

**DURHAM, NORTH CAROLINA  
THURSDAY, SEPTEMBER 30, 2021  
10:00 A.M.**

The Durham City Council held a special city council meeting on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, Pierce Freelon, DeDreana Freeman, Mark-Anthony Middleton and Council Member Charlie Reece.  
Absent: None.

Also Present: City Manager Wanda Page, Deputy City Attorney Don O'Toole, and Deputy City Clerk Ashley Wyatt.

Mayor Schewel called the meeting to order and welcomed everyone in attendance.

**SUBJECT: A RESOLUTION BY THE CITY OF DURHAM, NORTH CAROLINA  
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN  
THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON  
PROCEEDS RELATING TO THE SETTLEMENT OF OPIOD LITIGATION**

Mayor Schewel provided background as to how the item came before Council, noted that the County of Durham was on a different timeline and turned the meeting over to Deputy City Attorney Don O'Toole to outline more specifics.

Mr. O'Toole stated that there was ongoing national litigation regarding opioids, led by Attorney General Josh Stein. He advised that a potential settlement had been reached and that the payout could result in funds going to various states and local governments; however, the local governments had to determine whether they would agree to sign the settlement.

Council Member Middleton asked if the local governments could allocate the money for any purpose.

Mr. O'Toole advised that they could not use the money for any purpose, due to language in the memorandum.

Council Member Middleton asked if there was an organic need for the funding or if Council needed to create an avenue in order to apply it.

Mr. O'Toole advised that the City could work with the County or work within the existing structure of the county.

Council Member Freeman asked if the settlement would be a one-time payment.

Mr. O'Toole advised that it was unclear since the final payments were contingent on how

many local governments signed on to the settlement, but they were subject to payments over 10 years.

Council Member Freeman asked if there were any protections in place regarding if the company were to file bankruptcy.

Mr. O'Toole advised that once the agreement had been signed, the company would have to make payments, but did not know specifically if the company was permitted to file bankruptcy.

Mayor Schewel asked what actions were needed by council.

Mr. O'Toole read the motion aloud required to take action on the item.

Council Member Freeman asked if the item was meant to be a closed session.

Mr. O' Toole stated it was not.

**MOTION** by Council Member Reece, seconded by Mayor Pro Tempore Johnson to adopt a Resolution by the City of Durham, North Carolina approving the memorandum of agreement (moa) between the State of North Carolina and local governments on proceeds relating to the settlement of opioid litigation, was approved at 10:12 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

**RESOLUTION #10233**

Mayor Schewel asked what the process was to ensure the City of Durham met the October 1, 2021 deadline.

Mr. O'Toole advised that he had received the signed Memorandum of Agreement from City Manager Page and was awaiting the accompanying Resolution from the Clerk's office.

Mayor Schewel thanked Council and Staff for being able to move the item before the deadline.

Council Member Freeman noted that it was important to have both the City and County in agreement on the previous item since it would have increased the payment by 5%.

Council Member Reece also thanked staff and requested an excused absence from the October 4, 2021 and October 7, 2021 Council Meetings to attend a conference.

**MOTION** by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to approve excused absences for Council Member Reece on October 4<sup>th</sup> and October 7<sup>th</sup>, was approved at 10:13 a.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freelon, Freeman, Middleton and Reece. Noes: None. Absent: None

**[ADJOURNMENT- 10:14 AM]**

Ashley Wyatt, CMC  
Deputy City Clerk

Diana Schreiber, CMC  
City Clerk