



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 03/04/2023

REQUESTER: Kathryn Walker

PRESENTER: Kathryn Walker, City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AUTHORIZING GRANT APPLICATION FOR THE POLITICAL SUBDIVISIONS OPIOID ABATEMENT GRANT FROM THE OKLAHOMA OPIOID ABATEMENT BOARD IN THE AMOUNT OF \$190,000 TO FUND A PARTNERSHIP WITH THE VIRTUE CENTER TO IMPLEMENT A FREE EDUCATION AND AWARENESS PROGRAM, EXPANDING OUTPATIENT TREATMENT SERVICES FOR ADOLESCENTS AND ADULTS ADDICTED TO OPIATES, AND PROVIDING TRAINING FOR THERAPISTS IN EVIDENCE-BASED TREATMENT MODALITIES.

BACKGROUND:

In 2020, the Oklahoma Legislature enacted House Bill 4138, the Political Subdivisions Opioid Abatement Grants Act, creating the Oklahoma Opioid Abatement Board oversight body for the distribution of opioid settlement funds. Section 2 of the Act provides the Legislature's purpose, which is "to promote and protect the health of Oklahomans by using monetary grants to abate the opioid crisis in a comprehensive manner that includes cooperation and collaboration with political subdivisions." 74 O.S. § 30.4. Although the City of Norman did not participate as a litigating party in any of the opioid lawsuits, it is eligible for opioid abatement grants.

Grants funds are limited by statute for certain approved purposes set out in 74 O.S. §30.5. These include evidence-based, forward-looking strategies, programming and services used to:

- a. expand the availability of treatment for individuals affected by opioid use disorders, co-occurring substance use disorders and mental health issues,
- b. develop, promote and provide evidence-based opioid use prevention strategies,
- c. provide opioid use disorder and co-occurring substance use disorder avoidance and awareness education,
- d. decrease the oversupply of licit and illicit opioids,

- e. support recovery from addiction services performed by qualified and appropriately licensed providers,
- f. treat opioid use, abuse and disorders including early intervention screening, counseling and support,
- g. support individuals in treatment and recovery from opioid use, abuse and disorder,
- h. provide programs or services to connect individuals with opioid use, abuse or disorder, or who are at risk of developing opioid use disorder, co-occurring substance use disorder and mental health issues, with treatment and counseling programs and services,
- i. address the needs of individuals who are involved, or who are at risk of becoming involved, in the criminal justice system due to opioid use, abuse or disorder through programs or services in municipal and county criminal judicial systems including prearrest and postarrest diversion programs, pretrial services and drug or recovery courts,
- j. address the needs of pregnant or parenting women with opioid use, abuse or disorder and their families,
- k. address the needs of parents and caregivers caring for babies with neonatal abstinence syndrome,
- l. support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids,
- m. support efforts to discourage or prevent misuse of opioids including the oversupply of licit and illicit opioids,
- n. support efforts to prevent or reduce overdose deaths or other opioid-related harms including through increased availability and distribution of naloxone and other drugs that treat overdoses for use by first responders, persons who have experienced an overdose event, families, schools, community-based service providers, social workers and other members of the public,
- o. reimburse or fund law enforcement and emergency responder expenditures relating to the opioid epidemic including costs of responding to emergency medical or police calls for service, equipment, treatment or response alternatives, mental health response training and training for law enforcement and emergency responders as to appropriate practices and precautions when dealing with opioids or individuals who are at risk of opioid overdose or death,
- p. reimburse attorney fees and allowable expenses directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020,
- q. support efforts to provide leadership, planning and coordination to abate the opioid epidemic through activities, programs or strategies for prevention and recovery models including regional intergovernmental efforts and not-for-profit agency support,
- r. support education of youths regarding the dangers of opioid use, abuse and addiction,
- s. fund training relative to any approved purpose,
- t. monitor, surveil and evaluate opioid use, abuse or disorder, or

- u. provide opioid abatement as identified by the Oklahoma Opioid Abatement Board as consistent with the purpose of the Political Subdivisions Opioid Abatement Grants Act.

In August, the Opioid Abatement Board (the “Board”) issued a Notice of Intent to Issue Funding Opportunity. At that time, the only entities authorized for application for these funds include political subdivisions and public trusts having political subdivisions as their sole beneficiary. The information available at that time did not specify whether the City could use abatement funds by contracting with another provider equipped to provide opioid abatement services. It was anticipated that the Opioid Abatement Board would consider rules that will address this issue. Based on this, the City Council approved Resolution R-2324-71 on October 10, 2023, authorizing the City Manager to submit a letter of intent to submit an application for grant funds.

The Opioid Grant Application was released on December 20, 2023. On December 21, 2023, the Board released proposed emergency rules that set forth the process for political subdivisions to apply for and receive opioid grant awards. Emergency rules become effective as soon as the Governor signs them. In this case, after a review of all editions of the Oklahoma Register since December 21, 2023, it doesn't appear the rules were ever signed by the Governor. They have now been proposed as permanent rules and the adoption process is ongoing. These rules, once adopted, will allow a grant recipient like Norman, to contract or partner with a nonprofit organization or other applicant for the purpose of using its grant award for the approved purposes set forth in the Act.

We recently received clarification that, even though the rules haven't concluded the adoption process, the Board intends to allow such partnerships in this first round of grant funding. Upon learning this, Staff drafted Request for Proposals (RFP) - 2324-49 seeking proposals for partnerships and setting a deadline for proposal submission of March 4, 2024 at 12:00 pm. Three proposals were received. A selection committee made up of Darrel Pyle, City Manager, Kathryn Walker, City Attorney, Major Jamie Shattuck, Norman Police, and Lisa Krieg, CDBG/Grants Manager, reviewed the proposals and scored them in accordance with the RFP.

Grant award funding is not guaranteed. The selection of a proposal is contingent on grant funding. Appendix C of the proposed permanent rules limits the maximum available funding to a city with a population over 100,000 to \$250,000.

DISCUSSION:

After review of the proposals, the highest ranking submission was from The Virtue Center. The Virtue Center is requesting \$190,000 in funding to accomplish three goals:

- Initiate a free education and awareness program for approximately 500 community members and leaders at large annually.
- Expand outpatient treatment services by providing specialized treatment for adolescents and adults whose primary addiction is opiates.
- Supplement outpatient treatment services by training therapists in two evidence based treatment modalities for substance use disorders – Cognitive Behavioral Therapy and Dialectical Behavioral Therapy.

Resolution R-2324-132 authorizes Staff to submit an applicant for grant funding for the purpose of funding a partnership with The Virtue Center to implement the qualifying programs and services described above.

RECOMMENDATION:

Staff recommends adoption of Resolution R-2324-132.