

APPROPRIATION ORDINANCE 23-01

TO SPECIALLY APPROPRIATE THE CURRENT BALANCE OF THE OPIOID SETTLEMENT FUND TO HELP ADDRESS THE IMPACTS OF THE OPIOID CRISIS ON CITY AND COUNTY RESIDENTS

WHEREAS, for more than a decade, the opioid crisis has had profound effects and imposed devastating harms on members of the Bloomington community and on the City of Bloomington (“Bloomington”); and

WHEREAS, on February 9, 2018, Bloomington and Monroe County jointly filed a lawsuit against various manufacturers and wholesale distributors of opioids (“Defendants”) alleging significant harm to the city, the county, and their residents from the Defendants’ actions in flooding markets, including Bloomington, with opioids; and

WHEREAS, on March 24, 2022, via Resolution 22-08, Bloomington opted to resolve the lawsuit and participate in a settlement negotiated between the Defendants and the State of Indiana (“Initial Settlement”), whereby half of the settlement funds received by the state are provided to political subdivisions and whereby 70% of the settlement funds received by political subdivisions must be spent on treatment, prevention and care programs as described in settlement documents; and

WHEREAS, Indiana Code 4-6-15 *et seq.* codifies these settlement terms and automatically includes political subdivisions like Bloomington that have chosen to participate in settlement, as parties to and participants in future opioid settlements negotiated by the state; and

WHEREAS, pursuant to the Initial Settlement, Bloomington is projected to receive approximately \$1.95 million over the course of 18 years (net of attorney fees), and in 2022 received its first payments under the Initial Settlement comprising \$315,334 in “abatement” or restricted funds and \$76,572 in unrestricted funds; and

WHEREAS, in accordance with the settlement terms and state law, Bloomington has created unique funds to hold and account for abatement and unrestricted settlement funds; and

WHEREAS, Bloomington, through its Community and Family Resources Department (“CFRD”), recently partnered with Monroe County to apply for a one-time state matching grant opportunity being offered by the Indiana Family and Social Services Administration - Division of Mental Health and Addiction (DMHA) and the Governor’s Office, that if successful would provide additional funds to Bloomington and the County to support evidence-based recovery and treatment programs; and

WHEREAS, the DMHA matching grant opportunity required Bloomington and the County to provide match funds and Bloomington pledged \$100,000 in abatement funds from its 2022 Initial Settlement balance as its match, to cover the costs of supplying Narcan and providing sharps containers; and

WHEREAS, applicants for the DMHA matching grant had only 28 days to develop and submit proposals to the state, which deadline Bloomington and the County were able to meet through substantial effort and collaboration, and which highlights the importance of Bloomington’s ability to be nimble in committing opioid settlement funds if other similar opportunities arise; and

WHEREAS, in addition to committing the pledged \$100,000 in abatement funds for the DMHA matching grant, CFRD anticipates being able to use in 2023 the remainder of the 2022 opioid settlement fund payments to support various services for which opioid settlement funds may be used under the settlement documents and Indiana Code 4-6-15 et seq.; and

WHEREAS, Bloomington wishes to appropriate the full amount of the 2022 Initial Settlement payments for such uses by CFRD in its ongoing efforts to aid the community in combating the harms caused by the opioid epidemic; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

SECTION 1: For the purposes of addressing ongoing impacts of the opioid crisis felt by the residents of Bloomington and Monroe County, the following additional sums of money are hereby appropriated and ordered set apart from the two Opioid Settlement Funds – Unrestricted and Restricted – for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
Opioid Settlement Unrestricted (Fund #162) – Community and Family Resources	
Classification 3 – Services and Charges:	\$ 76,572
Grand Total Opioid Settlement Unrestricted (Fund #162)	<u>\$76,572</u>
Opioid Settlement Restricted (Fund #163) – Community and Family Resources	
Classification 3 – Services and Charges:	\$ 315,334
Grand Total Opioid Settlement Restricted (Fund #163)	<u>\$315,334</u>
Grand Total All Funds	<u><u>\$391,906</u></u>

SECTION 2: There is hereby appropriated the sum of \$391,906 Dollars (\$) out of the Unrestricted and Restricted Opioid Funds, for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis. Such appropriation shall be in addition to all appropriations provided for in the existing 2023 budget and shall continue in effect until the completion of the described purposes. This appropriation is limited to the 2022 settlement payments into the Opioid Funds and shall not affect the disposition of payments received into those funds in 2023 and subsequent years.

SECTION 3. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ___ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates \$391,906 of opioid settlement funds for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis.