

## Meeting Minutes: Opioid Epidemic Response Advisory Council (OERAC) Meeting

**Date and time of meeting:** September 17, 2021 from 8:30am to 12:00pm

**Meeting Location:** Microsoft Teams meeting

**Participants:** Nicole Anderson; Dave Baker, Representative – Vice Chair; Heather Bell, MD; Pete Carlson; Joe Clubb; Chris Eaton, Senator; Dana Farley; Randy Goodwin; Sarah Grosshuesch; Alicia House; Katrina Howard; Tiffany Irvin; Erin Koegel, Representative; Mark Koran, Senator; Gertrude Matemba-Mutasa; Esther Muturi; Toni Napier; Kathryn Nevins; Darin Prescott; Anne Pylkas, MD – Chair; Judge D. Korey Wahwassuck, Minnesota Management and Budget (MMB); Kristin van Amber, Minnesota Department of Human Services (DHS); Boyd Brown; Tara Holt; Sam Nord; Johanna Schels

### Meeting Goals

Meeting goals per the agenda, dated 17-September-2021, and emailed to OERAC members by Tara Holt on 16-September-2021.

1. Receive an update from the Attorney General's Office
2. Receive an update from the Association of (Minnesota) Counties
3. Discussion and motion to determine the 2021 funding priorities for the Request for Proposal

### Ground Rules, Welcome, Meeting Goals, Agenda

Kristin van Amber - 8:30 to 8:45 AM

Kristin van Amber reviews the ground rules, How to participate, and welcomes guests. She explains the procedure for the public comment period to guests. She also explains the meeting goals and reviews the agenda.

OERAC members introduce themselves. Senator Mary Kunesch is a new member of OERAC.

Please refer to the PowerPoint presentation, Opioid Epidemic Advisory Council, September 17, 2021

### The Office of the Minnesota Attorney General Keith Ellison Opioids Settlement Update

Eric Maloney, Assistant Attorney General

8:45 to 9:15 AM

For the purpose of dividing the opioid settlement amount (state share, local share, and other types of shares) the State of Minnesota expects to receive, Eric Maloney discusses the form of the agreement between the State of Minnesota (here, the Minnesota Attorney General Keith Ellison) and the local governments of the State of Minnesota. He explains the commonly used form, Memorandum of Understanding, by explaining the language of a memorandum of understanding between the State of Ohio and the local governments of the State of Ohio.

The Memorandum of Understanding, which is a legally recognized agreement, may include an allocation formula for state share, local share, and other types of shares, such as abatement (for the purpose of terminating a law suit).

Note: The lowest local share is 15% of the settlement by default. A high local share would be 80%.

Most agreements include an abatement entity to ensure settlement funding is spent on opioid abatement in the respective state. The State of Minnesota has an abatement entity, the Opioid Epidemic Response Advisory Council or OERAC. Other states set up foundations to ensure settlement funding is spent on opioid abatement. Normally, foundation members are: state appointees, local government appointees, and external subject matter experts and advocates.

The opioid settlement default requires “equal membership between state and local governments.” OERAC has no equal membership at this time (19 members and one local government representative).

The opioid settlement default requires setting up “regional funding structures that dedicate portion of funds controlled by state to be spent in certain regions throughout the state.”

In Minnesota, there is no regional structure right now. The opioid settlement funding is split as follows: “50/50 between abatement spending and county/tribal social services funding.”

With regard to attorney fees, the Minnesota AGO “did not hire outside counsel” and no amount of the state share will go toward attorney fees (for respective legal services provided by the Minnesota AGO).

Please refer to the PowerPoint presentation, *The Office of Minnesota Attorney General Keith Ellison, Opioid Settlements: Intrastate Agreements* (author name and date missing).

The Minnesota AGO maintains a page for information about opioid settlements. Go to:  
<https://www.ag.state.mn.us/Opioids/default.asp>

## Requested and Open Public Comment

Dr. Peter Hayden, President and CEO of Turning Point: 9:15 to 9:30 AM

In 1976, Turning Point opened its doors in Minneapolis. Dr. Peter Hayden, the founder of Turning Point is the organization’s president and CEO. Turning Point is an African American organization and offers culturally specific programs in these areas: inpatient and outpatient substance use disorder treatment; housing for homeless and low-income clients. Turning Point operates the Culturally Specific Service Center, made up of local partner organizations, and offers culturally based training (diversity and inclusion training for businesses, non-profits, and government organizations). For more information about Turning Point, please go to:  
<https://ourturningpoint.org>

Angela Reed, CEO of Turning Point, clarifies she has been recently promoted from director at Turning Point to CEO of Turning Point. Ms. Reed explains the recovery-oriented system of care model Turning Point applies.

Turning Point emphasizes the importance of educating communities about substance use disorders and opioid use disorder. Turning Point is looking to the State of Minnesota for funding to continue their programs.

Open Public Comment

No public comments at this time.

## 2021 Funding Review and Approval

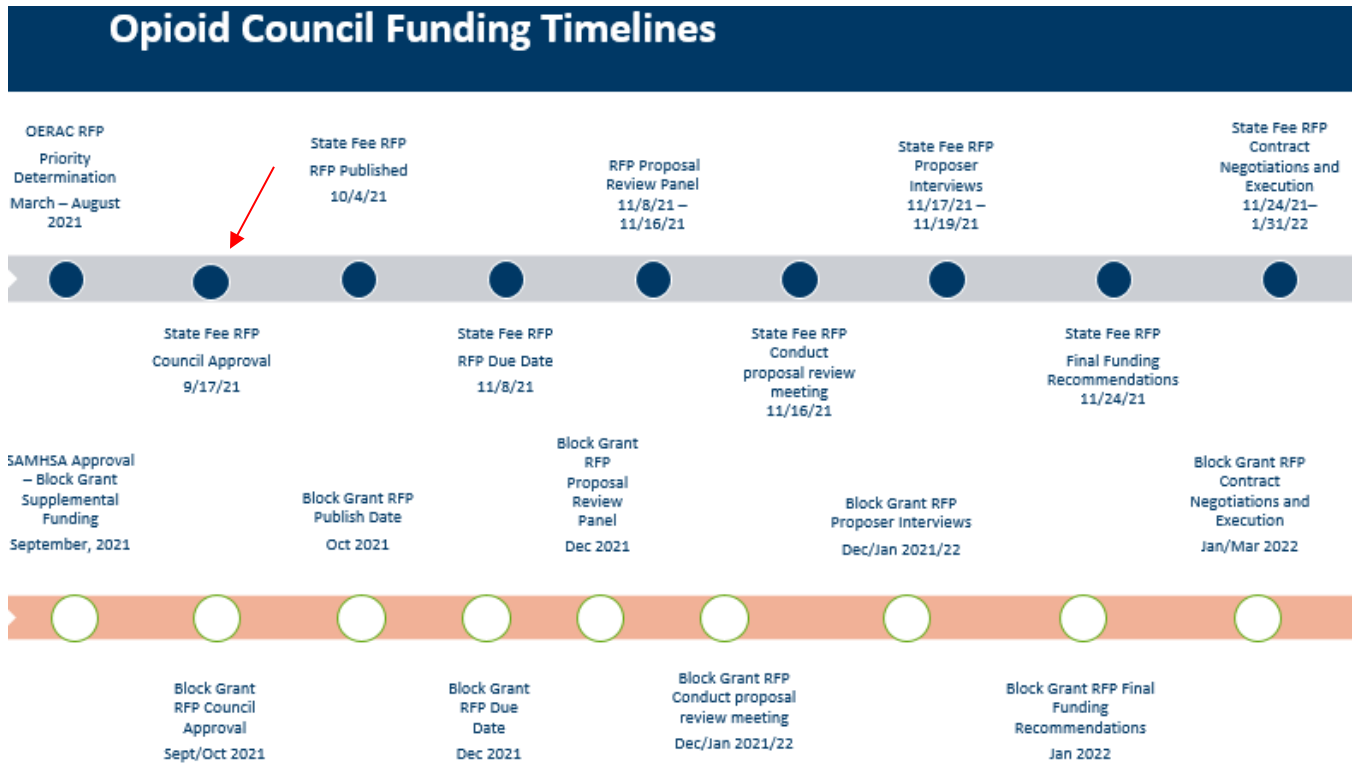
Kristin Van Amber, Boyd Brown and Tara Holt 10:00 to 11:00 AM

The discussion is structured as follows:

- Review of the updated timelines
- Review of the final state funding items for the Request for Proposal (RFP)
- Vote to move forward on a final OERAC state funding RFP
- All participants are asked for input

Tara Holt and Boyd Brown of Behavioral Health Division review the updated funding timelines. Please refer to the PowerPoint presentation, *Opioid Epidemic Response Advisory Council, dated September 17<sup>th</sup>, 2021*.

Review of the updated timelines (see image of slide 12 with updated funding timelines).



The funding timeline (highlighted in blue) has changed from the funding timeline shown and explained in the OERAC meeting on 08/20/2021. The goal was to get the Request for Proposal (RFP) approved prior to the OERAC meeting on 09/17/2021, but this goal has not been achieved. This impacts the timeline between the publication of the RFP and the due date of the responses to the RFP. At the beginning of 2022, OERAC members will be able to negotiate and execute the contracts. If there are concerns, please write to: [Boyd.Brown@state.mn.us](mailto:Boyd.Brown@state.mn.us) and [Tara.Holt@state.mn.us](mailto:Tara.Holt@state.mn.us)

## **Review of the final state funding items for the Request for Proposal (RFP)**

The feedback received from OERAC members on the priority determination work within the scope of the RFP was divided into categories. The two most important ones are: Prevention and Education; and Harm Reduction and Education on Opioid Overdose.

Other categories are: Training on the Treatment of Opioid Addiction; Workforce Development; Expansion and Enhancement of a Continuum of Care for Opioid-related Substance Use Disorders; Chronic Pain; Innovative Category.

For estimated funding awards for each category, please refer to the PowerPoint presentation, *Opioid Epidemic Response Advisory Council, dated September 17, 2021*. Please go to slides 13, 14, and 15.

The RFP funding categories should be limited so that the funding amounts will not need to be split up into too many categories. This will provide responders to the RFP more opportunity to possibly qualify for awards. For example, Category A, Prevention and Education, can be combined with Category B, Harm Reduction and Education on Opioid Overdose (see slide 13).

### **Motions**

#### *Motion 1*

- Representative Dave Baker suggests a motion to combine Category A and Category B.
- Dr. Heather Bell makes the motion to combine Category A and Category B.
- The motion is not seconded.

#### *Motion 2*

- Katherine Nevins makes the motion to approve the scope of work as it was presented, but with minor changes to the language.
- Darrin Prescott seconds the motion.
- Kristin Van Amber goes through the list of OERAC members by name. The motion is passed.

## **Association of Minnesota Counties**

Julie Ring, Executive Director of the Association of Minnesota Counties

Julie Ring is the Executive Director of the Association of Minnesota Counties and provides an introduction to Minnesota counties and the Association of Minnesota Counties.

The Dillon Rule (also called the rule of statutory construction) is explained. Pursuant to the Dillon Rule, only the State of Minnesota can authorize the counties to act. Minnesota counties are organized as administrative agencies of both the state and local governments. As a local government agency, the county meets the needs of its communities. As an administrative agency of the state, the county provides services on behalf of the state.

Minnesota has 87 counties; 447 county commissioners (81 boards with 5 county commissioners; 6 boards with 7 county commissioners). Total county expenditures per year range from \$12.9 million to \$2.1 billion. (This is a 2020 estimate.)

Minnesota counties are funded by property taxes (30% to 50% of their revenue) and state and federal sources. All property is subject to the “ad valorem” property tax, except: government property; churches; charitable institutions.

Julie Ring introduces Kevin Leonard, Executive Director of North Carolina Association of County Commissioners. The State of North Carolina has the same “county model” than Minnesota. Kevin Leonard explains the North Carolina Association of County Commissioners Memorandum of Agreement and how the opioid settlement amounts are allocated.

North Carolina will allocate the opioid settlement funds as follows:

- 80% will go to the local governments listed in the Memorandum of Agreement
- 15% will go to the State of North Carolina
- 5% will be used for the County Incentive Fund

For allocation details, please refer to the PowerPoint presentation, *North Carolina Association of County Commissioners Opioid Settlement: North Carolina Agreement, Memorandum of Agreement*

North Carolina only has one federally recognized American Indian tribe; Minnesota has 11 tribes.

The aforementioned Memorandum of Agreement does not list North Carolina’s federally recognized American Indian tribe.

OERAC wants to discuss with the Office of the Minnesota Attorney General the inclusion of the Minnesota American Indian tribes in Minnesota’s Memorandum of Agreement.

## **Break**

Kristin Van Amber      11:00 to 11:15

## **2021 State Funding Approval if Needed**

Kristine van Amber and Tara Holt: 11:15 AM to 11:45 AM

## **Public Comment**

Open Comment: 11:45 AM to 12:00 PM

## **Next Steps and Meeting Wrap-Up**

Kristin Van Amber 12:00 to 12:30 PM

The next meeting will be on October 15, 2021