



## CITY COUNCIL SPECIAL MEETING

Monday, February 28, 2022 at 5:30 PM

City Hall located at 202 N. Virginia Street in Port Lavaca, Texas 77979

### PUBLIC NOTICE OF MEETING

**The following item will be addressed at this or any other meeting of the city council upon the request of the mayor, any member(s) of council and/or the city attorney:**

*Announcement by the mayor that council will retire into closed session for consultation with city attorney on matters in which the duty of the attorney to the city council under the Texas disciplinary rules of professional conduct of the state bar of Texas clearly conflicts with the open meetings act (title 5, chapter 551, section 551.071(2) of the Texas government code).*

**(All matters listed under the consent agenda item are routine by the city council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.)**

### AGENDA

*Council will consider/discuss the following items and take any action deemed necessary.*

#### COVID-19 MEETING PROCEDURE

*Public notice is hereby given that the City Council of the City of Port Lavaca, Texas, will hold a special meeting on Monday, February 28, 2022 beginning at 5:30 p.m. at the regular meeting place in Council Chambers at City Hall, 202 North Virginia Street, Port Lavaca, Texas to consider the following items of business:*

*Due to COVID-19 concerns, social distancing guidelines will be encouraged for in-person attendance. The meeting will also be available via the video conferencing application "ZOOM".*

*Join Zoom Meeting:*

*<https://us02web.zoom.us/j/87888439797?pwd=TEd6UVVnUG9pQzVBOW9UL201OHBFUT09>*

*Meeting ID: 878 8843 9797*

*Passcode: 484589*

*One Tap Mobile*

*+13462487799,,87888439797#,,, \*484589# US (Houston)*

*Dial by your location*

*+1 346 248 7799 US (Houston)*

I. **ROLL CALL**

II. **CALL TO ORDER**

III. **COMMENTS FROM THE PUBLIC** - *Comments will be limited to three (3) Minutes per individual unless permission to speak longer is received in advance*

IV. **ACTION ITEMS** - Council will consider/discuss the following items and take any action deemed necessary

- 1. Consider Resolution No. R-022822-1 for support of the adoption and approval of the Teva and Endo/Par Texas State-Wide Opioid settlements as set forth in Exhibits. Presenter is Anne Marie Odefey

V. **ADJOURN SPECIAL MEETING**

**CERTIFICATION OF POSTING NOTICE**

This is to Certify that the above foregoing notice of a Special Meeting of the City Council of the City of Port Lavaca, Texas, to be held Monday, February 28, 2022 beginning at 5:30 p.m., was posted at City Hall, easily accessible to the Public, as of 5:00 p.m., Thursday, February 24, 2022.

/s/ Mandy Grant, City Secretary

**ADA NOTICE**

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

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# COMMUNICATION

**SUBJECT:** Consider Resolution No. R-022822-1 for support of the adoption and approval of the Teva and Endo/Par Texas State-Wide Opioid settlements as set forth in Exhibits. Presenter is Anne Marie Odefey

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## INFORMATION:

**RESOLUTION NO. R-022822-1**

STATE OF TEXAS §

COUNTY OF CALHOUN §

**BE IT REMEMBERED**, at a regular meeting of the City Council of the City of Port Lavaca, Texas, held on the 13<sup>th</sup> day of December, 2021, the following Resolution was adopted:

**WHEREAS**, the City of Port Lavaca previously approved and participated in Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit “A”; and

**WHEREAS**, two more Defendants (per the definition in prior Resolution) have negotiated settlements, namely, Teva and Endo/Par;

**WHEREAS**, Special Counsel and the State of Texas have recommended that the City Council of the City of Port Lavaca support the adoption and approval of the Teva and Endo/Par Settlements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT LAVACA:

1. Support the adoption and approval the settlements with Teva and Endo/Par; and,
2. Make the same findings made in the adoption of the Texas Term Sheet; and,
3. Authorize the Mayor of the City of Port Lavaca to Sign the Texas Subdivision and Special District Election and Release Form for the Texas Teva and Endo/Par settlements as set forth as Exhibit “A” attached hereto.

Passed and approved this 28<sup>th</sup> day of February, 2022.

\_\_\_\_\_  
Jack Whitlow, Mayor

ATTEST:

\_\_\_\_\_  
Mandy Grant, City Secretary

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

This Election and Release Form for Texas Participating Subdivisions<sup>1</sup> 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

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<sup>1</sup> 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: February 28, 2022  
Texas Subdivision Name: City of Port Lavaca

Name: Jack Whitlow  
Title: Mayor  
Address: 202 N. Virginia Street  
Port Lavaca, TX 77979  
Telephone: 361-552-9793 X 230  
eMail Address: jwhitlow@portlavaca.org

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

This Election and Release Form for Texas Participating Subdivisions<sup>1</sup> 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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<sup>1</sup> 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.

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: February 28, 2022  
Texas Subdivision Name: City of Port Lavaca

Name: Jack Whitlow  
Title: Mayor  
Address: 202 N. Virginia Street  
Port Lavaca, TX 77979  
Telephone: 361-552-9793 X 230  
eMail Address: jwhitlow@portlavaca.org