

**December 20, 2021**

The Westmoreland County Board of Commissioners met in special session on Monday, December 20, 2021 at the Westmoreland County Courthouse, Meeting Room #101, 2 North Main Street, Greensburg, PA. The following were present: Chairman Sean Kertes, Vice-Chairman Douglas W. Chew, Secretary Gina Cerilli Thrasher, Esq. and County Solicitor Melissa A. Guiddy. The following business was conducted:

Mr. Kertes called the meeting to order at 9:31am and led the Pledge of Allegiance

**General Agenda**

**Opportunity for Public Comment**

*No Public Comment*

**Solicitors Report**

Upon review and recommendation of Melissa A. Guiddy, County Solicitor, motion was made Mr. Chew, seconded by Mrs. Cerilli Thrasher and it was unanimously agreed to approve the following items for **Westmoreland County:**

- (A) Professional Services Agreement with **Dagostino Electronic Services, Inc.** in the amount of **\$23,350.00** to add a total of (12) new cameras in the Old Courthouse along with two years of Genetec Advantage Coverage pursuant to COSTARS 040-062.
- (B) **Resolution #R-65-2021**, authorizing the County of Westmoreland to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and to Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.

**RESOLUTION NO. R-65-2021**

*Authorizing the County of Westmoreland to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.*

**WHEREAS**, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The Commonwealth of Pennsylvania and Pennsylvania local governments spend billions of dollars each year to address the direct consequences of this crisis; and

**WHEREAS**, since at least 2017, state and local governments in Pennsylvania and around the United States have been pursuing investigations and 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 of the opioid epidemic on the County of Westmoreland and to recover 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, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the “Settling Defendants”) have been ongoing for several years; and

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

**WHEREAS**, the proposed terms of those proposed nationwide settlements 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 summaries of the main terms of the Settlement Agreements have been provided to the County; and

**WHEREAS**, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Pennsylvania including to the Commonwealth of Pennsylvania and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“Pennsylvania Opioid Funds”); and

**WHEREAS**, Pennsylvania local governments as well as the attorneys representing those local governments have engaged in extensive discussions with the Commonwealth’s Office of Attorney General (“OAG”) as to how the Pennsylvania Opioid Funds will be allocated, which has resulted in the Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust (the “Trust”); and

**WHEREAS**, a copy of the Trust has been provided to the County; and

**WHEREAS**, the Trust proposes to allocate the Pennsylvania Opioid Funds 15% to a Commonwealth Account; 70% to local governments in a County Abatement Account; and 15% to a Litigating Subdivision Account. For the avoidance of doubt, all funds allocated to Pennsylvania from the Settlements will be combined pursuant to the Trust, and 15% of that total shall be allocated to the Commonwealth of Pennsylvania (the “Commonwealth of Pennsylvania Account”), 70% to the County Abatement Account (“County Abatement Account Allocation”), and 15% to the Litigating Subdivision Account (“Litigating Subdivision Account”); and

**WHEREAS**, the Counties and Litigating Subdivisions, their Associations, such as the County Commissioners Association of Pennsylvania, and Counsel for the Subdivisions have participated in a series of meetings to draft allocation formulas. Those meetings have resulted in allocation formulas for the County Abatement Account and the Litigating Subdivision Account and established a Local Allocation Share under each Account for Eligible Local Subdivisions; and

**WHEREAS**, the County will receive its Local Allocation share only when it becomes a Participating Subdivision by agreeing to the Participation Agreements to the Settlements.

**NOW, THEREFORE, BE IT RESOLVED:** the County of Westmoreland through its Board of Commissioners approves and authorizes to settle and release the County’s claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Trust Agreement including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto (Subdivision Settlement Participation Form).
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto (Subdivision Janssen Settlement Participation Form).
3. The execution of the Pennsylvania Subdivision Intrastate Allocation Participation Form agreeing to the allocations to the County Abatement and Litigating Subdivision Accounts and agreeing to be a beneficiary of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.

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

Adopted by the County of Westmoreland on this 20<sup>th</sup> day of December, 2021, with a quorum being present.

- (C) **Resolution #R-66-2021**, approving payment of additional half time from March 18, 2020 to March 27, 2020 for those employees who were Chief Deputies, Senior Executives, Department Heads and Assistant Department Heads during that time period.

RESOLUTION #R-66-2021

WHEREAS, on or about March 17, 2020, the County of Westmoreland adopted a policy concerning Pandemic Activation and Response (hereinafter “Policy”); and

WHEREAS, the Policy defined Pandemic Premium Pay as “Time and a half the regular rate of pay,” and

WHEREAS, pursuant to Section V of the Policy, Essential employees as defined in the Policy, who were required to report when a shutdown occurred from March 18, 2020 to March 27, 2020 were paid Pandemic Premium Pay with the exception of Elected Officials, Chief Deputies, Senior Executives, Department Heads and Assistant Department Heads; and

WHEREAS, the aforementioned Chief Deputies, Senior Executives, Department Heads and Assistant Department Heads received straight time from March 18, 2020 to March 27, 2020; and

WHEREAS, the Board of Commissioners now wish to compensate the Chief Deputies, Senior Executives, Department Heads and Assistant Department Heads who served in that capacity during the time period of March 18, 2020 to March 27, 2020 by approving payment of the additional half time from March 18, 2020 to March 27, 2020.

NOW, THEREFORE, it is resolved by the Board of Commissioners of the County of Westmoreland, Pennsylvania, that the Board of Commissioners hereby approve payment of additional half time from March 18, 2020 to March 27, 2020 for those employees who were Chief Deputies, Senior Executives, Department Heads and Assistant Department Heads during that time period.

RESOLVED and enacted this 20<sup>th</sup> day of December, 2021 at a duly advertised public meeting with a quorum being present.

- (D) Issuance of Purchase Order with **Hampton Office Products**, in the amount of **\$30,287.22** for **“Meeting Room Seating,”** (pursuant to State Contract #4400016531)

Motion was made by Mr. Chew, seconded by Mrs. Cerilli Thrasher and it was unanimously agreed to adjourn the meeting at 9:33am

Certified by,

Gina Cerilli Thrasher, Esq.  
Secretary