

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO PARTICIPATE IN AN OPIOID SETTLEMENT NEGOTIATED BY THE WASHINGTON STATE ATTORNEY GENERAL AGAINST CERTAIN OPIOID DISTRIBUTORS

WHEREAS, the City of Olympia has joined in federal multi-district court litigation to sue parties responsible for overdose deaths and harms resulting from use of opioids by residents of Olympia; and

WHEREAS, the Attorney General of Washington (AGO), Bob Ferguson, brought a lawsuit against three of the largest opioid distributors, Cardinal Health, AmerisourceBergen, and McKesson in King County Superior Court to recover monetary damages sustained by the state as a result of the reckless and negligent behavior of the distributors who profited from the opioid crisis at the expense of Washington state residents; and

WHEREAS, the AGO has negotiated a proposed settlement resolution with Cardinal Health, AmerisourceBergen, and McKesson that will result in these three companies paying approximately \$518 million over 17 years as compensation for harms to Washington residents, if all conditions of the proposal are met; and

WHEREAS, the proposed opioid distributor settlement will only be finalized after 100% of litigating Washington local governments, and 90% of non-litigating Washington local governments with a population over 10,000 agree to the settlement proposal by executing and returning a Participation Form before the deadline of September 23, 2022, for local government approval; and

WHEREAS, the Distributors – Washington Settlement Agreement lists the City of Olympia as 1 of 121 “Primary Subdivisions” of local governments in the state of Washington, and 1 of 37 “Litigating Subdivisions” subject to the terms of the distributors’ settlement agreement; and

WHEREAS, the AGO strongly urges approval by local governments to the settlement proposal, while recognizing no settlement is perfect, this settlement will result in Washington state receiving significantly more than Washington would have received had the AGO accepted the national resolution earlier this year; and

WHEREAS, if the requisite participation by Washington local governments does not occur, the state of Washington will not receive the \$518 million to help Washington combat the opioid epidemic. However, if approved, these financial resources will start flowing into Washington’s communities, including the City of Olympia, to abate the opioid crisis that continues to devastate families across Washington state; and

WHEREAS, on March 22, 2022, the City of Olympia entered into a One Washington Memorandum of Understanding Between Washington Municipalities as a “Participating Local Government” and a “Litigating Local Government” in the United States District Court for the Northern District of Ohio in *In Re: National Prescription Opiate Litigation*, Case No. 1:17-md-02804-DAP to address a variety of issues

including distribution of opioid funds, allocation, and abatement use. The City of Olympia qualifies as a “Litigating Local Government” as having filed suit against any Pharmaceutical Supply Chain Participant pertaining to the opioid epidemic prior to September 1, 2020; and

WHEREAS, approval and execution of settlement documents including a Participation Form and an Allocation Agreement are necessary to complete the terms of the AGO’s proposed settlement with the three opioid distributors. That if all litigating Washington local governments and 90% of non-litigating local governments agree to the settlement’s terms, the settlement may be finalized which will include the City of Olympia releasing any and all of its claims against the three settling opioid distributors; and

WHEREAS, the Olympia City Council recognizes that a monetary settlement alone does not fully atone for despicable corporate behavior to profit off the misery and overdose deaths suffered by Olympia families and residents by companies interested solely in profit, the AGO’s proposed settlement is a first step on the road to abating the opioid epidemic;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the Participation Form and Allocation Agreement necessary for the City of Olympia to participate in the AGO’s proposed Distributors – Washington Settlement Agreement, and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Participation Form, Allocation Agreement, and any other documents that may be necessary to finalize and fully settle the AGO’s proposed settlement with Cardinal Health, AmerisourceBergen, and McKesson, and to make any amendments or minor modifications as may be required and are consistent with the intent of the settlement Agreement, or to correct any scrivener’s errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY