

RESOLUTION NO. 2021-09R - Texas Opioid Settlement

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF TOOL, TEXAS JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE TEXAS OPIOID SETTLEMENT AGREEMENTS SECURED BY THE OFFICE OF THE ATTORNEY GENERAL; AUTHORIZING THE EXECUTION OF SETTLEMENT PARTICIPATION FORMS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the people of the State of Texas and its communities, including the City of Tool, Texas (“City”), have been harmed through the national and statewide epidemic caused by the sale, use and distribution of opioids within the State of Texas; and

**WHEREAS**, the City has been provided information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”), have engaged in fraudulent and reckless marketing as well as fraudulent distribution of opioids that have resulted in addictions and overdoses; and

**WHEREAS**, these actions, conduct and misconduct have resulted in the death of many Texans and has resulted in the devastation of families and communities across the State; and

**WHEREAS**, local governments have been on the front lines of the opioid crisis, which has resulted in significant financial costs to them related to the expenditures and continuing costs for healthcare services, social services, law enforcement and the criminal justice systems; and

**WHEREAS**, on May 13, 2020, the State of Texas, through the Office of the Attorney General and a negotiation group for Texas political subdivisions, entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as **Exhibit A** and incorporated for all purposes; and

**WHEREAS**, the City Attorney and the State of Texas have recommended that the City Council of the City of Tool support the adoption and approval of the Texas Term Sheet in its entirety; and

**WHEREAS**, participating in the Texas Term Sheet increases the State of Texas’ opportunity to maximize its share of opioid settlement funds and will provide a method to ensure that needed resources reach communities once all negotiations are finalized; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the health, safety and welfare of the City to participate in the Texas Term Sheet.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Tool, Texas, as follows:


**Section 1.** The City Council hereby authorizes the City Administrator to execute the Settlement Participation Forms, attached hereto as **Exhibits B and C**, in accordance with the provisions set forth in the attached **Exhibit A** and incorporated herein for all purposes, and further authorizes the City Administrator to take any additional actions necessary to implement the intent of this Resolution.

**Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and finding of the City Council.

**Section 3.** If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

**Section 4.** This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED on this the 21 day of October, 2021.

  
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Tawnya Austin, Mayor

ATTEST:

  
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Cheryl Odom, City Secretary