



Roll Call Number

23-0412

Agenda Item Number

45

Date March 27, 2023

**RESOLUTION AUTHORIZING THE CITY OF DES MOINES TO ENTER INTO PROPOSED AGREEMENTS INVOLVING THE NATIONAL OPIOID SETTLEMENTS WITH TWO PHARMACEUTICAL MANUFACTURERS, TEVA AND ALLERGAN AND THREE PHARMACIES, CVS, WALGREENS, AND WALMART**

WHEREAS, multiple government and private litigants have pursued litigation against Opioid supply chain participants in a matter in titled States District Court for the Northern District of Ohio, styled *In re: Opioid Litigation*, MDL 2804; and,

WHEREAS, national settlements have been reached that provide funds to state and local governments; and,

WHEREAS, the State of Iowa has participated in prior settlements and the Iowa Attorney General's Office has negotiated an Iowa-wide distribution plan with both litigating entities and non-litigating entities as to how the Iowa Opioid Funds will be allocated, resulting in an Iowa Opioid Allocation Memorandum of Understanding (the "Allocation MOU") that was approved by the City of Des Moines in Roll Call 21-1996 on December 27, 2021; and,

WHEREAS, the City of Des Moines additionally agreed, in Roll Call 21-1996 on December 27, 2021, to participate in settlements involving McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.; and,

WHEREAS, the national litigation has resulted in new settlement agreements with two pharmaceutical manufacturers, Teva and Allergan, and three pharmacies, CVS, Walgreens, and Walmart, which are available to the public at <https://nationalopioidsettlement.com>; and,

WHEREAS, it is beneficial for the City of Des Moines to opt in to and participate in these settlement agreements and distributions as provided in the Allocation MOU.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council hereby approves and authorizes the City of Des Moines, Iowa to elect to participate in the settlement agreements with Teva and Allergan, CVS, Walgreens, and Walmart.

2. The City Manager is authorized, subject to approval as to form by the Legal Department, execute settlement documents electronically and is further directed to complete any additional documents, including filing settlement documents, as is necessary to allow for the City's participation and to administer the agreements.



Roll Call Number

230412

Agenda Item Number

45

Date March 27, 2023

MOVED by Gatto to adopt. Second by Boesen.

FORM APPROVED: /s/Thomas G. Fisher Jr. Thomas G. Fisher Jr. Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

J. M. Frankie Cownie Mayor

Laura Baumgartner City Clerk