

RESOLUTION NUMBER: 2021-10

A RESOLUTION OF KIOWA COUNTY, KANSAS TO ELECT TO PARTICIPATE IN THE JANSSEN AND DISTRIBUTORS SETTLEMENTS; AND APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE COUNTY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500; AND AUTHORIZING AN OFFICIAL TO EXECUTE DOCUMENTS REGARDING THE OPIOID SETTLEMENTS

WHEREAS, Nationwide Settlement Agreements have been reached with three pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, (hereinafter referred to as “Distributor Settlement”) and manufacturer, Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (hereinafter referred to as “Janssen Settlement”), to resolve the opioid litigation brought by states and local political subdivisions; and

WHEREAS, the people of the State of Kansas and its communities have been harmed by the Opioid Epidemic due to the misfeasance, nonfeasance, and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and

WHEREAS, the State of Kansas, through its Attorney General, and certain Political Subdivisions, through their elected representatives and counsel, that separately have claims or potential claims seek to hold Pharmaceutical Supply Chain Participants accountable for the damages caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, Kiowa County, Kansas, its residents and resources have been impacted by the Opioid Epidemic; and

WHEREAS, 2021 House Bill 2079 contemplates the distribution of settlement funds received from the opioid litigation to non-litigating municipalities and litigating municipalities who have entered into an agreement to waive their claims according to a formula negotiated between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; and

WHEREAS, the moneys in the Municipalities Fight Addiction Fund shall be expended for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct; and

WHEREAS, in order to elect to participate in the Distributor Settlement and the Janssen Settlement and in order to access money recovered by the State of Kansas for the abatement or remediation of substance abuse or addiction, made available by the Kansas Fights Addiction Act, 2021 Kansas House Bill No. 2079, consistent with the Kansas Opioids Memorandum of Understanding between the Kansas Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties, various documents, such as Settlement Participation Forms, to elect to participate in the settlement agreements and release claims, and Agreement to Release and Assign Claims, against any opioid manufacturer, distributor, and/or pharmacy, or entity within the pharmaceutical supply chain arising out of “covered conduct” and “opioid litigation” as defined by 2021 Kansas House Bill No. 2079 to the Kansas Attorney General, must be executed by an authorized official empowered and authorized to execute such documents; and

WHEREAS, Kiowa County, Kansas desires to participate in the Distributor and Janssen Settlements and to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY, KANSAS:


1. Election to Participate in Settlements. The County hereby elects to participate in the Distributor and Janssen Settlements and agrees to the terms of the Settlements and to release claims, pursuant to the Settlement Participation Forms for the Distributor and Janssen Settlements in substantially the form presented to and reviewed by Board of County Commissioners at this meeting (copies of these documents shall be on file in the records of the County).
2. Authorization of the Agreement to Release and Assign Claims. The County shall join the Memorandum of Understanding between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; and hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General,

and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement to Release and Assign Claims by and between the Attorney General and the County in substantially the form presented to and reviewed by the Board of County Commissioners at this meeting (copies of this document shall be on file in the records of the County).

3. Execution of the Settlement Participation Forms and Agreement to Release and Assign Claims. The County Attorney is hereby authorized and directed to execute and deliver the Settlement Participation Forms and the Agreement to Release and Assign Claims in substantially the form presented to and reviewed by the Board of County Commissioners at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of the County.
4. Certification of Costs and Expenses. The County hereby certifies that it has previously or expects to incurred costs and expenses related to substance abuse or addiction mitigation or other covered conduct in excess of \$500 and the County can utilize the opioid litigation Standard and Maximizing Settlement Funds for the lawful purposes in accordance with the Kansas Fights Addiction Act and the settlement agreements. The County Attorney is hereby authorized to execute and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of the County.
5. Effective Date. This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Kiowa County Board of County Commissioners.

Passed and Adopted this 20 day of December, 2021


BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY, KANSAS:




John Bertram, Chairman



David White, Vice-Chairman



Bert Lowery

Attest 

Kristi Cooper, County Clerk