

**A RESOLUTION APPROVING THE COLORADO OPIOIDS SETTLEMENT
MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS TO
EFFECTUATE SETTLEMENTS**

NO. 2021-80

WHEREAS, the City Council of the City of Commerce City, Colorado (“Commerce City”), by Resolution 2018-72, determined to investigate and file lawsuits against manufacturers and wholesalers of opioid painkillers and other parties responsible for the epidemic and crisis arising from the misuse, abuse, and over-prescription of opioids and the costs to Commerce City of responding to the effects of widespread opioid addiction;

WHEREAS, the City Council authorized the City Manager and City Attorney to pursue such litigation through special counsel, Keller Rohrback, L.L.P., and Commerce City has named dozens of manufacturers and distributors (and their associated entities and owners) as defendants in the litigation and associated bankruptcy proceedings;

WHEREAS, through the nationwide litigation and related litigation filed by various state attorneys general, agreements have been reached to resolve claims against certain defendants, which agreements require a broad release of claims and the coordination of governments;

WHEREAS, the State of Colorado and local government plaintiffs have developed a Memorandum of Understanding to effectuate certain pending settlements and to provide a framework for the implementation of future monetary settlements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Approval and Authorization. The City Council approves of the Colorado Opioids Settlement Memorandum of Understanding (“MOU”), substantially in the form attached hereto, and authorizes the Mayor the Mayor and City Clerk to sign and attest the MOU on behalf of Commerce City. The City Manager and City Attorney are authorized to execute such documents and agreements as are necessary to effectuate any settlement and release the City’s claims with any entity that would be subject to the MOU, including without limitation the “Janssen Settlement” Settlement Participation Form, the “Distributor Settlement” Subdivision Settlement Participation Form, and the Colorado Subdivision Escrow Agreement.

RESOLVED AND PASSED THIS 18TH DAY OF OCTOBER 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk