

March 27, 2023

The Bremer County Board of Supervisors met in session on Monday, March 27, 2023 in the Courthouse, Waverly, Iowa, at 9:00 a.m. Kammeyer, Cerwinske, Hildebrandt, present. Cassandra 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 online at: https://www.bremercounty.iowa.gov/government/resolutions_and_ordinances.php and also available M – F 8:00 AM to 4:30 PM in the Bremer County Auditor’s office.

Following the Pledge of Allegiance, the meeting was called to order by Chairman Kammeyer. Hildebrandt moved/Cerwinske second to approve the agenda.

Board met with Lindsey Lambert, Building & Zoning Admin. Cerwinske moved/Hildebrandt second to open the Public Hearing on Ordinance #23-03 providing for a change in zoning for BMC Aggregates, LC from M to A-1. Lambert presented Planning & Zoning’s favorable review of the request. Harry Wilson, adjacent land owner, present in support. Hildebrandt moved/Cerwinske second to close the Public Hearing. Hildebrandt moved/Cerwinske second to approve the first reading and set the second reading for 4/3/23 at 9:00 am. Lambert & Wilson exited.

Cerwinske moved/Hildebrandt second to approve the 3/20/23 minutes.

Hildebrandt moved/Cerwinske second to approve wage increases effective 4/3/23 for: Kaden Hagy, Jailer, from \$39,118/yr to \$43,120/yr, orientation over; Arlin Rieck, occasional Roadside Vegetation Mgt Aide, from \$15/hr to \$15.75/hr, annual budget increase; Brady Wilkinson, Seasonal Conservation, from \$11/hr to \$13/hr, annual budget increase; AND wage increases for: Sarah Hoveland, CBS Direct Care Staff, from \$17.25/hr, \$10.40/hr sleep time to \$17.50/hr, \$10.50/hr sleep time, step increase effective 3/28/23; Janet Wilson, CBS Direct Care Staff, from \$17/hr, \$10.30/hr sleep time to \$17.25/hr, \$10.40/hr sleep time, step increase effective 4/2/23; AND a payroll change for Tasha Dontje, from CBS Residential Specialist II \$19.10/hr, \$12.06/hr sleep time to Residential Specialist II-Restricted \$18.60/hr, \$11.56/hr sleep time, demotion effective 3/26/23.

Cerwinske moved/Hildebrandt second to approve a request for vacation carryover for Tasha Dontje, CBS.

Hildebrandt moved/Cerwinske second to authorize Board Chair to sign the annual Municipal Solid Waste Sanitary Landfill Financial Assurance Form.

Sherman Lundy, BMC Aggregates entered briefly to inquire about the Public Hearing held on Ordinance #23-03.

Board called Darius Robinson, County Attorney, to the meeting to discuss the Opioid Settlement Agreements. Hildebrandt moved/Cerwinske second to adopt RESOLUTION NO. 23-23: Authorizing Bremer County to Enter Into the Settlement Agreements with Teva Pharmaceutical

Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., WHEREAS, in 2017, 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 Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, 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, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively “Settlement Agreements”); WHEREAS, the Settlement Agreements as well as a 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 (“Iowa Opioid Funds”), upon occurrence of certain events as defined in the Settlement Agreements; 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; 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”), net of 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 the Iowa MOU with Iowa counties. The list of approved Opioid Related Expenditures are set forth in Exhibit 1 to the 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 Allocation 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;" WHEREAS, Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government, but 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, shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU and, 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, if any audit required by the Allocation MOU 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, 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; WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements. NOW, THEREFORE, BE IT RESOLVED: The County Board of Supervisors hereby approves and authorizes 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 by taking the following measures: 1. The execution and delivery of the Participation Agreement to the Settlement Agreements and any and all documents ancillary thereto. 2. The execution and delivery of any and all further and other documents necessary to effectuate the foregoing and the terms of this Resolution. BE IT FURTHER RESOLVED: The County shall deposit the LG Share in its account 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 March, 2023.

Board met with Nate Koehler, MIS, for a department update.

Hildebrandt moved/Cerwinske second to adopt RESOLUTION NO. 23-24: A RESOLUTION OF THE BOARD OF SUPERVISORS OF BREMER COUNTY, IOWA APPROVING AN INVITATION TO QUALIFY APPLICATION; DESIGNATING THE BOARD OF SUPERVISORS CHAIRPERSON AS THE OFFICIAL REPRESENTATIVE OF THE COUNTY AND AUTHORIZING THE CHAIRPERSON TO AFFIX THEIR SIGNATURE TO SAID APPLICATION AND CERTAIN ASSURANCES IN CONJUNCTION WITH SAME. WHEREAS, it is in the best interest of the Board of Supervisors of the County of Bremer, Iowa, to avail itself to the Invitation to Qualify application as administered by the Office of the Chief Information Officer (OCIO); WHEREAS, the County is seeking assistance qualifying for future funding to support broadband development; WHEREAS, the ITQ process allows the County the opportunity to self-identify their need for broadband development; WHEREAS, the County recognizes the important need for increasing broadband capacity within its community and

supports future broadband development; NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Bremer County, Iowa, as follows: 1. The Invitation to Qualify application is hereby approved. 2. The Chairman of the Board of Supervisors is hereby designated as the official representative of the County and is further hereby directed and authorized to affix their signature to said application and certain assurances in conjunction with same. Adopted this 27th day of March, 2023.

Cerwinske moved/Hildebrandt second to adopt RESOLUTION NO. 23-25: A RESOLUTION OF THE BOARD OF SUPERVISORS OF BREMER COUNTY, IOWA GRANTING THE OFFICE OF THE CHIEF INFORMATION OFFICER CERTAIN FINANCIAL ASSURANCES IN CONJUNCTION WITH THE INVITATION TO QUALIFY APPLICATION. WHEREAS, the County of Bremer, Iowa is submitting an Invitation to Qualify Application to support broadband development within the community; WHEREAS, the County will match future broadband development with \$25,000 in local funds if selected; WHEREAS, the Invitation to Qualify could potentially lead to Federal BEAD (Broadband, Equity, Access, and Deployment Program) funding; WHEREAS, this project was identified as part of previous community discussion and identification of Broadband Intervention Zones; NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Bremer County, Iowa that \$25,000 of local funding is herewith committed toward broadband development if selected. Adopted this 27th day of March, 2023.

Board/Committee updates: Hildebrandt attended East Central Region Mental Health & Disabilities board meeting. Kammeyer attended Iowa Workforce Development & INRCOG Economic Development board meeting.

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

Cerwinske moved/Hildebrandt second to adopt RESOLUTION NO. 23-26: WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes the C50 paving project with DOT project numbers STP-S-C009(92)--5E-09 and FM-C009(91)--55-09, hereafter referred to as “the project”, is in the best interest of Bremer County, Iowa and the residents thereof. The project is defined as paving on C50 from East Corporate Limits of Janesville E 3.5 miles to V25 and V25 and C50, from Black Hawk County Line 3.5 miles to West Corporation Limits of Denver; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Bremer County and its citizens, all as provided in and permitted by section 331.301 of the Code of Iowa; and It IS THEREFORE RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of the Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval, as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Bremer County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Landon Moore, the County Engineer for Bremer County, Iowa, be and is hereby designated,

authorized, and empowered on behalf of the Board of Supervisors of Bremer County, Iowa to execute the contracts in connection with the afore awarded construction project let through the DOT for this county. Passed and adopted this 27th day of March, 2023.

Cerwinske moved/Hildebrandt second to approve a Utility Permit for MidAmerican Energy for installation of overhead electric along Badger Ave and 250th St in Jackson Township.

Board discussed county's featured page in the Waverly Chamber Visitor's Guide.

Board discussed the proposed FY24 Budget.

Board held a discussion in regard to operating the Customer Convenience Center (formerly the Landfill).

Board discussed SSB 1125. Adam Hoffman, Treasurer present.

Hildebrandt moved/Cerwinske second to adjourn at 11:02 a.m.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular session of the March 27, 2023 meeting of the Bremer County Board of Supervisors.

Ken Kammeyer, Chairman

Attest: _____
Jennifer Bremner, Auditor Designee