



CITY OF MANHATTAN BEACH CITY HALL
1400 Highland Avenue, Manhattan Beach, CA 90266

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TO: Honorable Mayor Montgomery and Members of the City Council

FROM: George Gabriel, Assistant to the City Manager

SUBJECT: Agenda Items No. 4 - Consideration of a Resolution Opting In and Authorizing Settlement Agreements with Manufacturers Teva and Allergan and Chain Pharmacies CVS, Walgreens, and Walmart and Authorize City Manager to Participate in Future Opioid Settlement Agreements

DATE: April 18, 2023

ERRATA SHEET

Resolution No. 23-0039 – Revise second recital to remove mention of the “City of Temecula” and reflect the following recital:

“WHEREAS, since 2017, state and local governments in California and around the United States have been pursuing litigation against certain manufacturers, distributors, and **retailers of opioid pharmaceuticals (the “Opioid Defendants”)** in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the City of Manhattan Beach (**“the City”**) and resources necessary to combat the opioid epidemic;”

RESOLUTION NO. 23-0039

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AUTHORIZING THE CITY TO ENTER INTO SETTLEMENT AGREEMENTS WITH MANUFACTURERS TEVA AND ALLERGAN AND CHAIN PHARMACIES CVS, WALGREENS, AND WALMART AND OPT IN TO SETTLEMENT AGREEMENTS AND AUTHORIZE THE CITY MANAGER TO OPT INTO FUTURE SETTLEMENT AGREEMENTS WITH OPIOID MANUFACTURERS

RECITALS

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The State of California and California local governments spend billions of dollars each year to address the direct consequences of this crisis;

WHEREAS, since 2017, state and local governments in California and around the United States have been pursuing litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the City of Manhattan Beach~~Temecula~~ ("the City") and resources necessary to combat the opioid epidemic;

WHEREAS, negotiations to settle claims against several opioid manufacturers Teva and Allergan and chain pharmacies CVS, Walgreens, and Walmart, specifically (the "Settling Defendants") have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the Litigation;

WHEREAS, the proposed terms of those proposed settlements have been set forth in various settlement agreements and are available for review on-line at <https://nationalopioidsettlement.com/>;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in California including to the State of California and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements ("California Opioid Funds");

THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby approves and authorizes the City Manager and City Attorney to settle and release the City's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Allocation Agreements, including taking the following measures:

- A. The execution on behalf of the City of the Participation Agreement to the Settling Defendants Settlement Agreement and any and all documents ancillary thereto.
- B. The execution on behalf of the City of the Participation Agreement to the future opioid related settlement agreements any and all documents ancillary thereto.

SECTION 2. The City Council authorizes and directs the City Manager and City Attorney to take all actions necessary or convenient on behalf of the City to implement and effectuate the agreements referenced in this Resolution.

SECTION 3. The City Council authorizes and directs the City Manager and City Attorney to take all actions necessary or convenient on behalf of the City to participate in future opioid settlement agreements.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on April 18, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk