

County Council of Cuyahoga County, Ohio

Ordinance No. O2019-0011

Sponsored by: Councilmembers Schron, Brady, Baker, Miller, Simon and Conwell	An Ordinance enacting Chapter 725 of the Cuyahoga County Code to establish an Opioid Mitigation Fund for the purpose of collecting and expending all funds received as part of any action related to the matter of <u>In Re: National Prescription Opiate Litigation</u> , United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the residents of the County of Cuyahoga, Ohio, have been devastated by the opioid epidemic and the systems of Cuyahoga County have been stressed as a result, including Children and Family Services, the healthcare system, the justice system, Job and Family Services, and the Medical Examiner; and

WHEREAS, the Counties of Cuyahoga County, Ohio, and Summit County, Ohio, filed a civil action that was consolidated nationally and docketed as In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804; and

WHEREAS, during the litigation the Counties of Cuyahoga, Ohio, and Summit County, Ohio, have reached monetary settlements with certain defendants for which the Counties of Cuyahoga, Ohio, and Summit County, Ohio, have already received settlement funds; and

WHEREAS, the Counties of Cuyahoga, Ohio, and Summit County, Ohio, may in the future receive monies as the result of settlement agreement, trial verdict, court order or some other action related to the litigation; and

WHEREAS, it is the intent of the Cuyahoga County Council to ensure that all monies received by Cuyahoga County as the result of a settlement agreement, trial verdict, court order or some other action related to In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804 be used solely for opioid remediation, mitigation, and rectification of the opioid epidemic in Cuyahoga County and said funds should be deposited into the Opioid Mitigation Fund.

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 725 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 725: Opioid Mitigation Fund

Section 725.01 Fund Established

The Fiscal Officer is hereby directed to immediately establish a separate fund, called the Opioid Mitigation Fund, for the purpose of collecting and expending any and all funds received by Cuyahoga County as part of any action related to the matter of In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804. All such monies received as the result of a settlement agreement, trial verdict, court order or some other action related to this lawsuit shall be deposited into the Opioid Mitigation Fund.

Section 725.02 Fund Uses:

The funds in the Opioid Mitigation Fund shall be used solely for the remediation, mitigation, and rectification of the opioid epidemic in Cuyahoga County.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

