

VILLAGE OF ARLINGTON HEIGHTS

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE NATIONAL OPIOID SETTLEMENTS

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, on July 21, 2021, two proposed settlement agreements (“*Settlements*”) were reached to resolve all opioid-related litigation brought by states and political subdivisions against: (i) three pharmaceutical distributors, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively, the “*Distributors*”), and (ii) a pharmaceutical manufacturer, Janssen Pharmaceuticals, Inc., and its parent company, Johnson & Johnson (collectively, “*Janssen*”); and

WHEREAS, the Settlements require the Distributors and Janssen to pay up to \$26 billion in settlement funds, to states and political subdivisions which opt in to the Settlements, in order to abate the opioid epidemic; and

WHEREAS, the Settlements require that, in order for a state and any of its political subdivisions to receive settlement funds: (i) the state must first join the Settlements; and, then (ii) any political subdivisions within the state that desire to participate in the Settlements must individually join the Settlements; and

WHEREAS, the State of Illinois has joined both Settlements; and

WHEREAS, by participating in the Settlements, the Village will become eligible to receive settlement funds, if any, in an amount determined by either an allocation agreement specific to Illinois (“*Allocation Agreement*”), which is currently being developed by the Illinois Attorney General, or the default distribution method set forth in the Settlements; and

WHEREAS, participating in the Settlements does not guarantee the Village will receive a direct distribution of funds, but will assist in maximizing the State’s distribution; and

WHEREAS, pursuant to Public Act 102-0085, once the Illinois Attorney General reaches an Allocation Agreement with the state’s nine largest counties, a home rule municipality will be prohibited from filing an opioid lawsuit against any defendant subject to a national multistate opioid settlement, such as the Settlements, without first obtaining permission from the Attorney General; and

WHEREAS, in order to participate in the Settlements, the Village must execute certain participation documents, which may include, without limitation, a Settlement Participation Form, a Participation Agreement, and a Release of certain opioid-related claims against the Distributors and Janssen (collectively, the “*Participation Documents*”); and

WHEREAS, pursuant to the terms of the Settlements, the Village must execute the Participation Documents by January 2, 2022 to ensure the Village’s participation in the Settlements and maximize any settlements funds allocated to the Village; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interest of the Village and its residents to participate in the Settlements;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: AUTHORIZATION TO PARTICIPATE IN THE SETTLEMENTS. The President and Board of Trustees hereby approve and authorize the participation of the Village in the Settlements, and authorizes and directs the Village Manager to execute, on behalf of the Village, the Participation Documents and any other documents necessary to participate in the Settlements.

SECTION 3: EFFECTIVE DATE. This Resolution will be in full force and effect upon its passage and approval as provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS ___ day of December, 2021

Village President

ATTEST:

Village Clerk