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1 Corporation, the National Association of Counties, and local providers such as
2 those on the ATAB (Addiction Treatment Advisory Board); and

3 WHEREAS, opioid settlement monies have a set of guidelines attached
4 based on the settlement agreements reached with the various parties. While
5 the range of possible uses of these funds is broad, many of the uses fall into
6 the category of recurring expenditures and thus should include the
7 understanding of the need to commit future dollars to these expenses; and

8 WHEREAS, opioid settlement monies will be received in payments over a
9 number of years depending on the specific settlement agreement. The overall
10 projected settlement fund and timeline of receipt of the funding should be a
11 critical factor in the planning and decision-making processes rather than
12 point-in-time snapshots of the funding available; and

13 WHEREAS, through careful, deliberate, and strategic planning and
14 consideration of best practices and promising best practices principles
15 established by public health policymakers, behavioral health experts, and the
16 Substance Abuse and Mental Health Services Administration (SAMHSA),
17 opioid settlement funding can be used to make strategic investments that
18 have real and lasting impacts in our community and for individuals and
19 families most impacted; and

20 WHEREAS, combining opioid settlement resources and planning with
21 Bernalillo County will further strengthen our ability to meet the biggest opioid
22 use disorder needs in our community while avoiding duplication of effort and
23 building a strong and coordinated support network.

24 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
25 ALBUQUERQUE:

26 SECTION 1. Any unappropriated funds in Fund 201 and additional opioid
27 settlement monies received by the City after the effective date of this
28 Resolution shall not be appropriated until the following processes have been
29 successfully implemented unless such appropriations are otherwise directed
30 by Council:

- 31 1. An estimated “life of settlement” fund balance and timeline for receipt of
32 such is projected by the City Attorney, the Department of Finance and

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- 1 **Administrative Services, and the Health, Housing, and Homelessness**
- 2 **Department;**
- 3 **2. Meaningful engagement and strategic collaboration with Bernalillo**
- 4 **County is achieved to pass a joint strategic resource plan for opioid**
- 5 **settlement monies;**
- 6 **3. The State of New Mexico, Tribal Governments, and other local**
- 7 **governments are solicited for input;**
- 8 **4. The City contracts with an outside entity to design and implement a**
- 9 **planning process including but not limited to a landscape analysis of**
- 10 **current resources in the local behavioral health, prevention,**
- 11 **intervention, and addiction treatment system;**
- 12 **5. A facilitated public planning and meeting process is conducted to solicit**
- 13 **public input on the use of opioid settlement monies. This shall include**
- 14 **significant outreach to providers, impacted communities, and business**
- 15 **groups among others;**
- 16 **6. The City of Albuquerque’s projects are planned with alternate budget**
- 17 **resources sufficient to operate these projects in the future, as opioid**
- 18 **settlement monies are one-time money;**
- 19 **7. The City of Albuquerque projects are prioritized to assist in preventing,**
- 20 **treating, and abating opioid use disorders to achieve long-term benefits**
- 21 **to the community including, but not limited to:**
- 22 **a. IT infrastructure and systems to support a collaborative and**
- 23 **cross-system coordinated provider network across the**
- 24 **Albuquerque metropolitan region; and**
- 25 **b. Long-term supportive housing, recovery housing including sober**
- 26 **living/transitional living, and transitional housing; and**
- 27 **c. Expansion of evidence-based and promising, trauma-responsive,**
- 28 **culturally sensitive prevention, intervention, and treatment, and**
- 29 **detox such as long-term residential treatment facilities,**
- 30 **medication-assisted treatment (MAT) facilities, and programming**
- 31 **and facilities serving youth; and**
- 32 **d. Treatment provider recruitment and expansion and workforce**
- 33 **development.**

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- 1 8. Appropriation of the Opioid Settlement Fund Balance approved by the
2 Albuquerque City Council and implemented by the City may include the
3 amount necessary to facilitate planning and development, including
4 preparation of a strategic plan, taking into account evidence-based and
5 promising best practices and principles established by behavioral and
6 mental health experts, SAMHSA, and public health policymakers.
- 7 9. Notwithstanding any other provision herein, any and all use of the
8 opioid settlement funds must comply with the New Mexico Opioid
9 Allocation Agreement (NMOAA), including the List of Opioid
10 Remediation Uses, attached as Exhibit B to the NMOAA, and originally
11 identified as Exhibit E to the Distributor Master Settlement Agreement
12 and the J&J Master Settlement Agreement, which can be found at
13 <https://nationalopioidsettlement.com/>. Any plan must account for the
14 requirements of NMOAA.
- 15 10. Within two months of the passage of this Resolution, the City
16 Administration shall report to the City Council on the status of the
17 planning process and shall report an update to the planning process
18 again at six months. The planning process shall be completed with
19 results presented to the City Council no later than 12 months after the
20 passage of this Resolution and the resulting plan shall be submitted to
21 the City Council for final approval. In the event that the City Council
22 determines that the proposed plan fails to recommend careful,
23 deliberate, and strategic use of opioid settlement funding as required by
24 this Resolution, the Council may modify the plan as appropriate to the
25 intention and parameters of this Resolution.
- 26 11. All appropriations from Fund 201 Reserves require City Council
27 approval.
- 28 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph,
29 sentence, clause, word, or phrase of this Resolution is for any reason held
30 to be invalid or unenforceable by any court of competent jurisdiction, such
31 decision shall not affect the validity of the remaining provisions of this
32 Resolution. The Council hereby declares that it would have passed this
33 Resolution and each section, paragraph, sentence, clause, word, or phrase

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thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

FISCAL IMPACT ANALYSIS

TITLE: Establishing a Policy for the Expenditure of Opioid Settlement Monies

R: 23-174 O:
FUND: 201

DEPT:

- [X] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- [] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2023	Fiscal Years 2024	2025	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> [] Estimated revenues not affected				
<input checked="" type="checkbox"/> [x] Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS: Per Council bill R-22-91, a total of \$4,815,000 was appropriated to the Family and Community Services Department for Treatment of Opioid Use Disorder, Supportive Services for Treatment and Recover, and Other Strategies. **Funds for the LG Abatement Fund 201 are currently at a total of \$5.4m. No expense have been made as of 10.10.23.**

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

There is no fiscal impact on the General Fund. This Resolution would not require administrative time that is outside of what is already included in the approved FY24 budget. The eventual plan to spend the Settlement Funds may require further administrative time and could require an adjustment to the budget.

PREPARED BY:

APPROVED:

Laura W Rummier
FISCAL ANALYST

DIRECTOR (date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST