

January 15, 2018

THE THIRD DAY

The Board of Supervisors of Howard County, Iowa met in regular session as required by law at the Office of the Howard County Board of Supervisors, Cresco, Iowa on January 15, 2018.

Unless noted in the minutes, all motions were passed unanimously.

The meeting was called to order by Chairman, Don Burnikel at 8:58 A.M.

Those present were: Chairman in the Chair Don Burnikel, Jan McGovern and Pat Murray. Absent; None.

A motion by Jan McGovern and seconded by Pat Murray to approve the agenda as posted. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve the minutes of the last meeting. Motion passed.

Kevin Schoeberl came before the board to discuss Courthouse Security, OPIOD, Attorney Fees and Riceville Resolutions.

A motion by Jan McGovern and seconded by Pat Murray to approve Resolution No. 1060-2018, OPIOD Resolution. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1060-2018 passed unanimously.

**RESOLUTION NO. 1060-2018**

TO THE HONORABLE BOARD OF SUPERVISORS OF HOWARD COUNTY, IOWA MEMBERS,

**WHEREAS**, Howard County ("County") is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

**WHEREAS**, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Iowa and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic ("Opioid Epidemic"); and

**WHEREAS**, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

**WHEREAS**, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

**WHEREAS**, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

**WHEREAS**, County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

**WHEREAS**, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

**WHEREAS**, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

**WHEREAS**, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

**WHEREAS**, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

**WHEREAS**, County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC, Simmons Hanly Conroy LLC, and von Briesen & Roper, s.c., (the “Law Firms”) related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

**WHEREAS**, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

**WHEREAS**, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

**WHEREAS**, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

**WHEREAS**, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution (“Engagement Letter”) specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

**WHEREAS**, County is informed that the Iowa Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of claims against certain of the opioid manufacturers; and

**WHEREAS**, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Iowa State Association of Counties as needed; and

**WHEREAS**, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Iowa in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

**WHEREAS**, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

**NOW, THEREFORE, BE IT RESOLVED:**

County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

**BE IT FURTHER RESOLVED:**

County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

The County Auditor shall forward a copy of this Resolution, together with the signed Engagement Letter, to the Law Firms at Erin Dickinson, Crueger Dickinson LLC, 4532 N. Oakland Ave., Whitefish Bay, WI 53211.

Respectfully submitted this 15th day of January, 2018.

**Board of Supervisor Approval**

The undersigned on behalf of the respective Boards of Supervisors state that they are aware of the content of this Agreement and state that they have adopted a resolution approving this agreement, and further agreeing to approve the resolution. A copy of said resolution is attached.

(Signed)

Don Burnikel, Chairperson  
Howard County Board of Supervisors

Attest:

(Signed)

Julie Chapman, Auditor

A motion by Jan McGovern and seconded by Pat Murray to approve Resolution No. 1061-2018, Set Rate of Compensation for Court Appointed Attorneys and Guardian Ad Litem for Indigent Residents. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1061-2018 passed unanimously.

**RESOLUTION NO. 1061-2018**

**RESOLUTION TO SET RATE OF COMPENSATION FOR COURT APPOINTED ATTORNEYS AND GUARDIAN AD LITEMS FOR INDIGENT RESIDENTS**

**WHEREAS, HOWARD COUNTY, (“County”)** finds it necessary to set a specific rate of compensation for attorneys and Guardian Ad Litem who are appointed by the District Court for representation of indigent residents (adult and minor) of Howard County, Iowa

**WHEREAS,** the hourly rate of compensation shall be reviewed by the Board of Supervisors on an annual basis to determine if said hourly rate is fair and reasonable and meets the county’s budget restrictions.

**WHEREAS:** County shall pay the following hourly rate for all attorneys and Guardian Ad Litem appointed by the Iowa District Court pursuant to Chapter 633 probate proceedings, mental health cases, and any other cases whereby the District Court finds an adult or minor resident of Howard County is indigent and there is a need for legal representation or the appointment of a Guardian ad Litem.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF SUPERVISORS:**

1. The hourly rate of pay shall be \$100.00 per hour effective March 1, 2018, and thereafter. The hourly rate may be adjusted on an annual basis as deemed appropriate.
2. County requests that this Resolution be provided to all court appointed counsel or Guardian Ad Litem that are appointed by the court.
3. The County Auditor shall forward a copy of this Resolution to Howard County Clerk of Court, Iowa District Court- Chief Judge and the Howard County Attorney.

PASSED AND ADOPTED this 15<sup>th</sup> day of January, 2018

**Howard County Board of Supervisors**

(Signed)

Don Burnikel, Chairperson

ATTEST:

(Signed)

Julie Chapman, Auditor

A motion by Pat Murray and seconded by Don Burnikel to approve Resolution No. 1062-2018, Permanent Ingress/Egress Easement between Howard County, Iowa and DGOGRicevilleia, LLC. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1062-2018 passed unanimously.

**RESOLUTION NO. 1062-2018**

**Resolution approving Permanent Ingress/Egress Easement between Howard County, Iowa and DGOGRicevilleia, LLC**

**WHEREAS,** DGOGRicevilleia, LLC (“Grantee”) desires to obtain an easement for ingress and egress over Howard County (County) real estate for access to and from Grantee’s real estate to Oak Street, a public street in Riceville, Iowa; and

**WHEREAS,** the County is willing to grant such easement subject to the terms and conditions described in the Permanent Ingress Egress (“Easement”); and

**WHEREAS,** the terms, conditions, and Recitals of said “Easement” have been reviewed by the Howard County Board of Supervisors; and

**WHEREAS,** the Howard County Board of Supervisors desires to authorize said Easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF SUPERVISORS:**

1. The Permanent Ingress/ Egress Easement between Howard County, Iowa and DGOGRicevilleia, LLC (“Grantee”) is hereby approved.
2. The chairperson of the Board is authorized to sign said Easement.

HOWARD COUNTY does approve the terms, conditions and recitals of said Easement, and directs its chairperson to execute the approval attached to said Easement

**PASSED AND ADOPTED** this 15th day of January, 2018

**Howard County Board of Supervisors**

(Signed)

Don Burnikel, Chairperson

ATTEST:

(Signed)

Julie Chapman, County Auditor

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1063-2018, Jail Detention Agreement Between Howard County, Iowa and Winneshiek County, Iowa, and Authorizing Sheriff to Sign Said Agreement and Agreeing to Financial Terms Imposed by Agreement. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1063-2018 passed unanimously.

**RESOLUTION NO. 1063-2018**

**RESOLUTION APPROVING JAIL DETENTION AGREEMENT BETWEEN HOWARD COUNTY, IOWA AND WINNESHIEK COUNTY, IOWA, AND AUTHORIZING SHERIFF TO SIGN SAID AGREEMENT AND AGREEING TO FINANCIAL TERMS IMPOSED BY AGREEMENT**

**WHEREAS**, the Howard County, Sheriff, has negotiated a 28E Agreement with the Sheriff of Winneshiek County, Iowa; and

**WHEREAS**, said Agreement contemplates the use of the Winneshiek County Jail for housing Howard County inmates on a per diem fee during the period of time Howard County is constructing a new Detention Facility; and

**WHEREAS**, the terms of said Agreement have been reviewed by the Howard County Board of Supervisors; and

**WHEREAS**, the Howard County Board of Supervisors desires to authorize the Howard County Sheriff to enter into said Agreement, and does further agree to its terms and financial conditions.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF SUPERVISORS:**

1. The 28E Agreement entitled “Jail Detention Agreement between Howard County, Iowa, and Winneshiek County, Iowa” is hereby approved.
2. The Howard County Sheriff is authorized to sign said Agreement.
3. Howard County does approve the terms and conditions of said Agreement and does direct its chairperson to execute the Approval attached to said Agreement.

**PASSED AND ADOPTED** this 15th day of January, 2018

**Howard County Board of Supervisors**

(Signed)

Don Burnikel, Chairperson

ATTEST:

(Signed)

Julie Chapman, Howard County Auditor

A motion by Pat Murray and seconded by Jan McGovern to approve the Recorder’s Monthly Report ending 12-31-2017. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve the 2018 Weed Commissioner's Certification. Motion passed.

Jan McGovern attended an Upper Wapsi Watershed Meeting in Independence.

Pat Murray attended a CSS-Auditor's Meeting in Charles City.

David Boss and Trisha Wilkins came before the board to give a NE Iowa Community Action Update.

Nick Rissman came before the board to discuss Secondary Roads Business.

1. Approve 28E agreement with Winneshiek County for tied construction projects on County Road A-46.
2. Lime Springs shop update.
3. Other road issues.

A motion by Jan McGovern and seconded by Pat Murray to approve to sign a 28E Agreement with Winneshiek County for tied construction projects on County Road A-46. Motion passed.

Jeff Heil with Northland Securities came before the board to discuss bonding for the jail.

Warren Steffen presented his semi-annual report to the board ending 12-31-2017.

A motion by Jan McGovern and seconded by Pat Murray to approve the Treasurer's Semi-Annual Report ending 12-31-2017. Motion passed.

Mike Miner discussed with the board the Courthouse parking lot during the New Jail Construction.

A motion by Jan McGovern and seconded by Pat Murray to approve to have Don Burnikel sign the CAT Grant Reimbursement for \$527, 817.65 Wapsi Great Western Line Project. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1064-2018, New County Jail Fund Transfer. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1064-2018 passed unanimously.

**RESOLUTION NO. 1064-2018  
NEW COUNTY JAIL FUND TRANSFER**

**BE IT RESOLVED AS FOLLOWS:**

That Howard County has authorized a transfer from the General Basic Fund to the New County Jail Fund;

That it is the intentions of Howard County to transfer to the fund in a timely manner in the amount of \$159,632.43 from the General Basic Fund into the New County Jail Fund;

That said transfer is for the purpose of transferring funds for the payment of funds for the construction of a new county jail;

**WHEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

That Howard County shall transfer in a timely manner from the General Basic Fund into the New County Jail Fund for the construction of a new county jail.

Dated this 15<sup>th</sup> day of January, 2018.

ATTEST:

(Signed)

Julie Chapman  
Howard County Auditor

(Signed)

Don Burnikel, Chairman  
Howard County Board of Supervisors

A motion by Pat Murray seconded by Jan McGovern to approve the New Jail Expenses in the amount of \$159,632.43, which will be repaid to the General Basic Fund once the bond notes are secured. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve to pay claims. Motion passed.

The board conducted a Budget Work Session.

Chairman, Don Burnikel adjourned the meeting at 2:45 p.m.

ATTEST:

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Julie Chapman, Howard County  
Auditor

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Don Burnikel, Chair Howard County  
Board of Supervisors