

ORDINANCE NO. 138-2024(F), *First Reading*

By Mayor Seren

An Ordinance accepting and ratifying the material terms of the Kroger Co. Settlement according to the OneOhio Memorandum of Understanding consistent with the terms of the July 21, 2021, National Opioid Settlement Agreement; and declaring an emergency.

WHEREAS, the City of Cleveland Heights, Ohio (“City”), is a municipal entity formed and organized under the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities, including Cleveland Heights, have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the City has adopted, and hereby reaffirms its adoption of, the OneOhio Memorandum of Understanding (“OneOhio MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the OneOhio MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, this Council understands that an additional purpose of the OneOhio MOU is to create an effective means of distributing any potential settlement funds obtained under the OneOhio MOU between the State of Ohio and Local Governments in a manner and means that would promote effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the OneOhio MOU binds any party to a specific outcome, but rather, any resolution under the OneOhio MOU requires acceptance by the State of Ohio and the Local Governments; and

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WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by Kroger Co. consistent with the terms of the July 21, 2021, National Opioid Settlement Agreement, available at <https://nationalopioidsettlement.com/>; and

WHEREAS, this Council finds it to be in the interest of the City to participate in the Kroger Co. Settlements under the terms of the OneOhio MOU; and

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council accepts and approves the proposed Kroger Co. Settlement on behalf of the City of Cleveland Heights according to the terms of the OneOhio MOU.

SECTION 2. The Mayor be, and he is hereby, authorized to execute the Participation Agreement and any related documents for the Kroger Co. Settlement under the terms of the OneOhio MOU and consistent with the material terms of the July 21, 2021, National Opioid Settlement Agreement, and his execution of such documents is approved and ratified.

SECTION 3. That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 4. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to commence the above-described improvements at the earliest possible time to protect the safety and welfare of those persons using said public road within City. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



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TONY CUDA  
President of Council



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ADDIE BALESTER  
Clerk of Council

PASSED: August 5, 2024

Presented to Mayor: 08.08.2024

Approved: 08.15.2024



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KAHLIL SEREN  
Mayor