

RESOLUTION NO. 21-12

ADOPTED: August 11, 2021

A RESOLUTION ACCEPTING THE MATERIAL TERMS OF, AND AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR FISCAL OFFICER TO EXECUTE ALL DOCUMENTS NECESSARY TO PARTICIPATE IN, THE SETTLEMENT CONCERNING THE STATE OF OHIO'S OPIOID LITIGATION WITH DISTRIBUTORS AMERISOURCEBERGEN, CARDINAL HEALTH, AND MCKESSON, AND DECLARING AN EMERGENCY

WHEREAS, a settlement is being offered by Distributors AmerisourceBergen, Cardinal Health, and McKesson for resolution of governmental entity claims in the State of Ohio; and

WHEREAS, under the proposed settlement, the Distributors will pay up to \$829,000,000 to the State of Ohio and its subdivisions over 18 years. Under the OneOhio Agreement, these funds will be distributed according to the following allocation: 15% directly to the State of Ohio; 30% directly to subdivisions; and 55% to the OneOhio Foundation (to be utilized for the benefit of the subdivisions across the State of Ohio). Most of the money will be restricted in use and specifically earmarked for abatement of the Opioid Epidemic; and

WHEREAS, participation levels (the percentage of Ohio subdivisions which agree to the deal) will affect how much money the State of Ohio and its subdivisions ultimately receive. About 45% of abatement funds are in the form of "incentive payments" which provide incentives for higher levels of participation. Because 45% of the funds are paid in the form of incentive payments, in order for the State of Ohio and its subdivisions to maximize recovery under the proposed settlement, it is critical that participation meets or exceeds 95%; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted, and the Village hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, Council for the Village of Thornville understands 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, the settlement is being presented to the State of Ohio and Local Governments 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.

NOW, **THEREFORE, BE IT RESOLVED** by the Council for the Village of Thornville, Perry County, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby accepts the material terms of the OneOhio Subdivision Settlement, pursuant to the OneOhio Memorandum of Understanding.

SECTION 2: Council for the Village of Thornville hereby authorizes and directs the Village Administrator and/or Fiscal Officer to execute all documents necessary for the Village to participate in the settlement concerning the State of Ohio's opioid litigation with Distributors AmerisourceBergen, Cardinal Health, and McKesson.

APPROVED:

Approved as to form this 6th day of August 2021:

A handwritten signature in blue ink, appearing to read "B. M. Zets", written over a horizontal line.

Brian M. Zets, Esq.
Village Solicitor

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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 of the laws of the State of Ohio.

SECTION 5: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of the Village and the further reason that the Village must decide whether to sign the OneOhio Participation Form by August 13, 2021. Wherefore, provided this Resolution receives the required affirmative votes of Council, this Resolution shall take effect and be in force immediately upon passage by Council.

Passed in Council this 11th day of August, 2021.



Dan Harmon, Mayor

ATTEST:



Stephanie Reyher, Clerk of Council