

July 13, 2021

STATE OF MINNESOTA )  
COUNTY OF DAKOTA )  
OFFICE OF COUNTY BOARD )

**Call To Order And Roll Call**

Commissioner Mike Slavik  
Commissioner Kathleen A. Gaylord  
Commissioner Joe Atkins  
Commissioner Liz Workman  
Commissioner Mary Liz Holberg  
Commissioner Laurie Halverson  
Commissioner Mary Hamann-Roland

Also in attendance were: Matt Smith, County Manager; Kathryn M. Keena, County Attorney; Tom Donely, First Assistant County Attorney; and Jeni Reynolds, Sr. Administrative Coordinator to the Board.

The meeting was called to order at 11:22 a.m. by Chair Mary Liz Holberg.

**21-349**

**Approval Of Agenda (Additions/Corrections/Deletions)**

Motion: Mary Hamann-Roland

Second: Kathleen A. Gaylord

On a motion by Commissioner Mary Hamann-Roland, seconded by Commissioner Kathleen A. Gaylord, the agenda was unanimously approved.

**REGULAR AGENDA**

**County Board/County Administration**

**21-350**

**Termination Of Local State Of Emergency Pursuant To Minnesota Statutes Chapter 12 Regarding COVID-19 (Coronavirus)**

County Manager Matt Smith briefed this item and responded to questions.

Motion: Mike Slavik

Second: Kathleen A. Gaylord

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

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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 respond to the COVID-19 pandemic effectively and quickly; 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.

Ayes: 7

Nays: 0

### **Closed Executive Session**

**21-351**

### **Authorization To Submit Ballots Approving Purdue Pharma Chapter 11 Bankruptcy Reorganization And Mallinckrodt Chapter 11 Bankruptcy Reorganization In National Opiate Litigation**

This item did not go into closed session.

Motion: Liz Workman

Second: Joe Atkins

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

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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 approve 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 as detailed in the respective plans; 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, Dakota County's national counsel, Joe Rice, Motley Rice LLC, has recommended the County cast ballots to approve the plans; and

WHEREAS, the Dakota County Attorney agrees the plans represent fair and equitable resolutions of the opioid-related claims against Purdue Pharma, L.P. and Mallinckrodt, PLC when considering the totality of the circumstances.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to submit a ballot on behalf of Dakota County approving the bankruptcy reorganization plan in *In Re Purdue Pharma, L.P., et al.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.); and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney to submit a ballot on behalf of Dakota County approving the bankruptcy reorganization plan in *In Re Mallinckrodt PLC., et al.*, Case No. 20-12522 (JTD) (Bankr. D.Del.).

Ayes: 7

Nays: 0

#### **Information**

**See Attachment A - Future Board Meetings And Other Board Activities**

#### **Adjournment**

Motion: Mary Hamann-Roland

Second: Mike Slavik

On a motion by Commissioner Mary Hamann-Roland, seconded by Commissioner Mike Slavik, the meeting was adjourned at 11:33 a.m.

Mary Liz Holberg  
Chair

ATTEST

Matt Smith  
County Manager