

REQUESTED BY:
RUCKER-BROWN

LAW DEPARTMENT
DRAFT NO. 0164

LARSON- NOVAK-FORTE
MACPHERSON-SAFFOLD-
WHITE-RUCKER

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE CITY DIRECTOR OF LAW TO EXECUTE THE PARTICIPATION AGREEMENT FOR THE ONEOHIO SUBDIVISION SETTLEMENT WITH MCKESSON CORPORATIONS, CARDINAL HEALTH, INC., AND AMERISOURCE BERGEN 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 DECLARING AN EMERGENCY.

ORDINANCE NO. 13047/2021

WHEREAS, the City of Warren, Ohio (herein "Municipality") is a municipality 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 Supply Chain Participants accountable for the damaged 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 Warren, Ohio has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; 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, Warren 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 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 Amerisource Bergen, Cardinal and McKesson (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement, and

WHEREAS, Warren City Council wishes to agree to the material terms of the proposed Nation Opioid Distributor Settlement agreement with the Settling Distributors (the "Proposed Settlement"; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Director of Law be, and hereby is, authorized to accept the Proposed Settlement on behalf of the City of Warren, Ohio pursuant to the terms of the OneOhio MOU.

Section 2: That it is found and determined that all formal actions of the Council relating to the authorization of this Ordinance 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 3: That in the event that any section, sentence, clause, phrase or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect, to the extent the remainder can be given effect without the invalid portion.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City of Warren, Ohio. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout the State of Ohio. WHEREFORE, this Ordinance shall take effect and be in force from and after the date of its passage.

Passed in Council this 10TH day of AUGUST, 2021.

SIGNED: [Signature] ATTEST: [Signature]
PRESIDENT OF COUNCIL CLERK

FILED WITH THE MAYOR: 8/10/2021

DATE APPROVED: 8/10/2021

[Signature]
MAYOR, CITY OF WARREN, OHIO