

RESOLUTION NO. 45-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JoAnne Rau ON THE
15th DAY OF May, 2023.

A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 5, 2022 STATEWIDE ABATEMENT AGREEMENT FILED ON BEHALF OF OHIO AND THE NATIONAL OPIOID ABATEMENT TRUST II AGREEMENT (NOAT II) AND RATIFYING THE ACTIONS OF THE CITY MANAGER ON BEHALF OF THE CITY OF CENTERVILLE TO EXECUTE THE SETTLEMENT PARTICIPATION AGREEMENTS AND FORMS FOR THE ONEOHIO SUBDIVISION SETTLEMENT WITH MALLINCKRODT, PLC.

WHEREAS, the City of Centerville, Ohio (hereinafter referred to as “the City”) is a municipal entity 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 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, this 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 manufacturers, Mallinckrodt plc, 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 2022, proposed Settlement Agreements; and

WHEREAS, Council desires to accept and agree to the material terms of the proposed New National Settlement Agreement with the proposed settlements.

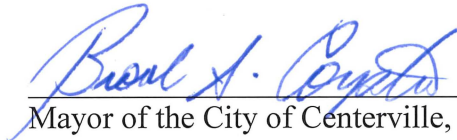
NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That City Council hereby accepts the Proposed Settlements pursuant to the terms of the OneOhio MOU.

Section 2. That the City Manager's actions to execute any and all Participation Agreements and forms on behalf of the City of Centerville is hereby ratified and the City Manager is authorized to take all steps necessary to accept and agree to the material terms of the Proposed Settlements pursuant to the terms of the OneOhio MOU, and was hereby authorized to execute the OneOhio Subdivision Participation Forms.


Section 3. That this Resolution is hereby effective upon adoption.

PASSED THIS 15th day of May, 2023.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 45-23, passed by the Council of the City of Centerville, Ohio on the 15th day of May, 2023.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney