

## **RESOLUTION NO. 2023-R24**

**A RESOLUTION REPEALING RESOLUTION NO. 2021-R42, AUTHORIZING THE CITY MANAGER TO EXECUTE GLOBAL OPIOID SETTLEMENT DOCUMENTS RELATING TO THE ALLERGAN, WALMART, CVS, AND WALGREENS SETTLEMENTS AND ANY FUTURE OPIOID SETTLEMENTS NEGOTIATED BY THE STATE ATTORNEY GENERAL; AUTHORIZING THE CITY MANAGER TO TRANSMIT THOSE DOCUMENTS TO THE ATTORNEY GENERAL; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Boerne ("City") is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City has 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**, the actions, conduct, and misconduct of these Defendants have resulted in significant financial cost to the City; 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 (the "Texas Term Sheet") approving the allocation of any and all opioid settlement funds within the State of Texas; and

**WHEREAS**, the State of Texas has negotiated a settlement agreement with defendants Allergan Finance, LLC and Allergan Limited (collectively "Allergan"), resolving litigation and potential litigation between Allergan and the State and its subdivisions; and

**WHEREAS**, the State of Texas has negotiated a settlement agreement with defendant Walmart Inc., ("Walmart"), resolving litigation and potential litigation between Walmart and the State and its subdivisions; and

**WHEREAS**, the State of Texas has negotiated a settlement agreement with defendants CVS Health Corporation and CVS Pharmacy, Inc., (collectively "CVS"), resolving litigation and potential litigation between CVS and the State and its subdivisions; and

**WHEREAS**, the State of Texas has negotiated a settlement agreement with defendant Walgreens Company, ("Walgreens"), resolving litigation and potential litigation between Walgreens and the State and its subdivisions; and

**WHEREAS**, it is anticipated that future litigation may occur involving other drug manufacturers, distributors, and pharmacies related to fraudulent and/or reckless marketing, sales, or distribution of opioids that could result in a significant financial cost to the City and

**WHEREAS**, the City previously passed Resolution 2021-R42 and now the City finds it prudent to amend and restate the resolution.

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

Section 1. The City Council hereby amends and restates Resolution No. 2021-R42.

Section 2. The City Council finds that there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City. The City Council supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the Texas Term Sheet, attached hereto as Exhibit A. The City Council understands that the purpose of the Texas Term Sheet is to permit collaboration between the State of Texas and political subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined in Exhibit A. The City Council also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under the Texas Term Sheet between the State of Texas and political subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this City and throughout Texas.

Section 3. The City Council hereby authorizes the City Manager to execute on the City's behalf the Subdivision Settlement Participation Forms as related to settlements with Allergan, Walmart, CVS, and Walgreens attached hereto as Exhibit B.

Section 4. Upon execution of the Subdivision Settlement Participation Forms, the City Manager is authorized to send executed copies, along with this Resolution (including all exhibits), to the Office of the Attorney General, as required for participation in these settlements.

Section 5. The City Council further authorizes the City Manager to execute on the City's behalf any future opioid lawsuit settlements proposed by the State Attorney General that are deemed to be beneficial in assisting the City offset financial costs incurred from fraudulent and/or reckless marketing, sales, or distribution of opioids.

Section 6. This Resolution shall take effect from and after the date of its passage.

PASSED and APPROVED on this the \_\_\_\_ day of March, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

**EXHIBIT A**  
**TEXAS TERM SHEET**

**EXHIBIT B**

**SUBDIVISION SETTLEMENT PARTICIPATION FORMS**