

PRESCRIPTION OPIOID SETTLEMENT DISTRIBUTION COMMISSION

Resolution No. 2022-1 Establishing the Local Government 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**”) as a statutory “subcommittee” of the Behavioral Health Consortium (the “**BHC**”) and vested it with responsibility primarily 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 BHC regarding distributions of money from 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; and

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.

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby memorializes the establishment of the LGC, which, under 16 *Del. C.* § 5196A(e), has authority and the express duty to provide recommendations to the Commission regarding the distribution of money from the Opioid Funds;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* § 5196A(e)(1), the four permanent members of the LGC are the three appointed Commission members representing county governments and the appointed Commission member representing municipal government;

BE IT FURTHER RESOLVED that, in accordance with 16 *Del. C.* §§ 5196A(e)(2) and (f), the Commission co-chairs have appointed (a) seven individuals representing municipal government signatories to the State-Municipal Abatement Partnership (or “**ROADS Map**”) Agreement (the “**Agreement**”) to serve as additional initial LGC members, and (b) the chairperson of the LGC;

¹ This Resolution shall constitute the initial charter for the LGC (as defined herein).

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

BE IT FURTHER RESOLVED that the LGC chairperson may appoint or remove additional LGC members as permitted by 16 *Del. C.* § 5196A(f) and shall appoint or remove additional LGC members to the extent required by the terms of the Agreement;

BE IT FURTHER RESOLVED that no member of the LGC may serve through a designee or vote by proxy, except that members may appoint and serve through a designee with the approval of the Commission co-chairs (for initially appointed members) or LGC chairperson (for additional members), as appropriate;

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

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

BE IT FURTHER RESOLVED that the LGC should attempt to meet at least four (4) times per calendar year, or more frequently as circumstances require, and shall convene any special or emergency meetings as may be requested by the LGC 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 LGC shall constitute a quorum;

BE IT FURTHER RESOLVED that the LGC 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 LGC, 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 LGC;

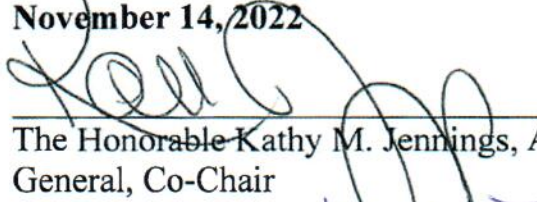
BE IT FURTHER RESOLVED that the LGC shall report regularly to the Commission regarding the execution of its duties and responsibilities and shall keep and post written minutes of all LGC meetings in accordance with FOIA; and

BE IT FURTHER RESOLVED that the LGC 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:

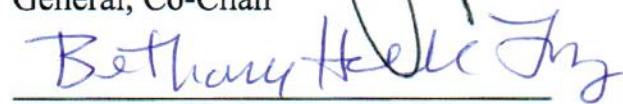
- The presiding officer (normally the chairperson) should ensure that a quorum is present through a rollcall and, if a quorum is present, call the meeting to order at the set time.
- The presiding officer should adhere to the agenda as posted but has discretion to address agenda items out of order to 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 the LGC's 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 14, 2022**



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



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