

RESOLUTION NO. 2021 - 15

**A RESOLUTION OF THE CITY OF KEY COLONY BEACH,
FLORIDA AUTHORIZING MONROE COUNTY, FLORIDA,
TO JOIN WITH THE STATE OF FLORIDA AND OTHER
LOCAL GOVERNMENT UNITS AS A PARTICIPANT IN THE
FLORIDA MEMORANDUM OF UNDERSTANDING
REGARDING OPIOID LITIGATION**

WHEREAS, Monroe County, Florida, has suffered harm from the opioid epidemic; and

WHEREAS, on April 3, 2019, Monroe County filed a complaint against manufacturers and distributors, including certain national retail pharmacy chains, who have manufactured, distributed and sold opioid substances, alleging various causes of action including violation of 18 U.S.C. § 1961, Racketeer Influenced and Corrupt Organizations (RICO) Act, violation of the Florida Deceptive and Unfair Trade Practices Act, and other causes of action, which action was subsequently removed to and consolidated with lawsuits filed by numerous other states and local governments as part of multi-district litigation ("MDL"), *In re: National Prescription Opiate Litigation*, MDL Case number 2804 (N.D. Ohio) (the "Opioid Litigation"), in which Monroe County is a litigating party; and

WHEREAS, on May 15, 2018, the State of Florida filed its own complaint in the Circuit Court for the Sixth Judicial Circuit in and for Pasco County, Case No. 2018-CA-001438-CA, which case is currently being litigated in that Circuit Court; and

WHEREAS, lawyers representing the State of Florida and also Florida local governments have been engaged with the defendants in the MDL litigation as well as litigation brought by the State of Florida and other states and local governments not part of the MDL litigation, to discuss potential settlement of the various cases; and

WHEREAS, lawyers representing the State of Florida lawyers and various other Florida local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement proceeds from all opioid-related litigation; and

WHEREAS, the State of Florida has proposed a Florida Memorandum of Understanding (the "Florida Plan"), Exhibit 1 to this Resolution including Schedules A and B to the exhibit, which sets forth a framework for a unified plan for the proposed allocation and use of settlement proceeds from the opioid proceeds and shows a formula for distribution of settlement proceeds among the State of Florida, Florida counties, and Florida cities; and

WHEREAS, participation in the Florida Plan by a large majority of Florida cities and counties will improve Florida's relative bargaining position during settlement negotiations and may increase the amount of funds available to the State of Florida and its local governments; and

WHEREAS, in order to achieve these objectives, the State of Florida has requested that local governments approve the formula in principle for distribution of potential settlement proceeds

contained in the Florida Plan, with the understanding that (a) the actual dollar figures for any proposed settlements, and (b) settlement agreements would need to be brought back separately for approval by the local governing bodies, including the City of Key Colony Beach Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

1. The City of Key Colony Beach Commission finds that participation in the Florida Plan would be in the best interests of Monroe County and its citizens in that such a plan will ensure that the majority of settlement funds will go to Monroe County and its municipalities in order to abate the opioid epidemic.
2. The City of Key Colony Beach, Florida, expresses its support for a unified state-wide plan for the allocation and use of opioid settlement proceeds as generally described in the Florida Plan, attached hereto as Exhibit 1 to this Resolution, including Schedule A (Core Strategies) and Schedule B (Approved Uses).
3. If approval to the MOU is required, the City Administrator is authorized to execute the MOU provided it is in substantially the form contained in Exhibit 1, after review by the City Attorney's Office.
4. The Clerk is authorized to record this Resolution in the appropriate record book upon its adoption.
5. The Clerk is requested to furnish a certified copy of this Resolution to the Florida Attorney General at the following address:

Attorney General Ashley Moody
 c/o Chief Deputy Attorney General John M. Guard
 The Capitol
 PL-01
 Tallahassee, FL 32399-1050

6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Commission, Florida, at a regular meeting of the Board held on October 14, 2021.

Mayor Ronald Sutton	NO _____	YES <input checked="" type="checkbox"/>	
Vice Mayor Patti Trefry	NO _____	YES <input checked="" type="checkbox"/>	
Commissioner Kathryn McCullough	NO _____	YES _____	<i>excused</i>
Commissioner John DeNeale	NO _____	YES <input checked="" type="checkbox"/>	
Commissioner Tom Harding	NO _____	YES <input checked="" type="checkbox"/>	

Approved as to form and legal sufficiency:

By the Office of the City Attorney

c/o Dirk M. Smits, Esq.

Vernis & Bowling, of the Florida Keys, P.A.

81990 Overseas Highway, 3rd Floor

Islamorada, Florida 33036

Tel: (305) 664-4675

Fax: (305) 664-5414

Email: dsmits@florida-law.com

keysfiling@florida-law.com