

**EATON COUNTY BOARD OF COMMISSIONERS**

**February 21, 2018**

**RESOLUTION DECLARING THAT THE UNLAWFUL DISTRIBUTION OF  
PRESCRIPTION CONTROLLED SUBSTANCES HAS CREATED A PUBLIC  
NUISANCE AND A SERIOUS PUBLIC HEALTH AND SAFETY CRISIS FOR THE  
CITIZENS OF EATON COUNTY**

**Introduced by Commissioner Joseph Brehler**

Commissioner Brehler moved for the approval of the following resolution. Seconded by Commissioner Barnes.

**WHEREAS**, the Board of County Commissioners is the policy-determining body of the County; and

**WHEREAS**, the Board of County Commissioners has the authority to take action to protect the public health, safety, and welfare of the citizens of Eaton County; and

**WHEREAS**, there exists a serious public health and safety crisis involving opioid/opiate abuse, addiction, morbidity, and mortality in Eaton County; and

**WHEREAS**, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid/opiate abuse, addiction, morbidity, and mortality in Eaton County; and

**WHEREAS**, the violation of any laws of Michigan or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of Eaton County and constitutes a public nuisance; and

**WHEREAS**, the Board of County Commissioners has the authority to abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizens of Eaton County; and

**WHEREAS**, the Board of County Commissioners has expended, is expending, and will continue to expend in the future County public funds to respond to the serious public health and safety crisis involving opioid/opiate abuse, addiction, morbidity, and mortality in Eaton County; and

**WHEREAS**, the Board of County Commissioners may sue to obtain any money due the County; and

**WHEREAS**, the Board of County Commissioners has received information that indicates that the manufacturers and wholesale distributors of controlled substances who dispensed or otherwise caused opioids to be diverted into Eaton County may have violated federal and state

laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market; and

**WHEREAS**, the citizens of Eaton County will benefit from the retention of special outside counsel to investigate and pursue, if appropriate, County claims against the manufacturers and/or wholesale distributors of controlled substances in Eaton County, on a contingent fee basis, wherein there is no attorney fee or reimbursement of litigation expenses if there is no recovery; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Eaton County, Michigan with at least two-thirds of its members thereto concurring as follows

### **SECTION I**

That the Board of County Commissioners hereby declares that opiate/opioid abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in Eaton County, Michigan, and is a public nuisance; and

### **SECTION II**

That the Board of County Commissioners of Eaton County, Michigan, hereby retains the firm of Sommers Schwartz, P.C., 1 Towne Square, Suite 1700, Southfield, MI 48076, and such other legal counsel as needed, as Special Counsel to represent the Board of County Commissioners, to investigate and, if appropriate, pursue all civil remedies which may be afforded under law as against the manufacturers and/or wholesale distributors in the chain of distribution of controlled substances who have caused or contributed to the public nuisance and serious public health and safety crisis involving opioid/opiate abuse, addiction, morbidity, and mortality in Eaton County, with the compensation therefore on a contingent fee basis, in concert with the contingent fee agreement that is designated as “Authority to Represent” and for which all members of the Board of County Commissioners are authorized to execute the afore stated contingent fee agreement, the same of which is identified as Exhibit A and attached hereto and made a part hereof in its entirety.

### **SECTION III**

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of the Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements. Roll call vote: Ayes: Barnes, Augustine, Pearl-Wright, Whitacre, Freeman, Brehler, Droscha, Eakin, Ridge, Lautzenheiser, Wood and Rogers. Nays: Mulder. Abstain: Spence. Carried.