

BYLAWS
OPIOID ABATEMENT FUNDING ADVISORY BOARD
“ADIVSORY BOARD”

Adopted: February 24, 2023
Revised: _____

ARTICLE I. NAME.

The name of this organization shall be the Opioid Abatement Funding Advisory Board (“Advisory Board”).

ARTICLE II. AUTHORITY AND PURPOSE.

SECTION 2.01. AUTHORITY.

The Advisory Board was established by the Interlocal Agreement Governing Use of Volusia County Regional Opioid Settlement Funds (“Agreement”) as entered into on January 26, 2022, by and between Volusia County, a political subdivision of the State of Florida, hereinafter referred to as the “County,” and the City of Daytona Beach, the City of Daytona Beach Shores, the City of DeBary, the City of DeLand, the City of Deltona, the City of Edgewater, the City of Holly Hill, the City of Lake Helen, the City of New Smyrna Beach, the City of Orange City, the City of Ormond Beach, the Town of Ponce-Inlet, and the City of Port Orange, hereinafter referred to as the “Cities.”

SECTION 2.02. PURPOSE.

The purpose of the Advisory Board is to assist in the distribution of City/County and Regional Settlement funds within Florida, the requirements to receive and manage Regional funds and the purposes for which Regional funds may be used. The Advisory Board will continue to provide local governments with relevant information on the opioid national crisis as well as information and analysis on the nature, extent and problems in Volusia County and on opioid-related programs consistent with the State Memorandum of Understanding and Interlocal Agreement.

1. The Advisory Board shall establish an annual process which must include the following:
 - a. A date certain each year by which the Opioid Abatement Funding Advisory Board must meet and review the data available from previous years, tending to evidence the local status of the opioid epidemic and the effect of abatement programing.
 - b. A member of the Advisory Board shall abstain from voting on a proposal for funding a program or service provided by that member’s local government.

- c. The Advisory Board must review the programs and services of the beneficiaries of Volusia County Regional Funds to determine the outcome of such programs and services in order to hold beneficiaries accountable.
- d. The Advisory Board must annually make recommendations on funding, programs, services, and location priorities for the upcoming year(s) (“Opioid Abatement Funding Advisory Board Priority List, “Priority List,” or “Abatement Plan”). County Council shall have final approval of the Abatement Plan, or any amendments thereto.
- e. Final Review recommendations will be approved by the Advisory Board, who shall present recommendations to the County Council for approval.
- f. The Advisory Board shall recommend, and the County Council shall use its best efforts to fund services and programs that are available to all residents of Volusia County and shall strive to allocate funding and services in a manner that equally benefits all residents of Volusia County.

SECTION 2.02. ADMINISTRATIVE COSTS.

The County is responsible for administering the “Regional Funds” remitted pursuant to the State MOU and, therefore County staff will support the Opioid Abatement Funding Advisory Board and shall provide all support services including but not limited to legal services, as well as contract management, program monitoring, and reporting required by the State MOU and is entitled to the maximum allowable administrative fee pursuant to the State MOU. The administrative fee will be deducted annually from the amount of available Volusia County Regional Funds, and the remaining Volusia County Regional Funds will be spent as provided in the State MOU and as provided herein.

SECTION 2.03 INDEMNIFICATION.

Each City and the County shall be responsible for their respective employees’ acts of negligence when such employees are acting within the scope of their employment and shall only be liable for any damages resulting from said negligence to the extent permitted by Section 768.28, Florida Statutes. Nothing herein shall be construed as a waiver of sovereign immunity, or the provisions of F.S. § 768.28, by either Party. Nothing herein shall be construed as consent by either Party to be sued by third parties for any matter arising out of this Agreement.

ARTICLE III. MEMBERSHIP.

SECTION 3.01 COMPOSITION.

The Advisory Board members shall be comprised of members who should have experience with law enforcement, fire rescue, substance abuse treatment, or other relevant experience:

1. One member appointed by the City of Daytona Beach;
2. One member appointed by the City of Daytona Beach Shores;
3. One member appointed by the City of DeBary;
4. One member appointed by the City of DeLand;
5. One member appointed by the City of Deltona;
6. One member appointed by the City of Edgewater;
7. One member appointed by the City of Holly Hill;
8. One member appointed by the City of Lake Helen;
9. One member appointed by the City of New Smyrna Beach;
10. One member appointed by the City of Orange City;
11. One member appointed by the City of Ormond Beach;
12. One member appointed by the Town of Ponce Inlet;
13. One member appointed by the City of Port Orange;
14. One member appointed by the Volusia County Council.

Members are appointed for two-year terms beginning October 1, 2024 and every two years thereafter. The County and each City may also appoint an alternate member, who may participate in the same manner as a primary appointed member in the event that member is absent from a noticed public hearing. The alternate member is subject to the same duties and responsibilities, including subject to the Sunshine Law and Open Records requirements, as the appointed member. The composition of the Advisory Board shall also accord with rules and guidance of the Interlocal Agreement Governing Use of Volusia County Regional Opioid Settlement Funds ("Agreement") and the State Memorandum of Understanding ("MOU") and in the event of any conflict between these Bylaws and the Agreement and MOU, the Agreement and MOU shall take precedence and these Bylaws shall be promptly amended.

SECTION 3.02 OFFICERS

At the first meeting of the Advisory Board in any fiscal year, the Advisory Board shall elect from their own membership a Chairperson and a Vice-Chairperson. The Chairperson shall preside over meetings of the Advisory Board and shall forward applicable actions taken by the Advisory Board to the Volusia County Council for whatever action the Advisory Board deems appropriate. In absence of the Chairman or in the event of his or her inability to act, the Vice-Chairman shall exercise all powers and duties of the Chairman. The terms of office for all officers shall begin upon election and terminate at the time successors are elected at first meeting of a new fiscal year. Any officer may be re-elected for the same office and may serve consecutive terms as, if so elected. A vacancy in any office may be filled by the Advisory Board at any regular meeting.

ARTICLE IV. FUNCTIONS AND RESPONSIBILITIES.

The Advisory Board shall act, at all times, in accordance with the Interlocal Agreement Governing Use of Volusia County Regional Opioid Settlement Funds as entered into on January 26, 2022, and shall have those power, duties, functions, and responsibilities set forth therein.

The Advisory Board shall, without limitation, further the goals in the Opioid Abatement Funding Advisory Board Priority List, as reflected in Schedules A and B in the Interlocal Agreement and generally, but not limited to:

- (a) Assist in the distribution of City/County and Regional Settlement funds within Florida, the requirements to receive and manage Regional Funds and the purposes for which Regional Funds may be used.
- (b) Provide local governments with relevant information on the opioid national crisis as well as information and analysis on the nature, extent and problems in Volusia County and on opioid-related programs
- (c) Combat the opioid epidemic, to mitigate the harmful effects of the opioid epidemic in the community, and to increase educational campaigns to counteract misinformation about the addictive nature and harmful effects of opioids.
- (d) Provide or contract to provide substance abuse, prevention, recovery, and/or treatment services to citizens in Volusia County.
- (e) Enhance or supplement any current programs and policies for the abatement of opioid, including but not limited to: carrying Narcan by law enforcement officers, first responders, and corrections officers.
- (f) Provide pro-active support systems such as educational materials and services to reach at-risk individuals identified through historical opioid events and historical locations of events; as well as intervention for individuals suffering from opioid abuse in the criminal justice system.
- (g) Use data driven abatement programs based upon community impacts without regard to governmental jurisdictional boundaries.
- (h) Review and consider data provided by the Opioid Task Force.

ARTICLE V. MEETINGS.

SECTION 5.01. SCHEDULE.

The Opioid Abatement Funding Advisory Board shall meet regularly and as often as needed to effectuate its responsibilities, but no less than semi-annually and on a schedule which allows the Opioid Task Force to provide the data compiled for and arising out of its semi-annual meeting to the Opioid Abatement Funding Advisory Board for review and consideration. A majority of the total membership of the Opioid Abatement Funding Advisory Board constitutes a quorum. Not less than three (3) days notice shall be given for all regular meetings and not less than forty-eight (48) hours' notice shall be given for all special meetings of the Advisory Board. Meetings shall be accessible, noticed, and open to the public in accordance with Florida law.

SECTION 5.02. NOTICE.

Except as otherwise stated herein, meetings of the Advisory Board shall be noticed to the public in accordance with County of Volusia procedures and in substantially the same manner as meetings of the Volusia County Council are noticed. All meetings shall be open to the public and news media. Advisory Board members shall not discuss matters with each other outside of a public meeting that are related to their duties and functions as members of the board, all in accordance with Section 286.011, Florida Statute.

SECTION 5.03. QUORUM.

A majority of the members of the Advisory Board shall constitute a quorum for the transaction of any business at any meeting of the Advisory Board.

SECTION 5.04. VOTING.

Each member of the Advisory Board will have an equal vote, assuming a quorum is present. Except as otherwise stated in these Bylaws, an affirmative vote on an issue or decision is by a simple majority of the voting members in attendance at any Advisory Board meeting. So long as there is a quorum physically present, the present members may allow a member to participate and vote by teleconferencing or other technological means if in their good judgement that member is unable to attend due to extraordinary circumstances.

SECTION 5.05. MINUTES.

Minutes shall be kept in accordance with County of Volusia procedures and in substantially the same manner as meetings of the Volusia County Council.

SECTION 5.06. PROCEDURE.

Except as otherwise provided in these Bylaws, Roberts Rules of Order latest edition shall be followed at all meetings.

ARTICLE VI. REVISION OF BYLAWS.

The Advisory Board shall review these Bylaws from time to time and update them as needed. The Bylaws may be revised by an affirmative vote of at least two-thirds of the Advisory Board members present at a regular or special meeting of the Advisory Board, provided that a copy of the proposed revisions are furnished to every member of the Advisory Board no fewer than three (3) business days prior to the meeting at which a vote to revise is taken. For the purposes of these Bylaws, the term "business day" means any weekday (to exclude Saturday and Sunday) that is not designated as a work holiday by the County of Volusia.

ARTICLE VII. GOVERNING LAWS.

The laws of the State of Florida shall govern the bylaws.

Bill Panting Vice Chair
for Danny Robins, Chair

Attest: Alex Fox - Special Projects Coordinator
County of Volusia

Michael Fox