

REQUESTED BY: CITY MANAGER, BILL KOCHER

DATE OF FIRST READING: 8/17/2021 WAIVE RULES? YES YES NO

FINAL ACTION DATE: 8-19-2021 VOTE: YES NO

SUSPENSION OF TWO

ADOPTION OF RESOLUTION:

READING RULE:

YES	NO		YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DENISE LINGO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENNIFER MOODY	<u>ABSENT</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	ROBERT PARSONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	JOE ROETTING	<u>ABSENT</u>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	KISHA DOSA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	CORDEL GEORGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	CINDY SCHEETS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	TOTALS	<u>5</u>	<u>0</u>

RESOLUTION NO. 21-1170

AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

AN EMERGENCY RESOLUTION AUTHORIZING the Law Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a One Ohio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, opioid distributors AmerisourceBergen, McKesson and Cardinal Health (“the Distributors”) have proposed a joint settlement (“the Settlement”) to the State of Ohio and its political subdivisions pertaining to the Distributors’ share of the distribution of opioids that was a significant cause of the national opioid crisis that led to mass addiction and overdose deaths that affected both the State of Ohio and the City of Mt. Healthy; and

WHEREAS, under the Settlement, the Distributors will pay up to \$829,000,000 to the State of Ohio and its political subdivisions over eighteen (18) years, with most of the money received being restricted in use and earmarked for abatement of the opioid epidemic; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, the Ohio Attorney General has recommended the political subdivisions of the State of Ohio accept the Settlement; and

WHEREAS, the Law Director and the City Manager recommend that Council vote to accept the Settlement and enter into the Participation Agreement (“the Agreement”) with the Distributors as described and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by a majority of the Council members of the City of Mt. Healthy, Ohio, elected thereto concurring:

Section 1: That the Council hereby accepts the Proposed Settlement on behalf of the City of Mt. Healthy, Ohio, pursuant to the terms of the One Ohio MOU and authorizes the Law Director to execute the Participation Agreement for the One Ohio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the One Ohio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 National Opioid Settlement Agreement. The City Manager and/or Law Director is hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of the Settlement and Agreement

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

Section 3: This Resolution is declared an emergency measure for the immediate preservation of the public peace, health and safety. The reason for the emergency is to meet the filing deadline for the City to participate in the Proposed Settlement and receive funds to continue the opioid battle. That this Resolution shall be in full force and effect from and after the first date provided by law.

Passed this 19 day of AUGUST, 2021.

Ron Bottner
President of Council

Attest: Melanie B.C.
Clerk of Council

Approved this 19 day of AUGUST, 2021.

[Signature]
Mayor

Approved as to form:

[Signature]

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City of Mt. Healthy Law Director