

# Board of Crawford County Commissioners

## Commissioners' Journal

2018, TWENTIETH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM

Girard, KS Tuesday, March 20, 2018, 10:00 AM

The Crawford County Board of Commissioners met pursuant to Kansas Statutes Annotated Chapter 19, Article 2, Section 18 in due and regular session with open doors. Commissioner Jeff Murphy served as the presiding officer. Commissioners Carl Wood and Tom Moody were in attendance. County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board. Chairman Murphy led the pledge of allegiance.

### **UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA**

**On motion (18-098)** of Commissioner Moody and the second of Commissioner Wood that the consent agenda be approved including:

1. Approval of the **March 16, 2018** minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed and the consent agenda was approved.**

### **SIGNING OF MOTIONS**

The County Clerk presented the following motions for Commissioners' signatures:

Motion 18	91	That the consent agenda be approved including: Approval of the March 13, 2018 minutes of the Board of County Commissioners and Approval of the accounts payable warrant numbers 580666 to 580885 dated March 15, 2018 in the total amount of \$252,630.48
Motion 18	92	To request that Ms. Alyssa Edwards, Road and Bridge Coordinator and Mr. Jim Emerson, County Counselor review the culvert bids & bid specs and return with a recommendation
Motion 18	93	To approve the 2018 Crawford County Codes Court Procedures with the understanding that adjustments can be made at any time

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Motion 18	94	To approve the Option 1 bid from Wood Duloherly Insurance, Inc. for Cyber Insurance Coverage
Motion 18	95	To approve the purchase of 2 Schulte Mowers from O'Malley Implement Co. Inc. in the amount of \$35,608.00 with the funds to come out of the of the Road & Bridge Equipment Reserve Fund
Motion 18	96	To approve leaving Crawford County's portion of the dissolved Regional Solid Waste Committee's money with the SEK Regional Planning Commission
Motion 18	97	To recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss items that would be deemed privileged in the Attorney Client Relationship and to include the Board of County Commissioners and County Counselor Jim Emerson

### UNDER THE HEADING NEW BUSINESS

**PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS  
MESSAGES FROM OTHER GOVERNMENTAL ENTITIES  
MESSAGES FROM ELECTED OFFICIALS  
MESSAGES FROM THE PUBLIC  
MESSAGES FROM APPOINTED OFFICIALS  
PROCLAMATION AND ORDERS OF THE BOARD  
NEW BUSINESS**

**Item One:** County Clerk Don Pyle mentioned that the representatives from Blue Cross & Blue Shield of Kansas would be arriving for the work session with the commissioners after the regular meeting and that he had emailed the reports received from BCBS to the commissioners on March 19.

**Item Two:** County Counselor Jim Emerson regarding a Contingent Attorney Client Contract between the Crawford County Commission and Patrick C. Smith, LLC. Mr. Emerson stated that this agreement would authorize Mr. Smith to represent the county in lawsuits that are being filed all over the country because of the opioid addiction crisis that has reached epidemic levels across the United States. Commissioner Moody was answered that the county can opt out of this agreement at a later date if they wish.

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## CONTINGENT ATTORNEY CLIENT CONTRACT

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Crawford County Commission of Crawford County, Kansas (Client or Crawford County) and Patrick C. Smith, LLC, (sometimes referred to as The Firm) in a matter concerning the recovery of damages from pharmaceutical manufacturers, distributors, and any other responsible parties related to their misconduct in flooding Crawford County with prescription drugs.

Crawford County agrees to retain Patrick C. Smith, LLC, to investigate and prosecute a claim against all responsible parties for this misconduct. The Client and Patrick C. Smith, LLC, agree that Patrick C. Smith, LLC, is allowed to associate with any additional firms it deems necessary.

1. In exchange for the representation by The Firm, Crawford County agrees to pay 25% of any recovery on Crawford County's behalf, whether recovery occurs by way of award, order, judgment, settlement, or any other means. Said fee is to be calculated on the net recovery amount, after any costs are deducted. If no recovery is obtained, Crawford County has no responsibility for any attorney fees or costs. Crawford County will only be responsible for fees or costs if a recovery is obtained.

2. In the event of a recovery, Crawford County agrees to reimburse all costs and expenses incurred by The Firm from such recovery, unless such costs are ordered or agreed to be paid by the parties or entities against whom the claims will be made. If no recovery is made, Crawford County has no obligation to pay any expenses incurred by The Firm.

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The Firm shall advance all costs and expenses incurred in relation to the lawsuit. The Firm is authorized to incur such costs and expenses as it deems necessary for prosecution of this matter.

3. The Firm accepts employment on the condition that, if it appears to be a viable claim it will proceed with the lawsuit. However, if The Firm determines in its discretion that the claim is no longer viable The Firm is allowed to cease and withdraw from representing Crawford County.

4. The Firm will investigate, negotiate, institute, and/or prosecute such claims and demands against those individuals and/or entities as The Firm deems necessary in order to effectively promote and pursue the interests of Crawford County.

5. After The Firm's services are concluded, The Firm will upon request deliver a copy of the non-privileged portion of The Firm's file to Crawford County along with any property of Crawford County.

6. Crawford County Commissioners have reviewed the Agreement and understand its terms and conditions.

7. This Agreement shall be binding on all successors and assigns of the Client.

8. The Firm has the right to hire or associate with another attorney or law firm to work on this case so long as such costs and attorney fees are satisfied within the percentage attorney fees set forth herein. Client is hereby notified it is the intent of The Firm to associate with the law firm of Morgan & Morgan, PA to work on this case. Morgan & Morgan, PA has extensive experience in multi-district litigation and is heavily involved in currently filed opioid cases.

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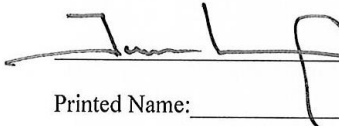
9. Nothing in this Agreement and nothing in The Firm's discussions with Crawford County may be construed as a promise or guarantee a result in this matter.


IT IS SO AGREED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

2018.

Crawford County Commissioners:

  
\_\_\_\_\_  
Printed Name: \_\_\_\_\_

  
\_\_\_\_\_  
Printed Name: \_\_\_\_\_

  
\_\_\_\_\_  
Printed Name: Carl R Wood

Patrick C. Smith, LLC:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

**On motion (18-099)** of Commissioner Wood and the second of Commissioner Moody to approve the Contingent Attorney Client Contract between the Crawford County Commission and Patrick C. Smith, LLC, in a matter concerning the recovery of damages from pharmaceutical manufacturers, distributors, and any other responsible parties related to their misconduct in flooding Crawford County with prescription drugs.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**Item Three:** Commissioner Murphy regarding a bucket truck that had been identified on the Purple Wave website as a possibility for the county. County Clerk Don Pyle brought up the website on the overhead screen and the commissioners all thought that it looked like a good truck and they wanted Shop Manager Greg Hite to travel to look at this truck in person.

**Item Four:** Commissioner Wood mentioned that he is working with the Zoning Dept. to see what the guidelines are in our zoning regulations in regards to livestock. There was a discussion of some of the issues that could be identified and he hopes to hear back from the zoning department soon. Mr. Wood also mentioned that some of the county building

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maintenance employees are helping with the final touches on the new Road & Bridge building under construction at the Freeto location on the Pittsburg bypass.

### UNDER THE HEADING OLD BUSINESS

**Item One:** County Clerk Don Pyle wanted to know if any of the commissioners would attend the SEK Regional County Officials Meeting on April 5, 2018, in Paola. The commissioners stated that they would let him know.

**Item Two:** Commissioner Murphy wanted to review the culvert bids that Road & Bridge Coordinator Alyssa Edwards had given them a summary of. There were some discussions of the bids and the terms for receiving shipments of the culverts. The commissioners decided to table this item.

#### 2018 Culverts Bid Results

##### Plastic

Conmat Inc.	\$ 50,642.20
Cleaver Farm & Home	\$ 51,250.10
Bo's 1 Stop	\$ 52,037.10
Welborn Sales	\$ 52,685.50
J & J Drainage	NO BID
Metal Culverts, Inc	NO BID

##### Metal

Welborn Sales	\$ 20,363.00
Metal Culverts, Inc	\$ 21,071.00
Cleaver Farm & Home	\$ 21,919.25
J & J Drainage	\$ 29,066.65

**Item Three:** Commissioner Carl Wood regarding the bids for pickup trucks. Mr. Wood stated that he had a couple of questions that he was waiting on answers for.

**Item Four:** County Clerk Don Pyle wanted the commissioners to be aware of a Renewable Energy and Energy Efficiency Seminar that will be held at PSU on April 11, 2018, from 8:30 AM to 10:00 AM.

### EXECUTIVE SESSION:

### UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS FUTURE BUSINESS:

**Item One: March 20, 2018** – Work Session with Blue Cross and Blue Shield Representatives immediately following the regular session.

**Item Two: March 23, 2018** – Ms. Rebecca Adamson & Mr. Rick Pfeiffer presenting Grant Budget Application for the Health Department.

### ANNOUNCEMENTS:

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## UNDER THE HEADING MOTION TO ADJOURN

### MOTION TO ADJOURN

#### Item One: Adjournment

**On the motion** of Commissioner Moody and the second of Commissioner Wood to adjourn the [March 20, 2018](#) meeting of the Board of Crawford County Commissioners at 10:31 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

**The motion prevailed.**

**In Testimony whereof, I have hereunto set my hand and caused to be affixed my official seal and submitted these minutes for the approval of the Board of Crawford County Commissioners.**

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**Don Pyle**  
County Clerk

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**This submission completed at the Crawford County Courthouse in Girard.**

[Taken DPP 3/20/2018 10:31 AM/amended DPP 3/22/18 2:25 PM](#)