

ORDINANCE NO. 40-22

**AN ORDINANCE AUTHORIZING THE CREATION OF
THE ONEOHIO OPIOID SETTLEMENT FUND NO. 288,
AND DECLARING AN EMERGENCY**

WHEREAS, The State of Ohio reached an \$808 million agreement with the three largest distributors of opioids; and

WHEREAS, The State developed the OneOhio plan, a mechanism to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis; and

WHEREAS, the settlement agreement allocates 30% to local governments (LG Share), 55% to a foundation that will distribute funds to projects, and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio; and

WHEREAS, Avon City Council passed Resolution No. R-37-21 on January 3, 2022, authorizing the Mayor to enter into the participation agreement and accept the material terms of the OneOhio Subdivision Settlement with Janssen/Johnson & Johnson pursuant to the OneOhio Memorandum of Understanding, and

WHEREAS, Ohio Rev. Code 5705.09(F) requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax; and

WHEREAS, Ohio Rev. Code 5705.10(I) further requires the taxing authority of a subdivision to establish, with the approval of the Auditor of State, a separate fund for money derived from specified sources other than the general property tax; and

WHEREAS, The Auditor of State recommends that each participating subdivision accepting the Funds provide by a written ordinance that the LG Share of the OneOhio Funds shall be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU.

WHEREAS, Council finds the recommendation of the Administration to establish The OneOhio Opioid Settlement Fund No. 288 to be in the best interests of the health, safety and welfare of all residents and businesses in the City of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That the Finance Director is hereby authorized to establish the OneOhio Opioid Settlement Fund No. 288 to separately account for any moneys received through the OneOhio Opioid Settlement so as to be in compliance with the Ohio Auditor of State (AOS).

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the creation of the OneOhio Opioid Settlement Fund No. 288 to separately account for funds coming to the City through the OneOhio Subdivision Settlement with Janssen/Johnson & Johnson; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director