

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA APPROVING PARTICIPATION IN NATIONWIDE OPIOID SETTLEMENT LITIGATION WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART; AND, APPOINTING THE DEPUTY CITY ATTORNEY AS THE CITY'S AUTHORIZED REPRESENTATIVE AND AUTHORIZING THE DEPUTY CITY ATTORNEY TO TAKE ALL REASONABLE AND NECESSARY ACTIONS TO IMPLEMENT THE SETTLEMENTS, SECURE THE FUNDS, AND FULFILL THE CITY'S PRIOR AGREEMENT TO COMPENSATE OUTSIDE COUNSEL.

WHEREAS, local jurisdictions throughout the County, State, and Nation, including the City of Eureka, have and continue to experience an opioid epidemic as a result of opioid misuse, abuse, dependency, overdoses, and opioid related deaths; and

WHEREAS, according to the Centers for Disease Control, one in four people who are prescribed opioids for chronic pain develop issues with addiction; and

WHEREAS, the opioid epidemic affects our communities, devastates families, and overwhelms our health care, social services, law enforcement, and judicial systems; and

WHEREAS, the effects of the opioid epidemic have disproportionately affected Humboldt County, although the number of opioids prescribed in Humboldt County is decreasing, due in part to new regulations and the efforts of Rx Safe Humboldt, a community coalition of local doctors and nurses, community members, pharmacists, public health and mental health professionals, and local organizations focused on reducing harms from opioids; and

WHEREAS, state and local subdivisions, including the City of Eureka, filed suit against opioid manufacturers, distributors, and retailers, seeking damages and injunctive relief arising from opioid use and misinformation; and

WHEREAS, representatives of litigating state and local subdivisions reached settlement agreements with new Settling Defendants Teva, Allergan, CVS, Walgreens, and Walmart; and

WHEREAS, pursuant to the terms of new National Opioid Settlements with new Settling Defendants Teva, Allergan, CVS, Walgreens, and Walmart, state and eligible local subdivisions must "opt in" to the settlement on or before April 18, 2023 by, among other possible actions, executing Participation Agreement; and

WHEREAS, if the City of Eureka elects to participate in the settlements, the City is expected to receive monetary payments over multiple years depending on the specific terms of each settlement to fund opioid abatement costs, as defined; and

WHEREAS, as a Litigating Entity, Eureka will not only receive funds for ongoing abatement but will also be eligible to recoup internal fees and costs related to the litigation; and

WHEREAS, the City's outside counsel has performed valuable services for the City of Eureka in helping bring about these and prior settlements and pursuant to the retainer agreement entered into by the City and the Keller Rohrbach firm, that firm has applied to the national fee fund and agreed to limit its fee to a total 15% of the amount of City's recovery, giving City credit for any award it receives from the national fee fund; and

WHEREAS, the City Council finds that receiving the settlement funds is critical to the City's ongoing efforts to provide and maintain intervention, treatment, education, and recovery services necessary to effectively combat the epidemic.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. **Participation in the new Settlements.** The City Council hereby approves and elects to "opt in" to the new settlement agreements reached with new Settling Defendants Teva, Allergan, CVS, Walgreens, and Walmart, relating to the National Multi-District Opioid Litigation, as a full participant.
2. **Deputy City Attorney Appointment.** The City Council hereby appoints the Deputy City Attorney as the City's Authorized Representative and authorizes the Deputy City Attorney to take all necessary and reasonable actions to effectuate the City's participation in the settlement and sign all necessary agreements both to enter into said agreements and to fulfill the City's prior agreement to compensate outside counsel.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 7th day of March, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel
Mayor of The City of Eureka

Attest:

Pamela J. Powell
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Autumn E. Luna
City Attorney

Miles Slattery
City Manager

