

# AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board  
Yakima County Commissioners' Office, Room 232**

Prepared by:  
Don Anderson

Department: Corporate Counsel

Requested Agenda Date: 08/16/2022

Presenting: Don Anderson

*Board of County Commissioners Record Assigned*

# **213 - 2022**

**APPROVED FOR AGENDA:**

Consent       Regular  
*Board of County Commissioners Determined*

Document Title:

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN A PARTICIPATION FORM TO APPROVE THE OPIOID DISTRIBUTORS WASHINGTON SETTLEMENT AND BECOME A PARTICIPATING JURISDICTION TO RECEIVE SETTLEMENT.

Action Requested: *Check Applicable Box*

- PASS RESOLUTION     EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT  
 ISSUE PROCLAMATION    PASS ORDINANCE    OTHER \_\_\_\_\_

Describe Fiscal Impact:

Total settlement for all Washington State Governmental Entities in excess of \$5.8 Million.

Background Information:

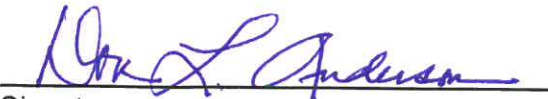
Summary & Recommendation:

Signing the Participation Form is vital to sharing in the multi-million dollar settlement reached by the Attorney General with the largest opioid distributors in the nation.

Motion:

Authorize the Chair to sign the Participation Form on behalf of Yakima County.

Department Head/ Elected Official

  
Signature

**AGREEMENT** Attached Is Approved as to Form  
Corporate Counsel Initial



*Late Agenda Requests Require BOCC Chairman Signature:*

\_\_\_\_\_

**BOARD OF YAKIMA COUNTY COMMISSIONERS**

IN THE MATTER OF AUTHORIZING THE  
CHAIR OF THE BOARD TO SIGN A  
PARTICIPATION FORM TO APPROVE THE  
OPIOID DISTRIBUTORS WASHINGTON  
SETTLEMENT AND BECOME A  
PARTICIPATING SUBDIVISION AS  
PROVIDED THEREIN

RESOLUTION

**21.3 - 2022**

WHEREAS, the Washington State Attorney General has entered into a settlement agreement (“Distributors Washington Settlement”) addressing the Washington State opioid crisis with the three largest pharmaceutical distributors in the nation; and

WHEREAS, for the distributor settlement to become effective, there must be sign on to the settlement from 90% of jurisdictions with a population over 10,000 that did not file a lawsuit; and

WHEREAS, Yakima County was a non-litigating jurisdiction; and

WHEREAS, in order to earmark a significant portion of the settlement funds to combat the opioid epidemic in our community, it is in the best interest of its residents that Yakima County approve the settlement; and

WHEREAS, the Attorney General has forwarded to Yakima County for signature a “Subdivision Settlement Participation Form” (“Participation Form”); now therefore

BE IT HEREBY RESOLVED that the Board of Yakima County Commissioner authorizes the Chair of the Board to sign the Participation Form on behalf of Yakima County.

**DONE      AUG 1.6 2022**

\_\_\_\_\_  
Amanda McKinney, Chair

\_\_\_\_\_  
Ron Anderson, Commissioner

\_\_\_\_\_  
Attest: Julie Lawrence  
Clerk of the Board

\_\_\_\_\_  
LaDon Linde, Commissioner  
*Constituting the Board of County Commissioners  
for Yakima County, Washington*

**Exhibit F**  
**Subdivision Settlement Participation Form**

Governmental Entity: <u>Yakima County</u>	State: <u>WA</u>
Authorized Official: <u>Amanda McKinney</u>	
Address 1: <u>128 N. 2<sup>nd</sup> Street, Room 232</u>	
Address 2:	
City, State, Zip: <u>Yakima, WA 98901</u>	
Phone: <u>509-574-1500</u>	
Email: <u>amanda.mckinney@co.yakima.wa.us</u>	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated May 2, 2022 (“*Distributors Washington Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributors Washington Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributors Washington Settlement, including the Distributor Global Settlement Agreement dated July 21, 2021 (“*Global Settlement*”) attached to the Distributors Washington Settlement as Exhibit H, 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 in the Distributors Washington Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of October 1, 2022 and 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 terms of the Distributors Washington Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Distributors Washington Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after December 1, 2022.
6. The Governmental Entity agrees to use any monies it receives through the Distributors Washington Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the Washington Consent Judgment Court for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributors Washington Settlement. 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 Distributors Washington Settlement.

8. The Governmental Entity has the right to enforce the Distributors Washington Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributors Washington Settlement, including, but not limited to, all provisions of Section XI of the Global Settlement, 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 Distributors Washington Settlement are intended by the Agreement 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 Distributors Washington 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 as set forth in the Distributors Washington Settlement.
11. In connection with the releases provided for in the Distributors Washington 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 date the Distributors Washington Settlement becomes effective pursuant to Section II.B of the Distributors Washington Settlement, 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 Distributors Washington Settlement.

12. Nothing herein is intended to modify in any way the terms of the Distributors Washington Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is worded differently from Exhibit F to the Distributors Washington Settlement or interpreted differently from the Distributors Washington Settlement in any respect, the Distributors Washington Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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