

**ADAIR COUNTY COMMISSION MINUTES
MONDAY, DECEMBER 6, 2021
13TH DAY OCTOBER ADJOURNED**

The Adair County Commission convened at 8:30 a.m. on December 6, 2021, at their temporary office located in the records storage building at the Adair County Road and Bridge complex. 1st District Commissioner William King and 2nd District Commissioner Mark Thompson were present.



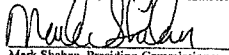
The Commission spent the day attending county business.

The Adair County Commission adjourned at 4:00 p.m. on December 06, 2021.

Unscheduled public walk-ins and other non-agenda items for December 06, 2021

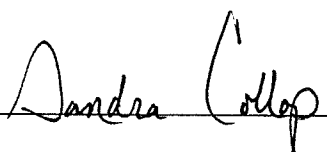
Craig Robertson/Claremore Lane

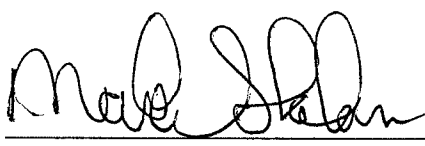
IN REF. ORDER NO 14 Letter to Attorney General Eric Schmidt regarding Missouri Opioid Litigation

<p>December 2, 2021</p> <p>Attorney General Eric Schmitt</p> <p>Re: Missouri Opioid Litigation</p> <p>Dear General Schmitt:</p> <p>We write on behalf of Adair County, Missouri. We hired private attorneys to file suit against manufacturers, distributors, and retail pharmacies in the opioid supply chain that have caused continuing public nuisance in our community. We filed suit long before the State took any action. The Adair County taxpayers have shouldered the economic abatement burdens that come with the opioid crisis such as law enforcement costs, social services costs, drug court costs, and drug treatment costs. We believe that we are better situated at a local level to address abatement of the opioid crisis in our county. If you look at the historic tobacco settlement reached by the State of Missouri, those funds did not adequately address the costs borne by local governments. We filed suit against the opioid manufacturers, distributors, and retail pharmacies to avoid another tobacco situation. Missouri is in desperate need of local funding to deal with this opioid epidemic.</p> <p>Our attorneys have been in negotiation with your representatives regarding our participation in settlement proposals from Johnson & Johnson and three opioid distributors - McKesson, Cardinal and Amerisource Bergen. We understand that those settlements increase dramatically if we and other counties who have filed suit agree to participate. Our understanding is that the total amount Missouri could receive under the settlement is about \$435 million if all eligible entities, including the litigating entities, within Missouri participate. However, if the litigating entities do not agree to participate, the State and its subdivisions will lose approximately 45% of the settlement offered, or about \$213 million. This is because a large percentage of Missouri subdivisions are litigating subdivisions, and without participation by these entities, the State as a whole cannot reach even the lowest participation incentive thresholds under the settlement agreements.</p> <p>Your representatives have repeatedly offered the litigating entities 15% of receipts from this settlement even though the litigating entities bring 45% in additional value to the settlement. In addition, your representatives have insisted that there is no abatement fund as contemplated by the agreement and state legislation. If the State takes 85% of the settlement, that proposal is simply not fair to those of us in Missouri who need these funds to deal with the opioid crisis. Under the format you have proposed, this appears to look like the Tobacco Litigation Settlement 2.0. This is not acceptable.</p> <p>Our lawyers have informed us a counter-proposal was made on behalf of the litigating entities wherein 60% of the proceeds would go to local and regional entities. We also understand there has been no response to this counter-proposal. We would ask your office to respond to our proposal immediately, as time is of the essence. As the offer now currently</p>	<p>stands, we will not be participating in the settlement. Without the participation of the litigating entities, the settlement will not move forward. There are multiple provisions in the settlement agreement allowing the defendants to stop or "pause" payments to the State while the litigating entities continue to litigate. There are also provisions allowing for the defendants to pass some of their litigation costs off on the State if certain conditions are met. Finally, there are of course provisions for the defendants to cancel the settlement if there is not enough participation.</p> <p>We are at a loss to understand why the State would forego settlement funds the litigating entities bring to the State. These funds are much needed to address the opioid epidemic at both the State and local level. We are willing to pay any of our own attorney fees out of our portion of receipts, so the State will not bear any attorney fees. There is simply no logical reason for the State to refuse to negotiate with us.</p> <p>Please contact our counsel TWOODRICK OWENBERGER PC, 535 Anton Blvd, Ninth Floor, Costa Mesa, CA 92626-7109, Male: 714.549.6200, Direct: 714.549.6256, Fax: 714.549.6201, in the next seven days to explain your reasoning for foregoing \$213 million in abatement funds for the State and its subdivisions. We must make our decision whether it is worth our while to participate in the settlement by January 1, 2022.</p> <p>Sincerely,</p> <p> William King, 1st District Commissioner</p> <p> Mark Thompson, 2nd District Commissioner</p> <p> Mark Shahan, Presiding Commissioner</p>
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Above minutes as presented to the County Clerk:

ATTEST:


County Clerk


Presiding Commissioner, Mark Shahan
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