

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-80

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE CITY OF CORAL GABLES TO JOIN THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN FOR THE SETTLEMENT OF THE OPIOID LITIGATION.

WHEREAS, the State of Florida and the cities and counties therein, including the City of Coral Gables, have suffered harm as a result of the opioid epidemic; and

WHEREAS, in accordance with Resolution No. 2018-154, the City of Coral Gables filed a complaint for (1) violation of the Florida Deceptive and Unfair Trade Practices Act, (2) public nuisance (3) negligence, and (4) unjust enrichment, on June 26, 2018 in the United States District Court for the Southern District of Florida; and

WHEREAS, on July 20, 2018, the Court entered an order transferring the City’s case to a multi-district litigation, In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio), and the City’s case was assigned case number 1:18-op-45852; and

WHEREAS, the State of Florida has filed an action pending in Pasco County, Florida, and a number of other lawsuits filed by Florida cities and counties have also been transferred to In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”); and

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

WHEREAS, the Florida Memorandum of Understanding attached hereto as Exhibit A (the “Florida Plan”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the Florida Plan will be entered into at a future date; and

WHEREAS, participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida’s relative bargaining position during additional settlement negotiations; and

WHEREAS, failure to participate in the Florida Plan will reduce funds available to the State, the City of Coral Gables, and every other Florida city and county; and

WHEREAS, the Florida Memorandum of Understanding is intended to govern the distribution of settlement proceeds between the State of Florida, the City of Coral Gables and other subdivisions that are obtained through the Purdue Pharma L.P. bankruptcy, the Mallinckrodt PLC bankruptcy, and any additional settlements obtained related to the opioid litigation, but will not affect the City’s lawsuit against non-settling defendants.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission finds that participation in the Florida Plan is in the best interest of the City of Coral Gables and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic and each and every city and county receives funds for the harm that it has suffered.

SECTION 3. That the City Commission hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the Florida Plan, attached hereto as Exhibit “A.”

SECTION 4. That the City Attorney and/or City Manager are hereby authorized to execute any formal agreements, including the Florida Memorandum of Understanding, implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the Florida Plan and this Resolution.


SECTION 5. The City Clerk is hereby directed to furnish a copy of this Resolution to the Florida League of Cities and to the Office of Attorney General Ashley Moody.

SECTION 6. That this Resolution shall be effective upon the date of its passage and adoption herein.


PASSED AND ADOPTED THIS ELEVENTH DAY OF MAY, A.D. 2021.

(Moved: Mena. / Seconded: Menendez)
(Yeas: Fors, Jr., Mena Menendez, Anderson, Lago)
(Unanimous: 5-Vote)
(Agenda Item: J-1)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY