

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-174 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, Renée Grout, Brook Bassan

1 RESOLUTION

2 ESTABLISHING A POLICY FOR THE EXPENDITURE OF OPIOID SETTLEMENT
3 MONIES.

4 WHEREAS, opioid settlement monies are being provided to address the
5 damages inflicted by the widespread marketing and misuse of synthetic
6 opioids, its impact on our public health and safety, on families and individuals,
7 and the local economy; and

8 WHEREAS, the term “opioid” can be used to include plant-derived opiates,
9 semisynthetic opioids such as oxycodone, which have compounds from plant
10 sources and fully synthetic opioids which are completely humanmade via
11 laboratories; and

12 WHEREAS, opioid settlement monies are insufficient to address the full
13 spectrum of needs of our community as it relates to opioid use disorder, but
14 these monies offer a unique and potentially transformational opportunity for
15 targeted spending to address some of these needs; and

16 WHEREAS, opioid settlement monies are a one-time source of funding and
17 should thus fund effective evidence-based, culturally responsive, trauma-
18 responsive, and promising practices to address addiction, homelessness due
19 to addiction, and prevention, intervention, and treatment programs and
20 facilities; and

21 WHEREAS, the planned, strategic spending of these funds should include
22 a focus on addressing community impacts of opioids, in alignment with the
23 advice of behavioral health, community prevention, and addiction treatment
24 providers who are experts in the area of behavioral health, positive youth
25 development, family engagement, and public health and policy experts, such
26 as the Johns Hopkins Bloomberg School of Public Health, the Rand

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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

- 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.

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8. Appropriation of the Opioid Settlement Fund Balance approved by the Albuquerque City Council and implemented by the City may include the amount necessary to facilitate planning and development, including preparation of a strategic plan, taking into account evidence-based and promising best practices and principles established by behavioral and mental health experts, SAMHSA, and public health policymakers.

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

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

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

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