

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2022- 13

**AN ORDINANCE TO CREATE NON-REVERTING FUNDS WITHIN
THE CITY OF AUSTIN ACCOUNTS**

WHEREAS, the City of Austin (the “City”) desires to create certain new and non-reverting funds in which to deposit certain monies in accordance with I.C. 36-1-3; and

WHEREAS, I.C. 4-6-15 addresses opioid litigation and settlements; and

WHEREAS, Indiana was part of the \$26 billion national settlement with Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson; and

WHEREAS, Indiana’s share of the settlement was approximately \$507 million with all cities, towns, and counties in the state participating in the settlement; and

WHEREAS, the City has been advised by the Indiana Attorney General that it will be receiving approximately \$12,832.57 total in unrestricted funds and \$41,065.22 total in restricted funds over the next seventeen (17) years; and

WHEREAS, the use of the restricted funds are limited to only specific expenditures pursuant to the settlement agreements; and

WHEREAS, the City desires the funds to be perpetual or until terminated or amended by subsequent ordinance; and

WHEREAS, the creation of these funds are not an additional appropriation and a public hearing is not required; and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Austin, Indiana:

1. **NEW FUND CREATION.** There is hereby created certain new, non-reverting funds that shall be perpetual or until terminated or amended by subsequent ordinance. The new funds shall be as follows:
 - a. Fund 2256 Opioid Settlement Unrestricted
 - b. Fund 2257 Opioid Settlement Restricted
2. **EXPENDITURES FROM RESTRICTED FUND.** Expenditures from the Opioid Settlement Restricted Fund are limited to purposes as set forth in Exhibit “A.”
3. **NO CONFLICT.** All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Ordinance hereby is repealed to the extent of such conflict.

4. **SEVERABILITY.** If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.
5. **EFFECTIVENESS.** This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this 13th day of December, 2022 by a vote of 5 ayes and 0 nays.

Common Council City of Austin, Indiana

Roger Hawkins
Roger Hawkins, Presiding Officer

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on December 13th at 6:08 p.m.

Chris Fugate
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on December 13, 2022 at 6:08 p.m.

Roger Hawkins
Roger Hawkins, Mayor

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer