

RESOLUTION NO. 2024-12-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENT BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST KROGER FOR ITS ROLE IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; 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 major opioid distributors, opioid manufacturers and pharmacies for their role in the national opioid crisis; and

WHEREAS, the State of Texas and the other jurisdictions initially reached a final settlement with three (3) opioid distributors - AmerisourceBergen, Cardinal Health, and McKesson - and one (1) opioid manufacturer Johnson & Johnson; and

WHEREAS, the Texas Attorney General's Office 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, the City of McKinney elected to participate in the settlements and adopted the settlement term sheet provided by the Texas Attorney General's Office in September 2021, and which term sheet is now referred to as the "Texas Term Sheet," an intrastate agreement between the state and litigating subdivisions, administered by the Opioid Council; and

WHEREAS, the State of Texas and the other jurisdictions thereafter reached a final settlement with another opioid manufacturer, Endo, and Mallinckrodt, a manufacturer and distributor, in which settlements the City of McKinney also elected to participate; and

WHEREAS, the State of Texas and the other jurisdictions later reached a final settlement with two (2) more pharmaceutical manufacturers, Teva and Allergan, and three (3) pharmacies, CVS, Walgreens, and Walmart ("Pharmacies") relative to their respective roles in manufacturing, distributing, marketing, sale and dispensing of opioids; and

WHEREAS, the State of Texas and the other jurisdictions have now reached a final settlement with Kroger regarding its role in the manufacturing, distributing, marketing, sale and dispensing of opioids; and

WHEREAS, it is the intent of the City of McKinney to elect to continue its participation in the opioid settlements, and forward to the Texas Attorney General's Office such further and additional documentation as may therefore be required.

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 the document attached hereto labeled as Exhibit A being the "Texas Settlement Subdivision Participation and Release Form" to participate in the Kroger Settlement.

The City Manager shall also be authorized to take any and all other steps requested or authorized by the Texas Attorney General's Office relative to the settlement 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 3rd DAY OF DECEMBER 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER

Mayor

GERÉ FELTUS

Mayor Pro Tem

ATTEST:

EMPRESS DRANE

City Secretary

TENITRUS BETHEL PARCHMAN

Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER

City Attorney

ALAN LATHROM

Assistant City Attorney

Exhibit A

Texas Settlement Subdivision Participation and Release Form

(Consisting of following two pages.)