

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
RETAINING KELLER ROHRBACK L.L.P. AS SPECIAL COUNSEL AND
AUTHORIZING LITIGATION FOR CLAIMS AGAINST PHARMACEUTICAL
COMPANIES AND DISTRIBUTORS**

NO. 2018-72

WHEREAS, as reported by the Centers for Disease Control and Prevention (“CDC”) and other sources in the media, and as declared by numerous state and local governments across the country, the United States is currently experiencing an epidemic and crisis arising from the misuse, abuse, and over-prescription of opioids;

WHEREAS, as a result of the crisis, the City of Commerce City, Colorado (“City”) has had to deal with the effects of widespread opioid addiction, including costs to various departments within the City, and desires to investigate and pursue a recovery these costs from responsible parties to address the multi-faceted issues related to opioid addiction;

WHEREAS, upon recommendation of the City Attorney, the City Council is authorized to retain special legal counsel to handle any matter in which the City has an interest, pursuant to Section 8.10(b) of the City Charter;

WHEREAS, the City, along with other Colorado county and municipal governments, participated in a competitive selection process seeking special counsel to investigate potential claims against manufacturers and wholesalers of opioid painkillers and other responsible parties and potentially initiate appropriate litigation with respect to City’s claims;

WHEREAS, the City Attorney has recommended the retention of Keller Rohrbach, L.L.P., on a contingency fee basis, as set forth in the Professional Services Agreement attached as Exhibit A (“Professional Services Agreement”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The law firm of Keller Rohrbach, L.L.P. is retained by the City, subject to the terms of the Professional Services Agreement, to investigate potential claims against manufacturers and wholesalers of opioid painkillers and other responsible parties.
2. The City Attorney, with the consent of the City Manager, to authorized to approve litigation with respect to City’s claims and to take all actions necessary and appropriate to pursue such litigation through special counsel.
3. The Professional Services Agreement is approved, substantially in the form attached, and the Mayor and City Clerk are authorized and directed to sign and attest the Professional Services Agreement on behalf of the City.

4. This Resolution, and the actions authorized by it, are found and determined to be in the best interests of the City, in the public interest, and necessary to protect the public health, safety, and welfare.

RESOLVED AND PASSED SEPTEMBER 17, 2018.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk