

SPECIAL CALL FOR SPECIAL MEETING OF BOARD OF COMMISSIONERS

Neodesha, Kansas
December 28, 2021

To the Board of Commissioners:

The Board of Commissioners will hold a Special Call meeting Tuesday, December 28, 2021 at 12:00 p.m., at City Hall, for the following purposes:

1. Resolution: Kansas Opioid Litigation Settlement Fund
2. Amended Notice & Assignment of Site Lease & Project Lease: Neodesha Plastics IRB's

The Board of Commissioners met in a Special Call Session Tuesday, December 28, 2021 at 12:00 noon with Mayor Johnson presiding and Commissioner Moffatt present. Commissioner Nichol phoned in at 12:00 p.m.

Administrator Truelove addressed the Commission regarding a resolution related to the Kansas Opioid Settlement Fund and the steps necessary to participate in receiving settlement funds. Discussion held.

RESOLUTION NO. 21-44

A RESOLUTION OF THE CITY OF NEODESHA, KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE CITY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.

WHEREAS, in 2021, the Kansas Legislature enacted HB 2079, the Kansas Fights Addiction Act (the "Act"), authorizing litigating municipalities such as the City of Neodesha to access opioid litigation settlement funds and become eligible for certain state grants by entering an agreement releasing the city's opioid litigation claims to the Attorney General and assigning any future opioid litigation claims to the Attorney General (the "Agreement"); and

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

WHEREAS, the City of Neodesha desires to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section 1. Authorization of the Agreement. City hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General, and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement by and between the Attorney General and the City in substantially the form presented to and reviewed by the governing body at this meeting (copies of this document shall be on file in the records of the City), with such changes therein as shall be reviewed by the City Attorney and the officials of the City executing such documents.

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Section 2. Execution of the Agreement. The Mayor, City Administrator, City Attorney and City Clerk are hereby authorized and directed to execute, seal, attest and deliver the Agreement in substantially the form presented to and reviewed by the governing body at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of the City.

Section 3. Certification of Costs and Expenses. The City hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation in excess of \$500 and the City can utilize the opioid litigation settlement funds for the lawful purposes established in the Kansas Fights Addiction Act and the settlement agreements. The City Administrator 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 the City.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

Commissioner Moffatt moved to adopt Resolution 21-44 regarding the Kansas Opioid Settlement Agreement. Seconded by Commissioner Nichol. Motion carried.

Administrator Truelove addressed the Commission regarding approved Ordinance 1756, authorizing the issuance of taxable Industrial Revenue Bonds for Neodesha Plastics. It was discovered that some of the property related to the site lease and project lease were not included in the original bond documents. Staff and bond counsel, Gilmore & Bell, have taken steps to correct this oversight. Discussion held.

Commissioner Moffatt moved to approve the Corrected Notice, and Assignment, of Site Lease and Project Lease as presented. Seconded by Commissioner Nichol. Motion carried.

At 12:27 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Nichol. Motion carried.

ATTEST:

/s/ Devin Johnson
Devin Johnson, Mayor

/s/ Stephanie Fyfe
Stephanie Fyfe, City Clerk