

# Village of Bolivar, Ohio

Resolution Number:   R-10-2024  \_\_\_\_\_

**TITLE:       A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A SUBDIVISION PARTICIPATION AGREEMENT AND RELEASE FORM TO SETTLE THE VILLAGE’S CLAIMS AND PARTICIPATE IN A SETTLEMENT AGREEMENT AGAINST KROGER CO. IN THE NATIONAL OPIATE PRESCRIPTION LITIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY**

WHEREAS, litigation known as the National Opiate Prescription Litigation, MDL No. 2804, is currently pending in the United States District Court, Northern District of Ohio (the “Litigation”); and

WHEREAS, the Plaintiffs’ Executive Committee has reached a settlement agreement with Kroger Co. (“Kroger”) in the Litigation whereby Kroger must pay the sum of \$1.2 billion to participating political subdivisions to remediate and abate the impacts of the opioid crisis over an eleven-year period; and

WHEREAS, to participate in the aforementioned settlement, the Village of Bolivar must submit a Subdivision Participation and Release Form; and

WHEREAS, after reviewing all pertinent information, it is necessary and in the best interest of the Village of Bolivar to authorize the Mayor to execute and deliver the Subdivision Participation and Release Form to participate in the aforementioned settlement in the Litigation.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BOLIVAR, COUNTY OF TUSCARAWAS, STATE OF OHIO, A MAJORITY OF ITS MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION 1. The Mayor is hereby authorized to execute and deliver a Subdivision Participation and Release Form to settle the Village of Bolivar's claims and participate in a settlement agreement against Kroger Co. in the National Opiate Prescription Litigation, MDL No. 2804, in the United States District Court, Northern District of Ohio. The Mayor, Fiscal Officer, and Solicitor are hereby further authorized to take all actions and execute all documents necessary to effectuate said settlement.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and related to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, and general welfare for the reason that the deadline to submit the Participation and

Release Form is September 11, 2024; and, this Resolution shall be in full force and effective immediately upon its passage.

**PASSED IN COUNCIL** this \_\_5\_\_ day of September 2024.

Attest:

\_\_\_\_\_  
Robert Lloyd, Mayor

\_\_\_\_\_  
Maria App, Fiscal Officer

Approved as to Legal Form by:

\_\_\_\_\_  
Stephan P. Babik, Village Solicitor