

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Sedgwick County Board of Commissioners is empowered to transact all county business and perform all powers of local legislation pursuant to K.S.A. § 19-101a;

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

WHEREAS, there exists a serious public health and safety crisis involving the abuse of and addiction to opioids in Sedgwick County;

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to that public health and safety crisis in Sedgwick County;

WHEREAS, the opioid crisis unreasonably involves a significant interference with the public health and safety of citizens and residents of Sedgwick County, includes the delivery of controlled substances in violation of State and Federal law and regulations, and therefore constitutes a public nuisance;

WHEREAS, the opioid crisis is having an extended and far reaching impact on the general public, health, and safety of residents and citizens of Sedgwick County, and must be abated: the Centers for Disease Control and Prevention report that there were 99.9 opioid prescriptions per 100 people in Sedgwick County in 2016, which was roughly 33% above the national average; COMCARE's Addiction Treatment Services program has recorded that 16.5% of their patients currently have an opioid diagnoses, which is an increase from 10.5% throughout 2016; and the Sedgwick County Division of Health reports that the rate of deaths with opioids as a contributing cause in Sedgwick County is showing an upward trend while the State of Kansas's average rate has remained constant since 2012;

WHEREAS, the violation of any laws of the State of Kansas 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 Sedgwick County, and constitutes a public nuisance;

WHEREAS, the Sedgwick County Board of Commissioners has the authority to abate, or cause to be abated, any public nuisance in Sedgwick County including those that involve a significant interference with the public health and safety of citizens and residents of Sedgwick County;

WHEREAS, Sedgwick County has expended, is expending, and will continue to expend County funds to respond to the serious public health and safety crisis caused by the abuse of and addiction to opioids in Sedgwick County; and

WHEREAS, the Sedgwick County Board of Commissioners has received information and believes that those in the chain of distribution of controlled substances (manufacturers and wholesale distributors) 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 in Sedgwick County.

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

BE IT FURTHER RESOLVED that one avenue to abate the opioid crisis is to initiate litigation against the manufacturers and wholesale distributors who may have violated Federal and/or State laws and contributed to the ongoing abuse of and addiction to opioids in Sedgwick County.

BE IT FINALLY RESOLVED that Sedgwick County Counselor Eric Yost is authorized to retain outside counsel to bring this litigation.

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|--------------------------|-------|
| David M. Unruh           | _____ |
| Michael B. O'Donnell, II | _____ |
| David T. Dennis          | _____ |
| Richard Ranzau           | _____ |
| James M. Howell          | _____ |

ATTEST:


BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
KELLY B. ARNOLD  
County Clerk

\_\_\_\_\_  
DAVID M. UNRUH, Chairman  
Commissioner, First District

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL B. O'DONNELL, II, Chair Pro Tem  
Commissioner, Second District

  
\_\_\_\_\_  
MICHAEL L. FESSINGER,  
Assistant County Counselor

\_\_\_\_\_  
DAVID T. DENNIS  
Commissioner, Third District

\_\_\_\_\_  
RICHARD RANZAU  
Commissioner, Fourth District

\_\_\_\_\_  
JAMES M. HOWELL  
Commissioner, Fifth District