

RESOLUTION NO. 21-103
INTRODUCED BY: Mr. Tadych

A RESOLUTION
**ACCEPTING OF THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION
SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF
UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021
NATIONAL OPIOID SETTLEMENT AGREEMENT,
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Bay Village, Ohio (“City”) is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, 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 Companies 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, the 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 Companies; 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 Janssen/Johnson & Johnson 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 Settlement Agreement; and

WHEREAS, the Council wishes to agree to the material terms of the proposed National Settlement Agreement with the Proposed Settlement:

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio:

SECTION 1. That Council hereby authorizes the Mayor to accept the Proposed Settlement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City the all documents necessary for acceptance of the Proposed Settlement.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

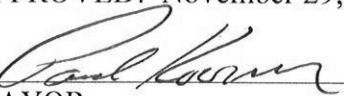
SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this resolution is required to be immediately effective in order to give timely notice of our participation in the settlement, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: November 29, 2021


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: November 29, 2021


MAYOR

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