

**RESOLUTION NO. 21-R-93**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE TEXAS OPIOID SETTLEMENT AGREEMENTS SECURED BY THE OFFICE OF THE ATTORNEY GENERAL; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT PARTICIPATION FORMS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Schertz, Texas is a Home Rule Type Municipality formed and organized pursuant to the constitution and laws of the State of Texas; and

**WHEREAS**, the people of the State of Texas and its communities, including Schertz, have been harmed through the national and statewide epidemic caused by the sale, use and distribution of opioids within the State of Texas; and

**WHEREAS**, the City has been provided information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and reckless marketing as well as fraudulent distribution of opioids that have resulted in addictions and overdoses; and

**WHEREAS**, these actions, conduct and misconduct have resulted in the death of many Texans and has resulted in the devastation of families and communities across the State; and

**WHEREAS**, local governments have been on the front lines of the opioid crisis, which has resulted in significant financial costs to them related to the expenditures and continuing costs for healthcare services, social services, law enforcement and the criminal justice systems; and

**WHEREAS**, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit “A” and incorporated for all purposes; and

**WHEREAS**, Special Counsel/City Attorney and the State of Texas have recommended that the City Council of the City of Schertz, Texas support the adoption and approval of the Texas Term Sheet in its entirety; and

**WHEREAS**, participating in the Texas Term Sheet increases the State of Texas’ opportunity to maximize its share of opioid settlement funds and will provide a method to ensure that needed resources reach communities once all negotiations are finalized; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the health, safety, and welfare of the City to participate in the Texas Term Sheet.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**

**SCHERTZ, TEXAS, THAT:**

**Section 1.** The City Council hereby authorizes the City Manager]to execute the Subdivision Settlement Participation Form, attached hereto as Exhibit “B” in accordance with the provisions set forth in the attached exhibit “A”, and incorporated herein for all purposes and further authorizes the City Manager to take any additional actions necessary to implement the intent of this Resolution.

**Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

**Section 3.** All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 4.** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 5.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 6.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

**Section 7.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED** on this 7th day of September 2021.

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Ralph Gutierrez, Mayor

**ATTEST:**

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Brenda Dennis, City Secretary

**APPROVED AS TO FORM:**

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**Denton Navarro Rocha Bernal & Zech, P.C.**

**EXHIBIT A**

**TEXAS OPIOID ABATEMENT FUND COUNCIL AND  
SETTLEMENT ALLOCATION TERM SHEET**

**EXHIBIT B**

**SUBDIVISION SETTLEMENT PARTICIPATION FORM**