

ORDINANCE NO. 106, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM THE 2023 COLORADO
OPIOID SETTLEMENT FUNDS FOR USE BY THE MUNICIPAL COURT

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

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

WHEREAS, over the last several years the parties to various opioid lawsuits have been negotiating settlement agreements to resolve the litigation; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution 2021-113 approving the City's participation in the Colorado opioids settlement and authorizing execution of: (a) a Memorandum of Understanding ("MOU") with the State of Colorado governing the City's participation in the Colorado opioid settlement and allocation of opioid settlement funds in Colorado, and (b) related releases of legal claims against certain opioid industry defendants; and

WHEREAS, a significant portion of the opioid settlement funds are being distributed to 18 designated regions in the state, including the Larimer County Region; and

WHEREAS, on May 3, 2022, the City Council adopted Resolution 2022-055, authorizing execution of an Intergovernmental Agreement between the City, Larimer County, the City of Loveland and the Town of Wellington to establish the Larimer Regional Opioid Council, which will determine the distribution of the regional funds (the "Regional IGA"); and

WHEREAS, the Regional IGA was signed and went into effect on June 7, 2022, and was amended earlier this year to add the Town of Estes Park to the Regional Council, pursuant to City Council Resolution 2023-011, adopted January 17, 2023; and

WHEREAS, on March 21, 2023, the City Council adopted Resolution 2023-028, authorizing settlements and waivers with five additional opioid defendants; and

WHEREAS, the City has received its first payment of settlement funds in the amount of \$106,672 for 2023; and

WHEREAS, the Fort Collins Municipal Court has asked to appropriate \$75,000 of the settlement funds to use in 2023 to help establish a municipal drug court program that would provide evidence based problem-solving court practices to individuals with opioid use disorders and any co-occurring substance use disorders; and

WHEREAS, programs to address the needs of criminal-justice-involved persons with opioid use disorder and any co-occurring substance use disorders or mental health issues are an approved use of settlement funds under the MOU; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of addressing the criminal justice consequences of substance use in the community; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

WHEREAS, the Council Finance Committee supported this appropriation at its July 6, 2023, meeting.

NOW, THEREFORE, BE IT ORDAINED 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 there is hereby appropriated from new revenue or other funds in the General Fund the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) to be expended in the General Fund for use by Municipal Court for the drug court program.

Introduced, considered favorably on first reading, and ordered published this 15th day of August, 2023, and to be presented for final passage on the 5th day of September, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of September, 2023.

Mayor

ATTEST:

City Clerk