

RESOLUTION NO. 2022-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY GOVERNING THE USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS TO ENSURE THAT ALL OF THE REGIONAL FUNDS STAY WITHIN BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a national epidemic arose as a result of the manufacture, distribution, and over-prescribing of opioid analgesics and resulted in opioid overdoses and addictions throughout Broward County ("Opioid Epidemic"); and

WHEREAS, Broward County ("the County") and all Broward Municipalities ("Municipalities") have suffered harm from the Opioid Epidemic; and

WHEREAS, the County is a Charter County within the state of Florida, and has an estimated population of 1,932,212 based on the most recent census data, and the City of Coconut Creek is among many Municipalities located in Broward County, Florida; and

WHEREAS, the State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida cities and counties have also filed an action titled *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) ("Opioid Litigation"). The County and the City are litigating participants in the Opioid Litigation; and

WHEREAS, proposed settlements have been developed to resolve certain claims under the Opioid Litigation; and

WHEREAS, the Attorney General for the State of Florida ("Attorney General") anticipates that settlement funds arising out of the Opioid Litigation will be distributed to the State of Florida over multiple years as part of a global settlement, and not directly distributed to County and Municipalities; and

WHEREAS, the Florida Memorandum of Understanding a/k/a Florida Opioid Allocation and Statewide Response Agreement ("Florida Plan") attached at the back of Exhibit "1" ("Interlocal Agreement") as Exhibit "A" sets forth the framework for a unified plan between the State of Florida and local governments within the state of Florida, regarding the proposed allocation and use of Opioid Litigation settlement funds. The Florida Plan, as currently drafted, divides the settlement funds into three funds: (i) the City/County Fund; (ii) the Regional Fund; and (iii) the State Fund; and

WHEREAS, to receive its share of the Regional Fund (the "County Regional Funds," as defined below), County must qualify as a "Qualified County" as that term is defined under the Florida Plan; and

WHEREAS, if County does not qualify as a "Qualified County," the County Regional Funds will be allocated to Broward Behavioral Health Coalition (BBHC), which would be required under the Florida Plan to spend such funds within Broward County to the greatest extent practicable; and

WHEREAS, to qualify as a Qualified County under the Florida Plan, County must enter into an agreement with Municipalities whose populations, taken together, contain at least 50% of the County's population; and

WHEREAS, under the Florida Plan, County will be required to expend the County Regional Funds in Broward County for abatement of the effects of the Opioid Epidemic; and

WHEREAS, County has an abatement plan that is being utilized to respond to the Opioid Epidemic; and

WHEREAS, The Broward County Community Response Team ("BCCRT") is a taskforce that advises, plans, and provides for programs relating to the abatement of opioid abuse and other substance abuse throughout Broward County; and

WHEREAS, County operates the Broward Addiction Recovery Center ("BARC"), which provides substance abuse assessment, prevention, detoxification, residential, and outpatient services to adults aged 18 years and older. BARC also provides treatment for substance abuse and co-occurring disorders such as depression, anxiety, trauma, and other mental health concerns that may contribute to an individual's substance abuse and dependence; and

WHEREAS, the Parties recognize that enabling County to receive the County Regional Funds for expenditure in the best interest of all persons within the geographic boundaries of Broward County will ensure that Opioid Litigation settlement funds are available and used to address opioid-related impacts within Broward County; and

WHEREAS, the City Commission recognizes that it is in the best interest of Broward County and Municipalities to enter into this agreement to ensure County qualifies as a "Qualified County" to receive the County Regional Funds pursuant to the Florida Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Commission finds that entering into the Interlocal Agreement between Broward County and Broward County Municipalities Governing the Use of Broward County Regional Opioid Settlement Funds (attached hereto and made a part hereof as Exhibit "1") would be in the best interest of the City of Coconut Creek and its residents in that such Interlocal Agreement ensures that the funds will stay within Broward County.

Section 2: That the City Commission hereby expressly authorizes the Mayor and the City Manager, or her designee, to execute the Interlocal Agreement between Broward County and Broward County Municipalities, attached hereto and made a part hereof as Exhibit "1."

Section 3: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 4: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 27th day of January, 2022.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim City Clerk

Tooley Aye__

Rydell Aye__

Sarbone Aye__

Welch Aye__

Railey Aye__

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