

MINUTES
WILKES COUNTY BOARD OF COMMISSIONERS
January 16, 2018

PUBLIC CONCERNS – NONE

The Wilkes County Board of Commissioners met on Tuesday, January 16, 2018 at 7:02 P.M. with the following members present: Chairman Gary D. Blevins, Vice Chairman Eddie Settle, Commissioner Keith Elmore, and Commissioner Greg Minton.

Also present for the meeting were Tony Triplett, County Attorney; John Yates, County Manager; and Sarah Call, Clerk to the Board.

Chairman Gary D. Blevins welcomed everyone and called the meeting to order. He stated Commissioner David Gambill is out of town.

INVOCATION – Vice Chairman Eddie Settle led the Invocation.

PLEDGE OF ALLEGIANCE – Chairman Gary D. Blevins led the Pledge of Allegiance.

APPROVAL OF MINUTES – Motion was made by Commissioner Keith Elmore, seconded by Commissioner Greg Minton and unanimously adopted to approve the Minutes of the Board meeting held on January 2, 2018.

BLUE RIDGE OPPORTUNITY COMMISSION (BROC) – COMMUNITY SERVICES BLOCK GRANT (CSBG) FOR FY 2017-2018 – Chairman Gary D. Blevins welcomed and recognized Dare Stromer, Executive Director and Megan Wagoner, Community Services Block Grant Director. Ms. Wagoner thanked the Commissioners on behalf of herself, Mrs. Stromer and their Board of Directors and all the BROC staff for the support over the years. She said the Board was provided the entire application packet and she wanted to go over the highlights of the Community Services Block Grant funding application for FY 18-19. Ms. Wagoner said they have a large budget cut next year and their funding has been reduced to \$194,031, this is the largest cut they have received since 2009. Mrs. Stromer said their block grant budget was cut \$105,000. Ms. Wagoner briefly went over where the funds would be applied and spent for FY 2018-2019. The rest of their funds come from year-round fundraisers along with some other smaller grants they receive, she added.

Ms. Wagoner briefly went over the results from the community needs survey earlier this year, as well as results from a self-sufficiency standard that she recently heard presented at a United Way program. They learned that a single Mom with 2 children would need to earn \$48,099 to provide the basic needs without any assistance programs. Ms. Wagoner stated the federal poverty guideline for a family of three is only \$20,420. She said most folks that are above this do not qualify for most subsidies, but this study showed they needed to earn double this to be self-sufficient.

Ms. Wagoner said their Board of Directors approved the application last week and with this Boards approval they are ready to submit the application by the deadline of February 13, 2018.

Commissioner Greg Minton made a motion to approve the Application for Blue Ridge Opportunity Commission Community Services Block Grant for FY 2018-2019, as presented. Motion was seconded by Commissioner Keith Elmore and unanimously approved.

The Board thanked Mrs. Stromer and Ms. Wagner for their service to the community. Mrs. Stromer and Ms. Wagoner thanked the Board for what they do and the support they provide to BROCC.

DEPARTMENT OF SOCIAL SERVICES:

1. WILKES COUNTY CHILD CARE LOCAL PLAN – Chairman Gary D. Blevins recognized and welcomed Kevin Brown and Hal Wilson from the Department of Social Services. Mr. Brown said the Wilkes County Child Care Local Plan has an update. The state requires DSS agencies to update this plan to include how counties will prioritize their waiting list so vulnerable/homeless populations receive priority for services. He added the local plan before the Board does this and also prioritizes the children involved with child protective services. Mr. Brown added the state requires they approve the plan before it is approved locally, they received approval from the state of this plan on December 12, 2017. He said it is now before the Board for consideration.

Chairman Blevins stated this has been discussed in prior meetings and they feel this action needs to be taken to protect the children in Foster Care and CPS and they are glad to see this included. Commissioner Elmore asked what about the children that need daycare so the parents can go to work. Mr. Brown replied if they do not fall in the vulnerable/homeless or CPS categories they go on the general waiting list and at this time the oldest application is April 24th and there are serving 342 children at this time. Commissioner Elmore asked if these are screened for the waiting list. Mr. Brown replied yes and it is entered into NCFast. Vice Chairman Settle asked if they screen for parents working or not-working. Mr. Brown replied they have to meet certain criteria, the first are the two mentioned in the plan and then once they are approved for day care they have to be working, or in school or an approved activity to receive daycare services.

Chairman Blevins stated in talking with the legislatures there is another program they can draw from, but the county must provide a match for the subsidy and that is adding a layer and another unfunded mandate. He added if the state portion is taken away, the county would have to pay all of it. Mr. Brown said that is correct and next year the County would be overspending for the next fiscal year. Mr. Brown said they keep this at 100% because there is a local need and they want to help as many as they can.

Commissioner Greg Minton made a motion to approve Wilkes County Department of Social Services, Wilkes County Child Care Local Plan as presented. The motion was seconded by Commissioner Keith Elmore and unanimously approved.

2. UPDATE – Mr. Brown provided the Commissioners with handouts for November. He briefly went over the monthly caseload report, Child Development and Subsidized Child Care financial report.

Mr. Wilson went over the Foster Care financial report, Adoption Services financial report, and the CPS Foster Care monthly reports for November. Commissioner Elmore asked what the age range for LINKS is. Mr. Wilson replied the age range is now 16 to 21 and it is an outreach program that provides a little monetary assistance and meets with them to set goals and help them become successful adults. He added the young adults benefit greatly from this program. Commissioner Minton asked if everything is now streamlined through NCFast, and asked how it is working. Mr. Wilson stated child welfare has not started yet, the projected start date is May 29, 2018. Commissioner Minton asked how the other counties are receiving it. Mr. Wilson replied it is varied, several of the pilot counties are in a learning curve and there are some concerns. Mr. Brown added the issues are running through the Directors Association and the state said they are working on fixing them.

Mr. Wilson next handed out a Wilkes County Department of Social Services Foster/Adoptive Home Recruitment Plan, FY 2017-2018 to the Board. He stated every year DSS is required to come up with a plan to recruit foster and adoptive families. This plan outlines what they have done and are currently doing. Mr. Wilson briefly went over the highlights of the plan and stated it is going extremely well. He added they added a \$250 bonus if a newly licensed family foster a child for at least 30-days and this has proven to be beneficial. He said they also pay a \$50 stipend in addition to the state board rates to foster families and have done this for several years as another added benefit. Mr. Wilson said they wanted to provide a report and also ask for approval of the plan.

Chairman Blevins asked if this is something they need to vote on and approve. Mr. Triplett replied yes. The Board stated it is a good plan and they commend them on the good job. Mr. Wilson stated they have some great foster parents. Chairman Blevins said he would like to thank all the Foster families in the county for what they do, they are most grateful for them and would love to see more step up, but it is a big responsibility.

Commissioner Elmore asked about the \$250 sign on bonus and how long they have offered this. Mr. Wilson said it was added about 2 years ago. Commissioner Elmore said 30-days seems like a short amount of time. Mr. Wilson added they can look at changing this if the Board would like. Commissioner Elmore asked if other counties offered the additional \$50 stipend. Mr. Brown replied some do not. Mr. Wilson added some do. Mr. Brown added it is an incentive for Wilkes. Chairman Blevins asked if it is a challenge for other counties to have the foster homes they need. Mr. Wilson replied yes it is. He added they will recruit folks, then they will adopt a child and they are no longer interested in being a foster home, so they have to continually recruit.

After a brief discussion the Board asked Mr. Wilson to look at the \$250 bonus pay time frame to see if it can be extended. They also ask them to look to see if an increase in the stipend is

possible as well and bring this plan back before the Board for a vote. Mr. Brown and Mr. Wilson thanked the Board.

The Board thanked Mr. Brown and Mr. Wilson for the good job and for the update.

TAX DEPARTMENT:

1. TAX RELEASES – LISTING – Alex Hamilton, Tax Administrator asked the Board to approve tax releases for listing in the amount of \$35,147.53.

Vice Chairman Eddie Settle made a motion to approve the tax releases for listing as presented. The motion was seconded by Commissioner Greg Minton and unanimously approved.

A detailed listing of tax releases is maintained in the Wilkes County Tax Administrator's office.

2. EXTENSION OF THE LISTING PERIOD - Tax Administrator Alex Hamilton stated North Carolina General Statute Section 105-307 is entitled the "Length of Listing Period; Extension; Preliminary Work". He stated this Statute gives the Board of County Commissioners the authority to extend the listing period by thirty (30) days. He stated he is requesting that the Board extend the listing period until March 1, 2018. Mr. Hamilton stated the statute also allows the County Commissioners to grant "individual extensions of time for the listing of real and personal property upon written request and for good cause shown"; the statute allows the Commissioners to delegate this authority to the Tax Administrator. Mr. Hamilton stated the extensions granted under this paragraph shall not extend beyond April 15, 2018. He requested the Board delegate the authority to grant the individual extensions to him as Tax Administrator.

Commissioner Elmore asked by extending this, would someone have the ability to combine multiple properties into one deed. Mr. Hamilton replied no, this is as of January 1st and only extending listing of personal property or anything that is normally done during the listing period. He added the Tax Administrators Association is trying to get the state to extend the listing period to April 15th moving forward. Mr. Hamilton stated several businesses will have to have this for their taxes and most accountants do this for them and it makes sense to have the deadlines the same.

Commissioner Keith Elmore made a motion to approve the request to extend the listing period until March 1, 2018 and to delegate the authority to the Tax Administrator to grant individual extensions of time for the listing of real and personal property until April 15, 2018, as requested. The motion was seconded by Vice Chairman Eddie Settle and unanimously approved.

PLANNING DEPARTMENT – WILKES JOINT PLANNING BOARD – APPOINTMENT – Chairman Blevins welcomed and recognized Planning Director Eddie Barnes. Mr. Barnes said the Wilkes Joint Planning Board has a vacancy to fill the term of Mr. Carl Miller, whose term would have expired June 30, 2018. He added the appointee's term will expire on this date along with some others. Mr. Barnes said two applications were received.

Chairman Blevins said an application was received from Mr. Micah C. Sidden who is a surveyor and several of the Planning Board members have expressed to him that a surveyor would be a very valuable addition to the Board.

Commissioner Keith Elmore made motion to appointment Micah C. Sidden to the Wilkes Joint Planning Board to fill the unexpired term of Mr. Carl Miller which will expire on June 30, 2018, as presented. The motion was seconded by Commissioner Greg Minton and unanimously approved.

WILKES TRANSPORTATION AUTHORITY (WTA) – BOARD APPOINTMENTS –

Chairman Blevins recognized County Attorney, Tony Triplett. Mr. Triplett said there is a memo in the packet with the background and a chart that explains what needs to be approved. He added Robin Kipp, Executive Director of WTA is present. He and Ms. Kipp have met and worked through this. The WTA Board met in December in which Chairman Blevins and others attended, they went through the chart at this meeting and there was a consensus from the WTA Board agreeing this needs to be presented to the Commissioners for approval. Mr. Triplett said after the adoption of the amended Wilkes Transportation Authority Ordinance in 2013 the Board was not maintained by appointments from the Board of Commissioners as it should have been. He added this was a function of the Director and Robin Kipp has just taken this role. He stated the chart is what he and Ms. Kipp feels is necessary to get the board back to where it should be to match the ordinance. Mr. Triplett said there is a very lengthy motion that is needed and he has prepared one for the Board. This will be ratifying some terms that have come and gone, appointing others to current terms, as well as keeping members from specific organizations that have to be on the Board. He added they are 9 members one is a Commissioner that serves at the pleasure of this Board, this leaves 8 and staggered terms are needed for a 3-3-2 rotation.

RECESS – Chairman Blevins declared the meeting of the Wilkes County Board of Commissioners recessed at 7:51 P.M. He stated the meeting will reconvene in a few minutes.

RECONVENE – Chairman Blevins reconvened the meeting of the Wilkes County Board of Commissioners at 7:56 P.M. on Tuesday, January 16, 2018.

Mr. Triplett read the motion as this time. He added Ms. Kipp plans to come before the Board June each year with the terms that expire that year to get back on track. He added there will be two in 2018, three in 2019, and three in 2020.

Vice Chairman Settle stated he thinks WTA has been an issue and he and many others have questions, he thinks Ms. Kipp will do a good job going forward, but there have been many questions on trips and payments. Ms. Robin Kipp stated they will have a Board Meeting on Monday, January 22nd and everyone is welcome to attend. She added Chairman Blevins, Chris Huffman and others attended the last one and they welcome the public. Chairman Blevins stated Commissioner Elmore is the Board's appointment to WTA this year and they know he will have a good solid grip on things. Commissioner Elmore added he went last week and met, he was impressed with the facility, the layout, the people, and the way it is running and he thinks there are ways to improve. He stated he understands the importance and he wants to make sure they

are helping the folks with transportation that need it the most. Mr. Triplett said Commissioner Elmore's name is not mentioned in the motion because he was appointed to the WTA Board in December. Vice Chairman Settle asked how many Directors have they had in the past 5-years. Ms. Kipp replied she is the third. Commissioner Elmore added she worked with both prior directors. Ms. Kipp replied yes she did. Chairman Blevins added a few years ago they eliminated any county funding to WTA, it became solely supported by state and federal funding, but they do appoint the Board. Vice Chairman Settle added they have made WTA loans.

Commissioner Greg Minton made a motion, pursuant to Article VII of the Amended Wilkes Transportation Authority Ordinance adopted effective February 18, 2013, to:

Ratify and approve the 3-year term of James Tedder as the Wilkes County Department of Social Services member of the Wilkes Transportation Authority from July 1, 2013 through June 30, 2016.

Approve the re-appointment of James Tedder to a 3-year term as the Wilkes County Department of Social Services member of the Wilkes Transportation Authority from July 1, 2016 through June 30, 2019.

Ratify and approve the 3-year term of Wilkesboro Town Manager Ken Noland as an at-large member of the Wilkes Transportation Authority from July 1, 2013 through June 30, 2016.

Approve the re-appointment of Wilkesboro Town Manager Ken Noland to a 3-year term as an at-large member of the Wilkes Transportation Authority from July 1, 2016 through June 30, 2019.

Appoint Wilkesboro Town Planner Andrew Carlton to fill the vacancy created by Ken Noland's resignation as an at-large member of the Wilkes Transportation Authority effective December 1, 2017, and to serve the remainder of Mr. Noland's term through June 30, 2019.

Ratify and approve the 3-year term of Eddie Barnes as the Wilkes County Planning Department member of the Wilkes Transportation Authority from July 1, 2013 through June 30, 2016.

Approve the re-appointment of Eddie Barnes to a 3-year term as the Wilkes County Planning Department member of the Wilkes Transportation Authority from July 1, 2016 through June 30, 2019.

Ratify and approve the 3-year term of Mary Smith as the Wilkes County senior services member of the Wilkes Transportation Authority from July 1, 2014 through June 30, 2017.

Approve the re-appointment of Mary Smith to a 3-year term as the Wilkes County senior services member of the Wilkes Transportation Authority from July 1, 2017 through June 30, 2020.

Approve the re-appointment of North Wilkesboro Town Manager Larry South to a 3-year term as an at-large member of the Wilkes Transportation Authority from July 1, 2017 through June 30, 2020.

Approve the re-appointment of Brian Huffman to a 3-year term as an at-large member of the Wilkes Transportation Authority from July 1, 2017 through June 30, 2020.

Appoint Debbie Nicholson to fill the vacancy created by Nancy Moretz's resignation as the Wilkes County Health Department member of the Wilkes Transportation Authority effective December 1, 2017, and to serve the remainder of Ms. Moretz's term through June 30, 2018.

Approve the appointment of Doug Setzer as an at-large member of the Wilkes Transportation Authority for a term to run through June 30, 2018.

The motion was seconded by Commissioner Keith Elmore and unanimously approved.

OPIOID LITIGATION:

1. **RESOLUTION** – Mr. Triplett said he will provide an overview to cover both items. He stated the Board heard a presentation at the last closed session by a group of attorneys involved with the opioid litigation that has started across the nation. A number of North Carolina counties and others across the nation have filed lawsuits against pharmaceutical manufactures for opioid abuse and violation of laws with respect to opioid abuse and addictions. Mr. Triplett stated the attorneys that presented to the Board are Ed Powell and Garry Whitaker from Winston-Salem, and Mike Fuller with McHugh Fuller Law Group in Hattiesburg, Mississippi. He stated they are among a group of attorneys which are listed in the packets that would be involved in the litigation to represent the county. Mr. Triplett said there are other firms across the country representing other counties, but this group of firms appear to be representing the majority of counties in North Carolina. He stated Mr. Powell told him so far the counties that have filed lawsuits in North Carolina represented by these firms consist of: Surry, Yadkin, Buncombe, Rockingham, New Hanover, Brunswick, Onslow, Burke, Catawba, Rutherford, Gaston, and Randolph. They also met, or have appointments to meet, with approximately 20 more counties to pursue lawsuits on behalf of those counties. Mr. Triplett said the NC Association of County Commissioners issued a report he received today and it shows this group of attorneys represent a majority of counties that have filed suit thus far in NC.

Mr. Triplett said before the Board is a Resolution and Authority to Represent should they elect to move forward. He added he has reviewed the lawsuits they have filed and they are identical for each county except for the information as to that particular county. This information would be developed for Wilkes County, but all the legal causes' of action, defendants, and structure is the same. He added it is extremely complex and has a number of causes of action, including violation of state laws concerning reporting requirements, negligence, violations of the RICO act, NC unfair and deceptive trade practices act, civil conspiracy, and other claims.

Mr. Triplett said he has read the transcript for the proceedings that were held one week ago today in Cleveland, Ohio by US District Judge Dan Polster. He added Judge Polster has been appointed to represent all counties in the United States that have filed this type of litigation. The attorneys referred to this as Multi-District Litigation, where one Federal Judge is appointed to be the shepherd of all these law suits. Mr. Triplett stated he will not try all of them, but he is in charge to oversee them and that they all go through the system in a uniform way. He added last week the Judge met in Federal Court in Cleveland with representative attorneys from the plaintiffs and pharmaceutical industry and the NC counties lead attorney, Mike Fuller was there. Mr. Triplett added Judge Polster stated to all attorneys present that this was an epidemic of national proportion, it was a shame this was happening in this country. It also said he expected the attorneys in this lawsuit to find a way to settle it, to protect the interest of local governments and those suffering from addictions. It is unusual for a judge to set this kind of tone so early in a case, but he did. Mr. Triplett stated the local governments that have a seat at the table in this type of litigation will be those who are in the best position to have input in the outcome. Wilkes County does not have to join this litigation, but the ones that do will be in the best position to have input in the outcome and settlement. He said it's up to the Board to decide to go forward.

Vice Chairman Settle stated there was a tobacco settlement where the state sued and that money goes to Golden Leaf and grants, the county does not get much of these funds. He added he does not believe in law suits, but 3-years ago when he was Chairman the Board started the Drug Task Force, which is now the Substance Abuse Task Force. Vice Chairman Settle said it is basically useless because there is nothing they can do. He added this is at least something they can do, with no cost to the county. Vice Chairman Settle stated in the map for Opioid-related overdoses there are 7 counties in the dark green and Wilkes is one of them. These have had 16-25 unintentional opioid-related overdoses per 100,000 person (2010-2016), with 90 a day dying nationally. He added there are some that will abuse it anyway and it will happen, but some of this could have been stopped if the rules had been followed.

Mr. Triplett said the Resolution is to lay the ground work for the lawsuit by declaring the opioid addiction crisis a public nuisance in need of abatement. Chairman Blevins added this is clearly the case. Commissioner Elmore said only 12 counties have signed on with this particular group of attorneys, he assumes there are other groups of attorneys doing the same thing, and this is the only group they have talked with. He added maybe they are moving too early and there is something else out there or other opportunities they may over look, this is his biggest concern. Commissioner Elmore stated this group's fee is 30% and there is another group that was 25% they heard about and this makes him wonder if they are moving too quickly. He added he is in favor of holding the distributors and pharmaceutical companies legally responsible, he questions are they moving too early, when there is no need to decide this early. Commissioner Minton asked if there is anything that prevents the county from backing out of the law suit at any given time. Mr. Triplett replied no there is not. Commissioner Minton asked if they can join another law suit if presented and there was a possibility of a better avenue or settlement. Mr. Triplett replied this is correct. Commissioner Minton stated he is very familiar with this topic and is aware of what is going to happen when restrictions are placed on legally prescribed opioids, heroin will flood in. He added the one thing he desperately wants to see in a settlement is containment of this. In every instance when opioid supply has been cut, heroin flows in, people

want their drugs. Commissioner Minton stated this is a generational issue, the settlement needs to be a generational settlement, and it's not a quick fix and will have to be long term. He added the Resolution outlines every single point, it is common sense with no possible down side and they can break away from this and go with another group at any time. Mr. Triplett said a client can discharge their attorney at any time, the Board has the freedom to do this. He added this is an excellent reason to be a party to the litigation either now or later. It will give them the leverage to discuss these points with any settlement they are a party to. He said if they are not part of the litigation they are outside spectators with no say.

Vice Chairman Eddie Settle made a motion to adopt the Resolution as presented, whereas the Wilkes County Board of Commissioners are declaring the opioid crisis a public nuisance which must be abated for the benefit of Wilkes County and its residents and citizens. The motion was seconded by Commissioner Greg Minton and unanimously approved.

*RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WILKES COUNTY, NORTH CAROLINA
January 16, 2018*

WHEREAS, the Wilkes County Board of Commissioners has the authority to adopt resolutions with respect to county affairs of Wilkes County, North Carolina, pursuant to N.C. Gen. Stat. Ann. § 153A-121; and

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

WHEREAS, the National Institute on Drug Abuse, a division of the National Institute of Health, reports that every day, more than 90 Americans die after overdosing on opioids. The misuse of and addiction to opioids—including prescription pain relievers, heroin, and synthetic opioids such as fentanyl—is a serious national crisis that affects public health as well as social and economic welfare. The Centers for Disease Control and Prevention estimates that the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, the National Institute on Drug Abuse further reports that in the late 1990s, pharmaceutical companies reassured the medical community that patients would not become addicted to prescription opioid pain relievers, and healthcare providers began to prescribe them at greater rates. This subsequently led to widespread diversion and misuse of these medications throughout our country and Wilkes County; and

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

WHEREAS, the opioid crisis unreasonably interferes with rights common to the general public of Wilkes County; involves a significant interference with the public health, safety, peace, comfort, and

convenience of citizens and residents of Wilkes County; includes the delivery of controlled substances in violation of State and Federal law and regulations; and therefore constitutes a public nuisance; and

WHEREAS, the opioid crisis is having an extended and far reaching impact on the general public and on the health and safety of residents and citizens of Wilkes County, and must be abated; and

WHEREAS, the violation of any laws of the State of North Carolina, 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 residents and citizens of Wilkes County constitutes a public nuisance; and

WHEREAS, the Wilkes County Board of Commissioners has the authority to abate, or cause to be abated, any public nuisance including those acts that unreasonably interfere with rights common to the general public of Wilkes County and/or involve a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Wilkes County; and

WHEREAS, Wilkes County has expended, is expending, and will continue to expend in the future County funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality within Wilkes County; and

WHEREAS, the Wilkes County Board of Commissioners have received information that indicates that the manufacturers and wholesale distributors of controlled substances have distributed in areas of and surrounding Wilkes County, North Carolina, and may have violated Federal and/or State laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market.

NOW, THEREFORE, BE IT RESOLVED by the Wilkes County Board of Commissioners, assembled at this regular meeting of the Board of Commissioners at which a quorum is present, that based upon the above, the Wilkes County Board of Commissioners are declaring the opioid crisis a public nuisance which must be abated for the benefit of Wilkes County and its residents and citizens.

BE IT FURTHER RESOLVED that the Chairman of the Wilkes County Board of Commissioners is authorized to sign this Resolution on behalf of the Board.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded.

The motion to approve the foregoing resolution was made by Commissioner _____, seconded by Commissioner _____, and approved by a vote of _____ in favor and _____ opposed.

ADOPTED effective this the 16th day of January, 2018, by the Wilkes County Board of Commissioners in regular session assembled.

WILKES COUNTY:

By: _____

Gary D. Blevins, Chairman

Wilkes County Board of Commissioners

ATTEST:

Sarah Call, Clerk

2. AUTHORITY TO REPRESENT – Chairman Blevins stated there are some points in bold on the agreement that are important. There is no fee if there is no recovery, the county is held harmless of any cost regardless of the outcome. He said there is no reimbursement of litigation expenses if there is no recovery. Chairman Blevins said it is made very clear the county has no obligation to pay any fees, the fee is 30% which is very reasonable and will be paid out of the final settlement. Mr. Triplett agreed and added if the attorneys are successful, any fees advanced on the county's behalf come out of the recovery. Chairman Blevins said there have been 1.3 Billion in total combined cost for all counties as of 2015 from opioid issues. That would be 13 million for each of the 100 counties. He added they can't afford not to engage in this litigation for the county with the potential for Wilkes to receive a substantial amount of money that can be used for abatement of future illegal drug issues, mental health, education, detention center and other needs.

Chairman Blevins said it would be irresponsible to the tax payers to pass this up after the amount of money that has been spent in Social Services and Law Enforcement to only put band aids on this problem. The drug companies were negligent and knew what they were doing. He added the Judge in Cleveland made that point in his comments stated earlier which shows potential for a relatively quick settlement, and a reason to move forward and making the decision to have a say in the settlement. Vice Chairman Settle asked what if the state of NC decides to sue as with the tobacco suit, would that lawsuit supersede. Mr. Triplett replied it is impossible to say, the state of NC has indicated they are interested in bringing a lawsuit. Actually the state has sued one particular company on some very specific grounds that are not really related to this lawsuit, but that is not to say they couldn't. He added the state legislature has the authority to override what any county does, the possibility is there. Mr. Triplett stated he does not think it is likely, especially if a lot counties in NC have filed suit, but there is no way to know, legally it is possible. He added Judge Polster indicated in his comments that he is very interested in a settlement that addresses the parties that have damages, and it is clear the counties have suffered damages many years.

Vice Chairman Eddie Settle made a motion to approve the Authority to Represent as presented. The motion was seconded by Commissioner Greg Minton and unanimously approved.

NEW BUSINESS – Commissioner Keith Elmore stated he would like to mention the passing of Mr. Bob Hege, he was a College Trustee and did so much for the community. He gave of his talents, money, and time and he can't say enough good things about him. Commissioner Elmore said he was a personal friend, he will truly be missed by him and the community, and he did a lot for education and was a special person.

ADJOURN – Motion was made by Vice Chairman Eddie Settle, seconded by Commissioner Greg Minton and by unanimous vote adopted to adjourn the meeting of the Wilkes County Board of Commissioners at 8:32 P. M.

Sarah D. Call, Clerk

Gary D. Blevins, Chairman

WILKES COUNTY BOARD OF COMMISSIONERS