

SPECIAL SESSION

TUESDAY, NOVEMBER 16, 2021

Chairman Gray called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS

All members present except Legislator Montigelli.

PRIVILEGE OF THE FLOOR

None.

LOCAL LAWS, RESOLUTIONS AND MOTIONS

Chairman Gray entertained a motion to waive the Standing Rules to permit the introduction of a resolution for consideration. A motion was duly made by Legislator Peck seconded by Legislator Johnson and unanimously carried .

Resolution No. 270

Authorizing the County of Jefferson's Participation in the Proposed Settlement of Opioid-Related Claims Against McKesson, Cardinal Health, AmerisourceBergen, Janssen Pharmaceuticals, and Their Related Corporate Entities

By Legislator: John D. Peck

Whereas, The Opioid epidemic that has cost thousands of human lives across the country also impacts Jefferson County, New York by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Jefferson County's various departments and agencies, and

Whereas, Jefferson County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the residents of Jefferson County, and

Whereas, Jefferson County has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fuel the opioid epidemic that has harmed Jefferson County, and

Whereas, The County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic, and

Whereas, Settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them, and

Whereas, Jefferson County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide, and

Whereas, The County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

Now, Therefore, Be it Resolved, That the Board of Legislators hereby approves the County's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen Pharmaceuticals, and their related corporate entities, and directs the County Attorney and/or outside litigation counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

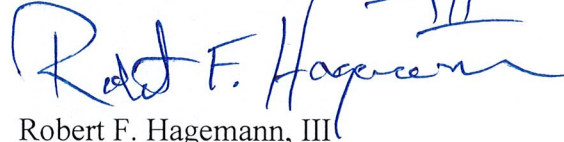
Seconded by Legislator: William W. Johnson

Chairman Gray turned the floor over to County Attorney David Paulsen for background on the resolution to be presented. Mr. Paulsen stated that this is one resolution but encompasses three agreements, two with specific corporations and one with New York State (NYS). An agreement has been reached between litigating entities, the defendants, the plaintiffs and NYS, as a plaintiff itself, with regard to the settlement of these particular claims. Distribution of the funds is based on legislation passed approximately one year ago ensuring that the state did not benefit 100% from these litigation proceedings. He stated that legislators are being asked to approve a settlement with the defendants as listed in the resolution. He advised that the settlement is partially NYS only but it is also a national settlement with these particular pharmaceutical companies. What is being agreed to in this resolution are benefits that will accrue to Jefferson County nationally from these defendants regardless of whether the settlements with other plaintiffs in other states actually occur, therefore this settlement is important to conclude at this time. He stated that per Ms. Cicala, Jefferson County would be cementing their right to these payments, otherwise the county will be on its own to litigate the rest of the case and won't be able to take advantage of the settlement nationally.

In response to questions, Mr. Paulsen stated that if this resolution is approved, Jefferson County can no longer bring any further lawsuit against the above named corporations; There are many other defendants that settlements could be brought against in the future so this does not end the litigation in any sense; The settlement agreement with NYS will not include any future settlements and that similar models may be employed by other defendants. He advised that Direct Share Subdivisions for Spending on Approved Uses is restricted use of the funds for opioid related services which are direct services to individuals suffering from the opioid crisis, it is his understanding that those funds are going to be collected by the state agency and that the local agencies providing the services will receive funding allocated to Jefferson County; Settlement money will be sent to NYS and they in turn will pay the agencies in the county providing the services. All members present voted aye except Legislator Maxon who voted nay.

The Special Session was adjourned at 6:20 p.m. on a motion by Legislator Doldo seconded by Legislator Peck and unanimously carried by the Board.

Respectfully submitted,

A handwritten signature in blue ink that reads "Robert F. Hagemann, III". The signature is written in a cursive style with a large initial "R" and a distinct "III" at the end.

Robert F. Hagemann, III
Clerk of the Board