



# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

### Interoffice Memorandum

October 26, 2023

**To:** CITY COUNCIL

**From:** Camille Chavez, Assistant City Clerk

**Subject:** BILL NO. R-23-174; ENACTMENT NO. R-2023-090

I hereby certify that on October 26, 2023, the Office of the City Clerk received Bill R-23-174 as signed by the president of the City Council, Pat Davis. Enactment No. R-2023-090 was passed at the October 16, 2023 City Council meeting. Mayor Keller did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-23-174.

Sincerely,

Ethan Watson  
City Clerk

R-2023-090

---

---

**CITY OF ALBUQUERQUE  
CITY COUNCIL**

---

---

**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Isaac Padilla, Director of Council Services  10-19-23

**SUBJECT:** Transmittal of Legislation

---

Transmitted herewith is Bill No. R-23-174 Establishing A Policy For The Expenditure Of Opioid Settlement Monies (Fiebelkorn, Grout, Bassan), which was passed at the Council meeting of October 16, 2023, by a vote of 7 FOR AND 1 AGAINST.

For: Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Sanchez

Against: Peña

Excused: Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.



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

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

- 1 **Administrative Services, and the Health, Housing, and Homelessness**
- 2 **Department;**
- 3 **2. Meaningful engagement and strategic collaboration with Bernalillo County**
- 4 **is achieved to pass a joint strategic resource plan for opioid settlement**
- 5 **monies;**
- 6 **3. The State of New Mexico, Tribal Governments, and other local governments**
- 7 **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 current**
- 10 **resources in the local behavioral health, prevention, intervention, and**
- 11 **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 to the**
- 21 **community including, but not limited to:**
- 22 **a. IT infrastructure and systems to support a collaborative and cross-system**
- 23 **coordinated provider network across the Albuquerque metropolitan region;**
- 24 **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, culturally**
- 28 **sensitive prevention, intervention, and treatment, and detox such as long-term**
- 29 **residential treatment facilities, medication-assisted treatment (MAT) facilities,**
- 30 **and programming and facilities serving youth; and**
- 31 **d. Treatment provider recruitment and expansion and workforce**
- 32 **development.**

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

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 mental  
6 health experts, SAMHSA, and public health policymakers.

7 9. Notwithstanding any other provision herein, any and all use of the opioid  
8 settlement funds must comply with the New Mexico Opioid Allocation  
9 Agreement (NMOAA), including the List of Opioid Remediation Uses, attached  
10 as Exhibit B to the NMOAA, and originally identified as Exhibit E to the  
11 Distributor Master Settlement Agreement and the J&J Master Settlement  
12 Agreement, which can be found at <https://nationalopioidsettlement.com/>. Any  
13 plan must account for the requirements of NMOAA.

14 10. Within two months of the passage of this Resolution, the City  
15 Administration shall report to the City Council on the status of the planning  
16 process and shall report an update to the planning process again at six  
17 months. The planning process shall be completed with results presented to  
18 the City Council no later than 12 months after the passage of this Resolution  
19 and the resulting plan shall be submitted to the City Council for final approval.  
20 In the event that the City Council determines that the proposed plan fails to  
21 recommend careful, deliberate, and strategic use of opioid settlement funding  
22 as required by this Resolution, the Council may modify the plan as appropriate  
23 to the intention and parameters of this Resolution.

24 11. All appropriations from Fund 201 Reserves require City Council approval.

25 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
26 clause, word, or phrase of this Resolution is for any reason held to be invalid  
27 or unenforceable by any court of competent jurisdiction, such decision shall  
28 not affect the validity of the remaining provisions of this Resolution. The  
29 Council hereby declares that it would have passed this Resolution and each  
30 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
31 any provision being declared unconstitutional or otherwise invalid.

32  
33

1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF October, 2023  
2 BY A VOTE OF: 7 FOR 1 AGAINST.

3  
4  
5  
6

For: Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Sanchez  
Against: Peña  
Excused: Lewis

7  
8  
9



10  
11  
12  
13  
14  
15

---

Pat Davis, President  
City Council

16 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

17  
18  
19  
20

Bill No. R-23-174

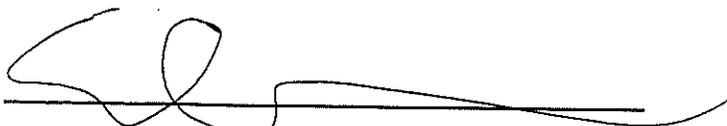
21  
22  
23  
24  
25  
26

---

Timothy M. Keller, Mayor  
City of Albuquerque

27  
28  
29

ATTEST:



30  
31  
32

Ethan Watson, City Clerk