

Pennsylvania Opioid Misuse and Addiction Abatement Trust
Public Meeting of May 2, 2024 – 9:15AM
Blair County Convention Center
Zoom Link: <https://us02web.zoom.us/j/84601267543>

MINUTES

Board of Trustee Attendees (11):

- Chairman Thomas VanKirk (In person)
- Shea Madden (In person)
- Commissioner Kevin Boozel (In person)
- Representative Jim Gregory (In person)
- Commissioner Robert Postal (In person)
- Secretary Latika Davis-Jones (Zoom)
- Senator Christine Tartaglione (Zoom)
- Representative Mark Rozzi (Zoom)
- Dr. H. Jean Wright II (Zoom)
- Erin Dalton (Zoom)
- Senator Greg Rothman (Zoom)

Board of Trustees Not Attending (2):

- Steve Jasper
- Commissioner Gene DiGirolamo

Other Attendees:

- Jayson Wolfgang, Buchanan Ingersoll & Rooney (In person)
- Jordan Yeagley, Buchanan Ingersoll & Rooney (In person)
- Lisa Ritter, Maher Duessel (Zoom)
- Dennis Scanlon, Penn State University (In person)
- Glenn Sterner, Penn State University (In person)
- Neil Mara, Office of Attorney General (Zoom)
- Tyler Ritchie, Office of Attorney General (Zoom)
- Heather Hiester, CCAP (In person)
- Briana Anderson, CCAP (In person)

Announcements

- Welcome to members of public attending in person and on Zoom.
- The Board of Trustees held an Executive Session immediately prior to the public meeting for the purpose of receiving litigation updates, legal and tax advice. Participation in the meeting was limited to Trustees and their representatives, and guests from the Trust's advisors and partners.
- This meeting has been duly advertised as a public meeting in accordance with the Sunshine Act and is therefore open to the public as observers.
- Participation in the meeting was limited to Trustees and representatives from their offices and guests from the Trust's advisors and partners.
- The meeting is being recorded and the recording will be placed on the Trust's website.
- A quorum of Trustees is present at the meeting.

Approval of Prior Meeting Minutes

Minutes from the February 8, 2024, public meeting were circulated in advance. Chair Tom VanKirk indicated he would entertain a motion to approve the minutes. A motion was made by Commissioner Kevin Boozel and seconded by Representative Jim Gregory. There was no further discussion and the minutes were approved unanimously by Trustees in attendance.

Report from Attorney General's Office Regarding Status of Wave 2 Settlements

Tyler Ritchie, Office of the Attorney General (OAG), shared updates on Wave 2 settlements. The Commonwealth Court has approved consent judgments for Wave 2 defendants. Next, the OAG plans to consolidate Wave 2 settlements with original Wave 1 settlements and amend the Trust Order. The OAG is currently working through an objection from a participating subdivision to the proposed allocation.

The OAG reported that Philadelphia's independent settlement with Walgreens is separate from the Commonwealth's settlement, impacting the distribution of approximately \$44 million to Participating Subdivisions. The OAG will establish a revised allocation plan for the Walgreens settlement and publish it ahead of the Trust's distribution of Wave 2 settlement funds.

Resolutions to Authorize Access to Wilmington Trust and M&T Bank

Chair VanKirk welcomed Briana Anderson, who was recently hired by CCAP as the new Administrative Director of the Pennsylvania Opioid Trust. Chair VanKirk expressed the Trust's gratitude to Heather Hiester, for serving in the role of interim Administrative Director in addition to her other responsibilities at CCAP; he noted that she would continue to assist the Trust going forward. Chair VanKirk explained that, with the hiring of Ms. Anderson, the Trust's bank accounts need to be updated to permit her access and that Board resolutions to that effect are required by the banks. He then presented the following

resolutions for approval, which are substantially similar to previous resolutions of the Board but with the addition of Ms. Anderson:

Resolved, that, the Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby authorizes Thomas VanKirk, Chair of the Trust, Heather Hiester, Director of Technology Programs and Partnerships for CCAP, and/or Briana Anderson, Opioid Trust Administrative Director for CCAP, to act on behalf of the Trust in relation to any accounts at Wilmington Trust; provided, however, that neither Ms. Hiester nor Ms. Anderson may be a signatory on any payment for the benefit of CCAP. Nothing in this Resolution shall alter the authorization(s) provided to employees of Maher Duessel as set forth in the Trust's prior resolution of November 30, 2023.

Further Resolved, that, the Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby authorizes Thomas VanKirk, Chair of the Trust, Heather Hiester, Director of Technology Programs and Partnerships for CCAP, and/or Briana Anderson, Opioid Trust Administrative Director for CCAP, to act on behalf of the Trust in relation to the Trust's administrative account at M&T Bank; provided, however, that neither Ms. Hiester nor Ms. Anderson may be a signatory on any payment for the benefit of CCAP. Nothing in this Resolution shall alter the authorization(s) provided to employees of Maher Duessel as set forth in the Trust's prior resolution of November 30, 2023.

Senator Tartaglione made a motion to approve the resolution as presented. Dr. Wright seconded the motion. The motion was approved unanimously by Trustees in attendance.

March 15, 2024, Reports and Resolutions Regarding Certain Programs Reported Therein

Pursuant to the Trust Order, each County was required to submit a report to the Board of Trustees by March 15, 2024, demonstrating the actual expenditures of Trust funds, and the amount of Trust funds received but not yet spent, through the end of the preceding calendar year. Additionally, Litigating Subdivisions were encouraged, and potentially may be required in the future, to provide such reports.

Chair VanKirk reported that, by March 15, 2024, all 67 Counties and certain Litigating Subdivisions had submitted reports to the Trust detailing the expenditure and/or commitment of Trust funds on specific programs. These reports were submitted through an online Reporting Tool developed by Pennsylvania State University, the University of Pittsburgh, and Temple University, totaling approximately 370 current programs on which opioid settlement funds were expended or committed at the local government level across Pennsylvania.

Chair VanKirk noted that the Trust, pursuant to the Trust Order, is tasked with reviewing the March 15, 2024, reports submitted by Trust fund recipients "to ensure compliance with the settlement terms,"

particularly assessing whether Trust funds were spent in accordance with the Settlement Agreements and Exhibit E thereto.

Pursuant to the resolution unanimously passed by the Board of Trustees at its public meeting on February 8, 2024, Working Groups, each consisting of four Board members, convened sessions in April to review the reports submitted by Trust fund recipients and offer recommendations to the full Board regarding the compliance of the programs identified therein with Exhibit E to the Settlement Agreements. These reports were equitably divided among the Working Groups by population, with each group reviewing over 100 programs.

Chair VanKirk described the process for the full Board to deliberate on the programs and recommendations of the Working Groups:

- The Board will receive the recommendations made by the Working Groups to fulfill its responsibilities under the Trust Order, enabling the public to better understand how Trust funds were utilized to address opioid remediation.
- The Board will have the opportunity to deliberate on each individual program and determine its compliance with Exhibit E and the Settlement Agreements.
- Following this meeting, each County will receive a communication from the Trust detailing programs approved as compliant with Exhibit E to the Settlement Agreements, along with requests for additional information regarding programs still under consideration by the Board.
- Any programs found not compliant with Exhibit E will also be identified in the follow-up communication.
- While Litigating Subdivisions were encouraged, but not mandated, to submit reports to the Trust in this reporting cycle, as the current Trust Order does not require it, the Trust is unable to act upon the expenditure of Trust funds by Litigating Subdivisions at this time.
- Pursuant to the Trust Order, Counties and Litigating Subdivisions must utilize Trust funds within 18 months of receipt. However, acknowledging the need for recipients to plan for the expenditure of Trust funds, the Board unanimously passed a resolution on September 7, 2023, automatically granting any requests made for a 6-month extension for funds received in Wave 1 payments 1 and 2, which occurred in September 2022 and December 2022, respectively. These extensions have been granted to requesting Counties and Litigating Subdivisions, and the Board will communicate regarding applicable deadlines accordingly.

With these points clarified, the Board of Trustees proceeded to review the programs submitted via the March 15, 2024, reports and the recommendations of the Working Groups. A spreadsheet containing a list

of programs by County in alphabetical order was displayed. Each Working Group leader identified the program by County name, program number as reported in the March 15, 2024, report from that County, including such details as program name, dollars reported as spent and/or committed, and the Working Group's recommendation – i.e., approved, still under consideration, or non-compliant. Each set of recommendations was comprised of approximately 30 programs and after each set of recommendations, Chair VanKirk requested a specific resolution as to those programs identified.

The Working Group leaders then summarized the recommendations of their respective Working Groups with respect to programs reported by Allegheny, Armstrong, and Beaver Counties.

RESOLUTION NO. 1 - MARCH 15, 2024 REPORTS: ALLEGHENY, ARMSTRONG AND BEAVER COUNTIES

Resolved, that, the Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (the “Trust”), based on the recommendations of the Working Groups that met and reviewed the March 15, 2024 reports from Counties, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E described and incorporated into the July 12, 2022 Order of the Commonwealth Court that created the Trust:

Allegheny County Program Nos.: 1-3; 5-6; 9-13

Armstrong County Program Nos.: 1-3

Beaver County Program Nos.: 2; 5-7

Commissioner Boozel made a motion to approve the resolution as presented. Senator Tartaglione seconded the motion. Senator Rothman voted no on Allegheny County's Syringe Services Program (Program #11); otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Berks County. Berks County was commended for providing clear and thorough explanations of their programs, setting a high standard as an exemplary model for other Counties to follow. Commissioner Boozel mentioned sharing Blair County's Reporting Contact with others who might need assistance with their reporting. Additionally, Commissioner Boozel stated that, while some Counties may receive program approval without program notes if they clearly align with Exhibit E, program notes are considered a best practice. Chair VanKirk emphasized the importance of understanding the conditions attached to receiving and expending funds, akin to most government-funded programs.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 2 - MARCH 15, 2024 REPORT: BERKS COUNTY

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Berks County Program Nos.: 2-23; 25-29

Shea Madden made a motion to approve the resolution as presented. Representative Gregory seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Bradford, Bucks, Butler, and Carbon Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 3 - MARCH 15, 2024 REPORTS: BRADFORD, BUCKS, BUTLER AND CARBON COUNTIES

RESOLVED, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Bradford County Program Nos. 1-2
Bucks County Program Nos.: 3-5; 8-9; 11-12; 15
Butler County Program Nos.: 1-2
Carbon County Program No.: 1

Shea Madden made a motion to approve the resolution as presented. Representative Gregory seconded the motion. Commissioner Boozel abstained from the vote for Butler County only (all programs); otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Center and Chester Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 4 - MARCH 15, 2024 REPORTS: CENTRE AND CHESTER COUNTIES

- (a) Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Centre County Program No.: 2

Chester County Program Nos.: 1-7; 15-19; 23-27; 30

Representative Gregory made a motion to approve the resolution as presented. Commissioner Boozel seconded the motion. The motion was approved unanimously by Trustees in attendance.

- (b) And further resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby disapproves the following programs as non-compliant with the applicable settlement terms as set forth in Exhibit E:

Chester County Program No.: 31

Secretary Davis-Jones made a motion to approve the resolution as presented. Shea Madden seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Clarion, Clearfield, Clinton, Columbia, Cumberland, and Dauphin Counties. Senator Rothman suggested changing Dauphin County's Opioid Remediation Grant Program (Program #1) classification from "recommended approval" to "still under consideration" until more information is provided, which was agreed upon without objection. Chair VanKirk clarified that while some programs lacked program notes, attachments were received for many programs and they provided helpful information.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 5 - MARCH 15, 2024 REPORTS: CLARION, CLEARFIELD, CLINTON, COLUMBIA, CUMBERLAND AND DAUPHIN COUNTIES

- Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Clarion County Program No.: 1

Clearfield County Program Nos.: 1-2
Clinton County Program Nos.: 1-2
Columbia County Program No.: 1
Cumberland County Program No.: 1
Dauphin County Program Nos.: 2; 7-13; 17-18

Representative Gregory made a motion to approve the resolution as presented. Commissioner Boozel seconded the motion. Shea Madden abstained from the vote for Clinton County only (all programs); otherwise, she noted that she believed the correct total for Clinton County Program No. 1 to be \$100,000 and voted yea. The motion was approved by a majority of the Trustees in attendance.

Chair VanKirk noted that the spreadsheet displayed during the meeting would be uploaded to the Trust's website.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Delaware, Elk, and Erie Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 6 - MARCH 15, 2024 REPORTS: DELAWARE, ELK AND ERIE COUNTIES

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Delaware County Program Nos.: 1-22
Elk County Program No.: 3
Erie County Program Nos.: 3-4; 13

Shea Madden made a motion to approve the resolution as presented. Senator Tartaglione seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Fayette, Franklin, Fulton, Huntingdon, Indiana, and Juniata Counties. Chair VanKirk commended Fulton County for thorough reporting, with all programs recommended for approval.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 7 - MARCH 15, 2024 REPORTS: FAYETTE, FRANKLIN, FULTON, HUNTINGDON, INDIANA AND JUNIATA COUNTIES

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

- Fayette County Program Nos.: 1-3; 6-9
- Franklin County Program No.: 1
- Fulton County Program Nos.: 1-4
- Huntingdon County Program Nos.: 2; 7-8
- Indiana County Program No.: 1
- Juniata County Program Nos.: 2; 7-8

Commissioner Boozel made a motion to approve the resolution as presented. Representative Gregory seconded the motion. Commissioner Postal abstained from the vote for Huntingdon and Juniata Counties only (all programs); otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, and McKean Counties. Senator Rothman highlighted the dual role of Lehigh County's Coroner Autopsy 22-08 Program (Program #3) in prosecution and treatment tracking, urging consideration of its funding due to financial strain on coroner's offices from the opioid crisis. As a result, this program was reclassified to still under consideration without objection.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 8 - MARCH 15, 2024 REPORTS: LANCASTER, LAWRENCE, LEHIGH, LUZERNE, LYCOMING AND MCKEAN COUNTIES

(a) Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

- Lancaster County Program No.: 1
- Lawrence County Program Nos.: 1-2; 4-5
- Lehigh County Program Nos.: 1; 4
- Luzerne County Program No.: 1

Lycoming County Program No.: 1
McKean County Program Nos.: 1-4

Commissioner Postal made a motion to approve the resolution as presented. Commissioner Booze seconded the motion. Shea Madden abstained from the vote for Lycoming County only; otherwise, she voted yea. The motion was approved by a majority of the Trustees in attendance.

(b) And further resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby disapproves the following programs as non-compliant with the applicable settlement terms as set forth in Exhibit E:

Lawrence County Program Nos.: 3; 6-8

Representative Gregory made a motion to approve the resolution as presented. Commissioner Postal seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders next summarized the recommendations of the Working Groups with respect to programs reported by Mercer, Mifflin, Monroe, and Montgomery Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 9 - MARCH 15, 2024 REPORTS: MERCER, MIFFLIN, MONROE AND MONTGOMERY COUNTIES

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Mercer County Program Nos.: 2-3; 7
Mifflin County Program Nos.: 2; 7-8
Monroe County Program Nos.: 1-2
Montgomery County Program Nos.: 2; 4-5; 7

Senator Tartaglione made a motion to approve the resolution as presented. Commissioner Postal seconded the motion. Commissioner Postal then abstained from the vote for Mifflin County only (all programs); otherwise, he voted yea. The motion was approved by a majority of the Trustees in attendance.

At that point, a brief recess was taken for lunch.

After the meeting resumed, Working Group leaders summarized the recommendations of the Working Groups with respect to programs reported by Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, and Schuylkill Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 10 - MARCH 15, 2024 REPORTS: NORTHAMPTON, NORTHUMBERLAND, PERRY, PHILADELPHIA, PIKE, POTTER, SCHUYLKILL COUNTIES

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Northampton County Program Nos.: 3; 6
Northumberland County Program No.: 1
Perry County Program No.: 1
Philadelphia County Program Nos.: 1-7
Pike County Program Nos.: 1-2
Potter County Program Nos.: 1-7
Schuylkill County Program Nos.: 1-3

Commissioner Postal made a motion to approve the resolution as presented. Representative Gregory seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders then summarized the recommendations of the Working Groups with respect to programs reported by Snyder, Somerset, Sullivan, Susquehanna, Tioga, and Wayne Counties.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 11 - MARCH 15, 2024 REPORTS: SNYDER, SOMERSET, SULLIVAN, SUSQUEHANNA, TIOGA, WAYNE COUNTIES

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

Snyder County Program No.: 1
Somerset County Program Nos.: 1; 5-7
Sullivan County Program No.: 2
Susquehanna County Program No.: 1
Tioga County Program Nos.: 3; 6; 8; 10-11
Wayne County Program No.: 1

Commissioner Postal made a motion to approve the resolution as presented. Representative Gregory seconded the motion. The motion was approved unanimously by Trustees in attendance.

Working Group leaders next summarized the recommendations of the Working Groups with respect to programs reported by Westmoreland, Wyoming, and York Counties. Chair VanKirk noted Westmoreland County's proactive approach in seeking information from the technical advisory group to ensure compliance with Exhibit E. Because all programs reported by Westmoreland and Wyoming Counties are still under consideration, no programs for those Counties are included in the resolution for this set of recommendations.

Chair VanKirk then presented the following resolution:

RESOLUTION NO. 12 - MARCH 15, 2024 REPORT: YORK COUNTY

Resolved, that, the Board of Trustees of the Trust, based on the recommendations of the Working Groups, hereby approves the following programs as compliant with the applicable settlement terms as set forth in Exhibit E:

York County Program Nos.: 1-4; 6; 8-10; 12

Representative Gregory made a motion to approve the resolution as presented. Commissioner Postal seconded the motion. The motion was approved unanimously by Trustees in attendance.

The review of all programs was thus completed, and Chair VanKirk expressed gratitude to the Trustees for their and dedication in the Working Group process. Although not an official member, Chair VanKirk participated in all meetings and was impressed by the members' preparedness and discussions.

Jayson Wolfgang from Buchanan Ingersoll and Rooney, at the request of Chair VanKirk, noted that a follow-up reporting document, currently being finalized in collaboration with Pennsylvania State University and CCAP, would identify remediation programs reported March 15, their status (i.e., approved, still under consideration or non-compliant), and any required additional information. This tool will aim to gather more information on those programs categorized and still under consideration so that the Working Groups may reconvene and review the same before the June 20, 2024, public meeting, at which further recommendations will be made to the Board of Trustees.

Chair VanKirk encouraged Trustees to seek additional information on programs outside their Working Groups and to communicate their thoughts in writing to their respective Working Group leaders to the extent desired and/or necessary.

Extension Requests

Chair VanKirk reiterated that, per the Trust Order, Counties have 18 months from receiving funds from the Trust to spend or commit those funds. While extensions were automatically granted for the first and second payments, moving forward, Counties will need to provide detailed reasons for any inability to spend or commit the funds within the applicable deadline(s). Chair VanKirk encouraged Counties to collaborate and share ideas for efficient fund usage, anticipating faster spending in the future. The list of Counties that requested extensions will be posted on the Trust's website, along with a spreadsheet showing the remaining amounts for each county from payments 1 and 2.

Commissioner Postal inquired about communication strategies for Counties. Heather Hiester from CCAP explained that CCAP is collaborating with Pennsylvania State University and Maher Duessel to notify counties of their received amounts, expenditures, and remaining funds, providing a summary of spending thus far.

Commissioner Boozel expressed gratitude for CCAP's facilitation of the Opioid Symposium on May 1, 2024 and asked whether it would be possible to be informed of which Counties had representatives present.

New Business

No new business was identified.

Chair VanKirk adjourned the meeting at 12:54 PM.