



MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2023-02

A RESOLUTION AUTHORIZING THE CITY OF DOVER TO PARTICIPATE IN NEW NATIONAL OPIOID SETTLEMENTS AND THE EXECUTION OF PARTICIPATION FORMS AND SETTLEMENT DOCUMENTS ASSOCIATED THEREWITH

WHEREAS, the City of Dover (hereinafter “Dover”) is a party to proceedings in the United States District Court for the Northern District of Ohio pending in In Re National Prescription Opiate Litigation, MDL No. 2804, against various manufacturers of opioids, pharmaceutical distributors, pharmacies, and other potentially responsible parties and individuals (collectively “Opioid Defendants”) for their role in the opioid epidemic; and

WHEREAS, Dover is a party to the Remediating Opioids Across Delaware through State-Municipal Abatement Partnership Agreement (the “ROADS MAP Agreement”), pursuant to which all settlement funds received by the State of Delaware and its subdivisions from Opioid Defendants are allocated to the Prescription Opioid Settlement Fund (the “Settlement Fund”) established pursuant to 16 Del. C. §4808B; and

WHEREAS, funds allocated to the Settlement Fund are administered and distributed by the Prescription Opioid Settlement Distribution Commission (the “Commission”) created under 16 Del. C. § 5196A, which includes representation from Dover and other local governments serving as members of a Local Government Subcommittee of the Commission; and

WHEREAS, funds administered by the Commission are required to be used for purposes of “remediating or abating the opioid crisis in Delaware.” 16 Del. C. §4808B(b)); and

WHEREAS, Dover has previously joined in national settlements reached in 2021 with the three largest pharmaceutical distributors - McKesson, Cardinal Health, and AmeriSource Bergen (collectively the “Distributors”) - and opioid manufacturer Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (“J&J”); and

WHEREAS, five new proposed national opioid settlements have been reached (the “New National Opioid Settlements”), two of which involve opioid manufacturers, Teva and Allegan, and the other three involving the pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS, the State of Delaware has elected to join in each of the proposed New National Opioid Settlements; and

WHEREAS, Dover has received a Participation Package and Participation Forms associated with each of the proposed New National Opioid Settlements which must be executed by April 18, 2023, for Dover to participate in the settlements; and

WHEREAS, based on the advice of counsel and consideration of the New National Opioid Settlements, the Mayor and City Council have determined that participating in the settlements with Teva, Allergan, CVS, Walgreens, & Walmart is in the best interests of the City of Dover and its residents.

NOW, THEREFORE: BE IT RESOLVED that the City of Dover is authorized and directed to take and perform all acts necessary to participate in the New National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart, including the execution of any Participation Form(s), the release of claims, dismissal notices, or such other documents or forms as may be necessary (collectively the “Participation Forms”) for Dover to participate in each of the New National Opioid Settlements.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are designated as Authorized Signatories for purposes of this Resolution, and each is individually vested with all requisite authority necessary to execute the required Participation Forms.

BE IT FURTHER RESOLVED that the City of Dover acknowledges through execution of the respective Participation Forms that each of the opioid-related settlement agreements with Teva, Allergan, CVS, Walgreens, and Walmart constitutes a “Settlement Agreement” as defined in the Remediating Opioids Across Delaware through State-Municipal Abatement Partnership Agreement, the ROADS MAP Agreement and that allocation of the State Fund, the Subdivision Fund, and the Abatement Accounts Fund or Remediation Accounts Fund in such settlement agreements shall be treated in accordance with Section (3) of the ROADS MAP Agreement. Further, the City of Dover acknowledges that references in the ROADS MAP Agreement to the “Abatement Accounts Fund” shall be deemed to be references to the “Remediation Accounts Fund” for purposes of the CVS, Walgreens, and Walmart settlement agreements.

Certification

I, Robin R. Christiansen, Mayor of the City of Dover, hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Mayor and City Council of the City of Dover at its Regular Meeting held on March 14, 2023, at which a quorum was present and voting and that such resolution is still in full force and effect.

ADOPTED: MARCH 14, 2023



ROBIN R. CHRISTIANSEN
MAYOR



ROY SUDLER, JR.
COUNCIL PRESIDENT

Action History
03-14-2023 – Legislative, Finance, and Administration Committee