

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING PARTICIPATION WITH THE STATE OF TEXAS, THROUGH THE OFFICE OF THE ATTORNEY GENERAL, IN THE KROGER STATE-WIDE OPIOID SETTLEMENT AND APPROVING THE TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM REGARDING THE SAME; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE ABOVE ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City obtained information indicating that The Kroger Co. (“Defendant”) has engaged in fraudulent and/or reckless manufacturing, marketing, distribution, and/or pharmacy fulfillment of opioids that has resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City; and

WHEREAS, on November 15, 2021, the Lewisville City Council adopted and approved the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas, attached hereto as Exhibit “A”; and

WHEREAS, the State of Texas, through the Office of the Attorney General, has entered into a settlement agreement with the Defendant, which includes Texas political subdivisions and which will provide funding and injunctive relief (the “Settlement Agreement”); and

WHEREAS, in order to participate in the Settlement Agreement, the City must approve the Texas Settlement Subdivision Participation and Release Form associated with the Settlement

Agreement, which requires the City to release certain claims against the Defendant as consideration for participation in the Settlement Agreement; and

WHEREAS, the City Council finds that it is in the best interest of the City of Lewisville to participate in the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Lewisville.

SECTION 2. The Lewisville City Council agrees to the terms outlined in and approves the Texas Settlement Subdivision Participation and Release Form associated with the Settlement Agreement, and authorizes the City Manager, on behalf of the City of Lewisville, to execute all necessary documents in connection with the Settlement Agreement, including the Texas Settlement Subdivision Participation and Release Form associated with the Settlement Agreement, attached hereto as **Exhibit B**.

SECTION 3. The City Council understands that the allocation of direct payment funds and other funds made available through the Settlement Agreement is set forth in the Texas Term Sheet, attached hereto as **Exhibit A**.

SECTION 4. This resolution shall take effect immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 9th DAY OF DECEMBER, 2024.

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APPROVED:

TJ GILMORE, Mayor

ATTEST:

THOMAS HARRIS III, City Secretary

APPROVED AS TO FORM:

LIZBETH PLASTER, City Attorney

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EXHIBIT A

Texas Term Sheet

EXHIBIT B

Texas Subdivision Participation Forms