

	Yes	No
Emergency	6	0
First Reading		
Second Reading		
Third Reading		
Suspension		

## ORDINANCE 2021-12

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE 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 AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Wauseon ("City") is a municipal entity 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 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 affirms the 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, the 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 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 Jansen/Jonson & Johnson 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 July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council desires to accept and agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Proposed Settlement.

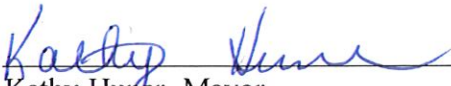
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Wauseon, Fulton County, Ohio as follows:


Section 1. The Mayor or her designee is hereby authorized to accept and agree to the material terms of the Proposed Settlement pursuant to the terms of the OneOhio MOU, and to sign the OneOhio Subdivision Participation Form on behalf of the City of Wauseon, which Participation Form is attached hereto as Exhibit A, and incorporated as if fully rewritten herein.


Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City and for the further reason that the Participation Form must be signed by December 8, 2021, to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio. It shall therefore be in full force and effect from and immediately after its passage.


Passed: December 6, 2021

  
Kathy Huer, Mayor

  
Shane Chamberlin, President of Council

Attest:   
Brooke Baumgartner  
Clerk of Council

Approved as to form:

  
Thomas A. McWatters III  
City Law Director