

TEMPORARY RESOLUTION NO. 147-21

PERMANENT RESOLUTION NO. 147-21

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF LANCASTER, OHIO, TO ACCEPT THE MATERIAL TERMS OF THE JOHNSON & JOHNSON NATIONAL OPIOID SETTLEMENT CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster, 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 and the City of Lancaster, Ohio, pursuant to Permanent Resolution No. 37-20, 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, City 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 potential effectuation of an 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, pursuant to Permanent Resolution 100-21, City Council agreed to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement") 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, City Council wishes to authorize the Mayor to execute a Participation Form for the City of Lancaster to participate and agree to a settlement proposal being presented to the State of Ohio and Local Governments by Johnson & Johnson 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 for the Johnson & Johnson National Opioid Settlement;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the Mayor is hereby authorized to accept the Proposed Settlement on behalf of the City of Lancaster, Ohio, pursuant to the terms of the One Ohio MOU and the Johnson & Johnson National Opioid Settlement.

SECTION 2. That the Mayor is further authorized to execute the Johnson & Johnson National Opioid Settlement Participation Agreement and any and all other documents necessary to facilitate the Proposed Settlement on behalf of the City of Lancaster, Ohio, for the One Ohio Subdivision Settlement with Johnson & Johnson consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement and the Johnson & Johnson National Opioid Settlement Agreement.

SECTION 3. 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.

SECTION 4. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of this City and is required to be immediately effective to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, wherefore this Resolution shall be in full force and effect immediately upon its passage by City Council and approval by the Mayor.

Passed: 12/13/21 after 1st reading. Vote: Yeas 9 Nays 0

Date Approved: 12/13/21

Clerk: Jessica Lee Vandy

David G. Cee
President of Council

David L. Schipper
Mayor

Offered by: Tom Schipper

Second by: Melody L. Bobbitt

Requested by Finance Committee