

# City of Cuyahoga Falls, Ohio

## Notice of Special City Council Meeting

Notice is hereby given that a Special Meeting of City Council will be held on Monday, August 9, 2021 at 4:00 p.m. for the following purposes.

1. To introduce, consider and vote on the following ordinance:

Temp. Ord. B-65:

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND EXECUTE THE PARTICIPATION AGREEMENT FOR THE ONE OHIO SUBDIVISION SETTLEMENT WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION (SETTLING DISTRIBUTORS) PURSUANT TO THE ONE OHIO 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, AND DECLARING AN EMERGENCY.

2. To conduct any other business, including without limitation, rules suspension and executive session necessary to accomplish the foregoing.

Dated at Cuyahoga Falls, Ohio this 6<sup>th</sup> day of August, 2021.

/s/ Don S. Walters

Don S. Walters

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2021

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8 AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE  
9 ONE OHIO MEMORANDUM OF UNDERSTANDING AND  
10 EXECUTE THE PARTICIPATION AGREEMENT FOR THE ONE  
11 OHIO SUBDIVISION SETTLEMENT WITH MCKESSON  
12 CORPORATION, CARDINAL HEALTH, INC., AND  
13 AMERISOURCEBERGEN CORPORATION (SETTLING  
14 DISTRIBUTORS) PURSUANT TO THE ONE OHIO MEMORANDUM  
15 OF UNDERSTANDING REGARDING THE PURSUIT AND USE OF  
16 POTENTIAL OPIOID LITIGATION SETTLEMENT FUNDS AND  
17 CONSISTENT WITH THE MATERIAL TERMS OF THE JULY 21,  
18 2021 PROPOSED NATIONAL OPIOID DISTRIBUTOR SETTLEMENT  
19 AGREEMENT, AND DECLARING AN EMERGENCY.  
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21 WHEREAS, the City of Cuyahoga Falls, Ohio is a municipal corporation formed and organized  
22 pursuant to the Constitution and laws of the State of Ohio; and  
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24 WHEREAS, the people of the State of Ohio and its communities have been harmed by  
25 misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid  
26 Pharmaceutical Supply Chain; and  
27

28 WHEREAS, the State of Ohio, through its Attorney General, and certain local governments,  
29 through their elected representatives and counsel, are separately engaged in litigation seeking to  
30 hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by  
31 their misfeasance, nonfeasance and malfeasance; and  
32

33 WHEREAS, the State of Ohio, through its Governor and Attorney General, and its local  
34 governments share a common desire to abate and alleviate the impacts of that misfeasance,  
35 nonfeasance and malfeasance throughout the State of Ohio; and  
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37 WHEREAS, the state and its local governments have drafted and the City intends to adopt  
38 the One Ohio Memorandum of Understanding (MOU) relating to the allocation and the use of the  
39 proceeds of any potential settlements; and  
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41 WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while  
42 allowing the state and local governments to cooperate in exploring all possible means of  
43 resolution; and  
44

45 WHEREAS, Council understands that an additional purpose of the MOU is to create an  
46 effective means of distributing any potential settlement funds obtained under the MOU between  
47 the State of Ohio and local governments in a manner and means that would promote an effective  
48 and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to  
49 permit collaboration and explore earlier resolution of the Opioid Litigation against Opioid  
50 Pharmaceutical Supply Chain Participants; and  
51

52 WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any  
53 resolution under the MOU requires acceptance by the State of Ohio and the local governments;  
54 and

55 WHEREAS a settlement proposal is being presented to the State of Ohio and local  
56 governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the  
57 Settling Distributors) to resolve governmental entity claims in the State of Ohio using the  
58 structure of the One Ohio MOU and consistent with the material terms of the July 21, 2021  
59 proposed National Opioid Distributor Settlement Agreement; and

60  
61 WHEREAS, Council wishes to agree to the material terms of the proposed National Opioid  
62 Distributor Settlement Agreement with the Settling Distributors.

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64 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County  
65 of Summit, and State of Ohio, that:

66  
67 Section 1. The Mayor is authorized to accept the One Ohio Memorandum of Understanding  
68 and Proposed Settlement and to execute the associated Participation Agreement on behalf of the  
69 City of Cuyahoga Falls, pursuant to the terms of the One Ohio Memorandum of Understanding  
70 and consistent with the material terms of the July 21, 2021 Proposed National Opioid Distributor  
71 Settlement Agreement.

72  
73 Section 2. The Mayor, Director of Law, Director of Finance, and any other necessary City  
74 official are hereby authorized to provide such information and to execute such other  
75 documents and do all other actions as are necessary for and incidental to carrying out the  
76 requirements of this ordinance, together with such revisions, additions or amendments as are  
77 approved by the Director of Law as being consistent with the objectives and requirements of  
78 this ordinance.

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80 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
81 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
82 herewith and which have not previously been repealed are hereby ratified and confirmed.

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84 Section 4. It is found and determined that all formal actions of this Council concerning and  
85 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and  
86 that all deliberations of this Council and of any of its committees that resulted in such formal  
87 action, were in meetings open to the public, in compliance with all legal requirements, to the  
88 extent applicable, including Chapter 107 of the Codified Ordinances.

89  
90 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
91 preservation of the public peace, health, safety, convenience and welfare of the residents of the  
92 City of Cuyahoga Falls and for the further reason that the Participation Agreement must be  
93 signed by August 13, 2021 to ensure prompt pursuit of funds to assist in abating the opioid  
94 epidemic throughout Ohio. It shall therefore become effective immediately upon its passage by  
95 an affirmative vote of two-thirds of the members elected or appointed to Council and approval  
96 by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by  
97 law.

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100 Passed: \_\_\_\_\_  
101 \_\_\_\_\_  
102 President of Council

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104 \_\_\_\_\_  
105 Clerk of Council

106  
107  
108 Approved: \_\_\_\_\_  
109 \_\_\_\_\_  
110 Mayor

111 8/9/21