

RESOLUTION No. 23-116

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE ASSIGNMENT OF THE CITY'S ALLOCATION OF THE OPIOID SETTLEMENT FUNDS TO MIAMI-DADE COUNTY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral ("City") recognizes that Miami Dade County (the "County"), and the entire State of Florida, has suffered harm as a result of the opioid epidemic; and

WHEREAS, the State of Florida filed an action in Pasco County, Florida, and a number of Florida cities and counties also filed actions In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation"), against various pharmaceutical companies; and

WHEREAS, the County was one of such counties and was therefore a litigant in the Opioid Litigation; and

WHEREAS, on October 26, 2022, pursuant to Resolution 22-223, the City agreed to join the State of Florida and other local governmental units as a signatory to the Opioid Litigation global settlement; and

WHEREAS, the State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation have proposed the Florida Memorandum of Understanding (the "Florida Plan") which sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds; and

WHEREAS, the State of Florida has agreed to resolve the litigation through settlement and other means in the Opioid Litigation, and to that end, established a

City/County Fund (the “Local Fund”) and Regional Fund for the disbursement of opioid settlement proceeds (the “Opioid Funds”) among governments in Florida; and

WHEREAS, pursuant to the Florida Plan, separate payments are to be distributed directly to the cities through the Local Fund; and

WHEREAS, pursuant to the Florida Plan, the City is eligible to receive a combined total of approximately \$59,000 of the Opioid Funds, which amount would be paid over the course of 18 years; and

WHEREAS, the Opioid Funds can only be utilized for approved uses, such as opioid and substance abuse education, treatment and other related programs and services; and

WHEREAS, the City’s receipt of a separate payment from the Local Fund will require separate programs and reporting requirements by the City; and

WHEREAS, the costs to the City of administering a program and complying with the reporting requirements for the use of the funds will exceed the City’s annual allocation of Opioid Funds, which is estimated to average between \$3,000 and \$4,000 per year; and

WHEREAS, the City and the County agree that assigning the funds the City receives through the Local Fund to the County for Miami-Dade County to use to implement opioid abatement measures provides the greatest benefit to the citizens of the City and the residents of Miami-Dade County; and

WHEREAS, the City also believes that its residents will be better served by granting the funds it receives through the Local Fund to the County; and

WHEREAS, the addition of such funds to the County receives will provide the County with additional means to offer more robust and fulsome abatement measures; and

WHEREAS, based upon the foregoing, the City Commission wishes to approve the Assignment, assigning the City's settlement funds to the County, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The City Council for the City of Doral hereby approve the Assignment between the City of Doral and Miami-Dade County, which is attached hereto as Exhibit "A".

Section 3. Authorization. The City Mayor is hereby authorized to execute the Assignment, in substantially the form attached hereto as Exhibit "A".

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution, including effectuating any non-substantive revisions to the Assignment as may be deemed necessary by the County to accept the Assignment.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Pineyro who moved its adoption.

The motion was seconded by Councilmember Porras and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 9 day of August, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY

EXHIBIT “A”

Municipal Assignment of City/County Funds from the Opioid Litigation to the Regional Fund for Miami-Dade County's Use

This Assignment is hereby entered into by and between the City of Doral (the “City”), an incorporated municipality located in Miami-Dade County, Florida and Miami-Dade County, Florida, a political subdivision of the State of Florida (the “County”).

RECITALS

Whereas, the State of Florida filed an action in Pasco County, Florida, against certain pharmaceutical supply chain participants, including manufacturers and distributors of opioids; and

Whereas, a number of cities and counties throughout the State, including Miami-Dade County, filed similar actions in *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) against some of the same pharmaceutical supply chain participants; and

Whereas, the State of Florida has agreed to resolve its litigation and encouraged local governments throughout the State to resolve their claims in the Opioid Litigation or risk the imposition of a judicial or legislative bar to continued litigation; and

Whereas, the Florida Opioid Allocation and Statewide Response Agreement (“Allocation Agreement”) sets forth the framework for the allocation and use of settlement proceeds from the Opioid Litigation or related matters; and

Whereas, pursuant to the Allocation Agreement, a City/County Fund and Regional Fund (“City/County Fund” and “Regional Fund” shall have the same meaning as provided in the Allocation Agreement) were established for the disbursement of settlement proceeds from the Opioid Litigation or related matters among local governments throughout the State of Florida; and

Whereas, the City is slated to receive direct payments from the City/County Fund; and

Whereas, pursuant to the Allocation Agreement, the City will be required to comply with reporting requirements prescribed therein and could also be required to institute new programs in exchange for said payments; and

Whereas, the City and the County agree that assigning the funds that the City receives through the City/County Fund and Regional Fund, if applicable, to the County for the County to implement opioid abatement measures provides the greatest benefit to the City and County; and

Whereas, the City also believes that its residents will be better served by assigning the funds it receives through the City/County Fund and Regional Fund, if applicable, to the County; and

Whereas, the addition of such funds to the share of the Regional Fund the County receives, will provide the County with additional means to offer more robust and fulsome opioid abatement measures,

NOW, THEREFORE, in consideration of the mutual covenants hereafter contained, the parties hereby agree as follows:

SECTION 1: RECITALS

The above recitals are true and correct and by reference are incorporated herein.

SECTION 2: ASSIGNMENT OF FUNDS

The City hereby assigns the funds allocated to the City through the City/County Fund and Regional Fund, if applicable, from the Opioid Litigation or any related matter to the Regional Fund for Miami-Dade County's use. The County accepts the funds assigned by the City and will use said funds to implement opioid abatement measures pursuant to the terms and conditions of any applicable settlement agreement in or related to the Opioid Litigation and the Allocation Agreement. The County agrees it shall be bound by and comply with the terms of each settlement agreement and the Allocation Agreement, including, but not limited to, all program requirements as if it, and not the City, was initially the designated recipient of such funding.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have made and executed this Agreement on the date indicated below.

ATTEST:

Miami-Dade County

City of Doral, Florida

By: _____
Daniella Levine Cava, Mayor

By: _____
Christi Fraga, Mayor

Date: _____

Date: _____

CLERK TO THE BOARD

CLERK TO THE COUNCIL

By: _____
Clerk/Deputy Clerk

By: _____
City Clerk