

RESOLUTION NO. 22-R-06

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ADOPTING THE TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORMS FOR THE CLAIMS AGAINST ENDO PHARMACEUTICALS, INC. AND TEVA PHARMACEUTICAL INDUSTRIES, LTD.; AUTHORIZE THE CITY MANAGER TO SIGN THE RELEASE FORMS; AND FURTHER AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE CITY TO PARTICIPATE IN FUTURE SETTLEMENTS CONCERNING THE STATE OF TEXAS' OPIOID LITIGATION WITH ANY OTHER DISTRIBUTORS OR MANUFACTURERS, OR ANY OTHER ENTITY TO ENTER INTO AGREEMENTS WITH THE STATE OF TEXAS REGARDING THE OPIOID LITIGATION.

WHEREAS, the City of Alvin, Texas, obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addition, and overdose death; and

WHEREAS, the citizens of Alvin, Texas, have been negatively affected by the influx of opioids into our community with emergency medical services responding to overdose calls, first responders providing Narcan to overdose victims, and unfortunately, any opioid-related criminal charges of individuals; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. City Council adopted the State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet in Resolution 21-R-20, on September 16, 2021.

WHEREAS, on December 22, 2021, the State of Texas entered into a Settlement Agreement with Endo Pharmaceuticals, Inc., and Teva Pharmaceutical Industries, Ltd., and the City of Alvin has the right to participate as a Texas Participating Subdivision in that settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, THAT:

Section 1. There is substantial need for repayment of opioid-related expenditures and payment to

abate opioid-related harms in and about the City of Alvin, Texas.

Section 2. The City Council of the City of Alvin, Texas, supports in its entirety and hereby adopts the Texas Subdivision and Special District Election and Release Form for the Claims against Endo Pharmaceuticals, Inc., attached hereto as Exhibit A, and the Texas Subdivision and Special District Election and Release Form for the Claims against Teva Pharmaceutical Industries, Ltd., attached hereto as Exhibit B.

Section 3. The City Council of the City of Alvin, Texas, hereby authorizes and directs the City Manager to execute all documents necessary for the City to participate in the settlement concerning the State of Texas’ opioid litigation with distributors Endo Pharmaceuticals, Inc. and Teva Pharmaceutical Industries, Ltd.

The City Council of the City of Alvin, Texas, further authorizes and directs the City Manager to execute all documents necessary for the City to participate in future settlements concerning the State of Texas’ opioid litigation with any other distributors or manufacturers, or any other entity to enter into agreements with the State of Texas regarding the opioid litigation.

Section 4. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 3rd day of March 2022.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

APPROVED AS TO FORM:

By: _____
Suzanne L. Hanneman
City Attorney