

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

RESOLUTION NO. 1 OF 2022

Authorizing the Township of North Huntingdon to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The Commonwealth of Pennsylvania and Pennsylvania local governments spend billions of dollars each year to address the direct consequences of this crisis; and

WHEREAS, since at least 2017, state and local governments in Pennsylvania and around the United States have been pursuing investigations and litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact of the opioid epidemic on the County of Westmoreland and to recover resources necessary to combat the opioid epidemic; and

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the “Settling Defendants”) have been ongoing for several years; and

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the litigation; and

WHEREAS, the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”); and

WHEREAS, copies of the Settlement Agreements as well as summaries of the main terms of the Settlement Agreements have been provided to the County; and

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Pennsylvania including to the Commonwealth of Pennsylvania and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“Pennsylvania Opioid Funds”); and

WHEREAS, Pennsylvania local governments as well as the attorneys representing those local governments have engaged in extensive discussions with the Commonwealth's Office of Attorney General ("OAG") as to how the Pennsylvania Opioid Funds will be allocated, which has resulted in the Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust (the "Trust"); and

WHEREAS, a copy of the Trust has been provided to the County; and

WHEREAS, the Trust proposes to allocate the Pennsylvania Opioid Funds 15% to a Commonwealth Account; 70% to local governments in a County Abatement Account; and 15% to a Litigating Subdivision Account. For the avoidance of doubt, all funds allocated to Pennsylvania from the Settlements will be combined pursuant to the Trust, and 15% of that total shall be allocated to the Commonwealth of Pennsylvania (the "Commonwealth of Pennsylvania Account"), 70% to the County Abatement Account ("County Abatement Account Allocation"), and 15% to the Litigating Subdivision Account ("Litigating Subdivision Account"); and

WHEREAS, the Counties and Litigating Subdivisions, their Associations, such as the County Commissioners Association of Pennsylvania, and Counsel for the Subdivisions have participated in a series of meetings to draft allocation formulas. Those meetings have resulted in allocation formulas for the County Abatement Account and the Litigating Subdivision Account and established a Local Allocation Share under each Account for Eligible Local Subdivisions; and

WHEREAS, the County will receive its Local Allocation share only when it becomes a Participating Subdivision by signing the Participation Agreements to the Settlements.

NOW, THEREFORE, BE IT RESOLVED: the Township of North Huntingdon through its Board of Commissioners approves and authorizes to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Trust Agreement including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Pennsylvania Subdivision Intrastate Allocation Participation Form agreeing to the allocations to the County Abatement and Litigating Subdivision Accounts and agreeing to be a beneficiary of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Commissioners of the Township of North Huntingdon with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Township of North Huntingdon of Westmoreland County on this 19th day of January, 2022, with a quorum being present.

TOWNSHIP OF NORTH HUNTINGDON

Zachary J. Haigis, President
Board of Commissioners

ATTEST:

Michael Turley, Township Secretary