

RESOLUTION NO. 2021-09-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENTS BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST VARIOUS PHARMACEUTICAL COMPANIES FOR THEIR ROLES IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; ADOPTING THE TEXAS TERM SHEET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the State of Texas, along with a broad coalition of states and political subdivisions from across the country, sued three (3) major opioid distributors—McKesson, Cardinal Health and Amerisource Bergen—along with an opioid manufacturer—Johnson & Johnson—for their role in the national opioid crisis; and

WHEREAS, opioid use in the United States has resulted in an increase of opioid drug overdose deaths to a record high 69,000 in 2020, and in Texas at the same time drug overdose deaths increased 31.9%, driven primarily by opioid overdose deaths; and

WHEREAS, the opioid overdose death increase was driven primarily by fentanyl and other synthetic opioids; and

WHEREAS, all three (3) opioid distributors and opioid manufacturer Johnson & Johnson have reached a final settlement with Texas and the other jurisdictions; and

WHEREAS, Texas' combined share of the settlements is approximately \$1.5 billion, and Texas municipalities can participate in the settlement if they elect to participate and if a municipality elects not to participate, the municipality would be required to institute its own litigation against the opioid distributors and/or manufacturers; and

WHEREAS, the Texas Attorney General's Office has requested that McKinney and other Texas local governments elect to participate in the settlements, and to express such intent in a resolution by the governing body; and

WHEREAS, it is the intent of the City of McKinney to elect to participate in the settlements and therefore, such election to participate and to adopt the settlement term sheet will be forwarded to the Texas Attorney General's Office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. The City Manager shall be authorized to execute all necessary documentation reflecting the City's election to participate in the settlements referenced in this Resolution, as reflected in Exhibit 1 hereto, "Subdivision Settlement Participation Form," and to adopt Exhibit 2 hereto, "Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet," and to take any and all other steps requested or authorized by the Texas Attorney General's Office relative the settlements referenced in this Resolution.

Section 3. Any and all resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this Resolution are hereby repealed and rescinded to the extent of any conflict herewith.

Section 4. This Resolution shall take effect immediately from and after the date of passage by the City Council, and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MCKINNEY, TEXAS, ON THE 21st DAY OF SEPTEMBER 2021.**

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
JOSHUA STEVENSON
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT 1

Subdivision Settlement Participation Form

EXHIBIT 2

Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet