

**CITY OF STRUTHERS**  
**Resolution**

**NO. 21-044**

**A RESOLUTION AUTHORIZING THE CITY OF STRUTHERS TO PARTICIPATE IN THE PROPOSED OPIOID LITIGATION SETTLEMENT PLAN OF CLAIMS AGAINST DISTRIBUTORS OF IN THE SUITS AGAINST AMERISOURCEBERGEN, CARDINAL HEALTH, AND MCKESSON AND DECLARING AN EMERGENCY.**

**AN EMERGENCY RESOLUTION AUTHORIZING** the Mayor, Safety Service Director and/or Law Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen 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 term of July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

**WHEREAS**, the City of Struthers is among a number of municipalities in Ohio that may be eligible to participate in the settlement of claims brought against manufacturers of prescription opioids, whose products are alleged to have contributed to the national opioid crisis, mass addiction, and overdose deaths, which in turn has had a financial impact on many communities, including in terms of the costs of first responder services; and

**WHEREAS**, a settlement proposal is being presented to Ohio municipalities on behalf of distributors AmerisourceBergen, Cardinal Health and McKesson (“the Distributors”) for resolution of governmental entity claims in the State of Ohio; and

**WHEREAS**, under the tiered proposal, the Distributors will pay up to a collective sum of approximately \$829 million to the State of Ohio and its subdivisions over 18 years, earmarked for abatement of the opioid epidemic (intervention, treatment, education, and recovery services etc.) broken down approximately as follows: under the OneOhio agreement, 15% to the State of Ohio; 30% to subdivisions; and 55% to the OneOhio Foundation, to be utilized for the collective benefit of the subdivisions across the state; and

**WHEREAS**, the City of Struthers, Ohio (herein “Municipality”) is a City 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 with 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 Agreement, have drafted and City of Struthers 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 settlement described; and

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

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**WHEREAS**, the Struthers 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 MOU requires acceptances 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 AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve government 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**, Struthers City Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

**WHEREAS**, the total settlement is tiered and may ultimately vary based on the number of municipalities that participate in the settlement proposal; and

**WHEREAS**, the Mayor, Safety Service Director and Law Director recommend that the City participate in the settlement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Struthers, State of Ohio, Mahoning County,  $\frac{3}{4}$ 's of all members elected thereto concurring:

**SECTION 1:** That the City Council of the City of Struthers hereby approves in the settlement with the Distributors & OneOhio.

**SECTION 2:** The Mayor, Safety Service Director and/or Law Director are hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of a Participation Agreement to be distributed with the participating communities, pursuant to the term of the OneOhio MOU.

**SECTION 3:** That is found and determined that all formal action of the Council relating to adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulting in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**SECTION 4:** That this Resolution is hereby declared to be emergency measure for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Struthers. This Resolution shall be in full force and effect immediately upon its passage and become effective immediately upon its adoption by Council.

	YEA	NAY	
Mr. James E. Baluck	<u>  X  </u>	_____	
Mr. Richard S. Bayus	_____	_____	ABSENT
Mr. Dallas A. Bigley	<u>  X  </u>	_____	
Mr. Robert D. Burnside	<u>  X  </u>	_____	
Mr. Ronald A. Carcelli	<u>  X  </u>	_____	
Miss. Lori A. Greenwood	<u>  X  </u>	_____	
Miss. Megan L. Pingley	<u>  X  </u>	_____	

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PASSED IN COUNCIL THIS 11<sup>th</sup> DAY OF August, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

Michael A. Patrick  
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 11<sup>th</sup> DAY OF August, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 11<sup>th</sup> DAY OF August, 2021.

Catherine Cercone Miller  
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 08/19/2021-08/26/2021

Megan R. Shorthouse  
CLERK OF COUNCIL