

## OPIOID SETTLEMENT ADVISORY COMMITTEE OPERATING PROCEDURES

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### I. INTRODUCTION

The Opioid Settlement Advisory Committee (OSAC or the Committee) is established by 18 V.S.A. § 4772 for the purpose of providing advice and recommendations to the Vermont Governor and General Assembly regarding remediation spending from the Opioid Abatement Special Fund. The Committee is an advisory committee under Vermont Open Meeting Law because the Committee does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax or budgetary matters. Rather, the Committee provides advice and guidance on such matters. The designated OSAC website is <https://www.healthvermont.gov/alcohol-drugs/public-meetings-comments/opioid-settlement-advisory-committee>.

### II. MEMBERSHIP

#### *A. Appointment*

1. The membership of the Committee is established in 18 V.S.A. § 4772(b)(1).
2. Members are appointed by the entities named in the statute.
3. Members are required to represent the diversity of Vermont, reflecting diverse genders, races, ages, ethnicities, sexual orientations, gender identities, disability statuses, and socioeconomic statuses.
4. Membership must include individuals with lived experience of opioid use disorder and their family members whenever possible.

#### *B. Officers*

1. The Commissioner of the Department of Health or their designee shall be the non-voting chair of the Committee.
- 1-2. The Committee shall elect a vice chair of the Committee. The vice chair shall be permitted to vote in the same manner as other Committee members. The vice chair is authorized to testify to the General Assembly and to General Assembly Committees regarding the Committee's Opioid Settlement Abatement Committee funding proposals and any other matters about which the Committee authorizes the vice chair to testify.

#### *B.C. Terms*

1. Members shall serve on the Committee for staggered four-year terms.

2. Members may continue to serve after the expiration of a term until the appointing entity appoints a successor.
3. Members may be reappointed for additional terms.
4. If a member resigns or is removed before completing the term, the member's appointed successor shall serve for the balance of the remaining term in the same manner as the original appointment.
5. The terms for members appointed by the following organizations shall expire every four years in odd years:
  - i. Vermont Association of Mental Health and Addiction Recovery
  - ii. Vermont League of Cities and Towns
6. The terms for members appointed by the following organizations shall expire every four years in even years:
  - i. Howard Center's Safe Recovery Program
  - ii. Vermont Speaker of the House – Member of the House of Representatives
  - iii. Vermont Senate Committee on Committees – Member of the Senate
  - iv. Blueprint for Health
  - v. University of Vermont
  - vi. Vermont Association of County Judges
7. The Vermont Association of Mental Health and Addiction Recovery and the Howard Center's Safe Recovery Program shall appoint as members one individual, each, with lived experience of opioid use disorder, including at least one of whom is in recovery. All other appointing organizations are encouraged to appoint members with lived experiences or member who have family with lived experience of opioid use disorder.

C.D. *Removal*

1. An appointing entity may choose not to reappoint the same Committee member at the end of a term.
2. An appointing entity may remove its appointed Committee member for neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the office.
3. If a member is removed, the Chair of the Committee shall notify the Governor, the Speaker of the House, and the President Pro Tempore of the General Assembly that the member has been removed from the Committee.

### III. MEETINGS

#### *A. Open Meeting Law Compliance*

1. All Committee meetings shall comply with the requirements of Vermont's Open Meeting Law (1 V.S.A. Ch. 5, Subch. 2).

2. As used herein, the term "meeting" shall have the same meaning as in 1 V.S.A. § 310(5).

3. Committee meetings include any gatherings or communications, including emails, where OSAC business is discussed among a quorum of Committee members.

4. Committee meetings do not include communications or gatherings among a quorum of Committee members where the only business discussed is routine, administrative, day-to-day Committee tasks, including meeting scheduling, agenda organization, or distribution of materials to discuss at a meeting.

5. The Committee may not go into executive session except for the reasons, and following the procedures, specified by 1 V.S.A. § 313.

**Commented [LL1]:** Compare with last bullet of III.B.5 (Meetings; Time and Place).

*B. Time and Place*

1. The Committee shall hold its regular meetings on the third Monday of every month from March through December.

2. The Committee may hold special meetings but may not meet more than a total of twelve (12) times in a calendar year.

i. The time, place, and purpose of special meetings must be posted on the Committee's website at least 24 hours before the meeting begins.

ii. Notice of the special meeting must also be provided in writing to each member of the Committee at least 24 hours before the meeting begins.

3. The Committee may hold emergency meetings but may not meet more than a total of twelve (12) times in a calendar year.

i. Emergency meetings may be held without posting of notices or 24-hour notice to Committee members, as long as some public notice is given as soon as possible before the emergency meeting begins.

ii. Emergency meetings may only be held when there is an unforeseen occurrence or condition requiring immediate attention by the Committee.

4. Meetings will be held using an electronic platform that allows the direct access, attendance, and participation of the public and that includes telephone access and participation.

i. Information enabling direct public access to the designated electronic platform shall be posted on the Committee's designated website and included in each published meeting agenda.

ii. Physical meeting locations will be available only upon request.

5. The Committee shall not go into executive session except as permitted under 1 V.S.A. § 313.

### C. Agenda

1. At least 48 hours prior to a regular meeting and 24 hours prior to a special meeting, the Department shall post the Committee's agenda for the meeting on the Committee's designated website.
2. Committee members may add an item to the agenda by emailing the item and a description of the matter to be discussed to the Department of Health at least five (5) business days prior to the meeting.
3. Committee members may send items to [whomever is compiling items for and posting the agenda] to be included on the agenda at least 12 hours before the agenda is required to be posted. Committee members are encouraged to identify individuals with relevant expertise and experience, invite them to address the Committee, and add those individuals to the agenda. [alternatively, all decisions regarding individuals to call in should be subject to a vote and must be supported by a majority of Committee members present at the meeting.]
4. Documents to be discussed and considered at the meeting shall be posted with the agenda and distributed to the Committee members at the time the agenda is required to be posted.
5. The agenda shall contain sufficient detail concerning the specific matters to be discussed at the meeting, including the general topic and the names of presenters or speakers, if any.
6. Whenever the agenda includes an executive session, the Committee shall list the agenda item as "proposed executive session" and indicate the nature of the business to be discussed in executive session.
7. The Committee shall provide reasonable opportunity for public comment at all meetings. Public comments shall be subject to reasonable rules established by the chairperson.

**Commented [LL2]:** ACLU Proposal: Specify staff or committee member who/that will post the agenda.

**Commented [DG3]:** Should this be "up to"

### D. Minutes

1. The Department shall take minutes at all meetings of the Committee.
2. The minutes of Committee meetings shall include the following:
  - i. The names of all members present at the meeting;
  - ii. The topics discussed by the Committee;
    - a) If the meeting agenda lists all topics discussed by the Committee at the meeting, the agenda, attached to the minutes, fulfills this requirement;
  - iii. The names and affiliations, if applicable, of all non-members who speak at the meeting;

- iv. All motions, proposals, and resolutions made, offered, and considered at the meeting, and what disposition is made of the same; and
- v. The results of all votes at the meeting, which shall be reflected as
  - a) For non-roll-call votes, a vote count, including the number of votes in favor, against, and abstaining; or
  - b) For roll-call votes, a record of the individual vote of each member.
- 3. Within five (5) calendar days following a meeting, the unapproved minutes of a Committee meeting will be posted on the Committee's designated website.
- 4. The Committee shall amend, when necessary, and approve the minutes from its previous meeting at the next meeting of the Committee.
- 5. Approved Committee meeting minutes will be posted to the Committee's designated website within five (5) calendar days after the Committee meeting at which the minutes were approved.
  - i. The approved Committee meeting minutes will replace the unapproved minutes on the Committee's designated website.
- 6. Approved Committee meeting minutes shall be posted on the Committee's designated website for at least one year following the meeting at which the minutes were taken.
- 7. Within five (5) calendar days following a Committee meeting, copies of the Committee meeting minutes, unapproved or approved, will be available upon request.

*E. Recording*

- 1. With the exception of executive sessions, Committee meetings will be recorded.
- 2. The Department will retain the recording of the Committee meetings for one year following the meeting.
- 3. Within five (5) calendar days following a Committee meeting, a copy of the recording of the Committee meeting will be available upon request.

IV. RECOMMENDATIONS

A. Each calendar year prior to its review of any Opioid Abatement Special Fund (OASF) funding proposals, the Committee shall review its process for collecting and reviewing such proposals. The process may be revised each calendar year but, except when needed to provide clarification, the process may not be revised after the Committee begins its review of OASF funding proposals.

A.B. Committee members may review OASF funding proposals outside of a meeting and may provide feedback and preliminary votes to the Department on the OASF funding proposals outside of a meeting.

- 1. Such feedback and preliminary votes shall not be ~~shared~~discussed by ~~with~~ a quorum of Committee members until after all feedback and preliminary votes

have been collected and may not be discussed by a quorum of members outside of a meeting.

1.2. Committee members shall submit feedback and preliminary votes within seven (7) days, inclusive of holidays and weekends, of a request for feedback and preliminary votes.

2.3. Further discussion among a quorum of Committee members regarding the Committee members' feedback and preliminary votes on proposals must occur during a meeting.

4. Except as otherwise exempted under the Vermont Public Records Act (1 V.S.A. § 317(c)), feedback and preliminary votes on OSAF public recommendations are public records subject to disclosure under the Vermont Public Records Act.

#### IV.V. VOTING

A. Final votes on approval or disapproval of OSAF funding proposals ~~ed proposals~~ shall occur during a meeting of the Committee. The Committee will memorialize the outcome of these votes in the submission to the Department and the Legislature required by 18 V.S.A. § 4772(e). This submission will be sent in the Committee's name and must be separate and distinct from the Department's spending plan required by 18 V.S.A. § 4774(a)(2).

B. OSAF funding proposals shall be deemed approved by the Committee for recommendation to the Governor, the Department, and/or the Vermont General Assembly if the OSAF funding proposal receives the affirmative vote of a majority of all Committee members.

~~B.C.~~ All other Committee decisions and actions shall be deemed approved if the decision or action receives the affirmative vote of a majority of Committee members present at a meeting. Committee members shall have input on all items materially affecting the Committee and its work (e.g., Committee procedures; recommendations on proposals) and decisions on those items are subject to this voting procedure.

~~C.D.~~ All proposals received will be shared with the Committee within 5 days of receipt for discussion at subsequent meetings. The Committee shall compile a list of all proposals received, indicating whether each was discussed by the Committee or not, and post this list to its website within 5 days of its submission of recommendations to the Legislature.