

**CHAVES COUNTY BOARD OF COMMISSIONERS
SPECIAL BUSINESS MEETING AGENDA**

December 30, 2021 –9:00 a.m.

**Chaves County Administrative Center – Joseph R. Skeen Building
Commission Chambers - #1 St. Mary's Place**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

DETERMINATION OF QUORUM

AGENDA ITEMS

1. Resolution R-21-055 Approval of Chaves County Redistricting Plan
2. Resolution R-21-061 Resolution to join other New Mexico Counties in the Opioid settlement

**UNSCHEDULED COMMUNICATIONS LIMITED TO THREE MINUTES PER
VISITOR NOT TO EXCEED 15 MINUTES NO FORMAL ACTION TAKEN BY
COMMISSION**

- **COUNTY MANAGER'S COMMUNICATIONS**
- **COMMISSIONER'S COMMUNICATIONS**
- **ADJOURNMENT**

If you are an individual with a disability who needs a reader, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing of a meeting, please contact the County Commissioner's office at 575-624-6600. This should be done at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the County Commissioner's office if a summary or other type of accessible format is needed.

AGENDA ITEM: 1

Resolution R-21-055 Approval of
Chaves County Redistricting Plan

MEETING DATE:

December 30, 2021

STAFF SUMMARY REPORT

ACTION REQUESTED BY: County Manager

ACTION REQUESTED: Approval of Redistricting Plan

ITEM SUMMARY:

Chaves County is required to evaluate Commission Districts every 10 years, after the completion of the Census. On November 9, November 18, and December 16, 2021 potential Redistricting Plans were presented and discussed at public meetings, which included public involvement and discussion. Additional plans were requested from New Mexico Demographic Reporting to provide additional options. All plans A thru G have been physically posted for public inspection, as well as being available for viewing on the Chaves County website. Plans A thru F have been presented and discussed publicly. At the meeting held on November 18, 2021, Plans B and D were eliminated from consideration. The Board now needs to decide on which plan they will adopt.

Staff recommends approval of a Redistricting Plan

SUPPORT DOCUMENTS: Redistricting Maps found at www.chavescounty.gov

SUMMARY BY: William B. Williams

TITLE: County Manager

AGENDA ITEM: 2

Resolution R-21-061 Allowing
Chaves County to join other New
Mexico Counties in the opioid settlement

MEETING DATE: December 30, 2021

STAFF SUMMARY REPORT

ACTION REQUESTED BY: Bill Williams, County Manager

ACTION REQUESTED: Approve Resolution

ITEM SUMMARY:

Resolution R-21-061 will allow Chaves County to enter into settlement agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutical, Inc. to resolve pending litigation regarding opioid litigation, MDL 2804, and authorizing the Chaves County Manager to execute on behalf of the County all documents necessary to effectuate the County's participation in the settlement agreements.

Staff recommends approval.

SUPPORT DOCUMENTS: Resolution R-21-061

SUMMARY BY: William B. Williams

TITLE: County Manager

**RESOLUTION R-21-061
ALLOWING CHAVES COUNTY TO JOIN WITH OTHER
NEW MEXICO COUNTIES IN THE OPIOID SETTLEMENT**

WHEREAS, in 2018, multiple local governments in New Mexico brought litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the impact the opioid epidemic had and continues to have on the County and resources necessary to combat the opioid epidemic; and

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutical, Inc. (the "Settling Defendants") have been ongoing; and

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements to state and local government claims involved in the litigation; and

WHEREAS, copies of the proposed terms of that nationwide settlement have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively "Settlement Agreements"); and

WHEREAS, copies of the Settlement Agreements, as well as, summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements, the MDL Court's Order setting deadlines for any County who declines to enter into the Settlement Agreements, and the estimated timelines for settlement payments have been provided to the County; and

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements, it will receive the benefits associated with the Settlement Agreements provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreement stating the County's intention to be bound by the Settlement Agreements; and

WHEREAS, the State of New Mexico ("the State") recently informed New Mexico local governments who are eligible to recover from the Settlement so long as the State of New Mexico is a Participating State in the Settlements ("Local Governments") that the State of New Mexico intended to become a Participating State in the Settlements with several of the Settling Defendants; and

WHEREAS, the State's participation in the Settlements now allows the Local Governments to also participate in the Settlements; and

WHEREAS, the Local Governments must elect to participate in the Settlements by January 2, 2022 and execute the Participation Agreements to the Settlements by that date; and

WHEREAS, it is anticipated that a memorandum of understanding detailing how the New Mexico portion of the proceeds of the Settlements will be allocated as between the State and Local Governments ("Allocation MOU") will be reached in the coming weeks; and

WHEREAS, the County desires to settle its claims against the Settling Defendants pending the execution of an acceptable Allocation MOU; and

WHEREAS, the County desires to execute the Participation Agreements necessary to execute the Settlements, and authorizes them to be held in escrow until the time an acceptable Allocation MOU is reached; and

WHEREAS, participation in these Settlements does not affect the County's claims against non-settling Defendants; and

NOW, THEREFORE, BE IT RESOLVED THAT THE Chaves County Board of Commissioners hereby approves and authorizes William B. Williams, Chaves County Manager, to settle and release the County's claims against the Settling Defendants upon the achievement of an acceptable Allocation MOU by taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement to be held in escrow until an Allocation MOU is achieved.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement to be held in escrow until an Allocation MOU is achieved.
2. The execution of an Escrow Agreement authorizing the County's Settlement Participation Agreements to be held in escrow until such time as an acceptable Allocation MOU has been achieved.
3. Execution of an acceptable Allocation MOU setting forth how Settlement proceeds will be allocated between the State of New Mexico and the New Mexico Local Governments.
4. Ability to authorize release of the escrowed Participation Agreements by the Escrow Agent upon the achievement of an acceptable Allocation MOU.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Commissioners and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

DONE THIS 30th day of December 2021.

BOARD OF CHAVES COUNTY COMMISSIONERS

William E. Cavin, Chairman

Jeff Bilberry, Vice-Chairman

ATTEST:

Dara Dana, Member

T. Calder Ezzell Jr, Member

Cindy Fuller
County Clerk

Richard Taylor, Member