RESOLUTION NO. 9277

A RESOLUTION introduced by City Manager Brent Trout, approving the execution and delivery of necessary agreements to maximize the City of Topeka’s allocation of opioid settlement funds.

WHEREAS, the people of the State of Kansas and its communities have been harmed by the opioid epidemic due to the misfeasance, nonfeasance, and malfeasance committed by certain entities within the pharmaceutical supply chain; and

WHEREAS, the State of Kansas, through its Attorney General and its Political subdivisions, share a common desire to abate and alleviate the impacts of the opioid epidemic caused by that misfeasance, nonfeasance, and malfeasance throughout the State of Kansas; and

WHEREAS, in furtherance of that goal, during the 2021 Legislative Session the Kansas Legislature passed the Kansas Fights Addiction Act, House Bill 2079, to address the use of funds received from opioid litigation and establish limits on future opioid litigation by municipalities; and

WHEREAS, House Bill 2079 contemplates the distribution of settlement funds received from the opioid litigation to non-litigating municipalities and litigating municipalities who have entered into an agreement to waive their claims according to a formula negotiated between the Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; and

WHEREAS, Kansas’s share of settlement funds from certain national settlement agreements will be maximized only if all necessary political subdivisions participate; and

WHEREAS, the moneys in the Municipalities Fight Addiction Fund shall be expended for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct; and

WHEREAS, the City is a nonlitigating municipality; and

WHEREAS, the City sustained damages related to the opioid epidemic; and

WHEREAS, the City desires to enter an Agreement with the Attorney General in order to access opioid litigation settlement funds pursuant to House Bill 2079 and become eligible for certain state grants.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

Section 1. Certification of Costs and Expenses. The City hereby certifies that it
has incurred costs and expenses related to substance abuse or addiction mitigation and abatement in excess of $500, the City anticipates incurring future costs and expenses related to substance abuse or addiction mitigation and abatement in excess of $500, and the City can utilize the opioid litigation settlement funds for lawful purposes. The City Manager and City Attorney are hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of and as the act and deed of the City.

Section 2. Execution of the Agreement. The City Manager, City Attorney, and City Clerk are hereby authorized and directed to execute, seal, attest and deliver any necessary documents required by the Attorney General or by the National Opioid Settlement in order for the City to maximize its allocation of settlement funds.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED and APPROVED by the Governing Body on December 7, 2021.

CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk