

Tobacco Revenue, Use, Spending and Tracking Commission (TRUST)
Bureau of Tobacco Education and Prevention Program (BTEP)

April 2, 2008

Flinn Foundation
Terrace Room
1802 N. Central Ave.
Phoenix, AZ

MINUTES

Members Present:

Linda Bailey
Nancy Hook
Matt Madonna
Babak Nayeri

Bill Pfeifer, Chairman
JR Ramirez
Dana Russell
Ronald Spark

Members Absent:

Wil Counts
Benton Davis
Kelly Hsu

Scott Leischow
Violet Mitchell-Enos

ADHS Staff:

Wayne Tormala, ADHS BTEP
Mary Ehlert, ADHS BTEP
Karen Boswell, ADHS BTEP
Gowri Shetty, ADHS BTEP

Todd Pearce, ADHS BTEP
Ben Palmer, ADHS BTEP
Byron Homer, ADHS BTEP
Robbi Traver, ADHS BTEP

Presenters:

Brigitte Dufour, ADHS Environmental Health
Dennis Hoffman, ASU W.P. Carey School of Business

Public Attendee:

Colby Bower
Rick Bowman
Mary Gilles
Jill Gomez
Joe Jose

Dawn McLaren
Louise Strayer
Tim Vaske
Susan Williams

Call to Order

Bill Pfeifer called the meeting to order at 10:07 am. Mr. Pfeifer asked that everyone introduce themselves.

Mr. Pfeifer called for a motion to approve the January minutes.

Ron Spark seconded the motion. **Motion passed**, 1 abstention from Dana Russell

Discussion occurred around motions in a continuation from the last meeting regarding motions were not posted in the minutes from the December meeting. Mr. Pfeifer stated that the information would be discussed further in the agenda by Karen Boswell during her open meeting law report.

Ben Palmer asked Commissioners to submit motions in writing as a back-up to his hand written notes and the recorded tape. This way the motion can be fully captured.

Mr. Pfeifer reviewed the agenda for the meeting.

Open Meeting Law

Karen Boswell presented a report on open meeting law. Ms. Boswell and Mr. Palmer met with the Attorney General's Office to receive clarification on a few issues that arose from January 2008 TRUST Commission meeting surrounding the recording of motions in the official minutes. Ms. Boswell felt a miscommunication had occurred. After meeting with the AG's Office, it was determined that if a motion was made during an "update" or "review" only section of the meeting, it would not be officially recognized. The public has a right to know what is on the agenda and what possible actions may be taken. By putting language such as, "Possible consideration and discussion regarding," this acts as a blanket statement for that particular agenda item that alerts the public that a possible action may be taken.

Discussion occurred on whether the language should be added, whether it needs to be at the heading of the agenda or whether it should be put after each agenda item. Through discussion, the preference of the Commission is to put the language after each agenda item unless it is completely unwarranted.

Executive sessions were discussed. It was determined that that it only takes one member to call an executive session, no second is needed. A vote must be taken to go into executive session. There are several reasons for the Commission to enter into executive session. Ms. Boswell will investigate further and report back to the TRUST on the justifications for executive session. The Commission noted that they have only gone into executive session a few times and it usually pertains to the Nominating Committee. Discussion occurred around the Nominating Committee. It still exists with Benton Davis as the chair. The Nominating Committee will now be a standard item on the agenda regardless if there is anything to report or not.

The notion of a "Census of the TRUST" as also discussed. This new designation would be used as an unofficial way of documenting the favorability or reciprocal of a particular feeling about a topic or an action.

Discussion occurred around the technicality of the TRUST's formation. The TRUST is currently in a "grey-area" in terms of not being in compliance with the law but required by statute to exist. Optimizing the TRUST and making it compliant with respect to membership will occur at the

TRUST organizational retreat. Discussion shifted to whether or not the TRUST is beneficial in its current capacity. Wayne Tormala stated that he believes the TRUST and its role are vital the success of BTEP. The advisory input is valued. Mr. Tormala stated that he believes the current Commission needs to be altered slightly to achieve the optimal effect. This will be discussed further in the agenda and at the retreat.

Proposition 201 Update

Brigitte Dufour presented information the challenges of the implementation of Proposition 201. Complaints have dropped drastically and were mostly attributable to the “20 feet” rule. Early complaints were from restaurants and bars not complying with smoking regulations and workplace smoking. Ms. Dufour explained how enforcement works. Several counties ask ADHS to enforce, others do their own enforcement. Only Santa Cruz County requires ADHS to do all the work.

Discussion occurred around the presentation. A question was asked if the businesses being investigated can continue to break the law why being looked into. Ms. Dufour explained they slow down their enforcement until the case is resolved. Questions arose concerning the funding. Commissioners expressed concern about Smoke-Free Arizona setting up an “infrastructure for bureaucracy.” Ms. Dufour explained that the first few years will deplete their budget due to court costs of enforcement, but in time, self-enforcement will occur and eventually funds will revert to BTEP.

A question also arose about funding of manpower and litigation. Rural counties complain that they only receive a small budget to enforce. Ms. Dufour explained that the number of complaints do not warrant a large staff. Commissioners also felt it necessary to see the court costs sought during the trials. Ms. Dufour explained that court costs were sought when outside council was used, but ultimately it was up to the judge to award the costs back to the State.

Discussion also occurred around the statistically aspect of the complaints. Commissioners wanted to know how feedback was given. Ms. Dufour explained that a complaint allows for the person submitting it to call a number and check the status of the complaint. Most complaints are done anonymously, so there is no way to track the data.

ASU Economic Impact Update

Dennis Hoffman presented an update on the Arizona State University Economic Impact Study. The study was quite unusual in the fact that a very detailed study was conducted three months prior to Smoke-Free AZ going into effect and then replicating the study nine months later. Due to the current economic situation, the study was a little more challenging and difficult to draw conclusions from. Overall, the past 20 years have been historically pretty steady with intermittent peaks and valleys. The recent fall in restaurant and bar sales is something that has not been seen in the past 20 years. Can it be attributed to the new law, or perhaps it is more indicative of the current economic state? One cannot be certain. What is certain is that when the study was conducted in 2007, “normal” factors were reported by business owners as a catalyst for low sales. “Normal” constitutes seasonal factors, competition, gas prices, tourism and construction. The 2008 survey found a more chaotic list. Such factors in 2008 were the economic conditions, costs involved with business, government policies and consumer spending habits. These factors

can almost be viewed as business owners looking to “blame” someone or something for their lost revenue.

Discussion occurred surrounding the format of the survey. Mr. Hoffman explained that the survey attempted to contact the original participants. Quite a few, but not all participated in both the 2007 & 2008 surveys. The survey was open & closed ended. Data could not be compared to National Studies because none exist. Commissioners expressed interest in seeing the final report and/or executive summary. Mr. Pfeifer reminded the Commission that they have no authority over presenters and could not request one.

BTEP Strategic Plan Update

Wayne Tormala presented the strategic plan update. A goal referring to Chronic Disease was added back to the plan raising the number of goals from seven to eight. Going through the process BTEP wanted to be deeply rooted in evidence based practice in conjunction with input from the community. Revenue is going down and it will be reflected in the programs. Mr. Tormala wanted make it clear, this is evidence based, not performance based.

A question was posed regarding funds set aside for Native Americans. Mr. Tormala explained that nothing has been set aside yet to anyone. BTEP is currently engaging in the RFGA cycle (not RFP). RFGA’s allow for dialogue.

A question was raised concerning deaf and blind smokers and their ability to call quitlines. Quitlines have special technology with video conferencing. Upgrades will need to be made for this population group, as well as all underserved groups. This is all being taken into account.

Rural and urban counties will be hit the same, no disparity due to size or location. Formulas are in place to determine allotment based on general population and Title 1 schools. BTEP is in the process of establishing end goals and targets that will guide us. We strive for the “Golden Ring” which is the unattainable goal for zero prevalence. BTEP strives for this. The question also becomes, what is better, lower prevalence rates or higher quit rates. Either way the data can be skewed due to people moving in and out of the state.

Mary Ehlert spoke about the new marketing plan. There will be one centralized marketing message, one brand disseminated through different methods throughout the state. TEPP (known as BTEP after Nov 2007) was often the problem, now we are striving to fix the past problems. In the past we had as many as sixteen different brands and logos. It becomes confusing and excludes certain groups. Ms. Ehlert explained that they are also looking at an independent media evaluator so they can avoid the group who presented the message evaluating their own message. Ms. Ehlert was pleased to announce the “Nick, Hector & Jaime” ads won the Gold Quill Award reaching 40% of viewers. Questions were asked regarding the specifics of the ad. Ms. Ehlert will bring the info to the next meeting.

Implication of the BTEP Strategic Plan on the TRUST Commission

Mr. Pfeifer announced that implications of the BTEP strategic plan on the TRUST Commission would be discussed in greater detail at the next TRUST Commission meeting. The main change will possibly add subcommittees to specialize in critical key areas that are not always addressed

in the manner they deserve at regular TRUST Commission meetings. Smaller groups could meet with experts, focus on the issue and report back. The structure depends on the needs of BTEP which is in turn is laid out by the strategic plan.

Financial Update

Karen Boswell presented the BTEP financial update. The Commission expressed appreciation of the actual numbers compared to the percentage. BTEP is meeting with Chronic Disease to discuss unspent monies. The unevenness comes from the way marketing is billed. The Commission expressed dissatisfaction in how expenditures are not being drawn down. Ms. Boswell explained that for the most part it was not an issue. BTEP receives the expenditure reports often. The current report was last update as of March 28, 2008 so it is very recent.

Meeting Wrap-up

Ms. Bailey, acting in Mr. Pfeifer's capacity, asked the Commission if there was anything else that needed to be discussed. It was determined that there was no new or old business that needed to be discussed.

Public Commentary

There was one (1) public comment from Jill Gomez. Ms. Gomez wanted to bring attention to the success of the family docs (doctors) of the Arizona Academy of Family Physicians in Kingman. Dr. Spark added that they are a model to the public and private sector.

Adjourn

The meeting was adjourned at 1:43 pm.

The TRUST Commission is a public meeting. In compliance with the State of Arizona's open meetings laws, the recorded minutes for the January 2008 TRUST Commission meeting are available to the public three working days after the meeting. Please contact the TRUST Coordinator at the Bureau of Tobacco Education and Prevention Program, 602-364-0824, to make arrangements to hear the recorder minutes.