

**OFFICIAL
COMMISSION MINUTES
DECEMBER 13th, 2018 19th DAY OF
THE OCTOBER ADJOURN TERM**

CALL TO ORDER

Presiding Commissioner Mike Scofield called the Commission meeting to order at 2:05 p.m.

FORMAL AGENDA

Commission met in the Commission Conference Room with Mike Scofield (present), Brandon Williams (present) and Sheila Wyatt (present).

Also present was John Souttee, Environmental Services Project Coordinator, Joanna Jasper, Auditing Specialist, David Clark, Taney County Auditor Elect and Donna Neeley, County Clerk.

**VILLAGE OF BULL CREEK FUNDING AGREEMENT FOR VILLAGE
WASTEWATER COLLECTION SYSTEM MAPPING & CCTV PROJECT**

Commissioner Wyatt moved to approve the funding agreement for Village Wastewater Collection System Mapping & CCTV Project. Commissioner Williams seconded the motion with discussion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

**INTER-GOVERNMENTAL FUNDING AGREEMENT
BETWEEN
TANEY COUNTY, MISSOURI
AND
VILLAGE OF BULL CREEK**

**VILLAGE WASTEWATER COLLECTION SYSTEM MAPPING & CCTV
PROJECT**

THIS AGREEMENT is made and entered into between Taney County, Missouri (hereinafter referred to as “County”) and the Village of Bull Creek (hereinafter referred to as “Village”).

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of Missouri; and

WHEREAS, the Village is a political subdivision of the State of Missouri; and

WHEREAS, pursuant to section 70.220 RSMo, the County and Village are authorized to enter into agreements for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; and

WHEREAS, pursuant to the above stated authority the County may enter into agreements for the purpose of making improvements to sewer systems within Taney County through projects utilizing expenditures of Sewer Sales Tax Funds (hereinafter “Sewer Sales Tax”); and

WHEREAS, the County shall oversee sewer sales tax funds which may be made available for use in areas of Taney County to finance capital improvements to their waste water infrastructure. It has been determined that the project (Village Wastewater Collection System Mapping and CCTV Project) is feasible and meets the criteria necessary under the Sewer Sales Tax Guidelines. **The project will provide for the reimbursement of funds to the Village for the cost incurred by the Village to have its sanitary sewer collection system digitally mapped and visually recorded using CCTV technology. This work was performed prior to a funding agreement being approved due to the devastating flooding event that occurred in 2017, in which the Village, dealing with the many issues of recovery, overlooked the necessity of the funding agreement process and moved forward with the work.**

**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 TANEY COUNTY**

Commissioner Williams moved to approve the resolution declaring the unlawful distribution of prescription controlled substances. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

**RESOLUTION DECLARING THAT THE UNLAWFUL DISTRIBUTION OF
PRESCRIPTION CONTROLLED SUBSTANCES HAS CREATED A PUBLIC
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CITIZENS OF TANEY COUNTY**

WHEREAS, PRESIDENT DONALD TRUMP DECLARED ON OCTOBER 25, 2017, THAT THE OPIOID CRISIS IS A NATIONAL EMERGENCY. Stating, "IT IS A SERIOUS PROBLEM THE LIKES OF WHICH WE HAVE NEVER HAD."

WHEREAS, the County Commission of Taney County is the policy-determining body of Taney County; and

WHEREAS, the County Commission of Taney County is vested with authority under MO. REV. STAT. §192.300 and all those powers necessarily or fairly implied or the powers expressly granted therein as well as all powers essential to the declared objects and purposes of the county to enact this Resolution to enhance the public health; and

WHEREAS, the County Commission has the authority to take action to protect the public health, safety, and welfare of the citizens of Taney County; and

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

WHEREAS, the County Commission of Taney County 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 Taney County; and

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

WHEREAS, the County Commission of Taney County may sue to obtain any money due the County; and

WHEREAS, the County Commission of Taney County has received information that indicates that the manufacturers and wholesale distributors of controlled substances in Taney County 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 County Commissioners of Taney County has an affirmative, statutory duty to take suitable and proper measures to prosecute a suit on behalf of the County:

Duty of County Commissioners of Taney County to prosecute and defend suit. It shall be the duty of the County Commissioners of each of the counties of this State **to take and order suitable and proper measures for the prosecuting and defending of all suits to be brought by or against their respective counties**, and all suits which it may become necessary to prosecute or defend to enforce the collection of all taxes charged on the state assessment; 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 state governmental entity or by the attorneys and supporting personnel and another state governmental entity; 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 County 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 County Commission of Taney County, Missouri:

SECTION I

That the County Commissioners hereby declares that opiate abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in Taney County, Missouri and is a public nuisance; and

SECTION II

That the County Commissioners of Taney County, Missouri hereby authorizes to the extent necessary the County Counselor to retain the firms of Carey Danis & Lowe, 8235 Forsyth Blvd., Clayton, MO and such other legal counsel as needed, as Counsel to represent the County and where appropriate the State, to investigate and if appropriate, pursue in state or 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,

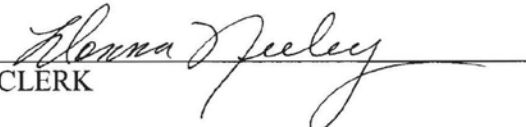
and mortality in the County of Taney, with the compensation therefore on a contingent fee basis, in concert with the contingent fee agreement that is designated as "Authority to Represent" and for which all members of the Commission of Taney County are authorized to execute the afore stated contingent fee agreement, the same of which is attached as Exhibit A and attached hereto and made a part hereof in its entirety.

SECTION III

That the County Commission of the County of Taney hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Counsel, and that all deliberations of this Counsel and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements.

ADOPTED by roll call vote this 13th day of December, 2018.

ATTEST:


CLERK


Presiding Commissioner

BUDGET DISCUSSION

Brad Allbritton joined the meeting at 2:15 p.m.

Regarding the sewer fund #780 the Commission has directed John Soutee to come back for further discussion before he spends money to develop OWTS Ordinance for Taney County.

RECESS

4:08 p.m.

Minutes taken by Donna Neeley and typed by Presley Cozort.