

December 13, 2021

The Board of County Commissioners met in regular session pursuant to the recess of November 22, 2021, with Brett Barsalou Chairman and Rick Snyder. There was a need to amend the agenda to add the Board of Equalization Sub Roll. The minutes of November 22, 2021, was approved. The following claims were approved for payment.

Current Expense	\$ 80,646.42
Road and Bridge	\$ 108,185.41
Airport	\$ 12,806.78
Ambulance	\$ 23,231.78
District Court	\$ 10,417.33
Indigent	\$ 10,728.97
Revaluation	\$ 5,278.00
Solid Waste	\$ 8,214.39
Tort	\$ 59,292.00
Weeds	\$ 368.64
Drug Court	\$ 154.00
Auditors Trust	\$ 12,665.84
911 Trust	\$ 2,727.66
Court Trust	\$ 746.86
Court Interlock Trust	\$ 85.00
Drug Enforcement Trust	\$ 762.95
Catastrophic Health Care	\$ 266.47
Revolving Weed Trust	\$ 17,407.44

**IN THE MATTER OF DEPARTMENT HEADS**

Sharayh Krantz Weed Supervisor presents two invoices # 2111 and #2112 for Frank Church CWMA weed brochures and calendars. Shannon Williams, County Agent gave her monthly report for November. She had attended the Idaho Cattle Association meeting in Sun Valley and a pesticide training workshop. Shannon told the board the Idaho Beef Council had taken over the Beef Quality Assurance so she would not be doing those training in the future. The Fairboard will be meeting tonight and will be working on their Bi-Laws. Clerk Armstrong ask her to have the Chairman let her know if there will be changing any changes to the memers. Landfill Supervisor Scott Duncan reported he had ordered new bins and replacement lids for the transfer sites. Kammy McFarland, County Treasurer presented the interest earned report and the Auditor/Treasurer joint monthly report for November 2021. Interest earned to date is \$12,283.57. Brenda Armstrong, County Clerk asked for Sheriff Penner to extend the time limit to use vacation hours for four of his employees. They were unable to get their time used because of scheduling issues and numerous assignments. Rick Snyder moved and Leah Madsen seconded to approve the extension to April 30, 2022. Brenda also asked for sick hours out of the sick bank for an employee that was in need. That was approved. Last Brenda asked for Ambulance bills for patient #3121 \$98.50 and #3182 \$458.50 be written off due to patients being deceased. That request was approved. Polly Anderson, Building Official ask the board to appoint Joint Planning and Zoning members. There will be a subdivision going in that would be joint with the city. She presented three names James Malcolm, Jeff Nofsinger, and Cody Settles. The board appointment the three to the board. Brett Barsalou asked

Polly if letters had been sent to address some issues they wer having. Polly stated she had sent some letters to landowners that had not purchased building permits.

**IN THE MATTER OF TAX CANCELLATIONS**

The following 2021 tax canceled pertinent to HB389.

#1635	LR LESR00000180A	\$ 613.30
#1636	RPO0110000006AA	\$ 323.58
#1637	RPA00010150040A	\$ 461.22
#1638	RPE00510000110A	\$ 64.78
#1639	RP21N22E078402A	\$ 411.73
#1640	RPO01200000190A	\$ 432.44
#1641	RPA0027005011BA	\$ 748.60
#1642	RPA0011014013A & 16AA	\$ 793.54

**IN THE MATTER OF RESOLUTION 2021-20**

The following resolution was presented. Leah Madsen Moved and Rick Snyder seconded to approve. All were in favor.

**RESOLUTION NO. 2021-20**

*Authorizing Lemhi County to Enter Into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General*

**WHEREAS**, in 2018, the County Board of Commissioners authorized the County to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC, von Briesen & Roper, s.c., and Chadwick and Associates, PLLC (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 McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, 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**, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”);

**WHEREAS**, copies of the Settlement Agreements as well as 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 with this Resolution;

**WHEREAS**, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Idaho including to the State of Idaho and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements ("Idaho Opioid Funds");

**WHEREAS**, the Law Firms have engaged in extensive discussions with counsel for other Participating Subdivisions and the State Attorney General's Office ("AGO") as to how the Idaho Opioid Funds will be allocated, which has resulted in the proposed Allocation MOU, which is an agreement between all of the entities identified in the Allocation MOU;

**WHEREAS**, a copy of the Allocation MOU has been provided with this Resolution;

**WHEREAS**, the Allocation MOU divides the Idaho Opioid Funds with forty percent (40%) to the State ("State Share"); forty percent (40%) to the Participating Local Governments ("LG Share"); and twenty percent (20%) to the Participating Health Districts ("HD Share");

**WHEREAS**, the Allocation MOU contains an Exhibit A containing an allocation of the LG Share among the Idaho Local Governments setting forth the percentage of the LG Share allocated to each Participating Local Government;

**WHEREAS**, the County, by this Resolution, shall establish an account for the receipt of the proceeds of the Settlement Agreements consistent with the terms of this Resolution ("the Opioid Abatement Account");

**WHEREAS**, the County's Opioid Abatement Account shall be separate from the County's general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

**WHEREAS**, the Allocation MOU provides that a fund be created from 10% of the LG Share and an optional additional 2.5% of the LG Share (a total of 12.5% of the LG Share) to compensate outside attorneys for Participating Local Governments (the "Idaho Attorney Fee Back Stop Fund") in the event those attorneys do not recover an amount equal to a 15% contingent fee at the attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund ("National Attorneys' Fees Fund");

**WHEREAS**, outside counsel retained by Litigating Participating Local Governments may only apply to the Idaho Attorney Fee Back-Stop Fund for a deficiency, meaning the difference between what their fee agreements would entitle them to minus what they have already collected from attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund. For the avoidance of doubt, collectively, outside counsel for Litigating Participating Local Governments are limited to being paid, at most, and assuming adequate funds are available under the National Settlement Agreements, Future Resolutions, the Common Benefit Fund and the Idaho Attorney Fee Back-Stop Fund, attorney's fees totaling fifteen percent (15%) of the LG Share;

**WHEREAS**, the County, by this Resolution, agrees to the creation of the Idaho State Backstop Fund in the amount of 12.5% of the LG Share in order to fund a state-level "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

**WHEREAS**, any funds remaining in the Idaho Attorney Fee Back-Stop Fund in excess of the amounts needed to cover the deficiency in attorney's fees shall revert back to the LG Share and shall be allocated to the Participating Local Government in the percentages set for in the Allocation MOU;

**WHEREAS**, the if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreement stating the Counties intention to be bound by the Settlement Agreements; (3) approves the Allocation MOU; (4) executes the Sign On Form to the Allocation MOU;

**WHEREAS**, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements and to enter into the Allocation MOU by executing the Sign On Form.

**NOW, THEREFORE, BE IT RESOLVED:** the County Board of Commissioners hereby approves and authorizes Brenda Armstrong, Clerk to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, Allocation MOU and all exhibits thereto, including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Allocation MOU by Executing the Sign-On Form.

**BE IT FURTHER RESOLVED:** the County hereby establishes an account separate and distinct from the County's general fund which shall be titled "Opioid Abatement Account." All proceeds from the Settlement Agreements not otherwise directed to the Idaho State Backstop Account Fund shall be deposited in the Opioid Abatement Account in accordance with the Allocation MOU.

**BE IT FURTHER RESOLVED:** the County hereby authorizes an amount equal to 12.5% of the LG Share to be deposited in the Idaho State Backstop Account Fund.

**BE IT FURTHER RESOLVED** that all actions heretofore taken by the Board of Commissioners 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 Lemhi County Board of Commissioners this 13<sup>th</sup> day of December 2021.

/s/ Brett Barsalou, Board Chair

ATTEST: /s/ Brenda Armstrong, County Clerk

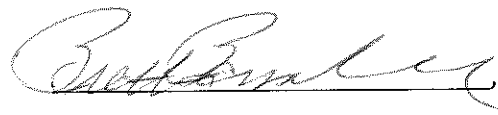
**IN THE MATTER OF THE ANNUAL ROAD REPORT**

The Board reviewed and approved the annual Road and Street Financial Report as required by Idaho Code Section 40-708 pending review of the Road and Bridge Supervisor. The clerk was instructed to send the report to the State of Idaho Controller.

**IN THE MATTER OF BOARD OF EQUALIZATION SUB ROLL**

The Board met as the Board of Equalization accepted the sub rolls as prepared by the Lemhi County Assessor. No appeals of the values were filed.

There was no further business, the board adjourned until Monday, January 10, 2022, @ 7:30 a.m. in the Lemhi County Commissioners Room #101.

 Chairman

ATTEST:  Clerk