

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: October 26, 2021	ITEM TIME: 11:30 a.m.
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FROM:	Erick Knaus
TODAY'S DATE:	October 19, 2021
AGENDA TITLE:	Consideration for approval of settlement documents in the national Opioid Litigation

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> X ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

Request that the Board of County Commissioners consider approval of the settlement documents and exhibits in the national Opioid litigation. The following documents describing the settlement are attached:

1. Colorado Opioids Settlement Memorandum of Understanding dated August 26, 2021
2. Colorado Opioids Settlement Memorandum of Understanding Summary
3. Colorado Opioids Settlement MOU: Frequently Asked Questions
4. Exhibit K – Settlement Participation Form (Big 3 Distributors: Amerisource Bergen, Cardinal Health, and McKesson - Distributor Settlement)
5. Exhibit K – Settlement Participation Form (Johnson & Johnson – Janssen Settlement)
6. Colorado Subdivision Escrow Agreement

II. RECOMMENDED ACTION:

A motion of the Board of County Commissioners approving the Opioid Litigation settlement documents and exhibits, and authorizing the Chair to sign the following documents:

1. Colorado Opioids Settlement Memorandum of Understanding dated August 26, 2021
2. Exhibit K – Settlement Participation Form (Big 3 Distributor Settlement)
4. Exhibit K – Settlement Participation Form (Janssen Settlement)
5. Colorado Subdivision Escrow Agreement

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III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE:
PROPOSED EXPENDITURE:
FUNDING SOURCE:
<p>The Big 3 Distributors will pay a maximum of \$21 billion over 18 years. Johnson & Johnson will pay a maximum of \$5 billion over no more than nine years. Colorado’s maximum share will likely be more than \$300 million. Colorado will receive its maximum share of settlement payments only if enough local governments sign on to the deal. The settling defendants have the option to “walk away” from the deal if there is not enough participation. Exhibits D & E to the Settlement MOU show the proposed allocations to the county areas and the intracounty allocations.</p>
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
<p>In order to receive the full settlement payments for all of Colorado, strong participation by local governments signing onto the MOU is necessary.</p>
V. BACKGROUND INFORMATION:
<p>Refer to the attached documents.</p>
VI. LEGAL ISSUES:
<p>If all settlements become final orders of the court, the County will not be able to sue the defendants in the future for conduct alleged in the current complaints.</p>
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
<p>N/A</p>
VIII. SUMMARY AND OTHER OPTIONS:
<p>N/A</p>