

A G E N D A

Dakota County Board of Commissioners Special Meeting

July 13, 2021
11:00 AM

(or following the Community Services Committee of the Whole)

Conference Room 110 A, B Northern Service Center, West St. Paul, MN

Members of the public may join the meeting via Zoom Conferencing

Any questions contact County Administration at CountyAdmin@co.dakota.mn.us or join the link available on the County website.

If you wish to speak to an agenda item or an item not on the agenda, please notify the Clerk to the Board via email at CountyAdmin@co.dakota.mn.us

Emails must be received by 7:30am Tuesday, July 13, 2021.

Instructions on how to participate will be sent to anyone interested.

1. **Call To Order And Roll Call**
2. **Approval Of Agenda** (Additions/Corrections/Deletions)

REGULAR AGENDA

3. **County Board/County Administration**
 - 3.1 *County Board* - Termination Of Local State Of Emergency Pursuant To Minnesota Statutes Chapter 12 Regarding COVID-19 (Coronavirus)
4. **Closed Executive Session**
 - 4.1 *County Administration* - Closed Executive Session: Legal Strategy For Purdue Pharma Chapter 11 Bankruptcy, Mallinckrodt Chapter 11 Bankruptcy And National Prescription Opiate Litigation
5. **Information**
 - 5.1 See Attachment A - Future Board Meetings And Other Board Activities
6. **Adjournment**

For more information, call 651-438-4417

Dakota County Board meeting agendas are available online at

<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

Public Comment can be sent to CountyAdmin@co.dakota.mn.us

Future Board And Other Public Agency Meetings

July 13, 2021

Tuesday

- 9:00 AM - 9:00 AM **Dakota County Physical Development Committee of the Whole -- Northern Service Center, 1 Mendota Road West, West St. Paul, Conference Room 110 (NOTE: NEW LOCATION)**
- 10:00 AM - 10:00 AM **Dakota County Community Services Committee of the Whole (or following Physical Development) -- Northern Service Center, 1 Mendota Road West, West St. Paul, Conference Room 110 (NOTE: NEW LOCATION)**
- 11:00 AM - 11:00 AM **Special Dakota County Board of Commissioners Meeting (or following Community Services) -- Northern Service Center, 1 Mendota Road West, West St. Paul, Conference Room 110**
- 3:30 PM - 3:30 PM **Dakota-Scott Workforce Development Board Executive Committee Meeting -- Zoom**
(<https://us02web.zoom.us/j/89744523163?pwd=amhmRlF3Zll0REJyVGJ2RnQxbXc4Zz09>)

July 14, 2021

Wednesday

- 10:00 AM - 10:00 AM **Metropolitan Emergency Services Board Committee Meeting -- Metro Counties Government Center 2099 University Avenue Saint Paul, MN 55104 or Webex (see <https://metropolitanemergencyservicesboard.my.webex.com>)**
- 3:30 PM - 3:30 PM **Vermillion River Watershed Planning Commission Meeting -- Dakota County Western Service Center, 14955 Galaxie Avenue, Conference Room 334, Apple Valley**
- 4:00 PM - 4:00 PM **Dakota Broadband Board Meeting -- Zoom**
(<https://us02web.zoom.us/j/88574743336?pwd=enlQZFRkTmUrZjdxL3NCTzdidk1Ldz09>)

July 15, 2021

Thursday

- 4:00 PM - 4:00 PM **Co Hwy 42 Public Open House (Redwood Park) -- Redwood Park Pavilion (311 150th St W, Apple Valley; Co. 42 & Elm Dr)**

July 16, 2021

Friday

- 7:30 AM - 7:30 AM **Dakota-Scott Workforce Development Board Meeting - CANCELED --**

July 20, 2021

Tuesday

- 9:00 AM - 9:00 AM **Dakota County Board of Commissioners Meeting -- Administration Center, 1590 Highway 55, Boardroom, Hastings or View Live Broadcast**
<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

July 20, 2021 Continued

Tuesday

9:30 AM - 9:30 AM

Dakota County Regional Railroad Authority (or following CB) -- Administration Center, 1590 Highway 55, Boardroom, Hastings

10:00 AM - 10:00 AM

Dakota County General Government and Policy Committee Meeting (or following RRA) -- Administration Center, Conference Room 3A, 1590 Highway 55, Hastings, MN

3:30 PM - 3:30 PM

Dakota County Community Development Agency Board Regular Meeting -- Dakota County CDA Boardroom, 1228 Town Centre Drive, Eagan, MN 55123

DAKOTA COUNTY BOARD OF COMMISSIONERS**Termination Of Local State Of Emergency Pursuant To Minnesota Statues Chapter 12 Regarding COVID-19 (Coronavirus)**

Meeting Date: 7/13/2021	Fiscal/FTE Impact:
Item Type: Regular-Action	<input checked="" type="checkbox"/> None <input type="checkbox"/> Other
Division: County Administration/County Board	<input type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: County Board	<input type="checkbox"/> New FTE(s) requested
Contact: Smith, Matt	Board Goal: Excellence in public service
Contact Phone: (651) 438-4590	Public Engagement Level: N/A
Prepared by: Reynolds, Jennifer	

PURPOSE/ACTION REQUESTED

Termination of the local state of emergency as required by Minn. Stat. § 12.29 regarding COVID-19 (Coronavirus).

SUMMARY

On January 31, 2020, the United States declared a public health emergency. The World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020. On March 13, 2020, by Proclamation 9994, the President declared a national emergency concerning the COVID-19 pandemic beginning March 1, 2020. By Execution Order 20-01, Governor Walz declared a peacetime emergency in response to the global COVID-19 (coronavirus) pandemic.

Upon the recommendation of the Dakota County Manager and the Risk and Homeland Security Manager, the Chair of the Dakota County Board of Commissioners declared a local state of emergency in Dakota County on March 17, 2020 in response to the global COVID-19 pandemic. By Resolution No. 20-139 (March 20, 2020), the County Board of Commissioners consented to the continuation of the local emergency declaration until terminated by passage of a resolution by the County Board of Commissioners.

The declaration of local emergency allowed Dakota County to effectively and quickly respond to the COVID-19 pandemic. With improved case rates and increasing number of vaccinated individuals, the County can effectively respond to the impacts of COVID-19 on the community without an emergency declaration. Staff have verified that the termination of the local state of emergency will not impact the County's eligibility for relief funds such as Federal Emergency Management Agency reimbursement or utilization of American Rescue Plan Act (ARPA) funds.

The State emergency declaration was terminated on July 1, 2021. The Federal public health emergency must be extended every 90-days. The current extension runs until July 19, 2021. The Secretary of Health and Human Services has indicated that the Federal public health emergency may remain in place for the entirety of 2021 and will provide a 60-day notice prior to termination. The Federal national emergency concerning the COVID-19 pandemic was continued on February 24, 2021, extending the emergency for one year unless terminated earlier.

Based on the current state of response to the COVID-19 pandemic response in Dakota County, continuation of the local state of emergency is not necessary. After the termination of the local state of emergency, the County will continue its response to the COVID-19 pandemic with necessary programming and services, including vaccination clinics and utilization of ARPA funds.

RECOMMENDATION

Termination of the local state of emergency as required by Minn. Stat. § 12.29 regarding COVID-19 (Coronavirus).

EXPLANATION OF FISCAL/FTE IMPACTS

None.

Supporting Documents:**Previous Board Action(s):**
20-139; 3/20/20**RESOLUTION**

WHEREAS, on January 31, 2020, the United States declared a public health emergency; and

WHEREAS, the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, by Proclamation 9994, the President declared a national emergency concerning the COVID-19 pandemic beginning March 1, 2020; and

WHEREAS, by Executive Order 20-01, Governor Walz declared a peacetime emergency in response to the COVID-19 pandemic; and

WHEREAS, upon the recommendation of the Dakota County Manager and the Risk and Homeland Security Manager, the Chair of the Dakota County Board of Commissioners declared a local state of emergency in Dakota County on March 17, 2020 in response to the COVID-19 pandemic; and

WHEREAS, by Resolution No. 20-139 (March 20, 2020), the County Board of Commissioners consented to the continuation of the local emergency declaration until terminated by passage of a resolution by the County Board of Commissioners; and

WHEREAS, the declaration of local emergency allowed Dakota County to effectively and quickly respond to the COVID-19 pandemic; and

WHEREAS, with improved case rates and increasing number of vaccinated individuals, the County can effectively respond to the impacts of COVID-19 on the community without an emergency declaration; and

WHEREAS, staff have verified that the termination of the local state of emergency will not impact the County's eligibility for relief funds such as Federal Emergency Management Agency reimbursement or utilization of American Rescue Plan Act (ARPA) funds; and

WHEREAS, the Federal public health emergency must be extended every 90-days; and

WHEREAS, the current extension runs until July 19, 2021; and

WHEREAS, the Secretary of Health and Human Services has indicated that the Federal public health emergency may remain in place for the entirety of 2021 and will provide a 60-day notice prior to termination; and

WHEREAS, the Federal national emergency concerning the COVID-19 pandemic was continued on February 24, 2021, extending the emergency for one year unless terminated earlier; and

WHEREAS, the State emergency declaration was terminated on July 1, 2021; and

WHEREAS, based on the current state of response to the COVID-19 pandemic response in Dakota County, continuation of the local state of emergency is not necessary; and

WHEREAS, after the termination of the local state of emergency, the County will continue its response to the COVID-19 pandemic with necessary programming and services, including vaccination clinics and utilization of ARPA funds.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby terminates the local state of emergency continued by Resolution No. 20-139 in response to the COVID-19 pandemic.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

DAKOTA COUNTY BOARD OF COMMISSIONERS

Closed Executive Session: Legal Strategy For Purdue Pharma Chapter 11 Bankruptcy, Mallinckrodt Chapter 11 Bankruptcy And National Prescription Opiate Litigation

Meeting Date: 7/13/2021
 Item Type: Regular-Action
 Division: County Administration/County Board
 Department: County Administration
 Contact: Smith, Matt
 Contact Phone: (651) 438-4590
 Prepared by: Reynolds, Jennifer

Fiscal/FTE Impact:
 None Other
 Current budget Amendment requested
 New FTE(s) requested
 Board Goal: Excellence in public service
 Public Engagement Level: N/A

PURPOSE/ACTION REQUESTED

Hold a closed executive session.

SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Special Dakota County Board meeting of July 13, 2021, to discuss the following:

- the legal strategy for casting a ballot in the Purdue Pharma Bankruptcy and the Mallinckrodt, PLC bankruptcy, and the current litigation strategy in the National Prescription Opiate Litigation.

EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

Supporting Documents:

Previous Board Action(s):

RESOLUTION

WHEREAS, Dakota County has filed a lawsuit against opioid drug manufacturers and distributors seeking compensation for the extensive costs to the County caused by the opioid addiction epidemic and the harm inflicted upon Dakota County residents by this crisis; and

WHEREAS, Dakota County's lawsuit along with approximately 2,000 other lawsuits commenced by local governments and Indian Tribes have been consolidated into a Multi District Litigation group that is managed by the Federal District Court for the Northern District of Ohio; and

WHEREAS, Purdue Pharma, L.P. is a defendant in Dakota County's lawsuit; and

WHEREAS, Purdue Pharma, L.P. filed bankruptcy (In *Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.)) to halt any pending civil litigation against it; and

WHEREAS, Mallinckrodt, PLC is an opioid manufacture that filed bankruptcy (In *Re Mallinckrodt PLC., et al.*, Case No. 20-12522 (JTD) (Bankr. D.Del.)) to halt any civil litigation against it; and

WHEREAS, in both bankruptcies, a Chapter 11 plan of reorganization has been filed and a disclosure statement provided to creditors in order for the creditors to be able to make informed decisions on whether to accept or reject the proposed plans of reorganization; and

WHEREAS, the reorganization plans include payments to states and local governments to redress extensive costs caused and harm inflicted by the opioid addiction epidemic; and

WHEREAS, a ballot accepting or rejecting the Purdue Pharma, L.P plan must be cast on or before July 14, 2021, 4:00 (ET); and

WHEREAS, a ballot accepting or rejecting the Mallinckrodt, PLC plan must be cast on or before September 3, 2021, 4:00 (ET); and

WHEREAS, the Multi District Litigation continues to proceed around the county against other defendants.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby closes the Special County Board meeting on July 13, 2021, and recesses to Conference Room 520, Northern Service Center, West St. Paul, Minnesota, to discuss with the County Attorney the legal strategy for casting a ballot in the Purdue Pharma L.P. Bankruptcy and the Mallinckrodt, PLC bankruptcy, and the current litigation strategy in the National Prescription Opiate Litigation.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager