

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. 2023 105

**A RESOLUTION ESTABLISHING A POLICY FOR THE EXPENDITURE
OF OPIOID SETTLEMENT MONIES**

WHEREAS, opioid settlement monies are being provided to address the damages inflicted by the widespread marketing and misuse of synthetic opioids, its impact on our public health and safety, on families and individuals, and the local economy; and

WHEREAS, the term “opioid” can be used to include plant-derived opiates, semisynthetic opioids such as oxycodone, which have compounds from plant sources, and fully synthetic opioids which are completely humanmade via laboratories; and

WHEREAS, opioid settlement monies are insufficient to address the full spectrum of needs of our community as it relates to opioid use disorder, but these monies offer a unique and potentially transformational opportunity for targeted spending to address some of these needs; and

WHEREAS, opioid settlement monies are a one-time source of funding and should thus fund effective evidence-based, culturally responsive, trauma-responsive, and promising practices to address addiction, homelessness due to addiction and prevention, intervention and treatment programs and facilities; and

WHEREAS, the planned, strategic spending of these funds should include a focus on addressing community impacts of opioids, in alignment with the advice of behavioral health, community prevention, and addiction treatment providers who are experts in the area of behavioral health, positive youth development, family engagement, and public health and policy experts, such as the Johns Hopkins Bloomberg School of Public Health, the Rand

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1 Corporation, the National Association of Counties, and local providers such as those on the
2 ATAB (Addiction Treatment Advisory Board); and

3 **WHEREAS**, opioid settlement monies have a set of guidelines attached based on the
4 settlement agreements reached with the various parties. While the range of possible uses of
5 these funds is broad, many of the uses fall into the category of recurring expenditures and
6 thus should include the understanding of the need to commit future dollars to these expenses;
7 and


8 **WHEREAS**, opioid settlement monies will be received in payments over a number of
9 years depending on the specific settlement agreement. The overall projected settlement fund
10 and timeline of receipt of the funding should be a critical factor in the planning and decision-
11 making processes rather than point-in-time snapshots of the funding available; and

12 **WHEREAS**, through careful, deliberate, and strategic planning and consideration of the
13 best practices and promising best practices principles established by public health
14 policymakers, behavioral health experts, and the Substance Abuse and Mental Health
15 Services Administration ("SAMHSA"), opioid settlement funding can be used to make
16 strategic investments that have real and lasting impacts in our community and for individuals
17 and families most impacted; and

18 **WHEREAS**, combining opioid settlement resources and planning with the City of
19 Albuquerque will further strengthen our ability to meet the biggest opioid use disorder needs
20 in our community while avoiding duplication of effort and building a strong and coordinated
21 support network.

22 **NOW, THEREFORE**, be it resolved by the Board of County Commissioners, the
23 governing body of the County of Bernalillo, that

1 SECTION 1. Any appropriations of opioid settlement monies previously received and of
2 additional settlement monies received by the County after the effective date of this
3 Resolution shall be deferred until the following processes have been successfully
4 implemented unless such appropriations are otherwise directed by the Board of County
5 Commissioners:

- 6 1. An estimated “life of settlement” fund balance and timeline for receipt of such is
7 projected by the County Attorney, the Deputy County Manager of Finance, and the
8 County Manager; 
- 9 2. Meaningful engagement and strategic collaboration with the City of Albuquerque is
10 achieved to pass a joint strategic resource plan for opioid settlement monies;
- 11 3. The State of New Mexico, Tribal Governments, and other local governments are
12 solicited for input;
- 13 4. The County contracts with an outside entity or contractor to design and implement a
14 planning process including but not limited to a landscape analysis of current resources
15 in the local behavioral health and addiction treatment system;
- 16 5. A facilitated public planning and meeting process is conducted to solicit public input
17 on the use of opioid settlement monies. This shall include significant outreach to
18 providers, impacted communities, and business groups among others;
- 19 6. Bernalillo County’s projects are planned with alternate budget resources sufficient to
20 operate these projects in the future, as opioid settlement monies are one-time money;
- 21 7. Bernalillo County projects are prioritized to assist in preventing, treating, and abating
22 opioid use disorders to achieve long-term benefits to the community including, but
23 not limited to:
 - 24 a. IT infrastructure and systems to support a collaborative and cross-system
25 coordinated provider network across the Albuquerque metropolitan region and
26 Bernalillo County; and
 - 27 b. Long-term supportive housing, recovery housing including sober
28 living/transitional living, and transitional housing; and
 - 29 c. Expansion of evidence-based and promising, trauma-responsive, culturally
30 sensitive prevention, intervention, and treatment, and detox such as long-term
31 residential treatment facilities, medication-assisted treatment (“MAT”)
32 facilities and programming and facilities serving youth; and
 - 33 d. Treatment provider recruitment and expansion and workforce development.
- 34 8. Appropriation of the Opioid Settlement Fund Balance approved by the Bernalillo
35 County Commission and implemented by the County may include the amount
36 necessary to facilitate planning and development, including preparation of a strategic
37 plan, taking into account evidence-based and promising best practices and principles
38 established by behavioral and mental health experts, SAMHSA, and public health
39 policymakers; and
- 40 9. Notwithstanding any other provision herein, any and all use of the opioid settlement
41 funds must comply with the New Mexico Opioid Allocation Agreement
42 (“NMOAA”), including the List of Opioid Remediation Uses, attached as Exhibit B
43 to the NMOAA, and originally identified as Exhibit E to the Distributor Master
44 Settlement Agreement and the J&J Master Settlement Agreement, which can be
45 found at <https://nationalopioidsettlement.com/>. Any plan must account for the
46 requirements of NMOAA.

10. Within two months of the passage of this Resolution, the County Manager shall report to the Bernalillo County Commission on the status of the planning process and shall report an update to the planning process again at six months. The planning process shall be completed with results presented to the Commission no later than 12 months after the passage of this Resolution and the resulting plan shall be submitted to the Commission for final approval. In the event that the Commission determines that the proposed plan fails to recommend careful, deliberate, and strategic use of opioid settlement funding as required by this Resolution, the Commission may modify the plan as appropriate to the intention and parameters of this Resolution.

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word, or phrase of this Resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The Commission hereby declares that it would have passed this Resolution and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

DONE, this 10th day of October, 2023

BOARD OF COUNTY COMMISSIONERS

Barbara Baca

Barbara Baca, Chair

A Barboa

Adriann Barboa, Vice-Chair

Steven Michael Quezada

Steven Michael Quezada, Member

Walt Benson

Walt Benson, Member

E. C. Olivas

Eric C. Olivas, Member



APPROVED AS TO FORM:

Ken Martinez
Ken Martinez (Oct 13, 2023 13:03 MDT)

W. Ken Martinez, County Attorney

ATTEST:

Linda Stover

Linda Stover, County Clerk