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CALIFORNIA PRIVACY PROTECTION AGENCY

TRANSCRIPTION OF RECORDED BOARD MEETING

SEPTEMBER 7, 2021

SACRAMENTO, CALIFORNIA

Present: JENNIFER M. URBAN, Chair
LYDIA DE LA TORRE, Board Member
VINHCENT LE, Board Member
ANGELA SIERRA, Board Member
JOHN CHRISTOPHER THOMPSON, Board Member

Transcribed by: Melinda Friedland,
eScribers, LLC
Phoenix, Arizona

1 **TRANSCRIBED RECORDED BOARD MEETING**

2 **September 7, 2021**

3 **CHAIRMAN URBAN:** Good morning. My name is Jennifer
4 Urban, and I am the chairperson of the California Privacy
5 Protection Agency Board. You see the other members of
6 the board on your screen. Welcome to our September
7 meeting.

8 I would first like to acknowledge that today is Rosh
9 Hashanah, an important holiday in the Jewish calendar. I
10 regret that we were unable to switch the days of this
11 meeting so that the closed session discussion fell mainly
12 today and the public discussion fell tomorrow. We are
13 recording the meeting, and I'll say a little more about
14 that later in the meeting. For now, I would like to wish
15 everyone who is celebrating Rosh Hashanah/Shana Tovah a
16 good and sweet year to all.

17 Before we started with the substance of the meeting,
18 I have some logistical announcements. First, I'd like to
19 ask everyone please check that your microphone is muted
20 when you are not speaking. Today's meeting will be run
21 according to the Bagley-Keene Open Meeting Act, as
22 required by law. Additionally, as I mentioned, this
23 meeting is being recorded.

24 After each agenda item, there will be an opportunity
25 for questions and discussion by the board members. We

1 have a designated time on the agenda for public comment,
2 and I will also ask for public comment on each agenda
3 item. Each speaker will be limited to three minutes per
4 agenda item. If you wish to speak on an item, please use
5 the raise your hand function, which is in the reaction
6 feature at the bottom of your Zoom screen.

7 Our moderator will request that you unmute yourself
8 for comment. When your comment is completed, the
9 moderator will mute you. It is helpful if you identify
10 yourself, but I want to stress that this is entirely
11 voluntary, and you can input a pseudonym when you log
12 into the meeting.

13 I would like to remind all speakers to please stay
14 on topic and keep your minutes to -- keep your comments
15 to three minutes or less. We do have a tight schedule
16 today.

17 Relatedly, I would like to remind everyone of the
18 rules of the road under Bagley-Keene. Both board members
19 and members of the public may discuss agenda items only.
20 Items not on the agenda can be suggested for discussion
21 at future meetings when the board takes up the agenda
22 item designated for that purpose. It's number 8 on
23 today's agenda.

24 The board welcomes public comment on any item on the
25 agenda, and it is the board's intent to ask for public

1 comment prior to the board voting on any agenda item. If
2 for some reason I forget to ask for public comment on an
3 agenda item, and you wish to speak, please use the raise
4 your hand function so our moderator can recognize you.

5 For those joining later in the meeting, the
6 moderator would usually admit people between agenda
7 items, but with the webinar people may be coming and
8 going as the meeting proceeds, and that is just fine.

9 We will take a break around mid-day for lunch,
10 depending on where we are in the agenda, and shorter
11 breaks as needed.

12 I'm just delighted to be with you this morning for
13 this meeting of the California Privacy Protection Agency
14 Board. We have a full schedule over the next two days.
15 And I would like to thank the board members for their
16 service. These meetings also require a lot of work
17 behind the scenes.

18 I would like to thank Ms. Debra Castanon for taking
19 minutes; Mr. Chris Phillips for serving as meeting
20 counsel; and Mr. Edwin Joseph Panero (ph.) for moderating
21 and managing the Zoom conferencing system.

22 I would also like to thank Deputy Secretary Lila
23 Mirrashidi for obtaining staffing and resources behind
24 the scenes, and the team at the Department of Consumer
25 Affairs for managing our communications list and website.

1 I would also like to generally thank the staff of
2 Business, Consumer Services and Housing Agency,
3 (indiscernible), the Department of Consumer Affairs, the
4 Department of General Services, the Office of the
5 Attorney General, and other agencies who have continued
6 to loan time behind the scenes.

7 I would now like to call the meeting to order and
8 ask our moderator, Mr. Joseph Panero, to please conduct
9 the roll call.

10 **MR. PANERO:** Thank you, Chairperson.

11 So to call for roll, Board Member Lydia de le Torre.

12 **BOARD MEMBER DE LA TORRE:** Present.

13 **MR. PANERO:** Board Member Vinhcent Le.

14 **BOARD MEMBER LE:** (Indiscernible).

15 **MR. PANERO:** Board Member Angela Sierra.

16 **BOARD MEMBER SIERRA:** Here.

17 **MR. PANERO:** Board Member Chris Thompson.

18 **BOARD MEMBER THOMPSON:** Here.

19 **MR. PANERO:** And Board Chairperson, Jennifer Urban.

20 **CHAIRMAN URBAN:** Present.

21 **MR. PANERO:** Thank you. We do have a quorum.

22 **CHAIRMAN URBAN:** Thank you, Mr. Joseph Panero.

23 The board has established a quorum. I would like to
24 let the board members know that we'll take a roll call
25 vote on any action items today.

1 And with that, we will now proceed to Agenda Item
2 Number 2, which is Approval of the June 14th, 2021
3 Meeting Minutes. I would like to offer my sincere thanks
4 to Mr. Phillips for taking such thorough minutes. He is
5 our meeting counsel today, and he's responsible for the
6 minutes from the last meeting.

7 Do board members wish to make any additions or
8 corrections the June 14 meeting minutes? Please raise
9 your hand, and I'll recognize you.

10 Ms. de le Torre, followed by Ms. Sierra.

11 **BOARD MEMBER DE LA TORRE:** Thank you. There are
12 just a few things that I will request to be revised for
13 accuracy. In pages 4 and 7 of discussion, that effects
14 the conversation we had on leadership positions, but it
15 is my recollection that the agreement that we reached was
16 that all leadership positions will be CEA roles, or we
17 will try to make them CEA roles. I understand there's
18 separate process for that. I will appreciate if the
19 names could be corrected to reflect that agreement.

20 I also notice on page 6, there's a reference to a
21 statement that I made, and it is not accurate. The
22 minutes reflect that I have concerns related to making
23 the chief deputy position a CEA position and that is not
24 my position. I actually believe that the leadership
25 position should be CEA. So I ask that that be corrected

1 as well.

2 On page 6 as well, we have a conversation about this
3 (indiscernible) position, but it is unclear to me that
4 the (indiscernible) -- the agreement that we had, which
5 was that positions should be posted immediately when
6 possible, and that we should not wait to try to stagger
7 the position. So I request that that be also made clear
8 in the minutes.

9 I think I have one more thing. Yes. Give me a
10 second. Yes. On page 17 where it talks about future
11 meetings, I specifically recall that the board agree on
12 having meetings monthly. I don't have a clear
13 understanding of what the minutes say; they seem to say
14 that we agree on having the staff propose meetings. I'm
15 not -- it is not clear to me from the language, so if it
16 could be revised to make it clear that we agreed on June
17 14th to have monthly meetings, I will appreciate that.

18 I don't have any other corrections. There's a small
19 incorrection in the future agenda items, but I don't
20 think it's significant enough to bother to correct it.
21 Thank you.

22 **CHAIRMAN URBAN:** I'm going to collect these, and
23 then Mr. Phillips and I might ask some clarifying
24 questions.

25 Ms. Sierra.

1 **BOARD MEMBER SIERRA:** Yes. Good morning. I just
2 have one -- just a technical point on page 15 in the
3 first paragraph when it talks about objections to the
4 committee assignments; I believe it's just missing a
5 "no". There are no objections to the committee
6 assignments.

7 **CHAIRMAN URBAN:** Thank you.

8 Okay. Any other comments or suggested edits to the
9 meeting minutes? Great.

10 Mr. Phillips, let's maybe proceed in reverse order.
11 Is there a "no" missing? I know you listened to the
12 recording to check. I don't remember. We can go back
13 and check and --

14 **MR. PHILLIPS:** We did. So I took contemporaneous
15 notes at the last meeting, and then I went back and
16 reviewed the tape -- or the video. I believe that is
17 correct, the technical issue with leaving out "no".
18 There were no objections to what Ms. Sierra pointed out.

19 **CHAIRMAN URBAN:** Okay.

20 And then with regards to the final agenda item, Ms.
21 de la Torre, is the correction the mention of staff? The
22 monthly meetings is not a correction, correct? The
23 correction is the mention of staff?

24 **BOARD MEMBER DE LA TORRE:** I can pull up the --

25 **CHAIRMAN URBAN:** I can share the screen if you'd

1 like.

2 **BOARD MEMBER DE LA TORRE:** Right. So that is on
3 page 17. And I think it is not clear that we agree on
4 hosting -- or having monthly meetings. I saw that both
5 have been called on that, but it seems that it was not.
6 But I do recollect very clearly that we agree that we
7 will have monthly meetings.

8 **CHAIRMAN URBAN:** Yes, I believe these minutes are
9 accurate. We did not vote, but we had a consensus, and
10 the meetings record that every person agrees.

11 **BOARD MEMBER DE LA TORRE:** But what are we agreeing
12 on, on having the staff schedule or on having meetings?

13 **CHAIRMAN URBAN:** I guess I'm unsure of the
14 distinction.

15 **BOARD MEMBER DE LA TORRE:** Right. So it isn't clear
16 to me whether we are agreeing to host meetings or we're
17 agreeing on asking the staff to propose meetings. My
18 recollection is that we agreed on having meetings. Is
19 that your recollection as well?

20 **CHAIRMAN URBAN:** Between the -- whether it was staff
21 to set a schedule or to have monthly meetings, I'm
22 unsure.

23 Mr. Phillips, are -- do you recall? Again, we can
24 double-check this. I think the main point is that
25 everybody agreed in principle and was in favor of having

1 monthly meetings.

2 **MR. PHILLIPS:** Yeah, I can't recall exactly without
3 reviewing what the phrase was in that discussion, but the
4 bottom line is the schedule is for monthly -- the
5 agreement was for monthly meetings, whether that's staff
6 who sets it or whether it's Chairperson Urban who sets
7 it. I don't think that that's -- that there's a
8 distinction there.

9 **CHAIRMAN URBAN:** All right. Do you have an edit to
10 propose Ms. de la Torre?

11 **BOARD MEMBER DE LA TORRE:** Chairperson Urban
12 proposed to have monthly -- meetings in monthly intervals
13 due to the large amount of work to get done. That will
14 make it clear.

15 **CHAIRMAN URBAN:** All right. Well, I suspect that
16 what is here is what actually what was said, but I think
17 the substance is the same, so. Thank you.

18 And then on the CEA and chief deputy positions, I do
19 recall, Ms. de la Torre, the portion of the minutes with
20 your comment. Could you remind me what page it is again?

21 **BOARD MEMBER DE LA TORRE:** The portion with my
22 comment is on page 6. And again, I do not have any
23 concerns with making that position a CEA position. I
24 think I made it clear through the meeting that I will
25 prefer all positions that are leadership positions to be

1 CEA positions.

2 **CHAIRMAN URBAN:** All right. So we will double-check
3 on this to the -- as to what was said in the meeting, but
4 I think we, as you will here in future parts of the
5 meeting, I -- again, the substance of the understanding
6 seems to be fine because that's how we've been going.

7 All right. So I have several corrections proposed.
8 One is there are no objections to the subcommittee
9 assignments instead of objections. One is to edit the
10 sentence on page 17, as Ms. de la Torre and I just
11 discussed, in order to remove the reference to staff,
12 which I do think is accurate, but this reflects the
13 substance of our discussion.

14 And then Ms. de la Torre, do you want edits to this
15 part, or do you -- are you suggesting edits, or is it
16 just important that we all understand that you support
17 the CEA positions?

18 **BOARD MEMBER DE LA TORRE:** So long as we have an
19 understanding, it is okay, but I will appreciate if that
20 could be noted somewhere if not in the minutes.

21 **CHAIRMAN URBAN:** They will be in the minutes of this
22 meeting.

23 Mr. Phillips, is it --

24 **BOARD MEMBER DE LA TORRE:** Perfect.

25 **CHAIRMAN URBAN:** -- appropriate to put a note in

1 this meetings, or should we just keep the minutes of this
2 meeting?

3 **MR. PHILLIPS:** You can handle it either way. You
4 can make an official edit to last meeting's minutes right
5 now and vote on that, or you can let this meeting's
6 minutes reflect the understanding --

7 **CHAIRMAN URBAN:** Okay.

8 **MR. PHILLIPS:** -- in a more clear way.

9 **CHAIRMAN URBAN:** Okay.

10 **BOARD MEMBER DE LA TORRE:** Whatever is more
11 expeditious works on my side.

12 **CHAIRMAN URBAN:** Okay. Thank you, Ms. de la Torre.

13 I propose that we make sure this is reflected in the
14 minutes here because I think that's most efficient.

15 And then the last was with regard to the
16 staggering -- the natural staggering of the positions
17 given the process to hire. Did you have a proposed edit
18 to these minutes, Ms. de la Torre? Or again, would you
19 like the understanding to be reflected either in the
20 minutes today or in a -- in an addendum note to the
21 minutes from June 14th?

22 **BOARD MEMBER DE LA TORRE:** No, it is perfect to
23 reflect it in the minutes today. I think that what I
24 want to make clear is that we agree that the positions
25 will be posted as soon as possible and that they will not

1 be staggered.

2 **CHAIRMAN URBAN:** All right. Thank you. We will
3 reflect that in the minutes for today. And those were --
4 that's the list that I had.

5 Mr. Thompson.

6 **BOARD MEMBER THOMPSON:** Thank you, Chairperson
7 Urban. Very minor edit on page 15.

8 **CHAIRMAN URBAN:** Sorry, I'll share my screen again.
9 Go ahead.

10 **BOARD MEMBER THOMPSON:** Under Agenda Item 6 -- thank
11 you -- the notation where I talked about kind of the
12 culture of an organization working remotely as an
13 existing organization or new --

14 **CHAIRMAN URBAN:** Um-hum.

15 **BOARD MEMBER THOMPSON:** -- and then the duty
16 station. My recollect -- those are two separate ideas;
17 the way it's drafted they flow together to be one. So I
18 mean it's a very minor edit. But we were talking about
19 working -- I was talking about working remotely and how
20 that works in a new organization versus one with an
21 existing culture, and then the topic was the duty station
22 listed on the job spec.

23 **CHAIRMAN URBAN:** So --

24 **BOARD MEMBER THOMPSON:** So look at the second
25 sentence: He believes the board should be sensitive to

1 that fact. I would just put a period after "brand new
2 entity". And then new sentence: "Having a duty
3 station" -- new sentence, new paragraph -- "Having a duty
4 station is a necessary piece of information for" -- there
5 you go.

6 **CHAIRMAN URBAN:** How is that?

7 **BOARD MEMBER THOMPSON:** Perfect. Thank you.

8 **CHAIRMAN URBAN:** All right. Of course. You're very
9 welcome.

10 Any more addenda or edits to the minutes?

11 Wonderful. Thank you all very much for your attention to
12 the minutes and the careful read.

13 Are there any comments from members of the public?

14 **MR. PANERO:** Thank you, Chairperson.

15 So as a reminder, if anyone from the public would
16 like to make a comment, please press the raised hand icon
17 on your screen. If you're joined by telephone only, you
18 may press star nine to indicate that you'd like to
19 comment. As a reminder, you'll be called on and have up
20 to three minutes maximum to make your comment.

21 So give just about ten seconds or so to see if any
22 hands come up. It looks like we have one comment, so let
23 me -- it looks like the name is Barry Weber (ph.).

24 You're able to unmute yourself and talk.

25 **MR. WEBER:** Yes, thank you. This is Barry Weber. I

1 was just wondering -- I thought I had recollected from
2 the previous meeting also there were going to be monthly
3 meetings. So I've just got this general question of what
4 happened to meetings in July and August?

5 **CHAIRMAN URBAN:** Thank you for the comment, Mr.
6 Weber. We'll be taking up the meeting schedule in the
7 next -- probably in more than one agenda item. Mr.
8 Phillips will guide us as to what we can discuss.

9 **MR. PANERO:** And I'm not seeing any more public
10 comments at this time.

11 **CHAIRMAN URBAN:** Thank you.

12 Thank you, Mr. Weber; and thank you to the board.

13 May I have a motion to approve the minutes as
14 corrected per our discussion and/or as reflected in the
15 minutes for today? Is someone on the board ready to make
16 a motion?

17 **BOARD MEMBER THOMPSON:** So moved.

18 **CHAIRMAN URBAN:** Thank you, Mr. Thompson.

19 May I have a second?

20 **BOARD MEMBER LE:** I'll second that.

21 **CHAIRMAN URBAN:** Thank you, Mr. Le.

22 The board will now vote whether to approve the June
23 14th, 2021 board meeting minutes as amended in this
24 discussion.

25 Mr. Joseph Panero, will you please perform the roll

1 call vote?

2 **MR. PANERO:** Certainly. Thank you.

3 Ms. de la Torre.

4 **BOARD MEMBER DE LA TORRE:** I approve.

5 **MR. PANERO:** Ms. de la Torre approves.

6 Mr. Le.

7 **BOARD MEMBER LE:** I approve.

8 **MR. PANERO:** Mr. Le, yes.

9 Ms. Sierra.

10 **BOARD MEMBER SIERRA:** I approve.

11 **MR. PANERO:** Ms. Sierra, yes.

12 Mr. Thompson.

13 **BOARD MEMBER THOMPSON:** Yes.

14 **MR. PANERO:** Mr. Thompson, yes.

15 And Chairperson Urban.

16 **CHAIRMAN URBAN:** Yes.

17 **MR. PANERO:** Thank you. We have a vote of 5-0.

18 **CHAIRMAN URBAN:** Thank you, Mr. Joseph Panero.

19 The motion carries, and the finalized amended
20 minutes will be posted to the CPPA website as soon as we
21 can get them corrected and remediated so that they are
22 accessible for people with disabilities.

23 All right. Thanks, everyone. With that, we will
24 move on to Agenda Item Number 3, which is the
25 Chairperson's Update; this is something of a stand-in.

1 Once we have an executive director, hopefully quite soon,
2 then that person will be updating the board on activities
3 between the meetings.

4 I'm going to share some slides to facilitate our
5 discussion, and I am going to walk through this
6 relatively quickly. I've tried to strike the right
7 balance -- I don't know if it is -- between sort of
8 detail -- too much detail and sufficient information for
9 everyone to understand what I have to report, and then we
10 will have discussion. So give me one moment to bring up
11 the slides.

12 All right. So this is the Chairperson's Update for
13 the September 7th and 8th, 2021 board meeting. I'm going
14 to talk a little bit briefly about the big picture, and
15 then move through several points which are drawn from
16 priorities the board identified in our June 14th meeting.

17 I wanted to say a little bit just about the big --
18 what I'm calling "the big picture" here. As we know from
19 the previous meeting, and as everyone who is following
20 this, and the public, and of course the board members
21 know, we have two parallel efforts underway, each of
22 which is very substantial. One is substantial
23 substantive work on a tight timeline, and the other is
24 creating an agency.

25 When I talk to my clinic students, one of the

1 analogies that I use is from a fellow clinical professor
2 that, in a situation like this, rather than flying the
3 plane, you're jumping off the cliff and building the
4 plane on the way down. So we are in the midst of
5 building this plane so that we can fly it to regulations
6 to give certainty and protection to the public and
7 eventually enforcement. That means that there's a lot of
8 things that are happening in parallel and things that
9 depend -- one thing depends on another that is sort of in
10 some ways unavoidable. So I'm going to explain kind of
11 how we've been approaching it thus far so that we can
12 discuss.

13 The focus has been on the infrastructure of the new
14 agency, both abstract, by which I mean kind of figuring
15 out the basic things that we can about how it will
16 operate in the absence of the executive director, and
17 concrete: contracts, buildings, that kind of thing.

18 We are a state governmental agency. That means that
19 multiagency collaboration is required for most decisions
20 and actions. This is very important to safeguard
21 taxpayer money and to provide structure and transparency.
22 There are numerous controls around almost any activity,
23 whether it is hiring, signing a contract, or choosing a
24 location as we discussed in the last board meeting. So
25 it's very important for everyone to have the picture in

1 their mind that this is a governmental agency, and that
2 we are working in collaboration with our control agencies
3 and others in order to build things out.

4 There's a lot of hard work behind the scenes, and I
5 would like, again, to thank all of the people at the DCA,
6 the Department of General Services, BCSH, the attorney
7 general, and others who are providing support.

8 I wanted to bring up some -- the points of focus,
9 which are from the last board meeting -- what we
10 discussed. Ms. Tiffany Garcia discussed beginnings of
11 contracted services -- this is in my infrastructure
12 bucket -- and that of course is important and has
13 continued. We had, as we alluded to in the last
14 conversation, a discussion about how important it is to
15 develop staffing and personnel resources; it's just
16 absolutely critical. And the delegations that were made
17 at the last meeting were for some leadership positions,
18 especially the executive director, the chief deputy
19 director of administration; we added the general counsel
20 in the meeting, and there are additional staff and
21 services that are required to do anything from holding
22 this meeting to being able to actually interface with the
23 control agencies to hire others, et cetera.

24 We also talked about location and premises. We
25 discussed some board policies and a handbook. My

1 understanding of that discussion was that we agree to
2 work on this over time, given the critical need space in
3 the agency. And I'm happy, of course, to read this if
4 that -- if we need to. And of course, we split into
5 subcommittees to do a fair amount of work. So one of the
6 things about this update is that I will be referring to
7 subcommittee updates that are coming imminently because a
8 fair amount of the information is likely to be in those.

9 To start with, contracted services and
10 infrastructure. These are the services that are required
11 to basically function and do things as an agency. We've
12 done most of this, for the moment, through what are
13 called "interagency agreements". Ms. Garcia mentioned
14 these in the last meeting; she got several started, and I
15 completed some over the last few weeks. Some of them are
16 still in progress, but they are -- they're essentially in
17 place; we just have to finish the contract.

18 The first is an IAA with the Office of the Attorney
19 General. They were providing, for example, human
20 resources support through June 30th. At which point, we
21 move to the Department of General Services, which I'll
22 mention in a moment.

23 The Department of Consumer Affairs is providing
24 information technology services for us; that includes
25 email addresses, the website; they built a list so that

1 people could sign up for our announcements; that they're
2 building a repository so we can accept comment from the
3 public and that kind of thing. It has an asterisk
4 because I expect the contract from them very soon, but
5 they have been providing the work already.

6 The Department of General Services is as it sounds;
7 it is an agency that provides services to other agencies.
8 We have several contracts with the Department of General
9 Services. The first is human resources services. We
10 transitioned to the Department of General Services on
11 July 1st. They have a series of teams who help us with
12 all of the various steps that are required to hire
13 different kinds of positions. There will be more detail
14 about that in the Start-up and Administration
15 Subcommittee update.

16 DGS is also -- we are working on contracted
17 financial services and budget and planning. These are
18 services to do finance, budget, and accounting. This is
19 not the person who is actually able to write the budget,
20 but these are the people who are able to interface with
21 the various control agencies and keep records for us.

22 In addition, we have agreements with the Department
23 of General Services for procurement services. We are not
24 able to buy anything without procurement authority. DGS
25 has recently started providing the service to a few

1 agencies, and they agreed to provide it to us -- real
2 estate services, which we will talk about at the Start-up
3 and Administration Subcommittee in more detail. And most
4 importantly, and very happy news, we have an IAA with DGS
5 as a loan part -- a half-loan -- half-time -- excuse
6 me -- loan of a high-level staff person as our interim
7 deputy director of the administration. I will introduce
8 her shortly.

9 We also have in place now legal services from the
10 Office of the Attorney General. For this, I mean they're
11 a -- excuse me -- the Attorney General provides legal
12 advice and services to other agencies in the state
13 pursuant to a standard relationship and arrangement.
14 This is services that we can use to ask about various
15 governmental issues and other legal questions that come
16 up for the agency.

17 And then there are some other services that are less
18 general. The interim deputy director of administration
19 is working hard on a transcription service for recordings
20 so we're able to make recordings accessible. We are
21 working through with procurement to get subscriptions
22 to -- for our future job postings, and some other things
23 like that.

24 The second and related point of focus is staffing
25 and personnel resources; this is critically important.

1 Again, a lot of this update will be in the Start-up and
2 Administration subcommittee report, but I did want to say
3 a few words about the executive director because that is
4 something that happened before we began working on the
5 rest of the positions. Excuse me. Just a moment.

6 But before we talk about that, I would like to very
7 warmly welcome and introduce the interim chief deputy
8 director of administration, whom I mentioned, her name is
9 Debra Castanon, and she is part of the webinar panel
10 today. She is the chief privacy officer for DGS, and she
11 has -- and they have graciously agreed to give us fifty
12 percent of her time to work on administrative matters
13 while we are working to hire an executive director and
14 other positions.

15 She was previously the chief privacy officer for the
16 California Department of Motor Vehicles, and she was one
17 of the top two people in the California Office of Privacy
18 Protection. For those of you who are part of the Privacy
19 community, you know that was a beloved office, and Ms.
20 Castanon has deep experience and expertise and commitment
21 to the work of the agency. We are very grateful to have
22 her. She is currently our only staff member. And again,
23 we will be talking about where we are in efforts to
24 increase staff in the Start-up and Administration
25 subcommittee report.

1 So the executive director position. I was very
2 grateful to all the members of the board for the robust
3 discussion and the approval to move ahead with this to
4 delegate the authority to me to sign the paperwork and
5 move ahead with this. I agreed with and -- I heard and I
6 absolutely agreed with the urgency. I thought, because
7 we had had an initial approval from CalHR -- the human
8 resources team -- that I would be able to post it
9 probably that week. I was incorrect. And I just wanted
10 to share why I was incorrect with the board because
11 this -- and for the public, this is not something we can
12 kind of talk about offline; Bagley-Keene requires us to
13 talk about it in public. So I apologize if it is sort of
14 boring, but I thought it was important to understand that
15 sort of the collaboration that is required -- and
16 necessarily required -- to safeguard public money in
17 order to make a move like this.

18 So there was a exempt pay request, which went --
19 which is a several-page document with a justification and
20 essay; that went in to CalHR two days after the board
21 meeting. A staff person at the Attorney General's Office
22 who is helping us with HR followed up every week,
23 sometimes more than once a week. We transitioned to the
24 DGS HR team on July 1st, but the person at Attorney
25 General's Office, and I thank her -- I don't want to name

1 her because I haven't asked permission, but I'm very
2 grateful to her -- continued to shepherd the package. We
3 received the approval, which is called "an exempt pay
4 letter", on July 7th.

5 At that point, we needed to do other things. We
6 needed to establish the position number and generate
7 what's called a "607" in order to request Department of
8 Finance approval. All of that work was done, and
9 Department of Finance approval was requested on July
10 14th. That usually takes thirty days. Department of
11 Finance expedited this for us quite substantially, and in
12 the interim, we also made some other requests. We needed
13 a code from the State Controller's Office and some other
14 things.

15 And we finally got all of the approvals required on
16 July 27th and 28th, and had to be established in the
17 CalCareer system because we didn't exist yet, and the job
18 was posted on July 28th. There's a thirty-day posting
19 period, which was -- that was a choice that I made in
20 order to give people sufficient time to apply. Other
21 kinds of positions have some requirements, but we could
22 choose different things for this position. I chose the
23 thirty-day posting period, which closed on August 29th.
24 The applications arrived last Monday, and they are
25 currently under review. So thank you for indulging this.

1 I just had the sense, and I know that people must
2 have been curious about the steps, and so I hope this is
3 somewhat helpful. It it is not all of the -- it's not
4 all of it, but it's a little bit more detail than just
5 you noticing that we needed approvals. And then there's
6 been quite a lot of activity on the CEA positions and
7 working towards civil service positions, which, again, we
8 will talk about in the Start-up and Administration
9 Subcommittee.

10 Location and premises was another point of focus for
11 our meeting on June 14th; that, again, we will bring up
12 in the start-up administration subcommittee. And the
13 policies and handbook again; my understanding was we were
14 going to work on that over time. But I certainly welcome
15 other priorities from board members in discussion. And
16 finally, subcommittee work, which, I understand has been
17 ongoing.

18 I have a few additional updates. The conflict of
19 interest policy we voted on last time is out for public
20 comment; it's a forty-five-day period, which ends
21 September 20th. So I will be finding out if we need to
22 vote on it again, and we will vote on it in the next
23 board meeting if we do.

24 I would like to acknowledge and recognize that Mr.
25 Le mentioned strategic planning in the last board

1 meeting; that is still on the list. The notice to the
2 attorney general for us to take authority -- to accept
3 authority to begin rulemaking is not on the agenda for
4 today. We do have a busy agenda, and we have a little
5 bit of time to do that, but it is very much a priority
6 and is on the list.

7 Communications; I mentioned a distribution list. We
8 are working to get recordings of the meetings onto the
9 website. I am hoping that this will happen now very
10 quickly. And I apologize if you have been looking for
11 the recording; they do need to be transcribed, and we are
12 working on that.

13 And we have dates set for the next two board
14 meetings, Monday, October 18th and Monday, November 15th,
15 but I have put in brackets the fact that we may need
16 additional mostly-closed sessions for hiring. Mr.
17 Thompson made this very good point in the last meeting
18 and asked if that -- if it was possible to do this. It
19 is. Every meeting is notice -- public meeting, then we
20 can go into closed session if we need to discuss
21 candidates who don't have other agenda items for the day
22 and come back out of closed session. So those are in
23 brackets because I anticipate that we may need those.
24 And subcommittee reports, again, will have further
25 information and advice. The subcommittees that I am on,

1 I know we have some advice that will certainly involve
2 additional public events and meetings.

3 The priorities in my view are three; the first is
4 people. Ms. Castanon is -- been a -- is a real boon to
5 the agency. We have to hire staff. I know the board
6 knows this, and we talked about it in the last meeting.
7 That is a big priority. We've come up with some various
8 strategies for temporary options, and we will talk about
9 those in the Start-up and Administration Subcommittee
10 meeting.

11 The second is systems. Unlike a business, there is
12 no Secretary of State for a new agency. There's no sort
13 of checkbox or services, so building the systems that
14 allow us to operate is crucial. And of course substance;
15 making progress on the substance. My view is that all of
16 this we need to get as far as we can and set the stage
17 for the executive director. I've been trying to avoid
18 making decisions that the executive director should make,
19 but we are on such a tight time line, and the time frames
20 for creating the systems and hiring people are such that
21 I think naturally the best that we can do, and the right
22 thing to do, is to set everything up so the executive
23 director is able to walk in and finish the processes.
24 And if we get some of these processes done before the
25 executive director arrives, that is all to -- better.

1 So our current challenges are that we do have these
2 parallel activities that have to happen in -- they have
3 to happen in parallel, and that are on a very tight time
4 line. And we are working hard to develop staffing, but
5 we are very limited in staff.

6 So with this, I would like to return to Mr. Weber's
7 comment, and we can talk about this more in the
8 discussion. There are two reasons why we didn't have a
9 meeting in July or in August. The first was simply that
10 a fundamental reason for the next meeting was to discuss
11 the executive director, and this is the absolute earliest
12 that we can do that. However, the other reason is that
13 we are borrowing staff for every meeting. And I have
14 secured staff for the next two meetings, and we are
15 developing a plan for further staffing. We are working
16 to be able to have a steady plan, but there have been
17 some challenges.

18 And so the final issue that I'd like to discuss is
19 what everybody can do to help. For the public, we would
20 like you to continue to be engaged. We very much
21 appreciate that. When we begin our preliminary
22 activities, we very much want to -- for rulemaking we
23 very much want to hear from you, hear what your views are
24 on what the regulations should say, that would be -- it's
25 always valuable; it will be particularly valuable in the

1 current situation.

2 For board members, I know that you have been giving
3 a lot in a volunteer position -- a lot of time, a lot of
4 resources, and I will continue to ask you to do that for
5 what I hope is a relatively limited period of time. And
6 again, I just want to give very big thanks to all of the
7 staff people who've sort of loaned their time to us in
8 order to make these initial things happen so that we can
9 move forward on our own footing. Thank you.

10 And with that, I'm going to stop sharing my screen
11 and open it up for discussion. In order to frame the
12 discussion, I would like to note again that we do have
13 two more -- or three -- we have three more subcommittee
14 presentations coming, and there may be a fuller picture
15 of sort of resources and activities by the end of that,
16 so I may suggest that we recall the item in order to come
17 back to it if that makes sense. But in any case, would
18 the board like to comment, ask questions? Please raise
19 your hand.

20 Ms. de la Torre.

21 **BOARD MEMBER DE LA TORRE:** I just want to start by
22 thanking you for all of the commitment that you have made
23 to the agency; it is something that I think goes under
24 appreciated in many ways. So obviously, all of the stuff
25 that you mentioned as well, but thank you, Mrs. Urban,

1 for the commitment that you have made.

2 I just lost -- can you hear me?

3 **CHAIRMAN URBAN:** Yes, I'm sorry. I lost my video.

4 I'm --

5 **BOARD MEMBER DE LA TORRE:** Okay. No problem. So I
6 wanted to start by thanking you. I also wanted to
7 mention that the slide that you prepared on the process
8 for the executive director was very, very helpful to give
9 us a visual of all of the steps, which are not intuitive
10 to me, and I imagine they are not intuitive to the public
11 necessarily, so that we can better understand the
12 challenge that we are facing.

13 I also want to mention that I appreciate that we
14 have set a certain time for the meetings in October and
15 November. I remain concerned about our ability to
16 sufficiently meet. I understand that that might not be
17 something that we want to discuss at this point. But I
18 think it will be helpful for the board to talk about it
19 so that we can collaborate in supporting you and
20 supporting the staff in finding solutions so that we can
21 meet our deadlines.

22 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. That
23 is much appreciated. I do think that it would probably
24 be helpful to work through all the subcommittee reports
25 so that we understand everything that's on the table,

1 both in terms of resources that we are developing and the
2 needs that we have. And then I would propose that we
3 recall this agenda item in order to talk about planning
4 and resources in the sort of near and medium term.

5 And I would like to ask Mr. Phillips if that is
6 acceptable -- if that would be an acceptable process to
7 follow.

8 **MR. PHILLIPS:** Could you repeat the -- so I'm clear
9 on what you're asking?

10 **CHAIRMAN URBAN:** So I understood that Ms. de la
11 Torre was asking to have a deeper discussion about
12 resources for meetings and scheduling meetings.

13 I apologize, Ms. de Torre, I know that -- de la
14 Torre -- I know that I'm paraphrasing you, and please
15 correct me if I'm wrong.

16 **BOARD MEMBER DE LA TORRE:** That is perfect. It's
17 better than --

18 **CHAIRMAN URBAN:** Okay.

19 **BOARD MEMBER DE LA TORRE:** -- what --

20 **CHAIRMAN URBAN:** Okay.

21 **BOARD MEMBER DE LA TORRE:** Thank you so much.

22 **CHAIRMAN URBAN:** Okay. And I was wondering if the
23 appropriate approach would be to go -- we talk about all
24 of the subcommittee work, which we'll flesh this out
25 more, and then recall this item, or if it would be better

1 to discuss it under another item. I regret that in the
2 last meeting I had a specific agenda item for meeting
3 schedule, and I neglected to add it to this one. But of
4 course, I -- meeting schedules are a topic of this
5 presentation, and so it seemed to me that we could recall
6 this, but if there's another point that would be better,
7 we would be grateful to know.

8 **MR. PHILLIPS:** Yeah, I think based on the agenda,
9 this would probably be the most appropriate agenda item
10 to discuss -- to have that discussion under.

11 Future agenda items would also kind of work, but I
12 think because this question was raised here, recalling it
13 after the more substantive subcommittee agenda items is
14 probably your most-appropriate approach.

15 **CHAIRMAN URBAN:** Thank you, Mr. Phillips. That
16 gives me an idea as well that maybe we would like to
17 recall it after future agenda items so that we have a
18 full picture, and then we can recall it, but I assume
19 that would be just as appropriate. And we can sort of
20 see where we are after we hear from the subcommittees.

21 **MR. PHILLIPS:** Yes. And you certainly have the
22 latitude to jump around in the agenda as long it's for
23 good purposes and not to try and stifle public comment or
24 participation in any way.

25 **CHAIRMAN URBAN:** Right. Of course. Yeah. And in

1 order to make it as easy as possible for the public to
2 participate, I think it would be helpful to follow the
3 order as much as we can.

4 And I am now letting everybody know that we will
5 recall this item later in the day after we have more
6 information so that everyone in the public is aware of
7 where the discussion is going and can plan accordingly.

8 Thank you, Mr. Phillips.

9 **MR. PHILLIPS:** Welcome.

10 **CHAIRMAN URBAN:** Further comments or questions from
11 the board?

12 Thank you, Ms. de la Torre.

13 Is there public comment from anybody in the
14 audience?

15 **MR. PANERO:** Thank you, Chairperson.

16 As a reminder, if anyone would like to make a public
17 comment, please press the raised hand on your screen, or
18 if you're connected by telephone only, you can press star
19 nine. And it looks like we do have one comment,
20 initially: Barry Weber.

21 You have three minutes.

22 **MR. WEBER:** I'll only take a couple of seconds. I
23 just wanted to thank all of you for what you're doing. I
24 think this is an incredibly difficult situation, and it's
25 clear that you are doing an admirable job at navigating

1 all sorts of things that are happening in different
2 directions and limitations of the public open meetings
3 and so forth. I just want to commend you on what you're
4 doing and look forward to future (indiscernible) for the
5 organization. Thank you.

6 **CHAIRMAN URBAN:** Thank you, Mr. Weber.

7 Mr. Joseph Panero, is there further public comment?

8 **MR. PANERO:** I see no additional public comments.

9 **CHAIRMAN URBAN:** Thank you very much.

10 Thank you, Ms. de la Torre, and the rest of the
11 members of the board. We will recall this item in order
12 to have a discussion about resources and meetings and
13 other public events, I think, later in the day.

14 With that, I would like to move to Agenda Item
15 Number 4, which is an update and a recommendation from
16 the Start-up and Administration Subcommittee. As a brief
17 reminder, our last board meeting we formed three advisory
18 subcommittees, which we'll be reporting today. Bagley-
19 Keene for subleads -- excuse me -- the Bagley-Keene Open
20 Meeting Act allows for subcommittees of two people for a
21 board of our size to act in an advisory capacity for the
22 board, and the Start-up and Administration Subcommittee
23 is made up of Ms. Angela Sierra and myself.

24 We have a brief presentation in order to provide an
25 update, and then we will engage in discussion, and we

1 have one action item that we have proposed.

2 Ms. Sierra, if with -- if you agree, I will go ahead
3 and pull up the presentation.

4 **BOARD MEMBER SIERRA:** Great. Thank you.

5 **CHAIRMAN URBAN:** All right. Is this the Start-up
6 and Administration Subcommittee update? Is that what
7 everyone sees?

8 **BOARD MEMBER SIERRA:** Yes.

9 **CHAIRMAN URBAN:** Great. Thank you.

10 Again, Angela Sierra and I are the members of the
11 administration and -- excuse me -- Start-up and
12 Administration Subcommittee. The roadmap for our
13 discussion today is that we'll first do an update of our
14 activities -- generally very brief -- and discuss the
15 office space and location work that we've been doing. We
16 will then talk about continuing hiring strategy positions
17 and time lines. This is the further information and
18 detail that I mentioned under the last agenda item. And
19 we will finally discuss selected board and agency
20 policies and practices. We have one policy to consider
21 as a board, and we would like to have some discussion
22 about prioritizing -- how to prioritize work for policies
23 for the board while we are undertaking all of these
24 various activities.

25 With that, the Start-up and Administration

1 Subcommittee has been operating since the end of the last
2 meeting. We have taken as our priorities the same list
3 that I mentioned in my Chairperson's Update, covering
4 whatever is within the remit of the Start-up and
5 Administration Subcommittee. We have focused largely on
6 hiring, on space, and on selecting policies, and we of
7 course welcome additional priorities from the board.

8 With that, I will turn it over to Ms. Sierra for the
9 first of our updates, which is on office space and
10 location.

11 **BOARD MEMBER SIERRA:** Okay. Thank you so much,
12 Chair Urban.

13 And good morning, everyone. So I'm going to give a
14 kind of high-level overview of the work that the Start-up
15 and Administration Subcommittee has been doing with
16 respect to the issue of office space and geographic
17 location. So as Chair Urban noted, one of our
18 subcommittee priorities has been to explore and obtain
19 options for our agency to obtain office space -- at least
20 initial office space -- as we are moving forward for
21 employees that will be soon hopefully joining our agency.

22 To pursue this, we have done a number of things.
23 One is we've been in consultation with various agencies.
24 For example, we have been working now very closely on
25 seeking advice and services from the Department of

1 General Services, DGS. As Chair Urban noted earlier, DGS
2 has a unit within it that focuses on real estate and
3 facilities, services, and support for state agencies such
4 as ours. And they've been doing this for a long time and
5 they've been able to give us a lot of guidance and
6 support.

7 We've also been consulting with our Business,
8 Consumer Services and Housing Agency in that they are the
9 umbrella agency for many state agencies or departments,
10 and are aware of potential space that is available now or
11 may be available in the near future.

12 Also, in doing the work on this topic, we have been
13 working with these agencies and working among ourselves
14 to do and prepare and develop estimates of what our
15 potential office needs are. And we are working on these
16 estimates with a view that we're going to need lots of
17 flexibility. We want to think both in the short-term and
18 long-term, but we're trying to devise a plan in which
19 once we have an executive director on board, they will
20 have the flexibility to kind of refine these estimates
21 and plans. But we needed some initial ideas about
22 approximately -- like, over the next six, nine, twelve
23 months, approximately how many offices we would need, for
24 example. Would we need conference rooms? Would we need
25 cubicles, generally? Would we need an area, for example,

1 for some support staff or for a -- an entryway or
2 security for our building or for our office?

3 So the folks at Department of General Services,
4 they've been really terrific in talking through this with
5 them, and based on our conversation at the last board
6 meeting, it was our view that we should start with one
7 geographic area first. And from our conversations at
8 last board meeting, there seemed to be a general
9 consensus that we would, at a minimum, have a footprint
10 and have some office space -- or should have some office
11 space -- in Sacramento, being that was a center of state
12 government. There would be -- if we had staff there,
13 they would be close to the legislature, to the governor's
14 office, to one of our main offices at the Office of the
15 Attorney General, et cetera, and it made sense in working
16 with DGS to focus on one geographic area at a time.

17 And so they have been working with us to explore
18 what may be available in terms of state-owned facilities.
19 It was their advice, and we agreed with it, that if we
20 were able to find some office space in a state-owned
21 building, that would provide us more flexibility and
22 would likely be less costly than if we were to look for
23 and obtain space in a privately-owned building. If we
24 cannot find sufficient -- or a satisfactory office space
25 in a state-owned facility, then they will work with us in

1 looking for space in a private facility.

2 We are in somewhat parallel tracks looking for both
3 a short-term home that, perhaps, typically in state
4 government for state agencies, that might be, like, a
5 home -- a core office for approximately six to twelve
6 months, and then at the same time doing some work and
7 looking at what may be available for a longer-term home.
8 Again, just in terms of options for our executive
9 director. So working on those two tracks, the focus
10 primarily on what could be a short-term home for our
11 agency.

12 I wanted just to let you know the factors that we as
13 a subcommittee are really focusing on and will be
14 incorporating when we are providing these options to the
15 executive director. We want to make sure we have a
16 sufficient space, that the floorplan makes sense for the
17 activities that our agency will be engaged in. Of
18 course, we're going to be looking and comparing cost;
19 that will be not only the rent, but will we have to do
20 any remodeling to the space? Some state agencies have
21 space available that they've left that may available that
22 are already furnished; some are not. They will be taking
23 that into account as to part of the cost; looking at the
24 precise location, looking at whether parking will be
25 available. And most importantly, particularly with this

1 short-term home, is what are the terms of the agreement
2 that we can negotiate. What will be the length? And
3 very importantly, will we have flexibility to end the
4 agreement when we determine as an agency that we're ready
5 to move on to a different location.

6 And another thing I just wanted to note is that
7 while we're focusing on Sacramento, that will not exclude
8 us from down the road looking for property in other
9 locations. But we were told that, with respect to
10 metropolitan areas, facility space in Sacramento will
11 likely be less expensive than other metropolitan areas in
12 California, just as a generality.

13 Okay. So next steps, and where we're at. Three
14 potential facilities have been identified that are
15 available currently, and so -- and that look like they
16 may meet the needs that we feel are appropriate at this
17 time. It would give us some office space for the
18 executives in our office; we would have cubicles, for
19 example, for other staff; it would provide a conference
20 room for our agency, et cetera. There's going to be a
21 walk-through of two of the potential Sacramento
22 facilities in -- later this month, in mid-September. At
23 that walk-through, it will be representatives of DGS.
24 Again, they are the ones who have identified these
25 facilities and provided us with the floorplans and some

1 information about them. And then along with them will be
2 Debra Castanon, our interim deputy director for
3 administration, and then she'll be able to come back and
4 report to our subcommittee as to what she found with
5 these walk-throughs and her thoughts on this.

6 And then there's also going to be an evaluation of
7 some petitional -- additional office space that had been
8 currently used or had been used recently by the
9 Department of Consumer Affairs or maybe other state
10 agencies that may be available. We'll be able to follow-
11 up on as well.

12 So as a -- after this exploration and these walk-
13 throughs and when options solidify, there will be a
14 report to our executive director if we have one on board
15 at that point. If not, we will bring a report to this
16 board. If we do have an executive director at that
17 point, we anticipate that the executive director will be
18 reporting to our board just to get our input and comments
19 about this. And then ultimately, when a decision is
20 made, we will be entering into -- it will be called
21 either a "space allocation agreement" or an "interagency
22 agreement", assuming that we are -- that they have found
23 appropriate space -- space in a state-owned facility.

24 So that is the end of my report. And again, I just
25 wanted to just kind of give you kind of an overview of

1 what we're -- what we have been doing and where we are at
2 on this issue, but.

3 **CHAIRMAN URBAN:** Thank you, Ms. Sierra.

4 I would just add that to give the board and the
5 public sort of a general sense. The prices are not one
6 hundred percent clear yet, but they've been somewhere
7 between, like, \$1.50 and \$3 a square foot. The spaces
8 that have been suggested so far -- identified so far --
9 as potentials have furniture. It's not exactly what we
10 need, so there may be some additional need to move things
11 around or change things a bit. But that's kind of -- the
12 DGS real estate team is looking for "plug-and-play" is
13 what they called it, that can be used until a longer-term
14 solution is found.

15 **BOARD MEMBER SIERRA:** Thank you.

16 **CHAIRMAN URBAN:** Thank you, Ms. Sierra.

17 **BOARD MEMBER SIERRA:** You know, and I just want to
18 add one thing, and I just -- I think I -- I'm not sure if
19 I emphasized this. The staff at the Department of
20 General Services have been -- they really understand our
21 need for flexibility and are providing a lot of guidance
22 on how an agency deals with this as they're going to be
23 growing over time. So that has been really appreciated.

24 **CHAIRMAN URBAN:** Thank you.

25 All right. So my hope is that we will give all of

1 our updates and then have discussion. If you have a
2 burning question, though, please, board members, do raise
3 your hand. I'm sharing my screen so I can't see all
4 raised hands at once, but I will keep scanning and hope
5 that I don't miss anyone.

6 The second update is the critical hiring and
7 personnel resources update. I talked a little bit in the
8 Chairperson's report about the executive director, and
9 this is the work that we've been doing at all of the
10 other positions.

11 Mr. Thompson, I see your hand.

12 **BOARD MEMBER THOMPSON:** Sorry. You had asked that
13 we go through the whole presentation and then ask
14 questions? Okay.

15 **CHAIRMAN URBAN:** Yes, I think that's most efficient,
16 but --

17 **BOARD MEMBER THOMPSON:** Okay.

18 **CHAIRMAN URBAN:** -- if -- we can also pause after
19 topics if you fear you might lose your question or point,
20 for example.

21 **BOARD MEMBER THOMPSON:** Thank you. I fear that my
22 short attention span is going to inhibit my ability to
23 hold -- I'm making notes, but. I don't know if we lose
24 the flow of each topic, because there's a lot in this
25 topic.

1 **CHAIRMAN URBAN:** Do you have a comment or question
2 on the real estate topic?

3 **BOARD MEMBER THOMPSON:** I have a couple. But I
4 don't know if others want to go topic by topic and have
5 the discussion, or if that's okay with you, Chairperson.

6 **CHAIRMAN URBAN:** Sure. Why don't we just adjust and
7 try to have relatively efficient conversation to make
8 sure no one loses anything, and we can always circle back
9 as well. So please go ahead, Mr. Thompson.

10 **BOARD MEMBER THOMPSON:** One question -- and
11 apologies if it was mentioned and I didn't catch it -- as
12 far as the government-owned space or lease space, if one
13 is faster to occupancy, or if it's case by case? So
14 obviously, speed is essential here.

15 **CHAIRMAN URBAN:** Yes. My understanding is that the
16 government-owned space is much faster to occupancy for a
17 couple of reasons. One is privately-leased space usually
18 requires a significant amount of customization. But
19 secondly, there's the leasing and contracting process.
20 The third issue, which is not one you brought up, Mr.
21 Thompson, but which has animated mine and Ms. Sierra's
22 approach thus far is that commercial leases usually lock
23 you in for quite a while, and the state options, there is
24 the possibility of agreeing in advance that this could be
25 a short-term solution so that we could move on as we

1 grow.

2 **BOARD MEMBER THOMPSON:** Okay.

3 **CHAIRMAN URBAN:** Those are the -- that was the
4 advice that we got from DGS residential -- RESD, and we
5 did think that it was good advice.

6 **BOARD MEMBER THOMPSON:** Sounds good. My only
7 thought was that given the -- it seems like, at least in
8 L.A. where I am, there's a high vacancy rate in
9 commercial space right now because of COVID, and I didn't
10 know if we could get additional flexibility either on
11 price or accommodation for our needs from a commercial
12 landlord at this point because they would want the
13 stability of our business. But as you said, we need some
14 flexibility as well.

15 **CHAIRMAN URBAN:** Yes. Thank you, Mr. Thompson.
16 That's a very good point. There's also more availability
17 in state-owned space than there has been previously for
18 similar reasons. There's more remote work so space is
19 opening up. Of course, that applies to commercial real
20 estate as well. And it's not -- it's certainly an option
21 that is open. For the short-term, we were focusing on
22 the state-owned option, but we certainly will continue to
23 ask them about that. And my assumption is the executive
24 director we hire will have -- will report to us with sort
25 of a vision and the plan for the longer term.

1 Mr. Le.

2 **BOARD MEMBER LE:** Yeah, I had a quick question.
3 What's the approximate square footage or the number of
4 people that you're trying to accommodate in looking for
5 these spaces? And then my other question is you gave a
6 dollar price for square footage, but what is kind of like
7 the anticipated budget for, like, a twelve-month spot?

8 **CHAIRMAN URBAN:** Thank you, Mr. Le.

9 Ms. Sierra, we do have those numbers and --

10 **BOARD MEMBER SIERRA:** Yeah. Well, I have at
11 least -- I have the square footage for two of the spaces
12 that we'll be looking at in mid-September, and one is
13 approximately 4,300 square feet, and the other is much
14 larger, it's 10,000 square feet. It's probably more than
15 we may need early on in our evaluation at this point, but
16 that part -- that space may be able to be broken out.

17 And in terms of short-term amounts of offices right
18 now, again, we're only looking for office space for
19 employees, not board members, but we are hoping to have,
20 like, a conference room or an office that board members
21 could use on occasion if they wish to. But right now,
22 just for initial purposes, we're looking at three or four
23 actual offices with then maybe six or so or more cubicles
24 in the area, or a conference room, because we are --
25 imagine the meetings may be happening, and we'll also

1 need space for interviews. We were looking for space for
2 receptionist and also a space -- office or just a
3 allocated space for IT services that we are going to
4 have, and equipment, things of that nature.

5 **BOARD MEMBER LE:** Thank you.

6 **CHAIRMAN URBAN:** I would say, Mr. Le, I would
7 hesitate on the dollar numbers just because we have
8 kind -- we've gotten some sort of basic information, but
9 without having seen what the offer is, I don't want to
10 misspeak. There may be other charges that we don't know
11 about, but depending on the size, back of the envelope,
12 it's around 12,000 dollars a month and up, depending if
13 it's bigger space.

14 **BOARD MEMBER LE:** Okay. Appreciate that.

15 **CHAIRMAN URBAN:** If you promise not to take
16 that as --

17 **BOARD MEMBER LE:** I won't hold you to it, yeah.

18 **CHAIRMAN URBAN:** Thank you.

19 Mr. Thompson. You're on mute, Mr. Thompson.

20 **BOARD MEMBER THOMPSON:** Thank you. And thanks for
21 the time. My other question was the bullet about next
22 steps report to the executive director and/or board one
23 option solidify. Is there a thinking that we would
24 delegate the decision on the office to the executive
25 director, assuming they're on board, or is this going

1 to -- is -- will there be an opportunity for the board to
2 weigh in on this decision? My preference would be that
3 the board have the opportunity to weigh in on the --

4 **CHAIRMAN URBAN:** Thank you. My view is that that is
5 up to the board. We could delegate this on the executive
6 director. I thank you for your view. My own view is
7 that for temporary space, I would ask the executive
8 director to make the best decision within some range of
9 price. But I absolutely understand your point of view,
10 Mr. Thompson, and I think it's really a question for the
11 board collectively. We won't sign any leases without
12 talking to the board, unless you tell us to.

13 **BOARD MEMBER THOMPSON:** Thank you. I guess it'd
14 also -- it depends on the duration, so you raise a good
15 point about the temporary nature.

16 **CHAIRMAN URBAN:** Yeah.

17 All right. If there's nothing else at the moment on
18 this topic -- and we can circle back if something occurs
19 to you -- I will move on to the second chunk of our
20 updates, which is the crucial hiring and personnel
21 resources update -- well, it's a crucial issue. We've
22 been working on a number of different fronts
23 simultaneously in order to try to provide some basic
24 staffing and/or the sort of already teed up package for
25 the executive director to make decisions between people

1 on -- as we -- over the last couple of months.

2 So as an overall update and illumination of the
3 strategy we've been following, we've had two concurrent
4 goals. One is to establish leadership positions, which
5 we discussed in the board meeting last time. And the
6 second is to find a way to establish sufficient staffing
7 to accomplish immediate needs. That includes hiring,
8 actually. We do not have a human resources analyst, the
9 person who prepares the duty statements and the packages
10 that then can go to DGS HR for processing, for obtaining
11 approvals, and that sort of thing. Right now, I have
12 been preparing those. Ms. Sierra has been preparing
13 some, and she's been an incredible help. I should have
14 started this entire presentation with my deep gratitude
15 to Ms. Sierra for all the work that she's been doing. So
16 but that would be an example of a staff position that
17 would be really helpful to have right away.

18 Rulemaking, of course, and I will defer some of that
19 discussion to the Regulations Subcommittee discussion
20 because the Regulations Subcommittee has been considering
21 that closely, and underlying functions: the website, IT,
22 being able to hold meetings, getting legal advice, which
23 is why we put in place the relationship with the Attorney
24 General's Office, being able to produce a budget and keep
25 track of our finances, all of these things. A lot of

1 those we have the processing services in place from DGS,
2 and they've been incredibly wonderful and been holding
3 our hand, but having a professional staff who know how
4 this works would help a lot and is critical in the short
5 to medium term.

6 Along with that, we have tried to balance
7 maintaining some flexibility for future leadership. In
8 the last board meeting we discussed that at least for
9 some positions it will be important for leadership to
10 know that they can work with the people who are staff
11 while meeting immediate needs. And what we found is the
12 hiring process naturally dictates this because of the way
13 the process -- the steps of the process it tends to
14 stagger things sufficiently that I think most of the time
15 leadership will be able to have some say.

16 So I'll walk through the various option sets for the
17 board's elimination and then explain how we've tried to
18 take advantage of each one. The first of course are
19 exempt positions. For us we have the executive director
20 and a chief privacy auditor; those positions aren't in
21 statute so we can hire as an exempt position. These
22 positions are at will; they serve at the pleasure of the
23 board.

24 There is quite a lot of flexibility for the position
25 characteristics. It's somewhat less complicated process

1 to hire; despite the steps that I showed you, it's
2 somewhat less complicated. There are a fair number of
3 approvals that are required, and there are some basic
4 steps that have to happen. We have to have the position
5 administratively established; salary range has to be
6 justified; et cetera. That's the first batch, and we
7 have two.

8 The second batch are the career executive assignment
9 positions that Ms. Garcia mentioned in our last board
10 meeting, and Ms. de la Torre mentioned under the last
11 agenda item. We are currently pursuing two: the chief
12 deputy director of administration and the general
13 counsel. These positions are at will. They are reserved
14 for leadership positions with policy responsibility.
15 I've put that in quotes because that generally means
16 policy within the organization. They're the ones who set
17 the course of a division or that sort of thing, but it
18 can also mean exterior policy responsibility.

19 It is a more complicated process. We have a choice
20 of three classifications. There's a -- something called
21 a "concept package" that has to be prepared and submitted
22 to CalHR for approval; it's about twenty-five to thirty
23 pages long, and it includes a lot of explanation for why
24 this position is justified. Simultaneously, it's
25 required to seek Department of Finance approval for the

1 salary. There's a review by CalR -- CalHR; they often
2 will have questions. Eventually, when they approve it,
3 it gets posted for public comment for thirty days. After
4 thirty days, CalHR reviews again. If it approves, then
5 an exam can be created and the job posted.

6 These jobs require what's called an "exam". In
7 California state government it's usually answering a
8 series of questions or meeting a series of required
9 experience characteristics. There's an exam team at DGS
10 HR that is helping us with that. And then once the
11 candidate is selected, there's a list of further
12 approvals before an offer is made, but it's a shorter
13 list.

14 The third is permanent position -- a third permanent
15 position option set -- excuse me -- are civil service
16 positions. This will be most of our positions. Each
17 position has to be administratively established. Overall
18 budget approval is required. We will not need individual
19 budget approval for all positions. Unlike the CEAs and
20 the exempt positions, it depends on the salary.

21 There are a set of available classifications and the
22 job classification must be chosen from that set. It is
23 possible to request a new job classification; it is a
24 lengthy process. There's a wide range of classifications
25 available across the state government. Sometimes an

1 agency will sort of have ownership over a series of
2 classifications, and you need to request permission to
3 use that classification or make a new classification.
4 But in any case, a -- an appropriate classification must
5 be found. And then when that -- once that happens for
6 existing classifications, there's already a standard exam
7 for that position. I'll say a little bit more about
8 that -- about this in a moment, but that's sort of basic
9 for the civil service positions.

10 Then there are temporary staffing positions. We've
11 discussed this in the last board meeting what the options
12 might be. The first is the interagency agreement that
13 Ms. Castanon comes to us under; that's the loan of a
14 staff from one department agency to another. There is
15 process, of course, in developing a contract and it
16 requires various services to be in play, but it is the
17 most sufficient option that we've discovered. The major
18 limiting factor we run into is the profound lack of
19 available staff to borrow from other agencies. Agencies
20 are currently very thinly staffed, and it's been very
21 difficult to find people to work for us under an
22 interagency agreement.

23 There's also retired -- the retired annuitants
24 classification. State retirees can return part-time up
25 to fifty percent in a fiscal year on a time-limited

1 contract. Ms. Sierra and I think that this is a -- has
2 high potential for us to be able to get help from
3 experienced staff; it doesn't require posting the
4 position; you can. But there's a database called
5 "Boomerang" where state retirees who are interested in
6 positions post, and you can review and reach out to them.
7 It also requires a concept in justification and
8 paperwork; it's somewhat different process, and usually
9 an internal approval rather than the series of approvals.

10 Finally, there is the option of contractors; it also
11 requires justification and approval, usually an open
12 bidding process and procurement. After exploring it to
13 some degree, we are not pursuing this option right now.
14 We will happily take feedback. It is a relatively
15 lengthy process, again, but we will if it's viable for a
16 particular position or need. So those are the sort of
17 the panoply of options as we understand them.

18 The state of our current efforts is of course the
19 interim chief deputy director of administration was
20 onboarded through an IAA on August 1st. She's with us
21 for fifty percent time through October 31st; we may be
22 able to extend her time. Be nice to her, please. If you
23 run into her boss at DGS, be nice to her boss at DGS.
24 Currently, the contract is through October 31st.

25 The chief deputy director of administration, the

1 concept -- DA concept -- was prepared and submitted in
2 July -- mid-July -- I'm sorry, I didn't put the exact
3 dates on this one -- again, balancing how much
4 information. But where we are is we got the initial
5 approval; it was posted for thirty-day comment. The
6 thirty-day period ended last week, August 30th. You then
7 wait for another approval. CalHR was really quick with
8 it. Everybody is trying to help us as much as they can,
9 and they approved on August 30th.

10 DOF really outdid itself in a -- that's -- excuse
11 me -- the Department of Finance -- and approved it on
12 September 3rd. And so we are currently awaiting to take
13 control or approval, reviewing delegation agreements,
14 which I need to review with counsel, working to create
15 the exam, prepare what's called a "job control report"
16 from which the posting is created, and create the
17 posting.

18 The general counsel, this is also -- it's a little
19 bit behind the chief deputy director of administration.
20 The steps up to the posting for public comments have been
21 completed. It is currently in its thirty-day public
22 comment period, which expires September 22nd. The chief
23 privacy auditor is something that we would like to have
24 forward discussion about. We would like to prepare this
25 package and send it -- get it in for approval as soon as

1 possible, but we were hoping to get board input on the
2 characteristics of this position, and we have room for
3 that a little bit later in the discussion.

4 For temporary positions, we are looking out for
5 interagency agreement options. I didn't put that on
6 there. As I said, it's been hard to find, but we have
7 our ear to the ground. Retired annuitants, we have
8 several experienced attorneys we are looking to hire on a
9 temporary part-time basis; they each have experience with
10 rulemaking or other things that are relevant to our work.
11 We are currently working on HR packages and approvals.
12 Sometimes a position will not quite work out because we
13 can't get the classifications to match or something like
14 that, but we are hoping to have several retired annuitant
15 staff quite soon.

16 Ms. Sierra, I confess, I -- I've lost track of
17 exactly how many.

18 **BOARD MEMBER SIERRA:** Okay. Oh, good. I'm unmuted.

19 Yes, we are -- sorry about that -- right now in
20 conversations and working on potential approvals for
21 approximately five.

22 **CHAIRMAN URBAN:** Okay. And these are attorneys.
23 Ms. Castanon is also reviewing administrative
24 professionals for high-level positions to help with the
25 administrative work currently.

1 Finally, are the general -- the civil service
2 positions. Again, this is a new process. We are a
3 little in earlier stages of this, but we've met with the
4 appropriate team at DGS last week and gotten the sort of
5 training. We do have some very draft duty statements.
6 They are looking out for other duty statements that we
7 can repurpose. They're going to review comparable
8 agencies and advise us on an initial position set. And
9 we have identified a few high-need initial
10 classifications, like the hiring liaison I mentioned; a
11 budget analyst is going to be important soon. And
12 there's a position called an "AGPA" that hopefully --
13 that Ms. Sierra knows from being -- working in state
14 government. That sound like an almost magical position
15 to me, just very experienced, effective people,
16 basically.

17 **BOARD MEMBER SIERRA:** Yes.

18 **CHAIRMAN URBAN:** You --

19 **BOARD MEMBER SIERRA:** Yes, and I'll just note that
20 in my experience, there is a broad range of different
21 types of work, and AGPA can do, in my experience, as
22 the -- Chair Urban noted, can be really critical and
23 helpful to a team, whether it's policy work, paralegal
24 work, other just support work that can be done, so. I'd
25 be very much in support of pursuing that option down the

1 road.

2 **CHAIRMAN URBAN:** And can you help me with the
3 initialism?

4 **BOARD MEMBER SIERRA:** Oh, boy.

5 **CHAIRMAN URBAN:** I know career --

6 **BOARD MEMBER SIERRA:** Assistant governmental -- I
7 will come back to you on that --

8 **CHAIRMAN URBAN:** Thank you.

9 **BOARD MEMBER SIERRA:** -- because I am so used to
10 (indiscernible) AGPAs.

11 **CHAIRMAN URBAN:** So the next steps that we advise
12 that we continue are to continue the efforts with the
13 retired annuitants and keep our ear to the ground for
14 interagency agreement opportunities to keep pushing
15 through the process for the CEA positions and to pursue
16 initial civil service positions.

17 There's also -- the Office of the Attorney General
18 is providing regular legal services to us. We've
19 transitioned from their HR department to DGS, as I
20 mentioned, for sort of the more medium-term solution.
21 And there is further news on that, which I think will be
22 discussed in the Regulations Subcommittee. But our goal
23 has been to establish the processes, establish the
24 agency, and the various systems in the state, and to make
25 significant progress for the executive director.

1 In sum, we're trying to move as quickly as we can
2 while making sure that we are following all the processes
3 that are required, and giving room to the executive
4 director to hire staff.

5 **BOARD MEMBER SIERRA:** And I'll just note that Board
6 Member Vinhcent Le -- thank you -- he has, for the
7 acronym, is the associate governmental program analyst.

8 Thank you.

9 **CHAIRMAN URBAN:** Thank you, Mr. Le.

10 I don't know why I -- I just -- they just --

11 **BOARD MEMBER SIERRA:** Well, no, I should know that,
12 but I had a brain freeze. So thank you.

13 **CHAIRMAN URBAN:** Thank you. Thank you, Ms. Sierra
14 and Mr. Le.

15 So on the chief privacy auditor position, the
16 Proposition 24, now part of the California Privacy
17 Protection Act, says that -- excuse me -- the California
18 Consumer Privacy Act -- it says that the California
19 Privacy Protection Agency shall appoint a chief privacy
20 auditor to conduct audits at businesses to ensure
21 compliance with its title pursuant to regulations adopted
22 by the agency. It's in the statute that this is an
23 exempt position. We have been working on a duty
24 statement for CalHR with the goal of post the position as
25 soon as possible.

1 This is not -- as I understand the sort of purpose
2 behind the chief privacy auditor, the thoughts that the
3 drafters of the law had was that the chief privacy
4 auditor would be the head of enforcement. We don't
5 necessarily have to set it up that way, the executive
6 director doesn't need to set it up that way, but it is an
7 exempt position. So it is a high-level position with a
8 lot of responsibility for conducting audits and
9 investigations, developing the processes for these, and
10 overseeing them.

11 This is a position that is unusual in the United
12 States. There aren't a lot of examples that are very
13 close. It is more common in European countries, and so
14 we've been looking in that direction. What I was hoping
15 was that we could have a board discussion about the sort
16 of general parameters of this position and desired
17 qualifications that board members had for this position.
18 So I wanted to be sure that I wasn't missing something
19 fundamental in my research. If the board is willing, I
20 would move ahead based on that. If the board wants more
21 input, I could bring a duty statement to the next meeting
22 based on our discussion, as we did in the June 14th
23 meeting. It isn't required for the process; it's a
24 question of whether the board wants to maximize its input
25 into the position or maximize the speed at which we put

1 the request into the process.

2 So with that, I -- our next item is policies and
3 practices and has an action item, so I do suggest that we
4 pause here in order to discuss anything to do with hiring
5 and personnel, as well as the chief privacy auditor
6 position.

7 Yes, Ms. de la Torre.

8 **BOARD MEMBER DE LA TORRE:** Thank you. One thing
9 that's a bit (indiscernible) but I wanted to mention is
10 that I have not had an opportunity to see this
11 presentation before this moment. It would have been
12 really helpful to me we would have had that conversation
13 about the chief privacy auditor to have known in advance
14 so that I could have conducted a little bit of research
15 myself and been more prepared for the conversation. So
16 where possible, I will encourage this subcommittee, and
17 really all subcommittees, to prepare this material,
18 provide them to the other board members so that we can be
19 more prepared.

20 And as to the more substantive questions, I have
21 two. For the civil servant (sic) positions, I believe
22 the slide said that we had not taken any action on that
23 until last week, where we met with DGS. Did I misread
24 that or?

25 **CHAIRMAN URBAN:** I elided some detail. We started

1 working on some duty statements for sort of line
2 attorneys some weeks ago -- I didn't catch exactly when
3 that was, and we were working with DGS to find out how we
4 can post civil service positions. They connected us with
5 the team two weeks ago, I guess, Angela, and we met with
6 the team -- we did meet with the team last week that --
7 but it wasn't -- that wasn't the first that we were
8 working on the civil service positions.

9 **BOARD MEMBER SIERRA:** And --

10 **BOARD MEMBER DE LA TORRE:** My second --

11 **CHAIRMAN URBAN:** Go ahead.

12 **BOARD MEMBER SIERRA:** I was just going to add with
13 respect to attorney positions, much of the work that
14 we're doing with the potential retired annuitant
15 positions will -- is work that we will be able to use for
16 those civil service classifications. A lot of that work
17 will be very useful for that, and you know, preparing
18 duty statements and the work-up that we need for those
19 packages.

20 **CHAIRMAN URBAN:** I mean, I think if I'm
21 understanding Ms. de la Torre's -- what is underlying Ms.
22 de la Torre's question -- it did take us a little while
23 to figure out what advice we needed to get for the civil
24 service positions, how they fit together with the other
25 positions, and to make time along with the various other

1 processes we're following to make significant progress on
2 that. So it has taken us some time.

3 **BOARD MEMBER DE LA TORRE:** And I was going to say --
4 and I should have started with just thanking both of you
5 for all of the efforts. It is very complex. The
6 percentage is really helpful; it really outlines
7 possibilities that I -- they were not in my radar. So
8 thank you for all of the efforts.

9 On that, I was also a little unclear because I -- if
10 I recall correctly, the delegation that was provided to
11 the chair will enable the chair basically to
12 unilaterally, without bringing this into a subcommittee,
13 engage in hiring all of the staff positions for
14 potentially in a more expeditious way. I don't know if
15 that's case, but I was going to inquire as to whether
16 that's the case. And if that's the case, why was the
17 decision-making to do this through subcommittee as
18 opposed to just in a more executive manner by the chair?

19 **CHAIRMAN URBAN:** Thank you. That's a very good
20 question. That is my understanding of the delegation.
21 The subcommittees themselves can act in an advisory
22 fashion. My understanding is that the delegation stands.
23 So for example, I can sign documents, and somebody needs
24 to sign documents, so I've been doing that.

25 Ms. Sierra, my understanding was that the

1 subcommittee did have these items as part of its sort of
2 research and work scope, and Ms. Sierra has simply just
3 been really, really generous. We would not be where we
4 are if I were having to do all of these myself --
5 beginning every -- starting and ending all of it myself.
6 Without an HR liaison or an HR analyst, every single
7 package has to be prepared by us, and so it's honestly
8 just been an issue of person power, and Ms. Sierra's been
9 incredibly generous with her time.

10 **BOARD MEMBER DE LA TORRE:** Thank you for that
11 update. I would like to just encourage the chair to be
12 as expeditious as possible if it is through the
13 subcommittee that this is better addressed. I support
14 that. But I also believe that for these kinds of
15 positions, the chair should feel in power to go through
16 this process, do the interviews, hire as soon as
17 possible, and not necessarily wait for feedback from the
18 board, where that could delay the process, because I
19 think it's of the essence to get some of this done sooner
20 rather than later.

21 And understanding the importance of the leadership
22 positions, I think that because of the challenges that
23 we're facing that you just very well summarized, meaning
24 we don't have manpower to get some of these things done,
25 hiring at a lower level, even entry-level positions, even

1 fellowships, will alleviate that challenge that we're
2 facing. So I just wanted to reiterate that I support the
3 chair being taking decisions independently from input
4 from the board and trying to expedite the process for
5 these kinds of hirings.

6 The other thing that I had in mind to discuss is the
7 chief privacy auditor, but maybe we should leave that for
8 the end and address all of the questions that other
9 members might have, and then kind of reserve a chunk of
10 time for all of us to talk about that piece.

11 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre.

12 Other comments and questions?

13 Mr. Thompson.

14 **BOARD MEMBER THOMPSON:** Thank you for all of it.

15 This is -- the two of you have done an immense amount of
16 work, and I can appreciate how much -- the roles that
17 you've taken on have an incredible amount of importance
18 for getting us up and running. So thank you.

19 A question -- and I didn't know if it was embedded
20 in the presentation -- we had talked at the last meeting
21 about getting an understanding of how the attorney
22 general had staffed the rulemaking process, how many
23 people they had in what functions. I'm trying to get
24 kind of clear in my own head how we meet the deadlines
25 and how many people we're going to need in order to do

1 that. Obviously the focus on hiring leaders is
2 incredibly important and perhaps the -- those leadership
3 positions will help us to flush that out. But I don't
4 know if we're talking five, twenty, fifty people that are
5 needed to draft that set of regulations. Do you all --
6 do you know if we have any insight into how the attorney
7 general has staffed that function?

8 **CHAIRMAN URBAN:** Thank you, Mr. Thompson. I do
9 recall you bringing that up at the last meeting, which is
10 a very good point. We have explored it with the Attorney
11 General's Office, and that will be part of the update
12 from the Regulations Subcommittee.

13 I do confess, and I apologize for the oversight,
14 that I don't have the detail with me today, but I do have
15 a -- I have the general -- you know, the difference
16 between five and twenty people, and essentially have a
17 staff that -- and that has very much been in my mind as
18 we've been pursuing in parallel leadership positions and
19 attorneys who can help us with the rulemaking proceeding.

20 I also wanted to say I thank you for the kind words.
21 I really want to thank Ms. Castanon, who is with us half-
22 time, and who has been just doing a tremendous amount of
23 work in helping with all of this. She knows the
24 processes, and she knows the people, and she's just been
25 an incredible asset.

1 Ms. de la Torre, did you have further comment?

2 **BOARD MEMBER DE LA TORRE:** No, unless we want to
3 talk about the chief privacy auditor feedback that you'd
4 requested.

5 **CHAIRMAN URBAN:** Yes. Your hand is up, which is why
6 our --

7 **BOARD MEMBER DE LA TORRE:** Oh, sorry.

8 **CHAIRMAN URBAN:** That's okay. And I knew you wanted
9 to return to the chief privacy auditor, so that's fair
10 enough.

11 If there's not further comment on the board from --
12 about the sort of general hiring situation, then let's
13 turn to the chief privacy auditor position.

14 Ms. de la Torre.

15 **BOARD MEMBER DE LA TORRE:** Sure. Like I said, I
16 wish I have had more time to prepare, but I can confirm
17 that this -- my understanding is that this position was
18 designed into proposition -- into the proposition as the
19 chief -- the head of enforcement for the agency, and I
20 think that it should be drafted when we -- drafted with
21 the statement to reflect that. And so I envision it as a
22 direct report to the executive director, and this person
23 will be responsible for all of the enforcement activities
24 and the enforcement strategies that the agency puts
25 together. I'm uncertain as to what should be the size of

1 the organization that should report to him, or the
2 positions. I really wish I had the time to do more
3 research. But I definitely can confirm that in my
4 recollection, this was envisioned as the head of
5 enforcement.

6 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. And I
7 do appreciate that. It was my hope to have a drafted
8 statement to all of you and there simply wasn't time. So
9 I do appreciate that. Thank you. And I do apologize
10 that we are -- we're having the discussion a little bit
11 cold.

12 **BOARD MEMBER DE LA TORRE:** No reason to apologize.
13 Like I said initially, there is -- the commitment that
14 you have made to this agency, I think it goes unnoticed.
15 This is not a paid position, and I am fairly sure that
16 you're putting more hours than you would put in a regular
17 job, so thank you for your commitment and for your
18 service.

19 **CHAIRMAN URBAN:** Thank you.

20 Other comments and thoughts either on the position
21 itself or the process for moving forward?

22 Mr. Le.

23 **BOARD MEMBER LE:** Yeah, well I -- quick question to
24 go back to the other section. Was there any attempt -- I
25 know you said it's really hard to get IAA staff --

1 borrowed staff -- for kind of the attorney positions, so
2 is that -- was that something you explored at all to get
3 the rulemaking at least? Like, getting the questions
4 together for public comment, was there any possibility of
5 that from the AG borrowings and attorneys? And then I
6 can get to the chief privacy auditor after that.

7 **CHAIRMAN URBAN:** Great. Thank you. There will be
8 an update on the path of working with the Attorney
9 General's Office in the Regulations Subcommittee --

10 **BOARD MEMBER LE:** Okay.

11 **CHAIRMAN URBAN:** -- update. We discovered the --
12 well, I discovered -- Ms. Sierra knew already having
13 already worked as a retired annuitant -- but I discovered
14 the retired annuitant option, and we decided that it was
15 important to work with that option as well, so we've been
16 working sort of in parallel.

17 **BOARD MEMBER LE:** And then, yeah, so for the chief
18 privacy auditor, yeah, I think it's something that it was
19 based off -- the little I know off the top of my head --
20 you know, I know it is a lot more common in the EU, where
21 there is -- the data protection impact assessments, so I
22 think familiarity with those impact assessments would be
23 a good requirement. I think, in this case, someone who
24 works -- who has experience with those private industry
25 internal audits, as well as external ones, is important

1 because there's always a -- I'm going to make sure that
2 you know how compliance works within these businesses,
3 and then how they can adapt and -- to make sure that when
4 we develop these audits and we do enforcement that these
5 impact assessments actually are substantive, and that
6 they know what levers to push within business to make
7 sure there's good compliance.

8 And then part of the -- Proposition 24 -- the
9 CPRA -- was there was going to be a risk assessment
10 regarding profiling by algorithmic systems. So I would
11 like to see in a chief privacy auditor kind of good
12 understanding of automated profiling, disparate impact,
13 those types of risks of -- and that come up when you do
14 profiling that may not happen on the basis of race or
15 gender, but can have disparate impacts on the other end
16 of that, so making sure that as they develop audits, that
17 those types of risks are assessed.

18 **CHAIRMAN URBAN:** Thank you, Mr. Le. That's
19 extremely helpful. Do you mind if I follow-up with a --
20 do you have -- and you may not, which is fine -- do you
21 have a sense in your mind as to the role of technical
22 expertise -- the role technical expertise should play --

23 **BOARD MEMBER LE:** Yeah. Yeah, so definitely, I
24 think -- well, I think the future of risk assessment is
25 having AI audit AI. So I do think there is some sort of

1 technical expertise that does need to be there, thinking
2 through how we can make these audits kind of on a larger
3 scale, right? We do need the investigations, and we need
4 companies that disclose on paper how they're doing their
5 data protection. But eventually, I would like to see
6 more automated auditing that at least alerts the agency
7 to whether there is potential discrepancies between
8 what's a company's stated data protection controls are
9 and what's actually happening. So I do think technical
10 expertise understanding of algorithmic audits is a key,
11 yeah, job qualification.

12 **CHAIRMAN URBAN:** Thank you, Mr. Le.

13 Ms. de la Torre.

14 **BOARD MEMBER DE LA TORRE:** I just wanted to mention
15 we haven't really talked about this as a board before,
16 but in my mind, one of the positions that is likely to be
17 required -- I think is required -- is a chief technology
18 officer --

19 **CHAIRMAN URBAN:** Um-hum.

20 **BOARD MEMBER DE LA TORRE:** -- who -- and this
21 doesn't need to be a leadership position, but more an
22 office that supports the different efforts that will be
23 underway. I think that we will need that to support the
24 rulemaking process because there's some aspects of the
25 rulemaking process that are very technical. And I think

1 that same office -- the chief technology officer -- and
2 the people who have worked with a chief technology
3 officer could efficiently assist the head of enforcement
4 and the enforcement unit in questions that are more
5 technically driven.

6 Without undermining what Board Member Le said about
7 the benefits of having a chief privacy auditor that also
8 has some technical expertise, I also think that
9 independently we need a group of people within the agency
10 that are just technologists because a lot of these -- the
11 way data moves these days, it's really driven by
12 technology.

13 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. Are
14 you thinking of something like the group -- and I
15 apologize, I'm blank on the exact name -- the DFTC (ph.)?

16 **BOARD MEMBER DE LA TORRE:** Yes, absolutely. I think
17 that's an excellent model to consider.

18 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre.
19 Further comments on the chief privacy auditor?

20 In that case, I would like to make a process
21 point -- or ask a process question, I suppose. Within
22 the delegation of authority under which I'm operating to
23 accomplish various things, my understanding is I could go
24 ahead, take this information, add it to what I know, work
25 with Ms. Sierra, if she has time or not, to put all of

1 this together. Of course, the board would have to
2 finally appoint the chief privacy auditor. So that's one
3 path that we could take.

4 Ms. de la Torre made -- of course, made a very good
5 point that the board might need more time to consider, so
6 I am willing to either kind of go as fast as I can or to
7 bring a fuller package to the next board meeting for
8 consideration. I'm happy to give my own opinion, but
9 that's --

10 **BOARD MEMBER DE LA TORRE:** Yeah, in my view, if we
11 will -- if we're going to have our next meeting on
12 October 18th, which, I understand is in the schedule, I
13 will favor just making good use of that delegation that
14 we have put in place and enabling you and this upcoming
15 team to act as expeditious as possible. I don't see
16 necessarily the need for us to discuss the specific
17 language of the job posting as a board. I think it -- on
18 October 18 when we get an update, if there are questions
19 either as comments, either -- there are areas where there
20 might be policy decisions, they could be built into the
21 slides in the presentation, and we can discuss them at
22 that level. I think that would be more efficient.

23 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre.

24 Mr. Le, did you --

25 **BOARD MEMBER LE:** Yeah. I think it can go either

1 way on this, right? I think the chief privacy auditor
2 might have a lot of good input on the regulations, right,
3 and that -- and the rulemakings that get developed that
4 enable them to do their job. So I would kind of support
5 the more expeditious solution, right, and then we would
6 have the final say in making sure whoever we hire can do
7 that.

8 And I just wanted to add, as a qualification
9 forward-thinking in terms of privacy compliance and
10 audits because this industry moves so fast --

11 **CHAIRMAN URBAN:** Um-hum.

12 **BOARD MEMBER LE:** -- and kind of understanding where
13 the future is going to be and what's going to happen.
14 And I also think that we're going to have a lot of other
15 agencies coming to the CPPA to help out with kind of
16 maybe their enforcement of, say, Fair Housing, or you
17 know, inking, and other types of regulations. So I think
18 that kind of knowledgebase -- and I mentioned that other
19 way, the disparate impact -- those are the areas that are
20 key. So yeah, just forward-thinking in that kind of
21 sense.

22 **CHAIRMAN URBAN:** Thank you, Mr. Le. That's very
23 helpful.

24 Ms. Sierra.

25 **BOARD MEMBER SIERRA:** Yes, I just wanted to note

1 that I also agree the moving with this path that we're
2 proposing is just to move ahead, and as a member of the
3 Start-up and Administration Committee (sic), I'd be very
4 happy to work with the chair on this, and I have time to
5 do that, so. But I'm in favor. And then what would --
6 the next step, the board would have a lot of input in the
7 selection of the individual.

8 **CHAIRMAN URBAN:** Thank you, Ms. Sierra.

9 Mr. Thompson.

10 **BOARD MEMBER THOMPSON:** I agree with a lot of what
11 has been said. Just wanted to -- I -- it's a close call
12 to me, but I'm comfortable with moving forward and being
13 expeditious. I agree with Ms. de la Torre, I feel a
14 little -- I feel like I was caught a little flat-footed
15 with a request for input on the qualifications. So I
16 don't know if there's a mechanism for us to leave the
17 record open if we have any thoughts in the next couple
18 days -- if that works, but I wouldn't want our weighing
19 in to slow the process. I think Ms. Sierra makes -- and
20 others -- made a good point, we'll have the opportunity
21 to weigh in in the future.

22 And I would want us to keep our focus on the roles
23 that are critical to the rulemaking. And so if Mr. Le is
24 correct that this position could have some helpful input
25 and influence on the rulemaking process, then it's

1 something we need to move on quickly. I'm kind of on the
2 fence, but I would err on the side of quick, so. I think
3 let's move forward, but to the extent that we'll -- we
4 will be asked to opine on things in a meeting, having a
5 little bit of time to think about it ahead of opining
6 would be great.

7 **CHAIRMAN URBAN:** Thank you, Mr. Thompson. And
8 again, I do apologize.

9 As far as mechanisms, we do have a fairly lengthy
10 closed session, and I believe -- and we will be in open
11 session, go to closed session, come back to open session,
12 so if there is something that occurs to you, I think
13 there will be an opportunity to air it. And I will check
14 with Mr. Phillips during a break or something to be sure
15 I'm not misspeaking.

16 Thank you all very much for putting your heads to
17 this issue, even though I recognize I did ask you to
18 think about it a bit on the spot. Again, I do apologize
19 for that. My juggling has been as successful as it's
20 been, so thank you all for very much for that.

21 My understanding --

22 **BOARD MEMBER THOMPSON:** You referred to the
23 potential of an upcoming break, which I didn't know if
24 that could be --

25 **CHAIRMAN URBAN:** Yes.

1 **BOARD MEMBER THOMPSON:** -- sooner rather than later.

2 That would be --

3 **CHAIRMAN URBAN:** Yes. I also could use a break.

4 So we have for this section -- excuse me -- agenda
5 item, we have one more section: discuss the per diem
6 policy, and we will be also taking public comment. I
7 don't anticipate that would be a terribly long
8 conversation, but we should of course leave the
9 possibility for robust -- we should be sure that we
10 understand that there could be a robust conversation. So
11 if you would like a break, I would suggest that we take a
12 ten-minute break.

13 And Mr. Phillips, we can recess and just recall the
14 issue when we come back; is that correct?

15 **MR. PHILLIPS:** Yes, of course.

16 **CHAIRMAN URBAN:** Thank you, Mr. Phillips. And thank
17 you for indulging me as I'm still -- I want to be sure
18 that I am using the correct process.

19 **MR. PHILLIPS:** No problem.

20 **CHAIRMAN URBAN:** So with that, let's take a ten-
21 minute break and return at 11:11. I will see you all
22 back here then, and we will recall this agenda item.
23 Thank you very much for all of your input.

24 (Whereupon, a recess was held)

25 **CHAIRMAN URBAN:** Welcome back, everyone. We are

1 back in session from a break, continuing with Agenda Item
2 4 of the California Privacy Protection Agency board
3 meeting for September 7th and 8th, 2021.

4 We were currently wrapping up at least the initial
5 conversation about the need to hire a chief privacy
6 auditor and the approach to doing that. It is my sense
7 of the conversation that we are balancing being
8 expeditious with the board's input, and we are generally
9 in agreement to take an expeditious path so that I will
10 take all of the input that I have received in this
11 meeting and start the process for getting approval for
12 the position.

13 That said, other thoughts may occur to members of
14 the board over the course of the meeting, in which case,
15 we can recall the item for some further discussion and to
16 give the board a little bit more time to think because
17 they haven't had a lot of notice. If there is any
18 different view, please raise your hand. Otherwise, we
19 will move on.

20 Wonderful. Thank you all very much for your input
21 and your thoughts. And we will continue with the next
22 portion of the Start-up and Administration Subcommittee's
23 report.

24 In this section, we do have the recommendation for
25 the board, and I would draw the board's attention to the

1 short memo that the Start-up and Administration
2 Subcommittee prepared for you and the form that goes with
3 it if you would like. And I will turn it over to Ms.
4 Sierra to present this portion of our agenda item.

5 **BOARD MEMBER SIERRA:** Great. Thank you, Chair
6 Urban.

7 And before I kick this off, and I'm going to try to
8 be fairly brief, but I want to thank the chair and others
9 for their kind words. And I would be remiss if I did not
10 thank our chair. Chair Urban has been working on the
11 subcommittee with me, from what I can see, working around
12 the clock, and that's only on one subcommittee, so I'm
13 just so grateful for your time commitment, your overall
14 commitment, and your leadership. So I really appreciate
15 it. So thank you.

16 So now I will turn to the policies. I know that we
17 have a very full agenda today, so I will try to be fairly
18 swift with this. Because as you have seen in your board
19 materials, we have provided a memo outlining a policy --
20 a per diem policy -- that we are proposing in a form with
21 the form that we would submitting as board members. So
22 in general, based on our discussions from our June board
23 meeting, our subcommittee decided to prioritize the
24 policies that we thought were of most immediate need.
25 And the first policy we thought that should be

1 prioritized was this per diem policy because it is set
2 forth in statute that the CPRA does provide for a per
3 diem, a hundred-dollar compensation, to board members for
4 each day on which they engage in official duties. But in
5 order to implement that statutory compensation, we do
6 need to have, as a board, a policy in place to process
7 and compensate board members.

8 After I talk about the per diem policy, I will
9 briefly talk about what we're -- what we are proposing is
10 our next priority would be to working on an incapability
11 activity statements, then potentially after that,
12 communications policy. But I will get to those after we
13 have fully discussed the per diem policy.

14 So an overview of this issue, as all the board
15 members know, the nature of our appointments is that we
16 are volunteers. These are public service positions in
17 which we are not receiving a salary. However, our
18 underlying statute does provide for what is called a "per
19 diem", which is essentially an honorarium. It is a rate
20 of a hundred dollars for each day -- this is -- I'm just
21 quoting the statute -- for each day on which board
22 members engage in official duties. And we have on this
23 slide the actual language of that statute.

24 In order to develop a proposed policy for our board,
25 our subcommittee conducted research. We have seen a

1 number of per diem policies and learned of a number of
2 per diem policies that other state boards have
3 implemented. This type of provision many -- apply to
4 many state boards, and often the underlying statute has
5 language that's almost identical to ours, so looking at
6 other policies was very helpful to us. We consulted with
7 counsel, and we also attended a webinar -- brown lunch --
8 that was focused on per diem policies as well as travel
9 reimbursement that was hosted by the California
10 Department of Consumer Affairs. They actually have a
11 board and bureau relations unit, so they had a brown bag
12 webinar that was very helpful to us.

13 And what we found as a subcommittee is that state
14 boards that have per diem statutes like ours have
15 flexibility on the policy that they adopt to implement
16 that statute, and there are a wide range of policies that
17 have been adopted. There is not a one size fits all.
18 Each board is going to be looking at the proposed policy
19 or the actual policy they adopt based on the nature of
20 their activities and the time commitment from board
21 members, et cetera.

22 On one end of the spectrum, we see -- we saw
23 policies in which a board only provided for a per diem
24 for attendance of a board meeting, for example. Others
25 were providing per diem compensations for a wider range

1 of activities that were directly related to board
2 matters. We saw some policies in which a board member
3 would receive a full per diem payment for any time spent
4 that day, others that would break it out by the hour, and
5 then others that would be, depending if the board member
6 worked four, six, or more hours, would be compensated for
7 that amount of time for a one-day per diem.

8 So after reviewing all that, we have come to a
9 decision to recommend a middle path for our board. We
10 are recommending a policy in which our board members
11 would receive this per diem -- one hundred dollars --
12 honorarium for every six hours engaged in official
13 duties. We are recommending that the policy can allow
14 for the per diem for categories of duties that are
15 directly related to board business -- not only board
16 meetings, but work, for example, on subcommittee matters
17 and preparing for those matters, and preparing for those
18 meetings as well. And we have a slide, and this was also
19 in your materials, that list what we are recommending
20 official duties include. You'll see the right-hand of
21 the slide, and that was in your materials as well.

22 And we also are proposing that a six-block amount --
23 six-hour-block amount of time for the per diem
24 compensation could be spread over multiple days because
25 the majority of our board members have full-time jobs,

1 are working in this board -- board work in the evenings,
2 weekends, other available time, so we thought it would be
3 appropriate for this board, and particularly since we're
4 doing so much substantive work right now, to allow for
5 six-block periods of time to be spread over multiple
6 days. And we have seen that example in other policies as
7 well.

8 And finally, because we want to ensure we have good
9 recordkeeping, we have transparency, and we're tracking
10 our agency's expenses in a timely manner, we are
11 proposing that all board members will submit a per diem
12 form each month. It would be submitted the 15th of the
13 month following the month in which you are requesting
14 your per diem and you're noting your hours. You would
15 submit the form even if you are not claiming any per diem
16 for that month. And the form that we have provided to
17 you, we have actually modeled that form on the form
18 that's used by the California Medical Board, so there
19 were -- it looks very similar in structure, and we pulled
20 many of the components from their form.

21 And assuming that we adopt a policy today, our
22 proposal also is that for all work done until the policy
23 was adopted, all board members would have until October
24 15th to submit a form for each month prior to now in
25 which they have been engaging in official duties as we

1 have outlined on this slide so that we can process the
2 per diem payments for board members for all the time that
3 they have contributed until we actually had our formal
4 policy.

5 So we do have an action item for this matter, and
6 we're -- again, we're recommending that we adopt the
7 policy on the proposed policy that we have provided to
8 the board and I've just outlined at today's meeting, and
9 that before any vote, we also invite board discussion and
10 questions.

11 **CHAIRMAN URBAN:** Thank you, Ms. Sierra.

12 As a process point, two things. First of all, we
13 will have a board discussion now. We will finish the
14 last small point in the subcommittee's presentation, and
15 then go to public comment, and then return to the action
16 item so that we have the benefit of public comment before
17 doing the action item.

18 The second process point is that I wanted to let
19 members of the public who are following along know that
20 we are looking at part two of the meeting materials in
21 case you weren't sure which document we were looking at.

22 So thank you, Ms. Sierra and Ms. de la Torre.

23 **BOARD MEMBER DE LA TORRE:** Thank you. So I
24 appreciate the work that has been done in terms of
25 putting together the per diem policy. However, I do not

1 believe that the first paragraph of the proposed per diem
2 policy is a paragraph that aligns with the literature of
3 the law. I think it's excessively burdensome, and I
4 think it's unnecessary; and let me go through all of
5 those three things.

6 First of all, if we approve this policy, what we're
7 going to be basically doing is instead of paying per day,
8 we're going to pay per hour or per fraction of an hour.
9 That means that today, for example, where we will likely
10 meet for over six hours, we will pay ourselves more than
11 one hundred dollars, and that, in my mind, is opposite to
12 the language of the law.

13 Our chair, who I am sure has worked more than six
14 hours a day for quite some time, will be also in that
15 situation where she will be paid over one hundred
16 dollars. And let me make sure that I think she deserves
17 much more than one hundred dollars for the work that she
18 has done, but again, the statute doesn't say so. The
19 statute says that for each day, the maximum that we can
20 pay ourselves is one hundred dollars.

21 I think it will also -- will show the situations
22 where individuals -- individual members who have done
23 substantial work in a day will not be paid a full per
24 diem of one hundred dollars because maybe they did two
25 hours or three hours of work. So in my mind, that is

1 misaligned with literature of the statute.

2 I think it's also burdensome. I'm an attorney; I
3 charge my clients per hour. I'm used to the discipline
4 of tracking my time in six-minutes (sic) increments; it
5 is burdensome. And I also have to say that I actually --
6 I have the records; I can go back to May and tell the
7 board how many hours I have worked each day because I
8 have basically been tracking my time the same way I track
9 the time for clients. But I will assume that some other
10 members are going to be really having a hard time trying
11 to figure out how many hours or how many minutes they
12 worked -- or they conducted board business on, you know,
13 September 20th. So I think it's burdensome, and it will
14 result in denying per diem to those of us who might not
15 have been tracking to this kind of specificity.

16 And then the last thing is I just fundamentally
17 think it's unneeded. The statute says per day. A day is
18 a day. We don't have to redefine what is a day and
19 divide it into six hours that can be put together through
20 different times working different days.

21 Everything else in the policy seems reasonable to
22 me. I will be happy to approve the rest of the policy.
23 But that first paragraph where it says the board shall be
24 paid as per diem allocated of one hundred dollars for
25 each six hours of engage -- engage in official duties, I

1 disagree with. And I will suggest that we edit that,
2 that we just take the language of the law: per day means
3 per day. So with that, I will vote against this policy
4 if it's put forward to approval today, and I will
5 encourage other members to do the same.

6 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre.

7 So I've highlighted the right part, correct?

8 **BOARD MEMBER DE LA TORRE:** Yes, that's correct. If
9 we eliminate that and we just say what the law says,
10 which is per day, I will be happy to approve this policy
11 today.

12 **CHAIRMAN URBAN:** So let me -- if -- let me see if I
13 can -- I heard more than one point in there, so let me
14 see if I can summarize. The first is the lack of a
15 maximum for a day. So that six hours, we could, in
16 theory, with the way this is written, end up with two per
17 diems because we would have more than six hours -- well,
18 we could have twelve hours -- it would be twelve hours,
19 and that is not a one-day per diem.

20 That, Ms. Sierra, I think is that -- I'm surprised
21 that counsel didn't notice that, and we didn't notice
22 that. That makes absolute sense to me.

23 The second is that having to track the number of
24 hours is burdensome. And I know you had a third point in
25 there about hours sort of versus days, which we can also

1 talk about.

2 **BOARD MEMBER DE LA TORRE:** That isn't needed. My
3 last point is that it isn't needed. The statute says the
4 agency -- where is it -- for each day on which they
5 engage in official duties. "Day" is a very common term.
6 It doesn't need to be redefined. It has a meaning in the
7 dictionary. Everybody knows what's a "day". A day is a
8 day; it's not six hours. So we should just leave it be,
9 and say for each day of which they engage in official
10 duties, and then define "official duties", which you have
11 done, I think, really well.

12 I mean, we want to set some threshold where we say a
13 simple exchange of emails for five minutes is not --
14 that's not constituted official duties, or whatever
15 language we feel is appropriate to avoid a situation
16 where a member can claim per diem in situations where are
17 not appropriate, I'm all -- I will support that.
18 Although, I think that members are responsible enough to
19 understand that that will not qualify for per diem, and
20 we can leave them to their discretion. But the first
21 paragraph, in my opinion, should be edited.

22 **CHAIRMAN URBAN:** Thank you.

23 To give a little bit of background on the hours,
24 when we did the research, what we found was that there
25 is, by a lot of boards, a -- there is the decision to

1 define a day -- which is, you're right, it's not defined
2 in the statute. Ms. Sierra has the deepest knowledge on
3 this, but my understanding is there was everything from
4 one second on a given day up to eight hours being defined
5 as a day. In addition, the Fair Political Practices
6 Commission has an hourly amount. We didn't go there in
7 part because we were thinking of the flavor of the point
8 that you were making, Ms. de la Torre, that this was
9 really for a day.

10 The second sort of thematic item is that these are
11 honoraria. They're not intended to be pay; they're not
12 intended to be salary. And we were trying to balance the
13 fact that this is a volunteer position and these our
14 honoraria with the reality that we understand that there
15 is a substantial amount of commitment that board members
16 are making. So those were the things that sort of went
17 into the hopper with our recommendation.

18 I just give this background to help flesh out why
19 per diem is actually defined and sort of what the ranges
20 we saw were. The board could -- we were advised choose
21 essentially any definition that makes sense to the board.
22 So I give the background; I ask everyone to hold Ms. de
23 la Torre's thoughts and -- in their minds.

24 And then, Mr. Thompson, if you would like to be
25 recognized.

1 **BOARD MEMBER THOMPSON:** Thank you, Chairperson
2 Urban. I appreciate what I think the goal here was,
3 which was to be good stewards of public money and apply
4 some thresholds. I had a similar reaction that Ms. de la
5 Torre did, which is a plain reading of the statute is
6 pretty clear that the people enacted the proposition and
7 it reads for each day, and that has a very plain meaning.

8 I think that if we want to give guidance to members
9 that they're -- you should use your discretion that de
10 minimis amounts of time shouldn't be counted -- you know,
11 the example given that if I responded to an email for
12 five minutes, I'm not going to claim a per diem for
13 that -- but it is -- we're effectively making the per
14 diem \$16.66 per hour rather than \$100 per day, which is
15 clearly laid out in the valid measure. So I would agree
16 with Ms. de la Torre's reading that it's clear.

17 I also think for myself I would apply some threshold
18 level of time for myself to not -- like, I don't mean to
19 repeat myself -- some minimal amount of time, I -- you
20 know, I'm not going to claim that. But I do think we
21 should go with that the clear meaning of the statute is,
22 and it appears to be very clear to me. And I say that
23 with recognition and appreciation for the desire to be
24 protective of public funds.

25 **CHAIRMAN URBAN:** Thank you, Mr. Thompson.

1 Ms. Sierra.

2 **BOARD MEMBER SIERRA:** Yes. So what I see as a
3 challenge here as the more working on it and looking at a
4 policy is that if we were to make modifications to
5 this -- like, for example, like, let's say, either
6 completely not -- you'd have it just anytime during the
7 day with no de minimis claims or set amount of threshold
8 of time and have, though, maybe a ceiling of no more than
9 eight hours per day.

10 But the struggle I have with this is that when it
11 says for every day, I think the reality of the work that
12 we're doing is that many board members may be doing,
13 like, one or two hours a day, you know, in the evenings.
14 And I think it would be really, in my view, important to
15 have uniformity on this, and so we all have an
16 understanding because I think there's a lot of
17 subjectivity here of is that enough. Do we want board
18 members to claim for two hours for the hundred dollars or
19 is that de minimis?

20 And so I think having some of this detailed in a
21 policy, in my view, is very helpful -- would be helpful
22 to me as a board member and for the public to understand
23 what we are considering to be substantial service in
24 order to receive the per diem because some could argue,
25 well, a day is eight hours, typically.

1 **CHAIRMAN URBAN:** Thank you, Ms. Sierra.

2 **BOARD MEMBER THOMPSON:** I agree. I think a working
3 day is eight hours.

4 **CHAIRMAN URBAN:** (Indiscernible), Mr. Thompson.

5 **BOARD MEMBER THOMPSON:** Sorry for interjecting.

6 **CHAIRMAN URBAN:** Go ahead.

7 **BOARD MEMBER THOMPSON:** But I don't know that that's
8 what's being applied here, and I think the math is
9 relevant. If each of us claimed per diem every single
10 day of the year, we would come out spending \$182,500 for
11 all five of us every single day for each year, which I
12 think is -- that's the cap on what board compensation
13 would be. And I would -- I just think the statute's
14 pretty clear. I think we're changing something that is
15 pretty clearly laid out.

16 Sorry for -- I didn't mean to interject, Chairperson
17 Urban.

18 **CHAIRMAN URBAN:** Thank you, Mr. Thompson.

19 I will wait for other hands. I would like to offer
20 some of my own views while I wait. For me, it is of
21 utmost importance that we are transparent with the public
22 about exactly what we mean when we are claiming per
23 diems. It is also, I think, useful to allude to practice
24 by other boards, and it is very common practice among
25 other boards to define a per diem as a number of hours.

1 I absolutely thank Ms. de la Torre for catching the
2 spread over multiple days issue and the fact that that
3 creates no stop, but in my personal view, the board
4 should decide what it means by a day. And if the board
5 would like a day to be any amount worked in a day, that's
6 the board's prerogative. We chose six hours because we
7 thought it was a reasonable amount with the issue of the
8 sort of backstop. I would recommend that we revise this
9 to something more like four hours, which is also quite
10 common and -- or that we do that -- and/or -- that we
11 make clear that there is no more than one amount to be
12 paid per day. In my view, that is the best balance
13 between transparency and careful stewardship of public
14 funds and recognition that this is an honorarium and
15 recognizing the board's work.

16 That said, I really do recognize the fact that the
17 board -- this board -- has been operating at a level of
18 commitment that most boards do not, and I think that is
19 also important. So I am certainly happy to hear more
20 viewpoints, but my view would be that we would define
21 this.

22 Are there further comments?

23 Mr. Thompson.

24 **BOARD MEMBER THOMPSON:** I have a question as far as
25 the benchmarking of other boards and the authority under

1 which their per diem policies were established. If their
2 per diem policies were subject to -- were established
3 with -- you mentioned with similar statutory language as
4 ours, where they say for each day. Is that right that
5 the ones that you benchmarked had near -- similar or near
6 identical statutory authority? That's one question.

7 And then if there was a number -- it sounded like
8 the range was anything -- any work on a day was one
9 bookend, and the other was only for attendance at board
10 meetings was the other end of the range, right, and then
11 they fell in the middle? Because I'm struggling. I
12 agree with what Ms. de la Torre said. I mean, I think
13 the wording is super clear, so I'm reluctant for us to
14 adopt a policy other than the one that is consistent with
15 the language that was enacted, but I'm trying to get my
16 head around why we should do that.

17 **CHAIRMAN URBAN:** Thank you. I apologize, there's a
18 very loud truck, but I think I understood the last thing
19 that you said, Mr. Thompson. Yes, most boards -- at
20 least that we've researched, but I think it is most
21 boards -- operate under the Business and Professions
22 Code, which does have quite similar language. We are
23 unique in that -- we're unique in that we have our own
24 implementing statute with our own provision. I believe
25 that is also true of the Fair Political Practices

1 Commission, but I do apologize in advance if I misspeak
2 on that.

3 As far as defining the per diem, we could define it
4 as any time in a day. I will ask Ms. Sierra. I don't
5 think that we came across any examples that didn't say
6 anything about how it would be calculated because for the
7 very reason that the statutes say per diem and don't --
8 their statute -- it's statutory, so they don't go into a
9 tremendous amount of detail.

10 Mr. Le.

11 **BOARD MEMBER LE:** Yeah. Yeah, I agree with the cap.
12 And then I think it's -- the number of hours, I can
13 understand that some folks have defined it differently.
14 I think the -- you mentioned there was four hours; maybe
15 we can just do -- I do think there's some agreement
16 needed on, like, what's a substantive amount of work in a
17 day? So maybe split the difference, have it just -- the
18 amount be two hours or three hours, and then have a cap
19 that -- with a cap that you can't claim more than six
20 hours in a day -- or more than a hundred dollars in a
21 day. So that would be my suggestion, but I can see both
22 sides on this one.

23 **CHAIRMAN URBAN:** Thank you, Mr. Le.

24 So one option, if I'm understanding correctly, would
25 be to choose a different chunk to define per diem --

1 maybe two or three hours, and make clear that in any
2 calendar day one per diem only is available.

3 **BOARD MEMBER LE:** That's right.

4 **BOARD MEMBER DE LA TORRE:** I disagree with the idea
5 of how to track hours. I don't know if all the board
6 members track hours, but it is not easy to track our
7 hours with accuracy. I mean, how do you add it -- I
8 mean, I do it every day, and if it's to be done
9 accuracy -- accurately -- it's burdensome. So I think
10 it's much better to say a day. And then if we want to
11 agree that any day we're -- there's less than an hour,
12 cannot be claimed, that's fine, but leave it as a day.
13 Because if we're going to have to -- say I worked 3.3
14 hours on this day and 4.6 hours on another day, we're
15 imposing on ourselves a burden, and I -- I am going to --
16 we have to sign these statements confident that those
17 hours that we're tracking are accurate.

18 And to me, that's an additional lot of work that I
19 would much prefer not to impose on myself because as it
20 has been mentioned before, the commitment to this board,
21 I think, by board members is that -- a significant level
22 already. And I don't -- if we decide that for every day
23 that we engage in one hour of work we will receive a per
24 diem, I want to remind everybody that this is a one-
25 hundred-dollar per diem. You're not claiming a one-

1 thousand-dollar per diem. I think Mr. Thompson did the
2 math and that gives you a pretty good reference, right?
3 So again, I would much prefer not to track hours.

4 **CHAIRMAN URBAN:** Okay. So Ms. de la Torre --
5 Mr. Le, I will call on you in a moment. I'd just
6 like to follow-up with Ms. de la Torre to be sure I
7 understand.

8 So Ms. de la Torre, would you support some kind of
9 definition -- however many hours that is -- without the
10 need to track hours? I'm looking at the form that we
11 suggested, which does have hours and activity code, but
12 it could just have a checkmark for a day.

13 **BOARD MEMBER DE LA TORRE:** Exactly. Yeah, just
14 check mark the day. And we can agree minimal activity
15 should not be counted, but I do believe that when we
16 engage in one hour, an hour and a half, two hours of work
17 that we take away from our families, and we're talking a
18 per diem of one hundred dollars, we shouldn't be
19 concerned about claiming a per diem or allowing a member
20 to claim a per diem in that situation. I think it's
21 perfectly fair.

22 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre.
23 Mr. Le.

24 **BOARD MEMBER LE:** Yeah, I kind of agree with that
25 approach as a good compromise. Maybe we just have some

1 guidance that, yeah, we don't have to track hours exactly
2 because that is a huge burden, and just having some
3 guidance for us -- or for board members, and they're
4 like, all right, so not substantive; anything, like, less
5 than an hour, just don't count that day, as a guidance,
6 and we don't actually have to track the exact number of
7 hours.

8 **CHAIRMAN URBAN:** Thank you, Mr. Le.

9 I would certainly support changing the reporting
10 form so that it's a matter of reporting a day. And then
11 the question is, would the policy either has guidance or
12 requirements for what a day constitutes? We could say
13 one -- anything less than X is not significant enough to
14 count. We could have it just be guidance. I think there
15 are a number of ways that we could accomplish this.

16 I would like to turn to public comment now. I think
17 public comment is particularly important on this issue.
18 Well, it's important on any issue, but if people in the
19 public have comments, I would very much like to hear
20 them.

21 **MR. PANERO:** Thank you, Chairperson.

22 Looks like we have one comment to start here from
23 Barry Weber.

24 **MR. WEBER:** Personally, I hope I'm not the only
25 person in the audience, but I certainly appreciate the

1 incredible, intelligent work that you people are doing.
2 I'm going to avoid for now -- I'd like to go back to the
3 topic of hiring because there wasn't an open period for
4 comments there. I think you're doing a fine job and
5 probably taking way too much time on this issue of per
6 diem because you're -- I know you're all credible and
7 you'll figure something out, and anything that's simple
8 is going to make sense.

9 I think Mr. Le had an incredibly valuable comment
10 with respect to using technical support in the staff to
11 support rulemaking as well as to focus on difficult
12 things such as dealing with auditing of automated
13 decision-making. I would extend that to say that
14 there -- you can have a significant impact on privacy in
15 California if you even extended that to use automated --
16 automated support to evaluate privacy notices for dark
17 patterns and for completeness. That would be just such a
18 massive improvement to the beginning of enforcement. So
19 I think there's lots of opportunity for leveraging
20 technology and building it into enforcement, and I think
21 you're going down the right path. I just want to support
22 that.

23 **CHAIRMAN URBAN:** Thank you very much, Mr. Weber.
24 And we very much thank you for your engagement. I'm sure
25 someone else will speak up eventually.

1 **MR. PANERO:** And as a reminder, if there is anyone
2 else who'd like to make a public comment, please press
3 the raised hand icon on your screen, or if you're
4 connected by telephone only, you may press star nine.
5 Looks like we have a comment from Gary Wright (ph.).

6 Gary, you have three minutes.

7 **MR. WRIGHT:** Thank you. I've been listening
8 intently, taking notes, and I've already sent a email to
9 some recommended comments, but the last discussion on per
10 diem, I'd like to agree with the what I think is a
11 consensus that the CPRA was enacted by the voters and
12 there was very specific definitions in there, and I don't
13 think that changing the definition of the per diem would
14 probably be prudent if that was the basis of some of the
15 suggestions. That's number one comment.

16 And again, going back, I really enjoy hearing the
17 dialog and the direction that you're moving, but
18 there's -- in regards to an earlier --

19 (End of recording)

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I have subscribed this certificate at Phoenix, Arizona, this 16th day of May, 2022.



Melinda Friedland
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