

COMMISSIONERS' MEETING MINUTES
JANUARY 24, 2018

Commissioner Chairman Michael A. Baker called the regular meeting of the Indiana County Commissioners to order at 10:30 a.m. in the Courtroom #1.

ROLL CALL

Chairman Michael A. Baker, present
Commissioner Sherene Hess, present

Commissioner Rodney D. Ruddock, present

Also in attendance were Solicitor Matthew T. Budash, Chief Clerk Robin Maryai and others. Members of the news media present were Josh Widdowson, Greg Reinbold and Chauncey Ross.

PLEDGE OF ALLEGIANCE

Commissioner Baker led those present in reciting the Pledge of Allegiance to the American Flag.

APPROVE MINUTES...JANUARY 10, 2018

A motion was made by Mr. Ruddock, seconded by Ms. Hess and unanimously carried to approve the minutes of January 10, 2018 as submitted.

PUBLIC COMMENT

Tammy Curry was present and made comment regarding loans to small businesses.

EXECUTIVE SESSIONS

There were Executive Sessions held on the following dates to discuss legal matters:

- January 16, 2018 at 2:30 p.m.
- January 22, 2018 at 1:30 p.m.
- January 23, 2018 at 2:00 p.m.
- January 24, 2018 at 9:30 a.m.

RESOLUTION...OPIOID LITIGATION

Commissioner Baker said Indiana County like most of America has been deeply affected by the current opioid crisis. As Commissioners we believe that many counties and municipalities have been forced to follow a very predictable course as the epidemic has unfolded. We further believe that course was largely Preventable except that drug manufacturers and large distributors and key opinion leaders in the medical community deliberately engineered a cycle of dependency and addiction among our population in an effort to secure huge corporate profits as well as their personal self-enrichment.

Many of our county departments have experienced increased caseloads, workloads and other activities associated with responding directly or indirectly to this very serious issue. Nearly every family in the county has been touched at least to some degree by the problems of opioid addiction, dependency, co-dependency, overdose and death. Many who have been victims of addiction themselves, often through no fault of their own, have been forced by job loss,

interruption of insurance coverages and other economic realities to seek Heroin and other illicit street substances to meet their ever-increasing need for opioids. Tax payers have been subjected to increased costs of education, prevention, treatment, interdiction, prosecution and incarceration. The costs already incurred may very well pale in comparison to those we might be forced to bear in coming years as the full wave of the epidemic is realized. Indiana County must do more than defensively respond to the day to day fallout of this destructive crisis. The costs we have been forced to bear in terms of human suffering are incalculable. But those we bear financially are not only quantifiable but should be recoverable, as well. It is time that we take a more offensive and deliberate posture against those who have perpetrated these inhumane circumstances upon our citizens. They must be forced to not only answer to their actions but to bear the financial consequences for the unnecessary and unsustainable burdens that have been imposed upon us all.

To that end Indiana County is justified in seeking to bring legal action against those corporations and persons we believe to be responsible for the opioid crisis and to seek financial awards for the costs and damages our taxpayers and citizens have incurred and likely to continue incur for many years in the future. The board is inviting some elected officials, department heads of county government and persons from the community to join us in describing the effect the crisis has had on their departments, businesses and their lives. A number of persons who represent outside agencies have been damaged by the epidemic are also invited to speak. After they speak, the board will deliberate on the possibility of pursuing legal action on behalf of the people of Indiana County to recover at least a portion of funds that have been expended in response to this nationwide crisis.

Commissioner Ruddock said that in early January Governor Wolfe declared a state of disaster of emergency to combat the opioid and heroine crisis. This is a step that is typically reserved when there is a response to natural disasters. We have a natural disaster right here in Indiana County. Emergency declarations like that by the Governor authorize Commonwealth agencies to use all available resources and personnel as necessary to cope the magnitude and severity of the situation. Counties have a critical role in addressing the opioid epidemic choosing it as its top priority for 2018 and also to support the Governor's declaration.

We often are made aware of the tragic deaths that have occurred both locally, regionally and nationally. Much of it due to drug overdose, drug epidemic and certainly the opioid epidemic. This trend has become a major cost driver across county budgets for drug and alcohol services and other human services areas. We have seen progress in recent years. For example, by expanding access to the overdose reversal drug Naloxone and by continuing to implement warm hand-off protocols to help overdose survivors directly into treatment. However, more can and must be done. For that reason, counties support the Governor's recent declaration on the heroin and opioid epidemic as a state-wide disaster emergency. Counties have a critical role in addressing the epidemic and increased collaboration between state, local and federal officials to help develop and implement a comprehensive approach coupled with additional resources to expand local capacity and knowing this is important to the success of all these efforts.

Commissioner Ruddock said he chairs the Veterans and Military Affairs Committee for Pennsylvania and the impact opioids has on veterans is most alarming and they are the most

vulnerable that we have to protect and engage. Mr. Ruddock read from an article “It’s a scourge that spares no family” The author, Retired Admiral General James Winnefield, is a veteran who serves as a Vice-Chair of the Joints Chief’s of Staff. “When I served as the Vice-Chair of the Joint Chiefs, I helped run the most powerful military on earth. Yet could not save my son from his addiction to opioids.” We are all engaged in this particular issue.

Commissioner Hess said in addition to the heartache, grief, stress and monetary losses that families have had to endure over the past many years due to the loss and due to the substance abuse disorder, there is a toll that it takes on a community as we all know. That toll is psychological and monetary. It is estimated that nearly 20-25% of all property taxes in Indiana County goes to fight the ongoing drug epidemic. And unfortunately, this does not address expenses to those who aren’t involved in the justice system. We really don’t have the numbers but we know but we know that is has affected the economy of our county, of our state and of our nation because it is not getting better. There parties who are responsible directly for this scourge. Our schools have been defunded and our workforce has programs that have been disinvested in, those with mental health issues have been left to figure things out on their own. Our communities are suffering. But today we will consider action that we hope will bring some relief. My colleagues and I are committed to ensuring that these actions are what is right for Indiana County in the long run. There are questions and there are uncertainties but we believe it is an important step in addressing this intractable set of circumstances that we find ourselves in. there will be lessons to be learned but hopes for sake of families, business communities, school, health care facilities but especially for our children and our grandchildren that we will find the answer. Ms. Hess thanked all the agencies and organizations for their testimony. There is such trauma and grief related to dealing with this situation and you wonder how they keep dealing with it but they do. We are Western Pennsylvania, we have tenacity and compassion but we need help and hope these actions will bring that help. We will be dealing with this situation for many years to come and welcome insight to this significant problem.

The following were present and spoke in support of the legal action: B.J. Pino, Sarah Ross, Patrick Dougherty, Sam Buzzinotti, Janis Baun, Robert Fyock and Alex Jennings. Many other Department Heads and Agency Directors were also present to show support.

RESOLUTION...OPIOID LITIGATION

Before Commissioner Ruddock read the Resolution, he made a brief comment: “In hearing what I heard today, I think America has offered refuge to the largest drug cartel in our nation’s history for too long and it is time we take action on that.”

After the Resolution was read by Mr. Ruddock, a motion was made, seconded by Ms. Hess and carried unanimously to approve the following Resolution:

RESOLUTION

WHEREAS, the Board of Commissioners (hereinafter referred to as ‘Board’) of Indiana County is the policy-determining body of the County; and

WHEREAS, the Board has the authority to take action to protect the health, safety and welfare of the citizens of Indiana County; and

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, treatment, morbidity, and mortality in Indiana County; and

WHEREAS, the diversion of legally-produced controlled substances into the illicit market causes, contributes or increases the risk of harm from the serious public health and safety crisis involving opioid abuse, addiction, treatment, morbidity, and mortality in Indiana County; and

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

WHEREAS, the Board 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 Indiana County; and

WHEREAS, public funds continue to be expended in response to the serious public health and safety crisis involving opioid abuse, addiction, treatment, morbidity and mortality in Indiana County; and

WHEREAS, the Board may institute litigation to recover any such public funds as a result of the serious public health and safety crisis involving opioid abuse, addiction, treatment, morbidity and mortality in Indiana County; and .

WHEREAS, the Board has received information that indicates that the wholesale distributors of such controlled substances may have violated federal laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market; and

WHEREAS, the citizens of Indiana County will benefit from the retention of special outside counsel to investigate and pursue, if appropriate, the county's claims against the wholesale distributors and/or manufacturers of such controlled substances:

NOW, THEREFORE, BE IT RESOLVED that opioid abuse, addiction, treatment, morbidity, and mortality has created a serious public health and safety crisis in Indiana County, and is a public nuisance; and

BE IT FURTHER RESOLVED that the Board hereby authorizes, in accordance with the Rules of Professional Conduct and laws of the Commonwealth of Pennsylvania, the retention of the following firms as Special Counsel to the Board in the matter:

- Marcus & Mack, PC
- Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
- Baron & Budd, PC
- Greene, Ketchum, Farrell, Bailey & Tweel, LLP
- Hill, Peterson, Carper, Bee & Deitzler PLLC
- McHugh Fuller Law Group
- Powell & Majestro, PLLC
- and other legal counsel as may be necessary to represent Indiana County and to investigate, and if appropriate, pursue all civil remedies which may be afforded under the laws of the Commonwealth of Pennsylvania against the wholesale distributors and/or manufacturers in the chain of distribution of controlled substances which have caused or contributed to the public nuisance and serious public health and safety crisis involving opioid abuse, addiction, treatment, morbidity and mortality in Indiana County.

BE IT FURTHER RESOLVED that financial compensation for such engagement and representation shall be rendered in accordance with the contingent fee agreement that is designated as "Legal Services Agreement", the same of which is identified as Exhibit A and attached hereto and made part hereof in its entirety.

Dated this 24th day of January, 2018.

INDIANA COUNTY BOARD OF COMMISSIONERS

Michael A. Baker, Chairman

Rodney D. Ruddock, Commissioner

ATTEST:

Sherene Hess, Commissioner

Robin Maryai, Chief Clerk

LEGAL SERVICES AGREEMENT

Commissioner Baker introduced Bob Marcus, Jonathan Mack, Brian Neiderhiser from Marcus & Mack and Archie Lamb from Levin Papantonio and thanked them for the counsel they have provided.

A motion was made by Mr. Ruddock, seconded by Ms. Hess and unanimously carried to approve the Legal Services Agreement with the firms listed in the Resolution. The agreement will be to

offer a civil suit against those legally responsible for the wrongful distribution of prescription opioids and delirious effects it has on Indiana County. It is noted there is a clause in the agreement that specifies that we will have to pay no fee to any firm if there is no recovery for Indiana County.

OTHER BUSINESS

There was no other business.

NEXT REGULAR MEETING...JANUARY 31, 2018 AT 10:30 A.M.

The next regular scheduled Commissioners' Public meeting will be held on Wednesday, January 31, 2018 at 10:30 a.m. in the Commissioners' Hearing Room.

ADJOURNMENT

With no other business to come before the Board at this time, Commissioner Baker adjourned the meeting at 11:32 a.m.

Sherene Hess, Secretary

Michael A. Baker, Chairman