



Order

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2021-10

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO THE “ONE ARIZONA DISTRIBUTION OF OPIOID SETTLEMENT FUNDS AGREEMENT” REGARDING A PLAN TO ALLOCATE POTENTIAL GLOBAL SETTLEMENT FUNDS IN THE MULTIDISTRICT LITIGATION CASE TITLED “IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION” AND AUTHORIZATION TO OPT IN TO THE DISTRIBUTOR SETTLEMENT AND THE JANSSEN SETTLEMENT.

WHEREAS, approximately 34,459 state and local governments plaintiffs in a class action case captioned, In Re National Prescription Opiate Litigation, Multi-District Litigation Case No. 2804 (United States District Court for the Northern District of Ohio, Eastern Division) (the “Class Action”) sued thirteen (13) sets of companies in the pharmaceutical supply chain for misrepresentation about the addictive nature and the need to prescribe opioids (among other claims); which caused addiction, overdose death, and economic burdens on the governments; and

WHEREAS, on December 9, 2020, the City of San Luis entered into a Memorandum of Understanding titled “One Arizona Opioid Settlement Memorandum” (“MOU”) and

WHEREAS, all of the counties and 90 of the 91 cities and towns in Arizona signed the same MOU; and

WHEREAS, on July 21, 2021, four (4) of the thirteen (13) defendants and the Plaintiff’s Executive Committee, along with several state Attorneys General (including Arizona), have agreed to a nation-wide settlement plan; and

WHEREAS, the nation-wide settlement plan adopted the individual State’s distribution of funds described in their MOU’s with slight modifications; and

WHEREAS, the Arizona settlement is called the “One Arizona Distribution of Opioid Settlement Funds Agreement” (“Distribution Agreement”), which, as did the MOU, (1) requires the funds to be used to combat the impacts of the opioid crisis and (2) provides for a larger sum to be distributed among the counties, cities, and towns if there is one-hundred percent (100%) participation of all the jurisdictions in Arizona; and

WHEREAS, the City of San Luis meets the Arizona Attorney’s General deadline to submit

the signed Distribution Agreement by November 10, 2021; and

WHEREAS, On September 23, 2021, the City of San Luis received notice of the Distributor Settlement Agreement (McKesson, Cardinal Health, and AmerisourceBergen) and the Janssen Settlement Agreement (Janssen Pharmaceuticals, Inc. and parent company Johnson and Johnson) and the requirement to opt in to benefit from the settlements.

WHEREAS, the San Luis Mayor and City Council have been fully advised of the nature of the Distribution Settlement's plan for allocation of the global settlement funds and the Distributor Settlement Agreement and Janssen Settlement Agreement in the Class Action.

NOW, THEREFORE BE IT SO ORDERED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1. It is deemed in the City of San Luis and its residents' best interest that the city enter into the One Arizona Distribution of Opioid Settlement Funds Agreement ("Distribution Agreement"), which is a plan for allocation of funds from the Class Action.

Section 2. A true copy of the Distribution Agreement and its exhibits A, B, C, and D are attached and are incorporated into this Order No. 2021-10 ("Order") by this reference and made a part of this Order as if fully set forth here.

Section 3. The Mayor is authorized and directed to execute the Distribution Agreement for and on behalf of the City of San Luis and the City Clerk to attest the same.

Section 4. City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Order, including, but not limited to, submitting the City of San Luis' executed Distribution Agreement to the Arizona Attorney General's Office on or before the deadline of November 10, 2021.

Section 5. City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Order, including, but not limited to, taking the necessary steps to opt in to the Distributor Settlement Agreement and the Janssen Settlement Agreement before January 2, 2022 deadline.

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Section 6. The San Luis City Clerk and the City Clerk's designee are authorized and directed to maintain a copy of the City of San Luis executed Distribution Agreement in the City Clerk's official files.

PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____ day of October 2021

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney