

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**
Meeting on Tuesday, December 1, 2009
Radisson Hotel at Los Angeles Airport
6225 West Century Boulevard, Los Angeles, CA 90045

MEMBERS PRESENT:

Michael Ong (Chair), Lourdes Baézconde-Garbanati, Alan Henderson, Pamela Ling, Dorothy Rice, and Peggy Uyeda

MEMBERS ABSENT:

Wendel Brunner, Lawrence Green, and Valerie Yerger

OTHERS IN ATTENDANCE:

Majel Arnold, California Department of Public Health (CDPH), California Tobacco Control Program (CTCP)

Glen Baird, CTCP

Pat S. Etem, Independent

Tom Herman, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)

Janet Huston, CDPH

Paul Knepprath, American Lung Association of California (ALAC)

John Lagomarsino, SHKPO, CDE

George Lemp, Tobacco-Related Disease Research Program (TRDRP), University of California, Office of the President (UCOP)

April Roeseler, CTCP

Donald Lyman, CDPH

Colleen Stevens, CTCP

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

TEROC Chairperson Michael Ong called the meeting to order at 9:40 a.m.

2. APPROVAL OF MINUTES FROM OCTOBER 6, 2009, TEROC MEETING, CORRESPONDENCE, AND ANNOUNCEMENTS

There were no changes required for the minutes of the October 6, 2009 meeting. Acceptance of Minutes moved by Dorothy Rice, seconded by Alan Henderson, motion carried unanimously.

The Chair reviewed TEROC-related correspondence:

Outgoing Correspondence:

- E-mail to Randall Stafford dated October 7, 2009, regarding a TRDRP Scientific Advisory Committee's (SAC) letter to Mark G. Yudof, President, UCOP, regarding the Non-Advocate Review (NAR) Committee.

- E-mail to Randall Stafford dated October 7, 2009, regarding a draft of a letter from the TRDRP SAC to President Yudof.
- E-mail to President Yudof dated October 12, 2009, with a letter regarding the NAR attached.
- E-mail to Eugene Hill dated October 14, 2009, with a letter regarding the California Cancer Research Act Initiative Proposal attached.
- E-mail to Randall Stafford and the TRDRP SAC dated November 3, 2009, regarding the NAR Committee meeting.
- Letter to Donald Lyman dated November 5, 2009, regarding the vacancy for the position of Chief of the California Tobacco Control Program.
- E-mail to Bill McCarthy dated November 25, 2009, regarding a further response to the Legislative Analyst's Office (LAO) on Tobacco-Use Prevention Education (TUPE) effectiveness.

Incoming Correspondence:

- Letter from the African American Tobacco Control Leadership Council (AATCLC) dated September 30, 2009, regarding prevalence surveys, as presented during public comment at TEROC's last meeting. The Chair reported that members of AATCLC had been expected to present at today's meeting, but they were unable to attend and will be invited again.
- E-mail from Randall Stafford dated October 7, 2009, regarding a draft of a letter from the TRDRP SAC to President Yudof.
- Copy of the letter from the TRDRP SAC dated October 8, 2009, to President Yudof regarding the NAR, with attachments.
- E-mail from Bart Aoki dated October 8, 2009, regarding TRDRP's Policy Research Initiative's External Scientific Monitoring Committee (ESMC).
- E-mail from Paul Kneprath dated October 13, 2009, regarding the California Cancer Research Act Initiative.
- E-mail from Eugene Hill dated October 15, 2009, regarding the California Cancer Research Act Initiative.
- Letter from President Yudof dated October 21, 2009, regarding the NAR. The Chair reported the letter assures that continued consultation on the Office on Research and Graduate Studies (ORGS) reorganization will occur, and acknowledges the complexity of issues relating to the management of the programs.
- Letter from Eugene Hill dated October 26, 2009, with the new California Cancer Research Act Initiative attached. The Chair outlined the changes in the allocations of the tax increase in the new version. Discussion was held over to the Legislative and Tobacco Policy Update agenda item.
- E-mail from Valerie Yerger dated November 9, 2009, regarding TEROC's submission to the Food and Drug Administration (FDA), with the Legacy Foundation's Letter to the FDA regarding menthol attached.
- Final Report of the NAR Committee dated November 16, 2009.

- E-mail from Bill McCarthy dated November 25, 2009, regarding a further response to the LAO and the pending release of the 2007-08 TUPE survey.

In addition, the Chair drew attention to the packet of materials regarding presentations to the NAR Committee meeting:

- E-mail from Randall Stafford dated October 8, 2009, with attachments:
 - Copy of the letter from the TRDRP SAC dated October 8, 2009, to President Yudof regarding NAR
 - NAR of Grants Management (Presentation by Steven Beckwith)
 - ORGS Research Grants Program Office (RGPO)–Original Concept
 - University of California (UC) Grants Peer Review Operations and Proposed Streamlining of Post Award Processing
 - NAR discussion (Presentation by Shelley Sweet)
 - TDRDP SAC Comments (Presentation by Randall Stafford)
 - California Breast Cancer California Research Program Comments (Presentation by Klaus Porzig)
 - California HIV/AIDS Research Program, Advisory Council Comments (Presentation by Connie Benson)

3. ENVIRONMENTAL DEVELOPMENTS

The Chair reported the following Environmental Developments:

- Philip Morris USA Incorporated dropped its federal lawsuit against the City of San Francisco over its ban on selling tobacco products in pharmacies. A second lawsuit by Walgreens was dismissed in the San Francisco Superior Court and is now before the California Court of Appeal.
- The City of Richmond may soon become the second city to make it illegal for pharmacies to sell tobacco products. The Richmond City Council gave initial approval to the proposed ordinance and the proposed ban could take effect as early as mid-January.
- United States Smokeless Tobacco Company announced it will no longer sponsor the Professional Rodeo Cowboy Association.
- Health Economics Consulting Group LLC released a report relating to the calculation of San Francisco's 20 cents per pack mitigation fee, titled *Estimates of the Costs of Tobacco Litter in San Francisco and Calculations of Maximum Permissible Per-Pack Fees*. The report is available online and a link will be provided to members.

4. TEROC RESPONSE TO FDA ON THE FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT (THE TOBACCO ACT)

Members considered the Talking Points that had been distributed in advance to assist discussion of a TEROC response to the FDA on the Tobacco Act. The Talking Points included issues raised by Members at the previous meeting and other issues and recommendations linked to TEROC's current

Master Plan (MP). Some recommendations were drawn from FDA submissions from BUCK Tobacco, American Lung Association, Americans for Nonsmokers Rights, Legacy Foundation, and CTCP.

Discussion ensued on content for TEROC's response, including:

- The new Center for Tobacco Products and collaboration and involvement of the states.
- Data collection and evaluation.
- Opportunities for collaboration with the removal of preemption.
- Broadening sampling restrictions and further defining adult-only facilities.
- Further restricting brand name sponsorship.
- Prohibiting corporate as well as brand name sponsorship.
- Product standards, including prohibiting menthol.
- Standards for reduced risk marketing.
- Addressing the issue of tobacco industry representation on the SAC.
- Including quitline information on packaging.
- Introducing a Federal tax stamp.
- Ensuring priority population expertise on the SAC.
- Monitoring tobacco industry activities.

Members agreed TEROC should submit a broad-ranging response that addresses the issues identified in the Talking Points and to include specific recommendations, an outline of TEROC's experience, and identify how the issues raised relate to tobacco control in California. Members agreed an additional recommendation should be included regarding tobacco-free policies and the non-acceptance of tobacco industry funding for schools receiving federal funding. Collaboration, sponsorship and SAC membership were identified as priority issues for recommendations. It was agreed a copy of the MP should be included as an attachment.

The Chair suggested a sub-committee be formed to assist with prioritizing recommendations and editing the submission. Alan Henderson, Lourdes Baézconde-Garbanati and Pamela Ling volunteered to work with the Chair to finalize the submission to the FDA. Members discussed the requirements of the Bagley-Keene Act and advice from the CDPH, Office of Legal Services (OLS) and it was agreed that no new decisions could be made or recommendations added during the sub committee review. The draft is to be prepared based on discussion and decisions at this meeting only. The final version will be distributed to all members.

Action Item

Pamela Ling moved that a subcommittee be formed to draft a final letter to the FDA on TEROC's response to the Tobacco Act. Seconded by Alan Henderson, motion carried unanimously.

5. LEGISLATIVE AND TOBACCO POLICY UPDATE

Mr. Kneprath of ALAC discussed the new report from the Center for Tobacco Policy and Organizing, the *2009 California Legislative Session Tobacco Vote Record*, and provided an update on the status of legislation at the close of the legislative session:

- Senate Bill (SB) 600 (Padilla/Steinberg), proposing an increase in the tax on tobacco products by \$1.50 per pack. The bill remains in the Senate Rules Committee and could be pursued by Padilla in January next year. However, a two-thirds vote would be required to pass the bill.
- Assembly Bill (AB) 574 (Hill), requiring smoke-free hospital campuses, was vetoed by the Governor. The veto message suggested that since campuses can choose to go smoke-free now, and many have, legislation is not needed.
- SB 4 (Oropeza), creating smoke-free state beaches and parks, was held on the Assembly floor and is a two-year bill but would need to be acted on by end of January 2010. Enforcement would be problematic since the provisions would only come into effect if new signage was installed, which would be difficult in the current economic climate. This could change with further amendment next year.
- Padilla also introduced SB 601, SB 602, and SB 603 dealing with tobacco retail licensing. None of the bills progressed through both houses. SB 603 would have prohibited licenses being issued to retailers within 600 feet of a school. Padilla also recently sent letters to all cities and counties in California to encourage local policies in this regard. The voluntary health organizations are supportive of this effort, and it is likely this will also be revisited in the next legislative session.

Mr. Kneprath indicated the *Tobacco Vote Record* also contains a summary of other legislative efforts for an increased tobacco tax. He was asked if there was renewed interest in a tax increase as a result of widening budget deficits. He indicated it was hard to determine at this time but is possible. He agreed that, unlike SB 600, the California Cancer Research Act Initiative could be a stimulus for the legislature to revisit a tax increase, since the ballot initiative would not provide any general fund dollars.

He indicated other legislative priorities for 2010 could include smoke-free schools, multi-unit housing, and outdoor dining.

A Fact Sheet relating to the revised California Cancer Research Act Initiative was distributed. The new version of the initiative filed with the Attorney General's Office in late October 2009 now provides for funds to be distributed as follows:

- 60 percent for research into prevention, causes and treatment of cancer, and other smoking-related illnesses.
- 20 percent for smoking cessation and tobacco use prevention.

- 15 percent for research facilities and equipment.
- 3 percent for enforcement.
- 2 percent for administrative costs.

Efforts to collect 600,000 signatures (approximately 450,000 valid signatures are required) will continue from mid-December 2009 to the end of April 2010, and will involve both a paid agency and the voluntary health organizations. If the initiative qualifies for the November 2010 ballot, a simple majority of voters would be required for it to become law. It is estimated the tax increase could raise \$840-850 million each year which would provide \$170 million to be shared by CDPH (80 percent) and CDE (20 percent). These revenues would be passed through the nine-member oversight committee directly to CDPH and CDE.

The three percent for enforcement would support the Board of Equalization licensing program, which is focused on tax collection and preventing the sale of smuggled cigarettes. The enforcement fund would also provide for CDPH grants for local law enforcement infrastructure and the Attorney General's litigation program.

Mr. Kneprath discussed the role and composition of the oversight committee and the likelihood that an executive staff would be primarily responsible for grant-making. Coordination with or funding for TRDRP remains unclear. He stated it could be possible for the California Cancer Registry to receive funding from this initiative.

The rationale for the proposed amount of the tax increase (\$1.00 per pack) was discussed. Mr. Kneprath indicated that although polling suggests public support for a tax increase only begins to wane around the \$2.50 mark, the \$1.00 proposal will simplify campaign messaging. The proposed increase would mean California's tobacco tax would rank among the top 15-20 of all states, moving from the present ranking of 31st.

The decrease for funding facilities in the latest version (from 40 percent to 15 percent) was discussed. Mr. Kneprath indicated there had been little rationale for the original 40 percent allocation, and there was concern that retaining that allocation could have been an obstacle in campaigning efforts.

Mr. Kneprath estimated the tobacco industry will spend approximately \$65 million to try to defeat the measure. It remains unclear how the \$15-20 million required to support the initiative will be raised. Members suggested Cancer Centers could be strong potential contributors and supporters, and he indicated they were being considered.

The question of TEROC's possible endorsement of the initiative was discussed. Since TEROC endorses legislative efforts, members agreed it

would be possible to make a similar endorsement. TEROC's historic position on Proposition (Prop) 86 could be investigated, OLS may be able to advise as needed.

The Chair thanked Mr. Kneprath for his presentation.

6. CALIFORNIA DEPARTMENT OF EDUCATION REPORT

The CDE report was provided by Mr. Herman and Mr. Lagomarsino. They reported that funds from the last Request for Applications (RFA) round will be released in approximately six weeks.

Mr. Herman reported on a meeting with TRDRP that focused on a strategy to increase the number of school tobacco programs identified as research-validated by the California Healthy Kids Resource Center for use by TUPE grant applicants. A TRDRP grant and a graduate assistant to examine effectiveness of school programs were identified as future possibilities. With the reduction in Title 4 funding, alternative funding sources need to be investigated for the California Healthy Kids Resource Center from July 2010.

Mr. Lagomarsino indicated increasing the number of research-validated curricula is a priority to ensure a wider choice to best meet the needs of the populations to be served. He confirmed the criteria for research-validated curricula are available on the California's Healthy Kids Resource Center's Web site. Annual Reports, available through the SHKPO Web site, list the number of local educational agencies using each program. Mr. Herman indicated the Healthy Kids Survey is a tool to track decreases in smoking prevalence rate and program effectiveness.

Mr. Herman reported CDE has also been collaborating with CTCP in support of an American Recovery and Reinvestment Act (ARRA) grant application and will be represented on a statewide advisory committee if the grant is awarded, in accordance with funding requirements.

Revised application materials for TUPE Competitive Grants were highlighted. A new Urban/Suburban/Rural question has been added to the Application Cover Sheet, and a School Enrollment by Ethnicity Data Table will be required from applicants to address TEROC concerns and allow comparisons with prevalence data from the Healthy Kids survey.

The separation of Asian, Filipino, and Pacific Islanders as different categories for data collection was raised. Mr. Lagomarsino confirmed the categories are separated in other CDE data collection, but they are grouped as a priority population in the Health and Safety Code. Data reported can be aggregated by school, district, county, or statewide. The data is also available on CDE's Data Quest Web Page at <http://dq.cde.ca.gov/dataquest>. Mr. Herman

confirmed that the White/Non-Hispanic category, while not considered a priority population, is included on the Table so data reported accounts for 100 percent of the student population.

Members inquired as to whether low socioeconomic status (SES) is considered a priority population and whether data on students on the free/reduced lunch program could be collected. Mr. Herman stated the reliability of that data in accurately capturing the low SES population has been questioned, but it remains an important indicator and CDE would consider the addition.

Members asked whether it would be possible for an applicant to initiate a new curriculum if the school district was committed to gathering evidence-based data. Mr. Lagomarsino indicated it would be possible to apply for a School Academic Research Award from TRDRP, or use a research-validated curriculum for the general population while looking at other programs to better serve a sub-population.

The Chair thanked Mr. Herman and Mr. Lagomarsino for their presentation.

7. **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA TOBACCO CONTROL PROGRAM UPDATE**

The CDPH program update was provided by Dr. Lyman. In response to TEROC's correspondence of November 5, 2009, regarding the position of Chief, CTCP, he gave a brief history of the position's status. When Dileep Bal ran the Cancer Control Branch (under which Tobacco Control was a Section), he assumed the Section Chief role and the position was effectively abandoned through budget cuts. When Neal Kohatsu assumed the Branch Chief role, he decided to reinstate the position. With the split of CDPH and the California Department of Health Care Services, the position's classification became muddled and reinstatement became a lower priority. CTCP has now been elevated to Branch status. Dr. Lyman indicated an informal search for qualified candidates has identified candidates that are not physicians, so recruitment efforts are being retooled accordingly. However, the classification of the position is still pending. A timeline for a confirmed appointment remains uncertain, but spring 2010 is possible. The pending change in administration in 2010 may create difficulties.

Dr. Lyman also discussed the following:

- In response to the Centers for Disease Control and Prevention's (CDC) Funding Opportunity Announcements (FOA), CDPH has submitted funding applications under a number of components of the ARRA Communities Putting Prevention to Work initiative. For the Cooperative Agreement Funding (competitive) component, CTCP is partnering with Solano and Shasta counties. In addition, three applications have been submitted for the statewide components of the FOA:

- Statewide Policy and Environmental Change (non-competitive)
- Competitive Special Policy and Environmental Change Initiatives
- Tobacco Cessation Through Quitlines and Media (non-competitive)

Dr. Lyman indicated the \$650 million allocated for the initiative could be the one ARRA component that the administration may sustain beyond 2012, and that both the federal House and Senate health care reform bills contain provisions that include funding for similar prevention efforts.

- The Statewide Youth and Young Adult Advocacy, Training and Technical Assistance (TA) contract was awarded to California Youth Advocacy Network (CYAN) for \$500,000 per year for a three-year contract term beginning July 1, 2010.
- The Local Lead Agency (LLA) 2010-13 Comprehensive Tobacco Control Plan Guidelines were released on October 13, 2009. The submission deadline is December 9, 2009.
- The Competitive Grantee RFA (10-100) reviewers will score and review 57 applications at review meetings to be held December 2-3, 2009.
- In October 2009, eight anti-tobacco communication efforts by CTCP and its partners were awarded top honors in the National Public Health Information Coalition's 2009 Awards for Excellence in Public Health Communication.
- The American Cancer Society (ACS), American Heart Association (AHA) and ALAC have joined in the collective effort to nominate CTCP for the California Museum's Hall of Fame.
- The First Five Commission has agreed to a six-month extension of funding for the California Smokers' Helpline (the Helpline).
- On November 5, 2009, the 500,000th person received counseling support from the Helpline.
- *Inhaler*, CTCP's new secondhand smoke advertisement, will be introduced in late November.

Members asked about the Health Practitioner Print Advertisement Campaign in magazines targeting health care providers and encouraging referrals to the Helpline. Ms. Arnold indicated focus groups had identified the best magazines to reach the desired audiences. Ms. Roeseler reported calls to the Helpline have increased by approximately 23 percent since the campaign began in the California Medical Board's publication.

The significant number of staff vacancies (12) at CTCP was raised. Dr. Lyman, Ms. Roeseler, and Ms. Stevens indicated the three furlough days each month and reduced salaries are making external recruitment difficult.

The Chair thanked Dr. Lyman for his presentation.

8. UNIVERSITY OF CALIFORNIA–TOBACCO-RELATED DISEASE RESEARCH PROGRAM REPORT

The TRDRP report was provided by Mr. Lemp. He reported on progress on a number of initiatives. The three research teams working on the Tobacco Policy Research Initiative provided an interim report to TRDRP on October 1, 2009, which was submitted to ESMC and reviewed on October 15, 2009. ESMC has provided feedback to the research teams. It is anticipated that a stakeholder’s advisory committee will review the interim data and recommendations of ESMC in January, and also identify high priority areas for a 2010 Request for Qualifications (RFQ). Interim data may then be disseminated. A final report by the research team is to follow in late summer 2010.

The first researcher and stakeholder meeting regarding the Environmental Tobacco Exposure initiative was held October 7, 2009, with an RFA anticipated for February 2010. A meeting for the Lung Cancer Early Detection initiative is planned for February 3, 2010. Planning for the timeframe for the 2010-11 Tobacco-related Disparities among African Americans in California initiative is continuing.

Mr. Lemp was asked about funding levels for each of the new initiatives. He indicated a budget of \$8 million (or \$2 million a year for four years) is anticipated for each, but details are still being worked out. The number of grants to be made under each initiative has yet to be determined, but consortia meetings would be a requirement. Approximately 70-80 percent of TRDRP funds would remain allocated to investigator-initiated projects. A Grants Officer located within TRDRP will lead each initiative.

9. TEROC RESPONSE TO UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT, NON-ADVOCATE REVIEW COMMITTEE OF OFFICE OF RESEARCH AND GRADUATE STUDIES

Mr. Lemp reported UCOP presentations to the NAR Committee had highlighted the achievements and challenges of the RGPO reorganization to date. Total savings achieved have been close to the original estimate of \$500,000 made approximately 18 months ago.

UCOP proposed the “investigator-initiated award” (IIA) components of the Statewide Research Programs (SRPs), including TRDRP, should be consolidated within the RGPO infrastructure in an Investigator-Initiated Research Awards (IIRA) Center. SRPs would maintain responsibility for reviewer selection and assignments and content evaluation of scientific progress reports and outcomes. SRPs would also maintain leadership and control of “community-based” and “program-directed” initiative awards. A Business Process Analysis (BPA) will require program and IIRA Center staff to devise standard processes and software for IIA awards. RGPO leadership will form an advisory group.

Mr. Lemp reported the NAR Committee's Final Report endorsed the integration of the IIA components of the SRPs within the matrix-driven RGPO structure. There was acknowledgement of the distinct content of each program and the importance of enabling the SRPs to continue to function holistically to meet their objectives. The NAR Committee believed the integration should result in reduced administrative costs.

The Report recommends the current, rapid rate through which IIA programs have been implemented should be maintained, but risks be considered and consultation with stakeholders continue. Mr. Lemp reported RGPO is now discussing the proposed next steps in moving to consolidate the IIA grant reviews in a central unit, including vesting responsibility for review meetings. He indicated the BPA, procurement of software and the development of a business plan for charging the cost of centralized units back to the programs are in line with the Report's recommendation to look for enhanced efficiencies.

In response to questions, Mr. Lemp acknowledged there have been operational and management challenges as a result of the reorganization, downsizing and staff concerns regarding the unknown. However, he indicated that centralizing and letting go of some tasks could free TRDRP staff to focus more energy on a smaller portfolio of grants and special initiative content.

Mr. Lemp was questioned on how critical it is for TRDRP to be involved in moving forward with the reorganization at a rapid rate. He indicated that from an internal UC perspective, TRDRP is required to move forward with the RGPO reorganization with the other programs, while working to focus on special initiatives. Members noted most of the efficiencies and savings that have been achieved have occurred during the early stages, and it is unclear whether further savings can be achieved over time.

Mr. Lemp indicated that as the programs become increasingly interdependent, future funding uncertainties in one or more programs that could impact the IIRA and the other programs. Adjustments in the size of the support units might then be required.

Members expressed concern that continued implementation of the reorganization may result in a loss of decision-making authority, administrative flexibility, and effectiveness for TRDRP. TRDRP's ability to respond to changing circumstances in award cycles and recommendations from their SAC could be compromised by the restructuring. Mr. Lemp acknowledged this flexibility could be impacted.

Mr. Lemp noted that TEROC had previously called for a two-year moratorium, and it will be almost two years since the reorganization commenced for it to

be finalized. Members noted that during this time TRDRP had retained its independence, but the increasing interdependence and external factors that may now affect the integrity of the program continue to be of concern. He indicated that the integration and consensus-building required could raise the profile of TRDRP and tobacco control within the UC system.

Members stated that any disproportionate allocation of Prop 99 funds to shared administrative functions and services would be of concern, noting that since TRDRP was established by California's voters passing Prop 99 in 1988, UCOP serves as a steward for TRDRP and Prop 99 funds. Members acknowledged the independence of TRDRP to date has led to innovative "program-directed" awards, like the recent Policy Research Initiative.

Action Item

Alan Henderson moved that TEROC write to President Yudof to recommend the participation of TRDRP in the reorganization process be slowed, and reminding him of TEROC's prior recommendation for a two-year moratorium for TRDRP participation in the new structure. The letter should note that:

- Proceeding with the integration of the four UC Grants programs within RGPO may provide further insight into the future functioning of the reorganization model
- While efficiencies been achieved, the amount of further savings for TRDRP that can be attained in the future is uncertain
- A continued moratorium could provide time to develop clear evidence that any further reorganization will benefit the effectiveness and integrity of TRDRP, and be consistent with the will of the people of California

Seconded by Lourdes Baézconde-Garbanati, motion carried unanimously.

The Chair thanked Mr. Lemp for his presentation.

10. PUBLIC COMMENT

11. DISCUSSION OF FUTURE TEROC ISSUES

The Chair briefly outlined several areas that require attention:

- The three potential new TEROC members have yet to be confirmed, but it is hoped they will be appointed before the February 2 meeting and the meeting can commence with a brief orientation.
- A handout was distributed that outlined OLS's advice on several issues relating to Bagley-Keene Act open meetings requirements. E-mail communications, web site postings and webinars without every member attending in-person at a publicly-accessible location are all considered to breach the requirements. Sub-committees are allowable to develop proposals. The Chair noted that since time-sensitive issues are rare, discussion on the development of a resolution to empower the Chair to act on certain issues between meetings could be postponed. Members

concluded that the current format of the regular meetings, with all members attending a single location, should be continued whenever possible. OLS advice was that the new member orientation should be held during the open session. Advice was also given on the acceptability of members being together at forums such as conferences.

- The Chair noted that the legislative mandate for TEROC includes a reference to an annual report to the legislature. Ms. Roeseler indicated that CTCP staff were trying to establish if the requirement had been removed.
- Sacramento will be the location for the next two meetings and the choice of venue will take into account the need for an on-site restaurant or catering and ease of airport transfers (although few locations have a shuttle). Downtown locations close to CDPH and CDE will also be investigated.
- The development of bylaws was discussed. Steps could include a resolution establishing that a quorum is 50 percent of appointed members currently serving; provisions for electing the Chair, using the recent election as a framework; and an appointment period for the Chair that could coincide with a MP cycle (although the vagaries of the appointment and reappointment process for TEROC members may need to be considered). Reelection for further period(s) would be possible. It was confirmed that all TEROC member appointments and reappointments are made on the staggered two-year cycle, the January 1 date was established in the original legislation, and that members continue to serve until reappointed or replaced.
- The Chair reported that the MP had initially been prepared on a two-year cycle as provided for in the original legislation and moved to a three-year cycle around 1997. On the present cycle, planning for a 2012-15 MP should commence in fall 2010. Discussion on a MP timetable was tabled until the next meeting.

The Chair presented framed certificates to Ms. Roeseler and Ms. Stevens acknowledging their 20-year commitment to tobacco control in California.

The meeting was adjourned at 3:50 p.m.

Next meeting: Tuesday, February 2, 2010, in Sacramento.