

# AGENDA ITEM SUMMARY

June 1, 2021

City Council

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## STAFF

Delynn Coldiron, City Clerk  
Carrie M. Daggett, Legal

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## SUBJECT

Resolution 2021-066 Designating Mayor Jeni Arndt to Replace Former Mayor Wade Troxell to Represent the City on the Colorado Attorney General's Local Government Opioid Settlement Funds Stakeholder Working Group.

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## EXECUTIVE SUMMARY

The purpose of this item is to appoint Mayor Jeni Arndt to the Colorado Attorney General's Local Government Opioid Settlement Funds Stakeholder Working Group to replace former Mayor Wade Troxell.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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## BACKGROUND / DISCUSSION

According to the U.S. Department of Health and Human Services (HHS), in the late 1990's, pharmaceutical companies reassured the medical community that patients would not become addicted to opioid pain relievers and healthcare providers began to prescribe them at greater rates.

This led to increased prescription of opioid medications, and then to widespread misuse of both prescription and non-prescription opioids, before it became clear that these medications were, in many instances, highly addictive. HHS declared the opioid crisis a public health emergency and the Centers for Disease Control announced that life expectancy in the United States had declined in the prior several years due to the increase in drug overdose deaths. In fact, over the past decade, Colorado has lost over 5,000 Coloradoans to opioid overdose deaths and another 2,000 to heroin and fentanyl overdoses.

Opioid addiction is understood to cause many negative consequences for individuals, families and communities, including significant detrimental impacts to health and human services, child welfare, criminal justice systems and other support systems, as well as local and state governments that provide them.

Widespread and increasing prescription of opioids, which tracked the increase over time of opioid-related deaths, enriched the manufacturers, distributors and retailers of opioids (Opioid Defendants). Lawsuits filed by several hundred counties across the United States, along with a handful of states, based on the marketing conduct, distribution conduct and regulatory violations of these Opioid Defendants, are being managed together as part of a nationwide "multi-district litigation" that began in 2018. As of September 2020, over 2,600 county and city governments had filed suit against 28 Opioid Defendants, including manufacturers, distributors and pharmacy chains. As well, many states had filed cases and all states were in some form of organized negotiations with the Opioid Defendants.

Colorado Attorney General Phil Weiser has, on behalf of the people of Colorado, sued Purdue Pharma and the Sackler family, and is currently engaged in a range of settlement conversations with other companies, in an

effort to recover needed funds for Colorado to support prevention and education efforts, drug treatment and recovery programs. Although the details of these settlements are still being worked out, a fundamental tenet of the settlement plan under discussion would result in Colorado receiving twice the amount of settlement dollars if the state and local governments can agree to a single plan for distribution and use of the settlement funds.

In an effort to develop a consensus plan and obtain local governmental agreement on this, AG Weiser has been working for many months to engage with and work toward a framework for settlement agreeable to local governments across the board. Under the expected settlement framework and in addition to the distribution of funds directly to local governments based on an allocation formula, funds will be allocated to state infrastructure and partnership initiatives and the majority of the funds will likely be directed to abatement efforts planned and managed at the regional level.

A coalition of Colorado Counties, Inc., Colorado Municipal League and representatives of many counties and municipalities (the Coalition) has collaborated to propose a regional map and general approach for consideration. Building on this conceptual framework and the proposal of the Coalition, AG Weiser has convened a stakeholder working group to continue to develop a consensus plan for eventual presentation to Colorado local governments for approval.

In early 2021, Mayor Wade Troxell was invited to participate as a member of the Attorney General's Opioid Settlement Funds State/Local Government Small Working Group (Opioids Working Group). The efforts of this group were expected to take place primarily over the first few months of 2021, with the goal of developing a proposed framework for allocation, use, governance and oversight structure for the opioid settlement funds to be presented to Colorado local governments for timely approval.

The Opioids Working Group efforts are still in progress and new Mayor Jeni Arndt has been invited to participate in the Group in the place of former Mayor Troxell. She is interested in serving in this capacity. This item provides Council with the opportunity to designate her to represent the City in this role. Section 2-570 of City Code allows Council to appoint, in its discretion, any number of its own members to serve as City representatives to, or members of the boards of directors of, other governmental or private agencies.

### **CITY FINANCIAL IMPACTS**

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This item is expected to result in revenues coming to the City to support prevention and education efforts, as well as drug treatment and recovery programs related to the opioid crisis.

RESOLUTION 2021-066  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
DESIGNATING MAYOR JENI ARNDT TO REPLACE  
FORMER MAYOR WADE TROXELL TO REPRESENT THE CITY  
ON THE COLORADO ATTORNEY GENERAL'S LOCAL GOVERNMENT OPIOID  
SETTLEMENT FUNDS STAKEHOLDER WORKING GROUP

WHEREAS, according to the U.S. Department of Health and Human Services (“HHS”), in the late 1990’s, pharmaceutical companies reassured the medical community that patients would not become addicted to opioid pain relievers and healthcare providers began to prescribe them at greater rates; and

WHEREAS, this led to increased prescription of opioid medications, and then to widespread misuse of both prescription and non-prescription opioids, before it became clear that these medications were in many instances highly addictive; and

WHEREAS, in 2017, HHS declared this opioid crisis a public health emergency, and the Centers for Disease Control announced that life expectancy in the United States had declined in the prior several years, due to the increase in drug overdose deaths; and

WHEREAS, opioid addiction is understood to cause many negative consequences for individuals, families and communities, including significant detrimental impacts to health and human services, child welfare, criminal justice systems and other support systems, as well as local and state governments that provide them; and

WHEREAS, widespread and increasing prescription of opioids, which tracked the increase over time of opioid-related deaths, enriched the manufacturers, distributors and retailers of opioids (“Opioid Defendants”); and

WHEREAS, lawsuits filed by several hundred counties across the United States along with a handful of states based on the marketing conduct, distribution conduct and regulatory violations of these Opioid Defendants are being managed together as part of a nationwide “multi-district litigation” or “MDL” that began in 2018; and

WHEREAS, as of September 2020, over 2,600 county and city governments had filed suit against 28 Opioid Defendants, including manufacturers, distributors and pharmacy chains, many states had filed cases and all states were in some form of organized negotiations with the Opioid Defendants; and

WHEREAS, over the past decade, Colorado has lost over 5,000 Coloradans to opioid overdose deaths and another 2,000 to heroin and fentanyl overdoses; and

WHEREAS, Colorado Attorney General Phil Weiser has, on behalf of the people of Colorado, sued Purdue Pharma and the Sackler family, and is currently engaged in a range of settlement conversations with other companies, in an effort to recover needed funds for Colorado to support prevention and education efforts, drug treatment and recovery programs; and

WHEREAS, although the details of these settlements are still being worked out, a fundamental tenet of the settlement plan under discussion would result in Colorado receiving twice the amount of settlement dollars if the state and local governments can agree to a single plan for distribution and use of the settlement funds; and

WHEREAS, in an effort to develop a consensus plan and obtain local government agreement on it, AG Weiser has been working for many months to engage with and work toward a framework for settlement agreeable to local governments across the board; and

WHEREAS, under the expected settlement framework, in addition to the distribution of funds directly to local governments based on an allocation formula, funds will be allocated to state infrastructure and partnership initiatives and the majority of the funds will likely be directed to abatement efforts planned and managed at the regional level; and

WHEREAS, a coalition of Colorado Counties, Inc., Colorado Municipal League and representatives of many counties and municipalities (the “Coalition”) has collaborated to propose a regional map and general approach for consideration; and

WHEREAS, building on his conceptual framework and the proposal of the Coalition, AG Weiser has convened a stakeholder working group to continue to develop a consensus plan for eventual presentation to Colorado local governments for approval; and

WHEREAS, in early 2021, former Mayor Wade Troxell was invited to participate as a member of the Attorney General’s Opioid Settlement Funds State/Local Government Small Working Group (“Opioids Working Group”) and was designated to represent the City in Resolution 2021-013; and

WHEREAS, the efforts of the Opioids Working Group were expected to take place primarily in the early months of 2021, with the goal of developing a proposed framework for allocation, use, governance and oversight structure for the opioid settlement funds (“Opioid Settlement Framework”) to be presented to Colorado local governments for timely approval; and

WHEREAS, the work of the Opioids Working Group has not yet been completed and is continuing, and Mayor Jeni Arndt has been invited to replace former Mayor Troxell in this role; and

WHEREAS, Section 2-570 of City Code allows City Council to appoint, in its discretion, any number of its own members to serve as City representatives to, or members of the boards of directors of, other governmental or private agencies; and

WHEREAS, Mayor Arndt is interested in serving in this capacity and the Council desires to designate her to represent the City in that role.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FORT COLLINS that the City Council hereby designates Mayor Jeni Arndt as the City's representative on the Opioids Working Group formed by AG Phil Weiser.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of June, A.D. 2021.

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Mayor

ATTEST:

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City Clerk