

**MINUTES
ISABELLA COUNTY
BOARD OF COMMISSIONERS
February 20, 2018**

The Isabella County Board of Commissioners was called to order at 7:00 p.m., by Chairperson George Green in the Commission Chambers on the above date.

The Pledge of Allegiance to the United States of America was led by Chairperson George Green.

Roll was called with the following Commissioners present: George Green, Frank Engler, Jerry Jaloszynski, Jim Horton, James Moreno, Tobin Hope and David Ling

Commissioners Absent: None

Also present were: Isabella County Administrator/Controller Margaret McAvoy, County Clerk Minde ` B. Lux, and Deputy Clerk Brenda M. Young.

APPROVAL OF AGENDA:

Commissioner Ling requested a change to New Business Item A, Resolution No. 18-02-02 Change Opioid Nuisance to Opioid Crisis. Chairperson Green announced the addition of Item 4 and Item 5 to New Business. It was moved by Commissioner Moreno and seconded by Commissioner Hope to approve the agenda as amended. Motion Carried

GENERAL PUBLIC COMMENT:

PRESENTATIONS AND SPECIAL REPORTS: None

APPOINTMENTS TO BOARDS AND COMMISSIONS:

1. Human Rights Committee Resignation:

It was moved by Commissioner Ling and seconded by Commissioner Horton to accept with regret the resignation of Wendy Hovey from the Isabella County Human Rights Committee effective immediately. Motion Carried

CONSENT AGENDA

It was moved by Commissioner Hope and seconded by Commissioner Jaloszynski to approve and place on file the February 6, 2018 Regular Meeting Minutes, the February 13, 2018 Finance and Administration Committee minutes, the February 13, 2018 Criminal Justice and County Affairs Committee minutes, the February 8, 2018 Routine Personnel Items, and the FY 2018 First Quarter Financial Management Services Report. Motion Carried.

COMMITTEE REPORTS

Finance and Administration Committee:

1. Invoice Lists: February 2, 2018 and February 9, 2018:

It was moved by Commissioner Horton and seconded by Commissioner Ling to ratify and place on file the revised February 2, 2018 Invoice List in the amount of \$498,756.21, and the February 9, 2018 Invoice List in the amount of \$1,166,782.96. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

2. Dickinson Wright PLLC Bond Counsel Engagement Letter:

It was moved by commissioner Horton and seconded by commissioner Ling to approve the Dickinson Wright PLLC Bond Counsel Engagement Letter, dated February 2, 2018, to engage legal services in the issuance of Limited Tax General Obligation (LTGO) Bonds, for the Isabella County Road Commission Facilities Project, and authorize the Board Chair to sign the same. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

Criminal Justice and County Affairs Committee:

1. Amended Michigan Indigent Defense Commission Proposal:

It was moved by Commissioner Jaloszynski and seconded by Commissioner Engler to approve and submit the amended proposed compliance plan to the Michigan Indigent Defense Commission that meets the MIDC Standards 1-4, and authorize the Board Chair to sign the same. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

Human Resources and Public Works Committee: None

Intergovernmental Affairs Committee: None

Administrator/Controller: None

Unfinished Business: None

New Business:

1. Resolution No. 18-02-02; Declaring Opioid Epidemic a Public Crisis:

WHEREAS the use of narcotic drugs oxycodone, hydrocodone, methadone, fentanyl, codeine and others (hereinafter "Opioids") has become a national epidemic of addiction and abuse in the United States that has led to carnage and destruction, including the loss of over 33,000 lives annually, the destruction of countless families and homes, and the incarceration of hundreds of thousands of addicts who have turned to crime in order to support their addictions; and

WHEREAS the State of Michigan has been particularly impacted by this national epidemic and is the 10th leading state in the country in 2016 for Opioid usage as measured by per capita prescription utilization according to the *U.S Center for Disease Control ("CDC") Annual Surveillance Report of Drug Related Risks and Outcomes*; and

WHEREAS Isabella County has been impacted by the scourge of Opioid addiction, requiring elevated levels of emergency response to Opioid overdoses; and

WHEREAS Isabella County emergency responders have administered Narcan, a drug used for the treatment of Opioid overdoses; and

WHEREAS the epidemic of Opioid abuse as stated herein establishes that the epidemic significantly interferes with the public's health, safety, peace, comfort and convenience; and

WHEREAS the manufacturers of Opioids know, or should know, that the over-prescribing of Opioids, as encouraged by the manufacturers' deceptive and irresponsible marketing and distribution conduct, has led to the Opioid epidemic as described in this resolution and as witnessed on a daily basis by the emergency responders, law enforcement personnel, emergency room treaters, incarceration officers, substance abuse counselors, family members and victims of the addicted; and

WHEREAS the wholesale distributors of Opioids know, or should know, that the irresponsible distribution of Opioid products has contributed to the illegal diversion of Opioid product and has similarly led to the Opioid epidemic as described in this resolution and as witnessed on a daily basis by the emergency responders, law enforcement personnel, emergency room treaters, incarceration officers, substance abuse counselors, family members and victims of the addicted; and

WHEREAS the conduct of the manufacturers and wholesale distributors, as described herein, is proscribed by the common law of public nuisance as well as by federal and Michigan law governing deceptive conduct, marketing and distribution of narcotics.

NOW THEREFORE BE IT RESOLVED that the Isabella County Board of Commissioners hereby declares that the continued conduct of manufacturers and wholesale distributors of Opioid products as it relates to their irresponsible marketing and distribution of such products has materially contributed to the Opioid epidemic which is, and if left unabated, will continue to be, a PUBLIC CRISIS that needlessly destroys the lives of countless individuals and their families, the neighborhoods in which they live and conduct their activity, and is a continual threat to the public health, safety, peace, comfort and convenience of the Isabella County citizenry; and

BE IT FURTHER RESOLVED that the Opioid epidemic as described herein has resulted in tangible and calculable material costs to Isabella County and its taxpayers, including but not limited to, increased emergency response costs, law enforcement intervention costs, and incarceration costs; and

BE IT FURTHER RESOLVED that Isabella County is encouraged to engage in all appropriate enforcement activities to abate the public nuisance as declared herein and to seek compensation for the costs imposed upon the County and its taxpayers, as well as any other appropriate legal, equitable and injunctive action including the institution of lawsuit(s) against Opioid manufacturers and wholesale distributors.

It was moved by Commissioner Ling and seconded by Commissioner Horton to adopt the Isabella County Board of Commissioners Resolution No. 18-02-02, a resolution declaring opioid epidemic a public crisis, and authorize the Board Chair to sign the same. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

2. Resolution No. 18-02-03; Approve Outside Counsel for Opioid Litigation:

WHEREAS the Isabella County Board of Commissioners ("the Board") desires legal representation in national litigation that is being waged against manufacturers and distributors of opioids and other culpable parties; and

WHEREAS the participation in such national litigation requires specialized expertise; and

WHEREAS the Board has reviewed the qualifications of Weitz & Luxenberg, PC, the Sam Bernstein Law Firm PLLC and Behm & Behm, and believes that those firms collectively possess outstanding experience and qualifications to represent the County's interests as it relates to the opioid epidemic.

NOW THEREFORE BE IT RESOLVED that on February 20, 2018 the Board approves the firms of Weitz & Luxenberg PC, the Sam Bernstein Law Firm PLLC and Behm & Behm as special counsel to represent the interests of Isabella County in litigation concerning the opioid epidemic.

It was moved by Commissioner Jaloszynski and seconded by Commissioner Engler to adopt Isabella County Board of Commissioners Resolution No. 18-02-03, a resolution to approve outside

counsel for opioid litigation, and authorize the Board Chair to sign the same. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Hope and Ling. Nays: None

3. Retainer Agreement:

It was moved by Commissioner Engler and seconded by Commissioner Moreno to approve the Retainer Agreement between Isabella County and Weitz & Luxenberg, PC, The Sam Bernstein Law Firm PLLC and the Behm & Behm Law Firm, and authorize the Board Chair to sign the same. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

4. 911 Dispatch Supervisors Unit Tentative Agreement:

It was moved by Commissioner Ling and seconded by Commissioner Horton to ratify the Tentative Agreement dated January 18, 2018 between Isabella County Board of Commissioners and Command Officers Association of Michigan – 911 Dispatch Supervisors Unit, effective January 1, 2018 through December 31, 2020 with a salary adjustment effective January 18, 2018 for one year. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

5. Command Unit Tentative Agreement:

It was moved by Commissioner Horton and seconded by Commissioner Ling to ratify the Tentative Agreement dated January 23, 2018 between Isabella County Board of Commissioners and Command Officers Association of Michigan – Command Unit, effective January 1, 2018 through December 31, 2020. The motion carried with 7 yeas and 0 nays. Yeas: Commissioners Green, Engler, Jaloszynski, Horton, Moreno, Ling, and Hope. Nays: None.

General Public Comments: None

Announcements: None

Adjournment: It was moved by Commissioner Jaloszynski and seconded by Commissioner Engler to adjourn to the call of the Chair at 7:35 p.m.

