

WEDNESDAY

JANUARY 26, 2022

The Governing Body of the City of Pratt met in Special Call Session in the Commission Room located at City Hall.

PRESENT:	Zach Deeds	Mayor
	Don Peters	Commissioner
	Gary Schmidt	Commissioner (Remote)
	Jeanette Siemens	Commissioner
	Kyle Farmer	Commissioner

ALSO PRESENT:	Bruce Pinkall	City Manager
	LuAnn Kramer	City Clerk
	Brent Carver	Finance Director
	Regina Goff	City Attorney

CALL TO ORDER:

The Special Call meeting was called to order by Mayor Deeds. The Mayor instructed the Clerk to note that all Commissioners were present.

Mayor Deeds reminded the audience that this meeting may be taped and/or recorded.

BUSINESS:

CONSIDERATION AND APPROVAL OF RESOLUTION 012622 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:

City Manager Pinkall commented that the deadline to get these documents to the Attorney General was January 31st; therefore, that was why we had to have this special call. Mr. Pinkall stated that there was a potential for the City to receive some additional funds in excess of \$50,000 and he would let City Attorney Goff explain those details. Mr. Pinkall explained that it would occur in two separate payments and the first one would be around \$32,000 to \$34,000 range. Ms. Goff commented that there was a short you-tube video that describes the nation-wide lens of the opioid litigation settlement. Ms. Goff stated that the Kansas Attorney General was part of that litigation where at least three of the opioid manufacturer's pharmaceutical companies had agreed to pay out two political subdivisions an amount of money to help fight the opioid addictions. Ms. Goff explained that in May of 2021 the Governor signed House Bill 2079 that laid out the procedure in which the funds received on behalf of the State of Kansas would be delegated to the Counties and the Cities. Ms. Goff stated that she gave the Commissioners each a summary of that House Bill that specifically directs the Kansas Association of Counties, the Attorney General's office and the League of Kansas Municipalities to come up with the MOU's which determine on how any opioid funds would be delegated. Ms. Goff commented that a number of Cities and local Governments had expanded their own funds and sued pharmaceutical companies in an attempt to retrieve funds that they used to fend opioid addiction; therefore, those particular Counties would receive a little bit more, because they were at the forefront of the fight. Ms. Goff stated that she did not feel that the

City of Pratt would have gone into litigation on their own, so this was a trickle-down effect of other municipalities and Counties that had sued pharmaceutical companies.

Ms. Goff stated that we would have to certify through this resolution that we had spent at least \$500 in fighting opioid addiction. Ms. Goff commented that she had sent an email to Finance Director Carver asking him to look for expenditures of at least \$500. Chief Humble stated that one call was well over the \$500, so we spend much, much more than that. Ms. Goff stated that it was a certifiable expense if an officer responds to a call dealing with opioid addiction. The Commission then watched the you-tube video that Ms. Goff referenced earlier concerning the opioid litigation.

Ms. Goff stated that the resolution would need to be passed and sent to the Attorney General's office by January 31, 2022, which was an extension from January 1, 2022. Ms. Goff commented that she had talked to the General Counsel from the League and they estimated our first payment to be \$32,000 and a subsequent one to be around \$20,000. Ms. Goff explained that the funds had to be used in compliance with the direction of legislation and the Attorney General's office. Commissioner Farmer asked when the first payment could be expected. Ms. Goff commented that it should be around June. Commissioner Farmer questioned if this was a one-time thing. Ms. Goff stated that there would be two distributions and she was not sure if there would be more. Commissioner Farmer asked if this money would go to Chief Humble's department. Ms. Goff stated that it had to be put in separate funds and used in accordance of the guidelines set by the Attorney General's office and his department was in the front line of preventive work. Ms. Goff added that she did not have a hard yes or a hard no to his question though. Ms. Goff commented that she did not know what the guidelines were going to look like; however, his department had expended a lot of funds. Commissioner Siemens commented that the funds would be used to help tackle and reduce opioid use. Ms. Goff stated that it was usually an honorary system and part of the settlement was how it was being used.

Commissioner Peters commented that Ms. Stacey Hanson was involved in a grant for opioid prevention and he asked if any of this money could be funneled to her. Commissioner Peters stated that we had to have a plan and questioned what our first step would be. Ms. Goff stated that the first step would be to get the guidelines. Mr. Pinkall commented that there had been a couple of general statements about how the funds could be used, but there were no specifics. Mr. Pinkall stated that it had to be for prevention, education and treatment of opioid addiction and those funds could be used for reimbursement of those costs. Commissioner Peters asked if there was a timeline of when we had to spend that money. Ms. Goff and Mr. Pinkall stated that there was no timeline yet.

Commissioner Peters asked Chief Humble if he could give him an overview of what he spends that would be considered opioid expenses. Chief Humble stated that they go to opioid training and he had been to an Opioid Summit Training Conference put on by Attorney General Schmidt in Wichita. Commissioner Peters questioned if it trained officers on how to deal with someone on opioids. Chief Humble stated that it touched upon that, but it was more on awareness on what was going on with it and preventive measures we needed to be taking. Chief Humble explained that pentanal, which was a huge problem right now, could kill a person in small doses. Chief Humble stated that Narcan was an antidote that you spray in a person's nose and could revive them if they were nonresponsive. Commissioner Peters asked if every officer had that. Chief Humble stated that they did; however, they had gotten their last dose through a grant just lately that was free. Commissioner Peters asked if they had that in their patrol cars. Chief Humble stated that they did and it was for that officer to use for themselves in case they came in contact with pentanal. Chief Humble explained that it was on the streets of Pratt, but they had bought a majority of it with drug forfeiture funds and those people had been prosecuted.

Finance Director Carver asked if these funds could be used to pay for things that we normally pay for dealing with opioids. Mr. Carver clarified that he was curious if we could group it with another fund or had to create a new fund and if Chief Humble could estimate how long it would last or how far it would go. Chief Humble stated that it would be a case-by-case basis in the preventive measure and added that it had not been spelled out yet. Chief Humble commented that they had spent \$10,000 out of their drug fund to buy it off the street, because that was how fast it came into Pratt. Chief Humble stated that he was on the same committee with Ms. Hanson and they were taking preventive moves and going in the right direction. Commissioner Peters asked if any part of an officer's salary could be used in this \$50,000 if they had to go to the hospital with a person. Ms. Goff pointed out in the House Bill where the summary was of and how the monies were to be expended and she added that they were broad categories. Ms. Goff commented that Mr. Carver had lots of resources at the League and he could reach out to them.

Commissioner Farmer asked if the money the Police Department had been using was from the General Fund or if they had a special fund. Chief Humble explained that they had drug forfeiture fund money that they use as a last resort, but they also had investigative funds that they could draw from that was in the annual budget. Commissioner Farmer questioned if the County was applying for this also. Ms. Goff stated that she did not think so. Commissioner Schmidt commented that it sounded like the settlement would be split 50/50 between the Counties and the Cities, because, if one was litigating, the other was too. Ms. Goff commented that she felt that that meant that there was an allocation to the Cities as a whole and to the Counties as a whole. Ms. Goff clarified that there were two pots set aside for both. Ms. Goff stated that she had talked to the League and they had stated that the Cities would get their share.

Ms. Goff clarified that no one else could request these funds after Monday the 31st of January, 2022. Commissioner Peters stated that there were a lot of unanswered questions, but we needed to get this resolution passed. Ms. Goff stated that she agreed. Mayor Deeds stated that there were no adverse effects of this and the one main objective of the Attorney General was that we did not go after more money. Ms. Goff stated that the work had already been done and it had never been on our radar to sue Johnson and Johnson. Mayor Deeds commented that we could not go after them for the past; however, we could if there was a new case. Mayor Deeds stated that it sounded like we were not going to have any issues on finding ways to spend it. Mayor Deeds questioned if the cost of the drug dog would count. Chief Humble stated that he had the ability to work heroin and it was an opioid. Ms. Goff explained that, to be able to reimburse ourselves, we had to line-item account how the money was spent. Ms. Goff added that to go forward was not the same procedure.

With little more discussion, the following Resolution 012622 was presented to the Commission for their approval: **A RESOLUTION OF THE CITY OF PRATT, 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.** Commissioner Farmer made a motion to approve Resolution 012622 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. The motion was seconded by Commissioner Peters and carried unanimously.

ADJOURN:

Commissioner Siemens made a motion to adjourn. The motion was seconded by Commissioner Peters and carried unanimously.

APPROVED BY THE MAYOR:

ZACH DEEDS, Mayor



ATTEST:

LUANN KRAMER, City Clerk