

ORDINANCE NO. 26-2018

INTRODUCED BY: Mayor James Graven and Council as a Whole

AN ORDINANCE AUTHORIZING THE MAYOR AND LAW DIRECTOR, ON BEHALF OF THE CITY OF OLMSTED FALLS, TO ENTER INTO A SPECIAL COUNSEL AGREEMENT WITH NAPOLI SHKOLNIK, PLLC AND ITS ATTORNEY CONSORTIUM FOR PROFESSIONAL LEGAL SERVICES RELATED TO OPIOID LITIGATION, AND DECLARING AN EMERGENCY

WHEREAS, similar to many cities across the country, the City of Olmsted Falls has experienced an exponential rise in drug overdoses directly related to the opioid epidemic; and

WHEREAS, the City of Olmsted Falls has expended and continues to expend significant financial resources to respond to the impact of opioid drug use through the activities of its law enforcement, emergency services and prosecutorial services; and

WHEREAS, therefore, the Administration and Council believe that it is now in the best interest of the City to enter into a Special Counsel Agreement, Contract/Retainer Agreement, in substantially the form attached hereto as Exhibit "A", with Napoli Shkolnik, PLLC and its attorney consortium for the provision of professional legal services to the City of Olmsted Falls with respect to opioid litigation; and

WHEREAS, said attorneys will represent the City of Olmsted Falls interests in its claim or claims for economic losses arising out of the alleged fraudulent and negligent marketing and distribution of various prescription drugs known as opioids, and the resulting adverse consequences to the City and its residents; ad

WHEREAS, such representation will be undertaken on a contingent bases with respect to attorneys' fees. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. That the Mayor and Law Director be and are hereby authorized and directed to enter into a Special Counsel Agreement, Contract/Retainer Agreement with Napoli Shkolnik, PLLC and its attorney consortium, in the form attached hereto as Exhibit "A" and made a part hereof, for the provision of professional legal services to the City of Olmsted Falls with respect to opioid litigation, with such services being provided on a contingent basis.

SECTION 2. That any funds expended for the purposes of such legal services shall be paid from the General Fund.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City of Olmsted Falls for the reason that the retention of such special legal services is immediately necessary to participate in significant opioid litigation, in order to protect the legal and financial interests of the City. Therefore, this Ordinance shall be effective immediately upon the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Paul Stibich, Interim Council President

PASSED: _____

APPROVED: _____
James Graven, Mayor

Date

APPROVED AS TO FORM: _____
Andrew D. Bemer, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Haviland	_____	_____
Stibich	_____	_____
Jones	_____	_____
Gorski	_____	_____
Nicolay	_____	_____
Duncan	_____	_____
Miller	_____	_____