

Ringgold County Board of Supervisors Minutes

December 20, 2021

The Ringgold County Board of Supervisors met in regular session Monday, December 20, 2021. The meeting was called to order at 9:00 A.M with the following members present: Colby Holmes and Steve Knapp. Absent: Ron Landphair

A motion was made by Knapp, seconded Holmes to approve the agenda.

AYES: Unanimous NAYS: None

Deputy Chad Hunt, who graduated from the Academy on Friday, met with the Board briefly to thank them for their support.

Engineer Jared Johnson met with the Board to provide secondary roads updates. The mower tractors were out mowing roadsides in the Central part of the County. The department plans on continuing mowing efforts as long as conditions allowed.

The crew worked to trim obstructing brush away from signs.

Bridge construction materials were organized and put away for the season.

Due to a recent bridge inspection by Calhoun Burns and Associates the crew closed bridge Lotts Creek 10. This bridge has an undermined south abutment backwall which created a hole near the SW corner of the bridge. In addition to the hole in the road the interior south abutment piles of a 4-pile abutment are severely decayed. After notification, the county also inspected the bridge and concur with the recommendation of Calhoun Burns and Associates to close the structure.

Work Orders:

W.O. 842: Clear brush and repair ditch erosion. Install countermeasures to prevent future erosion potential. Located on 190th Street between 262nd Ave and 270th Ave. (In Progress)

W.O. 857: Replace deteriorated 24" CMP culvert with new 30" ADS culvert. Located on 160th Street between 270th Ave and P64. (Complete)

W.O. 843: Clear brush and re-shape ditches for approximately ¾ mile along 190th Street and 300th Ave. Located Section 20, Monroe TWP. (Complete)

W.O. 763: Clear brush and re-shape ditches for approximately 1¼ mile along 285th Ave, 120th St, and P64. Located Section 18, Union TWP. (Complete)

W.O. 858: Install 18"x110' entrance culvert and ditch upstream and downstream of the culvert. Located on P64 between 190th and 200th Steet. (Complete)

W.O. 859: Install 30"x60' entrance culvert and remove existing property entrance with limited sight distance. Located on P64 between 200th and 210th Street. (Complete)

W.O. 875: Replace deteriorated 42" CMP culvert with new 42" ADS culvert. Located on 200th Street between 280th Street and P64. (Complete)

FEMA reviewers have submitted a request for information on project 499 for the improved project request. The department will be working to supply FEMA with the requested information.

The department still has not received check plan comments from the IDOT for the J55 paving project. In correspondence with the IDOT, an abundance of plans for the February letting has created a back log of work affecting the March letting. The department has received no official notice stating our project will be pushed back to the April letting, therefore, final plans will be turned in by December 21st to maintain the March letting project development schedule.

County Attorney Clint Spurrier met with the Board to review the State of Iowa Opioid Settlement and request approval to enter into said agreement. Attorney Spurrier reviewed the terms of the agreement, statewide percentages and various exhibits for the case. The Board moved forward with approval.

The Board recessed at 10:45 a.m. to attend a forum at Supportive Services.

The Board returned at 1pm to meet with County Treasurer Debra Cannon to review the November month end report for her department. The Board moved forward with approval.

At 1:30 p.m. Knapp moved, Holmes second, to open the public hearing to accept comment on the preliminary proposed precinct plan resulting from the 2020 census. There was no one in attendance and no written comments were submitted. The public hearing was closed at 1:45 p.m.

The Board set the dates for the proposed Precinct Boundary Ordinance for Monday, December 27, December 29 and January 3, 2022. The Board has the discretion to waive the second hearing with consideration of approval of the ordinance following the final hearing.

The Board met with Public Health Director Becky Fletchall to review the General Assistance policy. No changes have been made since its creation in 2014. The proposed changes provide for a formal process for denial of assistance. Additionally, the Board provided an exception to policy to pay back utilities only as both applicants would likely qualify for Medicaid.

The Board met with Sheriff Rob Haley to request a variance in the holiday hours schedule for Deputy Chad Hunt. With Deputy Hunt attending the Academy, he has not had sufficient time to use his allotted holiday hours. Sheriff Haley would like to pay Deputy Hunt for those unused hours. The Board is agreeable to this.

The Board reviewed claims that were paid December 15, 2021.

RESOLUTION RC21-193

WHEREAS, the Ringgold County Board of Supervisors do hereby approve the final plans for project FM-C080(81)-55-80.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-194

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, some Iowa Counties have 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. Ringgold County, Iowa (herein "County") was not one of the Counties that contracted with said law firm.

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 Ringgold County Attorney Clinton L. Spurrier 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.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-195

WHEREAS, the Ringgold County Board of Supervisors do hereby approve the Treasurers November month end report as presented by Treasurer Debra Cannon.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-196

WHEREAS, the Ringgold County Board of Supervisors do hereby set the dates of December 27, December 29 and January 3, 2022 for the hearing on the proposed Precinct Boundary Ordinance, with the option of waiving the second reading.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-197

WHEREAS, the Ringgold County Board of Supervisors do hereby the amendment to the General Assistance policy.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-198

WHEREAS, the Ringgold County Board of Supervisors do hereby approve to allow for a variance in the holiday hours for Deputy Chad Hunt, paying out 29 hours of unused time.

THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

RESOLUTION RC21-199

WHEREAS, the Ringgold County Board of Supervisors do hereby approve claims that were paid Wednesday, December 15, 2021.

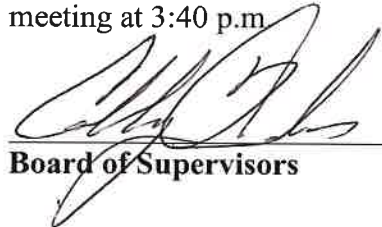
THEREFORE, a motion was made by Knapp and seconded by Holmes stating such.

The vote on the resolution: AYES: All. NAYS: None.

ATTEST: Amanda Waske, Auditor. Passed and approved December 20, 2021

Knapp moved to approve the minutes and Holmes seconded. Motion carried.

With no further business, a motion was made by Knapp and seconded by Holmes to adjourn the meeting at 3:40 p.m.



Board of Supervisors

ATTEST: 

Ringgold County Auditor