

**Pennsylvania Opioid Misuse and Addiction Abatement Trust
Dispute Resolution Committee Public Meeting
January 3, 2025 | 1:15 PM | Virtual**

MINUTES

DRC Member Attendees (7):

- Chair Tom VanKirk
- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

Cameron County Representatives:

- Annette Campbell, Chief Clerk
- Steven Fingado, Chief Probation Officer
- Jessica Herzing, Commissioner
- James Moate, Commissioner
- Edwin W. Tompkins, III, Solicitor
- Shirley Wolf, CYS Director
- Josh Zucal, Commissioner

Other Attendees:

- Briana Anderson, CCAP
- Jayson Wolfgang, Buchanan Ingersoll & Rooney
- Jordan Yeagley, Buchanan Ingersoll & Rooney

Announcements by Chair Tom VanKirk

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust's (Trust) Dispute Resolution Committee (DRC) 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 this meeting is limited to Cameron County, as a beneficiary under the Trust Order, and their designated representatives, Trustees on the DRC, and those who have invited in advance to take part.
- This meeting is being recorded and minutes from this meeting will be available on the Trust's website after they are approved by the DRC.
- An Executive Session was held today immediately prior to this public meeting for the purposes of receiving legal updates and legal advice.
- A quorum of Trustees on the DRC is present at the meeting.

Approval of Prior Meeting Minutes

Minutes from the public DRC meeting held on October 29, 2024, were circulated to members of the DRC in advance of this meeting. Chair Tom VanKirk indicated that he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Senator Christine Tartaglione and seconded by Tumar Alexander. With no further discussion, the minutes were approved unanimously by the DRC members in attendance.

Resolution to Amend the DRC's Operating Procedures

Chair Tom VanKirk provided an overview of the proposed amendment to the DRC operating procedures, explaining that its purpose is to further clarify that any appeal to the DRC must be filed within thirty days of when the beneficiary knew or should have known of the basis for the appeal. This time frame has always been in the online appeal form and is now being added to the DRC's operating procedures. The proposed, amended operating procedures were shared with the members of the DRC in advance of the meeting. Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby amends its Operating Procedures consistent with those circulated to members of the DRC in advance of this meeting. The amended Operating Procedures will be posted on the Trust's website.

A motion was made by Commissioner Kevin Boozel and seconded by Shea Madden. With no further discussion, the amended operating procedures were approved unanimously by the DRC members in attendance.

Cameron County Presentation on Appeal of Program No. 2 – Governmental Agency Assistance Initiatives

Before Cameron County's presentation began, Chair Tom VanKirk sought to confirm that only Program No. 2 was being appealed and inquired about the expenditures for each component of the Program. Edwin W. Tompkins III, Cameron County Solicitor, confirmed that the appeal pertained only to Program No. 2, in the total amount of \$22,842.30. Chair Tom VanKirk then inquired as to the proportion of the total amount spent on wages for the Cameron County Probation Office versus Children and Youth Services (CYS). Mr. Tompkins confirmed that information regarding the expenditure break-down would be provided during Cameron County's presentation.

Mr. Tompkins began the presentation by stating that Cameron County has been officially designated as the poorest county in Pennsylvania, with a poverty rate of 15.3% and a population of 4,380 residents, necessitating creative use of resources. He then addressed the Board of Trustees' (Board) decision at the August 22, 2024, public meeting, where Program No. 2—an initiative to augment salaries in order to hire and retain staff for the Cameron County Probation Office and CYS—was deemed non-compliant.

Mr. Tompkins explained that in October 2022, former Cameron County Commissioners Lori Reed and Ann Losey sought input from the Office of Attorney General (OAG) about using opioid settlement funds (OSF) to increase employee wages for the Probation Office and CYS. Cameron County understood the response from the OAG, while not official guidance of the Trust, to support this use of OSF. Mr. Tompkins asserted that this guidance was relied upon at the time, and stated that the County believed the program to fall under Exhibit E, Schedule B, Subparts D (Address the Needs of Criminal Justice-Involved Persons) and E (Address the Needs of Pregnant or Parenting Women and Their Families, Including Babies with Neonatal Abstinence Syndrome). He clarified that Cameron County has no treatment facilities and relies on its existing staff to provide services. He explained that the County works with families to keep children in the home, provides referrals, supplies household goods, and offers transportation to necessary appointments. Cameron County also participates in the LETI program. Mr. Tompkins further explained that the County is unable to hire new caseworkers due to a lack of available office space in both the Probation Office and CYS. He also noted that the current Probation Officers and CYS workers who handle this work have already been trained as caseworkers.

Commissioner Herzing returned to the topic of wage augmentation, sharing that the OSF allocated for this program exceed the amount of time the positions spend on opioid-related work. She stated that \$13,893.30 was allocated to the Probation Office and \$8,949.00 to CYS. Commissioner Kevin Boozel expressed concern that those whose salaries may be funded may have the authority to arrest or detain individuals and remove children from their homes, whereas caseworkers or social workers do not. He also asked if the County contracts with other providers for services. Mr. Tompkins confirmed that probation officers may arrest or detain individuals but noted that the County prefers not to arrest individuals or separate families unnecessarily.

Mr. Tompkins then invited Shirley Wolf, Cameron County's CYs Director, and Steven Fingado, Cameron County's Chief Probation Officer, to provide an overview of the services their offices provide. Ms. Wolf explained that CYs makes referrals, contracts with other providers, provides transportation, and covers the cost of services offered by other providers or Counties, such as parenting classes. For drug and alcohol services, CYs makes referrals but requires releases to coordinate care. Chair Tom VanKirk asked if Cameron County uses OSF to pay other Counties for the OUD-related services they provide, to which Ms. Wolf responded that they do not.

Mr. Tompkins then revisited the issue of transportation, stating that both CYs and the Probation Office offer transportation, traveling between 20 to 50 miles for clients to receive services. Chair Tom VanKirk responded by noting that, while not being requested here, the Board has previously approved funding for transportation related to OUD treatment and other services.

Mr. Tompkins explained that Cameron County Program No. 2 was established, in part, to help retain probation officers and CYs workers by enhancing their salaries to make them more competitive with neighboring Counties. Chair VanKirk then asked Mr. Fingado if individuals who violate the terms of their probation are incarcerated, as Exhibit E does not expressly authorize spending of OSF on law enforcement activities. Mr. Fingado responded that, where possible, treatment is sought as an alternative to incarceration. Mr. Tompkins also noted that Cameron County does not have its own jail. Additionally, Mr. Fingado addressed a comment from Commissioner Kevin Boozel regarding the funding of the Probation Office, explaining that the Pennsylvania Commission on Crime and Delinquency (PCCD) is cutting its funding by 60% over the next five fiscal years due to Act 115.

Commissioner Robert Postal questioned whether the salary augmentation was intended solely to provide raises. In response, Commissioner Herzing shared that, as a new commissioner, she reviewed the minutes from the Cameron County Salary Board to gain a better understanding of the intent behind this program, which she believes was to address a systemic need for additional services at CYs and the Probation Office.

Chair Tom VanKirk thanked Cameron County for their presentation, acknowledged their work, and opened the floor for questions or comments from the other Trustees. Shea Madden inquired about the County's relationship with its Single County Authority (SCA) and whether they offer a Medical Assistance Transportation Program (MATP). Ms. Wolf confirmed that MATP is offered through the Cameron County Assistance Office. Mr. Tompkins clarified that their transportation service does not extend to all surrounding counties, and Commissioner Herzing added that the service only covers transportation for a single appointment, not multiple appointments.

Commissioner Postal asked if the same allocations for this program were included in the County's 2025 budget. Commissioner Herzing responded that they did not include it, as they were unsure of the outcome of their appeal to the DRC. Erin Dalton followed up by asking where Cameron County believes the wages paid to the Probation Office fits within Exhibit E. Mr. Tompkins responded that the County believes this part of the Programs falls within Section D, Part 8,

Numbers 1, 3, and 6 of Exhibit E, as they have a LETI program and probation officers sometimes function as social workers for individuals currently or formerly on probation or parole.

At the end of the presentation, at 2:08 PM, the DRC members entered Executive Session to consult with legal counsel.

Outcome of the Appeal

The public meeting of the DRC was reconvened at 2:29 PM.

Chair Tom VanKirk opened the floor for discussion from the Trustees. Commissioner Kevin Boozel said that while he acknowledges Cameron County's unique situation, the Trust recognizes the need for consistency across the multiple beneficiaries of OSF. He emphasized that further discussions of the Board were needed before a decision could be made. Erin Dalton added that, if additional information is requested of the County as it relates to Program No. 2, she encouraged them to be as specific as possible about how the Program is supported under Exhibit E, especially as it related to expenditures for the Probation Office, which have previously been deemed non-compliant for other Counties as Exhibit E does not authorize expenditures of law enforcement.

Chair Tom VanKirk noted that he believed Cameron County was doing its best with the available resources. However, he expressed concerns about making exceptions for one County. Commissioner Robert Postal agreed with the concern about setting a precedent based on uniqueness, as all counties have their own specific needs. He mentioned that while he had fewer concerns about supporting CYS wages, the program, as it was reported, also funds probation officer wages and the Trust has been consistent about disapproving OSF expenditures on law enforcement.

Chair Tom VanKirk responded that, since all 67 counties had agreed to the settlement, the same principles must apply to each county. He emphasized that review by the entire Board may be necessary. Chair Tom VanKirk then asked Mr. Tompkins if he would agree, on behalf of Cameron County, to refer the decision back to the full Board, allowing for further discussion. Mr. Tompkins agreed and appreciated the suggestion. Chair Tom VanKirk concluded that the next steps would involve the Working Group reviewing the program again and requesting additional information, if needed. He recommended once more that Cameron County consider utilizing OSF for existing services that are being provided to combat the opioid crisis.

Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust, with the consent of Cameron County, hereby refers Cameron County Program No. 2 (Governmental Agency Assistance Initiatives) to the relevant Working Group for further recommendation from that Working Group to Board of Trustees for consideration at the public meeting scheduled for February 13, 2025.

A motion was made by Commissioner Robert Postal and seconded by Erin Dalton. With no further discussion, the motion was unanimously approved by the DRC members in attendance. Cameron County expressed its appreciation for this approach. Chair Tom VanKirk thanked the representatives from Cameron County.

With no new business to address, the meeting was adjourned at 2:44 PM.