

At the regular meeting of the Shiawassee County Board of Commissioners held on Thursday, March 16, 2023 in the Commissioner Chambers, Surbeck Building, Corunna, Michigan:

The meeting was called to order by Chairman Brodeur at 5:00 p.m.

Pledge of Allegiance was recited.

Invocation was offered by Commissioner Webster.

Roll call found Commissioners Webster, Holzhausen, Garber, Howard, Emery and Chairman Brodeur present. Commissioner Johnson excused.

It was moved by Commissioner Garber, seconded by Commissioner Webster to approve the agenda with the addition of Resolution # 23-03-01 to the Health & Human Services agenda as Item E. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Webster to approve the minutes of the February 16, 2023 Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Howard to approve the minutes of the March 2, 2023 Special Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Webster to approve the bills listed on the Invoice Edit Reports dated February 17, 2023, Invoice Edit Reports dated February 24, 2023, Invoice Edit Reports dated March 3, 2023, Invoice Edit Reports dated March 3, 2023, Invoice Edit Reports dated March 10, 2023 and Invoice Edit Reports dated March 10, 2023. Payroll Batch dated February 17, 2023 and Payroll Batch dated March 3, 2023 and to include Wire Transfers, ACH and EFT's for a grand total of \$7,158,463.69 and authorize warrants be drawn from the Treasury for the same. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Garber, Howard, Emery, Webster and Chairman Brodeur. 0 nays.

It was moved by Commissioner Howard, seconded by Commissioner Webster to accept and place on file the 2022 Drain Commission Annual Report as presented. Motion carried.

It was moved by Commissioner Howard, seconded by Commissioner Holzhausen to approve the rehabilitation mortgage discharge for Sharon L. Konkus of 514 N. Shiawassee St., Owosso; John and Elisabeth Freeman of 725 Lincoln St., Owosso; and Betty A. Natzel of 1305 S. Pearce St., Owosso. Motion carried with the following roll call vote of 6 yeas: Commissioners Garber, Howard, Emery, Webster, Holzhausen and Chairman Brodeur. 0 nays.

It was moved by Commissioner Howard, seconded by Commissioner Holzhausen to approve the PA 116 Farmland Agreement Application for Thomas and Shannon Hinterman as follows: Bennington Township: 010-12-200-002, 010-12-200-001-05, 010-12-400-001, 010-12-400-002 and Shiawassee Township: 011-05-100-005, 011-05-300-001-01, 011-07-300-002-04, 011-08-100-001-13, 011-08-100-001-07, 011-09-300-006, 011-16-200-002, 011-16-200-003, 011-16-100-004, 011-18-100-003-02, 011-18-100-004-02, 011-18-200-005, 011-18-300-001. Motion carried with the following roll call vote of 6 yeas: Commissioners Garber, Howard, Emery, Webster, Holzhausen and Chairman Brodeur. 0 nays.

It was moved by Commissioner Howard, seconded by Commissioner Holzhausen to approve the appointment of Christina Ardelean to the Zoning Board of Appeals. Motion carried.

It was moved by Commissioner Howard, seconded by Commissioner Webster to approve the minutes of the March 13, 2023 Economic and Physical Development Committee meeting. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Howard to appoint Eric Morris as the Shiawassee County Corporate Counsel of record. Motion carried with the following roll call vote of 6 yeas: Commissioners Howard, Emery, Webster, Holzhausen, Garber and Chairman Brodeur. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Howard to accept the County Clerk's Year-End Report and place it on file. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Howard to approve the minutes from the March 13, 2023 Finance and Administration Committee meeting. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Garber to approve the appointments of Tracey Peltier and Bob Beebe to the Community Corrections Advisory Board. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Garber to approve the minutes from the March 14, 2023 Public Safety and Courts Committee meeting. Motion Carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to appoint Greg Brodeur, Bill Dodge, Krissi Lab, and Shelly Ochodnicki to the Shiawassee Health and Wellness Board. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to appoint Dan Sergent and Christina Ardelean to the Solid Waste Board. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to approve the use of up to \$30,000 from the Solid Waste Fund (Waste Management Fund 230) to fund two household hazardous waste collections in 2023. Motion carried with the following roll call vote of 6 yeas: Commissioners Webster, Holzhausen, Garber, Howard, Emery and Chairman Brodeur. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Webster to approve Resolution # 23-03-01. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Garber, Howard, Emery, Webster and Chairman Brodeur. 0 nays.

RESOLUTION #23-03-01

AUTHORIZING ENTRY OF PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION AND ENTRY OF STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT CONCERNING ALLOCATION OF SETTLEMENT PROCEEDS

WHEREAS, Shiawassee County filed a lawsuit to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Teva Pharmaceuticals Industries Ltd. (a prescription opioids manufacturer);
2. Allergan Finance, LLC (a prescription opioids manufacturer);
3. CVS Health Corp. and CVS Pharmacy, Inc. (a prescription opioids distributor); and
4. Walmart, Inc. (a prescription opioids distributor);

AND WHEREAS the Settling Defendants have negotiated proposed national settlement agreements (“Proposed Settlements”) with the State Attorneys General, and a Plaintiff Executive Committee-designated negotiating committee that represents approximately 4,000 local governments that have brought lawsuits similar to Shiawassee County’s lawsuit;

AND WHEREAS the Proposed Settlements contain significant equitable and monetary relief, including:

1. An agreement to pay (a) up to \$3.34 billion over the next 13 years by Teva; (b) up to \$2.02 billion over 7 years by Allergan; (c) \$4.9 billion over the next ten years by CVS; and (d) \$2.74 billion within six years by Walmart. The bulk of each of these payments will be dedicated to funding abatement and prevention strategies associated with the opioids public nuisance;
2. An agreement by Teva and Allergan to abide by strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on (a) promotion and lobbying; (b) rewarding or disciplining employees based on volume of opioid sales; and (c) funding or grants to third parties; and
3. An agreement by CVS and Walmart to implement changes in how they handle opioids, including requirements addressing: their compliance structures; pharmacist judgment; diversion prevention; suspicious order monitoring; and reporting on red-flag processes, as well as blocked and potentially problematic prescribers.

AND WHEREAS Shiawassee County previously executed Participation Agreements for the Distributor and Janssen Settlements, which have conferred and continue to confer valuable benefits;

AND WHEREAS the Proposed Settlements each contain a “default” allocation method where settlement funds that are allocated to a particular state to resolve the claims asserted by state and local governments within that state are allocated as follows:

- 15% of settlement proceeds paid under the Proposed Settlements are allocable to the State;
- 15% of the settlement proceeds are allocable to local governments; and
- 70% of the settlement proceeds are allocable to an opioid abatement fund;

AND WHEREAS the Proposed Settlements enable the state and local governments within a State to negotiate alternative allocation methods to the “default” allocation method referenced above;

AND WHEREAS Shiawassee County desires to enter into an alternative allocation method which allocates settlement funds on a 50/50 basis to:

1. Participating Local Governments who have elected to participate in the Proposed Settlements; and
2. the State of Michigan.

AND WHEREAS Shiawassee County previously executed the Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement, which allocated funds attributed to the State of Michigan in a streamlined and equitable manner;

NOW THEREFORE, Shiawassee County authorizes the execution of Participation Agreements for: (1) the Master Settlement Agreement with Teva Pharmaceuticals Industries Ltd.; (2) the Master Settlement Agreement with Allergan Finance, LLC; (3) the Master Settlement Agreement with CVS Health Corp. and CVS Pharmacy, Inc.; and (4) the Master Settlement Agreement with Walmart, Inc., each of which are listed and available to the public at <https://nationalopioidsettlement.com/>. Specimen copies of the material terms of the participation agreements are attached as Exhibit A to this resolution.

Shiawassee County also authorizes the execution of a new Michigan State-Subdivision Agreement For Allocation of Allergan, Teva, CVS, and Walmart Settlement Agreements substantially similar to the proposed agreement attached as Exhibit B to this resolution. Shiawassee County also authorizes execution of a similar state-subdivision agreement to the extent that it provides a substantially similar allocation of settlement or bankruptcy proceeds obtained from opioids litigation with any other entity.

For the avoidance of doubt, Shiawassee County also authorizes its continued participation in the Distributor Settlement Agreement, the Janssen Settlement Agreement, and the Michigan State-Subdivision Agreement for the Allocation of Distributor Settlement Agreement and Janssen Settlement Agreement, all previously executed.

Greg Brodeur, Chairman

Caroline Wilson, County Clerk

Date

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to approve the minutes from the March 14, 2023 Health and Human Services Committee meeting. Motion carried.

It was moved by Commissioner Webster, seconded by Commissioner Howard to approve the minutes of the March 15, 2023 Committee of the Whole meeting. Motion carried.

Chairman Brodeur had no report.

County Coordinator Dr. Boggs not present.

Meeting adjourned at 5:30 p.m.

Gregory Brodeur, Chairman
Board of Commissioners

Caroline D. Wilson
County Clerk