

ORDINANCE NO. 2021-34

VILLAGE OF BUCKEYE LAKE

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Buckeye Lake, Ohio, is organized under the laws of the State of Ohio and (Home Rule) of the Ohio Constitution, pursuant to the Village Charter; and

WHEREAS, The people of the State of Ohio and its communities 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 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 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 Supply Chain Participants; 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 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, which settlement proposal is summarized in Exhibits 1 and 2 which are attached hereto and incorporated as if fully rewritten herein; and

WHEREAS, Council desires to accept and agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”), as summarized in Exhibits 1 and 2.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings:

SECTION 1: The Mayor is hereby authorized to accept and agree to the material terms of the Proposed Settlement, as summarized in Exhibits 1 and 2 and pursuant to the terms of the OneOhio MOU, and to sign the OneOhio Subdivision Participation Form on behalf of the Village of Buckeye Lake, which Participation Form is attached hereto as Exhibit 3, and incorporated as if fully rewritten herein.

SECTION 2: Once executed by the Mayor, the Clerk of Council is to transmit the fully executed OneOhio Subdivision Participation Form to Opioidsettlement@levinlaw.com or via overnight delivery to Levin Papantonio Rafferty Law Firm, Attention: opioid Litigation, 316 South Baylen Street, Suite 600, Pensacola, Florida 32502, to be received by said law firm no later than August 13, 2021, and such delivery being confirmed.

SECTION 3: That it is 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 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 R.C. §121.22.

SECTION 4: This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village and for the further reason that the Participation Form must be delivered by August 13, 2021 to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, for which reason the Council hereby declare this Ordinance and emergency measure and it shall take effect and be in force immediately upon passage.

PASSED THIS 9 DAY OF August, 2021.

ATTEST: Samantha Torres
Clerk of Council, Samantha Torres

John Geiger
Council President, John Geiger

Peggy Wells
Mayor, Peggy Wells