

FCO 2024-17

AN ORDINANCE TO DESIGNATE USE OF FUND 1237, OPIOID RESTRICTED FUNDS

The Floyd County Commissioners, Floyd County, Indiana find as follows:

WHEREAS the Commissioners recognize the critical need to combat the opioid epidemic and related mental health and substance use disorders within our community;

WHEREAS it is estimated that the misuse of opioids annually kill more people than car accidents and with addiction and mental health related illnesses resulting increased public health, social welfare, and criminal and civil justice costs;

WHEREAS it is also estimated that the number of infant born with opioid dependence has more than quadrupled in the past decade;

WHEREAS following large national settlements with Purdue Pharma, Floyd County, Indiana has received and will continue to receive funds to compensate it for the harms resulting from the opioid crisis;

WHEREAS the amounts of funds distributed to the County include both “*restricted*” and “*unrestricted*” funds. The “*restricted*” funds were addressed in an ordinance to establish Fund 1237 in FCO 2022-42 for “Opioid Restricted Funds”. These restricted funds are also referred to as “abatement” in the records of the Floyd County Auditor. Those restricted funds have specific uses under the distribution terms of the lawsuit and which must be reported to the State of Indiana periodically. The specific uses of said restricted funds, which are permissible, are contained in the document entitled, “*Exhibit E, List of Opioid Remediation Uses.*”

WHEREAS based upon the foregoing, the expenditures from this Fund 1237 shall be used to combat, prevent, and alleviate the effects of opioid abuse and related substance use and mental health conditions in Floyd County and only as permitted by law;

WHEREAS the Floyd County Commissioners are responsible for overseeing fiscal matters, determining proper policy, and setting priorities for the allocation and expenditure of county funds and these settlement funds in particular;

WHEREAS the Floyd County Commissioners appreciate the public health disaster caused by the opioid crisis, the harm it continues to cause to the Floyd County community, its youth and all citizens, and the need for Floyd County’s citizens to feel both free and safe;

WHEREAS the Floyd County Justice Reinvestment Advisory Council was created in July, 2021 pursuant to I.C. 33-38-9.5-5. Based upon said statutory authority and as confirmed in the ByLaws, JRAC includes a membership as outlined in the statute and as approved by the Board. Such membership includes but is not limited to the sheriff, the prosecuting attorney, the chief public defender, all of the judges of Floyd County, one member of the council, one commissioner, and many stakeholders and public and private individuals, and individuals who have expertise in

mental health and addiction. A full list of current FC-JRAC membership is public record and may be found at www.floydcounty.in.gov and on file with the State of Indiana;

WHEREAS FC-JRAC's mission is to address treatment and reduction of barriers for criminal justice involved individuals with mental health and substance use disorders at each intercept point in the criminal justice system. FC-JRAC's goal of improving the lives of those affected while also reducing crime will be achieved through collaboration and the effective use of evidence-based practices and community resources, both private and public.

WHEREAS FC-JRAC's vision is that through the coordinated collaboration of local agencies and resources and use of evidence based practices, Floyd County will reduce recidivism that in turn will directly improve our community safety and promote prosperity for all of our citizens;

WHEREAS FC-JRAC's duties, obligations, and operating procedures are governed by Indiana law and as more fully outlined in IC33-38-9.5-5, et. al.;

WHEREAS given the limitations on the use of Restricted Fund 1237 and the mission and vision of FC-JRAC as being aligned therewith, the Commissioners recognize the importance and value of FC-JRAC serving as an advisory board to make recommendations to the Commissioners for the expenditure of restricted funds.

NOW THEREFORE, BE IT ORDAINED by the Floyd County Commissioners, Indiana, that:

1. **Purpose.** The purpose of this ordinance is to designate all funds from the Opioid Restricted Fund 1237 to be used to combat, prevent, and alleviate the effects of opioid abuse and related substance use and mental health conditions in Floyd County, only as permitted by law and in a manner which is consistent with any and all rules and regulations applicable to the Opioid settlement award to Floyd County.
2. **Administration and Oversight.**
 - a. FC-JRAC shall serve as the advisory board to the Commissioners for the use of the Opioid Restricted Fund 1237 for: a) planning and organizing use of the funds; b) collaborating with stakeholders; c) gathering community information relating to opioid issues and related concerns; d) to research and implement solutions to the opioid crisis; e) to provide advice regarding the expenditure of these funds and other future settlements or other allocations the county may receive related to the opioid epidemic; f) providing public education and awareness focused on the opioid crisis and related issues; g) reporting its activities with regard to this Fund to the Floyd County Board of Commissioners on at least an annual basis; and, h) assist in any reporting requirements required to other entities.
 - b. FC-JRAC shall have no legal obligations, responsibilities, duties, or government authority except as specifically outlined in the JRAC statutes and otherwise in Indiana law. Membership in FC-JRAC shall not constitute public office in and of itself.

c. However, the Floyd County Board of Commissioners shall retain all rights, responsibilities, and authority with regard to the use of the funds in compliance herewith. The Floyd County Board of Commissioners may approve expenditures by Resolution.

3. **Effective Dates.** This Ordinance shall take effect immediately upon its passage and approval by the Commissioners.

4. **Conflict with other Ordinances.** All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.


ADOPTED by the Floyd County BOARD OF COMMISSIONERS this 18th day of June, 2024.



Al Knable, President

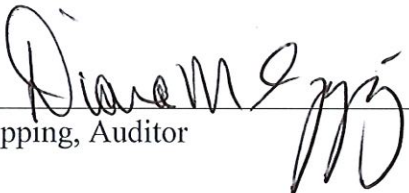


John Schellenberger, Commissioner



Jason Sharp, Commissioner

Attest



Diana Topping, Auditor