

VILLAGE OF McDONALD, OHIO

RESOLUTION NO. 1883-23

A 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 TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART NATIONAL OPIOID SETTLEMENT AGREEMENT, and declaring an emergency.

WHEREAS, the Village of McDonald, Ohio 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 Village of McDonald 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, Village 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 Teva, Allergan, CVS, Walgreens and Walmart 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 National Opioid Distributor Settlement Agreement; and

WHEREAS, Village wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Village Council authorizes the Fiscal Officer Mayor to execute the Settlement Agreement documents for the OneOhio Subdivision Settlement with Teva, Allergan, CVS, Walgreens and Walmart, pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms the proposed National Opioid Distributor Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, WITH AT LEAST TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING that:

Section I. That Village Council hereby authorizes the Fiscal Officer to accept the Proposed Settlement on behalf of the Village of McDonald, Ohio, pursuant to the terms of the OneOhio MOU and the Fiscal Officer is authorized to sign any documents necessary for the Settlement.

Section II. The passage of this Resolution and all deliberations relating to the passage of this Resolution were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section III. To preserve the public peace, health, welfare and safety of the residents of the Village of McDonald, Ohio and for the further reason to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, this Resolution is hereby declared to be an emergency measure and shall take effect and be in full legal force and effect from and after the earliest period allowed by law.

Passed in Council this 20th day of April, 2023.

Mayor

Attest to:

Fiscal Officer