

**RESOLUTION NO. 2021-12-**

**A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF NECESSARY AGREEMENTS TO MAXIMIZE THE CITY OF ARKANSAS CITY'S ALLOCATION OF OPIOID SETTLEMENT FUNDS.**

**WHEREAS**, the people of the State of Kansas and its communities have been harmed by the opioid epidemic due to the misfeasance, nonfeasance, and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and

**WHEREAS**, the State of Kansas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the opioid epidemic caused by that misfeasance, nonfeasance, and malfeasance throughout the State of Kansas; and

**WHEREAS**, in furtherance of that goal, during the 2021 Legislative Session the Kansas Legislature passed the Kansas Fights Addiction Act (House Bill 2079) to address the use of funds received from opioid litigation and establish limits on future opioid litigation by municipalities; and

**WHEREAS**, House Bill 2079 contemplates the distribution of settlement funds received from the opioid litigation to non-litigating municipalities and litigating municipalities who have entered into an agreement to waive their claims according to a formula negotiated between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; and

**WHEREAS**, Kansas's share of settlement funds from certain national settlement agreements will be maximized only if all necessary Kansas Political Subdivisions participate; and

**WHEREAS**, the moneys in the Municipalities Fight Addiction Fund shall be expended for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct; and

**WHEREAS**, the City is a nonlitigating municipality; and

**WHEREAS**, the City has sustained damages related to the opioid epidemic; and

**WHEREAS**, the City desires to enter an Agreement with the Attorney General in order to access opioid litigation settlement funds pursuant to House Bill 2079 and become eligible for certain state grants.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE.** Certification of Costs and Expenses. The City hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation and abatement in excess of \$500, the City anticipates incurring future costs and expenses related to substance abuse or addiction mitigation and abatement in excess of \$500, and the City can utilize the opioid settlement funds for lawful purposes. The City Manager, City Clerk, and City Attorney are hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of and as the act and deed of the City.

**SECTION TWO.** Execution of Agreement(s). The City Manager, City Clerk, and City Attorney are hereby authorized and directed to execute, seal, attest and deliver any necessary documents required by the Attorney General or by the National Opioid Settlement in order for the City to maximize its allocation of settlement funds.

**SECTION THREE.** Severability. That if any part or portion of this resolution shall be held or determined illegal, ultra vires, or void, the same shall not be held or construed to alter, change, or annul any term or provision hereof which may be legal or lawful.

**SECTION FOUR.** Effective Date. This Resolution will be in full force and effect from its date of passage by the Governing Body of the City of Arkansas City, Kansas.

**PASSED AND RESOLVED** by the Governing Body of the City of Arkansas City, Kansas, on this 21<sup>st</sup> day of December, 2021.

\_\_\_\_\_  
Scott Rogers, Mayor

ATTEST:

\_\_\_\_\_  
Lesley Shook, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2021-12-\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on December 21, 2021 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Lesley Shook, City Clerk