

RESOLUTION NO. 2018-005

A 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 Joplin, Missouri, and authorizing the City to join in a class action lawsuit against opioid manufacturers

WHEREAS, The City Council of Joplin, Missouri is the policy-determining body of the City of Joplin, Missouri; and

WHEREAS, the Council has the authority to take action to protect the public health, safety, and welfare of the citizens of Joplin; and

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

WHEREAS, the violation of any laws of Missouri or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse of the public welfare of the citizens of Joplin and constitutes a public nuisance; and

WHEREAS, the Council 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 Joplin; and

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

WHEREAS, the Council may sue to obtain any money due the City; and

WHEREAS, the Council has received information that indicates that the manufacturers and wholesale distributors of controlled substances in Joplin may have violated state and federal laws and regulation that were enacted to prevent the diversion of legally produced controlled substances into the illicit market and to prevent the misuse of such drugs; and

WHEREAS, the Council has found that the citizens of this City will benefit from retention of outside counsel to investigate and pursue, as appropriate, claims against the manufacturers and distributors of controlled substances in this City, on a contingent fee basis, wherein there is no attorney fee or reimbursement of litigation expenses if there is not recovery; and

WHEREAS, there is a substantial need for the legal services; and

WHEREAS, the legal services cannot be adequately performed or provided solely by the attorneys and supporting personnel of the City of Joplin; and

WHEREAS, the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and because the City does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Joplin, Missouri:

Section 1. That the City Council hereby declares that opiate abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in Joplin, Missouri and is a public nuisance; and

Section 2. That the City Council hereby authorizes to the extent necessary the City Attorney to retain the firms of Carey Danis & Lowe, 8235 Forsyth Blvd., Ste. 1100, St. Louis, MO 63105, Strong Law Firm, 415 E. Chestnut, Springfield, MO 65802, and such other legal counsel as needed, as Counsel to represent the City and where appropriate the State, to investigate and if appropriate, pursue in federal court all civil remedies which may be afforded under law as against the manufacturers and 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 abuse, addiction, morbidity, and mortality in the City of Joplin, 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 the City Manager is authorized and directed 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 3. That the City Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ____ day
of _____, 2018.

Michael L. Seibert, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney