

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE THE PARTICIPATION AGREEMENT FOR THE ONEOHIO SUBDIVISION SETTLEMENT WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AND AMERISOURCEBERGEN CORPORATION AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Defiance, Ohio is a municipal corporation 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 the actions of 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; 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 damage; and,

**WHEREAS**, the State and its local governments, subject to completing formal documents effectuating the parties' agreements, have drafted 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 drafted to maintain all individual claims while allowing the State and local governments to cooperate in exploring all possible means of resolution; and,

**WHEREAS**, 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 distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") 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 wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement");

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** Council hereby accepts the Proposed Settlement on behalf of the City of Defiance, Ohio pursuant to the terms of the OneOhio MOU.

**Section 2:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 3:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that Council desires the prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE  
DEFIANCE DEVELOPMENT AND VISITORS' BUREAU, INC. FOR THE  
RIGHT-OF-WAY ON CLINTON AND WEST 3RD AND 4TH STREETS**

**WHEREAS**, Article II, Section 2.12(11) of the City Charter authorizes Council to lease public property to private persons or entities; and,

**WHEREAS**, the Defiance Development and Visitors' Bureau, Inc. ("DDVB") requested a leasehold interest in the City-owned right-of-way from September 24 through September 27, 2021; and,

**WHEREAS**, Council finds that a lease agreement will aid the DDVB in improving the perception of the City;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator, or his designee, is directed to execute the proposed Lease Agreement between the City and the DDVB currently on file in the office of the Law Director for one dollar.

**Section 2:** The City Administrator, or his designee, is further authorized to take any and all action required by the terms of the Lease Agreement, including the commencement of any action to enforce all legal and equitable rights afforded thereunder.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor