

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-____

Introduced by Council Member _____

RESOLUTION APPROVING PARTICIPATION IN THE PURDUE PHARMA L.P. / SACKLER NATIONAL OPIOID SETTLEMENT AND THE SECONDARY MANUFACTURERS NATIONAL OPIOID SETTLEMENT; ACCEPTING THE TERMS OF THE RELATED CALIFORNIA ALLOCATION AGREEMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT ALL NECESSARY SETTLEMENT PARTICIPATION DOCUMENTS ON BEHALF OF THE CITY OF HAYWARD

WHEREAS, settlements have been reached in multi-district litigation brought by states and cities against Purdue Pharma L.P. and the Sackler family (the “Purdue Settlement”) and drug manufacturers Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (“the Secondary Manufacturers Settlement”) for their roles in the opioid crisis; and

WHEREAS, under the terms of the Purdue Settlement, California is scheduled to receive up to nearly \$440 million over 15 years, a portion of which will be distributed to cities and counties that participate in the settlement; and

WHEREAS, under the terms of the Secondary Manufacturers Settlement California could receive up to \$70 million over 10 years, a portion of which will be distributed to cities and counties that participate in the settlement; and

WHEREAS, although the City of Hayward is not a litigating entity involved in the litigation it may opt-in and receive the benefits of the settlements in exchange for releasing its claims against Purdue Pharma and the Sackler family as part of the Purdue Settlement; and

WHEREAS, although the City of Hayward is not a litigating entity involved in the litigation it may opt-in and receive the benefits of the settlements in exchange for releasing its claims against Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (“the Secondary Manufacturers”) as part of the Secondary Manufacturers Settlement; and

WHEREAS, the more cities with populations greater than 10,000 people, such as the City, which opt-in to the agreement will enable their respective counties and states to receive more funds under the incentive structure of the settlements; and

WHEREAS, opting-in to the settlement will enable the City to receive funds from the settlements, which can be used to treat opioid use disorder and for other purposes described in the respective Settlement Agreements; and

WHEREAS, the City wishes to agree to the terms of the proposed settlements; and

WHEREAS, the State of California, and counsel representing a group of cities and counties, have reached agreement on a proposed allocation of recoveries that California may receive pursuant to the settlements ("Allocation Agreements"); and

WHEREAS, the Allocation Agreements divide California's settlement proceeds among three funds:

- State Fund – 15% of settlement goes to State.
- Subdivision Fund – 15% to litigating subdivisions.
- Abatement Fund – 70% to eligible subdivisions (including Hayward) identified in the respective settlement agreements. Also includes litigating subdivisions; and

WHEREAS, pursuant to the Allocation Agreements, Hayward is entitled to receive .117% of California's Abatement Fund for the respective settlements; and

WHEREAS, the City wishes to agree to the terms of the proposed Allocation Agreements for the Purdue Settlement and Secondary Manufacturers Settlement, respectively; and

WHEREAS, jurisdictions must opt-in to the Purdue Settlement by September 30, 2025; and

WHEREAS, jurisdictions must opt-in to the Secondary Manufacturers Settlement by October 8, 2025.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward that the terms of the settlement agreement with Purdue Pharma L.P. and the Sackler family regarding the national opioid litigation described herein are hereby accepted.

BE IT FURTHER RESOLEVD that the terms of the settlement agreement with the Secondary Manufacturers regarding the national opioid litigation described herein are hereby accepted.

BE IT FURTHER RESOLVED that the terms of the Allocation Agreements prepared by the State of California for the respective settlements is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute and submit all documents necessary for the City of Hayward to participate in the settlement with Purdue Pharma L.P. and the Sackler family regarding the national opioid litigation described herein.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute and submit all documents necessary for the City of Hayward to participate in the settlement with the Secondary Manufacturers regarding the national opioid litigation described herein.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward