

RESOLUTION 2023-011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AMENDMENT ONE
TO THE INTERGOVERNMENTAL AGREEMENT REGARDING
LARIMER COUNTY REGIONAL OPIOID SETTLEMENT IMPLEMENTATION

WHEREAS, communities throughout the State of Colorado, including the City of Fort Collins (“City), are suffering from an epidemic of opioid addiction; and

WHEREAS, the opioid epidemic has not only affected individuals and families across the country, but it has also burdened the local and state governments charged with providing the services needed to address the wave of addiction; and

WHEREAS, local and state governments across the nation, including in Colorado, have filed lawsuits against opioid manufacturers, distributors, and pharmacies for creating the opioid epidemic; and

WHEREAS, the parties to the various opioid lawsuits have been negotiating settlement agreements to resolve the litigation which include incentive payments for maximizing participation by local governments; and

WHEREAS, through extensive negotiations, local governments and the Colorado Attorney General’s Office developed a Memorandum of Understanding (“MOU”) to govern how opioids settlement funds will be allocated in Colorado; and

WHEREAS, in order to participate in and receive funds from the Colorado opioids settlements, the City was required to approve and sign the MOU and associated settlement participation forms, releasing the City’s claims against the opioid manufacturers, distributors, and pharmacies; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution 2021-113, approving a Memorandum of Understanding with other Colorado local governments and the Colorado Attorney General’s Office (“MOU”) to govern how opioids settlement funds will be allocated in Colorado, and directing the Mayor to sign the MOU and related releases of legal claims against certain opioid industry defendants; and

WHEREAS, a significant portion of the Colorado opioid settlement funds will be distributed to 18 designated regions comprising the state, including the Larimer County Region; and

WHEREAS, as a condition of distribution of funds to any region, including the Larimer County Region, that Region was required to establish a regional council to govern the distribution of the regional funds, and enter into an intergovernmental agreement to set out the terms of implementation for the region; and

WHEREAS, in 2021 a group of staff representing the local governments of the Larimer County Region (Fort Collins, Loveland, Wellington and Larimer County) along with the Larimer County Board of Health, developed a regional structure and intergovernmental agreement to enable the Larimer County Region to plan for utilization of opioid settlement funds, and receive and distribute those funds in support of the plan and consistent with the terms of the opioid settlement (the “Regional IGA”); and

WHEREAS, on May 3, 2022, the City Council adopted Resolution 2022-055, approving the Regional IGA, which IGA was signed by all original parties effective June 7, 2022; and

WHEREAS, since that time, the Town of Estes Park has requested to be added as a participating local government under the Regional IGA; and

WHEREAS, on September 16, 2022, the Opioid Abatement Council for the Larimer County Region voted to recommend the addition of the Town of Estes Park as a participating local government through the amendment of the Regional IGA; and

WHEREAS, the parties have prepared Amendment One to the Colorado Regional Opioid Intergovernmental Agreement for the Larimer County Region (“Amendment One”), attached hereto as Exhibit “A” and incorporated herein by this reference, to add Estes Park and add an Estes Park representative to the Regional Council; and

WHEREAS, all parties to the Regional IGA must approve Amendment One in order for it to be effective.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves Amendment One.

Section 3. That the City Council hereby authorizes the Mayor to execute Amendment One in substantially the form attached hereto as Exhibit “A”, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of January 2023.

Mayor

ATTEST:

City Clerk