

JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
March 21, 2023

Special City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 4:00 PM

Civic Center, Gibson Room 212

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Eric Hinebauch, Susan Wolff and Joe McKenney. Commissioner Rick Tryon was excused. Also present were the Deputy City Manager Chuck Anderson; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; and, Deputy City Clerk Darcy Dea.

GUESTS PRESENT: Retained Attorney Ben Snipes of Kovacich Snipes Johnson, P.C.

AGENDA APPROVAL: There were no proposed changes to the agenda by the Deputy City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

NEW BUSINESS

1. OPIOID LITIGATION STRATEGY DISCUSSION - CONSIDERATION OF PROPOSED SETTLEMENT STRUCTURE.

Mayor Kelly explained that legal counsel requested that the presiding officer consider closing this portion of the meeting to the public and the City Commission entering into an executive session pursuant to Mont. Code Ann. § 2-3-203(4) (a) because the meeting involves the discussion of litigation strategy and an open meeting would have an adverse effect on the litigation position of the City.

It was the consensus of the City Commission to enter into executive session to discuss litigation strategy.

Mayor Kelly explained that the Commission will remain in the Gibson Room with staff and legal counsel for the purposes of discussing pending litigation. There will be no action taken during the executive session. When the executive session concludes and the meeting is re-opened to the public, if any action needs to be taken on what has been presented or heard in executive session, the motion will then be made and opportunity for public comment and Commission discussion at that time.

At 4:05 p.m., the meeting continued in executive session in the Civic Center Gibson Room 212 with the City Commission, Deputy City Manager, City Attorney, Deputy City Attorney, Deputy City Clerk, and Retained Attorney Ben Snipes for the purpose of discussing pending litigation,

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strategy, and recent developments with regard to the multi-district litigation.

- - EXECUTIVE SESSION - -

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

The meeting reconvened into an open meeting. Mayor Kelly called the special meeting back to order at 4:40 p.m.

2. **OPIOID LITIGATION-CONSIDERATION OF PROPOSED SETTLEMENT STRUCTURE.**

Mayor Kelly reported that outside legal counsel has recommended that the City opt-in to the settlement for Defendants Walgreens Pharmacy, Walmart Pharmacy, CVS Pharmacy, Teva Pharmaceutical and Allergan Pharmaceutical. In order to proceed, there needs to be participation by a majority or critical mass of subdivisions in Montana. Twenty percent of the funds would be directly allocated to the City and the remaining funds dedicated to the City would be put in a trust for projects important for opioid mitigation, education and treatment. Legal counsel will provide a projected cash flow as the settlement progresses. A majority of subdivisions in Montana are also opting-in and working closely with the AG's Office with regard to the national litigation.

Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission opt-in to the proposed settlement framework for Defendants Walgreens, Walmart, CVS, Teva, and Allergan in the National Prescription Opiate Litigation.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

Mayor Kelly explained that the City is opting in with the understanding that it would be able to opt-out if there were any critical changes to what was presented in executive session.

ADJOURNMENT

There being no further business to come before the Commission, **the special meeting of March 21, 2023, adjourned at 4:42 p.m.**

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: April 4, 2023