

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 30
SERIES OF 2021**

**A RESOLUTION DELEGATING AUTHORITY TO THE MAYOR TO EXECUTE THE
MEMORANDUM OF UNDERSTANDING AND OTHER DOCUMENTS RELATED TO
THE COLORADO OPIOID SETTLEMENT**

WHEREAS, by letter dated October 1, 2021 (“Settlement Letter”), Attorney General Phil Weiser informed Colorado local governments that the Colorado Department of Law (“Department of Law”) has come to an agreement with Colorado’s local governments for distributing opioid settlement and recovery funds to counties and municipalities; and

WHEREAS, the State of Colorado and several Colorado local governments have pursued litigation against various pharmaceutical companies for their role in causing the opioid epidemic in Colorado; and

WHEREAS, the litigation has resulted in settlements with Purdue Pharma, McKinsey & Co., Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson; and

WHEREAS, the settlement funds to be distributed to the State of Colorado and local governments will be used to abate the opioid crisis; and

WHEREAS, the Department of Law has requested that the political subdivisions of Colorado consider and approve the settlement documents prior to November 5, 2021; and

WHEREAS, specifically, the Department of Law has requested approval of the following documents by the November 5th deadline:

1. The Memorandum of Understanding (MOU) that lays out the allocation of opioid recoveries in the State of Colorado;
2. The Subdivision Settlement Participation Form that releases subdivisions’ legal claims against Johnson & Johnson;
3. The Subdivision Settlement Participation Form that releases subdivisions’ legal claims against AmerisourceBergen, Cardinal Health, and McKesson; and
4. The Colorado Subdivision Escrow Agreement that ensures subdivisions’ legal claims are released only when 95% participation by certain local governments has been reached.

(collectively, the “Settlement Documents”); and

WHEREAS, the City Council desires to delegate authority to the Mayor to execute the Settlement Documents on behalf of the City; and

WHEREAS, the City Council further desires to delegate authority to the Mayor to execute such other documents: (1) as may be necessary or desirable to implement the settlements with Purdue Pharma, McKinsey & Co., Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, and any other Opioid Settling Defendant (as defined in the MOU), as may be requested by the Department of Law; and (2) as may be necessary to confirm that the City has elected to forego its allocation of the LG Share, as that term is defined in the MOU, and direct its allocation to the Regional Share for the Region where the City is located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. **Approval of Settlement Documents and Delegation of Authority.** The City Council hereby:

- (a) approves the Settlement Documents in substantially the form attached hereto as Attachments A through D and directs that its LG Share (as that term is defined in the MOU) be allocated to the Regional Share for the applicable Region;
- (b) authorizes the Mayor to execute the Settlement Documents on behalf of the City;
- (c) authorizes the Mayor to execute such other documents as may be necessary or desirable to implement the settlements with Purdue Pharma, McKinsey & Co., Johnson & Johnson, AmerisourceBergen, Cardinal Health, McKesson, and any other Opioid Settling Defendant (as that term is defined in the MOU) as may be requested by the Department of Law; and
- (d) authorizes the Mayor to execute such other documents as may be necessary or desirable to confirm that the City has elected to forego its allocation of the LG Share (as that term is defined in the MOU) and direct its allocation to the Regional Share for the applicable Region.

Section 2. The City Council hereby instructs the Mayor and Deputy City Clerk to proceed, consistent with the request set forth in the Settlement Letter from the Department of Law, to email or mail the executed Settlement Documents to the Colorado Municipal League at the following address on or before November 5, 2021:

Colorado Municipal League
1144 N. Sherman St.
Denver, CO 80203
Email: opioidsettlement@cml.org.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

APPROVED AND ADOPTED THIS 3RD DAY OF NOVEMBER, 2021 by a vote of
6 in favor and 0 against, and 0 abstaining.

CITY OF LEADVILLE, COLORADO:

By: Greg Labbe
Greg Labbe, Mayor

ATTEST:
Diane Kiss
Deputy City Clerk