



AGENDA
EXECUTIVE COMMITTEE
REGULAR MEETING
MONDAY, APRIL 3, 2023 – 3:00 PM
ADMINISTRATION CENTER - ROOM A-200
121 W. MAIN STREET, PORT WASHINGTON, WI 53074

The public can access the meeting by viewing the live stream at the link which will be opened five minutes before the call to order:

[Executive Committee Live Stream](#)

*The public can submit comments here: [Public Comment Form](#)
[Public Comment Policy & Instructions For Submitting Public Comments Online](#)*

- 1. CALL TO ORDER**
- 2. PROPER NOTICE**
- 3. PUBLIC COMMENTS, CORRESPONDENCE, COMMUNICATIONS**
- 4. APPROVAL OF MINUTES**
 - a. February 27, 2023
- 5. DISCUSSION ITEM**
 - a. ARPA Funds County Projects and Not-For-Profit Grants
- 6. ACTION ITEMS**
 - a. RES.22-48: \$2,200,000 ARPA Funding Recommendation for Radio System Project, Repaving Ozaukee Interurban Trail, Hawthorne Hills Maintenance Facility and Justice Center Fire Panel Projects
 - b. RES.22-49: Authorizing Ozaukee County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General
- 7. DISCUSSION ITEMS (cont.)**
 - a. Streaming Committee and County Board Meetings
 - b. Schedule of County Board Meetings
- 8. COUNTY ADMINISTRATOR'S REPORT**
 - a. Broadband Equity, Access, and Deployment (BEAD) Planning for Wisconsin Counties
 - b. 2022 Initial Fiscal Results
 - c. Wage Study Appeals Process
 - d. Website Upgrade and Rebranding Efforts
 - e. Strategic Planning and Performance Measurement Meeting
 - f. Ozaukee Economic Development Loan Program
 - g. Lasata Campus Administrator Recruitment Update
- 9. COMMITTEE REPORTS**
- 10. CLOSED SESSION**

Pursuant to Wisconsin State Statutes Section 19.85(1)(c) for the Purpose to Interview for Selection of an Appointee to Fulfill the Duties of County Clerk for the Remainder of the Current Term

11. OPEN SESSION

12. ACTION ITEM (cont.)

- a. Executive Committee Recommendation to the County Board for the Appointment of the County Clerk effective July 1, 2023

13. NEXT MEETING DATE

May 1, 2023

14. ADJOURNMENT

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk's Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.

Executive Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: April 3, 2023
DEPARTMENT: County Clerk
DIRECTOR: Julie Winkelhorst
PREPARER: Tyler Quaas

Agenda Summary Minutes February 27, 2023

https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_02272023-3210

EXECUTIVE COMMITTEE

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2023
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Jason Dzwinel

Agenda Summary ARPA Funds County Projects and Not-For-Profit Grants

The following lays out recommendations and funding scenarios for the allocation of ARPA Funds for County Projects and Not-For-Profit Grants:

RECOMMENDATION 1: Approve and fund key county infrastructure projects via resolution presented to County Board on April 5, 2023, meeting. These projects are determined to be ‘necessary’ by the Administrative Team. This list could be amended to include any of the additional highly rated county projects. These total projects \$2,200,000 in funding and include:

1. Pinnacle Communications Tower and Mee Kwon Tower Decommission and Grafton Public Works Radios: \$1,500,000.

This project moves forward on a number of important enhancements for the countywide public safety radio system, improving the backup for the system in terms of network infrastructure and physical dispatching, progressing on the integration of the Ozaukee and Washington County communications system, control stations and integrating the GPW users into the system and increasing the available channels in the system, it also funds the decommission of the Mee Kwon tower and radio shelter HVAC improvements. The latter two projects were under consideration for the project fund requests, but will benefit from coordination with the larger project.

2. Repaving the County Owned Portions of the Interurban Trail: \$300,000

The county has secured a grant to fund more than \$1,000,000 of this project. The grant requires a \$300,000 match, it is recommended that this project receive \$300,000 of funds and secure the grant funding for the remainder of the trail improvements.

3. Hawthorne Hills Park Multipurpose Maintenance: \$150,000

\$150,000 of ARPA funds be allocated to match the \$300,000 grant secured from the State of Wisconsin for this project to fund the construction of an upper level of the new multi-purpose building that will include heated public bathrooms, public external entry showers, kitchen, office/meeting room and storage space at Hawthorne Hills County Park.

4. Justice Center Fire Alarm Replacement: \$250,000

The current fire alarm system at the Justice Center is 30 years old. The system is nearing the end of its usable life. The control panel was replaced approximately 13 years ago, but

all the devices that control the system are 30 years old.

RECOMMENDATION 2: Set aside \$4,500,000 for the development of a CBRF on the Lasata Campus. This is not recommended for Executive Committee or County Board approval at this time. The recommendation is to reserve \$4,500,000 for the project with a goal of having a policy decision after the completion of the revised market analysis and architectural review of the feasibility to redevelop a portion of the RCAC facility into a CBRF.

FUNDING SCENARIOS FOR NOT-FOR-PROFIT GRANTS

After an Administrative review of the Not-for-Profit requests and discussions with some of their organizational staff the following projects are presented to the Executive Committee for consideration.

➤ Advocates Building Expansion: \$150,000

This is an allocation to set aside funds for the \$1,000,000 CBDG Grant project to expand the Advocates facility. The funds would be set aside for a 15 percent project contingency and if unused allocated to other facility enhancements. Projects bids will be reviewed on March 30th.

➤ Family Sharing: \$40,000

This is an allocation to fund the purchase of a refrigerated van for Family Sharing.

➤ Ozaukee Family Services: \$200,000

This is an allocation to assist with a roofing project, water mediation and other improvements at the Ozaukee Family Services facility.

➤ Ozaukee Food Alliance: \$150,000

This is an allocation to fund the Food Market and a roofing project at the Ozaukee Food Alliance facility.

➤ Ozaukee Not for Profit Center: \$200,000

This is an allocation to fund a roofing project at the Ozaukee Not for Profit Center facility.

➤ Portal Incorporated: \$200,000

This is an allocation to fund a roofing project at Portal Inc.

➤ United Way of Northern Ozaukee: \$200,000

This is an allocation for start-up funding for two years of a UWNO Community Navigator position.

The total allocation for these projects is \$1,140,000. These funding allocations could be adjusted by the committee, increased, or decreased. In addition, if the committee desires, the list could be amended to include projects not recommended by the County Administrator.

Two funding scenarios are presented to the committee for consideration of the requests.

One, allocating a portion of the \$5,000,000 of the EMS funding. Approximately seven months passed between the approval of the program in April of 2022 and the execution of the Subrecipient Agreements. Using the intended thirty-month timeline for the program this would make \$1,155,000 available assuming a monthly expenditure of \$165,000 per month. Quarterly EMS grant reporting will be due before April 14, 2023, and the municipal sustainability plans will be due by May 1, 2023 which will better inform staff and committee on the funds that the county can commit for the remainder of the grant period.

Two, the committee could set aside the funds for the Administration Center Security Upgrades (\$500,000) the Salt Brine Building (\$600,000) and the Justice Center Tuckpointing project (\$250,000). Staff is exploring a technology upgrade for the Administration Center that would eliminate some of the required capital costs and all the ongoing operational costs while significantly increasing the security response. While the Salt Brine Building is a operational improvement and provides a return on investment by decreasing the salt expense for the Highway department, it will also require a significant investment in brine tanks and sprayers of more than \$700,000 to expand the use of brine on county roads. The Justice Center tuckpointing project could continue to be addressed as the operational budget allows.

Other Not-For-Profit Projects

- Sirona Recovery Incorporated: \$434,000 for an Integrated Behavioral Health Outpatient Clinic. This is a worthy project and one that should be considered in the context of the opioid settlement funds.
- Adult Literacy Center: \$10,000 for tutor recruitment and training. It is recommended that if the committee wishes to pursue this allocation, it should be considered as part of the annual county grants reviewed annually.
- Blossom IDD Center: up to \$200,000 for programmatic expansion. The county has a few organizations actively working with the IDD population, including Blossom IDD, Balance Incorporated and Portal Incorporated. If the committee wished to commit funds to expand programming for the IDD population the County Administrator would recommend that specific programming proposals be reviewed. County funding for the IDD population was shifted to Managed Care Organizations with the advent of Family Care in the early 2000's and there is very little direct funding from Wisconsin counties.
- Feith Family YMCA: \$650,000 for pool upgrades and \$40,000 for Mental Health Services. The pool project is not determined to be a proper use of ARPA funds. Mental Health Programming could be considered for Opiate Settlement Funds.
- Forward Careers: \$240,000 for Workforce Upskilling. The County Administrator recommends that if the committee would like to engage in this policy area that staff would work closely with Ozaukee Economic Development to design and implement programming.
- Interfaith Caregivers: up to \$1,200,000 for electric vehicle infrastructure and vehicle purchases. The County Administrator does not recommend this project, the purchase of

Teslas creates a significant issue with the optics and expenditure of ARPA funds. In addition, applications are now open for the first round of funding for the U.S. Department of Transportation's Charging and Fueling Infrastructure (CFI) Discretionary Grant Program, which should be fully explored as a means to develop this infrastructure.

- Lakeshore Regional Advocacy Center: \$50,000 for staff expansion. It is recommended that if the committee wishes to pursue this allocation, it should be considered as part of the annual county grants reviewed annually.
- Mel's Charities and Balance Incorporated: up to \$1,500,000 for IDD residence subsidy and smart technology implementation. If the committee wishes to pursue funding for this project it is recommended that the smart technology aspect be considered, but a full understanding of cost, benefits and impact to the IDD population at Mel's Place be vetted.

EXECUTIVE COMMITTEE

RESOLUTION NO. 22-48

**\$2,200,000 ARPA FUNDING RECOMMENDATION FOR RADIO SYSTEM PROJECT,
REPAVING OZAUKEE INTERURBAN TRAIL, HAWTHORNE HILLS MAINTENANCE
FACILITY AND JUSTICE CENTER FIRE PANEL PROJECTS**

WHEREAS, The American Rescue Plan Act signed into law by the Federal Government on March 11, 2021 has made available \$17,330,133 to Ozaukee County in an effort to provide economic relief to the public following the COVID-19 Pandemic; and

WHEREAS, The American Rescue Plan Act allows units of government receiving the funds to replace lost public sector revenue to provide government services up to the amount of revenue lost due to the pandemic; and

WHEREAS, the public sector revenue loss formulas established by the United States Department of the Treasury in the Coronavirus State and Local Fiscal Recovery Funds Final Rule allow Ozaukee County to allocate \$17,330,133 as funds used to replace lost public sector revenue to provide government services by calculating the amount of revenue lost due to the pandemic; and

WHEREAS, American Rescue Plan Act funds used to replace public sector revenue losses are more flexible and may be used for a broad range of government services, programs and projects outside of typical eligible uses of recovery funds under the final rule including capital projects and other one-time operational expenses; and

WHEREAS, the American Rescue Plan Act funds must be obligated by December 31, 2024 for projects scheduled for completion no later than December 31, 2026; and

WHEREAS, the use of American Rescue Plan Act funds for capital projects and other one-time operational expenses allows Ozaukee County to adhere to the legislative timelines in the United States Department of the Treasury in the Coronavirus State and Local Fiscal Recovery Funds Final Rule; and

WHEREAS, county departments submitted proposals for capital projects and other one-time operational expenses to the Department of Administration for evaluation and grading for the review and recommendation by the Standing Committees of the Ozaukee County Board; and

WHEREAS, the projects identified by the Standing Committees of the Ozaukee County Board were reviewed by the Executive Committee culminating in a final list of recommended projects for consideration by the County Board.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the following projects be approved and adopted for completion from American Rescue Plan Act funds in the line-item accounts detailed below;

219-1-01-60000-020 Pinnacle Tower Construction and Radio System Upgrades: \$1,500,000

219-1-01-60000-021 Grant Match Repaving the Ozaukee Interurban Trail: \$300,000

219-1-01-60000-022 Grant Match for Improvements to Hawthorne Hills Maintenance Facility: \$150,000

219-1-01-60000-023 Justice Center Fire Panel: \$250,000

Dated at Port Washington, Wisconsin, this 5th day of April 2023.

SUMMARY: Executive Committee recommendation of projects funded in 2023 with American Rescue Plan Act Funds

VOTE REQUIRED: Two-Thirds of Members Elect

EXECUTIVE COMMITTEE

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2023
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Jason Dzwinel

Agenda Summary \$2,200,000 ARPA Funding Recommendation for Radio System Project, Repaving Ozaukee Interurban Trail, Hawthorne Hills Maintenance Facility and Justice Center Fire Panel Projects

BACKGROUND INFORMATION: The Resolution approves and funds key county infrastructure projects. These projects are determined to be ‘necessary’ by the Administrative Team.

ANALYSIS: These total projects \$2,200,000 in funding and include:

1. Pinnacle Communications Tower and Mee Kwon Tower Decommission and Grafton Public Works Radios: \$1,500,000.

This project moves forward on a number of important enhancements for the countywide public safety radio system, improving the backup for the system in terms of network infrastructure and physical dispatching, progressing on the integration of the Ozaukee and Washington County communications system, control stations and integrating the GPW users into the system and increasing the available channels in the system, it also funds the decommission of the Mee Kwon tower and radio shelter HVAC improvements. The latter two projects were under consideration for the project fund requests, but will benefit from coordination with the larger project.

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4. Justice Center Fire Alarm Replacement: \$250,000

The current fire alarm system at the Justice Center is 30 years old. The system is nearing the end of its usable life. The control panel was replaced approximately 13 years ago, but all the devices that control the system are 30 years old.

FISCAL IMPACT: \$2,200,000

RECOMMENDED MOTION: Approve \$2,200,000 ARPA Funding Recommendation for Radio System Project, Repaving Ozaukee Interurban Trail, Hawthorne Hills Maintenance Facility and Justice Center Fire Panel Projects

RESOLUTION NO. 22-49

AUTHORIZING OZAUKEE COUNTY TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH TEVA PHARMACEUTICAL INDUSTRIES LTD., ALLERGAN FINANCE, LLC, WALGREEN CO., WALMART, INC., CVS HEALTH CORPORATION AND CVS PHARMACY, INC., AGREE TO THE TERMS OF THE ADDENDUM TO THE MOU ALLOCATING SETTLEMENT PROCEEDS, AND AUTHORIZE ENTRY INTO THE MOU WITH THE ATTORNEY GENERAL

WHEREAS, the County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (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 County’s expenditure of vast money and resources to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants;

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned In re: Opioid Litigation, MDL 2804 (the “Litigation”);

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation;

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County’s case for trial and engage in extensive settlement discussions with the Opioid Defendants;

WHEREAS, the settlement discussions with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.. (the “Settling Defendants”) resulted in a tentative agreement as to settlement terms pending agreement from the County and other plaintiffs involved in the Litigation;

WHEREAS, copies of the various settlement agreements relating to the Settling Defendants (collectively “Settlement Agreements”) representing the terms of the tentative settlement agreements with the Settling Defendants have been provided with this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreements) upon the occurrence of certain events detailed in the Settlement Agreements;

WHEREAS, the County is a Participating Subdivision in the Settlement Agreements and has the opportunity to participate in the benefits associated with the Settlement Agreement provided the County (a) approves the Settlement Agreements; (b) approves the Memorandum of Understanding allocating proceeds from the Settlement Agreements among the various Wisconsin Participating Subdivisions, a copy of which is attached to this Resolution (the “Allocation MOU”); (c) approves the Memorandum of Understanding with the Wisconsin

Attorney General regarding allocation of settlement proceeds, a copy of which is attached to this Resolution (the “AG MOU”); and (d) the Legislature’s Joint Committee on Finance approves the terms of the Settlement Agreements and the AG MOU;

WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the settlement of all or part of the Litigation;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on Finance is required to approve the Settlement Agreements and the AG MOU;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State;

WHEREAS, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be deposited in a segregated account (the “Opioid Abatement Account”) and may be expended only for approved uses for opioid abatement as provided in the Settlement Agreements;

WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021;

WHEREAS, the definition of Participating Subdivisions in the Settlement Agreements recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result, the only Participating Subdivisions in Wisconsin are those counties and municipalities that were parties to the Litigation (or otherwise actively litigating a claim against one, some, or all of the Opioid Defendants) as of June 1, 2021;

WHEREAS, the Legislature’s Joint Committee on Finance is not statutorily authorized or required to approve the allocation of proceeds of the Settlement Agreements among Wisconsin Participating Subdivisions;

WHEREAS, the Law Firms have engaged in extensive discussions with counsel for all other Wisconsin Participating Subdivisions resulting in the proposed Allocation MOU, which is an agreement between all of the entities identified in the Allocation MOU as to how the proceeds payable to those entities under the Settlement Agreements will be allocated;

WHEREAS, the proposed Addendum to the MOU (“Addendum”) provided with this Resolution provides for allocation of settlement proceeds among the Wisconsin Participating Subdivisions according to the same percentages as that provided in the previously-approved MOU allocating the settlement proceeds of the settlements involving McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.;

WHEREAS, there is provided with this Resolution a summary of the essential terms of the Settlement Agreements, the deadlines related to the effective dates of the Settlement Agreements, the ramifications associated with the County’s refusal to enter into the Settlement Agreements, the form of the Addendum, the form of the AG MOU, and an overview of the process for finalizing the Settlement Agreements;

WHEREAS, the County, by this Resolution, shall deposit the proceeds of the Settlement Agreements consistent with the terms of this Resolution and Wis. Stat. § 165.12(4)(b);

WHEREAS, pursuant to the County’s engagement agreement with the Law Firms, the

County shall pay up to an amount equal to 25% of the proceeds from successful resolution of all or part of the Litigation, whether through settlement or otherwise, plus the Law Firms' costs and disbursements, to the Law Firms as compensation for the Law Firms' efforts in the Litigation and any settlement;

WHEREAS, the Law Firms anticipate making application to the national fee fund established in the Settlement Agreements seeking payment, in whole or part, of the fees, costs, and disbursements owed the Law Firms pursuant to the engagement agreement with the County;

WHEREAS, it is anticipated the amount of any award from the fee fund established in the Settlement Agreements will be insufficient to satisfy the County's obligations under the engagement agreement with the Law Firms;

WHEREAS, the County, by this Resolution, and pursuant to the authority granted the County in the applicable Order emanating from the Litigation in relation to the Settlement Agreements and payment of attorney fees, shall authorize and direct the escrow agent responsible for the receipt and distribution of the proceeds from the Settlement Agreements to establish an account for the purpose of segregating funds to pay the fees, costs, and disbursements of the Law Firms owed by the County (the "Attorney Fees Account") in order to fund a local "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

WHEREAS, in no event shall payments to the Law Firms out of the Attorney Fees Account and the fee fund established in the Settlement Agreements exceed an amount equal to 25% of the amounts allocated to the County in the Addendum;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements, the Addendum, and the AG MOU, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and

WHEREAS, the County, by this Resolution, shall authorize the County's corporation counsel to finalize and execute any escrow agreement and other document or agreement necessary to effectuate the Settlement Agreements and the other agreements referenced herein;

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves:

1. The execution of the Settlement Agreements and any and all documents ancillary thereto and authorizes the [Board Chair] or designee to execute same.
2. The final negotiation and execution of the Addendum in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the [Board Chair] or designee to execute same upon finalization provided the percentage share identified as allocated to the County is substantially similar to that identified in the Addendum provided to the Board with this Resolution.
3. The final negotiation and execution of the AG MOU in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the [Board Chair] or designee to execute same.
4. The execution by the [Board Chair] or designee of any additional documents or agreements for the receipt and disbursement of the proceeds of the Settlement Agreements as referenced in the Addendum.

BE IT FURTHER RESOLVED: all proceeds from the Settlement Agreements not otherwise directed to the Attorney Fees Account shall be deposited in the County's Opioid

Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreements.

BE IT FURTHER RESOLVED: the County hereby authorizes the establishment of an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by the County as the “Attorney Fees Account.” An escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of the County’s proceeds from the Settlement Agreements into the Attorney Fees Account. If the payments to the County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement Agreements attributable to Local Governments (as that term is defined in the Allocation MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between the County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement Agreements and allocable to the County. The Law Firms may make application for payment from the Attorney Fees Account at any time and the County shall cooperate with the Law Firms in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors 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.

Dated at Port Washington, Wisconsin, this 5th day of April 2023.

SUMMARY: Authorizing Ozaukee County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

Executive Committee
AGENDA INFORMATION SHEET

| | |
|---------------------|----------------------|
| AGENDA DATE: | April 3, 2023 |
| DEPARTMENT: | Administrator |
| DIRECTOR: | Jason Dzwinel |
| PREPARER: | Jason Dzwinel |

Agenda Summary Authorizing Ozaukee County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General

BACKGROUND INFORMATION: This resolution approves the settlement of the opioid settlement with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.,

ANALYSIS: The authorization must be approved before April 18, 2023.

FISCAL IMPACT: The final award for Ozaukee County is yet to be determined, the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State.

RECOMMENDED MOTION: Approve

ATTACHMENTS:

- Wisconsin_Settlement_Presentation_Pharmacy_Settlements_ (1) (PDF)



New Pharmacy/Manufacturer Settlements

RECAP: Where we have been in this litigation....

Starting in 2017 lawsuits targeted three groups:

1. Manufacturers
2. Distributors
3. Retail Chain Pharmacies

Manufacturers

- Purdue (bankruptcy)
- Janssen (settled)
- Mallinckrodt (bankruptcy)
- Actavis / Allergan / Teva (new proposed settlement)
- Endo (Bankruptcy)
- Insys (Bankruptcy)

The Distributors

- McKesson Corporation (settled)
- AmerisourceBergen Drug Corporation (settled)
- Cardinal Health Inc. (settled)

The Pharmacies

- Walmart (new proposed settlement)
- Walgreens (new proposed settlement)
- CVS (new proposed settlement)
- Regional pharmacy chains (in negotiations)

New Settlements:

- Allergan
- Teva
- CVS
- Wal-Mart
- Walgreens

Manufacturers

- Allergan \$2.37 billion to be paid over 6 years
- Teva \$4.25 billion to be paid over 13 years

TOTAL: \$6.62 billion

Pharmacies

- Walgreens \$5.7 billion to be paid out over 15 years
- CVS \$5 billion to be paid out over 10 years
- Wal-Mart \$3.1 billion to be paid out over 5 years

TOTAL: \$13.8 billion

Total Settlements

- \$26 billion (Distributors + J&J)
- \$6.62 billion (Allergan +Teva)
- \$13.8 billion (Walgreens, Walmart, CVS)

Nearly \$50 Billion

Additional Non-Monetary Relief

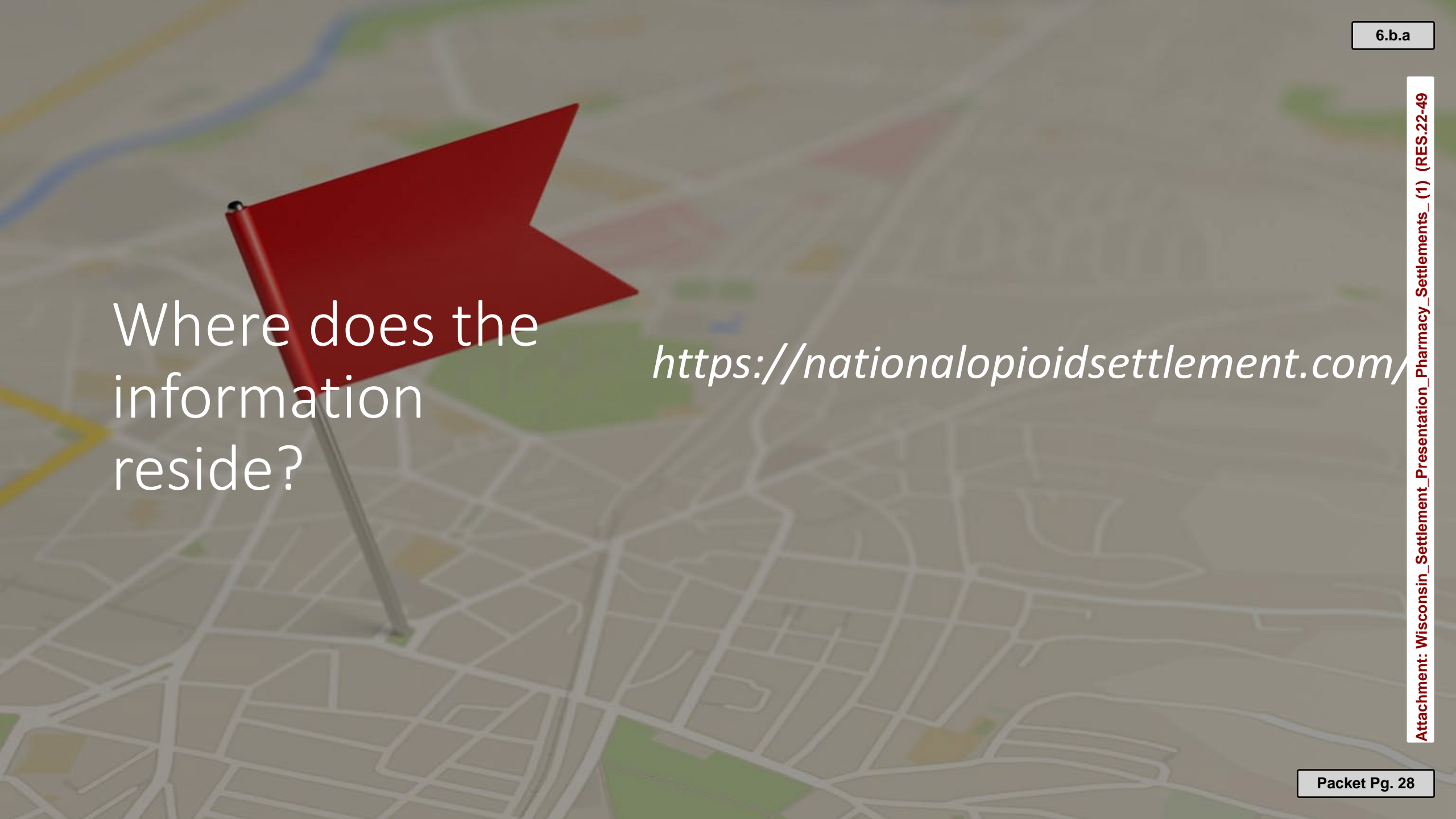
- Teva and Allergan have agreed to strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on: (1) promotion and lobbying; (2) rewarding or disciplining employees based on volume of opioid sales; and (3) funding or grants to third parties;
- Walmart, CVS, and Walgreens are required 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.

Estimated Amounts to Wisconsin:

| Defendant | WI |
|-----------|-------------------|
| Allergan | \$ 37,504,536.92 |
| CVS | \$ 83,272,558.42 |
| Teva | \$ 62,953,228.39 |
| Walgreens | \$ 90,550,186.85 |
| Walmart | \$ 47,155,960.32 |
| Total | \$ 321,436,470.90 |

| | | |
|---------------|-----|------------------|
| WI Settlement | | \$321,436,470.90 |
| State Share | 30% | \$96,430,941.27 |
| LG Share | 70% | \$225,005,529.63 |

Allocation in Wisconsin is Identical to First Settlements



Where does the
information
reside?

<https://nationalopioidsettlement.com/>

Current Settlements:

In late 2022, agreements were announced with three pharmacy chains—CVS, Walgreens, and Walmart—and two additional manufacturers—Allergan and Teva.

In January 2023, each of those pharmacy chains and manufacturers confirmed that a sufficient number of states had agreed to the settlements to move forward.

As with the 2021 National Settlements, states and local governments that want to participate in the 2022 National Settlements now will have the opportunity to “opt in.” The greater the level of subdivision participation, the more funds will ultimately be paid out for abatement.

Critical Mass

- The NEW settlements are once again dependent on the participation of States and Local Governments!
- We are currently in the Approval Phase- we will need to go through the Participation Process with each County to maximize participation throughout the entire country.
- This was a major lift last time around and we hope to use the same process to make things move smoother & faster

What Do You Need to Do?

Get Board Approval and Sign Your Participation Agreements and Addendum to the MOA before April 18, 2023.

Documents in Wisconsin have already been sent to your registered contact person

Let us know if your county has NOT received this!

Key Dates

Note: Notice of the 2022 National Opioid Settlements has already been provided to all eligible states, and there has been sufficient state-level participation to proceed to the second phase of these settlements. Key dates for the second phase of these settlements are set forth below.

| TEVA | ALLERGAN | WALGREENS | WALMART | CVS |
|---|---|--|---|---|
| January 25, 2023 | January 25, 2023 | January 25, 2023 | January 25, 2023 | January 25, 2023 |
| Notice to subdivisions to begin rolling out | Notice to subdivisions to begin rolling out | Notice to subdivisions to begin rolling out | Notice to subdivisions to begin rolling out | Notice to subdivisions to begin rolling out |
| April 18, 2023 | April 18, 2023 | April 18, 2023 | April 18, 2023 | April 18, 2023 |
| "Initial Participation Date" - Deadline to submit participation forms | "Initial Participation Date" - Deadline to submit participation forms | "Initial Participation Date" - Deadline to submit participation forms | "Threshold Subdivision Participation Date" - Deadline to submit participation forms | "Initial Subdivision Participation Date" - Deadline to submit participation forms |
| | | May 2, 2023 | | May 2, 2023 |
| | | Deadline for Settling States to inform Walgreens whether they agree to proceed with the settlement | | Deadline for Settling States on the Enforcement Committee to determine whether to proceed with the settlement |
| May 18, 2023 | May 18, 2023 | May 18, 2023 | | May 18, 2023 |
| "Reference Date" - Deadline for Teva to decide whether to proceed with the settlement | "Reference Date" - Deadline for Allergan to decide whether to proceed with the settlement | "Reference Date" - Deadline for Walgreens to decide whether to proceed with the settlement | | "Reference Date" - Deadline for CVS to decide whether to proceed with the settlement |
| July 17, 2023 | July 17, 2023 | July 17, 2023 | June 2, 2023 | June 2, 2023 |
| "Effective Date" of settlement [60 days after Reference Date] | "Effective Date" of settlement [60 days after Reference Date] | "Effective Date" of settlement [60 days after Reference Date]; Date of first payment by Walgreens | "Effective Date" of settlement [assuming certain "Subdivision Participation Thresholds" are achieved] | "Effective Date" of settlement [15 days after Reference Date] |
| August 16, 2023 | August 16, 2023 | August 16, 2023 | July 15, 2023 | June 30, 2023 |
| Date of First Payment by Teva | Date of First Payment by Allergan | First payment transferred from Settlement Fund Escrow Fund to Settlement Fund | Date of first payment by Walmart | Date of First Payment by CVS |
| Payments to subdivisions on a rolling basis | Payments to subdivisions on a rolling basis | Payments to subdivisions on a rolling basis | Payments to subdivisions on a rolling basis | Payments to subdivisions on a rolling basis |

For informational purposes only. Executed settlement agreements control.

Recap: Action Items

Sign the Participation Agreements that come to your County.

Sign the Wisconsin MOU (we will be distributing this to you TODAY)

Sign the WI-Local Government Addendum (we will be distributing this to you TODAY)

EMAIL EVERYTHING TO US!



Opioids Implementation Administrator sent you a copy.

REVIEW DOCUMENTS

Opioids Implementation Administrator

opioidsparticipation@rubris.com

Green Lake County, WI

Please click "Review Documents" to access time-sensitive settlement documents in the National Prescription Opiate Litigation, which must be executed in order to participate in the relevant Teva, Allergan, CVS, Walmart, and Walgreens Opioid Settlements. Please note that settlement documents require an authorized signature.

Each package has one authorized signer. If you are the authorized signer, you will see "Opioids Implementation Administrator sent you a document to **review and sign**" above. If you are not the authorized signer, you will see "Opioids Implementation Administrator sent you a **copy**" above and you are being copied for informational purposes. For DocuSign instructions, including reassigning the assigned signer, please reference the DocuSign instructions on <https://nationalopioidsettlement.com>.

Thank you,

Opioids Implementation Administrator

Bankruptcies

Noat Information:

<https://www.nationalopioidabatementtrust.com/>

Mallinckrodt Bankruptcy:

- \$1.725 Billion Bankruptcy Settlement approved in US Bankruptcy Court on February 3, 2022
- \$1.275 Billion of the total will be used to establish the Opioid MDT II Trust
- The FUNDS are already being DISTRIBUTED
- REPORTING REQUIREMENTS WILL SOON GO INTO EFFECT!
- The Trust will post reports required by the governing documents after the Reporting Deadline.
- First Deadline – Should be 2024 – Unless FUNDS were Already Received?

Purdue Bankruptcy:

- Waiting on 2nd Circuit Decision – but Practical Reality is Bankruptcy OVER
- \$6 Billion in Funds

ENDO Bankruptcy:

- Will Move Quickly and Will Follow Lead of Mallinckrodt
- Less than \$1billion in Funds

Bankruptcies

- Approximately \$8 Billion in Additional Funds for Governments
- All FUNDS must be used for approved purposes
- No FUNDS dispensed to Counties can be used for Attorney Fees
- There are small Attorney Fee Funds – which will primarily be used to pay our Excellent MDL Bankruptcy Counsel
- We anticipate receiving No Attorney Fees from these Bankruptcies



What
remains?

Clean Up: What Remains

- Approximately 100 Defendants Remain
- Judge Polster is Still Presiding over MDL
- Most of the remaining defendants are regional (some of significant but most are nominal)
- PEC is Considering Size and Value of Proceeding and Will Soon Make Dismissal Recommendations to Counties
- We plan that Additional Settlements will be Reached with the larger Entities such as Kroger, Publix, Albertsons.

Continuing Legal Representation: Bounds of Litigation Representation

Limits on Representation:

Your Litigation Counsel Cannot Handle:

1. Managing the Use of the Funds
2. Reporting requirement compliance
3. Making sure County Contact info is up to date for payments over the next 18 years

WCA Will Be Available to Assist

Settlement Administration Contact Info:

<https://www.nationalopioidofficialsettlement.com/>

General Numbers:

1-888-441-2010

opioidsparticipation@rubris.com

Wisconsin Case Manager:

Adreyan Caldeyro

Case Manager

BROWNGREER PLC

250 Rocketts Way

Richmond, Virginia 23231

Telephone: (888) 441-2010 Ext 1403

Facsimile: (804) 521-7299

www.browngreer.com

Questions?



Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2023
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Jason Dzwinel

Agenda Summary Streaming County Board and Standing Committee Meetings

Ozaukee County has streamed County Board and Standing Committee meetings on YouTube since virtual meetings were implemented during COVID-19. The County Board has since developed a policy which allows members to attend meetings virtually when quorum cannot be achieved in-person.

The county does not have a policy on the streaming of County Board and Standing Committee meetings on YouTube the practice was continued to make meetings accessible to the public. YouTube has a large audience, and the platform is accessible to anyone with an internet connection. The county provides access to past meetings on YouTube, making it easier for residents to stay informed about county business.

Pros:

Accessibility: Streaming County Board and Standing Committee meetings on YouTube makes meetings accessible to a wider audience.

Transparency: By streaming meetings on YouTube, the county is promoting transparency. The public can see how officials conduct business, making it easier for residents to hold officials accountable.

Cons:

Technical issues: Streaming meetings on YouTube may experience technical difficulties. Poor internet connections or equipment malfunctions can disrupt the streaming process, making it difficult for residents to watch meetings.

Lack of participation: Streaming meetings on YouTube may discourage resident participation. If residents know they can watch meetings online, they may not attend meetings in person, reducing public participation.

Public comment limitations: Streaming meetings on YouTube may limit public comment. Ozaukee County require residents to attend meetings in person to make public comments.

POLICY QUESTION: Should Ozaukee County continue the practice of streaming County Board and Standing Committee meetings on YouTube? If yes, should a policy be developed to formalize the practice?

EXECUTIVE COMMITTEE

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 3, 2023
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Jason Dzwinel

Agenda Summary Executive Committee Recommendation to the County Board for the Appointment of the County Clerk effective July 1, 2023

BACKGROUND INFORMATION: The County Clerk has submitted her resignation effective June 30, 2023.

ANALYSIS: Per Wis. Statute 17.21(3) In the office of county clerk, treasurer, or surveyor, by appointment by the county board for the residue of the unexpired term unless a special election is ordered by the county board, in which case the person appointed shall serve until his or her successor is elected and qualified. The county board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the county board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election.

The above provision provides two options for filling this vacancy, 1) appointment to fill the vacancy until the next election or 2) hold a special election depending on the timing of the vacancy.

The Executive Committee should recommend one of the two options to the County Board for filling the vacancy.

The County Clerk and County Administrator recommend filling the residue of the unexpired term via succession of the Deputy County Clerk, Karen Niemuth. Ms. Niemuth took the Deputy Clerk Role in September of 2022 with the intention of seeking election at the expiration of the term as of January 1, 2025. Ms. Niemuth has worked under the guidance of the current County Clerk and is well prepared to succeed into the role.

EXECUTIVE COMMITTEE