

RECORD OF ORDINANCES

Resolution No. 2021-45Passed AUGUST 4, 2021

SPONSOR: FINANCE COMMITTEE

AN EMERGENCY 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 JULY 21, 2021, NATIONAL OPIOID SETTLEMENT AGREEMENT.

AN EMERGENCY RESOLUTION AUTHORIZING the Mayor 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 terms of the July 21, 2021, proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the Village of Mogadore, Ohio (herein “Village”) is a village formed and organized pursuant to its Charter and the Constitution and laws of the State of Ohio; and,

WHEREAS, the people of the Village of Mogadore have been harmed by misfeasance, non-feasance, 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, non-feasance, 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, non-feasance, 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 Village has adopted and hereby reaffirms its adoption of, an 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 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,

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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 distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") 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; and,

WHEREAS, this Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MOGADORE OF PORTAGE AND SUMMIT COUNTIES, OHIO AS FOLLOWS:


SECTION 1: That this Council hereby accepts and authorizes the Mayor and all applicable Village officials to accept the Proposed Settlement on behalf of the Village of Mogadore, pursuant to the terms of the OneOhio MOU.

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

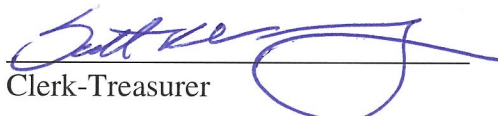
SECTION 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of Village residents, to allow for the timely submission of the approved Agreement within guidelines and requirements, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

 8-04-21
President of Council Date

 8-6-21
Mayor Date

Attest:


Clerk-Treasurer