

The Union County Board of Supervisors met in Regular Session on Monday, January 15, 2018. The meeting was called to order at 9:00 AM with the following members present: Dale Cline, Dennis Brown and Ron Riley.

**AGENDA:** Motion by Cline and seconded by Brown to approve the Agenda. All voting aye, motion carried.

**MINUTES:** Motion by Brown and seconded by Cline to approve the minutes from the January 8, 2018. All voting aye, motion carried.

**OPEN FORUM:** No one spoke in open forum.

**RESOLUTION #28 FYR 17-18 :** Motion by Cline and seconded by Brown to approve Resolution # FYR 17-18 for Union County to participate in the State-Wide Opioid Litigation as follows: **WHEREAS**, Union 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 15<sup>th</sup> day of January, 2018. Roll call vote: Cline aye, Brown aye, Riley aye, motion carried.

**ENGINEER:** Zach Gunsolley, Union County Engineer, presented and discussed the weekly maintenance activity report. **Entrance Policy:** Motion by Riley and seconded by Cline to approve the new Entrance Policy as follows: In an effort to be as efficient in the use of road funds as possible, the Board of Supervisors has adopted the following policy for entrances to the Union County Secondary Road System, effective July 1, 2018.

1. The County Engineer will require a permit for each new or widened entrance requested to the secondary road system. Location of the entrance will be at the owner's request if the sight distance and other related factors are approved by the Engineer.
2. Slope from the edge of entrance to the ditch flow line will be as follows: 6:1 Paved Road, 3:1 Rock or Dirt Road. The minimum width of entrances is 20 feet. The County will designate the minimum length and diameter of pipe to achieve efficient drainage and width of entrance. No entrance culvert shall be less than 18 inches in diameter.
3. Applicants will have a choice for new or widened entrance installation method:
  - a. County-installed entrance: Cost to the applicant is **\$500** for dry-fill entrances (no culvert) and **\$1000** for the construction of entrances that require a culvert, plus the cost of the culvert. A **\$100** credit to the applicant's bill will be applied for each entrance located on the secondary road system that the applicant requests and the county approves removed by County forces. The intent of this credit is to encourage the removal of undesired and obsolete entrances that are the county's obligation to maintain and thereby reducing the number of conflict points for the traveling public on the secondary road system. The schedule for the County installing the entrance is dependent upon factors such as workload, manpower, and weather.
  - b. Contractor/self-installed entrance: No cost from the county for an entrance installed by others. If a culvert is required, it may be purchased from the county at cost. Applicant shall call Iowa One Call prior to beginning work and shall maintain all necessary and proper barricade, signage, etc., as per the Manual on Uniform Traffic Control Devices, at all times to protect workers, property owners, and the traveling public from accidents during entrance installation activities. Upon notification by applicant or installer to the County of the completion of the entrance, the County Engineer or designee will certify the work to be in compliance. When the work is found to be non-compliant with this policy, a written notice will be issued. The applicant will have 30 days from receipt of notice to bring the entrance into compliance. A \$500 fee, plus County costs, will be assessed to the applicant when the County is required to correct or remove a non-compliant entrance.
4. The County maintains stockpiles of new pipe for purchase (minimum length of 20'). No entrance surfacing will be provided by the County. The County will assume maintenance of entrances after installation. Culvert pipe with paved drives will not be maintained by the County.
5. All culverts placed in entrances shall be of new materials. Culverts shall be of annular, corrugated, riveted, or polyethylene construction. Spiral rolled pipe is not acceptable. No maintenance will be performed on these types of culverts.
6. For widened entrances, the applicant pays for the length of pipe equal to the resulting additional entrance top width. Extensions to existing entrances will only be allowed

when the ends of the existing culvert are suitable to allow the addition of same size and material. If existing culvert is not suitable due to damage or deterioration, the County will provide a replacement pipe of the original diameter and length at no cost to the applicant.

7. Approximately midway between the right-of-way line (fence line) and the edge of the road, the elevation of the entrance shall be at least three (3) inches lower than that of the edge of the road, while maintaining a minimum of one (1) foot of cover over the top of the culvert. County maintenance personnel are allowed to maintain and/or modify an entrance in order to prevent water from entering and/or damaging the roadway surface.
8. The applicant will be required to furnish all dirt necessary for entrance construction. Any materials from within County right-of-way shall be with the approval of the County Engineer or designee.
9. The County Engineer or designated representative is hereby named the permit officer to administer the terms of this policy. Administrative decisions of pipe size and length, sight distance and other safety factors will be final. Other appeals of administrative decisions may be appealed to the Board of Supervisors in writing at any time or orally at a regularly scheduled Board meeting. Board decisions shall be entered into the minutes.
10. Union County shall be indemnified and saved harmless from any damages resulting from the applicant's operations.
11. This policy voids and takes precedence over any previous entrance policies in Union County. All voting aye, motion carried

**BUDGET WORK SESSION:** Board of Supervisors worked on Supervisors Budget for Fiscal Yr 18-19.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 12:20

ATTEST: \_\_\_\_\_  
SANDY HYSELL, AUDITOR

BY: \_\_\_\_\_  
RON RILEY, CHAIRMAN  
BOARD OF SUPERVISORS