

December 27, 2021

The Bremer County Board of Supervisors met in session on Monday, December 27, 2021 in the Courthouse, Waverly, Iowa, at 8:30 a.m. Kammeyer, Hildebrandt, Neil present. Kassandra Johansen, Finance Director, also present. Unless otherwise noted all actions were approved unanimously. Some Resolutions and Ordinances herein are summary descriptions, full text is available for viewing M – F 8:00 AM to 4:30 PM in the Bremer County Auditor’s office and online at: https://www.bremercounty.iowa.gov/government/resolutions_and_ordinances.php

Meeting was called to order by Chairman Kammeyer. Neil moved/Hildebrandt second to approve the agenda.

Hildebrandt moved/Neil second to open the Second Public Hearing to consider a Resolution Declaring Emergency Medical Services to be an Essential Service in Bremer County, Iowa. Kip Ladage, Emergency Management/Safety & Risk Mgr, Jim Schutte, Mary Ventullo, Heidi Solheim & Derrick Huet, present in support.

Hildebrandt moved/Neil second to close the Second Public Hearing. Neil moved/Hildebrandt second to approve the Second Reading of the RESOLUTION TO DECLARE EMERGENCY MEDICAL SERVICES (EMS) TO BE AN ESSENTIAL SERVICE IN BREMER COUNTY, IOWA, AS AUTHORIZED BY IOWA CODE SECTION 422D.1 and set the date for the Third Hearing on 1/3/22 at 9:30 a.m.

Hildebrandt moved/Neil second to approve the 12/20/21 minutes.

Hildebrandt moved/Neil second to approve claims as listed below and authorize Auditor to issue checks.

Neil moved/Hildebrandt second to authorize Board Chair to sign a U.S. Department of Agriculture Lien Waiver for 2021 crop year for farm tenants Nathan & Whitney Kremer.

Hildebrandt moved/Neil second to authorize Board Chair to sign Community Based Services HCBS 2021 Provider Quality Management Self-Assessment.

Hildebrandt moved/Neil second to adopt RESOLUTION NO. 21-100, Authorizing Bremer 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, in 2018, the County Board of Supervisors authorized Bremer 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 of the Opioid Epidemic on the County and resources necessary to combat the opioid epidemic; 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. 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 Chairman Ken Kammeyer 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. Adopted by the Bremer County Board of Supervisors this 27th day of December, 2021.

Hildebrandt moved/Neil second to authorize Board signature on Subdivision Janssen Settlement Participation Form, on Subdivision Distributor Settlement Participation Form, on the Iowa Opioid Allocation Memorandum of Understanding, authorize creation of a LG Abatement Fund separate from the County's general fund and direct County Attorney Wadding and Kip Ladage, EMA/Safety Risk Mgr. to work collaboratively to satisfy the reporting requirements of Resolution 21-100.

Board discussed 2022 board and committee appointments.

Board met with Jan Heidemann, MHDD/GA/SA, for a budget work session and to consider special projects with the FY22 fund balance.

Hildebrandt moved/Neil second to approve special mental health fund balance projects for FY22 as presented.

Board met with Lindley Sharp, Health Dept. Admin., for a department update.

Board met with Landon Moore, Engineer, for a weekly Secondary Roads department update.

Board/Committee updates: Kammeyer attended INRCOG Housing and North Iowa Juvenile Detention board meetings.

Maggie Burger, Sr. Vice President, Speer Financial, Inc met with the board to discuss planning for the Local Option Sales & Services Tax (LOSST) that expires 1/1/23. Board selected the 9/13/22 election date for presenting the public measure to rural residents of the county. A resolution will be requested from the City of Waverly in support of initiating a LOSST election.

Legal Counsel, Dorsey & Whitney, LLC will provide Bremer County with the resolution necessary in support of initiating a LOSST election and begin planning discussions in January 2022.

The Accel Group representatives, Mike Byl and Tony Pollastrini, presented an insurance renewal. Hildebrandt moved/Neil second to authorize Board Chair to sign the FY23 insurance renewal.

Neil moved/Hildebrandt second to adjourn at 12:10 p.m.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular session of the December 27, 2021 meeting of the Bremer County Board of Supervisors.

Ken Kammeyer, Chairman

Attest: _____
Shelley Wolf, Auditor

Claims Publication Summary 12/27/21:

Able Pest Control	Services	173.00	
Access Systems	Lease	376.29	
ACES	Edu	510.00	
Alliant Energy - IP&L	Utilities	620.14	5
Amazon Capital Services	Supplies	94.96	
Aspro Inc	Materials	1,620.85	
Benton Co Attorney	Services	7,176.50	
Black Hawk Co Sheriff	Svc of Notice	78.11	2
Bluhm, Roger	Rent Assistance	113.00	
BMC Aggregates LC	Road Rock	833.43	2
Br Co Highway Dept	Fuel/Services	3,193.26	3
Br Co Sheriff	Svc of Notice	586.63	3
Brown Supply Co Inc	Safety Supplies	146.00	
Calease, Kathy	Mileage	26.00	
Capital One	Parts	58.49	
Century Link	Phone	146.09	
Chickasaw Co Sheriff	Svc of Notice	35.00	
Cintas	Services	141.49	2
City of Janesville	Utilities	75.73	
City of Tripoli	Utilities	193.66	2
Clerk of Court	Late Settlement Fee	1,000.00	
Crawdaddy Outdoors LLC	Program Supplies	83.98	
Croell Inc	Road Paving	85,402.38	
Cross Technologies Inc	Services	385.00	
Dell Marketing LP	IT Equip	17,154.95	2
Dix, Chris	Mileage	9.50	
Don's Truck Sales Inc	Parts	86.97	
Dove, Jerry	Mileage	25.50	

East-Central Iowa REC	Utilities	45.52	
Farmers Win Coop	Utilities	281.68	
Fastenal Co	Parts	99.42	
Foelske, Duane	Mileage	7.50	
GFC Leasing - WI	Lease	427.56	3
Gordon Flesch Co Inc	Lease	122.63	
Hawkeye Fire & Safety Co	Services	134.60	
IA DNR	Tank Renewal	130.00	
IA Office State Med Examiner	Autopsy	2,043.45	
IMWCA	Work Comp Prem	7,026.00	
INRCOG	Services	1,530.00	
Iowa Weed Commissioners Assoc	Edu	180.00	
ISAC	Edu	60.00	
ITSavvy LLC	Software	4,743.75	
Jerry Roling Mts Inc	Auto Maint	377.90	
John Deere Financial	Parts/Tools	211.78	2
Koch, Amy	Mileage	91.50	
Lanigan Law Firm Trust Account	French Settlement	50,000.00	
Leistikow, Deanne	Mileage	14.00	
Leonhart, Dave	Mileage	22.00	
Mail Services LLC	Renewals/Postage	843.03	
Mansfield Oil Co of Gainesville	Fuel	22,827.27	
MercyOne Waterloo Medical Ctr	Services	1,410.00	2
MHDS of East Central Region	Services	18,833.03	
MidAmerican Energy Co	Utilities	198.91	3
NE IA Community Action Corp	Services	1,252.86	
P & K Midwest Inc	Equip Maint	501.02	
Phoenix Supply	Supplies	105.06	
Plumb Tech Inc	Services	360.00	
Rack'em Up Promotions	Work Shirts/Coats	315.00	
RC Systems	Radio License	65.00	
Roling Ford LLC	Auto Maint	236.50	
Schaeffer Mfg Co	Fuel Supplies	820.50	
Schares, Jaelyn	Mileage	72.10	
Schumacher Elevator Co	Services	267.83	
Stokes Welding	Parts/Tools	1,790.90	3
Summit Food Service LLC	Inmates Meals	6,953.26	
Superior Welding Supply Co	Supplies	90.52	
The Printery	Supplies	9.58	
Titan Machinery Inc	Parts	47.65	
Truck Center Co	Supplies/Parts	244.99	3
US Cellular Corp	Phone	729.37	5
Verizon Wireless	Phone/Internet	661.77	5
Visa	Business Exp	3,611.87	17
Waverly Newspapers	Publications/Subscription	738.71	3
Waverly Tire Co	Services	431.00	

Waverly Utilities	Utilities	3,133.96	5
Weber Paper Co	Jail Supplies	186.00	
Wehling, Kelsie	Mileage	12.50	
Westendorfs Auto	Truck Maint	74.95	
Wix Water Works	Lease	30.00	
Yoder Construction NE IA LLC	Services	6,350.00	
Ziegler Inc	Supplies	87.32	
	TOTAL	261,188.66	
CBS CLAIMS			
Arends, Murray	Shredding	7.25	
Lahr, Susan	Reimb Cell Phone	60.00	
Miller Hardware	Supplies	68.30	
Picken, Jennifer	Reimb Cell Phone	60.00	
US Cellular Corp	Phone	63.17	
Visa	Employment Ad	50.00	
Waverly Utilities	Utilities	2,135.61	3
	TOTAL	2,444.33	
	GRAND TOTAL	263,632.99	