

RESOLUTION

A Resolution authorizing the City of Tupelo, Mississippi (herein referred to as this “Governmental Unit”) to join with the State of Mississippi and other local governmental units as a participant in the *MISSISSIPPI STATE-LOCAL GOVERNMENT OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING* (the “MOU”) and any subsequent Formal Agreements necessary to implement the MOU and to effectuate associated settlement(s), including but not limited to, the Subdivision Settlement Participation Form(s) in Exhibit K of the *Distributor Settlement Agreement* and the *Janssen Settlement Agreement*.

WHEREAS, the City of Tupelo, Mississippi has suffered harm from the opioid epidemic; and

WHEREAS, the City of Tupelo, Mississippi recognizes that the entire State of Mississippi has suffered harm as a result from the opioid epidemic; and

WHEREAS, the State of Mississippi has a pending action in state court, and a number of Mississippi Cities and Counties have also filed an action *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the City of Tupelo is a litigating participant in that action; and

WHEREAS, the State of Mississippi and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation; and

WHEREAS, the Mississippi Memorandum of Understanding (the “MOU”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the MOU will be entered into at a future date; and

WHEREAS, participation in the MOU by a large majority of Mississippi cities and Counties will materially increase the amount of funds to Mississippi and should improve Mississippi’s relative bargaining position during additional settlement negotiations;

WHEREAS, failure to participate in the MOU will reduce funds available to the State, the City of Tupelo, and every other Mississippi city and County;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI:

SECTION 1. That this Governmental Unit finds that participation in the MOU would be in the best interest of the Governmental Unit and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic.

SECTION 2. That this Governmental Unit hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the MOU, attached hereto as Exhibit “A.”

SECTION 3. That the City of Tupelo, Mississippi is hereby expressly authorized to execute the MOU in substantially the form contained in Exhibit “A.”

SECTION 4. That outside counsel tasked with representing the City of Tupelo in this litigation, the City Attorney and Mayor are hereby authorized to execute any formal agreements concerning the settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities.

SECTION 5. That the plan for the allocation and use of opioid settlement proceeds shall not be substantially inconsistent with the MOU and this Resolution including but not limited to the Subdivision Settlement Participation Form(s) in the *Distributor Settlement Agreement* and the *Janssen Settlement Agreement*.

SECTION 5. That any agreement, settlement, and/or release entered into concerning this matter shall be in the best interest of the City of Tupelo.

SECTION 6. The clerk of this Governmental Unit is hereby directed to furnish a certified copy of this Ordinance/Resolution to the Mississippi Attorney General

**Attorney General Lynn Fitch
c/o Ta’Shia Gordon
Post Office Box 220
Jackson, MS 39205**

After a full discussion of this matter, Councilmember _____ moved that the forgoing resolution be adopted and said motion was seconded by Councilmember _____ and upon the question being put to a vote, the results were as follows:

Councilmember Mims	_____
Councilmember Bryan	_____
Councilmember Beard	_____
Councilmember Davis	_____
Councilmember Palmer	_____
Councilmember Gaston	_____
Councilmember Jones	_____

BE IT RESOLVED on this the ____ day of December 2021.

CITY OF TUPELO, MISSISSIPPI

BUDDY PALMER, City Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED

TODD JORDAN, Mayor

DATE

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