



## NORTH DAKOTA TOBACCO PREVENTION AND CONTROL EXECUTIVE COMMITTEE MEETING MINUTES - FINAL

1:00 p.m. to 3:00 p.m., Friday, May 6, 2016

North Dakota Center for Tobacco Prevention and Control Policy – Offices, 4023 State Street, Bismarck, ND

**PARTICIPANTS: Executive Committee members:** Dr. Beth Hughes, Dr. Eric Johnson (by phone), Mr. Jay Taylor.

**Executive Director:** Ms. Jeanne Prom. **Administrative Assistant:** Ms. Kory Hagler.

<u>AGENDA ITEMS</u>	<u>DISCUSSION &amp; DOCUMENTS</u>	<u>POSSIBLE OUTCOME/ACTION</u>
Call to order, determination of quorum	Ms. Kory Hagler, administrative assistant, recorded minutes.	Chair Dr. Beth Hughes called the meeting to order at 1:12 p.m. with all members and a quorum present.
Adoption of agenda		Mr. Jay Taylor moved to adopt the agenda as presented. Dr. Eric Johnson seconded. Motion carried.
Approval of minutes from March 9, 2016 meeting	The Executive Committee reviewed the minutes and noted that no changes were needed.	Dr. Johnson moved to approve the minutes from the March 9, 2016 meeting as distributed. Mr. Taylor seconded. Motion carried.
<b>Old Business</b>		
Advisory Committee terms expiring	Dr. Hughes' second consecutive three-year term on the Advisory Committee expires June 30, 2016, and she is not eligible to pursue another three-year term at this time. The first three-year terms for Ms. Clara Sue Price and Dr. Johnson expire June 30, 2016. N.D. Public Health Association nominated Ms. Price and N.D. Medical Association nominated Dr. Johnson.	Ms. Prom will contact Ms. Price about the process and her interest in another term. Dr. Johnson has notified his nominating organization of his intent to seek another term. Dr. Hughes has worked with her nominating organization, the N.D. Society for Respiratory Care, and the society has selected three respiratory therapists to be considered for appointment to the committee. Mr. Larry Shireley will contact individuals who were interested, but not chosen, last year, to

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		determine current interest in being considered for nomination to the committee.
Washington University in St. Louis contract		Mr. Taylor moved to approve the evaluation contract for \$899,142 for 24 months with Washington University in St. Louis, effective March 14, 2016 and ending March 1, 2018. Dr. Hughes seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor – aye; Dr. Hughes – aye. Motion carried.
FY2016 and FY2017 paid media plans		Ms. Prom will review these plans as part of Center update and approvals.
2013-15 agency audit	<p>Dr. Hughes participated in the audit exit conference on March 17, 2016, with staff from the agency and N.D. Auditor's Office. The agency received no formal recommendations and one informal recommendation on clarification of Advisory Committee compensation.</p> <p>The auditor's informal recommendation directed the Advisory Committee to clarify duties that constitute official work of the Advisory and Executive Committees and to quantify the number of hours committee members must work to be reimbursed for a full day.</p> <p>After discussion, Dr. Hughes suggested the Executive Committee recommend the Advisory Committee consider official duties of less than four hours in a day to be a half day and compensated at 50 percent of the daily compensation rate. More than four hours within a day would be compensated at the full daily rate. Official duties include preparation time for meetings, meeting</p>	<p>Mr. Taylor moved that the Executive Committee recommend to the Advisory Committee the following compensation policy, to be considered at the next Advisory Committee meeting June 23, 2016: Official Advisory and Executive Committee duties of less than four hours in a day constitute a half day and should be compensated at 50 percent of the daily compensation rate. Official Advisory and Executive Committee duties of more than four hours within a day constitute a full day and should be compensated at the full daily rate. The daily rate is the daily rate at which legislators are compensated. Official duties include preparation time for meetings, meeting time and travel time, as well as other official duties as</p>

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	time and travel time. This aligns with the current Legislative Council practice of compensating legislators.	described in the Advisory Committee statute and standards of conduct. Dr. Hughes seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor – aye; Dr. Hughes – aye. Motion carried.
<b>New Business</b>		
Fiscal– February and March 2016 reports and investment reports	<p>Ms. Prom reviewed the February and March 2016 fiscal reports. FY 2016 local policy grants will be underspent. Ms. Kelli Ulberg notified any local public health unit that is underspending as of the mid-point in the grant year.</p> <p>The Executive Committee received and discussed the February and March 2016 investment reports.</p>	<p>Mr. Taylor moved to approve the February and March 2016 fiscal reports as presented. Dr. Johnson seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.</p> <p>The Executive Committee noted that active investment of the trust fund balance has yielded significantly better returns than Bank of North Dakota interest. Investments have returned more than \$30,000 per month as of March 31, 2016. Previously, the agency trust fund in the Bank of North Dakota yielded about \$1,800 per month.</p>
2017-19 budget	Ms. Prom reviewed the 2017-2019 budget draft. The law requires the agency fund a comprehensive program at the level recommended by the Centers for Disease Control and Prevention. The Governor has asked agencies to reduce State General Fund spending by 10 percent in their 2017-19 budgets, or otherwise look for efficiencies in spending of special or federal funds. The Center does not receive any State General Funds and is not required to reduce spending.	<p>The Executive Committee reached consensus on planning for the 2017-19 agency budget:</p> <ol style="list-style-type: none"> <li>1) To create budget efficiencies, do not adjust for inflation and population projected for 2017-19.</li> <li>2) Include an additional \$500,000 for a grant to the N.D. Department of Health, as is in the current budget.</li> </ol>

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		<ul style="list-style-type: none"><li>3) Add an additional \$60,000 into the budget for use by this agency, to adjust for a potential reduction of the same amount in the health department's CDC grant. This amount would not be added to the grant to the health department.</li><li>4) Begin budgeting by determining the CDC Best Practice amount, as always has been done.</li><li>5) The Executive Committee will consider funding requests from the health department on a case-by-case basis. The Executive Committee's statutory duty is to use the Tobacco Prevention and Control Trust Fund for the comprehensive program at the CDC Best Practice level by funding the Executive Committee's budget and work.</li></ul>
Center update and approvals		
2013-2015 biennial report	The Governor's staff can meet with the Advisory Committee on May 13, 2016.	Mr. Taylor is available to attend the meeting. Dr. Johnson may be available by phone. The meeting will be confirmed early next week when Ms. Prom knows of the availability of other Advisory Committee members. Ms. Prom will arrange a call with participating Advisory Committee members a day prior to the meeting, to coordinate discussion with the Governor's staff.

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Memorandum of Agreement with N.D. Department of Health	Ms. Prom reviewed an email regarding the Memorandum of Agreement that the Department of Health and the Center are working on. EC members approved the language in the MOA.	The Executive Committee agreed with the language in the Memorandum of Agreement, but Dr. Hughes expressed her preference for including language that each agency support funding of both agencies as part of the comprehensive program. The health department removed that language and it is not in the final version of the MOA to be signed.
FY 2017 local policy grant and Public Education Task Force (PETF) funding	<p>Ms. Prom reported that Community Programs Manager Ms. Kelli Ulberg recommends FY 2017 local policy grants be funded at the same level as FY 2016. In FY 2016, local public health units did not apply for the full amount available, and are not on track to spend more than 90 percent of the total grants awarded. However, in order to meet CDC Best Practice spending levels in health communications, the amount of funding in FY 2017 local policy grants for the Public Education Task Force (PETF) should increase from FY 2016, and PETF funding in FY2107 should also include a separate grant to PETF fiscal agent, Upper Missouri District Health Unit, to provide additional investment in the local public health share of statewide health communications.</p> <p>The Executive Committee approved \$1,439,000 for FY2017 paid media at the March 9, 2016 meeting. The PETF share of paid media is part of this previously approved amount.</p>	<p>Mr. Taylor moved to approve Public Education Task Force (PETF) funding of \$464,247 in the FY 2017 local policy grants, and a FY2017 grant to Upper Missouri District Health Unit for PETF administration and health communications of \$385,753. Dr. Hughes seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.</p> <p>Dr. Hughes moved to approve \$3,246,017 for FY2017 local policy grants. Mr. Taylor seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor – aye; Dr. Hughes – aye. Motion carried.</p>
FY2017 Tobacco Settlement State Aid	Ms. Prom reported that Ms. Ulberg recommended that the FY2017 base amount remain the same as FY2016.	Dr. Hughes moved to approve a base amount of \$1,056,498 for FY2017 Tobacco Settlement State Aid grants to local public health units. Mr. Taylor seconded. Discussion: The base

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		amount will not change from FY2016 to FY2017. The total amount of FY2017 Tobacco Settlement State Aid will be determined after client-based funding and additional funding requests from local public health units are added. This updated total amount will be approved at the next Executive Committee meeting. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.
Health communications update	The ad “Epidemic” has been updated and is running in place of the ad called “2 dollars.” Raise It For Health volunteers are now circulating a petition to increase the tobacco tax, requiring the agency to replace the “2 dollars” ad with “Epidemic,” on the advice of our Assistant Attorney General.	Mr. Taylor moved to approve the updated ad “Epidemic,” effective May 1, 2016. Dr. Johnson seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.
Special Initiative Grant amendment	Ms. Prom presented a request from Statewide Programs Manager Ms. Barbara Andrist to add \$26,000 to the grant to American Nonsmokers’ Rights Foundation. The amendment would fund increases in salary, fringe, rent and additional work with local coalitions.	Dr. Johnson moved to approve an additional \$26,000 to American Nonsmokers’ Rights Foundation (G15-81A), effective April 28, 2016. Mr. Taylor seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.
Open records request	The Center received an open records request from N.D. Petroleum Marketers Association for specific documents from 2009 to the present. Records are not available electronically, but will be photocopied on paper. The Center will keep track of the number of copies and the time it takes to compile the information. Dr. Hughes recommended that staff document the number of copies, hours spent fulfilling the request, and any other costs; and that the ND Petroleum Marketers Association	Dr. Hughes moved to approve the hiring of temporary staff as needed, and to charge the N.D. Petroleum Marketers’ Association for copies and allowable time, in order to fulfill the open records request. Dr. Johnson seconded. Roll call vote: Dr. Johnson – aye; Mr. Taylor –aye; Dr. Hughes – aye. Motion carried.

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	be charged for the copies and for time spent locating the documents. Ms. Prom requested approval to hire temporary help if needed to complete the open records request.	
<b>Other business</b>		
Next meeting	Two Executive Committee members are not available for the next meeting June 8, 2016, so the Executive Committee agreed to change the meeting to June 16, 2146123 2016.	The next Executive Committee meeting will be 1-3 p.m., Thursday, June 16, 2016 at the Center or by phone.
Remuneration		Committee members should print the FY2016 remuneration form from the website, complete and submit to the Center.
Adjourn		Mr. Taylor moved to adjourn the meeting. Dr. Johnson seconded. Chair Dr. Hughes adjourned the meeting at 2:54 p.m.