

**CASS COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING**

**April 13, 2023**

The Cass County Board of Commissioners met in regular session on Thursday, April 13, 2023, in Commission Chambers.

Chair Jeremiah Jones called the meeting to order at 5:00 p.m. Commissioner Marchetti provided the Invocation. Commissioner Barrera led the Pledge of Allegiance to the Flag of the United States of America.

Clerk/Register Monica McMichael called roll:

COMMISSIONERS PRESENT: Ryan Laylin, James Lawrence, Joyce Locke, Jeremiah Jones, Mary Howie, Samuel Barrera, Roseann Marchetti and RJ Lee.

COMMISSIONERS ABSENT: None.

**APPROVAL OF THE AGENDA**

Commissioner Locke moved, seconded by Vice-Chair Laylin, to approve the April 13, 2023, Cass County Board of Commissioner's Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

None.

**RECOGNITIONS**

Sheriff Behnke recognized Village of Cassopolis Officer Corey Smith, Sergeant Jason Jarrard and County Deputies Dave Nevins and Taryn Shield for responding to a house fire in the Village of Cassopolis. All officers braved a house engulfed in flames to rescue two adults, a child and two dogs.

**PRESENTATIONS**

Michael L. Rolka, CPA, of Yeo & Yeo presented the FY22 Audit.

## CONSENT AGENDA

Vice-Chair Laylin moved, seconded by Commissioner Marchetti, that the following items be voted on at one time by roll call vote and be considered as a consent agenda by the Board of Commissioners:

**(M-49-23)** A motion to approve the Claims dated March 3, 2023, March 17, 2023, and March 31, 2023

**(M-50-23)** A motion to approve March 2, 2023 Board of Commissioners Regular Meeting Minutes and April 6, 2023 Special Meeting Minutes

**(M-51-23)** Motion to approve replacement of Jail Lift Station Pump #2

**(R-52-23)** Resolution in Appreciation of Animal Control

### **A RESOLUTION IN APPRECIATION OF ANIMAL CONTROL**

WHEREAS, the National Animal Care and Control Association designated the second full week of April as NATIONAL ANIMAL CARE AND CONTROL APPRECIATION WEEK.

WHEREAS, various federal, state, and local government officials throughout the country take this time to recognize, thank, and commend all Animal Control Officers and Animal Services Staff for the dedicated service they provide to the citizens, public safety, and domestic animals and livestock across the nation; and

WHEREAS, every day, Animal Control Officers and Animal Control Technicians put themselves in potentially dangerous situations to protect the health and welfare of all kinds of animals and the public; and

WHEREAS, Cass County recognizes and commends the Animal Control personnel who answer calls for assistance, capture roaming, and potentially dangerous animals, rescue animals, investigate reports of animal abuse, educate pet owners about responsible care, and mediate disputes between neighbors regarding pets.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby proclaims:

**The Week of April 9-15, 2023, as:**

**ANIMAL CARE AND CONTROL APPRECIATION WEEK**

**(R-53-23)** Resolution in Appreciation of Michigan 911 Telecommunicators

**RESOLUTION IN APPRECIATION OF MICHIGAN 911  
TELECOMMUNICATORS**

WHEREAS, the week of April 9-15, 2023, has been designated NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK.

WHEREAS, the number 911 is universally recognized as being dedicated to report emergencies; and

WHEREAS, the telecommunicator response to calls for help gives the citizens of Michigan a quick response to emergency calls for police, fire, or emergency medical services; and

WHEREAS, the safety of police officers, firefighters, and paramedics is dependent upon the actions of the telecommunicator, and the quality of the accuracy of the information obtained from citizens who contact 911; and

WHEREAS, the telecommunicator serves as the first, first responder and the voice of help, providing direction and comfort for those in crisis to rely on when they call 911; and

WHEREAS, 2022 was another extraordinarily challenging year for which 911 telecommunicators played a critical role with their public safety partners, above and beyond the normal call of duty.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners salutes all Michigan 911 telecommunicators, especially our exemplary staff here in Cass County, for their exceptional dedication and professionalism put forth in contributing to making Michigan a safer place to live, work, and visit.

**(R-54-23)** Resolution Recognizing National Crime Victims' Rights Week

**RESOLUTION RECOGNIZING NATIONAL CRIME VICTIMS' RIGHTS  
WEEK**

WHEREAS, the term "victim" is more than just a label and has legal standing and protections that go along with it; and

WHEREAS, crime victims' rights acts passed here in Michigan and at the federal level guarantee victims the right to meaningfully participate and use their voice in the criminal justice process; and

WHEREAS, victim service providers, advocates, law enforcement officers, attorneys, and other allied professionals can help survivors find their justice by enforcing these rights; and

WHEREAS, the right to provide an impact statement ensures that victims' voices are considered in court during the sentencing and, when applicable, restitution processes; and

WHEREAS, including and elevating the voices of survivors makes certain they are heard and seen and creates a path to forging and sustaining community trust; and

WHEREAS, engaging survivors creates responses and services that are credible, meaningful, and centered on individual needs; and

WHEREAS, survivors' lived experience can serve as a catalyst for implementing innovative programs, shifting existing programs in new directions, and changing policies or practices that prevent survivors from accessing services or pursuing justice; and

WHEREAS, National Crime Victims' Rights Week provides an opportunity to recommit to listening to crime survivors in every space where decisions are made that could impact them; and

WHEREAS, Cass County is hereby dedicated to amplifying the voices of survivors and creating an environment where survivors have the confidence that they will be heard, believed, and supported.

NOW, THEREFORE, BE IT RESOLVED that the Cass County Board of Commissioners hereby proclaims the week of April 23–29, 2023, as

Crime Victims' Rights Week

reaffirming Cass County's commitment to creating a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and expressing our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

**(M-55-23)** Motion to approve Security Awareness & Training Policy

**(R-56-23)** Resolution Approving Participation in Settlements and Approval of MSSA

**A RESOLUTION 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, Cass 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 Cass 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, Cass 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, Cass 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, Cass 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, BE IT RESOLVED that the Cass County Board of Commissioners 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.

BE IT FURTHER RESOLVED, Cass 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. Cass 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.

BE IT FURTHER RESOLVED, For the avoidance of doubt, Cass 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

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Laylin, Lawrence, Locke, Jones, Howie, Barrera, Marchetti and Lee.

No (0): None.

The Consent Agenda carried by roll call vote.

**COUNTY PARTNERS**

None.

**ELECTED OFFICIALS UPDATE**

Prosecutor Fitz, Treasurer Anderson, Drain Commissioner Jeff VanBelle, Clerk/Register Monica McMichael and Chief Judge Carol Bealor shared updates.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**R-57-23**

Commissioner Barrera moved, seconded by Vice-Chair Laylin, to approve the following resolution:

**RESOLUTION ENDORSING INTERNATIONAL DARK SKY AWARENESS WEEK IN CASS COUNTY**

WHEREAS, the beauty of a dark sky night is part of our cultural and scientific heritage which should be protected and preserved; and

WHEREAS, the overuse of improperly designed outdoor lighting constitutes “light pollution” of the nighttime environment thereby masking the beauty of the night sky; and

WHEREAS, Empirical evidence reveals the negative health effects of light pollution on human and environmental health; and

WHEREAS, attention to the problem of light pollution and its mitigation efforts will help ensure that the sky is preserved; and

WHEREAS, the economic benefits of dark sky astro-tourism are hereby recognized.

NOW THEREFORE, BE IT RESOLVED, that the Cass County Board of Commissioners endorse International Dark Sky Awareness Week from April 15th - April 22nd in Cass County.

The Chair instructed the Clerk to call roll:

Yes (8): Commissioners Lawrence, Locke, Jones, Howie, Barrera, Marchetti, Lee and Laylin.

No (0): None.

Resolution R-57-23 carried by roll call vote.

**M-58-23**

Vice-Chair Laylin moved, seconded by Commissioner Marchetti, to accept the FY 22 Audit Report as presented. Motion carried by voice vote.

**BOARD MEMBER COMMENTS/ANNOUNCEMENTS**

Commissioners Lawrence, Howie, Marchetti, Barrera and Laylin offered comments or announcements.

**ADJOURNMENT**

Chair Jones adjourned the meeting at 5:55 p.m.

Approved: \_\_\_\_\_  
Date

\_\_\_\_\_  
Chair Jeremiah Jones

\_\_\_\_\_  
Monica McMichael, Clerk/Register