

RESOLUTION NO. 2022- 2881

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; IN SUPPORT OF THE SETTLEMENT OF THE CHAMPLAIN TOWERS SOUTH (CTS) LITIGATION AND THE TOWN'S RATIFICATION OF THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT BY PAYMENT OF POLICY LIMITS TO THE FAMILIES AND VICTIMS OF THE CTS COLLAPSE ON JUNE 24, 2021; PROVIDING FOR IMPLEMENTATION AND TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the early morning hours of June 24, 2021, the residential condominium building Champlain Towers South Condominium located at 8777 Collins Avenue in the Town of Surfside ("Town") experienced an unprecedented major structural collapse of a substantial portion of the building ("CTS Building Collapse"); and

WHEREAS, the CTS Building Collapse resulted in the tragic deaths of 98 people, injuries to many others and the unprecedented loss of life and property in the Town of Surfside ("Town"); and

WHEREAS, since the CTS Building Collapse, the Town received numerous Notices of Claims pursuant to Section 768.28, Florida Statutes, indicating the intent to pursue potential claims against the Town in connection with the CTS Building Collapse; and

WHEREAS, the parties in the case of *In Re: Champlain Towers South Collapse Litigation*, Case No. 2021-015089-CA-01 (the "CTS Litigation"), have reached a tentative settlement, and have and will collect certain funds through insurance settlements and other avenues in order to distribute shares of those funds to victims of different classes, such as those incurring loss to property, victims of wrongful death, and personal injury victims; and

WHEREAS, the Town's insurance carrier, The Florida Municipal Insurance Trust, upon demand from the Plaintiffs' class attorneys, and without any finding of fault or liability on the part

of the Town relating the CTS Building Collapse, authorized the payment of the Town's insurance limits in the amount of \$2,000,000 to settle the multiple claims potentially being asserted by the wrongful death class, economic class and personal injury claimants for any claims they have or may assert against the Town; and

WHEREAS, the Town has not been formally served as a defendant party in the CTS Litigation and has not been found or adjudicated to have had any fault or wrongdoing in the CTS Building Collapse; and

WHEREAS, the Town Commission wishes to set forth its support of the settlement of the CTS Litigation and ratify the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury; and

WHEREAS, the Town Commission finds that this Resolution is in the best interests of the Town and its residents, and all families and victims affected by the CTS Building Collapse.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:

SECTION 1. RECITALS. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

SECTION 2. IN SUPPORT OF SETTLEMENT OF THE CTS LITIGATION AND RATIFYING THE TOWN'S INSURER'S PARTICIPATION IN THE SETTLEMENT BY PAYMENT OF POLICY LIMITS TO THE FAMILIES AND VICTIMS OF THE CTS COLLAPSE. The Town Commission hereby sets forth its support of the settlement of the CTS Litigation and ratifies the Town's insurer's participation in the settlement by payment of policy limits to the Court directed Settlement Fund Account for the benefit and distribution to the families and victims who have suffered loss of life and property, and personal injury.

SECTION 3. IMPLEMENTATION AND TRANSMITTAL. The Town Manager and Town Attorney are authorized to take all action necessary to implement the purposes of this Resolution, and transmit a copy of this Resolution to all individuals as required or deemed appropriate in connection with the settlement of the CTS Litigation and payment of the Town's policy limits.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 16th day of May, 2022.

Motion by: Commissioner Velasquez,

Second by: Commissioner Meisheid.


FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>




Shlomo Danzinger, Mayor

ATTEST:



Sandra N. McCready, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney