

**MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**  
**MEETING HELD ON NOVEMBER 28, 2017**

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Sybesma presiding. Members present were John Degen, Mark Sybesma, Dennis Wright, Arlyn Kleinwolterink, and Al Bloemendaal.
- 2) The approval of minutes of the meeting held on November 14, 2017 were approved.
- 3) Tom Kunstle, Sioux County Attorney, informed the Board about a jury trial held last week in regards to an assault with a dangerous weapon and the defendant was found not guilty. Reported that the State Attorney General's office is working on the homicide case involving Santos Rodriguez Jr.
- 4) Anita Van Bruggen, Sioux County Recorder, informed the Board that she will not seek re-election in 2018 and plans to retire at the conclusion of her term. Van Bruggen has been in the Recorder's office for 42 years and has served 29 years as the Recorder. The Board thanked her for her great service to the county.
- 5) Ryan Dokter, Sioux County Auditor,
  - Requested that the Board sign a resolution appropriating the remaining 25% of the amount budgeted for FY 2017/2018 plus the amended amount of \$275,000 for the airport debt service. Motion by Kleinwolterink and supported by Degen to approve a resolution appropriating the remaining 25% of the funding for FY 2017/2018 plus the amended amount of \$275,000 for the airport debt service. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2017-33

WHEREAS, it is desired to make appropriations for each of the different offices and departments for fiscal year 2018 in accordance with Section 331.434(6), Code of Iowa,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Sioux County, Iowa as follows:

SECTION 1. The amounts itemized by fund and by department or office on the attached schedule are hereby appropriated at 100% of total expenditures for each department, plus the amended amount of \$275,000 for Non-departmental expenditures for Debt Service.

SECTION 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized funds.

SECTION 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for a purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4. If at any time during the fiscal year 2018 budget year the Auditor shall ascertain that the available resources of a department for that year will be less than said department total appropriations, he shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers monthly during fiscal year 2018 budget year.

SECTION 6. All appropriations authorized pursuant to this Resolution lapse at the close of business on June 30, 2018.

The above and foregoing resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on November 28, 2017.

/s/Mark Sybesma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/Ryan Dokter  
Sioux County Auditor

- 6) Chairman Sybesma and Sioux Rivers Mental Health CEO, Shane Walter, opened discussion on a presentation held at the ISAC Board meeting from November 17, 2017 in regards to the opioid epidemic. At that meeting, a law firm presented on a class action lawsuit being formed against some pharmaceutical companies that have been presenting false studies in regards to prescription drugs, that have in turned caused addictions and in some cases, death, from being over prescribed. This epidemic is costing counties and cities significant expense, but the county would incur no cost by joining the lawsuit. Motion by Wright and supported by Bloemendaal to approve the proposed resolution to join the class action lawsuit. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO. 2017-34

TO THE HONORABLE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA

MEMBERS,

**WHEREAS**, Sioux 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 28th day of November 28, 2017.

/s/Mark Sybems  
Chairman, Sioux County Board of Supervisors

7) Motion by Degen and supported by Kleinwolterink to approve the renewal of the service agreement with Trane. Motion carried unanimously.

8) Doug Julius, Sioux County Engineer,

- Distributed a letter from the City of Sioux Center for Board information.
- Requested approval of a Final Construction Pay Estimate Report for project 84-C084-154, HMA Resurfacing/Cold in Place Recycling. Motion by Bloemendaal and supported by Wright to approve the report. Motion carried unanimously.
- Updated the Board on secondary road activities as well as the 2017 Construction Map.
- Reported that gravel exploration is being done in section 17 of Garfield Township.

9) Claims were approved as submitted by the County Auditor.

10) Committee Reports:

- **Wright** – 1) Attended an ISAC meeting on November 15, in regards to creating videos to inform people about the property tax process, 2) attended the YES Board meeting on November 17 and reported that things are going well there, 3) will be attending an ISAC Supervisors meeting on November 30.
- **Bloemendaal** – 1) Attended the Northwest Iowa Planning meeting on November 16, as well as the RIDES meeting that day in Spencer. RIDES will have a 9% increase in health insurance. The fund balance is very healthy, but the agency is concerned about the future due to some changes happening with DHS.
- **Kleinwolterink** – 1) Attended the following meetings, Safety Committee, Wellness Committee, and Workforce Development. 2) Contacted a banker about serving on the Condemnation Board for 2018.
- **Degen** – Contacted a real estate owner about serving on the Condemnation Board for 2018
- **Sybesma** – Attended a Northwest Iowa Housing Trust Fund meeting and reported that leftover FY16 funds were given to the Family Crisis Center, Habitat for Humanity, and Hope Haven.
- **Degen & Kleinwolterink** – will request a meeting with IMC for an upcoming Board meeting to discuss the geothermal system in the courthouse.
- **Sybesma & Bloemendaal** – Reported on the Sioux County Regional Airport Board meeting from November 28. Informed the Board about the discussion on hangar rental agreements, drainage issues for an adjacent landowner, fuel system bid, and the private fund raising for the MALSR system. The airport also was able to receive a grant that can be passed on from the Orange City Airport for \$150,000.

11) The Chairman adjourned the meeting at 10:10 a.m. until 9:00 a.m. Tuesday, December 5, 2017.

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 Mark Sybesma, Chairman  
 Sioux County Board of Supervisors

ATTEST: \_\_\_\_\_  
 Ryan Dokter  
 Sioux County Auditor