



**City of Willowick**  
**City Council Special Meeting**  
Wednesday, August 11, 2021 at 6:00 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 245-6033 at least three working days before the meeting.

**Agenda**

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**ADJOURN TO EXECUTIVE SESSION**

**RETURN TO TABLE FROM EXECUTIVE SESSION**

**OTHER BUSINESS**

1. Ordinance No. 2021-35 (Law Director)

An Ordinance accepting the material terms of the One Ohio Subdivision Settlement pursuant to the One Ohio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement, and declaring an emergency.

2. Ordinance No. 2021-36

An Ordinance levying special assessments for acquiring, constructing, installing equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion along properties within the City included within the Lake Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

3. Resolution No. 2021-24

A Resolution declaring it necessary and determining to proceed with acquiring, constructing, installing equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion along properties within the City included within the Lake Communities Shoreline Special Improvement District, together with all necessary appurtenances thereto, and declaring an emergency.

**ADJOURNMENT**

**ORDINANCE NO. 2021-35****AN ORDINANCE ACCEPTING THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT, AND DECLARING AN EMERGENCY.**

AN EMERGENCY ORDINANCE AUTHORIZING the Law Director to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, the City of Willowick, Lake County Ohio (herein “Municipality”) is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and City of Willowick has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU

between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Council wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO.**

Section 1. That Council hereby authorizes the acceptance and execution of the Proposed Settlement by the Law Director on behalf of the City of Willowick, pursuant to the terms of the OneOhio MOU.

Section 2. That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the residents of the City of Willowick. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

**WHEREFORE**, this Ordinance shall be in full force and take effect immediately upon its adoption by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted by Council: \_\_\_\_\_, 2021

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2021

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2021

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council



**OneOhio Subdivision Participation Form**

Governmental Entity: City of Willowick	State: OHIO
Authorized Official: Mayor Richard J. Regovich	
Address 1: 30435 Lakeshore Blvd.	
Address 2:	
City, State, Zip: Willowick, OH 44095	
Phone: (440) 585-3700	
Email: rregovich@cityofwillowick.com	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity consistent with the material terms of the National Settlement Agreement dated July 21, 2021 ("*National Distributor Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the material terms of the National Settlement Agreement Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the National Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate consistent with the material terms of the National Distributor Settlement and become a Participating Subdivision as provided therein pursuant to the terms of the final OneOhio Memorandum of Understanding dated July 28, 2021.
2. The Governmental Entity's election to participate is specifically conditioned on participation by 95% or more of the Litigating Subdivisions in Ohio. Should less than 95% of the Litigating Subdivisions in Ohio participate, this election shall be deemed void and no claims shall be released.
3. The Governmental Entity shall, prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
4. The Governmental Entity agrees to the material terms of the National Distributor Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the material terms of the National Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the material terms of the National Distributor Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the Madison County Court of Common Pleas where the Consent Judgment is filed for purposes limited to the court's role as provided in, and for resolving disputes to the extent provided in, the material terms of the National Distributor Settlement Agreement. If the National Distributor Settlement is finalized, the Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in the National Distributor Settlement.
8. The Governmental Entity has the right to enforce the material terms of the National Distributor Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the material terms of the National Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the material terms of the National Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The material terms of National Distributor Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision consistent with the material terms of the National Distributor Settlement.
11. In connection with the releases provided for in the material terms of the National Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by

him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the material terms of the National Distributor Settlement.

12. Nothing herein is intended to modify in any way the terms of the material terms of the National Distributor Settlement to which Governmental Entity hereby agrees, with the exception of the requisite Litigating Government participation level. If the National Settlement becomes effective by July 1, 2022 its terms will supersede the terms of the Ohio Settlement Agreement and will control with regard to all provisions except for Dismissal of Claims as set forth in the Ohio Settlement Agreement. If it is not effective by July 1, 2022, the Ohio Specific Distributor Settlement will control. To the extent this Participation Form is interpreted differently from the Ohio Specific Distributor Settlement in any respect, the Ohio Specific Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity and have been afforded the opportunity to review this matter with counsel.

Signature: \_\_\_\_\_

Name: Richard J. Regovich

Title: Mayor

Date: \_\_\_\_\_

**ORDINANCE NO. 2021-36**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR ACQUIRING, CONSTRUCTING, INSTALLING EQUIPPING, IMPROVING, MAINTAINING AND REPAIRING IMPROVEMENTS NECESSARY FOR MAKING IMPROVEMENTS TO ABATE EROSION ALONG PROPERTIES WITHIN THE CITY INCLUDED WITHIN THE LAKE COMMUNITIES SHORELINE SPECIAL IMPROVEMENT DISTRICT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**WHEREAS**, property owners within the City petitioned Council to form a shoreline special improvement district to provide assistance in abating erosion along the shoreline of Lake Erie, and Council approved such petitions and joined in the formation of the Lake County Communities Shoreline Special Improvement District, Inc. (the SID);

**WHEREAS**, property owners within the SID have submitted special assessment improvement petitions to this Council in accordance with the Improvement Plan implemented by the SID requesting that erosion abatement improvements proceed on their properties and that the City levy special assessments upon their properties for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code; and

**WHEREAS**, this Council has declared the necessity and determined to proceed with the improvements as petitioned pursuant to its resolution heretofore adopted (the Resolution of Necessity and Determination to Proceed);

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, OHIO, THAT:**

**SECTION 1.** The special assessments for the cost and expense of acquiring, constructing, installing equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the "Improvements") pursuant to the Resolution of Necessity and Determination to Proceed on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed on the lots and lands provided for in the Resolution of Necessity and Determination to Proceed in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits, statutory limitations having been waived by the petitioning property owners. This Council finds and determines that the special assessments are in the same proportion to the estimated assessments as the actual cost of the Improvements is to the estimated cost of the Improvements as originally filed and upon which the estimated assessments were based.

**SECTION 2.** The special assessments shall be payable in cash prior to their certification to the County Auditor at the option of the owner, or shall be paid in 15 annual (30 semiannual) installments, with interest on the unpaid balance of each special assessment at the same rate as shall be borne by the bonds to be issued on behalf of the City and the SID, with such issuance hereby



requested by the City by and through such issuing authority as determined by the SID, in anticipation of the collection of the unpaid special assessments. All cash payments shall be made to or at the direction of the Director of Finance of the City. All special assessments remaining unpaid at the expiration of the cash payment period shall be certified by or at the direction of the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

**SECTION 3.** The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 20 days after its passage.

**SECTION 4.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 5.** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City; and for the further reason that it is urgently necessary to undertake shoreline improvement projects as soon as possible to address shoreline erosion issues posing an imminent threat to the properties along the shoreline of Lake Erie; therefore, provided that it receives the affirmative vote at least 5 members elected to Council, this ordinance shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2021

Submitted to the Mayor for his  
of Council approval on \_\_\_\_\_, 2021

\_\_\_\_\_  
Robert Patton, President

Approved by the Mayor on  
\_\_\_\_\_, 2021

ATTEST:

\_\_\_\_\_  
Angela Trend, Clerk of Council

\_\_\_\_\_  
Richard J. Regovich, Mayor

**RESOLUTION NO. 2021-24**

**A RESOLUTION DECLARING IT NECESSARY AND DETERMINING TO PROCEED WITH ACQUIRING, CONSTRUCTING, INSTALLING EQUIPPING, IMPROVING, MAINTAINING AND REPAIRING IMPROVEMENTS NECESSARY FOR MAKING IMPROVEMENTS TO ABATE EROSION ALONG PROPERTIES WITHIN THE CITY INCLUDED WITHIN THE LAKE COMMUNITIES SHORELINE SPECIAL IMPROVEMENT DISTRICT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**WHEREAS**, property owners within the City petitioned Council to form a shoreline special improvement district to provide assistance in abating erosion along the shoreline of Lake Erie, and Council approved such petitions and joined in the formation of the Lake County Communities Shoreline Special Improvement District, Inc. (the SID);

**WHEREAS**, property owners within the SID have submitted special assessment improvement petitions to this Council in accordance with the Improvement Plan implemented by the SID requesting that erosion abatement improvements proceed on their properties and that the City levy special assessments upon their properties for the costs of those erosion abatement improvements pursuant to Chapters 727 and 1710 of the Revised Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, OHIO, THAT:**

**SECTION 1.** It is hereby declared necessary to improve in the City of Willowick the properties listed on Attachment A hereto and incorporated by reference hereby (collectively, the “Assessment Properties”) by acquiring, constructing, installing equipping, improving, maintaining and repairing improvements necessary for making improvements to abate erosion, together with all necessary appurtenances thereto (the “Improvements”). It is hereby further determined to proceed with the Improvements as described herein.

**SECTION 2.** The plans, specifications and profiles of the Improvements and the estimates of cost of the Improvements as set forth in the Improvement Petitions filed by the owners of the Assessment Properties to be improved and assessed and now on file in the office of the Clerk of this Council, are adopted and approved. It is hereby determined to proceed with the Improvements which shall be made and in accordance with those plans, specifications, profiles and estimates of cost for the Improvements and with the route and termini and other details and descriptions as set forth therein.

**SECTION 3.** This Council finds and determines that the Improvements constitute “public improvements” and “shoreline improvement projects” under Section 1710.01 of the Revised Code and are conducive to the public health, convenience and welfare of this City and its inhabitants, and the lots and lands to be assessed as described in Section 4 are specially benefited by the Improvements.

**SECTION 4.** The entire cost of the Improvement for each parcel shall be assessed in proportion to the benefits that may result from the Improvement upon each the Assessment Property.

**SECTION 5.** All claims for damages resulting from the Improvements that have been legally filed shall be inquired into after completion of the Improvements, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

**SECTION 6.** The special assessments to be levied on the Assessment Properties shall be paid in 15 annual (30 semiannual) installments, with interest on the unpaid balance of each special assessment at the same rate as shall be borne by the bonds to be issued on behalf of the City and SID, with such issuance of bonds hereby requested by the City by and through such issuing authority as determined by the SID, in anticipation of the collection of the unpaid special assessments; provided that, the owners of the Assessment Properties may pay all or a portion of the special assessment in cash prior to its certification for collection with the County Auditor.

**SECTION 7.** The Clerk of Council shall deliver a certified copy of this resolution to the County Auditor within 15 days after its passage.

**SECTION 8.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**SECTION 9.** This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City; and for the further reason that it is urgently necessary to undertake shoreline improvement projects as soon as possible to address shoreline erosion issues posing an imminent threat to the properties along the shoreline of Lake Erie; therefore, provided that it receives the affirmative vote at least 5 members elected to Council, this resolution shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2021

Submitted to the Mayor for his  
of Council approval on \_\_\_\_\_, 2021

\_\_\_\_\_  
Robert Patton, President

Approved by the Mayor on  
\_\_\_\_\_, 2021

ATTEST:

\_\_\_\_\_  
Angela Trend, Clerk of Council

\_\_\_\_\_  
Richard J. Regovich, Mayor

{ 9769047: }

**ATTACHMENT A – ASSESSMENT PARCELS**

Those parcels identified in the land records of the County of Lake, Ohio as follows:

{9769047: }