

RESOLUTION NO. 15-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLUTE, TEXAS JOINING THE TEXAS ATTORNEY GENERAL “GLOBAL OPIOD SETTLEMENT”; ADOPTING THE TEXAS TERM SHEET AND ITS INTRASTATE ALLOCATION SCHEDULE; AND AUTHORIZING THE MAYOR TO SIGN THE SUBDIVISION SETTLEMENT PARTICIPATION FORM JNJ AND SUBDIVISION SETTLEMENT FORM FOR DISTRIBUTORS; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

BE IT REMEMBERED, at a regular meeting of the Clute City Council of the City of Clute, Brazoria County, Texas, held on the 10th day of March 2022, on motion made by Council Member Travis Quinn and seconded by Council Member Jeff Crisp the following Resolution was adopted:

WHEREAS, The City of Clute, Texas obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

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

WHEREAS, the State of Texas, through the Office of the Attorney General, has negotiated a settlement agreement with two (2) opioid producer/distributors, Endo/Par and Teva Tx; and

WHEREAS, Special Counsel and the State of Texas have recommended that the City of Clute elect to participate in said settlement agreements by executing the election and release forms attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clute, Texas:

First, that the City Council elects to approve and participate in the settlements reached between the State of Texas and Endo/Par and Teva Tx; and

Second, that the City Council Authorizes the Mayor to execute the Election and Release forms attached to participate in said settlement agreement; and

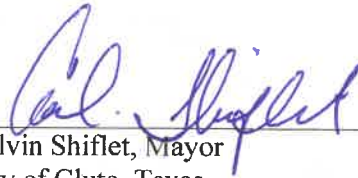
Third, that the City Council makes the following specific findings:

There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Clute, Brazoria County;

Fourth, that that all proper notices were posted and the meeting in which this resolution is passed was held in compliance with the Texas Open Meetings Act.

Fifth, It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ, PASSED AND ADOPTED, the 10th day of March 2022.



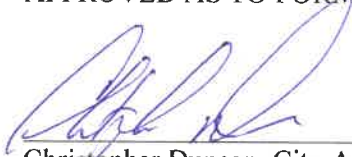
Calvin Shiflet, Mayor
City of Clute, Texas

ATTEST:



Rosie Poitevint, City Clerk
City of Clute, Texas

APPROVED AS TO FORM ONLY:



Christopher Duncan, City Attorney
City of Clute, Texas

Exhibit A

**TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: 3/10/2022

Texas Subdivision Name: CITY OF CLUTE

By: Cal. Shiflet

[NAME] CALVIN SHIFLET

[TITLE] MAJOR

[ADDRESS] 108 E. MAIN ST CLUTE, TX 77531

[TELEPHONE] 979-265-2541

[EMAIL ADDRESS] CSHIFLET@clute.texas.gov

Exhibit B

**TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

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Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: 3/10/2022

Texas Subdivision Name: CITY OF CLUTE

By: Cal. Shiflet
[NAME] CALVIN SHIFLET

[TITLE] MAYOR

[ADDRESS] 108 E. MAIN ST, CLUTE, TX 77531

[TELEPHONE] 979-265-2541

[EMAIL ADDRESS] CSHIFLET@clutetexas.gov