

**OPIOID SETTLEMENT FUND  
2023 FISCAL YEAR FINANCIAL REPORT**

**NOTE: PLEASE FIRST REVIEW THE ANNUAL REPORT'S [INSTRUCTION SHEET](#), DOWNLOAD AND SAVE THE FORM, THEN COMPLETE THIS FORM USING EITHER ADOBE ACROBAT PRO OR READER**

NAME OF ENTITY: Bonneville County  
 NAME & TITLE OF PERSON FILLING OUT REPORT: Ron Smith, - Sr. Accountant  
 EMAIL: rsmith@co.bonneville.id.us  
 PHONE NUMBER: 208-529-1360

**Should all future opioid-related correspondence go to you?** Yes  No

NAME & TITLE: Ron Smith, - Sr. Accountant  
 EMAIL: rsmith@co.bonneville.id.us

**INFORMATION ABOUT PAYMENTS THE SUBDIVISION RECEIVED** *(All information required)*

Funds balance at end of <b>FY 2022</b> (July 1, 2021-June 30, 2022):	\$ 0.00
Settlement funds received in <b>FY 2023</b> (July 1, 2022-June 30, 2023):	\$ 356,013.28
Settlement funds expended in <b>FY 2023</b> :	\$ 11,991.60
Settlement funds balance at end of <b>FY 2023</b> (June 30, 2023):	\$ 344,021.68

**DETAILS ABOUT FUNDS RECEIVED DURING THE FISCAL YEAR** *(All information required)*

Payment Date	Payment Amount	Source of Payment
07/18/2022	\$ 56,614.48	Distributors' Settlement
10/03/2022	\$ 59,499.06	Distributors' Settlement
10/18/2022	\$ 228,531.80	Janssen Settlement
01/30/2023	\$ 11,367.94	Mallinckrodt Bankruptcy
	\$	

**Total Amount Received:** \$ 356,013.28

**INFORMATION ABOUT FUNDS EXPENDED ON APPROVED USES** ([EXHIBIT A](#)) *(All information required)*

Approved Use Section	Approved Use Subsection	Payment Amount
Part One-D, Address Needs	2-Support Pre Trial Service	\$ 9,020.08
Part Two-H, Prevent Overd	13-Support Fentanyl Screen	\$ 2,971.52
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

**Total Amount Expended:** \$ 11,991.60

I uploaded copies of the subdivision's budget sections or resolution(s) that support the subdivision's disbursements. Yes  No

Add Attachments, *one at a time*: **ADD ATTACHMENT**

If "No," explain why the required documents are not attached:

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I uploaded copies of other supporting records that the subdivision wants the Attorney General's Office and public to review. Yes  No

Add Attachments, *one at a time*: **ADD ATTACHMENT**

### **PUBLIC RECORDS ACT NOTICE**

This report and all uploaded documents are public records and will be published on the Attorney General's website at [ag.idaho.gov](http://ag.idaho.gov). The Attorney General also will provide a copy of the report and all uploaded documents to the opioid settlement administrator and anyone who submits a public record request.

### **ACKNOWLEDGEMENTS**

By typing my name below, I warrant that: (a) all information provided in this report is true and correct, (b) all opioid settlement funds expended by the subdivision were expended on approved uses as provided in [Exhibit A](#), and (c) I have the necessary authority to sign and submit this report on behalf of the subdivision.

**SIGNATURE** - *type name here*: Ron Smith

**DATE**: 09/25/2023

**SUBMIT**

## ACCOUNT DETAIL HISTORY FOR 2000 00 TO 2023 13

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	
11217901	51350		PROF SERV - TESTING							
23/09	429	06/13/23	API 003130		135805	18008409	B	1,468.96	1,468.96	
	W 062723		MDP Lab Confirmations May 2023 REDWOOD TOXICOLOGY L							
23/09	429	06/13/23	API 003130		135806	18008409	B	1,502.56	2,971.52	
	W 062723		PreTrial Services Lab Confirma REDWOOD TOXICOLOGY L							
LEDGER BALANCES --- DEBITS:				2,971.52	CREDITS:			.00	NET:	2,971.52
GRAND TOTAL --- DEBITS:				2,971.52	CREDITS:			.00	NET:	2,971.52

2 Records printed

\*\* END OF REPORT - Generated by Ron Smith \*\*

## RESOLUTION NO. 21-15

*Authorizing Bonneville County, Idaho (the "County") 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 Pharmaceutical, Inc., Agree to the Terms of the MOU Allocating Settlement Proceeds, and Authorize Entry Into the MOU with the Attorney General for the State of Idaho.*

**WHEREAS**, in 2018, the Bonneville County Board of Commissioners authorized the County to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC, von Briesen & Roper, s.c., and Chadwick and Associates, PLLC (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 impact of the Opioid Epidemic on the County including those resources necessary to combat the opioid epidemic;

**WHEREAS**, on behalf of Bonneville County, the Law Firms filed a lawsuit against the Opioid Defendants in 2018 (the "Litigation") and have been litigating against the Opioid Defendants since that time;

**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 Pharmaceutical, Inc. (the "Settling Defendants") have been ongoing for several years;

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

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

**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 and the MDL Court's Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided with this Resolution;

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

**WHEREAS**, the Law Firms have engaged in extensive discussions with counsel for other Participating Subdivisions and the State Attorney General's Office ("AGO") as to how the Idaho Opioid Funds will be allocated, which has resulted in the proposed Allocation MOU, which is an agreement between all of the entities identified in the Allocation MOU;

**WHEREAS**, a copy of the Allocation MOU has been provided with this Resolution;

**WHEREAS**, the Allocation MOU divides the Idaho Opioid Funds with forty percent (40%) to the State of Idaho ("State Share"); forty percent (40%) to the Participating Local Governments ("LG Share") which includes the Participating Subdivisions; and twenty percent (20%) to the Participating Health Districts ("HD Share");

**WHEREAS**, the Allocation MOU contains an Exhibit A containing an allocation of the LG Share among the Idaho Local Governments setting forth the percentage of the LG Share allocated to each Participating Local Government;

**WHEREAS**, Bonneville County, by this Resolution, intends to establish an account for the receipt of the proceeds of the Settlement Agreements consistent with the terms of this Resolution ("the Opioid Abatement Account");

**WHEREAS**, Bonneville County's Opioid Abatement Account shall be separate from the County's general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

**WHEREAS**, the Allocation MOU provides that a fund be created from 10% of the LG Share and an optional additional 2.5% of the LG Share (a total of 12.5% of the LG Share) to compensate outside attorneys for Participating Local Governments (the "Idaho Attorney Fee Back Stop Fund") only in the event those attorneys do not recover an amount equal to a 15% contingent fee at the attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund ("National Attorneys' Fees Fund"), with said attorneys not being entitled to compensation any greater than a total contingency fee of 15% from the LG Share;

**WHEREAS**, outside counsel retained by Litigating Participating Local Governments may only apply to the Idaho Attorney Fee Back-Stop Fund for a deficiency, meaning the difference between what their fee agreements would entitle them to minus what they have already collected from attorney fee funds established under the National Settlement Agreements and Future Resolutions and the Common Benefit Fund. For the avoidance of doubt, collectively, outside counsel for Litigating Participating Local Governments are limited to being paid, at most, and assuming adequate funds are available under the National Settlement Agreements, Future Resolutions, the Common Benefit Fund and the Idaho Attorney Fee Back-Stop Fund, attorney's fees totaling fifteen percent (15%) of the LG Share;

**WHEREAS**, Bonneville County, by this Resolution, agrees to the creation of the Idaho State Backstop Fund in the amount of 12.5% of the LG Share in order to fund a state-level "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

**WHEREAS**, any funds remaining in the Idaho Attorney Fee Back-Stop Fund in excess of the amounts needed to cover the deficiency in attorney's fees shall revert back to the LG Share

and shall be allocated to the Participating Local Government in the percentages set for in the Allocation MOU;

**WHEREAS**, if Bonneville County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement 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; (3) approves the Allocation MOU; and (4) executes the Sign On Form to the Allocation MOU;

**WHEREAS**, the intent of this Resolution is to authorize Bonneville County to enter into the Settlement Agreements by executing the Participation Agreements and to enter into the Allocation MOU by executing the Sign On Form.

**NOW, THEREFORE, BE IT RESOLVED:** the Bonneville County Board of Commissioners hereby approves and authorizes Daniel R. Clark, Bonneville County Prosecuting Attorney, to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, Allocation MOU and all exhibits thereto, including taking the following measures:


1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Allocation MOU by Executing the Sign On Form.

**BE IT FURTHER RESOLVED:** Bonneville County hereby establishes an account separate and distinct from the County's general fund which shall be titled "Opioid Abatement Account." All proceeds from the Settlement Agreements not otherwise directed to the Idaho State Backstop Account Fund shall be deposited in the Opioid Abatement Account in accordance with the Allocation MOU.

**BE IT FURTHER RESOLVED:** Bonneville County hereby authorizes an amount equal to 12.5% of the LG Share to be deposited in the Idaho State Backstop Account Fund subject to those limitations of compensation set forth in the recitals above.

**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.

Adopted by the Bonneville County Board of Commissioners this 19th day of November, 2021.

  
\_\_\_\_\_  
Roger S. Christensen, Chairman

  
\_\_\_\_\_  
Jonathan D. Walker, Member

  
\_\_\_\_\_  
Bryon L. Reed, Member

ATTEST:

  
\_\_\_\_\_  
Penny Manning  
Bonneville County Clerk