

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2024-06
RESOLUTION NO. 15-2024

Title of Resolution: Amendments – Opioid Litigation Settlement Trust Fund Trust Agreement

Synopsis: A Resolution to amend the Opioid Litigation Settlement Trust Fund Trust Agreement as established through Legislative Bill No. 2020-12, approved on October 27, 2020.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: March 19, 2024

Consideration scheduled on: April 2, 2024

By: _____
Council Manager

Notice of time and title of Resolution having been posted by March 19, 2024 at the County Administrative Building, 200 Chesapeake Blvd, Elkton, and consideration by the County Council of Cecil County having been scheduled on April 2, 2024.

By: _____
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
~~Strike through~~ indicate matter deleted from existing ordinance.
Underlining indicates language added by amendment.
~~Double Strike through~~ indicates language deleted by amendment.

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1 **WHEREAS**, Cecil County, Maryland initiated litigation in federal court against certain
2 manufacturers and distributors of prescription opioid pharmaceutical products (the “Litigation”); and

3 **WHEREAS**, the Litigation has resulted in a settlement pursuant to which Cecil County, Maryland
4 has and will continue to receive monetary disbursements (the “Settlement Funds”) from the
5 manufacturers and distributors who are defendants in the Litigation to address the impacts directly
6 and proximately related to the opioid epidemic; and

7 **WHEREAS**, Cecil County, Maryland authorized the establishment of a trust fund in order to
8 invest the Settlement Funds and to authorize the trustees of the trust fund to invest and manage the
9 assets of the trust fund as provided; and

10 **WHEREAS**, Cecil County, Maryland (the “County”) authorized the establishment of the “Cecil
11 County, Maryland Opioid Litigation Settlement Trust Fund” (the “Trust Fund”), under the terms and
12 conditions set forth in a trust agreement to be entered into by the County and the trustees of the fund,
13 substantially in the form of the Cecil County, Maryland Opioid Litigation Settlement Trust Agreement,
14 attached hereto as Exhibit A (the “Trust Agreement” – original with proposed amendments); and

15 **WHEREAS**, the Trust Agreement and the provisions therein regarding the administration of the
16 Trust Fund were approved on October 27, 2020; and

17 **WHEREAS**, the purpose of the Trust Fund was to preserve and protect the Trust Fund’s Assets
18 and to assist the County in providing and supporting programs that educate, prevent, and treat opioid
19 addiction in Cecil County, Maryland; and

20 **WHEREAS**, the Trustees have been granted full power and authority to invest and manage the
21 assets of the Trust Fund in accordance with the Trust Agreement; and

22 **WHEREAS**, Neither the establishment of the Trust Fund nor the establishment or maintenance
23 of a reserve to provide for opioid education, prevention, or treatment utilizing Litigation settlement
24 proceeds shall be construed as creating or evidencing an obligation on the County’s part to maintain or
25 continue its practice of providing such programs or services; rather, the County expressly reserves the
26 right to alter, amend, modify, or terminate any program or service funded by Trust Fund Assets; and

27 **WHEREAS**, As set forth in Section 7.02 of the original Trust Agreement (Section 8.02 of Exhibit B
28 as proposed to be amended), the Trust Agreement may be amended by a proposal of the County
29 Executive, after such amendment has been approved by the vote of 2/3 of the Trustees, and approved
30 by the County Council; and

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31 **WHEREAS**, the County Executive, with the approval by vote of 2/3 of the Trustees, has
32 proposed amendments to the Trust Agreement.

33 **NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
34 **MARYLAND**, that the amended Trust Agreement attached hereto as Exhibit B is hereby adopted.

35 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that
36 this Resolution shall take effect on the date of its passage by the County Council of Cecil County,
37 Maryland.

INTRODUCED: March 19, 2024

ADOPTED: _____

President of the Council

ATTEST:

Council Manager