

The Marion County Board of Supervisors met in regular session at 3014 E Main St. Knoxville, IA 50138 on Tuesday, March 28, 2023 with Mark Raymie, Steve McCombs, and Kisha Jahner present in-person. Public access to the meeting was available in-person and electronically. Board Chair Jahner opened the regular session at 9:00 A.M.

Unless otherwise indicated, all the motions offered at this meeting were carried with the following vote:

Ayes: Raymie, McCombs, Jahner Nays: None Abstentions: None Absent: None

Agenda:

Raymie moved and Mc Combs seconded to approve the agenda as posted.

Communications:

1. County Auditor's Office received resignation from Trapper Carter, Indiana Township Trustee on 3/21/23.

Public Comments:

1. Andrea Dykstra, via Zoom requested use of Court Room for a Mock Trial event. This item will be discussed on today's Agenda Item #11.
2. Rich Lambirth, Indiana Trustee inquired about change of process paying Trustees in Marion County through payroll.

Consent Agenda:

Mc Combs moved and Raymie seconded to approve the consent agenda as follows:

1. Approval of Marion County Warrants 249532-249683 through 3/28/2023.
2. Approval of Marion County employee salary adjustments. Complete list available in the Human Resource Office.
3. Approval of Marion County Conservation Board warrants #249500 - #249531 through March 21, 2023.

Business:

1. Kelly Meyers, Skinner & Paschke, PLLC presented legislative update to the Board.
2. Raymie moved and Mc Combs seconded to receive and file Marion County Zoning Commission Conformity Report regarding Adkins Urban renewal Plan.
3. Raymie moved and Mc Combs seconded to Un-table 3/14/2023 BOS Agenda Item #14 - Resolution 2023-31 Resolution Determining the Necessity and Setting Dates of a Consultation and a Public Hearing on a Proposed Adkins Urban Renewal Plan for a Proposed Urban Renewal Area in Marion County, State of Iowa.
4. Raymie moved and Mc Combs seconded to approve Resolution 2023-31 determining the Necessity and Setting Dates of a Consultation and a Public Hearing on a Proposed Adkins Urban Renewal Plan for a Proposed Urban Renewal Area in Marion County, State of Iowa as follows:

Whereas, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

Whereas, this Board has caused there to be prepared a proposed Adkins Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Adkins Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1 and which is incorporated herein by reference; and

Whereas, the purpose of the Plan is to form the Adkins Urban Renewal Area suitable for economic development and to include a list of proposed projects to be undertaken within the Urban Renewal Area, and a copy of the Plan has been placed on file for public inspection in the office of the County Auditor; and

Whereas, the property proposed to be included in the Urban Renewal Area is legally described in the Plan and this Board has reasonable cause to believe that the Area described in the Plan satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and; and

Whereas, it is desirable that the area be redeveloped as part of the overall redevelopment covered by the Plan; and

Whereas, portions of the land proposed to be included in the Urban Renewal Area is within the corporate boundaries of the City of Pleasantville, Iowa and the County will enter into a joint agreement with the city to allow the County to operate within the proposed Urban Renewal Area; and

Whereas, the proposed Urban Renewal Area includes land classified as agricultural land and written permission of the current owners will be obtained; and

Whereas, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal Plan to the County Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the County as a whole, prior to Board of Supervisor approval thereof; and

Whereas, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been considered by the County Planning and Zoning Commission for the County and the commission has recommended that the Urban Renewal Plan is in conformity with the general plan for development of the County as a whole, as evidenced by its minutes filed herewith, which minutes are hereby accepted, approved in all respects and incorporated herein by this reference; and

Whereas, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, Code of Iowa, as amended; and

Whereas, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

Now Therefore, Be It Resolved, By The Board Of Supervisors Of Marion County, State Of Iowa:

That the consultation on the proposed Urban Renewal Plan required by Section 403.5(2), Code of Iowa, as amended, shall be held on April 10, 2023, in the Board Conference Room, 3014 East Main Street, Knoxville, Iowa, at 10:00 A.M., and County Supervisor Raymie, or his delegate, is hereby appointed to serve as the designated representative of the County for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2), Code of Iowa.

That the County Auditor is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed Urban Renewal Plan, the notice to be in substantially the following form:

Notice of a consultation to be held between Marion County, State of Iowa and all affected taxing entities concerning the proposed Adkins Urban Renewal Plan for Marion County, State of Iowa

Marion County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 10:00 A.M. on April 10, 2023, in the Board Conference Room, 3014 East Main Street, Knoxville, Iowa concerning a proposed Adkins Urban Renewal Plan for the Adkins Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of

the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. County Supervisor Raymie, or his delegate, as the designated representative of Marion County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Adkins Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Marion County, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended.

Dated this 28th day of March, 2023.

(End of Notice)

County Auditor, Marion County, State of Iowa

That a public hearing shall be held on the proposed Urban Renewal Plan before the Board of Supervisors at its meeting which commences at 9:00 A.M. on May 9, 2023, in the Board Conference Room, 3014 East Main, Knoxville, Iowa.

That the County Auditor is authorized and directed to publish notice of this public hearing in the Marion County Express, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

Notice of public hearing to consider approval of a proposed Adkins Urban Renewal Plan for a proposed Urban Renewal Area In Marion County, State Of Iowa

The Board of Supervisors of Marion County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 9:00 A.M. on May 9, 2023 in the Board Conference Room, 3014 East Main, Knoxville, Iowa, to consider adoption of a proposed Adkins Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in Marion County, State of Iowa.

The Adkins Urban Renewal Area is proposed to contain the land legally described as follows:

The Adkins Urban Renewal Area includes the Adkins Property, Infrastructure Property and ROW described below:

#### Adkins Property

The part of the nw  $\frac{1}{4}$  of the ne  $\frac{1}{4}$  and of the ne  $\frac{1}{4}$  of the nw  $\frac{1}{4}$  of section 16, township 76 north, range 21 west of the 5th p.m. lying west of the west line of parcel "a" as conveyed to the iowa department of transportation as shown on the acquisition plat accompanying the court officer deed recorded in book 200 page 4674, except parcel "b" of said ne  $\frac{1}{4}$  of the nw  $\frac{1}{4}$  according to plat of survey thereof recorded in book 2005, page 5319

#### Infrastructure Property

Parcel A of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 9, Township 76 North, Range 21 West of the 5th P.M., according to the Acquisition Plat accompanying the Court Officer Deed recorded in Book 2000, Page 5213

#### Row

The full right of way of any roads adjacent to the Adkins Property and the full right of way of W. Pleasant Street from 700 feet west of the centerline of Highway 5 to 700 feet east of said centerline, and the full right of way of IA Highway 5 beginning 800 feet north of its intersection with W. Pleasant Street to 750 feet south of said intersection.

A copy of the Plan is on file for public inspection in the office of the County Auditor, County Courthouse, Knoxville, Iowa.

Marion County, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further economic development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A, Code of Iowa. The County also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The County also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the County may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the County. The Plan initially proposes no specific public infrastructure or site improvements to be undertaken by the County, and provides that the Plan may be amended from time to time.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Marion County, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this 28th day of March, 2023.

County Auditor, Marion County, State of Iowa

(End of Notice)

That the proposed Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the County Auditor.

That the Chairperson and County Auditor are hereby authorized and directed to sign the Joint Agreement included as Exhibit C to the Urban Renewal Plan on behalf of the County, and that the County Auditor is hereby authorized and directed, if he has not already done so, to submit a request to the city council of the City of Pleasantville, Iowa for their approval of the Joint Agreement, with respect to the County's establishment of the proposed Urban Renewal Area within the city's "area of operation," as defined in Iowa Code Section 403.17(4).

That the recommendation of the County Planning and Zoning Commission as to the Urban Renewal Plan's conformity with the general plan for the development of the County as a whole has been received and is accepted.

Passed And Approved this 28<sup>th</sup> day of March, 2023.

5. Indiana Township has two Trustee vacancies. The Board of Supervisors received four Indiana Township Trustee appointment applications. After drawing two names "from a hat", Raymie moved and Mc Combs seconded to approve the following Indiana Township Trustee appointments as follows:

Karl Kloster – term ending 12/31/2026.

Curtis Lambirth – term ending 12/31/2024.

6. Raymie moved and Mc Combs seconded to approve Resolution 2023-32 authorizing Marion 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.

Authorizing Marion 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 2018, the County Board of Supervisors authorized MARION 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 on 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 this MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 of the MOU (Iowa State – Local Allocation 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 JARED HARMON 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.
3. 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 Marion County Board of Supervisors this 28th day of March, 2023

7. Mc Combs moved and Raymie seconded to approve Resolution 2023-35 to Appoint Marion County Deputy Attorney Ross Gibson as follows:

Whereas it is in the best interest of the citizens of Marion County for the County Attorney's Office to designate a deputy, who will act as First Assistant County Attorney, and:

Whereas the Code of Iowa has established the rules and procedures for the establishment of the deputy,

Now therefore be it resolved by the Marion County Board Of Supervisors, for the benefit of all Marion County citizens, that Ross Gibson be appointed as deputy county attorney and shall have the title of First Assistant County Attorney.

8. Marion County Development Director Carla Eysink presented on an opportunity for the County to support an Iowa Department of Management Office of the Chief Information Officer Invitation to Qualify application regarding broadband. Raymie moved and McCombs seconded to approve support for the application.

9. McCombs moved and Raymie seconded to approve Resolution 2023-37 Suspension of Taxes as follows:

Whereas, Section 427.9 of the Code of Iowa requires the Board of Supervisors of Marion County Iowa to order the Treasurer to suspend the collection of all the taxes, special assessments, and rates or charges, including interest, fees, and costs, assessed against the parcels and remaining unpaid for those individuals that present to the county board of



supervisors evidence they are receiving federal supplementary security income or state supplementary, as defined in section 249.1, or are a resident of a health care facility, as defined by section 135C.1, which is receiving payment from the department of human services for the person's care;

Whereas, the eligibility for continued tax suspension of the individual owning Parcel 12582-005-00 has been verified by the Iowa Department of Human Services as required annually under Section 427.9 of the Code of Iowa;

Therefore, the Board of Supervisors of Marion County Iowa directs the Treasurer to suspend the collection of all the taxes, special assessments, and rates or charges, including interest, fees, and costs, assessed against the parcel 12582-005-00 for tax collection year 2023/2024.

10. Raymie moved and McCombs seconded to approve the following Board of Health appointment:

- Dan Vander Beek: To Fill Vacancy – Term ending 12/31/2023

11. Raymie moved and Jahner seconded to approve the following Marion County Courthouse Grounds Special Event Application as follows:

- Mock Trial for 8<sup>th</sup> Grade: Classical Conversations – Challenge B of Pella – 4/22/2023

12. Raymie moved and McCombs seconded to approve the following Marion County Courthouse Grounds Special Event Application as follows:

- Knoxville Farmers Market: Summer 2023

13. Board of Supervisor Update:

Raymie – CROSS MH Meeting – Centralize Regions, Public Health changes, State – attempting to remove local control

Mc Combs – CIRTPA, HIRTA, Landfill

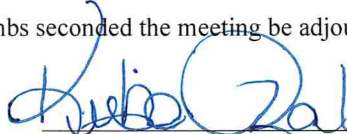
Jahner – Iowa Workforce, Tax legislation

Adjournment:

There being no other business, Raymie moved and McCombs seconded the meeting be adjourned at 10:01 A.M.



Jake Grandia, Auditor



Kisha Jahner, Board of Supervisor Chair