

# VTSF

VIRGINIA TOBACCO  
SETTLEMENT FOUNDATION

**Board of Trustees Meeting  
Minutes  
October 4, 2005**

**Members present**

Sanjeev K. Aggarwal, M.D., Richard Bennett, MD (departed at 12:40), Daniel Cawley, Curtis Coleburn, Kevin R. Cooper, M.D, Richard A. Crittenden, Pamela J. Daffern, M.D., Jose F. Dimas, Rickie E. Fulcher, Lolly Gilmore, Senator Emmett W. Hanger, Jr.(departed at 2:40), Patrick Hughes, Delegate William Janis, Rakesh Kukreja, Ph.D, James L. McDaniel, MD, Delegate John O'Bannon, III, MD (departed at 2:00), Robert Stroube, MD (departed at 2:45), Tobin G. Van Ostern, Senator John Watkins (departed at 2:00).

**Members not present**

Audrey Douglas-Cooke, RN, Debra Keith, Maria D. Kelly, M.D, Dixie Wolf.

**Staff**

Eloise Burke, Terri-ann Brown, Jeannette Coleman, Donna Gassie, Wilma Jordan, Charlie McLaughlin, Jr., Sandra Whitley Ryals, Danny Saggese, and Marge White.

**Counsel**

Anne Marie Cushmac

**Called to order**

Rickie Fulcher called the meeting to order at 12:25 p.m.

Rickie Fulcher introduced Sandra Whitley Ryals as the new Executive Director of the Virginia Tobacco Settlement Foundation (VTSF).

Rickie also introduced four new board members to VTSF: Sanjeev K. Aggarwal, M.D., Richard Crittenden, Kevin R. Cooper, M.D, and Pamela J. Daffern, M.D.

**Minutes**

Motion to approve the minutes: Dr. James McDaniel

Second: Sen. John Watkins

Vote: Unanimous in favor

### **Chairman's Comments**

I would like to welcome each of you here today. Our summer has come and gone which in turn means that schools have started back, elections are underway, and it is time to start thinking about the State Budget.

As you will hear very shortly we are moving on legislation and budget requests which we need in order to help secure our future as a board and to support our work for the benefit and protection of our youth and the future quality of life for all the citizens of the State of Virginia.

Our Fourth Annual Grantee Training Conference will be held October 12<sup>th</sup> – 13<sup>th</sup> here in Richmond at the Marriott. This conference is an excellent source of information regarding tobacco use control trends as well as old and new issues that our grantees will face in the future. I would encourage any board member who is able to attend to please do so, even if it is just for part of a day.

In late November or early December our Regional Advisory Boards will be reviewing “Proposals” for funding recommendations submitted to the VTSF through the 3-year RFP which was sent out in September.

There are (9) Regional Boards across the state which are the grass roots of our Programs Committee’s decision makers. Please within your busy schedule make an effort to attend some of their meetings, you will find them informative as well as eye opening in how much the success of this organization and its work means to them. These are dedicated people and we need to let them know we appreciate their efforts each and every day.

In closing, I again would like to thank each of you for being here today. We have a task placed upon our shoulders in being the guiding force for the “Prevention of Underage Smoking” in Virginia. This task is one which we should take to heart and embrace through our attendance at meetings, staying informed on issues which affect our Board and its position within the Commonwealth, keeping abreast of changing local, state and federal issues which may affect the performance of our work and in supporting our staff in their continuing efforts as they work daily to bring about the goals which we have established and those they have personally set. Working together as a team, understanding the functions of each team player we can and will accomplish the end result of providing a quality of life for our children which is unparalleled within the United States.

### **Director's Report**

#### **WELCOME!**

Welcome to the October VTSF Board Meeting! This is my first regularly scheduled board meeting, and I am very excited about working with you in this new role as Executive Director. My background in nursing, public health, and management serve as a wonderful base to help further the mission of reducing and preventing tobacco use by our youth in Virginia.

Being appointed by Governor Warner provides a unique leadership opportunity to serve as a liaison with the Administration and Board to enhance support for the research, marketing, programs, education, and enforcement initiatives of the Foundation. I am pleased to inform you today about the progress being made and the collaborative opportunities ahead.

Thank you for your dedication to improving the health of the youth of the Commonwealth! Your role is so very important, and we sincerely appreciate your commitment of time, energy, and expertise. Special thanks also go to the terrific staff for orienting me and continuing to provide stability for the important work of the Foundation.

### BUDGET REQUESTS

In consultation with Chairman Rickie Fulcher and Senator John Watkins, I worked with VTSAF staff, Executive branch officials, and legislative staff to submit budget requests to the Secretary of Health and Human Resources and the Governor by the budgetary deadlines. Because of the tremendous strides that have been made by the Foundation, the improved state of the financial forecasts, and the opportunity of the biennial budget at this phase of Governor Warner's administration, the potential for additional funding is being pursued.

In follow up to Senator Watkins' request to the Governor to restore the \$15.5 million funding to VTSAF in the Governor's budget bill, I have communicated directly with the Secretary, Governor, and others to express support. Based on the advice received to articulate further the potential impacts and probable figures, two decision budget package requests were submitted:

- 1) Eliminate deficit and reinstate a portion of intervention funds;
- 2) Increase funding for youth tobacco prevention initiatives.

The budgetary path will take many twists and turns before final decisions will be made. Our hope is that an increased budgetary amount for VTSAF will be included in the Governor's budget and that the legislators will incorporate the financial requests in the ultimate passage of the budget.

At this time, the decision budget requests have moved from the Office of the Secretary of Health and Human Resources to the Department of Planning and Budget. The Governor's budget will be released December 20<sup>th</sup>. Additional follow-up is planned.

### SWAM

SWAM is a Commonwealth of Virginia initiative to enhance purchasing/procurement opportunities for Small, Women Owned, and Minority Owned firms. The SWAM Procurement Initiative includes a statewide goal of 40% of all procurement dollars for SWAM businesses.

Although VTSAF is exempt from small, women-owned, and minority business reporting, it continually utilizes these businesses whenever possible and encourages businesses to

register with The Virginia Department of Minority Business Enterprise (DMBE) and eVA. In addition, we are working together to further increase efforts for SWAM.

For your reference, an informational flyer about SWAM is included in your board materials today.

### YOUTH TOBACCO SURVEY

Approximately 70% of school districts selected in the Youth Tobacco Survey sample agreed to participate. VCU's Survey and Evaluation Research Laboratory (SERL) is currently administering surveys and will continue throughout the month of October. Upon completion of the data collection, the data sheets will be sent to the Centers for Disease Control and Prevention for processing. The data sets will then be returned to SERL in-depth analysis and reporting. VTSF plans to prepare a summary of key results page and make the full report available online in PDF format.

### GOVERNOR WARNER'S OPERATING VALUES

Ms. Ryals also described the Governor's operating values and her commitment to them in VTSF operations:

- Bipartishanship, diversity and inclusion.
- Openness, innovation and creativity.
- Service, professionalism and accountability.
- Honesty, integrity and teamwork.

**Motion:** The Virginia Tobacco Settlement Foundation (VTSF) Board of Trustees affirms its support of Senator John Watkins budgetary request to reinstate funds to the Foundation in its Research, Marketing, and community-based program budgets. Further, that the Board support efforts to increase funding opportunities for youth tobacco prevention initiatives with the Governor's office and legislative bodies by Patrick Hughes.

Second: Jose Dimas

Vote: Unanimous in favor

### **Committee Reports/Business:**

#### **Programs:**

Marge White reported that the prevention education kits have been purchased and sent to the Department of Education for distribution. The kits are for all the middle schools in Virginia.

A mini-grant application was sent out to all the Community Services Board. Twenty-nine Community Services Boards applied, with approximately \$63,000 total awarded.

An agreement is being finalized with James Madison University to conduct *Prevention Basics* training in all nine regions of the state. Three sessions will be conducted in each region to build capacity at the local level to conduct tobacco prevention programs.

An RFP for three-year agreements was issued in September for approximately \$3Million of funding available to organizations. Those proposals are due back November 8, 2005. Regional Advisory Board member's recommendations will be mailed to Board Members in the next Board package.

A second Program RFP will be issued in January 2006 for \$1Million for one year grants that will be non renewable to provide an opportunity each year for new organizations to apply.

VTSF received a grant from Substance Abuse and Mental Health Services Administration in the amount of \$25,000 to fund the Grantee Conference.

Patrick Hughes added that in the Program Committee it was reported we currently have available \$479,000. Regional Advisory Boards have indicated a need to use \$225,000 to be divided amongst the nine regions.

Discussion: of the renewal applications for current grantees out only 70 were approved for renewal funding resulting in the \$775,000 unspent funds. The program committee decided not to issue another RFP for that amount of money.

**Motion:** to dedicate \$25,000 per region for special projects and use and use executive committees of the RAB to review and approve the applications by Patrick Hughes.

Second: Senator John Watkins

Vote: Unanimous in favor

### **Research**

The research RFP was issued on September 28, and will close on December 14. Funding for a three-year cycle is available for projects that focus on:

- Etiology of youth tobacco use,
- Psycho-social aspects,
- Genetic predisposition to nicotine addiction,
- Progression from experimentation to addiction,
- Specific youth interventions, including cessation
- Dissemination of findings and promotion of research to practice

The Consortium will meet next week on October 11, 5:00 p.m. at the Richmond Marriott. Following the meeting, researchers will join the program grantees to enjoy dinner and a guest speaker. The focus of the speaker's comments will be research to practice.

The VCU coalition will be meeting that same day from noon-4:30 to hear updates on the small grants projects that are part of VCU's youth tobacco project.

### **Marketing**

Delegate John O'Bannon, III reported that the marketing committee had discussed its preferences should the programs committee provide the marketing campaign with a portion of its left over funds from FY06. Delegate O'Bannon thanked the Program Committee for choosing to present to the full board some of these opportunities.

Recommendations for increased marketing activity were:

- Online Flash-based ad campaign
- Additional Y Street Training Sessions
- MTV/Rantmobile Promotion
- Additional Creative
- Larger Traditional Media Buy

Creative Presentation is Friday, October 14, 2005 at Barber Martin Advertisement.

**Motion:** to dedicate the \$250,000 to the Marketing Committee to be used to follow up to five recommendations presented to the board by Patrick Hughes

Second: Senator Emmett Hanger, Jr.

Vote: Unanimous in favor

### **Budget**

Wilma Jordan, Business Manager reported from the handouts that the board needs to approve a fiscal year FY08 budget because of the three-year program and research RFP's scheduled to be contracted for FY06-08.

Discussion: Senator Watkins suggested that since the MSA payments are scheduled to increase in FY08 that staff develop a plan for the additional revenue and present a FY08 budget to the board at its next meeting for review. He also asked that staff provide additional information on any effect the Tobacco Commission's securitization process may have on future MSA payments and allocations.

Rickie Fulcher called for a ten-minute recess at 1:50 pm.

Board meeting reconvened at 2:00 pm.

### **Public Comment**

None

### **Old Business**

#### **Liaison for Regional Advisory Boards**

Marge White reported that there are vacancies for Board of Trustees members to serve in the North and North Central Region Boards.

Rickie Fulcher added that is an excellent opportunity to become involved at the local level.

### **New Business**

#### **Election: Vice-Chairman**

**Motion:** To place Patrick Hughes name in nomination for Vice-Chairman of the Virginia Tobacco Settlement Foundation by Curtis Coleburn

Second: Del. Bill Janis

The committee chair called for additional nominations from the floor and heard none.

**Motion:** close nominations by Dr. Bob Stroube

Second: Delegate Bill Janis

Vote: Unanimous to close nominations

Vote: Unanimous in favor of electing Patrick Hughes

Curtis Coleburn noted that the Executive Committee had one vacancy for which it did not receive any nominations. Rickie Fulcher read the names of the existing committee members. Patrick Hughes nominated Delegate Bill Janis. Dr. James McDaniel nominated Lolly Gilmore. Second: Dr. Robert Stroube. Del. Bill Janis requested that his name be removed from nomination.

**Motion:** To close nominations to the Executive Committee by Delegate Bill Janis

Second: Daniel Cawley

Vote: Unanimous in favor

**Motion:** to affirm Lolly Gilmore be elected to the Executive Committee by Delegate Bill Janis

Second: Dan Cawley

Vote: Unanimous in favor

Affirm Action: Executive Committee, August 16, 2005

**Motion:** the Board of Trustees to (1) affirm the staff to enter into an emergency procurement with Rescue Productions for the purpose of maintaining the internet site effective September 1, 2005 through June 30, 2006; (2) VTsf to recommend to the Governor that the salary of the new Executive Director be established at \$96,155 per annum.

Delegate Bill Janis requested that the two actions be taken up separately.

**Motion:** to concur with the Executive Committee decision to allow Rescue Productions to assume the maintenance of the VTsf internet site by Patrick Hughes

Second: Senator Emmett Hanger, Jr.

Vote: Unanimous in favor.

### **Closed Meeting**

Delegate Bill Janis stated, "In accordance with the provisions of Section 2.2-3711 (A) (1) of the Code of Virginia, I move that the Foundation go into closed meeting for the purpose of discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the Virginia Tobacco Settlement Foundation.

Additionally, I move that Board Counsel, namely Teresa Griggs, attend the Closed Meeting because her presence is deemed necessary and her presence will aid the Board in its consideration of this matter."

Second: Curtis Coleburn

Vote: Unanimous in favor

Delegate Bill Janis stated, "I move the adoption of the following resolution:  
**WHEREAS**, the Virginia Tobacco Settlement Foundation has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and  
**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by this Foundation that such closed meeting was conducted in conformity with Virginia Law:  
**NOW, THEREFORE, BE IT RESOLVED**, that the Virginia Tobacco Settlement Foundation certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Foundation in the closed meeting.

All those who certify, to the best of your knowledge that the Board of Trustees (or Executive Committee) heard, discussed and considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, only such public business matters as were identified in the motion by which the Closed Meeting was convened, please say "Aye." Any member who believes that there is a departure from the motion and hearing, discussion and consideration requirements shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. (**roll call – all ayes**).

Members absent were: Senator Emmett Hanger, Jr., Senator John Watkins, Dr. Robert Stroube, Dr. Pamela Daffern, Dr. Richard Bennett and Delegate John O'Bannon, III along with board members absent from the entire meeting.

**Motion:** to reconvene from closed session by Dr. James McDaniel.

Second: Patrick Hughes

Vote: Unanimous in favor

**Motion:** the Board of Trustees ratify the annual current salary of the Executive Director to \$96,155 through her current term by Curtis Coleburn.

Second: Delegate Bill Janis

Vote: Unanimous in favor

**Motion:** the Board of Trustees meet in January to set the salary of the Executive Director in accordance with its obligations under Code of Virginia §32.1-358 by Delegate Bill Janis.

Second: Patrick Hughes

Vote: Unanimous in favor

#### Draft Policy: Telecommuting Policy

In the Policy Handbook there are some obsolete references. Under prior procedures VTSF was contracted with the Department of Human Resource Management (DHRM) to provide Human Resource services for the Foundation. Change: delete references to DHRM and change to VTSF staff.

Additionally, that the Telecommuting Policy be added to the handbook.

**Motion:** amended the Policy Handbook to remove the references to DHRM and add the Telecommuting Policy as presented in writing to the board: Curtis Coleburn

Second: Dr. James McDaniel  
Vote: Unanimous in favor

**Announcements**

Tobacco Control Research Consortium October 11, 2005 at 5:00 p.m. at the downtown Marriott.

The Fourth Annual Grantee Conference will be held October 12 – 13, 2005 at the downtown Marriott.

Next Board Meeting: January, 2006

**Adjournment**

**Motion:** adjourn meeting by Curtis Coleburn

Second: Patrick Hughes

Vote: Unanimous in favor