

**TOWN OF EMPIRE, COLORADO  
RESOLUTION NO. 21-10**

**A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO AUTHORIZING THE MAYOR  
TO EXECUTE ALL AGREEMENTS AND TO PERFORM ALL OTHER ACTIONS  
NECESSARY TO JOIN THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF  
UNDERSTANDING**

**WHEREAS**, the Town of Empire (“Town”) is a statutory municipality organized under the laws of the State of Colorado; and

**WHEREAS**, opioid addiction and dependence caused by opioid manufacturers and distributors has ravaged Colorado communities; and

**WHEREAS**, on August 26, 2021, the Colorado Attorney General Phil Weiser signed the Colorado Opioids Settlement Memorandum of Understanding (“Colorado MOU”); and

**WHEREAS**, the Colorado MOU provides a framework to settle Colorado legal claims on behalf of Colorado governments against the “Big 3” opioid distributors (AmerisourceBergen, Cardinal Health, and McKesson) and opioid manufacturer Johnson & Johnson; and

**WHEREAS**, the Colorado MOU provides settlement funds for “Approved Purposes” broadly focused on abatement strategies to combat the opioid epidemic; and

**WHEREAS**, the settlement funds amount to approximately \$400 million with 20% of that total being distributed to participating local governments; and

**WHEREAS**, settlement funds will only be made available to participating local governments when 95% participation by certain local governments has been reached; and

**WHEREAS**, execution of all settlement documents has been requested prior to November 2, 2021; and

**WHEREAS**, if the Colorado MOU is successful, settlement funds could be made available as soon as July 2022; and

**WHEREAS**, in order to join the Colorado MOU, the Town must execute the Colorado MOU, the Subdivision Settlement Participation Forms (Big 3 and Johnson & Johnson), and the Colorado Subdivision Escrow Agreement; and

**WHEREAS**, the Town of Empire Board of Trustees (the “Board”) desires to join the Colorado MOU; and

**WHEREAS**, in order to join the Colorado MOU, the Board desires to authorizes the Mayor to execute the following documents on the Town’s behalf:

1. The MOU that lays out the allocation of Opioid recoveries in the State of Colorado (**Exhibit 1**).
2. The Subdivision Settlement Participation Form that releases subdivisions’ legal claims against Johnson & Johnson (**Exhibit 2**).

3. The Subdivision Settlement Participation Form that releases subdivisions' legal claims against AmerisourceBergen, Cardinal Health, and McKesson (**Exhibit 3**).
4. The Colorado Subdivision Escrow Agreement that ensures subdivisions' legal claims are released only when 95% participation by certain local governments has been reached. (**Exhibit 4**).

**WHEREAS**, the Board further authorizes the Mayor, in consultation with the Town Attorney and Town Clerk, to take all other actions necessary to join the Colorado MOU.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, COLORADO:**

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Town Board of Trustees hereby:

(a) Authorizes the Mayor to Execute:

1. The MOU that lays out the allocation of Opioid recoveries in the State of Colorado (**Exhibit 1**).
2. The Subdivision Settlement Participation Form that releases subdivisions' legal claims against Johnson & Johnson (**Exhibit 2**).
3. The Subdivision Settlement Participation Form that releases subdivisions' legal claims against AmerisourceBergen, Cardinal Health, and McKesson (**Exhibit 3**).
4. The Colorado Subdivision Escrow Agreement that ensures subdivisions' legal claims are released only when 95% participation by certain local governments has been reached. (**Exhibit 4**).

(b) Further authorizes the Mayor, in consultation with the Town Attorney and Town Clerk, to take all other actions necessary to join the Colorado MOU.

Section 3. This Resolution shall take effect immediately upon adoption.

**ADOPTED THIS 19<sup>th</sup> DAY OF OCTOBER 2021**

TOWN OF EMPIRE

By: Wendy Koch  
Wendy Koch, Mayor

ATTEST:

By: J Piel  
Jeannette Piel, Town Clerk

**Attachments**

**Exhibit 1 – The Colorado Opioid MOU**

**Exhibit 2 – Johnson & Johnson – Jansen Opioid Settlement Participation Form**

**Exhibit 3 – Distributor Opioid Settlement Participation Form**

**Exhibit 4 – Local Government Opioid Escrow Agreement**