

PRESCRIPTION OPIOID SETTLEMENT DISTRIBUTION COMMISSION

Resolution No. 2024-1 Establishing Standing Equity Committee and Initial Charter¹

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, on November 14, 2022, as memorialized in Resolution 2022-1, the Commission approved the charter for the LGC;

WHEREAS, as memorialized in Resolution 2023-1, the Commission co-chairs, pursuant to 16 *Del. C.* § 5196A(f), created, and the Commission officially recognized and approved charters for, a standing Governance Committee, Budget and Reporting Committee, Public Outreach and Community Input Committee, and Behavioral Health Resources Committee (the “**Standing Committees**”) to assist the Commission in discharging its duties;

WHEREAS, the Commission co-chairs have determined that another standing committee is necessary and appropriate to address the unique needs and interests of underserved communities and marginalized populations and, pursuant to 16 *Del. C.* § 5196A(f), have created a standing “Equity Committee”;

¹ This Resolution shall constitute the initial charter for the Equity Committee.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby recognizes the formation of a standing Equity Committee that shall have authority to and shall (a) work collaboratively with the Public Outreach and Community Input Committee and the Behavioral Health Resources Committee and review available data to determine whether there has been a fair distribution of Opioid Funds to address the needs of underserved communities and marginalized populations within the State, (b) work collaboratively with the Governance Committee and review available data to determine the efficacy of awards and other disbursements of Opioid Funds intended to serve the needs of underserved communities or marginalized populations within the State, and (c) monitor, make recommendations and periodically report to the Commission, the LGC and other Standing Committees 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 the Equity Committee, (b) individuals who are not members of the Commission may serve as members of the Equity Committee, and (c) the Commission co-chairs have appointed or shall appoint a member of the Commission to serve as the chairperson of the Equity Committee;

BE IT FURTHER RESOLVED that the initial members of the Equity 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 chairperson resigns or is removed;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* § 5196A(f), the Equity Committee chairperson is authorized to appoint or remove additional members, including outside members, provided that the Equity Committee shall have no more than 13 members;

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

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

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

BE IT FURTHER RESOLVED that the Equity 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 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 the Equity Committee shall constitute a quorum;

BE IT FURTHER RESOLVED that the Equity Committee is a “public body” within the meaning of the State’s Freedom of Information Act, 29 *Del. C.* Ch. 100 (“**FOIA**”), as well as an “agency” 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 Equity Committee, 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 the Equity Committee;

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

BE IT FURTHER RESOLVED that the Equity Committee 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

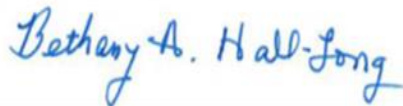
warranted. Every matter presented for discussion or vote should be discussed fully, with every member, including the presiding officer, having an opportunity to question or speak on any matter of public business.

- 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
November 6, 2024**



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



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