

PRESCRIPTION OPIOID SETTLEMENT DISTRIBUTION COMMISSION

Resolution No. 2023-1 Establishing Standing Committees and Initial Charters¹

WHEREAS, pursuant to S.B. 166, which was signed into law and effective as of October 14, 2021 (83 *Del. Laws*, c. 243, § 5, codified at Chapter 48B and Subchapter VIII-A of Chapter 51 of Title 16 of the Delaware Code), the Delaware General Assembly created the Prescription Opioid Settlement Distribution Commission (the “**Commission**”) and vested it with responsibility for (a) establishing a coordinated and consensus driven effort to repair the harm done to communities in this State by the opioid crisis, and (b) making recommendations to the Behavioral Health Consortium (the “**BHC**”) regarding the distribution of money in the Prescription Opioid Impact Fund (the “**Impact Fund**”) established under § 4803B of Title 16 and the Prescription Opioid Settlement Fund (the “**Settlement Fund**,” and together with the Impact Fund, the “**Opioid Funds**”) established under § 4808B of Title 16;

WHEREAS, pursuant to 16 *Del. C.* §§ 5196A(e), the General Assembly required the Commission to create a Local Government Committee (the “**LGC**”), which committee has statutory authority to make recommendations to the Commission regarding the distribution of money from the Impact Fund and the Settlement Fund;

WHEREAS, on April 25, 2022, a quorum of Commission members duly convened and conducted a public meeting, at which the Commission unanimously voted to officially establish the LGC;

WHEREAS, the Commission co-chairs, pursuant to 16 *Del. C.* § 5196A(f), have determined it necessary and appropriate to create four additional standing committees (the “**Standing Committees**”) to assist the Commission in discharging its duties.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby recognizes the formation of a standing “Governance Committee” that shall have authority to and shall (a) develop and propose (i) ethics standards and training requirements for all Commission members and committee members, (ii) procedures to identify and address conflicts of interest, (iii) rules, terms and conditions, and guidelines or regulations to govern the application and approval process for grants and other distributions from the Opioid Funds, and (iv) other policies, procedures or regulations that are necessary or appropriate to help ensure that the Commission and its committees adhere to best practices and applicable provisions of the Delaware Code and other applicable laws and regulations, and (b) monitor, make

¹ This Resolution shall constitute the initial charters for the Standing Committees (as defined herein).

recommendations and periodically report to the Commission with respect to the foregoing;

BE IT FURTHER RESOLVED that the Commission hereby recognizes the formation of a standing “Budget and Reporting Committee” that shall have authority to and shall (a) develop and propose separate annual budgets for each Opioid Fund, (b) monitor, make recommendations and periodically report to the Commission with respect to the income and expenses of the Opioid Funds, including compliance with any statutory or contractual cap on administrative expenses, and (c) prepare and recommend to the Commission, on an annual basis, the annual report required under 16 *Del. C.* § 5195(c)(2);

BE IT FURTHER RESOLVED that the Commission hereby recognizes the formation of a standing “Public Outreach and Community Input Committee” that shall have authority to and shall (a) develop and propose best practices for disseminating information and gathering necessary stakeholder and public input, (b) identify trends in data collected from stakeholder meetings and public outreach efforts, and (c) monitor, make recommendations and periodically report to the Commission with respect to the foregoing;

BE IT FURTHER RESOLVED that the Commission hereby recognizes the formation of a standing “Behavioral Health Resources Committee” that shall have authority to and shall (a) identify and, to the extent possible, track the utilization of opioid-related treatment facilities and support services within the state-wide opioid treatment system, (b) identify gaps in the state-wide opioid treatment system, through gap analyses and other means, and (c) monitor, make recommendations and periodically report to the Commission with respect to the foregoing;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* § 5196A(f), (a) the Commission co-chairs have appointed or shall appoint the initial members of each Standing Committee, (b) individuals who are not members of the Commission may serve as members of a Standing Committee, and (c) the Commission co-chairs have appointed or shall appoint a member of the Commission to serve as the chairperson of each Standing Committee;

BE IT FURTHER RESOLVED that the initial members of each Standing Committee and its chairperson shall serve at the pleasure of the Commission co-chairs for such term as the Commission co-chairs may decide or until an initial member or Standing Committee chairperson resigns or is removed;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* § 5196A(f), each Standing Committee chairperson is authorized to appoint or remove additional members, including outside members provided, however, that no Standing Committee shall have more than 11 members;

BE IT FURTHER RESOLVED that no member of a Standing Committee may serve through a designee or vote by proxy;

BE IT FURTHER RESOLVED that each Standing Committee chairperson shall have authority to (a) sign on behalf of the Standing Committee all minutes and other documents approved by a majority vote of the Standing Committee, (b) take any action duly authorized by majority vote of the Standing Committee, (c) establish the Standing Committee's agendas, and (d) lead all Standing Committee meetings;

BE IT FURTHER RESOLVED that each Standing Committee may elect a vice chairperson who shall (a) carry out all Standing Committee chairperson functions in the chairperson's absence, and (b) serve at the pleasure of the Standing Committee for such term as the Standing Committee may decide or until such person resigns or is removed;

BE IT FURTHER RESOLVED that each Standing Committee should attempt to meet at least four (4) times per calendar year, or more frequently as circumstances require, and may convene any special or emergency meetings as may be requested by the Standing Committee chairperson, the Commission, or a Commission co-chair;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* § 5196A(d)(1), a majority of the current members of each Standing Committee shall constitute a quorum;

BE IT FURTHER RESOLVED that the Standing Committees are "public bodies" within the meaning of the State's Freedom of Information Act, 29 *Del. C.* Ch. 100 ("FOIA"), as well as "agencies" within the meaning of the Delaware Public Records Law, 29 *Del. C.* Ch. 5 (the "DPRL"), and shall comply with the requirements of FOIA and DPRL;

BE IT FURTHER RESOLVED that (a) the FOIA coordinator for the BHC shall serve as the FOIA coordinator for the Standing Committees, and (b) the BHC's "official custodian" and "records officer" (as those terms are defined in the DPRL) shall serve as the official custodian and records officer for each Standing Committee;

BE IT FURTHER RESOLVED that the Standing Committees shall report regularly to the Commission regarding the execution of their respective duties and responsibilities and shall keep and post written minutes of all meetings in accordance with FOIA;

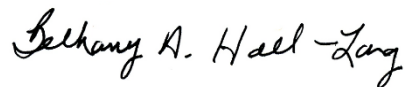
BE IT FURTHER RESOLVED that the Standing Committees may conduct meetings without the use of a formal system of parliamentary procedure (*e.g.*, Robert's Rules of Order) and may instead conduct business through an informal process guided by the following basic precepts:

- The presiding officer (normally the chairperson) should ensure that a quorum is present through a rollcall and, if a quorum is present, call the meeting to order at the set time.
- The presiding officer should adhere to the agenda as posted but has discretion to address agenda items out of order to maintain the flow of the meeting and ensure efficient use of time. During a meeting, any change to the agenda involving the addition of an action item – *i.e.*, a topic that will be the subject of discussion or vote – requires a majority vote of present members.
- The presiding officer should introduce each agenda item and open the meeting for discussion if warranted. Every matter presented for discussion or vote should be discussed fully, with every member, including the presiding officer, having an opportunity to question or speak on any matter of public business.
- At the conclusion of any discussion requiring a vote on a matter of public business, the presiding officer may call for a motion or make a motion with respect to such matter. The presiding officer normally should call for a motion to be seconded before putting the matter to a vote.
- Members of the public who are present and desire to speak on a matter of public business must be given an opportunity to speak at the end of each meeting, subject to such reasonable time, place and manner restrictions as the presiding officer may prescribe.
- At the conclusion of the agenda, the presiding officer should inquire as to whether there is any further business, absent which the presiding officer may adjourn the meeting (without a vote).

**Adopted by the Prescription Opioid
Settlement Distribution Commission on
March 27, 2023**



The Honorable Kathy M. Jennings, Attorney
General, Co-Chair



The Honorable Bethany Hall-Long,
Lieutenant Governor, Co-Chair