

# The Principles Quick Guide to Creating a Settlement Council



[The Principles for Use of Funds From the Opioid Litigation](#) are nationally recognized guidance for states, counties, and cities receiving money from the lawsuits against entities that contributed to the opioid epidemic. These planning Principles can help jurisdictions create a foundation for effective spending of the monies to save lives from overdose.

*The Principles for the Use of Funds From the Opioid Litigation* encourage communities to Spend Money to Save Lives ([Principle 1](#)) and Create a Fair and Transparent Process ([Principle 5](#)). Creating a council with expertise in issues related to substance use can help create an informed process that ensures dollars from the litigation are going toward identified areas of need. Establishing a council that represents the diverse needs, strengths, and experiences of community members can help address health disparities ([Principle 4](#)).

## What is a settlement council?

In the context of the opioid litigation, a settlement council is an entity that works with county decision-makers to decide how best to use dollars from the opioid settlements. Settlement councils may take on an advisory role and provide advice or feedback to the county on the best use of the dollars, or they may have the authority to directly allocate funding.

## Why have a settlement council?

By bringing together people from various backgrounds, the council can put forward recommendations that reflect both the scientific evidence and the needs and desires of the community.

A settlement council can engage members of the public by attending events hosted by other community-based organizations as well as holding open meetings that include time for members of the public to speak. Councils can also solicit public input by administering surveys or creating a digital platform to receive written comments. Councils can specifically solicit input from traditionally underserved communities by reaching out to community-based providers, nonprofit leaders,

or outreach workers who interact directly with people who use drugs, and encouraging their participation in the decision-making process. The inclusion of representatives from organizations with a proven track record of effectively working with underserved communities can help members of those communities engage throughout the process.

## Who should be on a settlement council?

When composing a settlement council, counties should seek representatives from the communities that are most affected by the opioid epidemic and organizations that specialize in opioid abatement. These groups may include:

- People with lived/living experience of opioid use disorder, including those receiving medications for opioid use disorder.
- Public health practitioners who specialize in substance use and overdose prevention, from organizations such as local health departments or schools of public health.
- Primary prevention specialists, such as primary care providers or school-based clinicians.
- Treatment providers, particularly those that engage with traditionally underserved populations.
- Recovery and other social service organizations; for example, a local Housing First program.

In addition to representing a variety of subject matter expertise, the council as a whole should represent the [diversity](#) of the county in the personal characteristics (such as gender, race, ethnicity, and sexual orientation), professional backgrounds, and life experiences of its members.

# Steps for Creating a Settlement Council

## 1. Don't Reinvent the Wheel

Counties should first determine whether they already have a council designed to provide input on addressing substance use. Using an existing council to provide input on how to use money from the opioid litigation will likely shorten the time that it takes for members to develop strong working relationships.

Counties should assess whether the composition of the existing council aligns with its scope of responsibilities and make the necessary changes to council membership where this is found not to be the case.

### **Ocean County, N.J.**

The Ocean County Opioid Advisory Council is a multidisciplinary body established by the County Board of Commissioners to provide input, advice and recommendations to the Board of Commissioners. The Advisory Council is comprised of county government officials, who are appointed by title, and community partners, who submit resumes for appointment, with lived experience and/or subject matter expertise pertaining to substance use disorder. Council members, who serve three year terms, review proposals submitted through the county's transparent procurement system and recommend funding awards to the Board of Commissioners. One member of the Board of Commissioners serves as the liaison with the Advisory Council to coordinate communication and decision-making between the bodies.

## 2. Determine the Right Size and Structure for the Council

To maximize productivity and the involvement of its members, councils should be as small as possible while still including the different areas of expertise and diversity discussed here; at most a council should have 10–20 members. While the core council body should have a discrete number of seats, counties can create additional modes of participation through subcommittees or ad hoc committees in specific areas, such as housing or workforce.

Other considerations include:

- Councils should have chairpersons with a background in facilitating conversations with different stakeholder groups.
- All members of the settlement council should have the ability to fully participate and vote on the council's recommendations.
- If feasible, the local department of health should provide staff support to the volunteer members of the council.
- Jurisdictions should consider compensating members of the council for their time as this can be a barrier to participation.

### 3. Outline the Scope of Responsibilities

The council should have a clearly defined set of roles and responsibilities. In some cases, the council may play an advisory role and give feedback and recommendations to the jurisdiction on how the money from the opioid litigation is spent. In other cases the county may decide to give the council the authority to allocate and administer settlement funds. The outline and structure of the council should be made public.

Counties with councils that play an advisory role can use the councils as a place to share plans and get input before they are finalized. An advisory council can quickly uncover questions and concerns that lead to important changes in approach. It often helps to get general input from an advisory council and then return with specific draft ideas for further comment. When ideas from an advisory council cannot be adopted it is important for county leaders to demonstrate that the ideas have been well considered and then explain to the council and the public why they have not been adopted.

Councils with the ability to make decisions on how the dollars are spent should be insulated from political pressures about specific ways to spend the money. The coordination of services and projects may be easier if the council works with existing funding entities, such as a department of health.

***The Principles recommend that jurisdictions assess whether there are existing policy barriers – either legal or regulatory – that are preventing the adoption of evidence-based programs. The council could be one entity tasked with conducting this review and making recommendations.***

### 4. Prepare the Council for Success

The jurisdiction assembling the council should provide the members of the council with materials to assist them with their work. To ensure transparency, these materials should also be available to the public. Ideally, these materials will include a recently-conducted needs assessment that includes a description of currently available programs and resources (see the [Quick Guide on Conducting a Needs Assessment](#)), a description of allowable uses of the litigation funds per the state agreement or memorandum of understanding, a rubric for how programs will be selected for funding and evaluated, and a proposed timeline for the key components of the council's work.

***While counties may face pressure to deploy settlement funds immediately, taking time to establish a council and utilize the council's expertise will ensure that subsequent funding decisions meet the county's greatest areas of need.***

### 5. Be Transparent in Decision Making

The advisory council should be as transparent as possible in all its activities. Achieving this includes:

- Having regular meetings that are open to the public, with meeting dates published well in advance and digital modes of participation, if possible.
- Publishing meeting materials, including agendas and meeting minutes, either in print or online.

As part of a transparent process, members should recuse themselves from any votes or discussions of topics in which they may have financial, ethical, or other conflicts of interest.

### 6. Assist with Evaluation

Settlement councils can assist counties with designing their evaluation plans. This will help the councils gauge the effectiveness of programs and initiatives that have been awarded funding and determine if adjustments are necessary for future funding decisions.

## COUNTY EXAMPLES

### Summit County, Ohio

In 2019, Summit and Cuyahoga counties reached a \$325 million settlement with multiple drug companies, including those involved in the \$26 billion settlement finalized in 2022. To assist in administering these funds, Summit County established an interdisciplinary Opioid Abatement Advisory Council including representatives from the fields of education, child welfare and substance use treatment and individuals with lived experience. The advisory council recommends organizations to the County Council (the county's legislative body) for consideration and, if approved, the County Council awards grants to the organizations from the settlement fund. By 2021, Summit County had awarded grants to 16 organizations from a pool of 28 applications and distributed a total of \$5.5 million dollars. [READ MORE.](#)

### Howard County, Maryland

On January 31, 2023, the Howard County executive created an Opioid Collaborative Community Council to help determine priorities for how Howard County will use and distribute current and future settlement funds. The council will serve as a way for Howard County residents and other key stakeholders to have a voice in the conversation about where these funds go and how they can be best utilized to address the opioid crisis. It will consist of 17 voting members including family and parent advocates, peer recovery specialists and counselors, a veteran's advocate, and community representatives. [READ MORE.](#)

### Larimer County, Colorado

Through an intergovernmental agreement in 2022, Larimer County established a Regional Opioid Abatement Council to administer the region's opioid settlement funds. The council is made up of representatives from the Larimer County Commission, the City of Loveland, the City of Fort Collins, the Town of Wellington, and the county board of health. The board has 5 voting members and will have meetings that will include advisory members from the community as well as invited subject matter experts. This intergovernmental collaborative approach has committed to transparency and opportunity for community feedback. [READ MORE.](#)

### Suffolk County, New York

In May of 2020, the Suffolk County executive created the Intra-Agency Committee to Develop Priorities Related to Settlement Agreements with Opioid Distributors and Pharmacies. The committee is comprised of Department of Health Services officials, social services and police department commissioners, the medical examiner, director of probation, deputy county executive, county attorney, sheriff, and county legislators. The committee will produce a final guidance document to outline how the funds will be used and to formulate short- and long-term goals. The committee will collaborate with key community stakeholders to allocate the settlement funding towards treatment and recovery efforts. These stakeholders include non-profit service providers; people with expertise in harm reduction, treatment, and recovery; families; people in recovery; and victim advocates. [READ MORE.](#)

## ADDITIONAL EXAMPLES

Visit the [Opioid Solutions Center](#) to access tools, templates, and other county-developed resources.

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