

## VILLAGE OF WINDHAM , OHIO

Resolution No. 2023-02

AN EMERGENCY RESOLUTION TO AUTHORIZE THE SOLICITOR TO ACCEPT ON BEHALF OF THE VILLAGE THE MATERIAL TERMS OF PROPOSED SETTLEMENTS WITH ALLERGAN, CVS, TEVA, WALGREENS AND WALMART, ALL UNDER THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Windham, Ohio (herein “Municipality”) is a municipal corporation 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 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, Distribution and Retail Companies 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 Village of Windham 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 Village 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 the potential of earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; 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 Teva, Allergan, CVS, Walgreens and Walmart to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU; and

WHEREAS, the Village Council wishes to take steps to participate in the proposed settlement.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, Ohio, two thirds or more of the members thereto concurring:

Section 1. That the Council of the Village of Windham hereby accepts, the Proposed Settlement on behalf of the Village of Windham, pursuant to the terms of the OneOhio MOU, and authorizes the Village Solicitor to execute the Participation Agreements Teva, Allergan, CVS, Walgreens and Walmart in substantial conformity with those attached hereto as Exhibits 1 through 5.

Section 2. That it is found and determined that all formal actions of the Council 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.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the Village of Windham. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

Passed on First Reading, February 28, 2023

Vote of Council: Ayes: 6  
Nays: 0

Attest:  
Fiscal Officer, *Katrina Washington*

Approved:  
Mayor, *Scott Garrett*

Approved as to Legal Form:  
Solicitor, *Thomas Reitz*