

South Carolina Opioid Recovery Fund Board of Directors Meeting

July 20, 2022 at 11:00 am

Edgar A. Brown Building, 1205 Pendleton Street, Room 415, Columbia, SC

Board Chair Eric Bedingfield called the Board of Directors Meeting to order at 11:00 a.m. at the Edgar A. Brown Building in Columbia, SC. Those in attendance and constituting a quorum were:

Board Members Present: Eric Bedingfield, Aditi Bussells, Ph. D., Martine Helou, Gary Mixon, Lisa Montgomery, Toby Chappell, Hon. Bruce Williams, Steve Donaldson **Absent:** Dr. Mayes Dubose, excused

Welcome

The inaugural meeting of the South Carolina Opioid Recovery Fund Board began with a Welcome by Grant Gillespie, Executive Director of the South Carolina Fiscal Accountability Authority.

Swearing In of Board Members:

All board members in attendance were sworn in by Assistant Deputy Attorney General Jared Libet.

Introductions/Roll Call:

Chairman Bedingfield asked each member to introduce themselves. Board members also shared their personal connection to this project.

Orientation:

Sarah Goldsby, Director of the South Carolina Department of Alcohol and Other Drug Abuse Services presented about The Opioid Crisis in South Carolina. Director Goldsby invited members of the Board to listen to the meetings of the South Carolina Opioid Emergency Response Team.

Attorney Libet presented on the national settlements with the major opioid distributors (Cardinal, McKesson, and AmerisourceBergen) and Johnson & Johnson, the South Carolina Opioid Settlement Allocation Agreement, and the South Carolina Opioid Recovery Act, including an explanation of how the opioid settlement funds will be allocated.

Alana Williams, SFAA Director of Strategic Initiatives, presented an overview of SFAA's role in providing administration services to the Board. Ms. Williams provided information to the Board regarding their official Board email addresses and the new SCORF Board website.

Denise Carraway, SFAA Director of Finance, presented a financial overview and description of the various subfunds created by the South Carolina Opioid Recovery Act, and information regarding Board member reimbursements.

Executive Session:

None.

New Business:

Attorney Libet informed the Board that, pursuant to S.C. Code § 11-58-70(B), a Vice Chairperson is to be appointed from among the board members appointed by the Governor from the Municipal Association and SC Association of Counties — Dr. Aditi Bussells, Toby Chappell, Hon. Bruce Williams, and Steve Donaldson. These members will communicate and elect a Vice Chairperson from this group.

Attorney Libet presented the initial Financial Report for July 20, 2022, which is attached to these Minutes.

Chairman Bedingfield called for a motion to approve the allocation of the funds in the South Carolina Opioid Recovery Fund into the Guaranteed Political Subdivision Fund, Discretionary Subfund and Administrative Subfund as stated in the Financial Report. Gary Mixon motioned to approve the allocation as presented, Toby Chappell seconded, m/c unanimous.

Chairman Bedingfield noted that the Board needed to approve application processes for the Guaranteed Political Subdivision Subfund and the Discretionary Subfund. Board members discussed the frequency of disbursements and the need to ensure the availability of funds for applicants throughout the year. Board members also discussed whether applicants could reapply for funding. Board members discussed including within the applications questions regarding other funding applications made for the same project, and whether opioid recovery funds should be funds of last resort. The Board decided to create eligibility criteria and formal guidelines for considering applications for discretionary funding.

Board members discussed accountability and the need for reporting from those who received funding.

Chairman Bedingfield called for discussion about the logistics and frequency of future Board meetings. The Board discussed a need to receive applications in advance of meetings so they would be prepared to vote on those applications at the meetings.

Attorney Libet presented Board Members with draft bylaws for review and consideration. Ms. Helou made a Motion to Adopt to By-Laws, Mr. Donaldson seconded, m/c unanimous. The approved Bylaws are attached to these Minutes.

Pursuant to the Bylaws, Attorney Libet presented Board members with Conflict of Interests Forms for them to complete and return.

The Board decided to proceed with bimonthly meetings for now and Chairman Bedingfield asked Ms. Williams to send out a poll for times and dates in September.

Chairman Bedingfield asked Ms. Williams and Attorney Libet to provide the Board with draft applications, eligibility criteria, and discretionary guidelines based upon the Board's discussion prior to the next board meeting.

The meeting was adjourned at 2:32pm.

Minutes submitted by Heather Shealey 7/21/2022

SOUTH CAROLINA OPIOID RECOVERY FUND BOARD

Financial Report for July 20, 2022 Meeting

The Treasurer received a payment of \$12,550,750.48 on July 15, 2022. The opioid distributors made this payment into escrow in 2021 under the terms of the national settlement.

Pursuant to the terms of the agreement between the State of South Carolina and its participating political subdivisions, the South Carolina Opioid Recovery Fund received \$10,291,615.39 of that amount, which shall be allocated as follows:

Guaranteed Political Subdivision Subfund¹

\$ 8,572,915.62

1. Abbeville County	\$ 28,719.78	38. Georgetown County	\$101,975.68
2. Aiken County	\$219,995.34	39. Georgetown City	\$ 22,514.48
3. Aiken City	\$ 67,194.74	40. Goose Creek City	\$ 46,924.50
4. Allendale County	\$ 10,462.74	41. Greenville County	\$612,983.43
5. Anderson County	\$286,268.79	42. Greenville City	\$194,653.61
6. Anderson City	\$100,605.76	43. Greenwood County	\$114,782.29
7. Bamberg County	\$ 23,197.57	44. Greenwood City	\$ 2,642.35
8. Barnwell County	\$ 39,891.70	45. Greer City	\$ 47,927.44
9. Beaufort County	\$200,301.19	46. Hampton County	\$ 29,579.79
10. Beaufort City	\$ 6,600.99	47. Hanahan City	\$ 19,543.55
11. Berkeley County	\$179,700.66	48. Hilton Head Island Town	\$ 19,922.41
12. Bluffton Town	\$ 4,131.88	49. Horry County	\$447,220.88
13. Calhoun County	\$ 15,716.39	50. Irmo Town	\$ 8,082.04
14. Cayce City	\$ 22,050.71	51. James Island Town	\$ 3,956.85
15. Charleston County	\$325,911.72	52. Jasper County	\$ 36,679.63
16. Charleston City	\$197,214.27	53. Kershaw County	\$ 92,423.68
17. Cherokee County	\$ 80,934.33	54. Kershaw Health Hospital District	\$ 0.00
18. Chester County	\$ 33,845.57	55. Lancaster County	\$126,958.73
19. Chester City	\$ 11,141.13	56. Laurens County	\$116,578.30
20. Chesterfield County	\$ 80,958.23	57. Lee County	\$ 18,660.00
21. Clarendon County	\$ 48,911.77	58. Lexington County	\$384,764.38
22. Clemson City	\$ 28,390.21	59. Lexington Town	\$ 20,078.66
23. Colleton County	\$ 73,635.91	60. Marion County	\$ 59,781.02
24. Columbia City	\$205,047.52	61. Marlboro County	\$ 41,820.72
25. Conway City	\$ 24,816.36	62. Mauldin City	\$ 36,462.79
26. Darlington County	\$144,937.68	63. McCormick County	\$ 10,987.25
27. Dillon County	\$ 56,653.35	64. Moncks Corner Town	\$ 16,849.43
28. Dorchester County	\$137,301.81	65. Mount Pleasant Town	\$ 49,301.14
29. Easley City	\$ 73,434.19	66. Myrtle Beach City	\$163,470.36
30. Edgefield County	\$ 30,743.31	67. Newberry County	\$ 48,493.14
31. Fairfield County	\$ 30,317.45	68. Newberry City	\$ 2,956.50
32. Florence County	\$189,110.00	69. North Augusta City	\$ 44,062.03
33. Florence City	\$ 86,289.28	70. North Charleston City	\$152,178.60
34. Forest Acres City	\$ 8,538.02	71. North Myrtle Beach City	\$ 54,577.87
35. Fort Mill Town	\$ 14,702.33	72. Oconee County	\$240,894.77
36. Fountain Inn City	\$ 16,937.48	73. Orangeburg County	\$124,684.34
37. Gaffney City	\$ 17,526.07	74. Orangeburg City	\$ 4,020.19

¹ This includes the money assigned to each of the counties, cities, and towns listed.

75. Pickens County	\$241,270.54	83. Summerville Town	\$ 55,261.12
76. Port Royal Town	\$ 1,766.87	84. Sumter County	\$ 81,279.78
77. Richland County	\$332,772.50	85. Sumter City	\$ 46,213.52
78. Rock Hill City	\$112,477.28	86. Tega Cay City	\$ 3,715.20
79. Saluda County	\$ 22,330.75	87. Union County	\$ 55,719.87
80. Simpsonville City	\$ 29,980.04	88. West Columbia City	\$ 33,810.36
81. Spartanburg County	\$549,389.24	89. Williamsburg County	\$ 42,276.11
82. Spartanburg City	\$101,934.62	90. York County	\$221,188.76

Discretionary Subfund **\$ 1,512,867.46**

Administrative Subfund² **\$ 102,916.15**

Remains in SCORF **\$ 102,916.16**

² The State-Subdivision agreement is being amended to increase the administrative subfund from 1% to 2%. Once that amendment is finalized, an additional \$102,916.16 will be transferred into the administrative subfund.

**BYLAWS OF THE
SOUTH CAROLINA OPIOID RECOVERY FUND BOARD**

Approved as of July 20, 2022

Article 1 – Name of Organization

Section 1.1. Name.

The name of the organization shall be the South Carolina Opioid Recovery Fund Board (the “Board”).

Article 2 – Purpose

Section 2.1. Purpose.

The purpose of the Board is to administer, manage, and disburse the South Carolina Opioid Recovery Fund, as defined by Chapter 58 of Title 11 of the South Carolina Code of Laws (the “South Carolina Opioid Recovery Act”).

Section 2.2. Limitations

In carrying out its purpose, the Board is at all times subject to the requirements of the South Carolina Opioid Recovery Act, the South Carolina Opioid Settlement Allocation Agreement attached hereto as Exhibit A, the Distributor Settlement Agreement attached hereto as Exhibit B, the Janssen Settlement Agreement attached hereto as Exhibit C, and all applicable court orders.

Article 3 – Membership

Section 3.1. Membership.

The Board consists of nine members, who are appointed as follows:

- 1) the Governor appoints one member, who shall serve as Chairperson;
- 2) the President of the Senate appoints one member;
- 3) the Speaker of the House of Representatives appoints one member;
- 4) the Governor shall appoint three members, the Speaker one member, and the President of the Senate one member from a list provided by the South Carolina Association of Counties, with at least one member selected from each of the South Carolina public health regions as defined by the South Carolina Department of Health and Environmental Control; and
- 5) the Governor shall appoint one member from a list provided by the Municipal Association of South Carolina.

Section 3.2. Eligibility.

All members of the South Carolina Opioid Recovery Fund Board shall be academic, medical, licensed health, or other professionals with significant experience in opioid prevention, treatment, or intervention or who can represent the interest of the victims and families of victims of opioid overuse or misuse. Members of the board must not have been convicted of a felony or a crime of moral turpitude.

Section 3.3. Term.

All membership terms will be for four years, except the initial Chairperson appointed by the Governor and the initial appointments by the Governor from the list provided by the South Carolina Association of Counties will have membership terms of six years.

All membership terms are deemed to commence on May 1st of the appointing year and terminate on April 30th of the ending year.

Section 3.4. Resignation.

A Board Member may resign by delivering written notice to the Chairperson and to the person in the position that appointed him or her. A resignation is effective when the notice is received unless the notice specifies a later effective date.

Section 3.5. Removal.

Removal of Board Members is governed by Section 1-3-240 and Section 1-3-245 of the South Carolina Code of Laws. The Chairperson shall ensure that any meeting absences are noted in the minutes for that meeting and noted as excused or unexcused.

The Board may ask the Governor to remove a Board Member in a writing signed by at least seven Board Members.

Section 3.6. Vacancies.

The Board may continue to conduct business while one or more seats are vacant, so long as such actions are otherwise consistent with these Bylaws.

Section 3.7. No Compensation.

Board Members shall not receive compensation from any source for their services on the Board, other than as specified in Section 8.5.

Article 4 – Meetings

Section 4.1. Regular Meetings

The Board shall meet on a schedule as determined by the Board Members; however, the Board shall have at least four meetings each calendar year.

Section 4.2. Special Meetings

The Board may conduct additional meetings at the request of the Chairperson or by the request of at least five Board Members. Such request shall be in writing and emailed to the Chairperson. Notice of any Special Meetings shall be emailed to all Board Members at least 72 hours before the time scheduled for such meeting.

Section 4.3. Notice

The Board shall publish notice of and an agenda for all meetings pursuant to the requirements of the South Carolina Freedom of Information Act.

Section 4.4. Minutes.

The Board shall ensure that minutes of all meetings are kept and published within a reasonable time after the meeting's conclusion.

Section 4.5. Procedure.

Board meetings shall follow Robert's Rules of Order.

Section 4.6. Format.

Meetings may be conducted in-person, through audio or video conference, or through a combination of these formats, in the discretion of the Chairperson.

Article 5 – Voting

Section 5.1. Quorum.

A majority of Board Members present at any called meeting shall constitute a quorum. The continued presence of a quorum is required for any formal decisions of the Board.

Section 5.2. Voting.

All Board decisions, other than those under Section 3.5, Section 8.1, and Section 8.2 of these Bylaws, shall be by simple majority at a meeting where a quorum is established. In the event of a tie, the Chairperson's vote is decisive. In the event the Chairperson was not present or abstained from a vote and the vote is tied, the Vice-Chairperson's vote is decisive.

Section 5.3. Conflicts of Interest.

A Board Member has a conflict of interest where any of the following individuals has a financial interest in the actions of the Board:

- 1) the Board Member;
- 2) the Board Member's spouse and family members;
- 3) the Board Member's employer and coworkers;

- 4) any for-profit or non-profit entity where the Board Member either owns a substantial interest or serves as a member or director;
- 5) any other person where the Board Member's impartiality may reasonably be questioned.

Where such a conflict of interest exists, the Board Member will take no part in the consideration or decision regarding any requests for funding from the South Carolina Opioid Recovery Fund. Such abstentions shall be noted in the minutes.

Each Board Member shall prepare and maintain a Conflicts of Interest Disclosure Form, in such format as approved by the Board.

Any other Board Member or the Board's legal counsel may inquire as to whether a member has a conflict of interest. Such inquiry will occur in executive session.

The Board may, by majority vote, require a Board Member to abstain from any consideration or decision involving a particular entity if a majority of the Board concludes that such member has a conflict of interest.

Article 6 – Officers

Section 6.1. Chairperson.

The Chairperson shall preside over and conduct all meetings of the Board and carry out any other duties as authorized by the Board.

Section 6.2. Vice-Chairperson.

The Board Members appointed by the Governor from the lists provided by the South Carolina Association of Counties and the Municipal Association of South Carolina shall select among themselves as Vice-Chairperson of the Board, and notify the Chairperson in writing of their selection.

The Vice-Chairperson shall act as the Chairperson when the Chairperson is absent from a meeting or is abstaining from a particular matter due to a conflict of interest.

Article 7 – Committees

Section 7.1. Committees.

The Board may, by majority vote, establish one or more committees to assist the Board with carrying out its duties. Any such committees must be chaired by a Board Member but may include non-Board Members, and will report to the full Board upon request by the Chairperson.

No committee may execute the power of the Board as defined by these Bylaws, the South Carolina Opioid Recovery Act, the South Carolina Opioid Settlement Allocation Agreement, the

Distributor Settlement Agreement, the Janssen Settlement Agreement, and all applicable court orders.

Article 8 – Administration

Section 8.1. Ratification.

These Bylaws shall be ratified by a vote of two-thirds of Board Members.

Section 8.2. Amendments.

These Bylaws may be amended at any meeting by a vote of two-thirds of Board Members. Before any amendment may be discussed, the Board’s legal counsel must review and approve the amendment for the Board’s consideration.

Section 8.3. Administration.

The State Fiscal Accountability Authority (“SFAA”) shall be responsible for the administrative operations of the Board, including publishing notices of and agendas for meetings, recording and publishing meeting minutes, and accounting for the Board’s finances.

Section 8.4. Legal Counsel.

The designee of the Attorney General shall serve as the Board’s legal counsel and provide all necessary legal services to the Board.

Section 8.5. Reimbursements.

Board Members may be reimbursed for certain expenses involved with their service as Board Members, pursuant to the terms of Section 11-58-80(C) of the South Carolina Code of Laws.