



Minutes - March 6, 2023

Call to Order: Chair Beaver called the Public Safety & Justice Committee meeting to order at 6:00 P.M. in Conference Rooms N1/N2.

Committee Members Present: Supervisors Beaver, Knudson, Bomkamp, Whitledge, and Zoril.

Committee Members Absent: None.

Staff Members Present: Josh Smith, County Administrator; Commander Maurer; Dave Slusser, Human Resources Director; Amy Spoden, Assistant Human Resources Director; Katrina Harwood, Health Officer; Dr. Rogalska, Medical Examiners Office; Cristina Figueroa-Soto, Medical Examiners Office; Fredd Carr, Interim Communications Center Director; Randy Terronez, Assistant to the County Administrator; Kate Luster, Human Services Director; Judge McCrory; Greg Winkler, Human Services Deputy Director; Melissa Wittwer, Child Support Director; Shari Faber, Public Health Strategist; Ed Koelling, Pool Medicolegal Investigator; Alyssa McElmurry, Administrative Assistant.

Others Present: Supervisors Sutterlin and Brien; Jim Malewitz, Wisconsin Watch; Brian Mark; Jalayne Hawkins; Lisa Wallenkamp; Jeremy Wallenkamp; Jeff Sholts; Sophia Davis.

Approve Agenda: Supervisor Knudson moved to approve the agenda as presented, second by Supervisor Whitledge. ADOPTED.

Citizen Participation, Communications and Announcements: Lisa Wallenkamp stated that she is a former Rock County Medical Examiner's Office employee. Lisa spoke about her experiences in Rock County and the concerns that she has.

Jeremy Wallenkamp spoke about the harassment of his wife during her employment.

Ed Koelling encouraged the Board to talk to employees in the office, protocols, and guidelines.

Brian Mark expressed concerns about the partnership with Dane County in the Medical Examiner's Office.

Alyssa McElmurry expressed her dismay when they were told that the Medical Examiner Manager had been let go. Alyssa stated that she feels there are no checks and balances.

Jeff Schulz stated that he is a retired Chief of Investigations in Dane County and trained Lisa Wallenkamp and Rock County staff. Jeff spoke of his experiences with Rock County and its staff.

Jalayne Hawkins stated that she is a funeral director. Jalayne stated that she has noticed a change in demeanor of investigators that come in. She feels that something is wrong and needs to be fixed.

Approval of Minutes:

February 20, 2023 Minutes: Supervisor Whitledge moved approval of the February 20, 2023 minutes, second by Supervisor Bomkamp. ADOPTED.

Consent Calendar:

Approval of Transfers: None.

Review of Payments: None.

Review and Approval of Resolutions:

Authorizing Double Fill Of Court Commissioner Position: "NOW, THEREFORE, BE IT RESOLVED, that Rock County Board of Supervisors duly assembled this _____ day of _____, 2023 does hereby approve and authorize double filling the Court Commissioner position."

Supervisor Bomkamp moved approval of the above resolution, second by Supervisor Knudson.

Judge McCrory spoke to this resolution. Josh Smith explained what the contingency fund is and when it would be used.

ADOPTED.

Review, Discussion and Possible Action:

Opioid Settlement Report of Recommendations : Rich Greenlee provided a presentation on the National Opioid Litigation (attached).

Shari Faber provided background on the way a Rock County workgroup of stakeholders gained information on how to utilize the opioid settlement funds. From there, the group created a report to help figure out how to spend the money. Shari provided the list of recommendations (attached).

Katrina Harwood spoke to the addition of a position to support the allocation of funding and exploring additional allocation areas. Some of the priorities are already covered by Rock County services, while others are not. She spoke to the ways that an additional position would increase capacity.

Shari spoke to the state's plan for opioid settlement. She highlighted the changes since the workgroup's report was released.

Supervisor Knudson moved to support the priority areas as written in the recommendations, second by Supervisor Bomkamp.

Staff answered questions relating to use of funds and steps of implementation.

Supervisor Zoril advocated for including alternative pain management solutions and partnering with neighboring counties to create a position like the one noted in the recommendations.

ADOPTED.

Request to Purchase -Ten Portable Radios- Sheriff's Office: Supervisor Bomkamp moved approval to purchase ten portable radios, second by Supervisor Knudson. ADOPTED.

Committee Requests and Motions: Supervisor Whitledge requested a report from the Medical Examiner's Office.

Chair Beaver requested information on delayed death certificates, reports to PS&J, and copies of SOPs. Also, a budget comparison to last year.

Supervisor Zoril would like financial information on body tissue recovery.

Next meeting date and time: March 20 at 6:00 P.M.

EXECUTIVE SESSION: Per Wis. Stat. 19.85(1)(c), considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.: Supervisor Bomkamp moved to enter into executive session at 7:32 P.M., second by Supervisor Whitledge. ADOPTED.

Adjournment: Supervisor Bomkamp moved to exit executive session and adjourn at 8:15 P.M., second by Supervisor Whitledge. ADOPTED.

Respectfully submitted,

Haley Thompson
Office Coordinator

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.



National Opioid Litigation

March 6, 2023

Corporation Counsel & Rock County Public Health

Richard Greenlee, Katrina Harwood, & Shari Faber

How We Got Here

- 2017 Rock County with 71 other Counties sue Manufacturers, Distributors and Retailers of opioid pharmaceuticals.
- Defendants knew how addictive opioids were and lied to the public about their properties
- Hold Defendants financially responsible for the large amounts of money that counties have spent to address the opioid epidemic
 - Drug Treatment, health care,
 - Criminal activity, law enforcement, jails, district attorneys
 - Effects on family units and child welfare, out-of-home placements, decreased economic opportunity due to taking care of ill loved ones, services for Drug Affected Children

Current Status

- Purdue Pharma, Endo PLC and Mallinkrodt PLC has declared Bankruptcy. Working through that process, and looking like possibly another \$5 billion
- Distributors and Johnson and Johnson have reached settlement agreement at the end of 2021, and County started receiving payments starting in 2022.
- We have finally reached settlement with the largest national retailers, CVS, Walgreens & Walmart, and manufacturers, Allergan & Teva.
- Remaining defendants in the MDL are small or more regional entities, counsel will be working through recommendations on those in the next few months.

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.

Wisconsin Specifics

- Wis. Stat. § 165.12 creates Wisconsin division of opioid settlements Funds
- 70% to Counties and Municipalities
- 30% to the State of Wisconsin
- Forecloses all potential claims not filed by June 1, 2021
- Left up to Local Governments to divvy up the 70% among themselves.
- We have an MOU with other Local Government entities: Rock County's Share = 2.95% of local government share

Previous Division of Proceeds

Estimated Full Participation Total Cash Value to Wisconsin (Big 3 + J&J)	\$ 402,168,925.80
Local Government Percentage	70%
Estimated Amount to Local Government	\$ 281,518,248.06

Local Government Type	Wisconsin Litigating Local Government	Allocation Percentage	Estimated Amount to Litigating LG	Population
County	Milwaukee County	25.22%	\$ 71,000,000.00	939,489
County	Dane County	8.25%	\$ 23,220,547.57	561,504
City	Milwaukee	7.82%	\$ 22,000,000.00	
County	Waukesha County	6.04%	\$ 16,990,548.02	406,978
County	Kenosha County	3.71%	\$ 10,448,562.62	169,151
County	Racine County	3.21%	\$ 9,032,259.53	197,727
County	Rock County	2.95%	\$ 8,296,997.44	163,687
County	Brown County	2.90%	\$ 8,164,847.97	268,740
County	Winnebago County	2.18%	\$ 6,126,478.97	171,730
County	Washington County	1.99%	\$ 5,606,362.93	136,761
County	Outagamie County	1.84%	\$ 5,168,112.55	190,705
County	La Crosse County	1.65%	\$ 4,641,001.59	120,784
County	Walworth County	1.57%	\$ 4,428,578.12	106,478
County	Sheboygan County	1.41%	\$ 3,968,065.47	118,034
County	Manitowoc County	1.40%	\$ 3,948,777.09	81,359
County	Dodge County	1.30%	\$ 3,665,587.68	89,396
County	Marathon County	1.26%	\$ 3,543,763.04	138,013
County	Sauk County	1.23%	\$ 3,452,494.04	65,763
County	Fond Du Lac County	1.20%	\$ 3,367,738.26	104,154
County	Eau Claire County	1.18%	\$ 3,314,731.87	105,710

Local Government Share from 2023 Settlements

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
Rock County Share*	2.95% of LG Share	\$5,625,138.22

* This is a very rough estimate

What's next

- Litigating Subdivision must “opt in” by April 18, 2023 Nation-wide
- The Settling defendants will decide if there is a “Critical Mass” and either approve or decline the settlement by May 18, 2023.
- Participation levels affect how much money is available in settlement.
 - More participation = > \$\$\$\$\$\$
- If we don't participate then fast track to litigation. Court is imposing expedited timelines for all kinds of disclosures. Very onerous
- August 2023 first payments out to participating entities, then probably every July thereafter until payments are completed for each entity

Securitization

- Process by which payments are accelerated to a lump sum in now.
- Local Governments issue bonds through the State Authority.
- Generally able to capture about $\geq 85\%$ of present value of the total settlement now, as opposed to having cash flows later and the risk of default.
- Securitization for the Distributors Payments have stalled and are very unlikely
- Possible securitization of new settlements, especially those with > 10 years of payout is possible
- Won't start looking at that until we get some hard numbers from national settlement trustee, maybe mid 2023 or later

Opioid Settlement Update:

Recommendations:

- Create the equivalent of 1 FTE (full time position) to oversee the proposed strategies
- Increase access to sober living
- Increase access to higher level treatment options located in Rock County (including inpatient, residential, and/or day treatment)
- Provide evidence-based, youth substance use prevention and/or intervention
- Provide substance use disorder (SUD) and mental health assessment with rapid access to treatment in the criminal justice system
- Increased Case Managers/Navigators with access to flex funds
- Increased Certified Peer Support Specialists
- Other recommendations (as funds allow):
 - Transportation and childcare for appointments (therapeutic childcare as possible prevention)
 - Stigma reduction campaign (grant funds acquired)
 - Training for law officers about SUD/mental health and resources
 - Public education and awareness about SUD/mental health and available resources

PRINCIPLE 1: SPEND THE MONEY TO SAVE LIVES

PRINCIPLE 2: USE EVIDENCE TO GUIDE SPENDING

PRINCIPLE 3: INVEST IN YOUTH PREVENTION

PRINCIPLE 4: FOCUS ON RACIAL EQUITY

PRINCIPLE 5: DEVELOP A FAIR AND TRANSPARENT PROCESS FOR DECIDING WHERE TO SPEND THE FUNDING

Wisconsin Department of Health Services Proposed Phased Approach for SFY 2023

Phase 1	Increase the availability of Narcan® statewide via the DHS Narcan® Direct Program
	Creation of a statewide distribution system for fentanyl test strips
	Prevention efforts to address root causes of substance use in communities
Phase 2	Allocation of \$11 million to support capital projects that expand prevention, harm reduction, treatment, and recovery services statewide
	Funding for Tribal Nations
Phase 3	Enhancement of the DHS overdose central alert system
	K-12 evidence-based substance use prevention curriculums or programs
	Expansion of Medication Assisted Treatment (MAT)
	Funding for room and board costs for residential substance use disorder treatment
	Funding for Family Support Center pilots

UPDATED July 2023: Wisconsin Department of Health Services Approved Plan for SFY 2023

Increase the availability of Narcan® statewide via the DHS Narcan® Direct Program	\$3 million
Creation of a statewide distribution system for fentanyl test strips	\$2 million
Support community-based prevention programs- for a community organization that serves after-school youth to work with local law enforcement agencies to reduce opioid use.	\$750,000
Allocation to support capital projects that expand prevention, harm reduction, treatment, and recovery services statewide	\$10 million
Funding for Tribal Nations	\$6 million
Enhancement of the DHS overdose central alert system & PDMP	\$500,000
K-12 evidence-based substance use prevention curriculums or programs	\$250,000
Expansion of Medication Assisted Treatment (MAT)	\$2 million
Funding for room and board costs for residential substance use disorder treatment	\$2.5 million
Expand the hub-and-spoke health home pilot program.	\$1 million
Support law enforcement agencies-drug disposal, diversion, jail treatment, medication-assisted treatment education and awareness training	\$3 million
Total	\$31 million

Wisconsin Department of Health Services is expecting \$8 million in 2023 payments and is reviewing feedback regarding the allocation of these funds SFY 2024.