts following census block lines, comprised of one or more whole townships and contained wholly within an existing legislative district that will best serve the convenience of the voters while promoting electoral efficiency pursuant to Chapter 49, Code of Iowa, 2021; and

Whereas Ordinance Number 21, having been passed by the Marshall County Board of Supervisors on November 7, 2011, is being repealed and replaced by this new Ordinance #21, dated _(12/21/2021)_.

Whereas following a public hearing, held on _(12/21/2021)_, the Marshall County Board of Supervisors finds this action to be in the best interest of the public.

THEREFORE, BE IT ORDAINED BY THE MARSHALL COUNTY BOARD OF SUPERVISORS, AS FOLLOWS:

SECTION 1. Repeal Ordinance Number 21, dated November 7, 2011, "ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, NOT INCLUDING THE CITY OF MARSHALLTOWN AND DEFINING THE BOUNDARIES" in the Marshall County, Iowa, Code of Ordinances.

SECTION 2. Replace Ordinance Number 21, dated November 7, 2011, "ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, NOT INCLUDING THE CITY OF MARSHALLTOWN AND DEFINING THE BOUNDARIES" in the Marshall County, Iowa, Code of Ordinances with the following:

"ORDINANCE No. 21 ESTABLISHING THE VARIOUS VOTING PRECINCTS IN MARSHALL COUNTY, IOWA, NOT INCLUDING THE CITY OF MARSHALLTOWN AND DEFINING THE BOUNDARIES. Marshall County, Iowa, is hereby divided into 7 voting precincts that do not include the City of Marshalltown. The precincts from the 2020 census are as follows:

1. BANGOR/LISCOMB/TAYLOR: Bangor Township including the part of the incorporated City of Liscomb, and Liscomb Township including the part of the incorporated City of Liscomb, and Taylor Township including the incorporated city of Albion, Marshall County, Iowa.

2. EDEN/LOGAN/WASHINGTON: Eden Township including the incorporated city of Rhodes, Logan Township including the incorporated city of Melbourne, and Washington Township, Marshall County, Iowa.

3. GREEN CASTLE/LEGRAND: Green Castle Township including the incorporated cities of Ferguson and Gilman, and LeGrand Township including the incorporated city of LeGrand, Marshall County, Iowa.

4. JEFFERSON/TIMBER CREEK: Jefferson Township including the incorporated cities of Haverhill and Laurel, and Timber Creek Township, Marshall County, Iowa.

5. LIBERTY/MARIETTA/MINERVA: Liberty Township including part of the incorporated city of St. Anthony, Marietta Township, and Minerva Township including the incorporated city of Clemons and part of the incorporated city of St. Anthony, Marshall County, Iowa.

6. MARION/VIENNA: Marion Township and Vienna Township, Marshall County, Iowa.

7. STATE CENTER: State Center Township including the incorporated city of State Center, Marshall County, Iowa.

8. CITY OF MARSHALLTOWN: The City of Marshalltown passed Ordinance 15034 on December 13, 2021, "AN ORDINANCE TO ESTABLISH THE BOUNDARIES OF ELECTION WARDS AND PRECINCTS IN THE CITY OF MARSHALLTOWN, IOWA, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE EFFECTIVE DATE OF SAME" regulating eight City of Marshalltown voting precincts."

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 15, 2022, after its final passage, approval and publication as provided by law.

First Reading PASSED this 21st day of December, 2021.

Dave Thompson
Board of Supervisors, Chairman

Attest: Nan Benson
Marshall County Auditor / Recorder

Personnel Changes:

Salasek moved, second by Patten, to Approve employee status change, Secondary Road, Donald Box III, Permanent Full Time, from TD1 to TD2, pay rate change from $26.05/hr to $26.72/hr, effective 12/24/2021. Motion carried 3-0.

Patten moved, second by Salasek, to Approve employee status change, Secondary Road, Tanner Parrish, Permanent Full Time, from PTM1 to PTM2, pay rate change from $26.33/hr to $27.13/hr, effective 12/24/2021. Motion carried 3-0.

Salasek moved, second by Patten, to Approve New Hire, Secondary Road, Mech 1, Travis Daters, Permanent Full Time, $27.02/hr., with a start date on or after 1/3/2022. Motion carried 3-0.

Patten moved, second by Salasek, to Approve New Hire, Sheriff Department, Jailer, Linda Einsmann, Permanent Full Time, $19.88/hr., with a start date on or after 12/27/2021. Motion carried 3-0.

Motion by Salasek, second by Patten, to Adopt Resolution 2021-0041 - 2021 Homestead and Family Farm Credits and Military Service Tax Exemptions. Resolution adopted 3-0.

Whereas, pursuant to Iowa Code 425.3, 425A.3, and 426A.14 the Marshall County Board of Supervisors has received the Homestead Tax Credit claims, Family Farm Tax Credit claims and the Military Service Tax Exemption claims from the County Auditor for the 2021 taxes, payable 2022-2023.

Be It Resolved, that all claims filed are allowed except those recommended for disallowance by the County Assessor, a list of which is on file in the County Auditor's Office.

Be It Further Resolved that the Chairman of the Board is hereby authorized to sign notices of disallowance to claimants whose applications for Homestead Tax Credits, Family Farm Credits and Military Service Tax Exemptions have been disallowed.

PASSED AND APPROVED this 21st day of December, 2021.

Dave Thompson
Board of Supervisors, Chairman

Attest: Nan Benson
Marshall County Auditor / Recorder

Motion by Patten, second by Salasek, to Adopt Resolution #2021-0042 Abatement of Mobile Home Taxes. Resolution adopted 3-0.

Whereas, pursuant to Chapter 445.16, Code of Iowa, the County Treasurer has the authority to determine when it is impractical to pursue collection of property taxes through the tax sale or lawsuit remedies; and

Whereas, upon making this determination the County Treasurer shall provide a recommendation of abatement to the Board of Supervisors, and the Board shall abate the following taxes, amounts include penalty, interest and cost:

605 W Main St, Lot #11, Legrand IA 50142. Mobile Home Description: 1997 BMR VIN# INFLT55A70643BM13. $151.00.

605 W Main St, Lot #31, Legrand IA 50142. Mobile Home Description: 1975 HYPK VIN# M603095. $141.00.

3202 S 12th St, Lot #156, Marshalltown IA 50158. Mobile Home Description: 1991 BMR VIN# 0515095504AB. $184.00.

408 W High St, Lot #18, Marshalltown IA 50158. Mobile Home Description: 1960 ROLL VIN# 14938. $267.00.

3202 S 12th St, Lot #77, Marshalltown IA 50158. Mobile Home Description: 1998 COMD VIN# NW39133A. $178.00.

2552 Smith Ave, Lot #8, Marshalltown IA 50158. Mobile Home Description: 1977 BUD VIN# 04560418K. $805.00.

2552 Smith Ave, Lot #24, Marshalltown IA 50158. Mobile Home Description: 1979 SHAG VIN# 1470781738. $685.00.

2552 Smith Ave, Lot #52, Marshalltown IA 50158. Mobile Home Description: 1973 DARI VIN# 55385. $640.00.

2552 Smith Ave, Lot #57, Marshalltown IA 50158. Mobile Home Description: 1978 WIR VIN# ZWK70143684. $805.00.

2552 Smith Ave, Lot #141, Marshalltown IA 50158. Mobile Home Description: 1976 LALT VIN# 34507. $901.00.

2552 Smith Ave, Lot #50, Marshalltown IA 50158. Mobile Home Description: 1994 CHAM VIN# 05945758215. $1045.00.

2552 Smith Ave, Lot #6, Marshalltown IA 50158. Mobile Home Description: 1979 MARE VIN# 33475. $983.00.

Now, Therefore, Be it Resolved, by the Marshall County Board of Supervisors that the amount due be abated and the County Treasurer is directed to strike the amounts due from the county system.

PASSED AND APPROVED this 21st day of December, 2021.

Dave Thompson
Board of Supervisors, Chairman

Attest:

Nan Benson
Marshall County Auditor / Recorder

Salasek moved, second by Patten, to **Accept Bid of and Approve Lease to Corey Damman, C&C Farms, for the Klauenberg Prairie Reserve Crop Ground, $315.00 per acre, 89.27 acres, two year lease effective 2/1/2022 through 2/28/2024, $28,120 per year. Motion carried 3-0.** Conservation Director Stegmann reviewed the bid process for the crop ground. The Marshall County Conservation Board accepted sealed bids at the MCCB meeting on December 13, 2021 for the cash lease of 89.27 acres of crop ground at the Klauenberg Prairie Reserve located approximately three miles south and one mile west of Van Cleve in south central Marshall County. The Marshall County Conservation Board recommended the Board of Supervisors accept the high bid from Corey Damman, C&C Farms, for $315.00/acre for 89.27 acres of crop ground for a total of $28,120.05/year for a two year lease, effective April 1, 2022 through February 28, 2024. Legal description: The south half of the northeast quarter of Section 34, T82-N, R19W of the 5th P.M., Marshall County, IA. The northwest quarter of Section 35, T82-N, R 19W of the 5th P.M., Marshall County, Iowa. Farm #6461, fields 1 and 3

The Board reviewed and discussed the recommendations of the Marshall County ARPA Committee at their meeting of 12/9/21, total projects $1,976,500. Following discussion, Salasek moved to approve the following projects, $1,976,500, second by Patten. Motion carried 3-0. These projects will be paid from the second ARP payment, as the first payment has been obligated.

Auditor/Recorder
Cott Systems.docx attached with detail of project; Note I have the contract if approved. Scanning & Indexing of Real Estate Books w/ Cott Systems = $498,500
Conservation
Green Castle Campground & Shower House – CGA Estimate = $678,000
Sand Lake Expansion = $240,000
Three Bridges Suspension Rebuild – 75% FEMA = $60,000
911 Communications – Supporting information from Rhonda Braudis & Kim Elder
Recording Radio/Phone System = $100,000
Backup Site Mitigation/Resiliency & EST Configuring of EOC = $400,000

Patten moved, second by Salasek, to Adopt RESOLUTION #2021-0044 APPROVING MASTER AGREEMENT WITH COTT SYSTEMS AND ADDENDUMS FOR HOSTED ONLINE INDEX BOOKS AND DIGITIZED RECORD SERVICES. Resolution adopted 3-0.

WHEREAS a proposed MASTER AGREEMENT and Addendums between Marshall County and Cott Systems, Inc., an Ohio Corporation with principal offices at 2800 Corporate Exchange Drive, Suite 300, Columbus Ohio, 43231, is on file with Marshall County for the digitization of records and online hosted index books services; and

WHEREAS the authority of the historical records management of the index books and associated records reside with the Marshall County Auditor and Recorder; and

WHEREAS the Marshall County Board of Supervisors finds approval of the agreement and addendums is in the best interest of Marshall County.

THEREFORE, IT IS HEREBY RESOLVED that the Marshall County Auditor and Recorder is authorized and directed to execute the necessary agreements to effectuate the MASTER AGREEMENT and Addendums between Marshall County and Cott Systems, Inc., an Ohio

Corporation with principal offices at 2800 Corporate Exchange Drive, Suite 300, Columbus Ohio, 43231, for the digitization of records and online hosted index books services.

PASSED AND APPROVED this 21st day of December, 2021.

Attest:

Dave Thompson
Board of Supervisors, Chairman

Nan Benson
Marshall County Auditor / Recorder

Following discussion of the county's use of the Orpheum Theater parking lot for court services, and the request by the school district, the new owner of the lot, for the county to remove snow on the lot, Salasek authorized the use of county funds to **remove the snow from the Orpheum Theater parking lot, and to authorize purchase of snow removal equipment**, a wheeled skid loader and bucket, and V plow, second by Patten. Motion carried 3-0.

Tabled: Review and possible approval of selected project expenditures recommended by the Marshall County ARPA Committee, to be paid from the **AMERICAN RESCUE PLAN ACT (ARPA) FUND: Total $253,060.00**. The ARPA Committee recommended approval at their 10-21-2021 meeting**.** Tabled 11/9/2021.

Tabled**: Resources available for opioid-affected individuals in Marshall County.** Tabled 11/9/2021.

Patten moved to remove from the table, "**Resources available for opioid-affected individuals in Marshall County,**" second by Salasek. Motion carried 3-0.

County Attorney Gaffney provided information to the board, and the board discussed the use of the funds limited to opioid abatement and education.

Motion by Patten, second by Salasek to **Adopt Resolution 2021-0043 Authorizing MARSHALL COUNTY 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. Resolution adopted 3-0.**

RESOLUTION NO. 2021-0043 Authorizing MARSHALL COUNTY 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, 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 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 (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, the 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, 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: 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.

PASSED AND APPROVED this 21st day of December, 2021.

D. E. Thompson — Attest: Nan Benson

Dave Thompson
Board of Supervisors, Chairman

Nan Benson
Marshall County Auditor / Recorder

Motion by Patten, second by Salasek, to Authorize County Attorney Jordan Gaffney to sign the "Distributor Participation Agreement," "Janssen/Johnson Participation Agreement" and "Allocation of Funds Memorandum of Understanding" and exhibits regarding the National Opioid Settlements on behalf of Marshall County. Motion carried 3-0.

Public Forum.
Supervisor Thompson thanked Ken Huge for his service as news director at KFJB and congratulated him on his retirement.

COVID Vaccination Policy. Benson updated the board on the court cases regarding mandatory COVID vaccination. The county remains watchful, preparing for action, if required.

Sirens. Emergency Management Coordinator Elder explained work continues on obtaining funding for the sirens on the unincorporated areas of the county. It is unclear if ARPA funds can be utilized as a match for federal grants.

Adjournment. The next regular session is January 04, 2022, at 9:05 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, December 29, 2021, at 12:00 p.m. There will also be an Organizational Meeting of the Board on Monday, January 3, 2022, at 9:05 am. There being no further business to come before the Board, the meeting is adjourned at 10:46 a.m.

D. E. Thompson — Attest: Nan Benson

Dave Thompson
Board of Supervisors, Chairman

Nan Benson, Auditor and Recorder