



# BOISE COUNTY

## RESOLUTION #2018-17

### BOISE COUNTY, IDAHO BOARD OF COUNTY COMMISSIONERS

**WHEREAS**, Boise County ("County") is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts the citizens of the County in addition to millions of people across the country; and

**WHEREAS**, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to Boise County and are, in fact, issues and concerns shared by all other counties in Idaho and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic ("Opioid Epidemic"); and

**WHEREAS**, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

**WHEREAS**, the National Institute for Health has identified the manufacturers of certain opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

**WHEREAS**, certain opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

**WHEREAS**, Boise County has expended considerable resources in its programs and services related to the Opioid Epidemic; and

**WHEREAS**, Boise County is responsible for a multitude of programs and services, all of which require the County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

**WHEREAS**, Boise County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet the County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to the County; and

**WHEREAS**, all sums that Boise County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that the County provides to its citizens, residents and visitors; and

**WHEREAS**, Boise County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain opioid manufacturers in an effort to

force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

**WHEREAS**, Boise County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") related to the potential for Boise County to pursue certain legal claims against certain opioid manufacturers; and

**WHEREAS**, Boise County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

**WHEREAS**, the Law Firms have proposed that Boise County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

**WHEREAS**, all of the costs and expenses associated with the claims against certain opioid manufacturers would be borne by the Law Firms; and

**WHEREAS**, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution ("Engagement Letter") specifying the terms and conditions under which the Law Firms would provide legal services to Boise County and otherwise consistent with the terms of this Resolution; and

**WHEREAS**, Boise County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms as needed; and

**WHEREAS**, Idaho Code §31-801 grants the Board of County Commissioners in their respective counties all jurisdiction and authority within the legal confines of their statutory office; and

**WHEREAS**, Idaho Code §31-813 empowers the Board of County Commissioners with authority to direct and control the prosecution and defense of all suits to which the County is a party in interest, and employ counsel to conduct the same, with or without the prosecuting attorney, as they may direct; and

**WHEREAS**, Boise County believes it to be in the best interest of the County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Idaho in pursuit of claims against certain opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

**WHEREAS**, the Boise County Prosecuting Attorney's Office has reviewed this resolution and deemed it and the litigation in the best interest of County; and

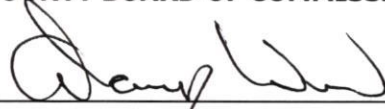
**WHEREAS**, by pursuing the claims against certain opioid manufacturers, Boise County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by the County and other public agencies across the country in dealing with the Opioid Epidemic.

**NOW, THEREFORE, BE IT RESOLVED** that Boise County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

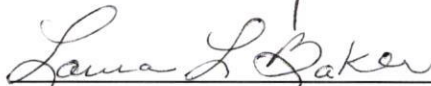
**BE IT FURTHER RESOLVED** that Boise County shall endeavor to faithfully perform all actions required of the County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

**APPROVED** and **ADOPTED** in Open Session on the 6<sup>th</sup>, day of March, 2018.

**BOISE COUNTY BOARD OF COMMISSIONERS**



**ALAN D. WARD**, Chair



**LAURA L. BAKER**, Commissioner



**ROGER B. JACKSON**, Commissioner

**ATTEST:**



**Mary T. Prisco**, Clerk to the Board

