

A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ACCEPT THE MATERIAL TERMS OF THE JANSSEN SETTLEMENT AGREEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING, AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO EXECUTE THE SETTLEMENT PARTICIPATION FORM FOR JANSSEN SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS, the Village is a municipal corporation and subdivision of the State of Ohio 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 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 have collaborated in preparing a One Ohio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, 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 effectuation of an earlier resolution of the Opioid Litigation against the 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 Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively “Janssen”) to resolve governmental entity claims in the State of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the July 21, 2021 proposed Janssen Settlement Agreement; and

WHEREAS, Council desires to agree to the material terms of the proposed Janssen Settlement Agreement with Janssen (the "Proposed Settlement") and authorize the Mayor and Director of Finance to execute the Janssen Settlement Participation Form on behalf of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. The Council hereby accepts, the Proposed Settlement on behalf of the Village of Richfield, pursuant to the terms of the One Ohio MOU.

SECTION 2. The Mayor and Director of Finance are authorized to execute the Janssen Settlement Participation Form on behalf of the Village pursuant to the MOU regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed Janssen Settlement Agreement. Copies of the Janssen Participation Form, the One Ohio Memorandum of Understanding, and a summary of the material terms of the July 21, 2021 proposed Janssen Settlement Agreement are on file with the Director of Law.

SECTION 3. 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 including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the Village of Richfield and for the purpose of ensuring prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-7-21



President of Council



Mayor

Dated: 12/07/2021

ATTEST



Clerk of Council