

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE MARCH 22, 2024, KROGER MULTISTATE OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake, Ohio (“City”), is a Charter City formed and organized pursuant to the Constitution and the laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including the City, 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 Companies 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, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted and hereby reaffirms its adoption of, a OneOhio 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, 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 permit collaboration and explore potential effectuation and earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Companies; 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 identified as the Kroger Multistate Opioid Settlement Agreement (“Proposed Settlement Agreement”) is being presented to the State of Ohio and Local Governments by Kroger Co. (“Kroger”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the March 22, 2024, Proposed Settlement Agreement; and

WHEREAS, Council wishes to agree to the material terms of the Proposed Settlement Agreement with Kroger.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby authorizes the Mayor to accept the Proposed Settlement Agreement on behalf of the City pursuant to the terms of the OneOhio MOU, a copy of which is on file with the City, by executing on behalf of the City all documents necessary for acceptance of the Proposed Settlement Agreement.

Section No. 2: That Council hereby approves and ratifies any reasonable steps taken by the Mayor prior to the date hereof in his efforts to accept the Proposed Settlement Agreement.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Resolution is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and general welfare of the community and to ensure prompt pursuit of funds to assist in abating the opioid epidemic through the City. Therefore, this Resolution shall be in full force and effect from and immediately after passage and approval by the Mayor.

PASSED: 6/10/2024

/s/ Martin E. O'Donnell
President of Council

POSTED: 6/14/2024

APPROVED: 6/11/2024

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Mark A. Spaetzel
Mayor