

RESOLUTION 2022.022

AN EMERGENCY RESOLUTION TO ACCEPT THE TERMS OF THE DISTRIBUTOR SETTLEMENT PARTICIPATION AGREEMENT AND JANSSEN SETTLEMENT PARTICIPATION AGREEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND ESTABLISHING A SEPARATE ONEOHIO SPECIAL FUND 2902 UNDER R.C. §5705.09(F) TO RECEIVE SUCH ONEOHIO FUNDS

AN EMERGENCY RESOLUTION AUTHORIZING the Law Solicitor to execute the DISTRIBUTOR SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “A” and the JANSSEN SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “B” both of which are consistent with the material terms of the

OneOhio Memorandum of Understanding approved under Village Resolution No. 2021.022.

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 Village Council passed Resolution No. 2021.022 accepting the terms of the OneOhio Subdivision settlement pursuant to the OneOhio Memorandum of Understanding (“MOU”) consistent with the terms of the July 21, 2021 National Opioid Agreement; and

WHEREAS, the State of Ohio reached an agreement in excess of \$800 million with the largest distributors of opioids in the State and developed the OneOhio plan to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis; and

WHEREAS, the aforementioned settlement allocates 30% to local governments to which the Village of Blanchester, Clinton County, Ohio is estimated to receive \$17,834.04 from the settlement which are expected to be made in eighteen (18) payments; and

WHEREAS, the Village of Blanchester, Clinton County, Ohio, may receive less than \$500 in some of its 18 payments; thus, the payment may, at times, be made to Clinton County, the county in which the Village resides; and

WHEREAS, before the Village of Blanchester, Clinton County, Ohio, receives its portion from the state and/or county, the Auditor of State (“AOS”) recommends that each participating subdivision accepting the Funds provide by a written ordinance or resolution that its share of the OneOhio Funds shall be placed in a separate fund and used only for the approved purposes as set forth and required in the OneOhio MOU; and

WHEREAS, a special fund can be created under Ohio Rev. Code §5705.09(F) which does not require the Village to seek AOS approval for establishing such new fund; and

WHEREAS, the Ohio Attorney General has recommended the political subdivisions of the State of Ohio accept the Settlement; and

WHEREAS, the Law Solicitor, Assistant Law Solicitor, and the Mayor recommend that Council vote to accept and execute the DISTRIBUTOR SETTLEMENT PARTICIPATION

AGREEMENT attached as Exhibit “A” and the JANSSEN SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “B”.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of Blanchester, Clinton County, Ohio with a majority of its members elected thereto concurring:

Section 1: That the Council hereby accepts the DISTRIBUTOR SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “A” and the JANSSEN SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “B” on behalf of the Village of Blanchester, Clinton County, Ohio, both of which are consistent with the materials terms of the OneOhio MOU approved via Village Resolution No. 2021.022 and authorizes the Law Solicitor to execute the DISTRIBUTOR SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “A” and the JANSSEN SETTLEMENT PARTICIPATION AGREEMENT attached as Exhibit “B”. The Mayor, Law Solicitor, and/or Assistant Law Solicitor are hereby authorized to take all steps necessary to resolve these matters in accordance with the terms of the attached Settlement Participation Agreements.

Section 2: That in order to receive the estimated \$17,834.04 from the above-referenced Ohio Opioid Settlement which is expected to be made by the State and/or County in eighteen (18) payments, that a special fund called the OneOhio Fund 2902 be created pursuant Ohio Rev. Code §5705.09(F) which does not require the Village to seek AOS approval for establishing such new fund.

Section 3: That the Village Fiscal Officer shall make certain that expenditures made from the Village’s special OneOhio Fund 2902 comply with and meet the approved purposes definition of the OneOhio MOU as well as the Auditor of State Bulletin 2022-003 attached hereto as Exhibit “C” and that expenditures from such OneOhio Fund are approved via legislation adopted by the entity’s legislative body explaining how the expenditure meets such approved purposes. Each expenditure from the special OneOhio Fund 2902 shall be carefully tracked and adequate documentation of the expenditure be maintained.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken 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 taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

Section 5: That the Village by at least a three-fourths vote hereby dispenses with the requirement that this Resolution be read on three separate days and hereby authorizes the adoption of the Resolution upon its first reading. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the Village. The reason for the emergency is to ensure prompt collection of funds to assist in abating the opioid epidemic throughout Ohio. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Hopkins moved the adoption and Mr. Parks seconded to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mr. Brumbaugh	Absent
Mr. Garner	Yea
Mr. Gephart	Yea
Mr. Hopkins	Yea
Mr. McCollister	Yea
Mr. Parks	Yea

Adopted this 11th day of August, 2022.


John Carman, Mayor

ATTEST:


Tamara S. May
Village of Blanchester Fiscal Officer

Approved as to form:



Scott Sollmann, Assistant Law Director

Fiscal Officer's Certificate:

The State of Ohio, County of Clinton, ss:
I, Tamara S. May, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution is taken and copied from the original Resolution now on file with said Village, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Resolution has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Tom's Express Mart, 7529 Fairground Rd.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 12 day of August, 2022.

Witness my signature this 12th day of August, 2022.


Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

VILLAGE OF BLANCHESTER

FISCAL OFFICER

TAMARA S. MAY

OFFICIAL SEAL

