

LYON COUNTY AUDITORS OFFICE
January 8, 2018

ROCK RAPIDS, IOWA

Chairman Randy Bosch convened the adjourned session with Peters, Bosch, Behrens, Koedam and Michael present. Motion carried assumes unanimous vote unless otherwise stated.

The minutes of the meeting were reviewed. Motion made by Behrens to approve minutes with correction to Dale Drent's (not Drenth) name and a spelling error, seconded by Peters. Motion carried.

Attorney Shayne Mayer joined the meeting and updated Board on Article 11 Leave of the initial proposal to the union that was addressed at the 1-2-2018 meeting. Mayer reported she has had correspondence with Katherine Beenken, HR Attorney for the county, and both agree that this article is no longer able to be negotiated due to changes in legislation and should be struck completely from the initial proposal. For clarification, Article 11 will be struck from the initial proposal and will be addressed in another way during the negotiation process.

Mayer also informed the Board of the minor changes to wording made to the ISAC's resolution regarding opioid litigation in order for it to better represent Lyon County's situation. Chairman Bosch introduced Resolution 2018-03 and the engagement letter to enter into the nationwide opioid litigation.

RESOLUTION NO. 2018-03

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

WHEREAS, Lyon 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 money 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 Wisconsin Counties Association 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 Wisconsin 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 Clerk 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.

PASSED AND APPROVED this 8th day of January, 2018.

ATTEST: /s/Jen Smit
County Auditor

/s/Randy Bosch, Chairman
Lyon County Board of Supervisors

Motion by Koedam, second by Michael to approve and sign Resolution 2018-03 and the engagement letter to enter into the opioid litigation. Motion carried.

Lyon County Treasurer Russ Hopp presented the Semi-Annual Report for July 1, 2017 to December 31, 2017. Motion by Behrens, second by Peters to approve and sign the report. Motion carried.

Sheryl Buntsma from Compass Pointe Behavioral Health Services presented to the Board regarding the services provided to residents of Lyon County. Buntsma reports that the programs being presented are working to lower numbers of usage of alcohol and marijuana. The Board thanked Buntsma for coming.

County Engineer Laura Sievers as well as Dave Jackson, new Road Superintendent, and Jared VanEngen, Mechanic also joined the meeting to

discuss the 5 year equipment plan. Sievers plans to purchase a truck for Lester, a blade for Alvord and possibly 2 gravel pups with an estimated cost of \$540,000 after estimated trade in of \$75,000 for the old truck and blade. Sievers also mentioned that a different spray to kill trees will be used this year as it is supposed to be more effective and can be used in cold weather as well. The lowboy also needs to be replaced. Sievers is looking to replace it yet in 17/18 if the money can be found within current budget.

Sheriff VanderStoep joined the Board to go over budget numbers. The agreement is working well with Lincoln County and VanderStoep has estimated \$148,000 in new revenue for 18/19. Also as a possible revenue for 18/19 the department may start doing car inspections for local body shops. VanderStoep stated that he has been contacted by different body shops about the service. The only agency in the area doing inspections currently is Sioux Center Police Department. VanderStoep is looking into what it takes to get a deputy certified to do the inspections. On the expense side, VanderStoep has included \$30,000 for 17/18 and \$30,000 for 18/19 to purchase new Toughbook laptops for patrol cars. These would be used inside the patrol cars as well as take the place of the pc's in the deputies offices. VanderStoep explained that Lyon County is one of the last to introduce the equipment and software in the area. This will allow any other law enforcement vehicles in the 10 county area, including state patrol, to "see" where the deputies are and for our deputies to "see" them. The equipment will also have printers installed in the cars and allow officers to print out paperwork instead of handwriting. Supervisor Michael asked for explanations on wage increases for 18/19. VanderStoep included increases for 5 road deputies that are on a step increase agreement, and for jailers that are currently not at the 85% pay scale. VanderStoep states they are moving those jailers up on the scale as there is no longer a supervisor pay differential and VanderStoep wanted to increase those not at the 85% as all duties are now equal and there is more work due to a fuller jail census. The Supervisors also stressed that they thought they were clear last year regarding no raises for 18/19 and allowing raises in one department gives a mixed message. The Board commends VanderStoep for increasing revenue and contemplating other ways to increase revenue through new services. The Board thanked VanderStoep for the discussion and tabled making a decision on the sheriff department budget at this time.

Chairman Bosch opened discussion on the possibility of creating an ambulance director position. The Board suggested that Auditor Smit put together a suggested budget which includes a position and talk with the ambulance squad on the 15th at their meeting.

The Auditor's quarterly report was presented.

Employment changes:

Virginia Wibben is no longer a part time custodian. Wibben's last day was January 5, 2018.

Correspondence: none reported.

Claims dated 1-8-2018 in the amount of \$226,513.50 were reviewed and approved. Check sequence #131765-131874.

A & B Business Solutions	12/21-1/20/18 Copy Contra	619.27
AB Excavation Inc. Alan Brugge	Animal guard, 6" tile, co	46.00
Advanced Systems, Inc.	12/22/17-3/21/18 Copier M	285.68

Ahlers & Cooney, P.C. Attn: Ac	HR attorney fees Nov/Dec	3284.39
Alliance Communications	Shop telephones	135.62
Larry Blied	2 2017 Sioux Twp Mtgs	30.00
Bruce Bonander	2 2017 Sioux Twp Mtgs	30.00
Vicki Borman	December Mileage (526)	263.00
Caswell Excavating	Slide Repairs K12/120 & A	3404.50
Century Link - Business	11/16-12/15/17 Long dist	216.95
City of Larchwood	utilities	40.69
City of Rock Rapids Municipal	Nov Utilities	5271.88
Compass Pointe	3rd Q FY2018 Prevention	2936.25
Culligan Soft Water Serv.	Salt (24) & Water (15)	415.25
Denny's Sanitation Inc.	Garbage service shops/CH proj	644.35
Jim Dieters	2 2017 Sioux Twp Mtgs	30.00
District III Recorder's Assn.	FY2018 District Dues	50.00
DJ's Service	82G gasohol, 498G diesel	1446.39
Doon Press	Brd Min,cash report,UR not	608.26
Connie Douglass	December Mileage (106)	53.00
Electronic Engineering	Jan 911 Radio Maint	735.00
Frustrated Inc. Kelly Bittner	51 gal gasashol	113.36
George Office Products	Office supplies	654.05
Graham Tire S.F. North	2 new snow tires 6011 Imp	257.64
Guardrail Enterprises Inc.	Repair Guardrail - Bridge	1892.50
H & S Homebuilding Center	R-13 Insulation for vents	89.81
Heather Hernandez	December Mileage (13)	6.50
Hiller Lumber	lumber for bridge handrail	1209.15
Judy L. Hughey Living Trust	Fill Cistern	300.00
IMAGETek, Inc.	12/14/17 Ratchet X Repair	37.50
Innovative Benefit Consultants	Dec Benefit Serv(86),Flex	1909.14
Inwood Vet Clinic	Vet bill for injured dog	81.57
Iowa Prison Industries	Signs, soil stabilizer	2770.00
ISAC	3/15-3/16/18 Mtg Regs	575.00
JCL Solutions-Janitors Closet	Custodial Supplies - Jail	358.83
JRT Farms	Fill 2 Wells	645.08
Keith's Korner	Dec Fuel - 146.28 G Gasah	347.00
Shannon Klarenbeek	December Mileage (363)	181.50
Marilyn Lafrenz	December Mileage (454)	227.00
Maggie Landegent	December Mileage (135)	67.50
Don Lems	Fill Well	365.15
Lyon & Sioux Rural	water Larchwood/Lester shop	62.00
Lyon County Engineer	2017 Reimb hrs LVM Sanita	2383.42
Lyon County Fair	FY 2018 Allocation	16000.00
Lyon County Historical Society	FY2018 Allocation	7000.00
Lyon County Treasurer - ACH I	December Stop Loss Refund	23942.61
Lyon Rural Electric Coop	UPS 1-2-18 TMs to Adkins	12.42
Matheson Tri-Gas Inc	1/29/17 Oxygen	53.13
Medical Excess	January Transplant Ins 23	1535.97
Sarah Merry-Skoglund	December Mileage (985)	492.50
Mid-Sioux Opportunity Inc	FY2018 Allocation	9000.00
Midwest Boring LLC	8" road bore	1704.09
Mike's Sales & Service Michael	repair power washer - Inw	285.65
MOCIC Membership	2018 Annual Membership Fe	150.00
Modern Gas Company	300.1 gal LP gas	410.84
Joel Moser	Mileage 7/1/17-12/31/17 (571.00
New Century Press	Brd Min, job vacancy	803.85
Northern States Supply Inc.	hardware	153.91
Osceola County Rural Water	water - Little Rock shop	35.06
PCC, Inc. Physician's Claim Co	Nov Amb billing	2241.73

Pictometry International Corp	Flight #2 License 3 of 3	31499.50
Popkes Car Care, Inc.	Dec Fuel- 25.328 G Dyed D	60.26
Premier Communications	Jan Phone,internet,cable,fax	2862.20
Premier Network Solutions d/b/	January IT	2850.00
Prevent Child Abuse America	HF Affiliation Jan-June 2	875.00
Radio & TV Center	Power Supply - Jail	12.00
Regional Transit Authority	FY2018 Allocation	2400.00
RELX Inc DBA LexisNexis	Dec On-line periodical	149.80
Rock Rapids Ace Hardware	Washing Mach,cleaning supplies	938.42
Rock Rapids Machine & Welding	iron #22,flat iron,machining	115.72
Lisa R. Rockhill	December Mileage (66)	33.00
Sanford Rock Rapids Attn:	MedExam Fees/Mileage	462.00
Steve Simons	Dec Mileage(452),Reimb postage	252.36
Sioux Falls Two Way Radio	Pagers for LWood,Inw,Alv EMS	5100.00
Melissa Stillson	December Mileage (104)	52.00
Sturdevant's Auto Parts	Parts, filters,supplies	511.06
Sunshine Foods	Pop & Cookies - Amb	44.53
Jerry TerWee	2 2017 Sioux Twp Mtgs	30.00
The Shop	Dismount/Mount Snow Tires,tires	744.74
Todd's True Value	Brakleen cleaner,supplies	93.16
Town & Country	garbage service - Little	24.96
VanderLee Motors Inc.	Service 603, vehicle maint	547.55
Variety Foods LLC	12/13/17 Food for Inmates	997.88
Verizon Wireless	Cell Phone service,hot spot	222.45
Wall Street Printers	150 ApptCards/42 BD Cards	60.70
Wellmark BlueCross BlueShield	Dec Fees(86),claims	75322.70
Ziegler Inc.	repair wiring #56	688.57
3D Security Inc.	12/26/17 Camera Connection	90.00
Grand Total		226513.50

General Basic Fund	75,122.18
General Basic Sub Fund	287.41
Rural Services Basic Fund	14,914.48
Economic Development Fund	252.75
Secondary Road Fund	15,893.70
Surcharge on E911	6,645.88
Emergency Management Services	122.19
Co. Assessor Agency Fund	10,564.49
Health Insurance Fund	102,521.28
Flex Benefits Account	189.14

There being no further business there was a motion by Michael, seconded Peters by to adjourn. Motion carried.

ATTEST

County Auditor

APPROVED

Chairman