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INTERLOCAL AGREEMENT FOR POOLING OF OPIOID FUNDS RESULTING FROM THE SETTLEMENT OF CLAIMS AGAINST PHARMACEUTICAL SUPPLY CHAIN PARTICIPANTS

This Interlocal Agreement ("Agreement") for pooling of funds received by the City of Richland pursuant to its execution of the One Washington Memorandum of Understanding and agreement regarding the Greater Columbia Region related to opioid litigation settlement is entered into by and between the CITY OF RICHLAND and the County of BENTON pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

WHEREAS, Chapter 39.34, RCW permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities and thereby to provide services and facilities in a manner that will accord best geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the people of the State of Washington have been harmed by entities within the pharmaceutical supply chain who manufacture, distribute and dispense prescription opioids; and

WHEREAS, Washington State and certain local governments have and may continue to engage in litigation against entities within the pharmaceutical supply chain for their roles in the State's opioid epidemic resulting in large opioid distributors paying the State to end the litigation over multiple settlement agreements; and

WHEREAS, Benton County and the City of Richland are participating local governments who have both executed the One Washington Memorandum of Understanding Between Washington Municipalities and the Memorandum of Understanding between the Greater Columbia Region Municipalities to Establish an Opioid Abatement Council to establish a framework for the distribution and oversight of Opioid Funds (as that term is defined in both such agreements); and

WHEREAS, local governments that are parties to those agreements maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided only 10% of those funds may be used for administrative costs and the balance must be used solely for Approved Purposes as that term is defined in the One Washington MOU; and

WHEREAS, Benton County is the lead agency in establishing the Columbia Valley Center for Recovery (CVCR), which will provide services to persons suffering from opioid addiction and other substance use disorders; and

WHEREAS, payment of costs for services related to substance use disorder is an Approved Purpose; and

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WHEREAS, Benton County and the City of Richland recognize that opioid addiction is a regional issue and the citizens of the regional are best served by cooperation between agencies to combat this epidemic; and

WHEREAS, the City of Richland desires to pool all of its Opioid Funds it receives pursuant to the above referenced MOUs in order to help Benton County fund operations at the CVCR related to treatment of substance use disorders;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and upon approval in accordance with RCW 39.34, the parties do hereby agree as follows:

I. TERMS OF AGREEMENT

1. This agreement is for the transfer of all Opioid Funds received by the City of Richland to Benton County.

2. The duration of this Agreement will be from the date last signed until the City of Richland no longer receives Opioid Funds pursuant to the One Washington MOU and the Greater Columbia Region Opioid Abatement Council MOU.

3. The City of Richland agrees that all Opioid Funds received by the City of Richland under those two MOUs will promptly be forwarded to Benton County.

4. The City of Richland shall notify the regional Opioid Abatement Council, in writing, that their Opioid Funds will be transferred to Benton County.

5. Benton County agrees to accept these funds and utilize them to pay for operating costs at the Columbia Valley Center for Recovery (CVCR) specifically related to treatment of patients suffering from substance use disorders.

6. Benton County agrees to prepare and submit the required spending plan for the City of Richland's Opioid Funds, forwarded to the County, to the regional Opioid Abatement Council.

7. Benton County agrees to submit all reporting required by the regional Opioid Abatement Council showing how the City of Richland's forwarded funds have been expended on behalf of the City of Richland. Benton County will provide copies of the filed reports to the City of Richland after they have been accepted by the regional Opioid Abatement Council.

8. Benton County shall maintain all records related to the receipt and expenditure of forwarded settlement funds in accordance with the Memorandum of Understanding between the greater Columbia region municipalities establishing the Opioid Abatement Council (Benton County Resolution 2023-431).

9. Benton County shall receive and retain the City of Richland's portion of Opioid Funds that may be allocated for administrative costs.

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10. This Agreement does not involve the creation of a separate legal or administrative entity. Except as otherwise provided herein, there will be no real or personal property acquired, held, or disposed of relating to this Agreement, unless agreed upon in writing by the Parties. In the event that joint property is acquired, then it shall be distributed, when the Agreement is terminated, to the Parties in proportion to that Party's contribution to purchase such property, except as may otherwise be provided herein.

11. The administrators of this Agreement will be the Benton County Human Services Manager for Benton County and the Assistant City Manager for the City of Richland.

12. Any party hereto may terminate this Agreement upon sixty (60) days' notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the parties shall notify the regional Opioid Abatement Council, in writing, that the Agreement is terminated, and each party will be responsible for its own reporting to the regional Opioid Abatement Council effective from the date of termination.

13. A copy of this Agreement will be filed with the Benton County Auditor's Office or posted on the Benton County website as provided in RCW 39.34.040.

II. NOTICES

1. Written notice shall be directed to the parties as follows:

Benton County	**City of Richland**
Matt Rasmussen, Deputy County Administrator 7122 W. Okanogan Pl, Bldg. E Kennewick, WA 99336 509-735-3591 Matt.rasmussen@co.benton.wa.us	Drew Florence, Assistant City Manager 625 Swift Blvd, MS-03 Richland, WA 99352 509-942-7317 dflorence@ci.richland.wa.us

DATED this 22nd day of October, 2024.

(Signature Pages to Follow)

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BENTON COUNTY

DocuSigned by:
Jerome Delvin
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JEROME DELVIN, Chair of the Board

DocuSigned by:
Michael Alvarez
D6C6F57E34874E4...

MICHAEL ALVAREZ, Chair Pro Tem

DocuSigned by:
Will Mckay
135987D784E74CF...

WILL MCKAY, Commissioner

Constituting the Board of County Commissioners
of Benton County, Washington

Attest:

DocuSigned by:
Amanda Pearson
34825A975E034CE...

AMANDA PEARSON, Clerk of the Board

Approved as to Form:

RYAN BROWN, Chief Civil Deputy
Prosecuting Attorney

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CITY OF RICHLAND

Theresa A Richardson
THERESA RICHARDSON, Mayor

Attest:

Jennifer Rogers
JENNIFER ROGERS, City Clerk

Approved as to form:

Heather Kintzley
HEATHER KINTZLEY, City Attorney

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RESOLUTION 2024-0738

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVING THE INTERLOCAL AGREEMENT BETWEEN BENTON COUNTY AND THE CITY OF RICHLAND FOR POOLING OF FUNDS RESULTING FROM THE STATE OF WASHINGTON OPIOID SETTLEMENTS

WHEREAS, Benton County and the City of Richland are both participating local governments in various lawsuits against manufacturers and distributors of opioid medications governed by the One Washington Memorandum of Understanding; and

WHEREAS, Benton County is standing up the Columbia Valley Center for Recovery, which will provide substance use related services that are eligible expenditures for settlement funds; and

WHEREAS, the County and the City desire to pool their funds and dedicate them to operations and improvements at the Columbia Valley Center for Recovery; and

WHEREAS, Chapter 39.34 of the Revised Code of Washington permits local governments to enter into agreements to provide services and facilities that are beneficial to both; **NOW, THEREFORE,**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby approves the interlocal agreement between Benton County and the City of Richland for pooling of funds resulting from the State of Washington opioid settlements.

Dated this 22nd day of October, 2024

DocuSigned by:
Jerome Delvin
7ED07603283E486...

Chairman of the Board

DocuSigned by:
Michael Alvarez
D6C6F57E34874E4...

Chairman Pro Tem

DocuSigned by:
Will Mckay
135987D784E74CF...

Commissioner

Attest: DocuSigned by: Amanda Pearson 34825A975E034CE...

Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

Orig: M. Rasmussen

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RESOLUTION NO. 2024-157

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BENTON COUNTY TO POOL OPIOID FUNDS TO SUPPORT THE COLUMBIA VALLEY CENTER FOR RECOVERY.

WHEREAS, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain that manufacture, distribute, and dispense prescription opioids; and

WHEREAS, certain Local Governments, through their elected representatives and counsel, have engaged in litigation to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments; and

WHEREAS, Chapter 39.34 RCW permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities and thereby to provide services and facilities in a manner that will accord best geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Washington State and certain local governments have and may continue to engage in litigation against entities within the pharmaceutical supply chain for their roles in the State's opioid epidemic resulting in large opioid distributors paying the State to end the litigation over multiple settlement agreements; and

WHEREAS, the City of Richland and Benton County are participating local governments who have executed the One Washington Memorandum of Understanding Between Washington Municipalities (the "One Washington MOU") and the Memorandum of Understanding between the Greater Columbia Region Municipalities to Establish an Opioid Abatement Council (the "OAC MOU") to establish a framework for the distribution and oversight of Opioid Funds (as that term is defined in both agreements); and

WHEREAS, local governments that are parties to the One Washington MOU maintain discretion over the use and distribution of their allocation of Opioid Funds, provided, however, that only ten percent (10%) of those funds may be used for administrative costs and the balance must be used solely for Approved Purposes as that term is defined in the One Washington MOU; and

WHEREAS, Benton County is the lead agency in establishing the Columbia Valley Center for Recovery (CVCR), which will provide services to persons suffering from opioid addiction and other substance use disorders; and

WHEREAS, payment of costs for services related to substance use disorder is an Approved Purpose per the One Washington MOU; and

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WHEREAS, the City of Richland and Benton County recognize that opioid addiction is a regional issue and the citizens of the region are best served by cooperation between agencies to combat this epidemic; and

WHEREAS, the City of Richland desires to pool all of the Opioid Funds received pursuant to the above-referenced MOUs to help Benton County fund operations at the CVCR related to the treatment of substance use disorders.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that Mayor Richardson is hereby authorized to sign the Interlocal Agreement with Benton County to pool Opioid Funds in support of the Columbia Valley Center for Recovery.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of November, 2024.

Theresa A Richardson

Theresa Richardson, Mayor

Attest:

Jennifer Rogers

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley

Heather Kintzley, City Attorney