

RESOLUTION 2023- 028  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING PARTICIPATION IN THE SETTLEMENTS  
WITH FIVE ADDITIONAL OPIOID DEFENDANTS  
AND RELATED WAIVERS OF CLAIMS

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 negotiated a Memorandum of Understanding to govern how opioids settlement funds will be allocated in Colorado, to maximize recovery from the variety of lawsuits filed by the state and local governments across the nation (“MOU”), along with the Subdivision Settlement Participation Forms to address opioid defendants Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson; and

WHEREAS, on December 7, 2021, the City Council approved Resolution 2021-113, approving participation in the Colorado Opioids Settlement and authorizing execution of related agreements, which were signed and submitted to the Colorado Attorney General in December 2021; and

WHEREAS, on May 3, 2022, the City Council approved Resolution 2022-055, authorizing the execution of an intergovernmental agreement regarding regional opioid settlement implementation (“IGA”) and designating a City representative to the Larimer Regional Opioid Council; and

WHEREAS, the City entered into the IGA and it has since been amended to add participation by the Town of Estes Park, pursuant to City Council’s Resolution 2023-011, adopted on January 17, 2023; and

WHEREAS, additional settlements by the State of Colorado and participating local governments have been negotiated with opioid defendants Teva, Allergan, Walmart, CVS and Walgreens, and the City may participate in these settlements and receive settlement payments

by executing the Participation Form with each settling defendant, including an associated waiver of claims; and

WHEREAS, the City desires to participate in the Colorado opioids settlements to increase recoveries for Colorado government entities and so the City is eligible to receive settlement funds to be used for approved purposes to abate the opioid epidemic as defined in the MOU for the benefit of the residents of the City; and

WHEREAS, accordingly, the City Council desires to approve and authorize execution of the five Participation Forms attached to this Resolution.

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 the Participation Forms attached hereto as Exhibits A through E, incorporated herein by this reference.

Section 3. That the Mayor is hereby authorized and directed to execute on behalf of the City the attached Participation Forms.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of March, 2023.

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Mayor

ATTEST:

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City Clerk