

1 A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS
2 CREATING THE FULTON COUNTY OPIOID ABATEMENT ADVISORY COUNCIL;
3 DEFINING MEMBERSHIP OF THE FULTON COUNTY OPIOID ABATEMENT
4 ADVISORY COUNCIL; AND FOR OTHER PURPOSES.
5

6 WHEREAS, in 2017, the Secretary of the Department of Health and Human
7 Services (HHS) declared the opioid crisis a public health emergency under section 319
8 of the Public Health Service Act [see, <https://www.hhs.gov/opioids/statistics/index.html>];
9 and

10 WHEREAS, according to the Office of the Georgia Attorney General, drug
11 overdose deaths in Georgia increased by 61.9 percent from 2019 to 2021 with opioids,
12 specifically fentanyl, driving these increases; and

13 WHEREAS, in enacting O.C.G.A. § 10-13B-1(2), regarding statewide settlement
14 of opioid cases, the Georgia General Assembly recognizes that state-wide coordination
15 surrounding and managing opioid addiction and related disorders is critical to the health
16 and safety of all Georgians; and

17 WHEREAS, according to gaopioidtrust.org, from 2018 to 2022, Fulton County saw
18 a surge in opioid and synthetic opioid overdose deaths, with growth rate of 18% and 35%,
19 respectively; and

20 WHEREAS, opioid abuse and addiction continue to pose severe threats to public
21 health, safety, and the well-being of Fulton County residents; and

22 WHEREAS, a coordinated and comprehensive approach is imperative to combat
23 this urgent crisis that afflicts our community; and

1 **WHEREAS**, National Opioid Litigation Settlements have been reached with the
2 major manufacturers, distributors, and dispensers of opioids, resulting in funds
3 designated for local governments, including Fulton County, to support efforts to mitigate
4 the opioid crisis ("Settlement Funds"); and

5 **WHEREAS**, these Settlement Funds are intended to enhance addiction treatment
6 and recovery services, support local strategies for prevention, and promote education
7 within our community; and

8 **WHEREAS**, based on settlement documents [[https://opb.georgia.gov/ohsc/opioid-](https://opb.georgia.gov/ohsc/opioid-settlement-agreements)
9 settlement-agreements], Georgia will receive a combined \$636 million of these
10 Settlement Funds; and

11 **WHEREAS**, it is anticipated that \$159 million of this \$636 million, will be shared
12 among the city of Atlanta and the state's largest counties, including Fulton County
13 [[https://georgiarecorder.com/2024/04/09/georgia-to-distribute-638m-settlement-through-](https://georgiarecorder.com/2024/04/09/georgia-to-distribute-638m-settlement-through-grant-program-to-combat-deadly-opioid-epidemic)
14 grant-program-to-combat-deadly-opioid-epidemic] ; and

15 **WHEREAS**, the Fulton County Board of Commissioners is entrusted with ensuring
16 the accountable and practical use of these Settlement Funds to address the opioid
17 epidemic's local impact; and

18 **WHEREAS**, the National Opioid Litigation Settlements have outlined strategies
19 and approved uses¹ for the appropriate utilization of the Settlement Funds; and

¹ Each of the 2022 National Opioid Settlements include a list of approved uses for the settlements' remediation funds. The approved uses as well as the core strategies are listed as defined terms in Exhibit E to the various settlements, which are substantially identical to one another. One example can be found here: <https://nationalopioidsettlement.com/wp-content/uploads/2023/02/TEVA-Exhibit-E.pdf>

1 **WHEREAS**, for purposes of the distribution of the Settlement Funds, Fulton
2 County, as a Georgia county with a population of at least 400,000, is considered a
3 Qualifying Block Grantee (“QBG”); and

4 **WHEREAS**, a QBG is a designated entity that receives Settlement Funds directly
5 from the Georgia Opioid Crisis Abatement Trust to implement opioid abatement and
6 remediation opportunities within Fulton County as long as the QBG certifies that it has
7 sufficient infrastructure to provide Opioid Abatement services; and

8 **WHEREAS**, on June 14, 2024, County Manager Richard “Dick” Anderson certified
9 in writing to Commissioner Kevin Tanner of the Georgia Department of Behavioral Health
10 and Development Disabilities that Fulton County has sufficient infrastructure to provide
11 Opioid Abatement services, see Attachment “A”; and

12 **WHEREAS**, according to the State of Georgia's Memorandum of Understanding²
13 regarding the Settlement Funds, participating local governments shall form advisory
14 councils to help determine how funds will be spent for opioid remediation; and

15 **WHEREAS**, as a QBG, Fulton County has a certain level of autonomy in approving
16 and overseeing the expenditure of its allocated funds, and the establishment of a Fulton
17 County Opioid Abatement Advisory Council helps ensure that Settlement Funds are
18 allocated within the guidelines and core strategies and approved uses described in the
19 settlements; and

² See <https://www.gaopioidtrust.org/for-applicants/AttachmentBGeorgia-MOU.pdf>

1 **WHEREAS**, Article IX, Section 2, Paragraph I(a) of the Georgia Constitution gives
2 county governing authorities the power to create ordinances, resolutions, or regulations
3 related to their local government, property, and affairs; and

4 **WHEREAS**, the Board of Commissioners finds that creating and establishing the
5 Fulton County Opioid Abatement Advisory Council is in the best interest and welfare of
6 the citizens of Fulton County; and

7 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
8 Commissioners does hereby establish the Fulton County Opioid Abatement Advisory
9 Council ("Council") whose primary role is to make informed recommendations to the
10 Board of Commissioners regarding the effective allocation and management of the
11 Settlement Funds to address the opioid crisis within our community.

12 **BE IT FURTHER RESOLVED**, that the Council will:

13 (1) Recommend a comprehensive abatement strategy to the Board of
14 Commissioners that aligns with the Core Strategies, and Approved Uses, including
15 Treatment, Prevention, and Other Strategies identified in the National Opioid Litigation
16 Settlements;

17 (2) Convene as required, ensuring at least one meeting per quarter, and
18 provide written updates to the Board of Commissioners annually and whenever the Board
19 of Commissioners requests same;

20 **BE IT FURTHER RESOLVED**, that the Council shall:

1 (3) Consist of the following seven (7) voting members as their nominations are
2 confirmed by the Board of Commissioners:

3 a. A designee of the Fulton County Sheriff's Office, as nominated by the Sheriff
4 and confirmed by the Board of Commissioners;

5 b. A member designated by the executive team of the Fulton County
6 Department of Behavioral Health and Developmental Disabilities and confirmed by the
7 Board of Commissioners;

8 c. A member of the Fulton County Board of Health, as nominated by the Fulton
9 County Board of Health and confirmed by the Board of Commissioners;

10 d. An academic member with a background in substance use and recovery,
11 as nominated by the Director of the Fulton County Department of Behavioral Health and
12 Developmental Disabilities and confirmed by the Board of Commissioners;

13 e. A substance use disorder treatment provider within Fulton County licensed
14 by the Georgia Department of Community Health (DCH), as nominated by the Director of
15 the Fulton County Department of Behavioral Health and Developmental Disabilities and
16 confirmed by the Board of Commissioners;

17 f. A survivor of the disease of addiction or a family member who has lost a
18 loved one to the disease, as nominated by the Director of the Fulton County Department
19 of Behavioral Health and Developmental Disabilities and confirmed by the Board of
20 Commissioners;

1 g. A designee of the Fulton County Superior Court, as nominated by Fulton
2 County Superior Court Administration and confirmed by the Board of Commissioners.

3 **BE IT FURTHER RESOLVED**, that these seven (7) voting members shall serve
4 at the pleasure of the Board of Commissioners up to an initial term of two (2) years.

5 **BE IT FURTHER RESOLVED**, that the Director of the Fulton County Department
6 of Behavioral Health and Developmental Disabilities shall serve as an ex-officio member
7 of the Council, providing insight and guidance without holding voting rights.

8 **BE IT FURTHER RESOLVED**, that Council members must be present to vote.
9 The term "present" for the purposes of this section includes in-person participation as
10 well as virtual participation, either through teleconference or similar virtual access as
11 defined in O.C.G.A. § 50-14-1. Virtual participation means full participation in the same
12 manner as if such members were physically present.

13 **BE IT FURTHER RESOLVED**, that a quorum for voting purposes shall be a simple
14 majority of the members of the Council and shall be authorized and empowered to
15 transact any and all business which may properly come before said board.

16 **BE IT FURTHER RESOLVED**, that the Council shall have no power to incur debt
17 or contractually bind Fulton County.

18 **BE IT FURTHER RESOLVED**, that Council members shall receive no
19 compensation.

20 **BE IT FURTHER RESOLVED**, that this taskforce will sunset when all funds are
21 disbursed according to the approved disbursement plans.

