

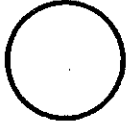
JUDICIAL AND LEGISLATIVE COMMITTEE

DATE: Tuesday, September 19, 2017

TIME: 9 a.m.

LOCATION: Room 115, Wood County Courthouse

1. Call meeting to order
2. Public comments. Now or at the time the item is taken up. Rules may apply.
3. Discuss role of Corporation Counsel as municipal court judge and potential conflicts.
4. Review resolution to support transfer of PECFA funding to general transportation aids to counties.
5. Review resolution to authorize entry into an agreement with law firms to pursue legal action against opioid manufacturers.
6. Adjourn.



RESOLUTION#

ITEM# 5-

DATE September 19, 2017

Effective Date September 19, 2017

Introduced by Judicial & Legislative Committee
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LAD

Motion:	Adopted:	<input type="checkbox"/>
1 st	Lost:	<input type="checkbox"/>
2 nd	Tabled:	<input type="checkbox"/>
No:	Yes:	Absent:
Number of votes required:		
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds	
Reviewed by: <u>PAK</u>	, Corp Counsel	
Reviewed by: _____	, Finance Dir.	

INTENT & SYNOPSIS: To encourage the Wisconsin Legislature to allocate the soon to be ended 2 cent per gallon petroleum tax for PECFA funding to general transportation aids to counties.

FISCAL NOTE: Nothing directly based upon passage of this resolution.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	Fischer, A			
6	Breu, A			
7	Ashbeck, R			
8	Kremer, B			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Plimi, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

WHEREAS, the state commenced imposing a 2 cent per gallon tax on the sale of petroleum to end users in the late 1980s to fund the petroleum environmental cleanup fund award (PECFA) program, and

WHEREAS, the state is in the process of shutting the PECFA program down in that all claims for awards need to be filed by July 1, 2020, and

WHEREAS, the state has for many years imposed a tax freeze on counties that makes it impossible for Wood County and other counties to keep up with the cost of inflation in maintaining and replacing their highways, which forces counties like Wood to borrow funds and use debt to circumvent the tax freeze, and

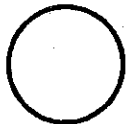
WHEREAS, the state has a 30.9 cent per gallon gas tax, a fixed part of which goes to counties as general transportation aids (GTAs), and

WHEREAS, using tax levy and debt to pay for highway repairs and improvements not covered by the GTA puts the financial responsibility on taxpayers as opposed to other users of the highways and is unfair to all Wisconsin taxpayers, and

WHEREAS, reallocating the current 2 cent per gallon PECFA petroleum tax to general transportation aids to counties would be a fiscally responsible means for the state to assist counties in addressing the financial bind they are in without the need to create administrative infrastructure to syphon off any of the revenues.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to go on record in requesting the state legislature to reallocate the 2 cent per gallon petroleum tax from the PECFA program to the general transportation aids to counties program beginning with the next biennial budget.

BE IT FURTHER RESOLVED that the County Clerk shall forward a copy of this resolution to State Senators Petrowski, Testin and Moulton and State Representatives Kulp, VanderMeer, Krug and Spiros, and to the Wisconsin Counties Association so that they may sponsor legislation implementing this proposal.



RESOLUTION#

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Motion:	Adopted:	<input type="checkbox"/>
1 st	Lost:	<input type="checkbox"/>
2 nd	Tabled:	<input type="checkbox"/>
No: <input type="checkbox"/>	Yes: <input type="checkbox"/>	Absent: <input type="checkbox"/>
Number of votes required:		
<input checked="" type="checkbox"/> Majority <input type="checkbox"/> Two-thirds		
Reviewed by: <u>PAK</u> , Corp Counsel		
Reviewed by: _____, Finance Dir.		

LAD

INTENT & SYNOPSIS: To authorize the entry into an agreement with law firms to pursue legal action against opioid manufacturers at no cost to Wood County.

FISCAL NOTE: Nothing direct. Potential unknown monetary recovery and injunctive relief leading to future savings in program and services costs.

		NO	YES	A
1	LaFontaine, D			
2	Rozar, D			
3	Feirer, M			
4	Wagner, E			
5	Fischer, A			
6	Breu, A			
7	Ashbeck, R			
8	Kremer, B			
9	Winch, W			
10	Henkel, H			
11	Curry, K			
12	Machon, D			
13	Hokamp, M			
14	Polach, D			
15	Clendenning, B			
16	Pliml, L			
17	Zurfluh, J			
18	Hamilton, B			
19	Leichtnam, B			

WHEREAS, Wood County (the County) is concerned with the recent rapid rise in troubles among county citizens, residents, and visitors in relation to problems arising out of the use, abuse, and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse, and overuse by citizens, residents, and visitors are not unique to the County and are, in fact, issues and concerns shared by all other counties in Wisconsin and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the "Opioid Epidemic"; and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

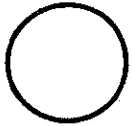
WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, the County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, the County is responsible for a multitude of programs and services, all of which require Wood County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, the County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet the County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to the County; and



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WHEREAS, all sums that the County expends in addressing, combating, and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that the County provides to Wood County citizens, residents and visitors; and

WHEREAS, the County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, the County is informed that the Wisconsin Counties Association has engaged in extensive discussion with law firms and has expressed a desire to assist the law firms, Wood County, and other counties in the prosecution of claims against certain of the opioid manufacturers; and

WHEREAS, the law firms are currently in the process of drafting an engagement agreement that would contain the specific terms of representation for the County in relation to the potential claims; and

WHEREAS, the County believes it to be in the best interest of Wood County, its citizens, residents, visitors, and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against certain of the opioid manufacturers, subject to completing the negotiation of an engagement agreement with the law firms; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, the County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by Wood County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to authorize the Board Chair to execute an engagement agreement with the law firms provided that there is no out-of-pocket cost to Wood County and further provided that the Board Chair and Corporation Counsel have reviewed and approved the form and content of the engagement agreement; and

BE IT FURTHER RESOLVED that Wood County shall endeavor to faithfully perform all actions required of the County in relation to the claims contemplated herein and in the engagement agreement and hereby directs all County personnel to cooperate with and assist the law firms in relation thereto.