

**Pennsylvania Opioid Misuse and Addiction Abatement Trust
Board of Trustees' Public Meeting (December 4, 2025)
County Commissioners Association of Pennsylvania**

MINUTES

Board of Trustee Attendees (11):

- Chair Tom VanKirk (Zoom)
- Tumar Alexander (Zoom)
- Commissioner Kevin Boozel (Zoom)
- Commissioner Pat Fabian (In person)
- Stuart Fisk (Zoom)
- Representative Jamie Flick (Zoom)
- Representative Danielle Friel Otten (In person)
- Shea Madden (In person)
- Commissioner Robert Postal (Zoom)
- Senator Christine Tartaglione (Zoom)
- Commissioner Lori Vargo Heffner (In person)

Board of Trustees Not Attending (2):

- Secretary Latika Davis-Jones
- Senator Dawn Keefer

Other Attendees:

- Nathan McClellan, Senator Christine Tartaglione's Office (Zoom)
- Joshua Walker, Senator Dawn Keefer's Office (Zoom)
- Neil Mara, Office of Attorney General (Zoom)
- Kyle Kopko, CCAP (In person)
- Jayson Wolfgang, Buchanan Ingersoll & Rooney (Zoom)
- Jordan Yeagley, Buchanan Ingersoll & Rooney (In person)
- Lisa Ritter, Maher Duessel (In person)
- Briana Anderson, Trust Administrator, CCAP (In person)
- Sophie Eyer, CCAP (In person)

Announcements by Chair Tom VanKirk

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (“Trust”) has been duly advertised as a public meeting in accordance with the Sunshine Act and is therefore open to members of the public as observers.
- Participation in the meeting is limited to Trustees, representatives from their offices, and invited guests from the Trust’s advisors and partners.
- This meeting is being recorded, and the video will be available on the Trust’s website along with the minutes from this meeting once approved by the Board of Trustees (“Board”).
- An Executive Session was held today immediately prior to this public meeting for the purpose of receiving legal updates and legal advice.
- A quorum of Trustees is present at this meeting.

Approval of Prior Meeting Minutes

Minutes from the Board’s public meeting and public listening session held on August 21, 2025, were circulated to the Board in advance of the meeting. Chair Tom VanKirk indicated he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Representative Jamie Flick and seconded by Commissioner Pat Fabian. With no further discussion, the minutes were approved unanimously by the Trustees in attendance.

Report from the Office of Attorney General Regarding Status of Purdue/Sackler and Secondary Manufacturers Settlements

Neil Mara, Office of Attorney General (“OAG”), provided an update on ongoing litigation and proposed settlements with Purdue Pharma and members of the Sackler family (“Purdue/Sackler Settlements”) and, separately, eight opioid manufacturers not included in prior national opioid settlements (“Secondary Manufacturers Settlement”).

Mr. Mara reported that on November 18, 2025, the United States Bankruptcy Court for the Southern District of New York approved Purdue Pharma’s bankruptcy plan, a necessary step toward finalizing the Purdue/Sackler Settlements. He noted that distributions to Pennsylvania are anticipated in spring 2026.

With respect to the Secondary Manufacturers Settlement, which is separate from the Purdue/Sackler Settlements, Mr. Mara stated that the settlement was approved by all required participants. Accordingly, distributions to Pennsylvania are also anticipated sometime in 2026.

Mr. Mara thanked the Board and Participating Subdivisions for their cooperation and efforts in helping Pennsylvania meet the incentive requirements needed to receive the highest possible amount of opioid settlement funds (“OSF”) under both settlements.

Chair Tom VanKirk asked whether the July 12, 2022, Commonwealth Court Order establishing the Trust, as amended and restated on October 15, 2024 (“Amended Trust Order”), would require further amendment to allow for distribution of funds from the Purdue/Sackler and Secondary Manufacturers Settlements. Mr. Mara responded that, at this time, he believes an amendment may be necessary.

Chair Tom VanKirk reiterated the importance of Participating Subdivision participation in achieving incentive levels and thanked the OAG for its work in negotiating with Participating Subdivisions and for pursuing these settlements.

Report from Maher Duessel Regarding Trust Financials

Lisa Ritter, Maher Duessel, presented the Trust’s financial statements through October 2025, which were circulated to the Trustees in advance of the meeting. Ms. Ritter reported that the Trust’s cash balance at Wilmington Trust is approximately \$165 million.

Ms. Ritter explained that the financial statements are prepared on a cash basis, meaning expenses are recorded when payments are made and income is recorded when funds are received. The Trust’s fiscal year ends in December. Through October 2025, the Trust earned approximately \$3.5 million in interest income and incurred approximately \$1.05 million in administrative expenses, resulting in interest income exceeding administrative expenses by over \$2 million.

Ms. Ritter also noted that the Trust reimbursed the National Administrators for a payment totaling \$325,133 that had been inadvertently sent to the Trust.

Commissioner Robert Postal asked how the Trust would fund the approximately \$134 million in distributions scheduled for December 2025 and June 2026 if the Trust’s net income for 2025 to date is approximately \$100 million. Ms. Ritter explained that the Trust also received OSF in calendar year 2024, which will be included in both the December and June distributions.

Resolution Regarding Withholding of December 2025 Distributions to Aliquippa City and Mahoning Township for Failure to Comply with Minimum Reporting Requirements

Chair Tom VanKirk addressed an outstanding compliance issue involving two Litigating Subdivisions—Aliquippa City and Mahoning Township—that failed to submit a required report to the Trust for the March 17, 2025, reporting cycle, as required by the Amended Trust Order. He noted that all other Participating Subdivisions complied with the reporting requirements. Chair Tom VanKirk explained that Aliquippa City and Mahoning Township were sent multiple reminders and notices of delinquency but did not submit reports or respond to follow-up communications.

At the June 5, 2025, public meeting, the Board adopted a resolution to place Aliquippa City and Mahoning Township on written notice of the deficiency with the opportunity to cure within three months, as per the Amended Trust Order. The resolution further provided that failure to submit a report within that time period could result in the reduction or withholding of future distributions and the reallocation of those funds to the Commonwealth in accordance with Section X.C. of the

Amended Trust Order. Notice of the resolution was announced at the June 5, 2025, public meeting and provided to both Aliquippa City and Mahoning Township in writing on the same date.

Chair Tom VanKirk reported that, as of the date of this public meeting, neither Aliquippa City nor Mahoning Township submitted a report to the Trust, despite being afforded multiple opportunities to do so.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, pursuant to Section X.C. of the Amended Trust Order, the Board of Trustees of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby withholds any and all December 2025 distributions to Aliquippa City and Mahoning Township. Such distributions shall be re-allocated to the Commonwealth Account and distributed to the Commonwealth in June 2026, pursuant to Section V.D.6. of the Amended Trust Order.

Commissioner Kevin Boozel made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. Discussion on the motion then ensued.

Commissioner Kevin Boozel asked whether Aliquippa City and Mahoning Township had received any Trust distributions to date. Jayson Wolfgang, legal counsel, responded that both Litigating Subdivisions received distributions in 2022, 2023, and 2024. He clarified that the resolution to withhold distributions would apply to the December 2025 distribution only, as Litigating Subdivisions were not required to submit reports to the Trust until March 2025.

Commissioner Pat Fabian expressed appreciation for the multiple communication attempts and asked whether either Aliquippa City and Mahoning Township had responded and, if not, whether the reasons for noncompliance were known. Briana Anderson, Trust Administrator, reported that she sent multiple written communications and made phone calls to both Litigating Subdivisions, including the official notice following the June 5, 2025 resolution of the Board. She stated that Aliquippa City informed her that it had no intention of submitting a report to the Trust, and that she has received no communication from Mahoning Township.

With no further discussion, the motion was approved unanimously by the Trustees in attendance.

Resolution Authorizing 2025 Distributions to Participating Subdivisions

Ms. Ritter referred to the summary tab of the December 2025 distribution spreadsheet that was circulated to Trustees in advance of the meeting. She explained that the December 2025 distribution would be comprised of multiple sources, including the fifth distribution from Wave 1, the third distribution from Wave 2, and a one-time distribution from the bankruptcy of Endo Health Solutions Inc.

Ms. Ritter noted that, pursuant to the Amended Trust Order, the distributions to Aliquippa City and Mahoning Township would instead be distributed to the Commonwealth in June 2026, as a result of the resolution adopted by the Board at this meeting.

Ms. Ritter further explained that the spreadsheet provides detailed information for each funding source and that the amounts shown for future distributions are estimates only.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, based on spreadsheet calculations prepared by the Trust’s accountant, Maher Duessel, included in the materials distributed to members of the Board of Trustees (“Board”) for this meeting, the Board hereby authorizes distribution of OSF substantially similar thereto to the Counties and Litigating Subdivisions identified therein with such distributions to occur on or before December 15, 2025 in accordance with paragraph V.D.6. of the Amended Trust Order.

Commissioner Lori Vargo Heffner made the motion as presented. Commissioner Pat Fabian seconded the motion. Commissioner Robert Postal asked whether the distribution would be made as a single lump sum combining amounts from all sources. Ms. Ritter confirmed that distributions are made in a single lump sum distribution. With no further discussion, the motion was approved unanimously by the Trustees in attendance.

Chair Tom VanKirk thanked Ms. Ritter for her work in ensuring that distributions are made accurately and in a timely manner each year.

Resolution Authorizing 2026 Estimated Costs for County Commissioners Association of Pennsylvania

Chair Tom VanKirk provided background on the selection of the County Commissioners Association of Pennsylvania (“CCAP”) to provide administrative services to the Trust and introduced Dr. Kyle Kopko, CCAP Executive Director, to present the proposed 2026 update to the Master Services Agreement (“MSA”) between CCAP and the Trust.

Dr. Kopko reported that the 2026 MSA update includes the addition of a new position, Opioid Trust Liaison, intended to support engagement, communication, and education with Participating Subdivisions and other Trust stakeholders. He explained that the updated cost estimates include personnel costs for the new position, as well as projected expenses for regional summits, a statewide conference, and travel. Dr. Kopko stated that, with the inclusion of the new position and associated activities, total costs for 2026 are estimated at \$409,600 under the current MSA, as outlined in the memorandum distributed to Trustees in advance of the meeting.

Chair Tom VanKirk noted that the Opioid Trust Liaison position was approved by the Board, as then-constituted, in the prior year but was not filled during 2025. He expressed his support for the position and thanked CCAP for its continued work on behalf of the Trust.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby approves the estimated costs for administrative services provided by the

County Commissioners Association of Pennsylvania for 2026, including the addition of a Participating Subdivision Liaison position.

Tumar Alexander made the motion as presented. Stuart Fisk seconded the motion. County Commissioners Kevin Boozel, Pat Fabian, and Lori Vargo Heffner abstained from the vote.

With no further discussion, the motion was approved by a majority of the Trustees in attendance.

Chair Tom VanKirk noted that, despite the proposed increase in CCAP costs under the 2026 MSA, the Trust remains able to cover all administrative expenses using interest earned, without drawing from the principal of OSF. He thanked the Trustees for their service without compensation, noting that their volunteer efforts enable the Trust to continue paying administrative costs from earned interest.

Resolution Regarding Approval of Certain Uses of Opioid Settlement Funds as Detailed in September 15, 2025 Reports

Chair Tom VanKirk provided an overview of the review process for the September 15, 2025, reports submitted by Participating Subdivisions. He noted that the Board unanimously approved a resolution at its February 8, 2024, public meeting requiring each County to submit an additional report annually on or around September 15. This additional reporting requirement now also applies to Litigating Subdivisions.

On or about September 15, 2025, all 67 counties and 48 of the 51 Litigating Subdivisions submitted their reports. Litigating Subdivisions Aliquippa City, Hazleton City, and Mahoning Township were the only Participating Subdivisions that did not submit reports.

The reports detailed spent and committed OSF for specific remediation programs identified by Participating Subdivisions as compliant with Exhibit E. The Working Groups met throughout October and November to review these submissions. As in prior reporting cycles, each remediation program was categorized as “Recommended for Approval,” “Still Under Consideration,” or “Recommended Non-Compliant.”

Chair Tom VanKirk shared that following today’s meeting, communications notifying Participating Subdivisions of the determinations made on their remediation programs and requests for additional information will be sent to Participating Subdivisions with remediation programs that remain under consideration.

Chair Tom VanKirk then invited the Working Group leaders to present the remediation programs from the September 15, 2025, reporting cycle, along with their corresponding recommendations. A spreadsheet was displayed during the meeting listing remediation programs by Participating Subdivision in alphabetical order. For each remediation program, the Working Group leaders reviewed the following information:

- Participating Subdivision name;

- Remediation program number;
- Organization name;
- Remediation program name;
- Dollars reported as spent/committed; and,
- The Working Group’s recommendation (i.e., approval, still under consideration, or disapproval).

Resolution No. 1 – September Reports: Allegheny, Armstrong, Bedford, Berks, Blair, and Bucks County

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Allegheny, Armstrong, Bedford, Berks, Blair, and Bucks Counties.

It was reported that for Bedford County Program No. 3, the portion of the remediation program related to a Treatment Court Coordinator in the amount of \$6,675.15 is recommended for approval. However, it was noted that another portion of the program related to a Substance Abuse/Drug Court Officer in the amount of \$18,374.43 is recommended as non-compliant because it is a probation officer position, which is considered law enforcement and therefore not within the scope of Exhibit E.

Chair Tom VanKirk noted that summaries of the remediation programs are being displayed during this meeting; however, the Working Groups spent many hours reviewing the full reports submitted by Participating Subdivisions, which often include lengthy supplemental attachments. He emphasized that none of the Working Group recommendations are made lightly.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of Trustees (“Board”) of the Pennsylvania Opioid Misuse and Addiction Abatement Trust (“Trust”), based on the recommendations of the Working Groups that met and reviewed the September 15, 2025, reports, 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, as amended:

- Allegheny County Program Nos.: 25 through 27
- Armstrong County Program Nos. 8 through 14
- Bedford County Program Nos.: 3 (only that portion of this program related to Consultant Drug Court Coordinator); 4 through 9; 11 through 15

- Berks County Program Nos.: 32 through 35
- Blair County Program Nos.: 7 through 12
- Bucks County Program Nos.: 50 and 54

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Commissioner Robert Postal seconded the motion. Stuart Fisk abstained from the vote for Allegheny County only; otherwise, he voted yea. Commissioner Pat Fabian abstained from the vote for Armstrong County only; otherwise, he voted yea. The motion was approved by a majority of Trustees in attendance.

AND FURTHER RESOLVED, that, the Board 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:

- Bedford County Program No.: 3 (that portion of this program related to Substance Abuse/Drug Court Officer)

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

Resolution No. 2 – September Reports: Carbon, Centre, Chester, Clinton, Columbia, Crawford, and Dauphin County

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Crawford, and Dauphin Counties.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025, reports, 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, as amended:

- Carbon County Program No.: 14
- Centre County Program No.: 19
- Chester County Program Nos.: 43 through 47
- Clinton County Program No.: 3

- Columbia County Program Nos.: 2 through 6; 9 and 10; 12 through 14
- Crawford County Program Nos.: 12 and 13
- Dauphin County Program Nos.: 28 and 29; 31 through 35; 38; 40 through 42

Senator Christine Tartaglione made a motion to approve the resolution as presented. Tumar Alexander seconded the motion. Shea Madden abstained from the vote for Clinton County only; otherwise, she voted yea. The motion was approved by a majority of the Trustees in attendance.

Resolution No. 3 – September Reports: Delaware, Elk, Erie, Franklin, Indiana, Lackawanna, Lawrence, Lebanon, Luzerne, and Lycoming County

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Delaware, Elk, Erie, Franklin, Indiana, Lackawanna, Lawrence, Lebanon, Lehigh, Luzerne, and Lycoming Counties.

Stuart Fisk, as Working Group leader, reported that Luzerne County Program No. 13 was recommended as non-compliant because it does not appear to be sufficiently related to preventing the development of, or supporting those in recovery from, opioid use disorder (“OUD”) and any co-occurring substance use disorders (“SUDs”) and/or mental health (“MH”) conditions. Accordingly, the program does not appear to have a clearly established connection to OUD or any co-occurring SUDs and/or MH conditions as a remediation strategy, as outlined in Exhibit E.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025, reports, 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, as amended:

- Delaware County Program No.: 44 through 48
- Elk County Program Nos.: 9; 11; 13
- Erie County Program Nos.: 25 and 26
- Franklin County Program Nos.: 18 through 25
- Indiana County Program Nos.: 10 through 12; 14 through 16
- Lackawanna County Program Nos.: 8 through 13
- Lawrence County Program No.: 16

- Lebanon County Program No.: 7
- Luzerne County Program No.: 14
- Lycoming County Program Nos.: 5 through 8

Commissioner Kevin Boozel made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. Commissioner Pat Fabian abstained from the vote for Indiana County only; otherwise, he voted yea. Representative Jamie Flick and Shea Madden abstained from the vote for Lycoming County only; otherwise, they voted yea. The motion was approved by a majority of the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board 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:

- Luzerne County Program No.: 13

Commissioner Robert Postal made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. The motion was approved unanimously by the Trustees in attendance.

Resolution No. 4 – September Reports: Mercer, Northampton, Northumberland, Potter, Somerset, Tioga, and Warren County

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Mercer, Monroe, Northampton, Northumberland, Potter, Somerset, Tioga, and Warren Counties.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025, reports, 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, as amended:

- Mercer County Program Nos.: 15; 18 through 20; 22 and 23
- Northampton County Program No.: 10
- Northumberland County Program No.: 6
- Potter County Program No.: 11

- Somerset County Program Nos.: 18 through 20
- Tioga County Program Nos.: 15 and 16
- Warren County Program No.: 6

Commissioner Pat Fabian made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. Commissioner Lori Vargo Heffner abstained from the vote for Northampton County only; otherwise, she voted yea. The motion was approved by a majority of the Trustees in attendance.

Resolution No. 5 – September Reports: Washington, Wayne, Westmoreland, Wyoming, and York County

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Washington, Wayne, Westmoreland, Wyoming, and York Counties.

Stuart Fisk reported that Washington County Program No. 40 was recommended as non-compliant because it does not appear sufficiently related to education, employment, training, or other educational services for individuals in treatment for, or recovery from, OUD and any co-occurring SUDs and/or MH conditions, as outlined in Exhibit E.

Mr. Fisk reported that Washington County Program Nos. 41 and 58 were recommended as non-compliant because they appear to lack educational components on substance use prevention, risk-based criteria for determining participant eligibility, and no indication they are evidence based or evidence informed. Therefore, they do not appear sufficiently related to the prevention of OUD and any co-occurring SUDs and/or MH conditions.

Mr. Fisk reported that Washington County Program No. 42 was recommended as non-compliant because it does not appear sufficiently related to providing first responders with education or training on any of the topics outlined in Exhibit E, including, but not limited to, naloxone use and distribution, MAT, connecting at-risk individuals to appropriate supports, or Good Samaritan laws.

Mr. Fisk reported that Washington County Program No. 46 was recommended as non-compliant because it appears to support personnel costs for a school resource officer, which is considered law enforcement and, therefore, is not allowable under Exhibit E.

Mr. Fisk reported that Washington County Program Nos. 49 and 55 were recommended as non-compliant because they do not appear sufficiently related to leadership, planning, coordination, facilitation, training, technical assistance, or research aimed at abating the opioid crisis, as outlined in Exhibit E.

Mr. Fisk reported that Washington County Program No. 53 was recommended as non-compliant because it appears to lack educational components on substance use prevention and an evidence

base. Therefore, it does not appear sufficiently related to the prevention of OUD and any co-occurring SUDs and/or MH conditions.

Chair Tom VanKirk noted that, especially given the inadequate information submitted in its September 15, 2025 report, Washington County will be among the first Participating Subdivisions to be offered support by the new Opioid Trust Liaison once the position is filled.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025 reports, 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, as amended:

- Washington County Program Nos.: 28 through 30; 32; 35; 45; 47; 50; 54; 56 and 57
- Wayne County Program No.: 3
- Westmoreland County Program Nos.: 18 through 20
- Wyoming County Program No.: 5
- York County Program Nos.: 20 through 23

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. The motion was approved unanimously by the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board 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:

- Washington County Program Nos.: 40 through 42; 46; 49; 53; 55; 58

Commissioner Kevin Boozel made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. The motion was approved unanimously by the Trustees in attendance.

Resolution No. 6 – September Reports: Bucks County District Attorney, City of Lock Haven, Dauphin County District Attorney, Edwardsville Borough, Erie County District Attorney, Exeter Borough, Forty Fort Borough, and Lawrence County District Attorney

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Litigating Subdivisions Bucks County District

Attorney, City of Lock Haven, Dauphin County District Attorney, Edwardsville Borough, Erie County District Attorney, Exeter Borough, Forty Fort Borough, and Lawrence County District Attorney.

Shea Madden provided an overview of Bucks County Program No. 2, which was first reported in the March 17, 2025, reporting cycle. The program consists of two components: \$188,560.02 to support a Legal Secretary I position, which was approved by the Board on August 21, 2025, and \$204,809.17 to support an Assistant Public Defender position, which was deemed non-compliant by the Board on August 21, 2025.

The Bucks County District Attorney's Office ("BCDAO") filed an appeal with the Trust's Dispute Resolution Committee ("DRC") challenging the Board's determination of non-compliance regarding the Assistant Public Defender position. On November 12, 2025, the DRC held a public meeting at which BCDAO presented the appeal. Following that meeting, the DRC adopted a resolution referring the matter to the full Board, noting that the use of OSF to support a public defender position presents an issue of first impression, including interpretation of key provisions of Exhibit E.

To ensure that all Trustees had the opportunity to review the full record, the appeal materials submitted to the DRC, along with a video recording of the November 12, 2025, public DRC meeting and the BCDAO's presentation, were distributed to Trustees in advance of this meeting.

Ms. Madden further noted that on November 19, 2025, following the public DRC meeting, BCDAO sent an email to the Trust stating, for the first time, that the Assistant Public Defender position supported by OSF "will be mandated to handle 100% OUD and SUD clients."

Ms. Madden then provided additional context for the Board's consideration. The use of OSF to support a public defender position is a matter of first impression, as no Participating Subdivision previously sought approval for such a position. While the Trust's Technical Advisory Group ("TAG") previously published an FAQ stating that public defender positions are a County's responsibility to finance, and upon review of the program and additional materials submitted to the DRC, it is believed that such positions may be compliant with Exhibit E.

Ms. Madden further clarified that consideration of this appeal should not be interpreted as approval of the use of OSF for Assistant District Attorney positions. Positions involving prosecutorial discretion constitute law enforcement personnel and activities, which are not authorized under Exhibit E.

Commissioner Robert Postal stated that he supports approval of the Assistant Public Defender position based on the supplemental information provided by BCDAO and because public defenders provide legal services to individuals rather than prosecutorial functions.

Ms. Madden stated that she would support approval of the position and believes it aligns with the purpose of OSF, noting that many individuals with OUD are involved in the criminal justice system and have a substantial need for legal assistance.

Stuart Fisk stated that he believes it appropriate to draw a distinction between prosecutorial and non-prosecutorial functions. He noted that legal services provided by public defenders can help alleviate the burden of the legal system on individuals with SUDs. While Counties are mandated to provide these services, he noted that they are not always able to fully meet those obligations. He further stated that he appreciated the commitment to dedicating 100% of the position to supporting individuals with OUD and that the position is staffed by a qualified individual.

Chair Tom VanKirk stated that he shared the views expressed by the Trustees who commented and is supportive of the program.

Mr. Fisk reported that Dauphin County District Attorney Program No. 1 was recommended as non-compliant because it appears to support personnel costs for a deputy district attorney, which is considered law enforcement and, therefore, is not allowable under Exhibit E.

Mr. Fisk reported that Edwardsville Borough Program No. 1 was recommended for non-compliance because it appears to support costs for license plate readers, which can be used by law enforcement in ways that may result in punitive outcomes, and, therefore, is not allowable under Exhibit E.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025, reports, 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, as amended:

- Bucks County District Attorney Program No. 2 (Portion of Program related to the Assistant Public Defender)
- City of Lock Haven Program No.: 1
- Erie County District Attorney Program Nos.: 7 through 9
- Exeter Borough Program No.: 1
- Forty Fort Borough Program No.: 1
- Lawrence County District Attorney Program No.: 1

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. The motion was approved unanimously by the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board 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:

- Dauphin County District Attorney Program No.: 1
- Edwardsville Borough Program No.: 1

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

Resolution No. 7 – September Reports: Lehigh County District Attorney, Middletown Township, Plains Township, Westmoreland County District Attorney, and Wyoming County District Attorney

The Working Group leaders then summarized the recommendations of their respective Working Groups for remediation programs reported by Litigating Subdivisions Lehigh County District Attorney, Middletown Township, Plains Township, Union Township, Warrington Township, Westmoreland County District Attorney, and Wyoming County District Attorney.

Shea Madden reported that Middletown Township Program No. 3 was recommended as non-compliant because it appears to support personnel costs for police officers carrying out law-enforcement activities, which is not allowable under Exhibit E.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust, based on the recommendations of the Working Groups that met and reviewed the September 15, 2025 ,reports, 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, as amended:

- Lehigh County District Attorney Program No.: 2
- Middletown Township Program Nos.: 2 and 4
- Plains Township Program No.: 2
- Westmoreland County District Attorney Program No.: 2
- Wyoming County District Attorney Program Nos.: 1 through 3

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Representative Jamie Flick seconded the motion. The motion was approved unanimously by the Trustees in attendance.

AND FURTHER RESOLVED, that, the Board 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:

- Middletown Township Program No.: 3

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. The motion was approved unanimously by the Trustees in attendance.

Chair Tom VanKirk thanked the Trustees for their work in reviewing the remediation programs and expressed particular appreciation to the Working Group leaders for their leadership and for presenting the programs at the meeting.

Resolution Authorizing Insurance Renewal

Chair Tom VanKirk reported that the Trust's existing insurance coverage was scheduled to expire on December 1, 2025. Because this public meeting was not scheduled until December 4, 2025, which would be after the policy's expiration date, he worked with CCAP to secure an extension of the existing coverage through December 15, 2025. He said he would, therefore, be asking for a resolution to ratify that action on behalf of the Trust. He further reported that a renewal proposal for insurance coverage effective December 15, 2025 for a period of one year was obtained and included in the materials distributed to Trustees in advance of the meeting. Chair VanKirk said he would also be asking for resolution to approve the renewal. The coverage includes errors and omissions ("E&O") coverage as well as Technology Services Professional Liability Coverage.

Representative Jamie Flick asked whether the renewal proposal was identical to the prior policy, noting that the premium had decreased. Chair Tom VanKirk responded that the proposal is substantially the same as prior coverage, with clearer language regarding E&O coverage.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust hereby ratifies the prior actions of the Chair, working with the Trust's administrator, the County Commissioners Association of Pennsylvania, to extend the current E&O insurance policy through December 15, 2025.

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

Chair Tom VanKirk then requested the following additional resolution:

FURTHER RESOLVED, that, based on the proposal for insurance renewal included in the materials distributed to members of the Board for this meeting, the Board

hereby accepts the proposal of primary \$5 million E&O insurance coverage as presented, effective December 15, 2025 through December 15, 2026. CCAP, working with the Chair, is authorized to execute any forms necessary to execute and finalize such continuing coverage.

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

Resolution Regarding Aliquippa City, Hazelton City, and Mahoning Township Failure to Comply with Minimum Reporting Requirements under Amended Trust Order (September 2025)

Chair Tom VanKirk addressed an outstanding compliance issue involving Aliquippa City, Hazleton City, and Mahoning Township, which failed to submit required reports to the Trust for the September 15, 2025, reporting cycle. He noted that, despite multiple reminders, a Notice of Delinquency was issued by CCAP on September 16, 2025, and a subsequent written notice was issued on October 6, 2025, both of which warned that future distributions could be withheld, none of the three Litigating Subdivisions submitted the required September 15, 2025, report, to date. As with the prior resolution adopted at this meeting regarding December 2025 distributions, the Amended Trust Order permits the Trust to withhold funds, provided the Participating Subdivision is given notice and 3 months to cure the deficiency.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that the Board of the Trust, pursuant to Section X.C. of the Amended Trust Order, hereby puts Aliquippa City, Hazelton City, and Mahoning Township on notice that each Participating Subdivision must, within three (3) months of the date of this meeting, submit a report to the Trust under Section V.D.11. the Amended Trust Order. This official action will further be communicated in writing today in accordance with the draft Notice to Cure distributed to Trustees in advance of this meeting. If any of these Participating Subdivisions fails to file such a report within said time period, the Trust may, upon further resolution, reduce or withhold future distributions to these Litigating Subdivisions and re-allocate any difference to the Commonwealth in accordance with Section X.C. of the Amended Trust Order.

Commissioner Lori Vargo Heffner made a motion to approve the resolution as presented. Senator Christine Tartaglione seconded the motion. Chair Tom VanKirk also commended the other Counties and Litigating Subdivisions for their compliance with reporting requirements and deadlines. With no further discussion, the motion was approved unanimously by the Trustees in attendance.

Resolution Regarding Responses to Inquiries from Public Listening Session

Chair Tom VanKirk reported that the Board held a public listening session on August 21, 2025, to solicit input and feedback from interested beneficiaries under the Amended Trust Order and members of the public. He noted that, although the Sunshine Act does not require public participation at Trust meetings, the Board recognizes the value of engaging community members to obtain diverse perspectives on Trust-related issues.

Chair VanKirk further stated that while the Trust appreciates the feedback received, members of the public are encouraged to share their input at the local level, where spending decisions are made. He then reviewed the questions presented to the Trust during the August 21, 2025, Public Listening Session, along with the proposed responses.

Chair Tom VanKirk then requested the following resolution:

RESOLVED, that, the Board of the Trust hereby approves the summaries and draft responses thereto regarding certain questions raised at the public listening session on August 21, 2025. These responses will be posted following this meeting on the Trust's website under the FAQ section.

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

New Business

With no new business, Chair Tom VanKirk then adjourned the meeting at 1:41 PM.