

CITY OF FRANKLIN, OHIO  
RESOLUTION 2021-75

**ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO POLITICAL SUBDIVISION SETTLEMENT ON BEHALF OF THE CITY OF FRANKLIN AND IN ACCORDANCE WITH THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT**

WHEREAS, the City of Franklin, Ohio is a municipal corporation formed and organized pursuant to the Constitution and the laws of the State of Ohio;

WHEREAS, the people of the State of Ohio and its local communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain;

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;

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance (the "Opioid Lawsuit");

WHEREAS, the State and its Local Governments, subject to completing formal settlement documents resolving the Opioid Lawsuit, drafted a One Ohio Memorandum of Understanding (the "MOU") relating to the allocation and use of proceeds of any potential settlement of the Opioid Lawsuit;

WHEREAS, the MOU was collaboratively drafted to preserve all individual claims Local Governments may have against Opioid Pharmaceutical Supply Chain Participants, while allowing the State and Local Governments to cooperate in exploring all possible means of resolution of the Opioid Lawsuit;

WHEREAS, the purpose of the MOU is to create an effective means of distributing any potential funds obtained in settlement of the Opioid Lawsuit in a manner and through means which promote effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio;

WHEREAS, nothing in the MOU binds any party to a specific outcome in the Opioid Lawsuit, but rather, any proposed resolution under the MOU will require further acceptance thereof by the State of Ohio and the involved Local Governments;

WHEREAS, City Council previously agreed, through the passage of Resolution 2021-58, to a settlement proposal presented to the State of Ohio and Local Governments by opioid distributors AmerisourceBergen, Cardinal, and McKesson to resolve governmental entity claims in the State of Ohio in accordance with the terms of the MOU and the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement;

WHEREAS, another settlement proposal has since been presented to the State of Ohio and Local Governments by opioid distributor Janssen/Johnson & Johnson (the "Settling Distributor") to resolve governmental entity claims in the State of Ohio in accordance with the terms of the MOU and the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. City Council hereby accepts the Proposed Settlement in accordance with the terms of the MOU and the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement.

Section 2. The City Manager is hereby authorized to demonstrate the City's acceptance of the Proposed Settlement by executing all documentation on the City's behalf as may be required to endorse the City's acceptance and support of the Proposed Settlement.

Section 3. It is found 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 that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the peace, health, welfare and safety of the citizens of the City of Franklin. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout the State of Ohio.

ADOPTED: December 6, 2021

ATTEST: Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on December 6, 2021

Khristi Dunn  
Khristi Dunn, Clerk of Council