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By: Bryce J. Ward, Mayor
Introduced: 03/09/2023
Advanced: 03/23/2023
Substituted: 04/13/2023
Amended: 04/13/2023
Adopted: 04/13/2023
Immediate
Reconsideration Failed: 04/13/2023
Adopted: 04/13/2023

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2023 – 19

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ADDITIONAL OPIOID LITIGATION SETTLEMENT AGREEMENTS AND TO PLACE UPON THE BALLOT FOR THE REGULAR ELECTION THE QUESTION OF EXPANDING THE HEALTH AND SOCIAL SERVICES POWER TO INCLUDE EXPENDING SETTLEMENT FUNDS FOR OPIOID REMEDIATION

WHEREAS, Multiple class action lawsuits have been filed to hold opioid distributors and manufacturers responsible for the effects of the opioid epidemic; and

WHEREAS, The Fairbanks North Star Borough (Borough) has participated in the settlement of various lawsuits as a member of the class; and

WHEREAS, The Assembly authorized the Mayor to agree to the terms of two previous settlements, known as the Distributor Settlement and the Janssen Settlement, and the Borough has begun receiving its share of those distributions, totaling \$206,650.85 to date; and

WHEREAS, The State of Alaska has additionally elected to participate in national opioid settlements with Teva, Allergan, CVS, Walgreens and Walmart, and the Borough is able to join in these settlements; and

WHEREAS, Opioids have devastated individuals and significantly harmed communities throughout Alaska, and litigation settlement funds need the flexibility to abate opioid impacts, current and future; and

WHEREAS, Opioids impacts have resulted in increased criminal justice law enforcement demands, increased healthcare - including behavioral healthcare - demands, increased emergency medical services, increased educational supportive services demands, and increased emergency and transitional housing services demands; and

45 WHEREAS, Municipalities in Alaska are uniquely suited to help utilize or
46 distribute opioid settlement funds because of the array of services provided by
47 municipalities and by local providers; and

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49 WHEREAS, Opioid settlement funds should be available to provide grants to
50 local providers for opioid remediation; and

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52 WHEREAS, The Borough has acquired, by election, only limited health and
53 social service powers to maintain the Fairbanks Health Center building and to receive and
54 pass through grants and assist with any required match, and AS 29.35.300 allows a
55 second class borough to acquire an additional power by holding an election on the
56 question.

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58 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
59 North Star Borough:

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61 Section 1. This ordinance is not of a general and permanent nature and
62 shall not be codified.

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64 Section 2. Authorization. The Mayor is authorized to agree to the terms of
65 the additional opioid settlement agreements (Teva, Allergan, CVS, Walgreens, and
66 Walmart), including to forego future litigation and to utilize the settlement funds for opioide
67 abatement in accordance with the agreements.

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69 Section 3. Election and Proposition. At the election to be held in the Borough
70 on Tuesday, October 3, 2023, the Borough will submit to the Borough’s qualified voters
71 the following question:


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73 “Shall the Fairbanks North Star Borough exercise on an areawide basis
74 additional health and social service powers to expend opioid settlements funds to provide
75 grants to local providers for opioid remediation?”

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77 Section 4. If the proposition set forth in section 3 of this ordinance is
78 approved by a majority of the qualified voters in the Fairbanks North Star Borough, the
79 Borough may begin exercising additional health and social service powers on an areawide
80 basis to expend opioid settlement funds to provide grants to local providers for opioid
81 remediation. “Local providers” means entities that have been in operation within the
82 Fairbanks North Star Borough that are distributing naloxone, providing local emergency
83 services to community members, providing prevention programs, addressing the needs
84 of pregnant or parenting women, or performing other services authorized by the
85 approved opioid settlement agreements. This section will sunset once the opioid
86 settlement funds are expended.

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88 Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the
89 first Borough business day following its adoption.

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91 ADOPTED THE 13TH DAY OF APRIL 2023.
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96 
97 Aaron Lojewski
98 Presiding Officer

99
100 ATTEST:

101 
102 April Trickey, MMC
103 Borough Clerk
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105
106 Yeses: Kelly, Guttenberg, Rotermund, Haney, Fletcher, O'Neall, Cash, Lojewski
107 Noes: Wilson