

BEREA CITY COUNCIL

City of Berea, Ohio

RESOLUTION NO. 2023-__

By: _____

Sponsor: Mayor Cyril M. Kleem

A RESOLUTION

AUTHORIZING THE DIRECTOR OF FINANCE TO ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID SETTLEMENT AGREEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS AND WALMART, AND DECLARING AN EMERGENCY.

AN EMERGENCY RESOLUTION AUTHORIZING the Director of Finance to execute settlement documents with Teva, Allergan, CVS, Walgreens and Walmart (“Settling Parties”) pursuant to the settlement documents in the National Prescription Opiate Litigation (the “Settlement Documents”).

WHEREAS, the City of Berea, Ohio (herein “Municipality”) is a municipal corporation, formed and organized pursuant to the Constitution and laws of the State of Ohio; and

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 settlement documents relating to the allocation and the use of the proceeds of any potential settlement described; and

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WHEREAS, the settlement documents have 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 of the City of Berea understands that an additional purpose of the settlement documents is to create an effective means of distributing any potential settlement funds obtained from the Settling Parties, 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 National Prescription Opiate Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the Settlement Documents binds any party to a specific outcome, but rather, any resolution under them 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 Teva, Allergan, CVS, Walgreens and Walmart to resolve governmental entity claims in the State of Ohio using the structure of the Settlement Documents and

WHEREAS, the Council of the City of Berea wishes to agree to the material terms of the proposed terms of the Settlement Documents with the Settling Parties.

THEREFORE, BE IT ORDAINED by the Council of the City of Berea, Ohio:

SECTION 1. That the Director of Finance is authorized to accept and execute documents on behalf of the City of Berea pursuant to the terms of the Settlement Documents.

SECTION 2. That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were adopted 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 in meetings open to the public, in compliance with all legal requirements.

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SECTION 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Berea. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Yea Nay

Passed _____

Attest:

President of Council

Clerk-Treasurer

Approved _____

Approved as to Form:

Approved as to Form:

Mayor

Director of Law