

RESOLUTION 2024-096
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING PARTICIPATION IN THE SETTLEMENT WITH AN
ADDITIONAL OPIOID DEFENDANT, KROGER, AND A RELATED
WAIVER OF CLAIMS

A. Communities throughout the State of Colorado, including the City of Fort Collins (“City), are suffering from an epidemic of opioid addiction.

B. 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.

C. Local and state governments across the nation, including in Colorado, have filed lawsuits against opioid manufacturers, distributors, and pharmacies for creating the opioid epidemic.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. On March 21, 2023, the City Council adopted Resolution 2023-028, approving additional settlements with opioid defendants Teva, Allergan, Walmart, CVS and Walgreens.

J. A national settlement has now been negotiated on behalf of the State of Colorado and participating local governments with an additional opioid defendant, Kroger, and the City may participate in this settlement and receive settlement payments by executing the Participation Form for this opioid defendant, including an associated waiver of claims.

K. The City desires to participate in the Colorado opioids settlement 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.

L. Accordingly, the City Council desires to approve and authorize execution of the Kroger Participation Form attached to this Resolution.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council approves the Participation Form attached hereto as Exhibit A and incorporated herein by this reference

Section 2. The Mayor is authorized and directed to execute on behalf of the City the attached Participation Form.

Passed and adopted on August 20, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: August 20, 2024
Approving Attorney: Carrie M. Daggett