

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS FOR THE
OKLAHOMA TOBACCO SETTLEMENT ENDOWMENT TRUST**

January 26, 2021

10:00 a.m.

University Research Park
PHF Conference Center, Kiva Conference Room
655 Research Parkway
Oklahoma City, OK 73104

OSU CHS Medical Library, G40, 1111 W. 17th St. Tulsa, OK 74107

In addition to the physical locations noted above, this meeting was also held via Zoom videoconference with a [livestream](#) option for enhanced public accessibility in compliance with the Open Meeting Act.

AGENDA

1. Open Meeting Act Announcement and Call to Order

The TSET Board of Directors Chair Dr. Bruce Benjamin, called the meeting to order at 10:00 a.m. and announced that all requirements of the Open Meeting Act had been met. Benjamin welcomed those joining via Zoom and YouTube livestream.

Members of the board present were Bruce Benjamin, Michelle Stephens, Susanna Gattoni and Marshall Snipes. Jack Allen joined from the OSU CHS Medical Library as a non-participant, non-voting board member. Casey Killblane and Ken Rowe were absent. Quorum was met.

TSET staff present were Executive Director Julie Bisbee, Director of Public Information and Outreach Thomas Larson and Board Secretary Anna Lisa Phillips who served as recording secretary.

Assistant Attorney General Sandra Balzar, General Counsel for the board, was also present.

2. Approval of Minutes

a. Approval of Minutes of the November 12, 2020, Regular Board Meeting

Susanna Gattoni moved board approval of the November 12, 2020 minutes as presented. Michelle Stephens provided a second. Motion carried.

Aye: Benjamin, Stephens, Gattoni, Snipes

3. Chair's Report

a. TSET Strategic Plan

Benjamin reviewed the 'Promoting improved health through policy change' portion of the strategic plan with board members. Benjamin reinforced that as part of the five-year strategic plan, driving policy change has been identified as a goal and majority activity of TSET. Ways that TSET educates on the benefits of policy change include policy resolutions approved by the board, toolkits, speaking engagements and other opportunities for thought leadership. Benjamin stated that TSET continues to educate on areas where Oklahoma's laws do not support health, including the need for comprehensive clean air policies, health education and appropriate licensing and station for vapor products.

Benjamin mentioned that it was time for the Executive Director's annual performance evaluation. He announced that over the next few weeks, he would contact board members to request feedback for that evaluation.

b. Election of Officers

Benjamin opened the floor for nominations for Chair of the Board of Directors. Benjamin nominated Michelle Stephens as Chair of the Board of Directors. Susanna Gattoni provided a second. Motion carried.

Aye: Benjamin, Gattoni, Snipes. Abstain: Stephens

Benjamin opened the floor for nominations for Vice Chair of the Board of Directors. Michelle Stephens nominated Bruce Benjamin as Vice Chair of the Board of Directors. Susanna Gattoni provided a second. Motion carried.

Aye: Stephens, Gattoni, Snipes. Abstain: Benjamin

4. Executive Director's Report

a. Overview of Executive Director Activities

Bisbee, as part of the Executive Director's report, recognized Dr. Bruce Benjamin for his tenure on the TSET Board of Directors and TSET achievements while serving as Chair.

Bisbee reported that outreach and education efforts were continuing with presentations at virtual conferences such as the Oklahoma Institute for Child Advocacy and others. Bisbee stated that TSET continues to serve on the selection committee for the TSET Health Promotion Center faculty who recently added new faculty as a result of the search committee's work.

b. Legislative Session:

Bisbee also stated that as legislative session begins next week, the TSET staff had been working to schedule meetings with lawmakers via Zoom and to continue conversations about TSET's work and impact. Bisbee referenced bills of interest in the board packet including Senate Joint Resolution 13 filed by Sen. Rob Standridge that seeks to reduce the amount of money allocated to the endowment from 75 percent to 63.75 percent. The money would be used to create a fund to provide tax credits to Oklahomans who file taxes. Bisbee also mentioned House Bill 1893 filed by Rep. Jeff Boatman that would repeal preemptive language that prevents local municipalities from regulating smoking within their jurisdiction. Other related bills that were mentioned included bills that seek to require retailers to check IDs to verify age for those purchasing tobacco, health education bills, fitness assessment bills and a bill that seeks to repeal a state law that prevents local municipalities from passing smoke-free ordinances.

c. Published Paper:

Bisbee highlighted an Oklahoma Tobacco Helpline article "*They Came, But Will They Come Back? An Observational Study of Re-Enrollment Predictors*" by Dr. Laura Bebee and team recently received the "Michael P. O'Donnell Paper of Year" award. This award is designed to honor some of health promotion's best scientists and, in particular, to recognize those who bring outstanding humanity to their field of inquiry and bigheartedness to their writing. The paper was published in the American Journal of Health Promotion and discusses how the Helpline tries to innovate and remove barriers because most smokers make multiple attempts before they are successful, with recent research showing it can be up to 30 quit attempts.

Bisbee stated that the Helpline is a top performing quitlines in the country in terms of reach and effectiveness. The hypothesis of the paper was that by offering individual services, it was assumed that it would serve as a "gateway" to more services for some tobacco users and some tobacco users coming back for more services and the hypothesis proved correct. 16% of individual users re-enrolled for more services within 6 months, compared to only 3% who initially enrolled in the multiple call program. Bisbee said that the implications of the paper for the Helpline is that the paper expands the evidence base for quitlines nationally and informs TSET's decisions on funding.

d. Decrease OTH Registration Volume:

Bisbee went on to state that with the pandemic, the Helpline is experiencing a decrease in registration volume while the service and promotion of the Helpline have remained active. Across the US, all quitlines are experiencing a reduction in call volume with the best guess of the cause being the impact of COVID-19. Oklahoma is seeing a 10% decrease while the average decrease for other state quitlines using Optum are seeing a decline closer to 20%, according to preliminary data. An updated report will be provided to the board in March.

5. Programs Committee Report

Bruce Benjamin presented a report from the Programs Committee.

a. Update on impact modeling for Health Systems Initiative grants

Heather Ross with the Hudson College of Public Health at the OUHSC presented an update on the Prevention Impacts Simulation Model (PRISM) and recent results. Ross explained how the PRISM model was used and implications of choice of assumption about the target population.

Marshall Snipes exited the meeting at 10:24 a.m.

Director of Programs Jonás Mata then added context to the results as compared to TSET's funding investment during the same period of Health Systems Initiative work (FY15-20). Jonás noted that over the ten-year conservative projection (FY15 – FY25), there would be an estimated 417 deaths averted, \$47,831,000 saved in medical costs and 10,591 fewer smokers. For every \$1 that TSET invests, \$5.55 are saved.

Marshall Snipes re-entered the meeting at 10:26 a.m.

b. Discussion and possible action on FY22 grant renewal

Benjamin stated that June 2021 marked the end of the current funding agreement between TSET and the three Health Systems Initiative (HSI) Grantees: Oklahoma Health Care Authority, Oklahoma Hospital Association, Oklahoma Department of Mental Health and Substance Abuse Services. During the August board meeting the Board was presented with the historical achievements of the HSI grantees and in November, the Board received a summary of potential future directions for each of the grantees. Jonás Mata reviewed funding options for the board which were (1) continuation funding; a new three-year funding cycle to begin July 2021 or (2) a one-year extension to the current HSI grants awards. The Programs Committee recommended the HSI grantees be approved for a one-year renewal grant and does not require a second. There was robust discussion surrounding the recommendation with regard to the projected FY22 budget.

Aye: Benjamin, Stephens, Gattoni, Snipes. Nay: Snipes

Bisbee reminded the board that the budget projections for FY22 contained in the board's packet included these one-year extensions. Bisbee asked for clarification from legal counsel on approval of budget items with three votes. Benjamin called for a brief recess.

After a five minute recess and research on the current TSET statute, Benjamin brought the meeting back out of recess. Assistant Attorney General Sandra Balzar stated that after a review of TSET board statutes and in the absence of a specific definition of quorum in TSET statute or rules, the default rule is that the majority of the quorum present is required to pass a measure. Balzer stated that in this case, three votes is a majority vote of the quorum present. Motion carries.

c. Discussion and possible action on the youth advocacy program

Benjamin reminded the board that this agenda item was in reference to RESCUE. He stated that at the Board of Directors' request, RESCUE has submitted a TSET proposal for the development, implementation and

management of a statewide youth advocacy and education program in Oklahoma. Director of Grants Management Tessa North reviewed the proposal submission process between the TSET staff and RESCUE with the board, and the results of that process which was a final proposal submission on January 6, 2021. Having met the expectations and requirements of the board and staff, the Programs Committee recommended the proposal to the board of directors for approval. Mata highlighted the summary of the RESCUE proposal stating that the proposed program would partner with existing high school clubs. Through milestone-based subcontracts, RESCUE's Oklahoma-based Youth Field Organizers seek to recruit 40 clubs across the state. From these 40 high school clubs, RESCUE will recruit and train over 1,000 high-school aged youth in tobacco use prevention, physical activity and nutrition education activities to improve community health. March through September 2021 would be primarily a planning phase and by the end of the year, RESCUE hope to have a statewide leadership team in place.

The Board's Programs Committee recommend the approval of a cooperative agreement in the amount of \$332,000 for the remainder of FY21 (March 1, 2021 through June 30, 2021), renewable for up to four additional full years based on funds available and contractor performance. Years FY22 through FY25 are recommended to not exceed \$1,000,000 per year. The recommendation does not require a second.

There was brief discussion among board members on splitting funding into two motions; one for current year and one for FY22-FY25. Gattoni reminded the board that there would be periodic evaluations to ensure RESCUE was meeting requirements and because it is a state contract, the board would vote on the agreement annually. The motion stands as stated. Motion carries.

Aye: Benjamin, Stephens, Gattoni, Snipes. Nay: Snipes

d. Discussion and possible action on Emerging Opportunity Grant

Benjamin stated that TSET staff had been discussing various ways to swiftly launch in and distribute a portion of the Emerging Opportunity grant programs (\$420,000) to fund best practices/approaches that have been approved by the TSET board to fund in FY21. Jonás highlighted the Emerging Opportunities Grant process and recommended projects for the board that encouraged tobacco-free environments and wellness. In working with the Oklahoma Department of Transportation, they recommended 41 grant opportunities projects. For the remainder of FY21, ODOT specifically recommended four projects in Stephens (Comanche), Woods (Waynoka), Texas (Texhoma) and Oklahoma (Jones) Counties. The Board's Programs Committee and the TSET staff recommend the approval of funding the Emerging Opportunity Grant in the amount of \$420,00 and requires no second. Motion carries.

Aye: Benjamin, Stephens, Gattoni, Snipes. Nay: Snipes

6. Public Information and Outreach Committee Report

a. Discussion and possible action on health communication FY21 budget

Benjamin stated that the Public Information and Outreach Committee was recommending a \$575,000 budget increase to the health communication budget to replenish funds used over the holidays to support a \$500,000 campaign partnership with the State Department of Health and Governor's office to encourage Oklahomans to follow risk mitigation efforts for COVID-19. Funds budgeted for Tobacco Stops With Me were available to be quickly put to use for the urgent COVID-19 campaign. Replenishing the budget for Tobacco Stops With Me will insure the program meets campaign metrics. The committee also recommended additional funds to be used for a subcontract for public affairs services with Saxum, an approved statewide vendor. The budget increase is a recommendation from the Public Information and Outreach Committee and requires no second. Motion carries 3-0-1.

Aye: Benjamin, Stephens, Gattoni. Abstain: Snipes

b. Health Communications Update

Benjamin gave an update on Health Communications including the continuation of the Helpline website refresh and the creation of new Tobacco Stops With Me video that will be placed in doctors' offices in 119 locations across the state. Included in the update was the release of the Shape Your Future toolkit on the TSET website and additional Shape Your Future signage launched in rural areas around the state.

c. Public Health Academy of Oklahoma Update

Benjamin reported that we had seen a more than 150% uptick in grantee posts between November 2019 and 2020. Since July, we have hosted nearly 60 trainings and have an average of 117 users accessing the site each month.

d. TSET Healthy Youth Initiative Update

Benjamin stated that the nutrition campaign was expected to launch the week of February 8th. Oklahoma youth helped select the name and logo of SwapUp as an aspirational goal to make better food choices. The campaign messages will focus on how teens can make better food choices through small changes. Campaign concepts were supported by Oklahoma teens in message testing. Focus groups also showed that that teens think their eating habits need to change and improve.

Tobacco message packages focusing on vape in urban areas and smokeless tobacco in rural areas will be seen in the fourth quarter. Board member Michelle Stephens asked that TSET particularly emphasize vape messaging in rural areas as well as urban areas in future message packages.

e. Outreach Activities Update:

Benjamin referred the board to their packet which showed performance data on the most recent TSET public education efforts. Messages focused on the prevention, preventing behaviors that lead to poor health outcomes and premature death while highlighting TSET's impact. A second message focused on TSET's history and impact.

Benjamin stated that in FY21 Q2, TSET PIO prepared and distributed 10 statewide and local press releases. Those press releases were extended by local and state publishers at least 70 times. The TSET website will also be migrated to a new template and information refreshed in the first quarter of FY22 to be in-line with cohesive branding for state agencies.

The Public Information and Outreach Department continues to work on projects that provide information on TSET investments by county and legislative districts. That information will be provided to the public, lawmakers and is available on the TSET website. Work on the FY20 Annual Report continues and will be complete in FY21 Q3.

f. Sponsorships:

Benjamin stated that TSET has approved six sponsorship grants so far this year, amounting to \$7,500, or 31.25%, of this year's sponsorship budget. Most events are virtual.

a. Upcoming events:

Benjamin updated the board on upcoming events and referred the board to their packet for upcoming legislative deadlines.

7. Agency Operations Committee Report

Marshall Snipes presented a report from the Agency Operations Committee. Snipes referred the board to the financial reports in their packet.

a. Financial Reports

- i. FY20 Budget to Actual – Operating

Snipes stated that FY20 budget was almost closed out. The Operating budget was at a 91% spend rate.

ii. FY20 Budget to Actual – Programs

The Programs budget was at a 92% spend rate. Snipes stated that an anticipated \$3.7 million would go into reserves.

iii. FY21 Budget to Actuals – Operating

Snipes remarked that the FY21 Operating budget was at a 38% spend rate.

iv. FY21 Budget to Actuals – Programs

The FY21 Programs budget is at a 25% spend rate, which is a little low for this time of year. Snipes remarked that the pandemic had influenced the spend rate, but that management was working with grantees to get realistic spending projections.

b. Discussion and possible action on budget revision

i. FY21 Programs Budget

Snipes stated that the board had already discussed and approved the budget revision earlier in the meeting. Benjamin stated that a vote was needed. Snipes recommended that a total budget increase of \$907,000, which includes a \$332,000 increase for Youth Advocacy and Education and a \$575,000 increase to VI contract for Health Communications. Motion carries.

Aye: Benjamin, Stephens, Gattoni. Abstain: Snipes

c. Current Commitments

Snipes stated that the board had already discussed this agenda item earlier in the meeting.

d. Discussion of FY22 Budget

Snipes stated that the board did not have the current earnings for the fiscal year as of this meeting. Snipes made the board aware that the expectation was to have significantly less money to spend in FY23 and that would impact FY22 process. The committee will work between now and the next board meeting to understand the impact of the current year earnings on the future budget process. A final FY22 budget will be approved by the board in May.

8. Approval of Program Officer

a. Benjamin called for a motion and vote to move into Executive Session pursuant to 25 O.S. § 307 (B)(1) to discuss candidates for Program Officer. Marshall Snipes made a motion and Michelle Stephens seconded that motion. Motion carries.

Aye: Benjamin, Stephens, Gattoni, Snipes

b. The board moved into Executive Session pursuant to 25 O.S. § 307 (B)(1) relating to employment, hiring, appointment of any individual salaried public officer or employee, specifically the position of Program Officer

c. Benjamin called for a motion and vote to return to Open Session. Michelle Stephens moved. Marshall Snipes seconded the motion. Motions carries.

Aye: Benjamin, Stephens, Gattoni, Snipes

d. Discussion and possible action on the appointment of Program Officer.

Bisbee gave a recommendation for Director of Programs to move forward in offering the position of Program Officer to Candidate A at \$56,000 per year which is included in the current budget. if Candidate A did not accept, then move on to Candidate B, Candidate C if necessary. Michelle Stephens moved; Marshall Snipes seconded the motion. Motion carries.

Aye: Benjamin, Stephens, Gattoni, Snipes

9. **New Business** – none

10. Adjournment

Benjamin called for a motion to adjourn the meeting. Marshall Snipes moved, Susanna Gattoni seconded. Motion carries.

Aye: Benjamin, Stephens, Gattoni, Snipes

Meeting adjourned at 11:38 a.m.