

RESOLUTION NO. 2024-75

A RESOLUTION TO AMEND RESOLUTION 2021-70 A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021, NATIONAL OPIOID SETTLEMENT AGREEMENT WHICH NOW WILL INCLUDE THE KROGER COMPANY AND DECLARING AN EMERGENCY

AN EMERGENCY RESOLUTION AUTHORIZING the Township Administrator to execute the Participation Agreement for the One Ohio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the One Ohio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, Symmes Township, Ohio (herein “Township”) is Ohio township 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, non-feasance 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 Symmes Township has adopted, and hereby reaffirms its adoption of, a One Ohio 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 Symmes Township Board of Trustees 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 potentially effectuation earlier resolution of the Opioid Litigation against 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 distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) 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 National Opioid Distributor Settlement Agreement; and

WHEREAS, a new settlement agreement has been reached with the Kroger Company and local governments are required to sign the new agreement via electronic signatures; and

WHEREAS, Symmes Township Board of Trustees wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SYMMES TOWNSHIP, HAMILTON COUNTY, OHIO:

Section 1. That the Township Administrator of Symmes Township is authorized to

accept the Proposed Settlement on behalf of Symmes Township, pursuant to the terms of the One Ohio MOU which includes the new agreement with the Kroger Company.

Section 2. The Board of Trustees of Symmes Township upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

Section 3. It is hereby certified that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio relating to the adoption of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board 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 preservation of the public peace, health, welfare, and safety of Symmes Township, Hamilton County, Ohio and shall be effective immediately upon its adoption. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

ADOPTED AUGUST 6, 2024 – RESOLUTION G2024-75

Vote Record: MS. LEIS ____ MR. BRYANT ____ MR. BECK ____

BOARD OF TRUSTEES:

Jodie L. Leis, President

Kenneth N. Bryant, Vice-President

Philip J. Beck, Trustee

ATTEST:

APPROVED AS TO FORM:

Joseph C. Grossi, Fiscal Officer

Jeff Forbes, Law Director