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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 114 -2021

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE  
8 PARTICIPATION FORM FOR SETTLEMENT WITH  
9 JANSSEN/JOHNSON & JOHNSON PURSUANT TO THE ONE OHIO  
10 MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH  
11 THE MATERIAL TERMS OF THE JULY 21, 2021 PROPOSED  
12 SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY.  
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14 WHEREAS, the City of Cuyahoga Falls, Ohio is a municipal corporation formed and organized  
15 pursuant to the Constitution and laws of the State of Ohio; and  
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17 WHEREAS, the people of the State of Ohio and its communities have been harmed by  
18 misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid  
19 Pharmaceutical Supply Chain; and  
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21 WHEREAS, the State of Ohio, through its Attorney General, and certain local governments,  
22 through their elected representatives and counsel, are separately engaged in litigation seeking to  
23 hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by  
24 their misfeasance, nonfeasance and malfeasance; and  
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26 WHEREAS, the State of Ohio, through its Governor and Attorney General, and its local  
27 governments share a common desire to abate and alleviate the impacts of that misfeasance,  
28 nonfeasance and malfeasance throughout the State of Ohio; and  
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30 WHEREAS, the state and its local governments drafted and the City has adopted, and hereby  
31 reaffirms its adoption of, the One Ohio Memorandum of Understanding (MOU) relating to the  
32 allocation and the use of the proceeds of any potential settlements; and  
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34 WHEREAS, a settlement proposal is being presented to the State of Ohio and local  
35 governments by Janssen/Johnson & Johnson to resolve governmental entity claims in the State  
36 of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the  
37 July 21, 2021 proposed Settlement Agreement; and  
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39 WHEREAS, Council wishes to agree to the material terms of the proposed Settlement  
40 Agreement.  
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42 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County  
43 of Summit, and State of Ohio, that:  
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45 Section 1. The Mayor is authorized to execute the Participation Form on behalf of the City of  
46 Cuyahoga Falls, pursuant to the terms of the One Ohio Memorandum of Understanding and  
47 consistent with the material terms of the July 21, 2021 Proposed Settlement Agreement with  
48 Janssen/ Johnson & Johnson.  
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50 Section 2. The Mayor, Director of Law, Director of Finance, and any other necessary City  
51 official are hereby authorized to provide such information and to execute such other  
52 documents and do all other actions as are necessary for and incidental to carrying out the  
53 requirements of this ordinance, together with such revisions, additions or amendments as are  
54 approved by the Director of Law as being consistent with the objectives and requirements of  
55 this ordinance.

56 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
57 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
58 herewith and which have not previously been repealed are hereby ratified and confirmed.  
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60 Section 4. It is found and determined that all formal actions of this Council concerning and  
61 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and  
62 that all deliberations of this Council and of any of its committees that resulted in such formal  
63 action, were in meetings open to the public, in compliance with all legal requirements, to the  
64 extent applicable, including Chapter 107 of the Codified Ordinances.  
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66 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
67 preservation of the public peace, health, safety, convenience and welfare of the residents of the  
68 City of Cuyahoga Falls and for the further reason that the Participation Form must be signed  
69 by January 2, 2022 to ensure prompt pursuit of funds to assist in abating the opioid epidemic  
70 throughout Ohio. It shall therefore become effective immediately upon its passage by an  
71 affirmative vote of two-thirds of the members elected or appointed to Council and approval by  
72 the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.  
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75 Passed: 12-13-2021

  
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President of Council

  
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Clerk of Council

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82 Approved: 12-13-2021

  
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Mayor

83 12/13/21

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