

**OFFICIAL
COMMISSION MINUTES
MARCH 6th, 2023 – 20th DAY OF
THE JANUARY ADJOURN TERM**

FORMAL AGENDA

The County Commission met in the Commission Hearing Room with Nick Plummer (present), Brandon Williams (present), and Sheila Wyatt (present).

PUBLIC COMMENT

None.

CALL COUNTY COMMISSION MEETING TO ORDER

Presiding Commissioner Nick Plummer called the meeting to order at 9:01 a.m.

COMMISSION REMARKS

None.

ACCOUNTS PAYABLE

Commissioner Wyatt moved to approve Checks #470820 through Check #470842, Checks #470844 through Check #470877, Warrant #8082 and void check #470843, no Journal Entries/Transfers. Commissioner Williams seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

APPROVAL OF PREVIOUS MEETING MINUTES

Commissioner Wyatt moved to approve Regular Session Minutes for February 27th, 2023 and February 28th, 2023. Commissioner Williams seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

Commissioner Wyatt moved to approve Executive Session Minutes for February 27th, 2023. Commissioner Williams seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

APPROVAL INTER-GOVERNMENTAL FUNDING AGREEMENT BETWEEN TANEY COUNTY, MO AND THE TANEY COUNTY REGIONAL SEWER DISTRICT – MILDRED PHASE 2 SANITARY SEWER IMPROVEMENT PROJECT

Brad Allbritton, Taney County Regional Sewer District Administrator, was present.

Commissioner Williams moved to approve the Inter-Governmental Funding Agreement by and between Taney County and the Taney County Regional Sewer District for Mildred Phase 2 Sanitary Sewer Improvement Project as presented. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

**INTER-GOVERNMENTAL FUNDING AGREEMENT
BETWEEN
TANEY COUNTY, MISSOURI
AND
THE TANEY COUNTY REGIONAL SEWER DISTRICT**

**MILDRED PHASE 2 SANITARY SEWER IMPROVEMENT PROJECT
(Engineering, Land Acquisition, Legal Services, Permitting, and Bidding Services)**

THIS AGREEMENT is made and entered into between Taney County, Missouri (hereinafter referred to as "County") and the Taney County Regional Sewer District (hereinafter referred to as "District").

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of Missouri; and

WHEREAS, the District is a political subdivision of the State of Missouri governed by Chapter 204, formerly known as Chapter 644 and renumbered in 1986, and the District has the power to establish, construct, reconstruct, improve, repair, operate, and maintain sewer systems and treatment facilities pursuant to section 204.320 RSMo; and

WHEREAS, pursuant to section 70.220 RSMo, the County and District are authorized to enter into agreements for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; and

WHEREAS, pursuant to the above stated authority the County and District entered into an Intergovernmental Agreement on or about December 29, 2011, whereby the District would assist with improvements to the Taney County sewer systems through projects utilizing expenditures of Sewer Sales Tax Funds (hereinafter "Sewer Sales Tax"); and

WHEREAS, the County shall oversee sewer sales tax funds which may be made available for use by the Taney County Regional Sewer District to finance capital improvements to their wastewater infrastructure. It has been determined that the project Mildred Phase 2 Sanitary Sewer Improvement Project is feasible, meets the criteria as described in Exhibit A, which is attached hereto, and has been approved by the Taney County Commission for funding with sewer sales tax funds.

NOW, THEREFORE, the County and District, in exchange for the mutual obligations and covenants contained herein, agree as follows:

The Whereas clauses above are fully incorporated herein and considered a part of this Agreement.

APPROVAL WHITE RIVER VALLEY ELECTRIC COOPERATIVE (WRVEC) ARPA FUNDING AGREEMENT

Melissa Duckworth, Emergency Management Assistant, was present.

Commissioner Wyatt moved to approve the application as requested by White River Valley Electric for ARPA Funds in the amount of four million dollars (\$4,000,000.00). Commissioner Williams seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), Wyatt (aye).

Taney County Distribution Agreement - ARPA Funds

This County Distribution Agreement - ARPA Funds ("Agreement"), entered into on the date set forth below by and between the undersigned County, of the State of Missouri ("County"), and the undersigned Recipient ("Recipient") an entity which operates within said County (collectively the "Parties").

RECITALS

WHEREAS, on March 11, 2021, the American Rescue Plan Act ("ARPA") was signed into law by the President; and

WHEREAS, section 9901 of ARPA amended Title VI of the Social Security Act to add section 603 which established the Coronavirus Local Fiscal Recovery Fund for counties; and

WHEREAS, on May 10, 2021, the United States Department of Treasury ("Treasury") issued the Interim Final Rule, which took effect on May 17, 2021 and was open for public comment until July 16, 2021; and

WHEREAS, on January 6, 2022, the United States Department of Treasury ("Treasury") issued the Final Rule, which takes or took effect on April 1, 2022; and

WHEREAS, County has or will receive an allocation and distribution of Coronavirus Local Fiscal Recovery Funds pursuant to ARPA (the "ARPA Funds"); and

WHEREAS, Recipient has requested funds from the County to cover eligible uses and costs incurred, as set forth in the Application for County ARPA Funds, attached as Exhibit A ("Application") and incorporated herein by reference; and

WHEREAS, through said Application, Recipient has represented, warranted and attested to the County that it meets all requirements for receipt of a portion of the available funds (the "Funds") as described in said Application; and

WHEREAS, County has reviewed said Application and has made an award decision on even date herewith as set forth in the Notice of Decision, attached as Exhibit B ("Notice of Decision" or "Notice") and incorporated herein by reference; and

WHEREAS, if the Recipient is a political subdivision of the state of Missouri the County and the Recipient have or will execute the Intergovernmental Cooperative Agreement, attached as Exhibit C and incorporated herein by reference; and

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein set forth, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereby enter into the following agreement:

1. Purpose. The purpose of this Agreement is to make an award ("Award") and distribution of funds from the County to Recipient for eligible uses, including to cover Recipient's costs and expenses incurred due to COVID-19 (the "Funds"). Recipient agrees the Funds shall be used only in compliance with section 603(c) of the Social Security Act,

PERSONAL PROPERTY ABATEMENTS

Wesley Shoemaker, Deputy Clerk, was present.

Commissioner Williams moved to accept and enter into the record the Personal Property Abatements and Add-On Report dated February 2023 as presented by the County Clerk’s Office. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

PP ABATEMENTS/ADD ONS FOR FEBRUARY 2023							
AbYear	Date	Account	Name	Reason	BegVal	AdjVal	EndVal
2018	2023-02-02	1-95469-0	STEWART STEVEN W		100	-100	0
2020	2023-02-02	1-109722-0	APPERSON CARLA		0	100	100
2022	2023-02-02	1-80752-0	SEARS AUSTIN GREGORY & CASSANDRA		4510	100	4610
2022	2023-02-02	1-82830-0	SHAW JERA & AARON		7630	-1250	6380
2022	2023-02-06	1-73704-300	BALDRIDGE STEVE & MELUSSA	TAX CODE CHANGE	19990	-19990	0
2022	2023-02-06	1-70069-0	COSOLO FRANK A & ALICIA		6610	400	7010
2022	2023-02-06	1-130869-0	MURRAY ASHLYNN L		10380	1780	12160
2022	2023-02-06	1-124712-0	R & T HENSON ENTERPRISES, INCORP		200	-200	0
2022	2023-02-07	1-127510-0	1776 CAR WASH		50290	-47400	2890
2022	2023-02-07	1-113427-0	PACIFIC RIM CAPITAL INC		1030	-1000	30
2022	2023-02-08	1-81757-0	KEIPER JOSEPH & DEBORAH		220	100	320
2021	2023-02-09	1-101200-0	GFSI LEASING II - ACCORD LLC		1850	-1850	0
2022	2023-02-09	1-101200-0	GFSI LEASING II - ACCORD LLC		1850	-1850	0
2022	2023-02-09	1-125318-0	GRIMES ROBERT E & DONALD E		8970	130	9100
2020	2023-02-10	1-113282-300	CRUZ RAMON	TAX CODE CHANGE	200	-200	0
2021	2023-02-10	1-68024-0	LANGIANO DANIEL V		6640	-6640	0
2022	2023-02-10	1-68024-0	LANGIANO DANIEL V		6440	-6440	0
2021	2023-02-13	1-108630-900	BIGFOOT ON THE STRIP LLC	2018 CARGO TRL WAS SOLD IN 2020	133200	-1080	132120
2022	2023-02-13	1-108630-900	BIGFOOT ON THE STRIP LLC	DID NOT OWN 3 TRUCKS AND 1 TRAILER	102950	-31840	71110
2020	2023-02-14	1-49900-0	HAMLIN WILLIAM R		1196	-1196	0
2021	2023-02-14	1-108630-0	BIGFOOT ON THE STRIP LLC		133200	-133200	0
2021	2023-02-14	1-76430-0	CASEY DORIS		100	-100	0
2022	2023-02-14	1-108630-0	BIGFOOT ON THE STRIP LLC		102950	-102950	0
2020	2023-02-15	1-108651-0	CAPTURED SOUVENIR PHOTOGRAPHY LLC		500	-500	0
2021	2023-02-15	1-117257-0	JOHNSON MARISA		100	0	100
2022	2023-02-15	1-102500-0	ALBERTSON SUSAN		300	100	400
2022	2023-02-15	1-107070-0	DONLEN TRUST		82030	8710	90740
2019	2023-02-16	1-117495-0	FAMILY FACETS		500	-500	0
2022	2023-02-16	1-85245-0	DAVIS JONATHAN D		533	20	553
2020	2023-02-17	1-42470-0	GINGELL RICHARD K & JULIE A		300	0	300
2020	2023-02-17	1-79797-0	HOULE BERTRAND		7430	-7430	0

PP ABATEMENTS/ADD ONS FOR FEBRUARY 2023							
AbYear	Date	Account	Name	Reason	BegVal	AdjVal	EndVal
2020	2023-02-17	1-121068-0	MERCURIO MALINDA		1731	-1731	0
2022	2023-02-17	1-112557-0	ARNALL MATTHEW AND MEGAN		32210	-11280	20930
2022	2023-02-17	1-10248-0	PORTER R M		120	-120	0
2022	2023-02-17	1-117965-0	TIMESHARE LEGAL SERVICE LLC		500	16460	16960
2021	2023-02-21	1-71996-0	HUTT HELENE		350	-350	0
2022	2023-02-21	1-76476-0	GERE RICHARD A & AMBER		40820	-5890	34930
2022	2023-02-21	1-103490-0	WYNNE TINA & ERIC		4780	100	4880
2020	2023-02-22	1-23149-0	CLEVENGER MARILYN		2230	-2230	0
2022	2023-02-22	1-118747-300	ADKINS PAUL & CAMILLE	TAX CODE CHANGE	100	-100	0
2022	2023-02-22	1-120966-0	TERRELL JONI & DENNIS		200	200	400
2019	2023-02-23	1-156036-0	BAUGHMAN ADAM		200	-200	0
2022	2023-02-23	1-101757-0	ELLINGWOOD RICHARD AND CRYSTAL		1720	300	2020
2022	2023-02-23	1-62651-300	FILTINGBERGER KAITLYN & ODDENBACH ISAIAH	TAX CODE CHANGE	200	-200	0
2022	2023-02-23	1-88325-0	GRAHAM PORTER		300	50	350
2022	2023-02-23	1-125597-0	JENNINGS MEGAN R		17030	-8820	8210
2022	2023-02-23	1-122697-400	OLINGER LORNA	LATE FLAG CHANGE	20930	-20930	0
2022	2023-02-23	1-66162-0	RICHERSON TONY & ANGEL		600	8520	9120
2022	2023-02-23	1-111683-0	SWEET SENSATIONS		170	-170	0
2020	2023-02-24	1-122383-0	HYTTI ASHLEY		4450	-4450	0
2022	2023-02-24	1-90812-0	COTTOM JASON & KRISTAL		7680	2810	10490
2022	2023-02-24	1-95062-0	PRICE SHAWN & MELISSA		1390	200	1590
2022	2023-02-27	1-78337-0	CERRITOS ARIELE V		2970	400	3370
2022	2023-02-27	1-81928-0	DOEHRING BRANDON		250	150	400
2022	2023-02-27	1-121618-0	FATH MICHAEL V		24580	0	24580
2022	2023-02-27	1-105654-300	JOHNSON STEVEN J	TAX CODE CHANGE	100	-100	0
2022	2023-02-27	1-102275-0	LANGDALE CHRISTOPHER & TRACY MORRIS		200	270	470
2022	2023-02-27	1-103438-0	PILLOW (WALSH) JANET & PILLOW FRED		3576	200	3776
2019	2023-02-28	1-106134-0	GREEN MOUNTAIN INN		5285	-5285	0
2019	2023-02-28	1-116737-0	GRIFFIN CURTIS C		100	-100	0
2020	2023-02-28	1-106134-0	GREEN MOUNTAIN INN		5285	-5285	0
2022	2023-02-28	1-126294-0	FARRESTER CHRISTOPHER & MARYLIN		100	100	200
2022	2023-02-28	1-85880-0	PERKINS KEVIN M		6750	14650	21400
2022	2023-02-28	1-118960-0	TANEY CO METAL AND RECYCLING		4950	150	5100
2022	2023-02-28	1-104355-0	TRUSSELL THOMAS J & JUSTICE		100	100	200

RECESS: 9:11 A.M.

RECONVENE: 9:30 A.M.

ROAD & BRIDGE ROUND TABLE

(Taney County Commission Conference Room)

Present: Presiding Commissioner Scofield, Commissioner Williams, and Commissioner Wyatt.

Also present: Devin Huff, Road & Bridge Administrator, Jack Cole, Road & Bridge, and Lesley Wallace, Deputy Clerk.

Discussion ensued.

RECESS: 9:50 A.M.

RECONVENE: 11:02 A.M.

Also present: Travis Elliott, County Attorney, via tele-conference.

Presiding Commissioner MS; Eastern Commissioner SL; Western Commissioner BS

EXECUTIVE SESSION 11:07 A.M.

EXECUTIVE SESSION PER SECTION 610.021.(1)(3) (LEGAL & PERSONNEL)

(Taney County Commission Conference Room)

Present: Presiding Commissioner Plummer, Commissioner Williams and Commissioner Wyatt.

See the Executive Session Minutes for any motions made or votes taken.

END OF EXECUTIVE SESSION: 11:33 A.M.

AUTHORITY TO REPRESENT

(Taney County Commissioner Conference Room)

Present: Presiding Commissioner Plummer, Commissioner Williams and Commissioner Wyatt.

Also Present: Nikki Lawrence, Purchasing Director and Legal Liaison, and Jack Garvey, Attorney and Lesley Wallace, Deputy Clerk.

Commissioner Williams moved to approve the authority to represent by and between Taney County and Stranch, Jennings & Garvey, PLLC. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

AUTHORITY TO REPRESENT

RE: Taney County, Missouri civil suit against manufacturers and distributors of prescription opiates ("Defendants") for the wrongful distribution of prescription opiates and damages caused thereby.

TANEY COUNTY, MISSOURI (hereinafter "CLIENT") hereby retains the law firm STRANCH, JENNINGS & GARVEY, PLLC, on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing Taney County, Missouri, including, but not limited to, filing a claim for public nuisance to abate the damages caused thereby, failure to warn, negligence, negligence per se, civil conspiracy and that the Defendants worked in concert with each other. John F. Garvey, Esq. (MO Bar# 35879) of the law firm STRANCH, JENNINGS & GARVEY, PLLC, shall serve as LEAD COUNSEL. CLIENT authorizes LEAD COUNSEL to employ and/or associate additional counsel, with consent of CLIENT, to assist LEAD COUNSEL in the just prosecution of the case. CLIENT consents to the participation of the following firms:

STRANCH,
JENNINGS &
GARVEY, PLLC
701 Market Street
Suite 1510
St. Louis, MO 63101

STYRON LAW FIRM
302 E.
Church
Ozark, MO 65721

In consideration, CLIENT agrees to pay thirty percent (30%) of the total recovery (gross) in favor of the CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. CLIENT grants Attorneys an interest in a fee based on the gross recovery. If a court awards attorneys' fees, Attorneys shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **There is no fee if there is no recovery.**

STRANCH, JENNINGS & GARVEY, PLLC, hereinafter referred to as the "Attorneys," agree to advance all necessary litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any

DAILY STAFF REVIEW AND AGENDA REQUESTS

(Taney County Commission Conference Room)

Present: Presiding Commissioner Plummer, Commissioner Williams and Commissioner Wyatt.

Also present: Tami Koran, Commission Assistant, and Lesley Wallace, Deputy Clerk.

The commission met with their staff to review the day's business and go over the agenda requests.

Commissioner Wyatt left the meeting at 11:43 a.m.

ADJOURNMENT

Commissioner Williams moved to adjourn. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (absent).

ADJOURN: 11:44 A.M.

The minutes were taken by Nick Plummer, Presiding Commissioner and Lesley Wallace, Deputy Clerk and typed by Lesley Wallace, Deputy Clerk.