

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 63 -2021

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7
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
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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
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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
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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
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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

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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:

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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.

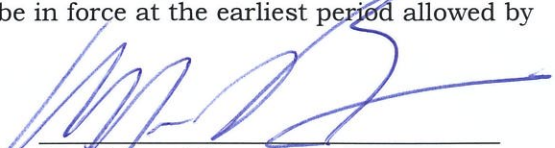
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73 Section 2. The Mayor, Director of Law, Director of Finance, and any other necessary City
74 official are hereby authorized to provide such information and to execute such other
75 documents and do all other actions as are necessary for and incidental 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: 8-9-2021



President of Council



Clerk of Council

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107 Approved: 8-9-2021



Mayor

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110 8/9/21

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