

**LANGLADE COUNTY BOARD OF SUPERVISORS
MONTHLY MEETING OF THE LANGLADE COUNTY BOARD – MARCH 27, 2023
COUNTY BOARD ROOM, LOWER LEVEL OF THE SAFETY BUILDING**

The Langlade County Board of Supervisors met in the County Board Room, Lower Level of the Safety Building. Chairman Pierce called the March 27, 2023 Monthly Meeting of the County Board to order at 5:30 p.m. On call of the roll, 19 Supervisors present, 1 absent and 1 vacancy. Absent: Supervisor Novak. Motion by Supervisor Benishek, second by Supervisor Medo to excuse Supervisor Novak. All ayes, motion carried. The Board recited the Pledge of Allegiance and observed a moment of silence.

Citizens and Delegations, recognize other in Attendance: Chairman Pierce welcomed those in attendance for tonight's meeting.

Chairman Pierce introduced Teresa Poltrock, County Board Supervisor, District 9, City of Antigo. County Clerk Nagel administered the Oath of Office to Poltrock.

Approve or amend the Agenda: Motion by Supervisor Persen, second by Supervisor J. Wagner to approve the March 27, 2023 Agenda. Voice vote to approve the Agenda for March 27, 2023: All ayes. Agenda is approved.

Approve or amend the minutes of March 2, 2023 as printed: Motion by Supervisor W. Wagner, second by Supervisor Balcerzak to approve the minutes of March 2, 2023 as printed. Voice vote: all ayes, minutes are approved.

Recognition of County Employees: Clerk Nagel read the March 2023 List: Milestones: Jenny Carson, Corporation Counsel, 5 years; Kim Schwarz, Youth Justice, 25 years. Retirements: No retirements. New Hires/Promotions/Transfers: Pat Thiessenhusen, Corrections Officer; Elizabeth Woodward, Dispatcher; Paul Maron, Highway Worker.

Public Comment on Agenda Items and consideration of requests for items to be added to future meeting agendas: Frank Charles, regarding Langlade County Gun and Bow Range, prior, current and future plans of the Range.

Old Business:

Election of Highway Committee Members, ballots must be signed, will be retained with the minutes. Current members: Warren Wagner, Vice-Chair; Roger Buck, 1st Member; Dan Persen, 2nd Member.

Nominations for Chairman of the Highway Committee:

Supervisor Benishek nominates Supervisor W. Wagner.

Supervisor Krueger nominates Supervisor Bina.

Supervisor J. Wagner nominates Supervisor Zagar.

Supervisor Krueger nominates Supervisor Buck.

Motion by Supervisor J. Wagner, second by Supervisor Balcerzak to close nominations for Chairman of Highway Committee. All ayes, motion carried.

Results for Highway Committee Chairman:

W. Wagner 12 votes

Bina 3 votes

Zagar 3 votes

Buck 1 vote

Highway Committee Chairman is Supervisor W. Wagner.

Nominations for Vice-Chairman of the Highway Committee:

Supervisor Benishek nominates Supervisor Medo.

Supervisor Persen nominates Supervisor Buck.

Motion by Supervisor Krueger, second by Supervisor Mayr to close nominations for Vice-Chairman of Highway Committee. All ayes, motion carried.

Medo 8 votes

Buck 11 votes

Highway Committee Vice-Chairman is Supervisor Buck.

Nominations for Second Member of the Highway Committee:
Supervisor Pierce nominates Supervisor Medo.
Supervisor Pierce nominates Supervisor Bardo.
Supervisor Balcerzak nominates himself.

Motion by Supervisor Bina, second by Supervisor Medo to close nominations for Second Member of Highway Committee. All ayes, motion carried.

Medo	12 votes
Bardo	6 votes
Balcerzak	1 vote

Second Member of the Highway Committee is Supervisor Medo.

Nominations for Third Member of the Highway Committee:
Supervisor Medo nominates Supervisor Bardo.
Supervisor W. Wagner nominates Supervisor Balcerzak.

Motion by Supervisor Bina, second by Supervisor Mayr to close nominations for Third Member of Highway Committee. All ayes, motion carried.

Bardo	11 votes
Balcerzak	8 votes

Third Member of the Highway Committee is Supervisor Bardo.

All Ballots were signed and will remain with the meeting minutes.

Thank you to Corporation Counsel Stowe and County Administrator Hilger for assisting with distribution, collection and counting of the Highway Committee Ballots.

New Business:

Presentation from Gary Olsen, North Central Health Care Executive Director: Executive Director Gary Olsen, Managing Director of Community Programs Vicki Tylka and NCHC Finance Director Jason Hake presented to the Board on the programs and services that NCHC is providing to the Tri-Counties. Discussion on AODA and Mental Health Services provided in Langlade County, discussing other community programs and staffing. Olsen stressed communication between the employees, staff and the counties.

Jason Polley, Rec Coordinator, Perch Lake Campgrounds: Forest Administrator Murray introduced Rec Coordinator Jason Polley, also providing a background on the Perch Lake Project, where we are and next steps. Polley shared Perch Lake's Project Scope; Site Layout/Engineering; Permitting; Clearing Pre and Construction. Polley provided the punch list for Perch Lake for 2023, to prepare for the July 2023 opening. Murray discussed the funding of Perch Lake Campground, using ARPA and Rec Funds for Phase 1. Discussion on possible tour of Perch Lake prior to opening.

Board Participation in the Me-Too Training: Chairman Pierce moved the training to the next month's meeting.

Consent Agenda: Motion by Supervisor Benishek, second by Supervisor W. Wagner to approve the Consent Agenda. All ayes, motion carried.

Confirm appointment of Maria Pregler to the ADRC Board.

Confirm re-appointment of Lewis Bowman to another 5-year term on the Langlade County Housing Authority Board of Commissioners.

Confirm re-appointment of Daniel Kamps, Veteran Service Commissioner for another 3-year term.

Proclamation: Declaring the Month of April, 2023, to be Fair Housing Month.

Resolutions:

RESOLUTION #6-2023

INTRODUCED BY: FORESTRY AND RECREATION COMMITTEE

INTENT: APPROVAL OF LANGLADE COUNTY ENTRANCE INTO SPECIES AND HABITAT CONSERVATION AGREEMENT RELATED TO FEDERAL LISTING OF CERTAIN BAT SPECIES

WHEREAS, Langlade County manages approximately 133,000 acres of County Forest Lands along with numerous recreational trails and facilities which are managed for multiple benefits; and

WHEREAS, the Northern Long-eared Bat and Tri-colored Bat are expected to be listed as federally endangered in 2023 and the Little Brown Bat is under review for listing; and

WHEREAS, the states of Wisconsin, Minnesota and Michigan have jointly developed the Lakes States Forest Management Bat Habitat Conservation Plan in order to receive an incidental take permit for forest management activities issued by the U.S. Fish and Wildlife Service; and

WHEREAS, Langlade County plans to engage in activities, including timber harvesting, trail and road building and recreational area construction that could result in the incidental take of the bats; and

WHEREAS, Langlade County seeks to be included in under the Incidental Take Permit issued to the Wisconsin Department of Natural Resources which simplifies the Endangered Species Act processes and ensures continuity of current forestry and recreational activities; and

WHEREAS, Langlade County, as a requirement of the Incidental Take Permit, will comply with the terms of the Species and Habitat Conservation Agreement.

THEREFORE, BE IT RESOLVED, that the Langlade County Board of Supervisors in consideration of the needs to conserve the bat populations in Wisconsin while continuing multiple use management consistent with the Langlade County Forest Comprehensive Land Use Plan, hereby agree to enter into a Landowner Agreement and Certificate of Inclusion into the Lakes States Forest management Bat Habitat Conservation Plan; and

BE IT FURTHER RESOLVED, that the County Forest Administrator be authorized to sign the agreement and submit this document to the Wisconsin Department of Natural Resources.

LANGLADE COUNTY FORESTRY & RECREATION COMMITTEE:

John Medo, Chairman

Ben Pierce

Reinhardt Balcerzak

Roger Buck

Todd Mayr

FISCAL IMPACT: Revenue loss expected to be minimal including loss of some forestry income related to limited timber harvesting within 150 feet of known bat maternity roost trees and within 0.25 miles of known bat hibernacula.

Motion by Supervisor Krueger, second by Supervisor J. Wagner to adopt RS#6-2023. Forest Administrator Murray discussed endangered bat species, the State Conservation Plan, preserving maternal roost trees and protecting bat habitat. Voice Vote: all ayes, except Supervisor Persen, nay, motion carried. 18 ayes, 1 nay, 1 absent, 1 vacancy. Resolution #6-2023 is adopted.

RESOLUTION #7-2023

INTRODUCED BY: ADMINISTRATIVE COMMITTEE

INTENT: Authorizing Langlade 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 Langlade 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; and

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

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"); and

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

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; and

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; and

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; and

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; and

WHEREAS, Langlade 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; and

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

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; and

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; and

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; and

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

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; and

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; and

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; and

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 Pharmaceutical, Inc.; and

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; and

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); and

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; and

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; and

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; and

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 to pay the fees, costs, and disbursements of the Law Firms owed by the County; and

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; and

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 authorize payment of Attorney Fees from the proceeds of the Settlement; 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 County Administrator 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 County Administrator 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 County Administrator to execute same.
4. The execution by the County Administrator 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 Attorney Fees 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: 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.

ADMINISTRATIVE COMMITTEE:

Ben Pierce, Chairman
John Medo
Bruce McDougal
Robert Benishek
Reinhardt Balcerzak
Carol Bardo
Todd Mayr

FISCAL NOTE: No fiscal note.

Motion by Supervisor Balcerzak, second by Supervisor Bardo to adopt RS#7-2023. Discussion on Pharmaceutical Companies, Manufacturers and Vendors of Opioids. Roll Call Vote: all ayes, motion carried. 19 ayes, 1 absent, 1 vacancy. Resolution #7-2023 is adopted.

RESOLUTION #8-2023

INTRODUCED BY: PERSONNEL COMMITTEE

INTENT: CREATE 3 ADDITIONAL DISPATCH POSITIONS IN THE SHERIFF'S OFFICE

WHEREAS, the Sheriff's Office is designated as the Public Safety Answering Point for dispatching emergency 911 calls in Langlade County and in recognition of that responsibility, the Sheriff is currently authorized to employ up to nine (9) full-time Dispatchers in order to meet our current staffing requirement of two Dispatchers for each shift; and

WHEREAS, given on-going challenges in recruiting and retaining Dispatchers, the County has been unable to achieve its goal of employing nine (9) Dispatchers, resulting in the available Dispatchers working numerous shifts, without the ability to time off, and generating considerable overtime costs for the operation of our dispatch center; and

WHEREAS, in order to address these staffing challenges, the Committee recommends creating three (3) additional Dispatch positions; and

WHEREAS, authorizing the Sheriff to employ up to twelve (12) Dispatchers will enable the Sheriff's Office the flexibility to build staffing schedules based on three (3) Dispatchers per shift; as this schedule would provide Dispatchers with the opportunity to take time off; decrease overtime costs, by providing the Sheriff with the flexibility to operate at a staffing level of either 3 or 2 Dispatchers available in the dispatch center at all times, without the need to call-in Dispatchers who are scheduled off; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by a two-thirds vote (2/3rds) vote of the entire membership of the Langlade County Board to create three (3) additional full-time Dispatch positions in the Sheriff's Office with funding designated from the General Fund to cover these unbudgeted costs in 2023, as needed.

BE IT FURTHER RESOLVED, to direct the County Administrator to include the costs for the three (3) additional Dispatchers in the preparation of the 2024 Budget.

PERSONNEL COMMITTEE:

Bruce McDougal, Chairman
Ben Pierce
John Medo
Carol Bardo
Todd Mayr

FISCAL NOTE:

Estimated as follows which includes family health insurance:
2023 Wages (\$21 x 2080 x 8/12x3) \$87,360 2024 Anticipate wages \$140,000
2023 Fringe Benefits (\$17,500 payroll taxes, \$30,000 health insurance) \$47,500; 2024 estimate \$82,000
2023 Savings overtime \$15,000; 2024 \$25,000 (overtime should decrease much further in 2025-2027)
2023 Net Expected cost \$119,860; 2024 \$197,000 (net cost should decline in 2025-2027 with less O.T.)

Motion by Supervisor Krueger, second by Supervisor Balcerzak to adopt RS#8-2023. Sheriff Westen thanked the Personnel Committee, discussing the possibility of having more staff to share the work, moving from nine budget positions to twelve budget positions. Voice Vote: all ayes, motion carried. 19 ayes, 1 absent, 1 vacancy. Resolution #8-2023 is adopted.

Committee Referrals: Supervisor Benishek would like to hear from Hope House on a monthly basis. Supervisor Buck stated Public Property Committee will meet April 12 at the Highway Conference Room. Supervisor Bina discussed staffing issues at the Highway Department, requesting Committee involvement in exit interviews.

Update or Report on Grants and Activities from the County Administrator: County Administrator Hilger submitted a written report. Copy of the report is available from County Administrator Hilger.

County Board History Report from Supervisor Benishek: Supervisor Benishek continued with the history of the County Board referring back to April 23, 1924, where the Board approved a building at the Fairgrounds for educational purposes (building is still on the Fairgrounds). In 1926, the Francis Deleglise monument was placed at the Normal School, which monument is now located at the Historical Society. Also, in 1926, the Board approved hiring a County Public Health Nurse that is certified by the State and the Board approved issuing \$800,000 non-taxable Highway Improvement County Bonds. Supervisor Benishek reiterated the role of Board, making history for the County: roads, law and order, businesses, cleared land for farms, built churches, concerned about education. Supervisor Benishek: As I read the County Board Minutes of yesteryear, you make our future.

Any other business that may lawfully come before the Board: Supervisor J. Wagner requested information, if any, plans for a Men’s Hope House. The next County Board meeting is May 1, 2023 at 5:30 p.m. in the County Board Room.

Adjournment: Motion by Supervisor Krueger, second by Supervisor J. Wagner to adjourn the March 27, 2023 meeting at 7:39 p.m. All ayes, motion carried.

I, Judy Nagel, Langlade County Clerk, Antigo, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Langlade County Board of Supervisors Monthly Meeting of March 27, 2023. Note: These minutes are not official until they are approved by the County Board at their next meeting.

Judy Nagel
Langlade County Clerk

Dated this 30th day of March, 2023.
