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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: Cynthia Piett,
eScribers, LLC
Phoenix, Arizona

1 **MR. PANERO:** Caller, you have fifteen seconds
2 remaining.

3 **UNIDENTIFIED MALE SPEAKER:** -- where they may not be
4 free to come in and express a concern about their
5 particular privacy concerns. So that's some of the
6 synopsis of the comments that I already sent to you via
7 email. Thank you.

8 **MR. PANERO:** Thank you for your comment.

9 **CHAIRMAN URBAN:** Thank you very much, Mr. Right
10 (ph.), for your comment.

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

12 **MR. PANERO:** I'm seeing no additional comments at
13 this time.

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

15 I propose that we have two options here. One would
16 be for the Board to approve a per diem policy with
17 amendments that we decide in the meeting. And Ms. Sierra
18 and I will make those amendments.

19 The second would be for Ms. Sierra and I to make
20 amendments and bring them back to the next board meeting.
21 I am agnostic on which option to take, but I understand
22 the amendments to be, number 1, to remove any requirement
23 or apparent requirement to report actual hours, and
24 instead only record days worked, and number 2, to replace
25 the six-hour definition with either a requirement or

1 guidance.

2 Again, I agnostic that a per diem -- per diem -- to
3 claim a per diem, one should do substantial work, and
4 that is not X. I -- we could -- we could -- we could
5 move forward in either -- either fashion. I am fine with
6 either.

7 Ms. de la Torre.

8 **BOARD MEMBER DE LA TORRE:** So my suggestion is that
9 we approve it now with the understanding that those
10 changes are going to be made. I think it's the more
11 expeditious way. And then maybe we can discuss the
12 guidance, what would be the minimum that should -- we
13 should consider in -- in a future meeting or -- or I
14 guess in a meeting. I -- I guess there's no other way to
15 discuss it.

16 But just -- just make it a guidance, that can be a
17 paragraph -- that is provided to -- to the members as,
18 you know, do not report these or do report based in these
19 particular situations. It just seems to me that's more
20 expeditious. If I'm wrong about that and the other
21 option is faster, then I'm -- I'm flexible.

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

23 I support that.

24 Mr. Phillips, is that an appropriate form of motion?

25 **MR. PHILLIPS:** Yes. I think that would work.

1 **CHAIRMAN URBAN:** Okay. Thank you very much.

2 Then I will ask the Board if I could have a motion
3 to approve the -- a form of the per diem policy that the
4 Start-Up and Administration Subcommittee recommends with
5 the following changes.

6 The first is that there is no requirement or
7 apparent requirement to report hours, that members will
8 only report days. And secondly, that the six-hour
9 definition of a per diem be struck and be replaced by
10 guidance to board members as to what counts sufficiently
11 set -- excuse me, sufficiently substantial work on one
12 day to claim a per diem.

13 May I have a motion?

14 **BOARD MEMBER LE:** I -- I so move.

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

16 May I have --

17 **BOARD MEMBER DE LA TORRE:** Aye.

18 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. I
19 thought you were seconding, but I couldn't quite tell.

20 Mr. Joseph Panero, could we please have the roll
21 call vote?

22 **MR. PANERO:** Certainly. Thank you, Chairperson.

23 So Ms. de la Torre?

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

25 **MR. PANERO:** Ms. de la Torre, aye.

1 Mr. Le?

2 **BOARD MEMBER LE:** Aye.

3 **MR. PANERO:** Mr. Le, aye.

4 Ms. Sierra?

5 **BOARD MEMBER SIERRA:** Aye.

6 **MR. PANERO:** Ms. Sierra, aye.

7 Mr. Thompson?

8 **BOARD MEMBER THOMPSON:** Yes.

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

10 And Chairperson Urban?

11 **CHAIRMAN URBAN:** Yes.

12 **MR. PANERO:** Yes. The vote is 5-0.

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

14 The motion carries. And we will proceed according
15 to what we have agreed.

16 We do have one final item from the Start-Up and
17 Administration Subcommittee, which is simply the board's
18 request for the board's sense of whether our plan for
19 prioritizing board-level policies is the same as the
20 board's and/or if the board would prefer us to -- to
21 revise our approach and do something else between this
22 meeting and the next meeting.

23 So as we mentioned, at the top is meeting. We have
24 been prioritizing what we think we need to get done right
25 away, with the understanding that we do have a fair

1 number of policies we will need to be considering. We
2 recommend, first of all, that we continue that approach
3 rather than trying to flesh out all the policies that are
4 in the handbook and any others we might need.

5 Secondly, we recommend for the next priority, the
6 development of an incompatible activity statement. And I
7 will turn it over to Ms. Sierra if -- for any detail that
8 she would like to offer on that.

9 **BOARD MEMBER SIERRA:** Okay. Thank you. So just
10 briefly, the reason that we are recommending that this be
11 the next policy that our committee work on this -- what
12 is called the Incompatibility Statement. It is something
13 that is required by state law under the government code.
14 It requires all state agencies to adopt one. These are
15 basically policies that notify employees that certain
16 types of activities and outside employment may be
17 incompatible with their duties as state employees.

18 And, you know, examples from the statute -- the
19 statute itself lays out a number of provisions that must
20 be included. For example, what would be prohibited would
21 include misuse of prestige and influence of your office.
22 We'd be prohibited to misuse state time and resources.
23 But that list is not exclusive. Agencies can add
24 additional items based on the mission of their agency in
25 our subject matter area.

1 For example, we, in developing a proposed policy
2 through for your consideration, may want to identify
3 certain types of outside employment that the board would
4 determine is incompatible for an individual who's
5 employed by our agency to also be doing, for example,
6 part-time. There is a process that an agency must pursue
7 in adopting this type of statement. And what it involves
8 is a public -- a thirty-day publication and comment
9 period. And then the policy needs to be approved by the
10 California Department of Human Resources. All employees
11 upon starting with our agency would need to review and
12 sign once we have a finally -- final and approved policy.

13 But before we did any publication and started that
14 process, we would come to the board with the proposed
15 policy. You know, our aim is to present it to you at our
16 next board meeting. And we'd also want to be exploring
17 with you whether we should be extending some or all of
18 these provisions to us as board members. That would be
19 through a conflict of interest policy, because the
20 incompatibility statement only pertains to the actual
21 employees.

22 So that is our proposal with respect to the next
23 policy for us to work on and to present to you.

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

25 I would add that we have sought advice from the

1 California Attorney General's Office, and they are
2 providing example policy to get us started and background
3 information that we can provide to the Board when we are
4 ready.

5 Is there a comment on this as the next priority,
6 whether we should have additional or other priorities?

7 Ms. de la Torre?

8 **BOARD MEMBER DE LA TORRE:** I just want to agree with
9 that priority. I think that you should go ahead and --
10 and prepare that. My initial feedback on the idea of
11 having that policy applied to board members is that it
12 doesn't quite make a lot of sense to me, but I haven't
13 really taken the time to think it through. The reason
14 why is because the study itself sets a number of
15 limitations on us that we have to consider on
16 (indiscernible) not necessary have to consider.

17 And also I do believe that there is already a
18 conflict of interest policy that we approve prior to now,
19 and it's -- it's going through public comment. So --
20 I -- I'm assuming that that would be like a separate
21 check, but please, go ahead with the work that you're
22 suggesting.

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

24 I would also note that Mr. Thompson and I have
25 signed an incompatibility activity statement as part of

1 our -- we were appointed by the governor, and that's
2 something that is part of that process, so we would have
3 to be sure that everything is compatible.

4 Any further comment?

5 Thank you, Ms. de la Torre, for the thoughts.

6 Is there any public comment?

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

8 As a reminder, if anyone would like to make a public
9 comment, this would be the time to raise your hand in
10 your meeting window or press *9 on your telephone.

11 And I am not seeing any public comments at this
12 time.

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

14 For completeness, I was just going to share the last
15 slide, which is the end of presentation. I thank all of
16 the board members for their time and attention.

17 Mr. Thompson, do you have a final thought?

18 **BOARD MEMBER THOMPSON:** Yeah. Sorry. I didn't know
19 if -- if your request for Board member comments was about
20 the Incompatible Activity Statement or -- or future
21 priorities of the subcommittee. So I -- I haven't --

22 **BOARD MEMBER DE LA TORRE:** I'm sorry to interrupt,
23 but I just wanted to bring to the attention of the board
24 this (indiscernible) screen. She's probably not
25 intending to do that.

1 **CHAIRMAN URBAN:** Oh, I'm sorry. What was I showing?

2 **BOARD MEMBER DE LA TORRE:** Yes.

3 **CHAIRMAN URBAN:** What -- what was I showing?

4 **BOARD MEMBER DE LA TORRE:** I don't know. They were
5 documents. I didn't --

6 **BOARD MEMBER SIERRA:** It was several different
7 documents.

8 **CHAIRMAN URBAN:** Oh, my goodness. I do apologize.

9 **BOARD MEMBER DE LA TORRE:** (Indiscernible).

10 **CHAIRMAN URBAN:** No. My intention was to show the
11 slide.

12 **BOARD MEMBER THOMPSON:** Good.

13 **CHAIRMAN URBAN:** That better?

14 **BOARD MEMBER THOMPSON:** There you go.

15 **CHAIRMAN URBAN:** Okay.

16 **BOARD MEMBER THOMPSON:** I think the incompatible
17 activities policy makes -- makes sense for the
18 subcommittee to work on. I didn't know how we're going
19 to start to flesh out what -- how we are thinking of the
20 operating model of the -- of the agency, kind of what the
21 concept of our operations, our -- our goals and the
22 capabilities that we need to achieve those goals and --
23 and what structure.

24 Obviously, some of those things will be within the
25 purview of the executive leadership of the agency when it

1 comes on board. But these strike me as things we might
2 want to get a head start on, utilizing the capabilities
3 of the -- of the subcommittee. And they will be things I
4 think the board probably as an opinion on. So I didn't
5 know if that -- how we were planning on -- on addressing
6 those bigger-picture questions.

7 **CHAIRMAN URBAN:** Thank you, Mr. Thompson. Are you
8 referring to something like a plan that Mr. Le brought up
9 last time, something like an organizational chart, both?

10 **BOARD MEMBER THOMPSON:** I -- I think they -- they
11 work together.

12 **CHAIRMAN URBAN:** Okay.

13 **BOARD MEMBER THOMPSON:** A strategic plan for what we
14 need to achieve will spell out long-term and -- and
15 medium-term goals. And then we need to start to identify
16 what capabilities we will need as an organization and
17 then what structure we want to put those capabilities
18 into. That seemed like a fair amount of work that will
19 take a while. And we'll -- it'll need the implinton
20 (sic) assistance of folks other than -- than probably the
21 two subcommittee members and -- and the staff we have on
22 board. No knock on the -- on the immense and amazing
23 capabilities of our two subcommittee members, but I -- I
24 want to make sure we're -- we're -- we're keeping our eye
25 on the longer-term development of the agency as -- as

1 well, both the short-term and the longer-term needs.

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

3 The subcommittee will take that under advisement.

4 And the -- I will say from my part that one hope that I
5 have is that we will be able to hire an executive
6 director soon and we can all work together on -- on these
7 vision -- the vision of the structure of the agency and
8 where it's going. But your point is very well taken,
9 that, you know, this isn't something we can put off, of
10 course.

11 Any further comments?

12 Thank you very much. That concludes agenda item 4.
13 I propose that we take a thirty-minute lunch break at
14 this point and come back with agenda item 5. We -- we do
15 have still a fair amount of work to get through, and we
16 will need to go into closed session sort of mid-afternoon
17 if we can. So I do apologize. It's a relatively short
18 break. That is my thinking.

19 Ms. de la Torre.

20 **BOARD MEMBER DE LA TORRE:** I -- I will suggest, if
21 everybody agrees, that we make the break shorter, even
22 fifteen minutes, if -- if everybody agrees. Because like
23 you mentioned, we have a fair amount to cover.

24 **CHAIRMAN URBAN:** That is perfectly fine with me.
25 Sometimes people need to do things, to eat, or whatever.

1 It's all right with me.

2 Do other board members have opinions?

3 **BOARD MEMBER LE:** I -- I'd like at least twenty
4 minutes for a break.

5 **CHAIRMAN URBAN:** Okay. Ms. Sierra?

6 **BOARD MEMBER SIERRA:** Either is fine. I don't need
7 much time.

8 **CHAIRMAN URBAN:** Okay. All right. So shall we say
9 twenty minutes?

10 Wonderful. Thank you all very much. We are in
11 recess at 12:05 p.m. We will return 12:25 p.m.

12 Thanks to everyone on -- from the public for
13 listening and engaging with us.

14 And thank you to the board members. I will see you
15 in twenty minutes.

16 (Whereupon, a recess was held)

17 **CHAIRMAN URBAN:** Good afternoon. Thank you to
18 everyone for returning. It's 12:25. And we will return
19 from recess now and reopen the meeting. We will proceed
20 with agenda item number 5, which is an update from the
21 regulation subcommittee. The regulation subcommittee, as
22 a reminder, was formed to advise the board -- the
23 agency's, excuse me, upcoming rulemaking and is comprised
24 of Ms. de la Torre and myself.

25 So I will be sharing our presentation. For those of

1 you in the public, just check the website.

2 **BOARD MEMBER LE:** The materials are available.

3 **CHAIRMAN URBAN:** Yes, I know. They're numbered. I
4 was -- I was going to direct people to the correct
5 numbers.

6 This is starting with part 3, and our presentation
7 is part 5.

8 Is the Regulation Subcommittee presentation up on
9 the screen?

10 Great. Thank you, Ms. de la Torre.

11 So Ms. de la Torre and I comprise the Regulation
12 Subcommittee. We're going to give a very brief update on
13 our activities and recommended an initial course of
14 action to the board.

15 So to begin, I'm going to do a very brief overview
16 of the rulemaking process just to orient the discussion.
17 We had a longer training on this in our June 14th
18 meeting. The important thing to recognize is that there
19 are two main components to rulemaking. The first is
20 preliminary activities. Agencies are able to conduct
21 preliminary information gathering, activities to gather
22 information in whatever way is most productive.

23 So that might be requesting comments from the
24 public, written comments on the public; it might be
25 informational workshops or hearings, and there's a wide

1 range of activities an agency can undertake in order to
2 gather information in this preliminary fashion.

3 Second, there is the formal rulemaking process. The
4 formal rulemaking record is opened with the publication
5 of the agency's initial version of regulations with a
6 notice of proposed rulemaking and what's called an
7 initial statement of reasons. The -- that process then
8 follows a strict timeline that includes, again,
9 collecting public comments, holding hearings, and
10 responding to comments. So this is sort of the basic,
11 basic overview just to orient the discussion.

12 I will also give a brief status update. The
13 regulation subcommittee has reviewed statutory
14 requirements, timelines, available resources, and process
15 options. Based on this information,, we've come up with
16 an advised initial course of action. We've secured
17 certain resources for example, some technical support for
18 accepting public comments. We are working toward a
19 personnel resources. This is -- within our subcommittee,
20 we've been focused on one stream because we have to
21 maintain our separation between subcommittees under
22 Bagley-Keene.

23 So I will first refer to back to the Chairperson's
24 update and the Start-Up and Administration Subcommittee
25 to remind everyone that staffing support, attorney

1 support from retired annuitants, and also any civil
2 service positions we could fill or inter-agency
3 agreements we can make is very much on the table and
4 being pursued.

5 In addition, this subcommittee has followed up on
6 the -- on the requirement in the statute for the office
7 of the Attorney General to provide support. I formally
8 requested staffing support from the office of the
9 Attorney General for rulemaking activities, including
10 staff and resources for informational hearings.

11 The Attorney General's Office and we -- the
12 Regulation Subcommittee have a meeting coming up soon to
13 discuss this further with the office of the Attorney
14 General. And we will, of course, report what we are able
15 to work out with them in -- in the next meeting.

16 I will now hand the presentation over to Ms. de la
17 Torre, who will outline our findings and the initial
18 course of action that we are advising the board take.

19 You're on mute, Ms. --

20 **BOARD MEMBER DE LA TORRE:** Apologies. I was mute.
21 So you might want to move to the next person -- next
22 slide. So before we go into the details on the slide, I
23 also wanted to remind the board of the conversations we
24 had and how we interpreted those conversations in terms
25 of the goals that we set for ourselves while preparing

1 this proposal.

2 So our goals -- and I -- we understand those were
3 the priorities outlined by the board on June 14th -- were
4 to, first of all, accelerate the rulemaking process while
5 ensuring transparency, accountability, and compliance
6 with our requirements, which include Bagley-Keene. We
7 aim at structuring the work so that all members of the
8 board were able to participate in the rulemaking process
9 in a meaningful way.

10 We aim at aligning the assignments of work with what
11 we understand to be the skills and expertise that each
12 one of us brings to the board. We also try to distribute
13 the work as evenly as possible. This was very
14 challenging because, given the requirements that apply to
15 us, they -- the subcommittees that we are proposing have
16 to really work independently, meaning they cannot
17 communicate with each other.

18 So that mean -- that meant to us we distributed the
19 work -- that the piece of work assigned to each
20 subcommittee had to be basically independent or
21 sufficiently isolated from the other kinds of work
22 assigned to different committees to enable that
23 compliance with Bagley-Keene. And I think that there's
24 one subcommittee that actually has possibly a -- a -- a
25 higher burden in terms of the assignment, but we just

1 couldn't find a way to -- to avoid that.

2 We also wanted to ensure that we were able to
3 solicit broad public participation immediately, to gather
4 input from the public as soon as possible, before even
5 starting to draft our initial version of the rules. In
6 order to enable the public to provide meaningful and
7 impactful comments, we aim at identifying the different
8 areas where feedback was most needed and provide tools
9 and teach to help the public file these comments in an
10 effective way.

11 The high-level approach that we followed to that
12 idea of soliciting public comments that were more needed
13 was to highlight for the public those topics that are
14 completely new because they don't exist under CCPA or
15 those areas of CCPA that have been substantially changed.
16 There's a substantial record already in place that was
17 generated by the Attorney General when they went through
18 the CCPA rulemaking process. And we can benefit from
19 that public record in terms of understanding the feedback
20 of the public.

21 So we felt that the new areas were more important in
22 terms of us understanding what are the preferences of
23 the -- the public. Finally, we wanted to ensure that
24 subcommittees were able to gather information they needed
25 and call on experts or interested parties during public

1 informational gathering meetings before we draft initial
2 version of the rules.

3 This will give us more flexibility and enable to the
4 kinds of conversations that we might want to engage in so
5 that we are well-informed before we put together the
6 first drafting of the rules. In terms of challenges on
7 strategy, so one big challenge was ensuring compliance
8 with Bagley-Keene, because that required us to create
9 subcommittees that could function independently without
10 sharing information.

11 To address this challenge, what we have done is we
12 separated the work of the subcommittees into new
13 rulemaking, update of existing rules, and then a
14 subcommittee that is essential that deals with the
15 process of rulemaking. And we will talk a little bit
16 more in detail about this, and we're happy to also answer
17 any questions that the members of the board might have.

18 One of the challenges is that when we review the
19 rulemaking -- the -- the sections of the statute that
20 talk about rulemaking -- and there's several sections.
21 Some of them are not necessarily where you will expect it
22 to be, but when we review those sections, we identify
23 that there were areas where there's a mandate to issue
24 rules, but there are also areas where we're enabled to
25 issues rules, and we have to account for conversations

1 within the board to consider those areas and determine
2 which ones of those areas that are allowable, we want to
3 engage in, and versus which are the ones where maybe it's
4 not the right time to start a rulemaking process.

5 The other challenges -- challenge that we face is
6 the volume of work ahead. I think this was highlighted
7 in the prior meeting, but it is expected that the current
8 rules are basically one third of the final rules that we
9 will have. So we are going to increase the volume of
10 what are already substantial rules of potentially by two
11 thirds. That's a lot of work. We look for ways to
12 maximize efficiency to deal with this volume of work.

13 One of the strategies that we use for this is, for
14 example, thinking about using existing records of public
15 comments and responses gathered as opposed to generating
16 necessarily a new record on the same -- on the same
17 topics; it -- it was not needed. So basically, what I'm
18 saying, in -- in a nutshell, is we want to maximize the
19 great work that the AG put together and benefit from that
20 as much as possible.

21 In terms of work distribution, we did ensure that
22 after -- you know, if our proposal is approved, that all
23 members of the board will be serving in two different
24 subcommittees. And I think that in a way that will even
25 itself out. Some subcommittees, I think, are going to

1 maybe have a heavier load, particularly at the beginning
2 of the rulemaking process. But like I said, it was
3 really difficult to -- to avoid that.

4 In terms of public participation, we tried to tackle
5 that challenge. And -- and I'm looking forward to the
6 presentation of the third subcommittee because, you know,
7 with the limitations that we're having in meetings and
8 gatherings, and this situation with COVID is -- is really
9 difficult to -- to think about different venues to enable
10 this public participation.

11 But one thing that we did is we tried to, in our
12 request for -- for comments, first of all, we don't --
13 not use legalese and outline of topics in -- in logical
14 manner, in as clear language as we could, you know, move
15 all of those citations to footnotes so that, you know,
16 regular people can read them and understand and decide
17 whether the topics that are most interest to them and if
18 the document can be accessible.

19 We also decided that it might be helpful to create a
20 (indiscernible) tips document for the members of the
21 public to -- to understand how they can best draft
22 effective comments.

23 So the proposed action first is -- is right here.
24 Summarize it. The first thing is we will ask the board
25 to authorize the immediate commencement of pre-rulemaking

1 activities. This means that we will like to issue an
2 invitation for comments, and we will also like to start
3 working in identifying topics for informational hearings.
4 We -- we have another slide that talks about suggested
5 topics.

6 The second main point is that we are asking the
7 board to approve the creation of three additional
8 subcommittees. The first subcommittee will take over
9 adopting and basically redlining the existing CCPA rules
10 to align them with CPRA requirements.

11 The second subcommittee will take over creating,
12 basically, rules from scratch. These are for topics that
13 are not addressed currently in CCPA and therefore they
14 are not in the CCPA rules. This committee basically
15 doesn't have a record to refer back to because these
16 going to be dealing with new items.

17 The third subcommittee is the rulemaking process
18 subcommittee. And that subcommittee will be responsible
19 for helping us get through the rulemaking process. One
20 of the initial things that we anticipate we will be
21 doing, if the proposal is approved, is to start
22 informational hearings. The rulemaking process
23 subcommittee will take the input from the other
24 subcommittees in terms of the topics and then will work
25 independently to enable us to put together a good -- a --

1 a -- panels that include the expertise that is desire or
2 require in order to provide the feedback that the CCPA
3 rule and the subcommittee and the new CPRA rule
4 subcommittee deem necessary.

5 As a note, we also proposed that the current
6 Regulation Subcommittee will dissolve September 17. I
7 will Jennifer very much because I get to talk with her
8 every day. But we need a little extra time. The reason
9 we don't want to dissolve it immediately is because, like
10 Jennifer mentioned, we have a conversation already
11 scheduled that needs to take place, and also -- I don't
12 think it's mentioned on the slides, but both us have
13 signed up for rulemaking school, which is a three-day
14 commitment.

15 And typically, you know, we have a general counsel,
16 the general counsel should go to a school, but since we
17 don't, we -- we're going to put ourselves through school
18 so that we better understand the process better and are
19 able to -- to -- to guide the subcommittees and ensure
20 that we comply with it.

21 In terms of hiring a staff, we have the -- the
22 bullet point there, but I really would like to refer you
23 to the discussion that we already had. And we are hoping
24 that -- at least, my personal hope is that the
25 conversation with the AG will result in some form of

1 media support for the subcommittees, maybe an attorney
2 part-time, but we cannot promise that a conversation
3 is -- is still to be had. But we're -- we're aiming at
4 having one person as lay support each one of the
5 subcommittees, even if it is on part-time basis.

6 Do we move to the next slide? Jennifer, is there
7 something else?

8 Okay. So in terms of the proposed subdivision of
9 work, I want to say that -- no, I -- I actually, I love
10 being an attorney. I love reading laws. And I am good
11 at past laws. But this was -- this looks so easy, but it
12 was so difficult. And I will really encourage the --
13 the -- the members of the board to look at the
14 supplementary materials, because those are the ones that
15 actually -- for each one of these subcommittees
16 identified as subsection of the law and the topic and a
17 summary of the topics assigned to which subcommittee.

18 But at a high level, we're talking about is that the
19 new CCPA subcommittee will deal with cyber security, all
20 the risk assessments, all the decision-making, and then
21 the agency or they prefer these are things that are not
22 in the current CCPA rule.

23 We are proposing that member Le and myself will
24 serve in that subcommittee but obviously, we're open to
25 feedback from the other members of the board. I can

1 mention initially, we tried to align the expertise of the
2 different members of the board with the assignments the
3 best that we -- the best that we could.

4 The second subcommittee will be the update of CCPA
5 rules subcommittee. And that is a really short list. I
6 mean, the -- the list is really long in reality when you
7 look at the -- at the supplemental materials. So
8 everything that has to do with just changing the system
9 rules, including the up tile (ph.) requirements and the
10 preference signal accessibility -- there's a new right,
11 which is the right to correct. That -- that was
12 something that the update of CCPA rules subcommittee will
13 handle as well. We are proposing that Chair Urban and
14 Member Sierra will serve in that subcommittee.

15 The last subcommittee, which is an essential
16 subcommittee, will actually help coordinate it to be pre-
17 rulemaking and rulemaking activities. This means the
18 informational hearings, collection of documents, et
19 cetera. It also has to make recommendations on the topic
20 of whether we need to issue rules in regards to insurance
21 companies. There's a section of CPRA that states that we
22 need to look into how insurance companies are regulated
23 currently and see if there is like a -- between data
24 relation and what CPRA provides.

25 And if there is a gap, we need to issue rules. But

1 that starts with the process of just obtaining a legal
2 opinion. So the rulemaking process subcommittee will
3 help us with that. And you can see their other tasks. I
4 will serve in that committee, if the proposal is
5 approved, together with member Tom Chung (ph.).

6 We want to move to the next slide? Right.

7 So the invitation for comments is actually drafted.
8 We -- it has been provided, I think, a week ago for the
9 members to -- to take a look at. It aligns with what I
10 was just mentioning where we're really highlighting in
11 the same order the new things and the things that have
12 substantially changed. We're trying to use accessible
13 language.

14 In terms of informational hearings -- we might want
15 to move to the next slide, Jennifer.

16 In terms of informational hearings, we have here a
17 list of suggested topics. This is just things that we
18 came up with. They're -- you know, in the same -- in the
19 same mind frame that we just mentioned. They're either
20 things that are new or things that are substantially
21 changing, but our expectation is that if our proposal is
22 approved, the subcommittees start meeting, and they will
23 come to the next board meeting prepared to give us a -- a
24 list of what are the topics that they deem more important
25 in terms of conducting these informational hearings.

1 We wouldn't have time for infinite number of
2 informational hearings, but being realistic, I think that
3 we might be able to do three or four, so we're going to
4 have to be very strategic in terms of selecting the
5 topics that are more -- more needed.

6 Other than this, anything more -- is there anything
7 more, Jennifer, that I'm missing?

8 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. Thank
9 you for the thorough description.

10 I would only add that with regard to the -- the
11 invitation for comments, we -- the subcommittee has
12 secured resources to issue that and to accept comments.
13 Things are still being built, but they're very close.
14 And we would like to issue that as soon as possible in
15 order to give the public time to absorb it and respond to
16 the comments. We propose a forty-five-day comment period
17 after some research, and we mainly would like to be able
18 to go to public and start to receive information from
19 them.

20 **BOARD MEMBER DE LA TORRE:** Perhaps we can move to
21 the next slide, which is just a summary with this graphic
22 representation of the rulemaking process. I find a
23 graphic recommendations very helpful. And then --

24 **CHAIRMAN URBAN:** (Indiscernible).

25 **BOARD MEMBER DE LA TORRE:** Right. And then maybe we

1 can open it for comments by either members of the board
2 and feedback.

3 **CHAIRMAN URBAN:** All right. So this is a summary of
4 recommendations. We have some draft timelines in here,
5 understanding that the subcommittees are going to be
6 reporting, and, of course, the process subcommittee will
7 have a critical responsibility here, but we were trying
8 to count back and figure out sort of what some rough
9 timelines are. That is the end of the presentation. I
10 will stop sharing it, but we can bring it back up again
11 should anybody like. And --

12 **BOARD MEMBER DE LA TORRE:** One thing that I was
13 going to mention, Jennifer -- I know member Thomas asked
14 for a overview of what the AG had needed in terms of
15 resources. And I actually found my notes on that, so I'm
16 happy to read from those if -- if that is helpful.

17 **CHAIRMAN URBAN:** I think a -- a -- a rough estimate
18 would be appropriate. We don't have an -- we don't have
19 detailed information.

20 **BOARD MEMBER DE LA TORRE:** Right. Right. We don't
21 have details. And to be honest, I think that we will
22 need more resources than the AG for two reasons. Number
23 one is we have more rules. But number two is our process
24 is more complex because we created subcommittee, so
25 everything's going to have to come, while they didn't

1 even -- don't even have to through those steps.

2 But one thing that I can share from what the AG
3 shared with us is that it is clear to us that they --
4 that the -- the need for resources increased over time,
5 meaning the preliminary activities might need just one
6 full-time person and some support, versus at the end when
7 you're talking assembling the final rulemaking package
8 and updating approval, we might, if we are in apposition
9 to do so, have several attorneys who are legally trained
10 staff engage in helping us do that.

11 And the initial drafting and the creation of the
12 nopah (ph.), that also will also be a point where we will
13 start needing more staff. We were advised to look for,
14 perhaps, software solutions to help us track comments.
15 We are -- apparently, there is, like, no off-the-shelf
16 package that we -- that we can buy to do these, but it is
17 really, really, involved because every comment that is
18 filed, we're going to have to identify which pieces go to
19 which rules and answer each comment, not -- if we have
20 the same comment made by multiple people, we don't have
21 answer it multiple times.

22 Literally, that -- that just requires a lot of very
23 detailed work, reviewing and creating this -- this
24 package. And the last thing that I want to remind
25 everybody, which the AG also reminded us, is that we are

1 not the only agency that is involved in the rulemaking
2 process. We cannot necessarily anticipate the time that
3 other agencies that will need to provide approvals or
4 participate in the process may need, so we are hoping to
5 have the public understand that that's -- that's the
6 case, that we -- we don't fully control the timeline
7 here.

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

9 Comments and questions from board members on our
10 proposed course of action for any of the documents?

11 Mr. Le?

12 **BOARD MEMBER LE:** Yeah. I appreciate the work you
13 all have done on this. You know, I -- I think the
14 recommendation is to do a -- a rulemaking pretty quickly,
15 but I think -- and -- and part of it is -- I believe it
16 says that we would have the text of regulations ready
17 by -- by winter. I -- I just don't think that's that
18 feasible. We can have some -- in -- in my -- in my
19 opinion, what -- what wakes -- makes more sense is kind
20 of what the CPCU does, right. There's that initial
21 scoping memo that talks about all of the issues that need
22 to be talked about. You know, and then there's
23 preliminary thoughts in that scoping memo that you get
24 comment on.

25 So there's actually a specific list of questions.

1 So for example, I'm assigned to the Cyber Security Audit
2 Committee. The initial regulation -- or the initial
3 comment period would talk about, okay, what should be in
4 the scope of an audit and what are the processes in which
5 to ensure that the audit is thorough and independent.
6 Staff, a -- or the subcommittee would put some ideas out
7 there, but we wouldn't have actual language of the
8 regulation yet because that would have us creating from
9 whole cloth at least for our -- the new rules just brand
10 new rules that we don't actually have anybody's thoughts
11 on.

12 And then after we get those comments, you know,
13 they're all arranged by question, then staff comes in,
14 they -- they draft proposed rules. And then there's a
15 proposed decision that comes out and then you get
16 comments on that exact -- on the exact language of the --
17 the proposed regulations, and then there's a final
18 decision. So I think there has to be at least two -- two
19 rulemakings, at least for the new rules subcommittee, so
20 that we have some material to work with in -- in creating
21 these new regulations.

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

23 So would you advise that the subcommittees prepare
24 scoping information for each of their topics? And -- and
25 forgive me, we -- we are going to rule school next week,

1 but is the CPUC process -- I mean, I like this -- I like
2 the substance of the idea. Is the CPUC process a
3 formalized process, like the final rules, or is it
4 something that falls under the guise of preliminary
5 activities?

6 **BOARD MEMBER LE:** Yeah. It -- it's a pretty --
7 and -- and Chris, you may have some thoughts on this.
8 Yeah, it's a pretty well-defined process. It's all in
9 the rules of practice and procedure for the CPUC.
10 Thirty-day comment period. Fifteen-day reply period --
11 or ten-day, I believe. And then there's administrative
12 law judges. So it's a pretty -- it's a pretty -- I don't
13 want -- I don't think we got to adopt the whole thing,
14 but I think the -- the idea of having these phased
15 comment periods to create the record, to create the
16 regulations makes a lot of sense.

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

18 Ms. -- Ms. de la Torre?

19 **BOARD MEMBER DE LA TORRE:** I was going to mention
20 that one thing that comes to mind is that we might
21 want -- I mean, the idea that Jennifer and I really had
22 was to leave some of these details to be defined by the
23 subcommittees independently. The -- the process -- we --
24 we have a process that we have to follow because it's --
25 it's mandated by statute. We -- we're going to have to

1 follow that for all of the rules. But the idea, for
2 example, of generating a memo on getting that initial
3 feedback might be really, really helpful for the new
4 rules subcommittee but might have less impact in terms of
5 the work of the CCPA update subcommittee.

6 So I -- my suggestion is that whatever the decision
7 is taken in terms of the things that are not mandatory
8 should be left to the subcommittees to -- to design so
9 that the process is designed in a way that better serves
10 their needs.

11 **CHAIRMAN URBAN:** I would add that we very much
12 recognize how aggressive the schedule is. It is --
13 was -- the draft -- I mean, the sort of rough timeline,
14 it was produced by counting back from our statutory
15 deadline. And we can certainly explore options for
16 managing that, but that's -- that's where -- that's where
17 the sort of rough timeline came from. There's a process
18 with the Office of Administrative Law that takes a
19 certain amount of time, and there are all the required
20 parts of the formal rulemaking process.

21 We also have to give our notice that we will be
22 taking on authority to pass the rules to the Attorney
23 General, but we don't have to do that quite yet. We will
24 just have to consider it pretty quickly.

25 Other comments and thoughts from the board members?

1 Yes, Mr. Le?

2 **BOARD MEMBER LE:** Yeah. I'd hate to ask this, but,
3 you know, is there any way to push back that pretty
4 concrete-sounding deadline of July 1st, 2022? Yeah,
5 because it makes sense, counting back, having two forty-
6 five-day rulemakings is going to be tough, and just
7 without staff to draft the regulations this is -- is
8 going to be really difficult.

9 **CHAIRMAN URBAN:** Thank you, Mr. Le. There -- there
10 are options. One option would be to request that the
11 legislature revise the deadline. Anything the
12 legislature does would have to comport with the purposes
13 of the statute, essentially, to protect Californians'
14 privacy. I know you know this Mr. Le; I'm just finishing
15 the whole thought all the way through. There is another
16 option, which is the legislature does designate some
17 regulations as what are called emergency regulations.

18 Emergency regulations follow a slightly different
19 timeline. They go to the Office of Administrative Law on
20 a very short timeline and then go into effect. And
21 when -- then -- they go into effect provisionally. And
22 then the formalized process continues. So they're sort
23 of temporary regulations. There's -- there -- it's also
24 completely allowed to do all of the preliminary
25 information gathering in order to have high -- you know,

1 high-quality regulations, but it changes the timeline to
2 some degree.

3 There are obviously tradeoffs. There's -- there's
4 the -- the -- there's the question of what it would mean
5 to have this sort of emergency temporary regulations. We
6 could address that, of course, to some degree by making
7 sure that we really have input in advance. There are
8 also other timelines in the statute or other deadlines,
9 for example, when the regulations take effect and
10 consumers and businesses need to follow them, and
11 enforcement. And so all of that would have to be taken
12 into account. But those are two potential options in
13 addition to what Ms. de la Torre and I are proposing to
14 meet the existing deadline.

15 **BOARD MEMBER DE LA TORRE:** I -- I just wanted to --
16 to mention that, you know, from my point of view, I think
17 it's also important to consider that we have to allow
18 time for the organizations that are going to be subject
19 to these rules to actually implement the mandate. And
20 the -- you know, there's this alternatives that the Chair
21 just highlighted that really required us to have a
22 conversation the second (indiscernible) changed the law.

23 But from my point of view, there are more simple
24 solutions that we could consider if we are not able to
25 have final rules by the deadline. We could consider

1 giving grace period for enforcement, which will enable
2 the organizations that are going to have to comply with
3 these to have some time where they can adapt their
4 practices to the requirements, and while being confident
5 that they are not going to be subject to enforcement when
6 they didn't really have a realistic kind of ramp-up
7 period to -- to implement the requirements.

8 So that is the more -- that -- that's completely on
9 our agency to decide as a policy, as opposed to us
10 wishing that will require us to go to Sacramento and
11 implement the latest change.

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

13 I'll just amplify the point of the -- the nested for
14 the -- sorry, not nested, but subsequent deadlines which
15 are all connected.

16 Mr. Thompson?

17 **BOARD MEMBER THOMPSON:** Thank you, Chairperson
18 Urban. And -- and thank you to both of you for this
19 presentation is well thought out, well laid out and --
20 and good -- really good work, so I'm -- appreciate how
21 much effort and clarity of thought is -- is demonstrated
22 here.

23 You know, I think a lot of your proposed course of
24 action makes sense. The subcommittees make sense. I --
25 a couple of -- a couple thoughts and a couple of

1 questions. I think -- and they are similar to what Board
2 Member Le said, you know, us looking at options on the
3 deadline, because I -- I'm concerned that we're -- need
4 to -- we're going to hit a fork in the road and need to
5 make a decision on -- on how we're proceeding there.

6 The Attorney General staffing level was alluded to,
7 but I'm not sure that -- kind of where we landed on
8 that -- that discussion, because what I heard was is that
9 we're going to need more than they had or have. I don't
10 know what they have. And then what's it going to take
11 for us to get to more than they have --

12 **CHAIRMAN URBAN:** Right.

13 **BOARD MEMBER THOMPSON:** -- in terms of time. You
14 mentioned the rules school, and I have a question on
15 whether or not all of us should go and whether or not we
16 can all go to the same thing, under Bagley-Keene, and
17 can -- can we have a quorum attending the same class.

18 **CHAIRMAN URBAN:** I think the last bit, just because
19 it's quick, if -- if anybody who wants to go rules
20 school, very much encouraged. We can only go in pairs in
21 our (indiscernible). And they -- they do offer it
22 where -- when they offer it. So -- but -- but if we can
23 work it out and there is appetite from members to go to
24 rules school, it's definitely encouraged.

25 **BOARD MEMBER THOMPSON:** Okay. Well, it definitely

1 makes sense for it to be forbidden for all of us to learn
2 simultaneously; that would be -- can we have an
3 informational hearing with the rules school presenters?

4 **CHAIRMAN URBAN:** We -- we could. We could do a
5 publicly noticed meeting if -- if they were able to do
6 it. They have the schedule that -- it's a very
7 efficiently run organization with not very many staff, so
8 they have a -- they have a sort of sequence that they --
9 that they follow and school that they offer when they
10 offer it. But I think, you know, we can explore various
11 options.

12 **BOARD MEMBER DE LA TORRE:** Right. And I believe
13 that once we are able to onboard a general counsel, this
14 should be something to consider. The general counsel
15 doesn't -- I mean, we might be lucky enough to onboard a
16 general counsel that doesn't need that kind of training,
17 but we really need somebody to ask questions from more
18 than, you know, having the information ourselves; it
19 might be more efficient, but definitely we can -- we will
20 report back in the next meeting about the experiences.
21 It's a three-day commitment, but anybody who wants to
22 participate in it should be welcome to do so.

23 **CHAIRMAN URBAN:** Yes, they do have to accept you.
24 There's a process, but we can -- and we've heard great
25 things about it. So, you know --

1 **BOARD MEMBER DE LA TORRE:** But if everybody has --
2 for example, they were asking and I believe we all do --
3 maybe it will be a good idea to just any board member
4 that thinks they will be interested just send her an
5 email to let her know and we can work from there,
6 Jennifer?

7 **CHAIRMAN URBAN:** Yes, please do send an email to Ms.
8 Castanon so she track the -- the logistics.

9 **BOARD MEMBER THOMPSON:** I'm sorry. Who is
10 administered by whom -- the rules school?

11 **CHAIRMAN URBAN:** It's the Office of Administrative
12 Law --

13 **BOARD MEMBER THOMPSON:** Okay.

14 **CHAIRMAN URBAN:** -- which is the regulating agency
15 that regulates our regulatory process.

16 **BOARD MEMBER DE LA TORRE:** They -- they will have to
17 approve our final version of the rules before they go
18 into enforcement.

19 **CHAIRMAN URBAN:** Yes.

20 **BOARD MEMBER THOMPSON:** Sure.

21 **CHAIRMAN URBAN:** And they also have some good
22 information on their website that isn't the concentrated
23 rules school.

24 **BOARD MEMBER THOMPSON:** And so it's three days --
25 each is three full days?

1 **CHAIRMAN URBAN:** Three full days, uh-huh.

2 **BOARD MEMBER THOMPSON:** So more than six hours?

3 **BOARD MEMBER DE LA TORRE:** Yes.

4 **CHAIRMAN URBAN:** I think it ends -- I think it's

5 (indiscernible) 5. Yeah. No. Mr. Thompson, I -- I
6 thought that was going to be quick, so I apologize. Did
7 you have more that you wanted to cover?

8 **BOARD MEMBER THOMPSON:** Yeah. The -- well, and what
9 Vinhcent mentioned about the CPUC process, you know, I
10 think this is something that's -- that the process
11 subcommittee can look at, but it bleeds into the earlier
12 comment about our organizational model and how we're
13 thinking about things.

14 **CHAIRMAN URBAN:** Uh-huh.

15 **BOARD MEMBER THOMPSON:** Because those are well --
16 well-documented and well-established processes, both for
17 their investigations and their rulemakings that -- that
18 we should learn more about. And I, you know, happy to
19 take that up in the subcommittee with -- with some
20 recommendations from what that agency and other agencies
21 do.

22 But I -- I do think that will also start to
23 influence our structure because I do think there are some
24 advantages to that commission structure and -- and how
25 they -- how they operate. And there are some

1 similarities in their administrative law and enforcement
2 functions and their policy-making functions. So I
3 thought that point was -- was well made. So to go back
4 to -- one is the AG's staffing level.

5 Was there something on the number of -- and types of
6 folks that could be shared in -- in this meeting for our
7 information?

8 **BOARD MEMBER DE LA TORRE:** Right.

9 **BOARD MEMBER THOMPSON:** Because that -- that then
10 flows into the point about the deadline for rulemaking.

11 **CHAIRMAN URBAN:** We -- we do -- (indiscernible)
12 exact numbers. The -- the range is approximately ten --

13 **BOARD MEMBER DE LA TORRE:** That was the end of the
14 process.

15 **CHAIRMAN URBAN:** -- at the -- towards the end of the
16 process. Some -- that was people working pretty much
17 full-time. You know, there's part -- people are devoting
18 some portion of their time at various levels. The
19 Attorney General's office, of course, also has a full
20 panoply of support services and technical services and
21 all of those things, which is not to say we won't have
22 those things. We're working hard to have those things.
23 It's only to say that we do have to keep in mind the --
24 the dual building the (indiscernible). We're building
25 the --

1 **BOARD MEMBER THOMPSON:** Right.

2 **CHAIRMAN URBAN:** -- we're building the capacity
3 while we're -- while we're creating the rules. So, you
4 know, if, for example, we're able to hire some retired
5 annuitants with their experience with rulemaking, they
6 can only work part-time, we have to think about how we
7 will be able to build and allocate those resources.

8 **BOARD MEMBER THOMPSON:** Okay. Thank you. That
9 helps just give a sense of -- so ten people, of whom a
10 certain number were attorneys, plus support that was
11 existing in the agency in a way that we don't yet have.
12 So add -- add some -- some multiplier for the support
13 services that they were getting; is that a fair way of
14 thinking about it?

15 **CHAIRMAN URBAN:** I think so.

16 **BOARD MEMBER SIERRA:** Right.

17 **CHAIRMAN URBAN:** It's very approximate, but, you
18 know, if we're thinking about are we talking about two
19 people, are we talking about twenty people? You know, it
20 does give us a kind of a picture --

21 **BOARD MEMBER THOMPSON:** Yeah.

22 **CHAIRMAN URBAN:** -- (indiscernible).

23 **BOARD MEMBER SIERRA:** And I think that -- I was
24 really encouraged by the information shared by the Start-
25 Up committee about the possibility of bringing in retired

1 people who are very experienced, because the one thing
2 that we're going to have to consider is that this is not
3 a permanent need of the agency. This is a need right now
4 because we have to do rulemaking, but those staff
5 positions will have to dedicate their time to something
6 else once we're done with the rulemaking. So it might be
7 an ideal fit for somebody who has the experience and
8 comes for a limited-time engagement.

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

10 **BOARD MEMBER THOMPSON:** Sorry. Just so that --

11 **CHAIRMAN URBAN:** Final point for Mr. Thompson and
12 then --

13 **BOARD MEMBER THOMPSON:** Sorry.

14 **CHAIRMAN URBAN:** -- (indiscernible).

15 **BOARD MEMBER THOMPSON:** My final point, which is
16 about the deadline, because I had a similar reaction
17 that -- that Vinhcent did that -- you know, I look at how
18 much time we have left and I look at what we need to do
19 and the timeframes for the informational hearings, and
20 there was something else in the winter/spring of -- of
21 2021/2022, my back of the envelope from the last meeting
22 was that we needed to have draft rules around January or
23 February of next year to have final rules by July.

24 That might have been a little conservative on my
25 part, but I -- I would worry, if we're still gathering

1 information in the spring, how we're going to get to
2 final rules in the -- in -- by July 1st. And we might
3 want to set a deadline for ourselves of when we're going
4 to make a determinate -- what are the milestones that we
5 need to have hit to feel confident we're going to get to
6 July 1st and have an offramp if, maybe January of '22, we
7 can make a determination as a board, we don't think we're
8 going to make it. So -- because we have to give the
9 legislature time to act and consider a request if that is
10 the -- the course of action. I don't mean to be negative
11 this far out, but it is --

12 **CHAIRMAN URBAN:** No, we need --

13 **BOARD MEMBER THOMPSON:** -- a daunting task.

14 **CHAIRMAN URBAN:** No, we need contingency plans.

15 There's no -- there's no question. This makes perfect
16 sense to me. Our proposal is to try to start
17 informational hearings asap. You know, I mean, there's
18 just the question of practically how quickly --

19 **BOARD MEMBER THOMPSON:** Yeah.

20 **CHAIRMAN URBAN:** -- we can do that. And we can do
21 it in an efficient and meaningly way where we're covering
22 topics that are -- are topics that will provide the most
23 use --

24 **BOARD MEMBER THOMPSON:** That's right.

25 **CHAIRMAN URBAN:** -- of the process.

1 **BOARD MEMBER THOMPSON:** But then that goes back to
2 needing the people to step --

3 **CHAIRMAN URBAN:** That's right.

4 **BOARD MEMBER THOMPSON:** We need people to staff
5 those hearings and to help us substantively --

6 **CHAIRMAN URBAN:** Correct.

7 **BOARD MEMBER THOMPSON:** -- in the hearings in
8 addition to administratively. Okay. Thank you.

9 **CHAIRMAN URBAN:** Yes. Thank you, Mr. Thompson.
10 Ms. Sierra.

11 **BOARD MEMBER SIERRA:** Yes. Just, first of all, I
12 really appreciate all the work that went into this. This
13 is really substantive and really very, very helpful, so
14 thank you. I think the approach, you know, in this
15 discussion and everything makes a lot of sense to me as
16 well. I had more of a logistics question on the
17 informational hearings.

18 Are they going to be board hearings that we can all
19 attend, or will it be different subcommittees will be
20 just convening for different informational hearings, or
21 is that something that we just don't need to decide?

22 **BOARD MEMBER DE LA TORRE:** So -- so one thing that
23 we have during the pre-rulemaking process is a lot of
24 flexibility.

25 **BOARD MEMBER SIERRA:** Uh-huh.

1 **BOARD MEMBER DE LA TORRE:** So we will encourage the
2 subcommittees to reach out on their own and have
3 conversations with different agencies or different
4 experts that they want to get particular feedback from.

5 **BOARD MEMBER SIERRA:** Uh-huh.

6 **BOARD MEMBER DE LA TORRE:** That can be done without
7 an open hearing.

8 **BOARD MEMBER SIERRA:** Right.

9 **BOARD MEMBER DE LA TORRE:** But in addition to that,
10 which we will leave really to the decision of the
11 individual subcommittee, we think it will be helpful to
12 create some kind of public informational hearing. We
13 don't know -- you know, I think realistically we cannot
14 have more than four, so we have to be very strategic
15 about that. The advantage of having those right now
16 before the record opens is that we are going to have more
17 flexibility in terms of engaging in a conversation.

18 Once the record opens 00 you know, we were at a --
19 we were at a call with the AG. And one of the AGs
20 mentioned that during the CCPA rulemaking process, he was
21 at a baseball game and somebody who was, you know, a
22 friend started to talk to him about the rules and he had
23 to say, you can't talk to me about the rules. You have
24 to file this.

25 So that's the kind of transparency that is there for

1 a -- for a very good reason, but we're going to have to
2 account for once the formal process is start, so that the
3 informational hearings and the informal process should be
4 utilized for -- to help the board members form their own
5 mind as to, you know, where should we go with the initial
6 version of the rules. Definitely once they're published
7 we'll have all of the public comments, and that's
8 information that we have to absorb and use to adopt the
9 initial version of the rules as we -- as we consider it
10 appropriate. But I hope that answer your question.

11 **BOARD MEMBER SIERRA:** Thank you. No, that is very
12 helpful. And I guess with the additional part of it is
13 will we all be able to attend or because of Bagley-Keene,
14 we will only be able to do this in groups of twos?

15 **BOARD MEMBER DE LA TORRE:** Jennifer probably can
16 answer that better than me, but my understanding is that
17 so long as it's in the agenda and it's properly noticed,
18 we could -- we could, all of us, attend.

19 Jennifer, is that correct?

20 **CHAIRMAN URBAN:** That is my understanding. I won't
21 ask Mr. Phillips is he can pause in case he wants to
22 correct us, but my understanding is if it's properly
23 noticed ten days ahead, we can treat it like a public
24 meeting and all board members can attend.

25 **BOARD MEMBER SIERRA:** Great.

1 **CHAIRMAN URBAN:** Mr. Phillips is nodding. Thank
2 you, Mr. Phillips, for --

3 **MR. PHILLIPS:** Yeah. Thank you, Jen. But you
4 can -- you can also slice it up different ways. If you
5 wanted to have just a committee hold a hearing, you can
6 do that and not have the formal notice requirements of
7 Bagley-Keene as well. As long as you don't have a
8 quorum, you don't have notice requirements.

9 **BOARD MEMBER SIERRA:** Okay. So we have a lot of
10 flexibility.

11 **CHAIRMAN URBAN:** We do have the constraint of
12 resources for this, so we'll have to keep all of that in
13 mind, but we do have flexibility in how we organize it.

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

15 **CHAIRMAN URBAN:** Other comments, questions?

16 Yes, Mr. Le.

17 **BOARD MEMBER LE:** Yeah. So how -- you know, these
18 informational hearings -- and we'll talk about it a
19 little bit in our subcommittee report. You know, most of
20 the substantive stuff comes in as written comments. And
21 you -- you mentioned about getting a platform. Is -- are
22 we just going to do emails, like ask folks to email us,
23 or is there any plan to get a -- a platform for -- for us
24 to receive comments?

25 **CHAIRMAN URBAN:** Thank you for the question. And I

1 apologize for -- again, gauging detail. I gauged -- I
2 gauged wrong there. The folks at the Department of
3 Consumer Affairs, who are providing us with IT services,
4 are working with Ms. Castanon to create the facility on
5 our website for us to issue the invitation for comments
6 and for people to respond. That may be via forum, it may
7 via an email address, like regulations at CCPA.gov, but
8 it will be a standard approach to having people submit
9 written comments. In a second --

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

11 **CHAIRMAN URBAN:** Thank you, Mr. Le. I do want to --
12 I realize, Ms. de la Torre, we did gloss over a little
13 bit what we do when we have the comments. And for the
14 sort of full picture for the board, we -- we do have the
15 facility to collect the comments. One of the things that
16 we are actively pursuing resources for is the ability to
17 redact them, because we will want to make them public.
18 And we will be -- I think, board members can speak with
19 Ms. Castanon about how they prefer to proceed.

20 If one wants to access them on the state -- in the
21 state repository, for security reasons, they do have to
22 use state-owned laptops, but there's also the possibility
23 for subcommittees to wait until the material is redacted
24 and made public. And I think that's really up to the
25 subcommittee.

1 Further comments or questions from the Board?

2 All right. I would like to propose two actions for
3 you to think about, and then we will request public
4 comment. The first action item will be a request for a
5 motion to approve the regulation subcommittee's proposed
6 course of action for preliminary rulemaking activities,
7 including the preliminary information-gathering
8 activities we described and the formation of new
9 subcommittees as described in today's presentation.

10 And the second item is just to be safe and be sure
11 that the Board has gone on record as approving releasing
12 to the public an invitation for comments substantially in
13 the form of the discussion draft for comments review
14 today and inviting the public to respond with written
15 comments within a forty-five day period. And that
16 would -- as soon as technically feasible.

17 I have added substantially in the forum, because
18 that document does have discussion draft at the top, and
19 it doesn't have, you know, the email -- there's some --
20 some little changes that would need to be made. We could
21 also first consider edits. But those are the two I
22 would -- action items I would like you to have in your
23 minds as we go to public comment.

24 Mr. Evan (sic) Panero, is there any public comment?

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

1 So if anyone wishes to make a public comment, please
2 press the raised hand on your screen, or if you're
3 connected by phone, you can press *9.

4 It looks like we have one additional comment from
5 Yadie (ph.).

6 You have three minutes to make your comment.

7 **UNIDENTIFIED FEMALE SPEAKER:** Hi, everyone. Thank
8 you for much for your hard work. I'm really excited for
9 you and the agency. Two pieces of suggestions for you is
10 maybe collecting feedback from consumers in regards to
11 their success in exercising their rights under the
12 current landscape to help, like, inform new and existing
13 regulations and ensuring that, you know, organizations
14 are complying with privacy laws, like, in the spirit of
15 the law sense. And the other is to the extent that's
16 feasibly possible, to consider making an option for
17 Spanish-speaking folks to engage in this process as well.
18 Thank you.

19 **CHAIRMAN URBAN:** Thank you very much for your
20 comment and those very helpful suggestions. Much
21 appreciated.

22 **MR. PANERO:** And it looks like we have one
23 additional comment from Tonya (ph.).

24 You have three minutes --

25 **UNIDENTIFIED FEMALE SPEAKER:** Hi. Hope --

1 **MR. PANERO:** -- to --

2 **UNIDENTIFIED FEMALE SPEAKER:** Hi. I hope everyone
3 can hear me? Can you hear me?

4 **MR. PANERO:** Yes, thank you.

5 **MS. FORTUNATE:** Hi. My name is Tonya Fortunate
6 (ph.). I'm an attorney. I just wanted to note given the
7 discussion about the possibility of agency going to the
8 legislature to try to get some sort of an amendment --
9 possibly. I know that's only one of the many things that
10 you're thinking about in terms of planning. But I
11 believe and I'm just throwing it out there, in case
12 others have other information just to -- to mention it,
13 that I think that the current legislative session in
14 California is actually closing this week, I think on the
15 10th, actually, and that presumably, then, if anything
16 was going to happen on the legislative front, that that
17 would have to wait until the 2022 legislative session,
18 which I don't think opens until January, so just to sort
19 of throw that out there based on what I know we went
20 through in 2019, when we were many people on all
21 different sides working on potential amendments to the
22 CCPA, having to sort of work around those legislative
23 schedules. I do believe they are closing this week.

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

25 **MR. PANERO:** Thank you for your comment.

1 I'm not seeing any other -- any additional comments
2 at this time.

3 **CHAIRMAN URBAN:** Thank you very much, Mr. Joseph
4 Panero, and for the comments from our public
5 commentators.

6 I would now like to request a motion to approve the
7 Regulation Subcommittee's proposed course of action for
8 preliminary rulemaking activities, including the
9 preliminary information-gathering activities described
10 and the formation of new subcommittees as described.

11 Do I have a motion for this?

12 **BOARD MEMBER LE:** I -- I --

13 **BOARD MEMBER THOMPSON:** So move.

14 **BOARD MEMBER LE:** I'll second.

15 **CHAIRMAN URBAN:** Thank you, Mr. Thompson, for
16 moving.

17 And thank you, Mr. Le, for seconding.

18 Mr. Joseph Panero, could you please call the roll
19 call vote?

20 **MR. PANERO:** Yes. Thank you.

21 Ms. de la Torre?

22 **BOARD MEMBER DE LA TORRE:** Aye.

23 **MR. PANERO:** Ms. de la Torre, aye.

24 Mr. Le?

25 **BOARD MEMBER LE:** Aye.

1 **MR. PANERO:** Mr. Le, aye.

2 Ms. Sierra?

3 **BOARD MEMBER SIERRA:** Aye.

4 **MR. PANERO:** Ms. Sierra, aye.

5 Mr. Thompson?

6 **BOARD MEMBER THOMPSON:** Aye.

7 **MR. PANERO:** Mr. Thompson, aye.

8 And Chairperson Urban?

9 **CHAIRMAN URBAN:** Aye.

10 **MR. PANERO:** Chairperson Urban, aye.

11 The vote is 5-0.

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

13 The motion carries. And we will -- we will enact
14 the plan recommended by the Regulation Subcommittee. I
15 want to thank all the board members in advance for your
16 work on these subcommittees. I'm really looking forward
17 to hearing the plans that everyone comes up with. And I
18 really appreciate the service.

19 I would now like to request a motion to approve
20 releasing to the public an invitation for comments that
21 is substantially in the form of the discussion draft for
22 comments reviewed today and inviting the public to
23 respond with written comments within a forty-five day
24 period as soon as technically feasible.

25 Do I have a motion?

1 **BOARD MEMBER SIERRA:** I so move.

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

3 Ms. Sierra moves.

4 Do I have a second?

5 **BOARD MEMBER LE:** I'll second.

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

7 I have a motion and a second.

8 Mr. Joseph Panero, would you please perform the roll

9 call vote?

10 **MR. PANERO:** Certainly.

11 Ms. de la Torre?

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

13 **MR. PANERO:** Ms. de la Torre, aye.

14 Mr. Le?

15 **BOARD MEMBER LE:** Aye.

16 **MR. PANERO:** Mr. Le, aye.

17 Ms. Sierra?

18 **BOARD MEMBER SIERRA:** Aye.

19 **MR. PANERO:** Ms. Sierra, aye.

20 Mr. Thompson?

21 **BOARD MEMBER THOMPSON:** Aye.

22 **MR. PANERO:** Mr. Thompson, aye.

23 And Chairperson Urban?

24 **CHAIRMAN URBAN:** Aye.

25 **MR. PANERO:** Thank you. The vote is 5-0.

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

2 The motion carries.

3 I thank the Board for its substantive and efficient
4 discussion of our plan. I would also just like to
5 quickly but very sincerely thank Ms. de la Torre for the
6 work that she's put in on the Regulation Subcommittee.
7 It's been a joy. As she said, it's been a puzzle. And
8 we are grateful to everyone for the work ongoing. I will
9 also miss Ms. de la Torre, but appreciate everything that
10 she's done so far and appreciate everything that is to
11 come.

12 With that, we are at 1:25. We have the public
13 Awareness and Guidance Subcommittee update coming up, the
14 delegation of authority for limited administrative
15 functions, public comments if there are any for items not
16 on the agenda, a discussion of future agenda items, and
17 when appropriate and sensible, we need to really circle
18 back to the agenda item to discuss our planning for
19 meetings and public events.

20 Mr. Le and Mr. Thompson, are you ready to do your --

21 Okay. Wonderful. In that case, we will move to
22 agenda item number 7 -- or excuse me, agenda item number
23 6, a report from the Public Awareness and Guidance
24 Subcommittee. The Public Awareness and Guidance
25 Subcommittee was formed to advise the board on the

1 agency's duties to promote public awareness and provide
2 guidance to consumers and businesses set out in Civil
3 Code Section 1798.19940. The public awareness and
4 guidance subcommittee is made up of Mr. Le and Mr.
5 Thompson. I thank you for your service. And I will turn
6 it over to you.

7 **BOARD MEMBER LE:** Okay. Thank you. Well, I wish we
8 had a great set of visual aids like the other
9 subcommittees, but we're just going to share some of our
10 recommendations and notes through the process. You know,
11 between Chris and I, we've talked to business groups,
12 consumer groups, privacy groups, and the Attorney General
13 quite a bit to gather kind of some input on the best ways
14 to achieve our responsibilities of, like Chair Urban
15 said, for public awareness about right and
16 responsibilities and providing guidance to consumers and
17 businesses about their responsibilities under their
18 title.

19 At a high level, you know, we believe, you know,
20 preserving privacy rights as a default, through tools
21 like opt-in within the bounds of the CPRA, is key.
22 That's the greatest to way to make sure that, you know,
23 consumers know -- I mean, have their rights protected,
24 and, you know, recognizing that the vast majority of
25 customers take -- consumers take the path of, you know,

1 least resistance and may -- may not understand the full
2 scope of their rights.

3 And then the Attorney General has recognized this
4 with their work on the user-enabled global privacy
5 control in dark patterns. And, you know, as an
6 additional note, you know, we find that if people are
7 given a choice in a clear, easy manner, they often choose
8 to exercise their right. You know, Apple, for all their
9 recent issues on -- on privacy, its opt-in tracking
10 defaults, app tracking transparency has created a
11 situation where ninety persix -- ninety-six percent of
12 users opt-out of tracking across patterns.

13 But in terms of actual staff, I'll -- I'll leave it
14 to Chris to -- to talk about kind of our ideas for the
15 agency before coming back to -- to myself.

16 **BOARD MEMBER THOMPSON:** Thanks, Vinhcent. You know,
17 we -- as -- as Vinhcent mentioned, in particularly, we --
18 we benchmarked what the Attorney General's doing as far
19 as their public education and outreach function. And --
20 both as far as the level of staffing but also what
21 functions they were performing. And so taking that
22 information into account, the -- our recommendation would
23 be to have dedicated staff to do this function, one to
24 two peep -- one to two positions to provide the privacy
25 education and outreach function; that would track with

1 the staffing level that the Attorney General's Office
2 had.

3 This is something that was mentioned in the
4 Regulation Subcommittee, so it -- it was almost
5 foreshadowing our report, but the importance of
6 accurately communicating what legal requirements are in
7 plainly understandable language so that consumers and
8 others can understand what their rights and obligations
9 are, but in an accessible way that doesn't require a --
10 attorneys or legal expertise to interpret.

11 One of the things that was really critical to the --
12 the way that the Attorney General's office executed this
13 was an interplay between the -- the privacy education and
14 outreach function and their enforcement in legal
15 operations to ensure that the outreach and education
16 function was not getting too far -- was not getting ahead
17 of or binding the enforcement and -- and legal teams.

18 So, you know, work that they were -- data that they
19 were aggregating, reports that they were putting out,
20 that there were not putting the enforcement folks in a
21 position where they had given guidance to the public or
22 to businesses that had the potential to conflict with
23 enforcement actions down the road. And our understanding
24 is that they did that quite successfully within the
25 Attorney General's office.

1 There -- there's an observation that the media
2 function was separated in the Attorney General's office,
3 but the integration of the two functions is -- is needed
4 because you know, broadcast and print media are going to
5 be a vital way of getting information into the hands of
6 the public, particularly consumers. So the integration
7 and coordination of those two functions is going to be
8 important.

9 And then understanding that the outreach and public
10 education function understanding the goals of the
11 executive team -- in -- in the Attorney General's
12 operation, they had access to the executive team so there
13 was kind of clear line of sight between what the goals
14 were by the executive leadership so that that could be
15 translated by the public education and outreach team into
16 effective information sharing.

17 One last observation was that there is a -- there is
18 a great desire by regulated entities who understand what
19 is expected of them and how they reach compliance, how
20 they achieve compliance, and so there is a desire to have
21 best practice guides that could inform industry and other
22 regulated entities in their -- in their compliance
23 efforts because this is a relatively new area of
24 regulation and not -- not a lot of case law to guide
25 their compliance. So that was -- that was a piece of

1 feedback that came in quite a bit in addition to kind of
2 best practice guides for consumers for what they can --
3 how they can best protect their privacy.

4 And I think Vinhcent will touch on that a little bit
5 later in the presentation, but those best practice guides
6 for both consumers and business could be a vital piece of
7 work out of this function.

8 **CHAIRMAN URBAN:** Thank you. Could I ask a
9 clarifying question?

10 **BOARD MEMBER THOMPSON:** Yes.

11 **CHAIRMAN URBAN:** Thank you, Mr. -- thank you both.
12 Two, actually, clarifying questions. The -- the first
13 one I think I understood, but I just want to be clear.

14 Mr. Thompson, when you were talking about functions
15 being separated, media and -- you -- you were talking
16 about public awareness on the one hand and guidance on
17 the other; is that correct? I just want to make sure I
18 have the right picture.

19 **BOARD MEMBER LE:** I -- I think actually, no. We
20 were talking about how -- in the Attorney General, there
21 was as separate media relations group --

22 **CHAIRMAN URBAN:** I see.

23 **BOARD MEMBER LE:** -- as opposed to the public
24 education group. Attorney General -- well, privacy
25 public education. Attorney General has a lot of

1 different responsibilities. Within our agency, we're
2 only focusing on privacy, so it doesn't make sense to
3 separate the two, so our privacy and outreach staff, we
4 recommended two -- one to two full-time positions,
5 ideally, two to -- to do that work. And they should also
6 handle the -- the media relations, as opposed to
7 separating those two functions.

8 **CHAIRMAN URBAN:** I understand. Because the
9 communications department would be melded.

10 **BOARD MEMBER LE:** Yes.

11 **CHAIRMAN URBAN:** I understand. Thank you very much.
12 And then my second question was, have you explored to --
13 have you sought advice or explored any -- apologies. Let
14 me just formulate this properly. What is appropriate to
15 offer in terms of guidance? Because my understanding is
16 that in California agencies can sort of restate the law,
17 and beyond that, we have to do regulations. And I could
18 be being too conservative in my description if you're not
19 quite understanding it. But my main question is just
20 whether you had embarked on doing any research into that
21 question.

22 **BOARD MEMBER LE:** I'm not sure I understand the
23 question. So, like, what's the guidance versus, like,
24 regulations?

25 **CHAIRMAN URBAN:** The difference between pure

1 description and interpretation.

2 **BOARD MEMBER LE:** Right. Right. Yeah. So it --
3 it -- we -- we understand that the legal requirements
4 tech -- aren't very -- are a little impenetrable for lay
5 people. So for -- for consumers in particular, who don't
6 have access to legal teams, they -- they would kind of
7 need some plain English explanations, plain-language
8 explanations, I'm sorry, to kind of understand those
9 rights. So the guidance would be in -- in -- in many
10 ways interpretations of -- of the -- of the regulation.

11 And part of that was recommending that the legal
12 teams work very closely with -- with this -- the privacy
13 and education staff to make sure that we're not losing
14 any of the substance so that we bind our enforcement
15 teams when it comes to -- yeah when it comes to enforcing
16 those regulations.

17 **CHAIRMAN URBAN:** Thank you. I apologize for
18 interrupting your flow.

19 **BOARD MEMBER LE:** No worries.

20 **CHAIRMAN URBAN:** Ms. de la Torre, did you have a
21 point on this?

22 **BOARD MEMBER DE LA TORRE:** I'm not sure if -- if the
23 presentation is -- is finished. I don't want to
24 interrupt it.

25 **BOARD MEMBER LE:** No.

1 **CHAIRMAN URBAN:** I think Mr. Le had more to say.
2 Thank you, Ms. de la Torre.

3 **BOARD MEMBER LE:** Yeah. I mean, if we -- if you
4 had -- this is our main recommendation is around these
5 two full-time employment positions. I don't know if you
6 had any questions on that. I'm happy to -- were happy to
7 take them now if you'd like.

8 **BOARD MEMBER DE LA TORRE:** That -- that makes a lot
9 of sense. I -- I really appreciate the work that you
10 have done. I have a comment, but it's not on that, so
11 maybe, you know, finalize the presentation and -- and
12 then I --

13 **BOARD MEMBER LE:** Okay.

14 **BOARD MEMBER DE LA TORRE:** -- I can raise it.

15 **BOARD MEMBER LE:** All right. So beyond that, some
16 other observations that we made -- and -- and Chris
17 already mentioned this -- is that you know, media
18 relations is a primary way to amplify, you know, our --
19 our regulations, our best practices publications and
20 guidances. So having that as part of the staff
21 responsibilities is important. And we -- we noted that
22 within the Attorney General, most resources go towards
23 enforcement.

24 And as a result, materials may not be updated as
25 much as standards evolve due to the fast-paced nature of

1 the privacy fields, so this is more a recommendation for
2 the future ED is building a process in which when you --
3 when new regulations are issued, there is kind of a
4 checkpoint where -- and -- and a database, perhaps, of --
5 of materials that need to be updated. So it's getting
6 really in the weeds, but as a process and as a -- you
7 know, yeah, as -- as a process within the organization,
8 we think that makes a lot of sense.

9 And then beyond that, you know, we -- we found that
10 partnerships and collaborations with diverse groups of
11 partners such as you know, privacy organizations, IAPP,
12 other industry associations, consumer groups, are great
13 ways to get feedback and disseminate information.
14 I'll -- I'll highlight that Consumer Action and Consumer
15 Federation of America are working on a privacy survey
16 right now asking Californians if they know their privacy
17 rights, whether they use them or not, and why that is the
18 case.

19 So, you know, in a lot of ways those organizations
20 are the force multiplier for getting education and
21 outreach out there, so providing the materials for those
22 organizations to use would be a really helpful way to --
23 just making it easier for them to take our message and
24 carry it to their constituents.

25 The FTC is a good example of an agency that has --

1 has better outreach methods than we -- we've seen from
2 perhaps, you know, other government agencies. So their
3 staff write blogs to explain to businesses their
4 responsibilities and potential enforcement. There's a --
5 they created a video and a one-stop page for consumer
6 resources for consumer privacy. But we'll note that we
7 do think that's a good minimum, but beyond that, we
8 should also work on meeting people where they're at,
9 right, for consumers in particular.

10 So that means working with other platforms. Maybe
11 I'm dating myself by saying this, but yeah, like going on
12 YouTube, going on TikTok, Instagram, and perhaps
13 outsourcing that to, you know, third parties that aren't
14 a government agency in some sense, at least exploring
15 that use of those alternative platforms to get the
16 message out to consumers around what their rights are.

17 And just as a bit of data, the FTC video from a few
18 years ago explaining what folks' rights are has -- has
19 about 6,000 views. And you look up internet privacy on
20 TikTok that explain the same thing; they have -- the --
21 the very first result had 29,000 views; the other -- the
22 other ways had one million views. It was in a succinct
23 and a little bit more engaging, perhaps, than -- than
24 government agencies are in -- in providing information.

25 So -- and that can also mean Twitter, podcasts.

1 Other ways to provide this information is something we
2 should explore, whether that creates any conflicts and,
3 you know, what is the process for us to perhaps outsource
4 that kind of engagement while still having, you know,
5 oversight to make sure the content is accurate.

6 And my final two points is that we need to -- and
7 this is, again, for the ED -- is that we need to make
8 sure there's solid communication between the Attorney
9 General and the CPPA to make sure that there are parallel
10 education efforts, you know, that not all the
11 responsibilities are with us. We need to make sure that
12 there's -- there's -- there isn't conflicts between what
13 we're saying and what they're saying.

14 And then finally, this is around the informational
15 hearings. As you may know, the Attorney General did a
16 roadshow of sorts. They went to seven cities to get
17 feedback from the public on the CCPA. And the feedback
18 that we got was this was helpful from a public engagement
19 standpoint, but there was actually very little public
20 feedback during those hearings, right. The majority of
21 the -- the actual comments were written and in response
22 to -- yeah, the written request for comments, and folks
23 didn't talk very much at those meetings.

24 The recommendation that we heard was to cut that
25 back significantly and -- and maybe have one to two,

1 perhaps three at the most, knowing that most folks will
2 be submitting comments in a written manner. And -- and
3 if we do do informational hearings, I think it's really
4 important that we make sure the public and other
5 stakeholders on a good position to provide substantive
6 feedback, right. So that's making sure that we're asking
7 specific questions.

8 So as I mentioned earlier with the CPUC, when they
9 do a scoping memo there's very specific questions that
10 folks are -- are asked that will really help agency staff
11 craft the regulations. So we need to really -- as in
12 subcommittees and as we do these -- these hearings, we
13 need to make sure we develop good questions for -- for
14 public to comment on that provides us the material that
15 we need to create the regulations.

16 And I believe that was it. I'm happy to take
17 questions.

18 **CHAIRMAN URBAN:** Wonderful. Thank you very much,
19 Mr. Thompson, Mr. Le. Your -- the clarity and substance
20 of your presentation did not suffer from the lack of
21 slides. So --

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

23 **CHAIRMAN URBAN:** -- we thank you very -- very much
24 for that.

25 Ms. de la Torre?

1 **BOARD MEMBER DE LA TORRE:** Actually, my main
2 question was answered already, and it was around how we
3 will coordinate our efforts with the Attorney General,
4 given that we share enforcement responsibility with them.
5 It is really important, I think, that they are also
6 involved in anything that we do on the education side. I
7 was going to suggest, as well, in terms of the question
8 that was raised by the Chair, which I don't have an
9 answer for in my -- in my mind, but I know that a few
10 years ago, when, you know, we all started using mobile
11 telephones, the California AG put out a very good
12 resource of privacy in the era of mobile, where they used
13 the laws that were in place to interpret them in -- in
14 the context of mobile. I think that could be a good
15 reference as to the kinds of things that we might be able
16 to do as an agency in compliance with the California
17 requirements.

18 The other resource that they have put out is a data
19 breach report. I think the last one is from 2016, and
20 they are using, basically, a summary of all of their
21 enforcement actions to derive some advice for
22 organizations on how to put themselves in -- in a good
23 situation to ensure that the information is secure. So
24 those two resources, I think, are a good, kind of -- give
25 us an idea of the kind of things that the agency, I think

1 we will be able to do in -- you know, remain in
2 compliance with the California requirements.

3 **BOARD MEMBER LE:** Right. Yeah. I think to your
4 first point around the AG and CCPA, communication, I
5 think the -- the -- the feedback that we got is like this
6 really has to happen on the staff level. Leadership has
7 to make sure that these communication channels are open.

8 But us as a board have -- you know, we -- we can
9 only do so much other than to say to ED, like, hey,
10 create this communication channel between -- between
11 these two -- these two agencies. And then to your point
12 about, yeah, creating a resource like that, we believe
13 that should definitely be part of the role of the --
14 those two full-time -- the staffers, right, is creating a
15 one-stop shop where possible and then, yeah, just -- just
16 a -- a resource center for other organizations to use as
17 they, you know, popularize and -- and disseminate
18 information to their constituents.

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

20 Seeing no other hands at the moment, I would like to
21 ask a question. In thinking about sort of traffic flow
22 and traffic control for accomplishing some of these
23 really good ideas, I was hoping that, if you are prepared
24 to, the subcommittee could say a little bit more about
25 these two staff positions, characteristics that you're

1 thinking of; could be in broad terms. I just have my
2 mind on looking for classifications and wondering if you
3 could flesh them out a little bit more.

4 **BOARD MEMBER THOMPSON:** Yeah, actually there was a
5 specific role, and I wish -- I -- I had it, the specific
6 role for -- at the AG that we could probably copy that
7 classification for. I don't have it in front of me right
8 now. But there -- there was one person. And then they
9 had an assistant. So those were the two roles. And
10 yeah, apologies. We never -- it never occurred to me
11 to -- to actually grab that classification. But there
12 was a specific one, and that, as far as we know, yeah, we
13 could probably just copy that over as soon as I find
14 that.

15 **CHAIRMAN URBAN:** Wonderful. Thank you very much.
16 That -- that would be great. So I -- I -- I appreciate
17 that.

18 Any other questions or comments from the board?

19 Yes, Ms. Sierra.

20 **BOARD MEMBER SIERRA:** See if I'm -- great. No,
21 this -- this -- great ideas, and I really love the fact
22 of kind of thinking early on. I mean, the beauty of us
23 being able to develop from scratch, even though it is a
24 lot of work, is that we can put the system in, you know,
25 as part of our infrastructure, and really so much agree

1 with the, you know, putting the folks that will be
2 working on this outreach and communications to work
3 either within our legal shop and/or, you know, working
4 very collaboratively with our legal shop, I agree, is
5 key, just to make sure, like, we are being, you know, as
6 accurate as possible.

7 They can also -- if they're coordinating on that,
8 they could coordinate with respect to -- for giving
9 guidance. You know, what are the lines that we cannot
10 cross in terms of, you know, is that a regulation versus
11 guidance? You know, our legal shop will be able to help
12 that team, those two or three folks that we're talking
13 about, on those issues as well. So I just -- I really
14 like the idea of starting from the beginning with that
15 coordination in mind.

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

17 To the subcommittee, are -- are there any things
18 that you would like the board's sort of sense of or -- or
19 anything like that or -- was it -- is this
20 (indiscernible) update in?

21 Yes, Mr. Le.

22 **BOARD MEMBER LE:** Yeah. I -- I -- I believe, I
23 think, in terms of prioritizing, it would be interesting
24 to get the board's perspective on -- on the priority for
25 this. You know, I think this may -- this could probably

1 wait until we get this -- these other hires first, to the
2 extent of -- of you know, your resources and -- and
3 putting out job postings and what -- and whatnot, but I'd
4 love to get everyone's kind of input on, yeah,
5 prioritization for -- for this -- this role.

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

7 Ms. Sierra?

8 Oh, your hand was still up. All right. Wonderful.

9 Thank you.

10 Thoughts on prioritization, Mr. Thompson.

11 **BOARD MEMBER THOMPSON:** Oh, sorry. I'm just going
12 to add to that -- to echo what -- what Vinhcent said.
13 You know, I think the work -- the -- this work can roll
14 into the work that the process subcommittee is doing. So
15 conveniently, I will come into that with some
16 institutional memory of -- of this work. But I concur
17 with him that, you know, I -- I don't think this changes
18 the sequencing of our hiring plans, but it's something to
19 factor in as -- as we're getting past the executive
20 director and -- and general counsel and -- and chief
21 deputy for administration hires, that looking forward
22 to -- to kind of the next round of hires is -- is more
23 appropriate.

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

25 Yes, that -- I was thinking the same thing, that

1 some of this informational hearing things can roll off
2 this is -- this is a pro forma reminder. I know that
3 you -- you don't need it, but just to say it, to be sure
4 to silo things under Bagley-Keene.

5 Ms. de la Torre?

6 **MS. DE LA TORRE:** Thank you. One thing that I was
7 going to suggest -- and I -- and I don't know that I have
8 clear feedback to give in terms of priorities, but given
9 the fact that there's so much work to be done, if this
10 subcommittee considers that the work of the subcommittee
11 might be something that is more long term than short
12 term, we might consider delegating additional things that
13 are urgent just to best utilize the -- this resource,
14 this subcommittee.

15 And I don't have a concrete idea of how that could
16 be done. I know the Chair might have more, you know,
17 (indiscernible) over everything that's going on, but
18 perhaps if there is no -- time-wise if there is some time
19 that the subcommittee can dedicate to help with things
20 that need to be done in the next three to four months, we
21 should consider best utilizing the -- the resource. I --
22 I know there's Bagley-Keene. There's a lot of
23 considerations, but I just wanted to throw out there that
24 we're stretched for resources and we should be wise on
25 how we maximize.

1 **BOARD MEMBER LE:** Yeah. I think in -- in terms of
2 what the board and subcommittee should do, at most, I
3 would really like to (ph.) put out those postings. And
4 we can discuss that at a later, like, what those --
5 those -- that posting should look like after I get that
6 information, but I -- I believe, you know, the ED, as we
7 recommended that this position be -- you know, have good
8 line of sight to the legal team and the ED, though I do
9 believe that they would be the one making that choice on
10 who to hire. So we could maybe make it easier for them
11 in the short term by maybe putting a posting out at most,
12 and then beyond that I think that level of staffing
13 should -- should be held by, yeah, whoever -- whoever
14 runs the agency.

15 **CHAIRMAN URBAN:** Ms. Sierra?

16 **BOARD MEMBER SIERRA:** Yeah. I -- I think that makes
17 a lot of sense because, especially once we also have the
18 general counsel, and we did identify -- we were on the
19 same wavelength that this is an area that the general
20 counsel will be -- or -- or the legal division will be
21 involved in, and so I think they can take -- you know, we
22 can provide all this feedback and thinking and ideas to
23 them and kind of -- then they can kind of take the next
24 step.

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

1 Is there any public comment?

2 **MR. PANERO:** Yes. Thank you. So it looks like we
3 have a couple of public comments in line. We have a
4 first comment from Ray Kitty (ph.).

5 As a reminder for anyone else who'd like to make a
6 public comment, you can press the raised hand icon in
7 your meeting window or press *9 if you're connected by
8 telephone.

9 So first comment from Ray Kitty.

10 You have three minutes.

11 **MR. KITTY:** Hello. Thank you. I wanted to just
12 express -- I know these are very early days, but as an
13 information resource for the public, you all could do
14 something really amazing. You know, it occurred to me
15 there's a resource -- I can't make up the name for
16 this -- it's called Colossus, right. Companies have set
17 this up and many companies buy into it.

18 It provides them data about torts and product
19 liability lawsuits. It provides amazingly detailed case
20 data, which is very hard to get for the members of the
21 public. You know, it's theoretically accessible but hard
22 to get. And so companies can come to a lawsuit and they
23 can decide in this county, with this demographic, with
24 this judge, with this kind of occurrence how will we win,
25 how -- how can we avoid paying, how can we do -- you

1 know, be held as little -- non liable as possible? They
2 had this access to a strategic resource.

3 As far as I know, no one is building that for the
4 public. So I would just suggest -- you know, there's a
5 continuum you all could publish the information that's
6 legally required to be published about things that
7 happened, or you could publish it, you know, everything
8 you're legally entitled, you know, that it's legally
9 possible for you to publish that's continuum.

10 And, you know, I would just encourage you to be as
11 forthcoming with information about cases, what things
12 have happened, who's sued who, who's had valid claims,
13 how were things defended, how were things found to be
14 wrong, how were mistakes corrected, and, you know, to put
15 out any information which is public in any way, you know,
16 including case data, any -- you know, public information.
17 You know, you all can be putting that out too. So I just
18 wanted you -- to encourage you to, you know, step up to
19 that. And I'm really looking forward to seeing what you
20 all do. Thanks. Bye.

21 **CHAIRMAN URBAN:** Thank you. I -- I did want to say,
22 when I'm looking down and taking notes -- I know you
23 can't see my notepad, but I wanted you to know that's
24 where I'm looking. Thank you for you the comment.

25 **MR. PANERO:** Great. It looks like we have a comment

1 from Barry Weber (ph.).

2 Barry, you have three minutes to make your comment.

3 **MR. WEBER:** I'll be quicker than that. I've got
4 three quick comments to separate. The first one is on
5 the subject of resourcing for this awareness component.
6 I -- I think of it as two different kinds of components.
7 One's a public relations component. And the other one's
8 a training/awareness component. And it's -- HR people or
9 recruiters often talk about purple squirrels. It's tough
10 to find purple squirrels. And you might want to have to
11 consider how many people it really takes based upon
12 actual skill set.

13 Specifically, on the education awareness space, you
14 might want to consider going down the path or -- of
15 gamification, so -- so there would actually be uptake of
16 understanding. And that takes a different kind of
17 skillset and thought process than PR, as an example.

18 The second comment has to do with the aware -- the
19 general awareness. There's a lot of discussion about
20 consumer awareness; there's discussion about business
21 awareness. But theoretically, the -- your agency's going
22 to come out with regulations for employees also, and that
23 is, I think, a different audience than consumers and --
24 and -- and business. You might want to think through
25 what that means from an awareness standpoint.

1 The third one is that I think that the six of you
2 would make a great TikTok.

3 **MR. PANERO:** Thank you for your comment.

4 **CHAIRMAN URBAN:** We would have to do it in a public
5 meeting. Thank you for your comment.

6 **MR. PANERO:** And it looks like we have a comment
7 from Barb Lawler (ph.).

8 So you have three minutes to make your comment.

9 **MS. LAWLER:** Hello. My name is Barbara Lawler and I
10 am the chief operating officer and senior strategist for
11 the Information Accountability Foundation. And we're a
12 forward-looking information policy think tank. I'm also
13 a three-time former chief privacy officer. And I wanted
14 to reinforce support for public hearings. I had the
15 opportunity to provide feedback at one of them back in
16 December of 2019.

17 And I think the challenge with public hearings is
18 that they tend to be scheduled around what works for
19 businesspeople to attend and not the actual public. And
20 so I would encourage to use, where the statutes -- not
21 just this one, but California law requires that public
22 hearings could be held in a virtual manner just as these
23 meetings are themselves.

24 And I think that will provide more opportunity for
25 comment from a variety of individual citizens, consumer

1 groups who may not be able to make, for example, a
2 potentially long drive and find parking to attend a
3 public event. I also agree with everything Barry said in
4 terms of a communication strategy, that it's consumer-
5 focused, it's business-focused, and education is a
6 different skill set than PR. Thanks.

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

8 **MR. PANERO:** I see no further public comments at
9 this time.

10 **CHAIRMAN URBAN:** All right. Thank you very much for
11 the comments from the public. I do want to do a time
12 check. We have delegation of authority, public comments
13 that are not on the agenda, media items, and circling
14 back to our first agenda item. I propose we squeeze
15 circle back and reopen our first agenda item now that we
16 have some pretty solid information about resources and
17 needs. And --

18 **BOARD MEMBER DE LA TORRE:** Chairman --

19 **CHAIRMAN URBAN:** One -- so I propose that that's our
20 next item, and we'll ask Ms. de -- recognize Ms. de la
21 Torre.

22 **BOARD MEMBER DE LA TORRE:** Thank you.

23 This goes to my comment -- my prior comment in terms
24 of what else can the subcommittee do. It just occurred
25 to me -- I just remember that one of the things that

1 (indiscernible) provides for is that the -- there's a
2 percentage of the money derived from enforcement that has
3 to be allocated to different initiatives that help locate
4 (ph.) the -- the public et cetera.

5 I do not remember right now off the top of head what
6 section that is. But maybe this will be a great
7 subcommittee to start thinking about how that will look
8 like once we have those resources, how should we, you
9 know, create a process where different organizations,
10 maybe different universities, different educational
11 organizations, can request those funds and what are the
12 priorities that we should have there.

13 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. You --
14 you're speaking about the grant-making authority of
15 the -- with the privacy public -- the privacy fund,
16 correct?

17 **BOARD MEMBER DE LA TORRE:** Correct.

18 **CHAIRMAN URBAN:** Yes. Thank you.

19 Mr. Le.

20 **BOARD MEMBER LE:** Yeah. I just wanted to quickly
21 add the -- the rule at the California Attorney General
22 was the Director of Privacy Education and Policy, if that
23 helps you out in the finding -- I couldn't find the
24 classification, but that would be the equivalent.

25 **CHAIRMAN URBAN:** Director of Privacy Education and

1 Policy? Wonderful. Thank you very much.

2 **BOARD MEMBER LE:** That's correct.

3 **CHAIRMAN URBAN:** I thank the subcommittee for this
4 terrific work and for the clear presentation-sharing
5 brain you are. At this point, I would like to move back
6 to the first agenda item, which was the Chairperson's
7 report, as a reminder, and recall that item for
8 discussion of -- of resources and needs in terms of
9 meetings and public events.

10 We now have a sense, I hope, after all the
11 subcommittees' reports of plans that the subcommittees
12 are reporting. And we have some information about
13 resources and potential resources that we have. I'd like
14 to remind the group that we have two board -- public
15 board meetings scheduled after this one, currently in
16 October and in November.

17 We have the option of scheduling additional meetings
18 as long as we notice them ten days in advance. We do
19 have some very difficult -- just simply they're there on
20 staffing limitations, because each meeting requires
21 counsel, Zoom webinar moderator, and those kinds of
22 things. We've discussed a number of different
23 interactions with the public over the course of the day
24 so far.

25 And -- and I have -- and so I think we have the

1 information to try to work out what the -- what the sense
2 (ph.) of board is and hopefully talk about options a
3 little bit. I wanted to add one detail that I neglected
4 to mention during the first agenda item. My apologies.
5 And the last commentor, Ms. Lawler, reminded me of it
6 with her good suggestion to -- to lean on virtual
7 meetings.

8 There is an order -- there's an executive order that
9 currently allows us to meet virtually and comply with
10 Bagley-Keene. That order expires on September 30th. I
11 don't have information about whether the order will be
12 extended or whether the legislature might reform the
13 current requirements for public meetings.

14 We had a previous commentor point out that their
15 session is waning rapidly. But there are potentials for
16 us to continue to be able to meet virtually while we have
17 a quorum as long as we meet the other requirements.
18 There's also the potential that we can't. And I just
19 wanted to be sure that everybody was aware of that so
20 that we had full information as we engaged in this
21 discussion.

22 And with that, what we have on the table, as I
23 understand it, are at least a number of informational
24 hearings or workshops. We've discussed a little bit how
25 many those might be. Regular board meetings in which we

1 take up topics from -- agenda topics and subcommittee
2 reports. We also are working hard, of course, to hire a
3 number of people, some of whom require board approval.
4 And we could include additional meetings to allow us to
5 deliberate on that. They do have to be noticed.

6 We welcome the public. We could spend most of the
7 time in closed session for those meetings, however.

8 Ms. Sierra.

9 **BOARD MEMBER SIERRA:** I apologize. My hand should
10 be down.

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

12 Other comment?

13 Yes, Ms. de la Torre.

14 **BOARD MEMBER DE LA TORRE:** Thank you. I -- I'm very
15 concerned about the fact that in the last six months we
16 have been able to meet only twice. And I do want to,
17 first of all, acknowledge and appreciate the efforts that
18 the Chair has made to get us to meet these two times.
19 All of the work that is on her shoulders, the -- the
20 limitation in terms of resources, but I do believe that
21 even if we commit to meet monthly moving forward, we're
22 going to put ourselves in a situation where we will not
23 be able to meet deadlines.

24 I am of the opinion that we need to move to a
25 situation where we can meet twice a month. I also would

1 like to discuss how we can support the efforts that the
2 Chair has been making to enable us to have the staff to
3 hold a meeting. I'm not sure to what degree the
4 leadership of the agency that houses us is aware of those
5 constraints and really of the importance of us being able
6 to meet.

7 We have a mandate from the California voters.
8 Millions of people voted to enact CPRA and to create this
9 board. And we -- we have a commitment to them that we
10 have to uphold. So two things. One is I -- I would like
11 to have us agree to meet twice a month. I understand
12 that we already have things in October and November that
13 are set. I wouldn't want to distract (ph.) those. We
14 already have secure staff for them.

15 But moving forward, I think it would be helpful for
16 us to make a permanent commitment to say we are going to
17 meet on the second and third Tuesday of the month, or
18 whatever dates we decide, so that those can be just
19 reserved for us in terms of our time, but also the public
20 will be aware that we will be meeting.

21 I'm not -- I know that these meetings will have to
22 be allocated to all of the different categories that the
23 Chair just highlighted. It's not only public meetings;
24 they can be informational meetings. There are some of
25 those meetings that might have to be behind closed doors

1 so that we can conduct interviews. But again, my main
2 concern is that on this we radically change the cadence
3 of the meetings -- is not going to be possible for us
4 to -- to deliver on our commitment.

5 In terms of providing support for the efforts of the
6 Chair, I think that we -- we should be able to perhaps
7 reach out to our appointing authorities and bring to
8 their attention if we have difficulty securing the
9 personnel that we need, that facts that they can perhaps
10 provide support. That's just an idea. I am open to
11 suggestions that other members might have.

12 But this is a really, really important thing. It is
13 basic. It is basic for the Board to be able to function,
14 that we need to meet. And I do not think that our prior
15 commitment to meet monthly is going to be sufficient,
16 given that we haven't met since -- we basically have
17 skipped two meetings.

18 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. If --
19 if you don't mind, I'll paraphrase to be sure that I
20 understand. Your proposal is that the board commit to
21 meeting twice a month, starting -- starting soon. We
22 can -- we can -- we can talk about that.

23 **BOARD MEMBER DE LA TORRE:** May -- maybe December,
24 given that we have two months where we already have
25 something that's scheduled and with the understanding

1 that, you know, if -- if there is a possibility to fit
2 another meeting within to October/November frame where
3 we -- we might want to try for that, but definitely
4 starting in December.

5 **CHAIRMAN URBAN:** Thank you. That -- that's helpful.
6 And -- and this would be for the board to use for
7 meetings like this, closed session for hiring and
8 informational hearings. And if I'm -- what I'm working
9 at is I think that we may need more if we're going to do
10 some informational --

11 **BOARD MEMBER DE LA TORRE:** Right.

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

14 I'd like to open it up for board comments.

15 Yes, Ms. Sierra.

16 **BOARD MEMBER SIERRA:** Thank you. You know, part of
17 me is not opposed to meeting more often. And I think,
18 you know, there may be definitely things that we will
19 need -- for example, closed sessions -- more often for
20 hiring issues, but I'm just -- I am concerned that we
21 have so much to do in our subcommittees that I want --
22 that I think, you know, there's a balance between the
23 time being spent on our subcommittee work, which is going
24 to be very substantive, you know, versus time spent in
25 the board meeting, and I'd want -- you know, I'm a little

1 worried that if we're meeting too often -- they -- our
2 board meetings won't be as productive as they may be if
3 we space them out, you know, at least every four weeks so
4 that each subcommittee will have more to report and have
5 proposals for the board. I mean, I don't feel as
6 strongly about not meeting, but I am concerned about --
7 you know, we have all limited time and would want to make
8 sure we use it as productively as possible.

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

10 I would clarify that I believe that Ms. de la
11 Torre's also encapsulated in there like public -- excuse
12 me, public informational hearings. Thank you for the
13 comment.

14 Additional comments?

15 Yes, Mr. Le.

16 Followed by Mr. Thompson.

17 **BOARD MEMBER LE:** Yeah. You know, I -- I think as
18 long as we have enough to discuss in those -- in those
19 meetings, I think our -- I wouldn't have an issue having,
20 you know, more than one meeting. You know, scheduling's
21 going to be tough. Thank you, Debbie, for doing all your
22 work just to schedule, you know, those two in October and
23 November. It wasn't -- it wasn't easy getting everyone's
24 schedule to match. So, you know, with -- with that in
25 mind, if there is something of substance, I would be okay

1 with meeting more. But to -- to add to Ms. Sierra's
2 point, you know, I think a lot of the work's going to
3 transition to this subcommittee, and perhaps that the
4 better outlet.

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

6 Mr. Thompson?

7 **BOARD MEMBER THOMPSON:** I would agree with -- with
8 Vinhcent's comments that if -- if we have things to meet
9 on, I'm happy to meet more frequently. I think we need
10 to frontload our -- our level of effort, which I think is
11 implied in what -- what Ms. de la Torre's comments are.

12 You know, we've all talked about the deadlines we're
13 up against. I -- I'm -- I'm -- caution us against
14 supplanting staff resources with our own time. And we're
15 not the -- we're not meant to be the staff of the agency.
16 We just are somewhat -- I think we -- we are taking over
17 a little bit of those functions in -- because we don't
18 have folks on board.

19 So whatever we can do to more quickly bring whatever
20 resources we can onboard to do things faster, other than
21 through our own efforts, I think, would be time extremely
22 well spent. So how -- how we can do that, how I can
23 contribute to that, how the rest of us can contribute to
24 that -- I know that there's a lot of work that's been
25 going on by the chairperson, by the staff that we have on

1 loan from agencies that are -- thank you for -- for doing
2 what -- what you're doing.

3 I meant to ask, you -- you'd sent -- you'd made
4 mention of having sent a formal request to the Attorney
5 General for staff resources. What form that -- that
6 request took because I -- I do need to get more people of
7 many different types as fast as we possibly can. And the
8 best kind of people that we can probably get are the ones
9 who've worked on this before. But if -- if it's not
10 them, then I think we need to identify what our second
11 and third preference types of resources are, because
12 this -- we just don't have enough people, even with all
13 of us.

14 And meeting twice frequently, I don't think, is
15 going to make up for, you know, tens of people that we --
16 we ideally should have onboard --

17 **BOARD MEMBER DE LA TORRE:** All right.

18 **BOARD MEMBER THOMPSON:** -- as soon as possible.

19 **BOARD MEMBER DE LA TORRE:** All right. And I -- I
20 just want to clarify that I -- I mean, if we do the math
21 and we're thinking that we'd have to have a back traded
22 (ph.) by May, we have seven meetings ahead if we continue
23 to meet monthly. And I do not see the meetings as
24 something that will subtract from the subcommittee work.
25 I think it's something that will add to the subcommittee

1 work. Because one of the things that we really have to
2 think about is how we can build consensus in terms of the
3 two packages of rules that we will have to approve in an
4 open meeting before we even put them out for comment.

5 So when you think about all those additional steps
6 that apply to us because of Bagley-Keene, I believe that
7 meeting more frequently, even if it's a meeting for three
8 hours, where the subcommittees can bring up things that
9 they are considering in terms of policy, which direction
10 to go with any specifics of the rulemaking, and gathering
11 the feedback from the other members so that when we come
12 out with a version of the rules and we present it to the
13 board for approval, we account for the different
14 perspectives of all of the board members, I think that
15 actually, that's going to put us in a much better -- in a
16 much better position to accomplish the goals of the
17 subcommittee.

18 I -- particularly, I'm thinking about my
19 subcommittee, where everything is new; all of the rules
20 have not been drafted. So I anticipate that as we are
21 having that conversation as a subcommittee, we will
22 benefit from input from the other members of the board,
23 and the only process whereby we can get that input is an
24 open meeting. So again, I appreciate the efforts that
25 everybody has put in place. I am aware of the challenge.

1 I just -- I just believe that realistically if you count
2 the months left, there is no path that is viable to us
3 achieving what we're set out to achieve unless we switch
4 to a calendar that allows us to meet twice a month.

5 And maybe we can have meetings that are shorter.
6 Instead of having a five-hour meeting or a nine-hour
7 meeting, we can have a three-, four-hour meeting that is
8 more concentrated that we can discuss things that are
9 more policy-oriented that might be on top of -- on top of
10 mind for the different subcommittees.

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

12 So my -- well, I'm -- I'm the Chair, and that this
13 does make me slightly biased in favor of certainty in
14 having a schedule. I also, however, have to acknowledge
15 that preparing for a public meeting is, by itself, a lot
16 of work. It does -- there is -- there is a competition
17 there in the work that you're doing, so I think it's
18 important to acknowledge that. I also want to be clear
19 that I am willing to work as hard as I absolutely can to
20 secure resources for as many meetings as we would like to
21 have and as many meetings, of course, as we need.

22 And there have been some hard limits that are not
23 tied to anybody not wanting to help us out or not working
24 to -- to provide us what we need. So I just want to be
25 clear about those things because I think that it's

1 important to be transparent about those things. With
2 that said, Ms. de la Torre, as I understand it, proposed,
3 I believe, Ms. de la Torre, that the board members
4 consider committing to some recurrent dates starting in
5 December.

6 I would not be able to commit the staff, but I do
7 think that we're on a path to -- to have more resources
8 over the next couple of months. So with -- I just --
9 I -- you know, there's only so much that we can do, but I
10 believe that to be the case. And so I think what the
11 question is the sense of the board on changing our
12 recurrent meeting schedule and commitment starting in
13 December to two times a month.

14 And I believe, Ms. de la Torre, you were suggesting
15 some concrete options, perhaps just in order to go ahead
16 and --

17 **BOARD MEMBER DE LA TORRE:** Correct.

18 **CHAIRMAN URBAN:** -- supply those.

19 **BOARD MEMBER DE LA TORRE:** My -- my original
20 suggestion was to just -- since we are on a Tuesday, just
21 to agree on the first and third Tuesday of the month with
22 the understanding that we can change that in the meeting.
23 So when we come back in October 18, if there is any
24 reason why any particular, you know, first or third
25 Tuesday is not viable, we -- we can discuss changing

1 that.

2 I do believe that that -- I believe to predict the
3 schedule way in advance is also potentially going to be
4 helpful in terms of enabling us to -- to secure the
5 resources because we will have certain dates. I'm
6 flexible if somebody wants to suggest something else. I
7 just was trying to avoid a Monday or a Friday because
8 those tend to be more -- they -- they tend to be more
9 holidays on Mondays and Fridays, but I don't have any
10 particular attachment to Tuesday other than today's
11 Tuesday.

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

13 I -- I would need to check my calendar, but the --
14 the thought of having a -- some sort of set expectations
15 that we can go to -- (phone ringing)-- I apologize --
16 that we can go to staff with and maybe come back and
17 revise the dates (indiscernible) frequency if we need to
18 is -- I -- I generally support the idea.

19 I also hear what board members are saying. And I do
20 realize that we have been asking you to do a lot. So I
21 would like to go around the room and just have a final
22 sense, and maybe we will have consensus on this item.

23 **BOARD MEMBER DE LA TORRE:** One thing that I want to
24 mention before we go around the room is there is much
25 easier to cancel a meeting that has been put in the

1 schedule than to generate a new one. So, you know, the
2 fact that we commit to two days doesn't necessarily mean
3 that we cannot have a conversation in October about
4 changing a date in December because it's close to
5 Christmas. But I think it will be really helpful to just
6 generate that expectation in advance, at least until the
7 end of rulemaking.

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

9 Yes, and I want to check sort of Passover, right?

10 **BOARD MEMBER DE LA TORRE:** Right.

11 **CHAIRMAN URBAN:** (Indiscernible), so forth. All
12 right.

13 Mr. Le.

14 **BOARD MEMBER LE:** Yeah. I -- I think it's going to
15 be tough first -- I mean, two things. We can -- we can
16 figure out the date, but if -- if they're all-day
17 meetings, that's going to be tough with other
18 responsibilities. So if we knew they were only going to
19 be, like, two or three hours --

20 **BOARD MEMBER DE LA TORRE:** Right. That --

21 **BOARD MEMBER LE:** -- that -- that would be more
22 appropriate and more possible, I think, from a logistical
23 standpoint. And just to -- just to add to what Mr.
24 Thompson said is I think it's becoming clear that once we
25 hire this ED, we probably should try to find a

1 legislative champion to -- to push back this deadline.
2 Just it -- it doesn't feel right for, you know, the
3 subcommittee to be, like, writing all of the rules kind
4 of from -- from based on our experiences, and -- and you
5 know, lot of -- lot of countries and a lot of states
6 are -- are -- are looking at California for putting out
7 good rules for -- for this. And I would hate to rush
8 them, you know, un -- that in a way we don't have to and
9 just create more problems down the line. I'd rather get
10 a good set of rules out earlier. So a little unrelated
11 to that, but just wanted to make that point.

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

13 I think we are balancing a lot of things, so I do
14 this it is relevant.

15 Mr. Thompson.

16 Oh, I'm sorry. Ms. Sierra. I apologize if I'm
17 going alphabetical order.

18 And Mr. Thompson, you and I -- next meeting, we're
19 going to go backwards.

20 **BOARD MEMBER THOMPSON:** Okay.

21 **CHAIRMAN URBAN:** I know (indiscernible) long time
22 experience, I was at the end of the line.

23 Ms. Sierra.

24 **BOARD MEMBER SIERRA:** You know, I do -- I -- I think
25 the point Ms. de la Torre makes about consensus building

1 is a really good one. You know, and if we are meeting
2 often, you know, I think that will help. I think, you
3 know, it may be or about this -- bringing the point about
4 talking about issues just in development. And I like
5 this idea, though, again, in realistically maybe they're
6 shorter meetings if we're meeting more often, you know.
7 I still see there is like this tension between the
8 different things we're doing.

9 You know, there is work that's just kind of -- you
10 have to focus for preparing for a board meeting. But,
11 you know, on balance, I'm supportive. I just -- you
12 know, I -- I do think that focusing on the most important
13 agenda items for each meeting will be key if we move
14 forward in that way.

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

16 **BOARD MEMBER DE LA TORRE:** And I think we can trust
17 the -- the Chair to deal with that, help us prioritize
18 what goes into each meeting and -- and just agree to have
19 shorter, more targeted meetings.

20 **CHAIRMAN URBAN:** Thank you, Ms. de la Torre. I
21 don't always have insight. But the other thing we can
22 combine that with is what we've been doing today, which
23 is subcommittees reporting back and recommending
24 priorities.

25 Mr. Thompson.

1 **BOARD MEMBER THOMPSON:** It -- is the question our
2 willingness to do more frequent meetings?

3 **CHAIRMAN URBAN:** I believe that the question is,
4 yes, willingness to do more frequent meetings. And
5 specifically, Ms. de la Torre has proposed that we commit
6 to two meetings -- events, at least -- starting in
7 December. And she had proposed as a -- as a -- a
8 strawman, I think, Tues -- she used the second -- the
9 first and third Tuesday --

10 **BOARD MEMBER DE LA TORRE:** Correct.

11 **CHAIRMAN URBAN:** Correct. Thank you. The first and
12 third Tuesday. I reali -- I realize and do want to
13 emphasize that I have to go back and figure out if that
14 is possible, but it would give me something to work with.

15 **BOARD MEMBER THOMPSON:** Right. So whether or not
16 it's the first and third Tuesdays of the month, I'm happy
17 to do more frequent meetings. I agree with the comments
18 that have been made that they should be shorter or more
19 focused because, you know, multiple -- six-, seven-,
20 eight-hour-a-day meet -- or per meeting -- meetings would
21 seem -- is -- is a lot. I think there are multiple
22 actions, and I'm sorry to repeat myself, that we have to
23 take in order to accelerate. That's one. And I think,
24 you know -- I think we need a dozen staff to fall out of
25 the sky also. And how we can make that happen -- if I

1 was going to pick one thing, a dozen people up to speed
2 falling out of the sky would be, I think, more urgent.

3 So whatever we can do to accelerate the staffing as
4 well because there's only so much the five of us can do,
5 plus, as you said, Chairperson, you know, prep for the
6 meetings, burn staff -- the limited staff resources we
7 have on tasks that are not necessarily -- well, they
8 are -- they are related to moving us forward towards --
9 towards rules, so that would be an unfair
10 characterization to say that they aren't, but that my --
11 my number one priority would be accelerate the -- the
12 staffing. I'm happy to do more meetings.

13 **CHAIRMAN URBAN:** Thank you very much, Mr. Thompson.

14 My number one wish would be a fully formed team of
15 twelve people falling out of the sky as well. And I hear
16 and acknowledge and agree with your points that
17 continuing to push in every direction to develop a good
18 team is -- is a priority.

19 Can we, in principle, agree that I will take the
20 second and -- excuse me, the first and third Tuesdays of
21 each month, talk with staff, talk, perhaps with the
22 Attorney General's office and figure out what we can do
23 for resources? We're going to have to have meetings and
24 hearings and everything in any case, and it would help me
25 if I had something to shoot for with the recognition that

1 Ms. Castanon may be writing you if it turns out that
2 there's some unforeseen issue and ask about some other
3 scheme, but with the goal of having a scheme if we can.

4 **BOARD MEMBER DE LA TORRE:** I -- I support that.

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

6 Let's just go around the room again. And then if we
7 are in support, then we can move on.

8 Mr. Le.

9 **BOARD MEMBER LE:** Yeah, that -- that works for me.

10 **CHAIRMAN URBAN:** Thank you.

11 Ms. Sierra.

12 **BOARD MEMBER SIERRA:** I support that as well.

13 **CHAIRMAN URBAN:** Thank you.

14 Mr. Thompson.

15 **BOARD MEMBER THOMPSON:** Good with me.

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

17 All right. I will do my best, and I appreciate
18 everybody, you know, making -- working to make things
19 work when -- when it is -- when it is a lot of time and
20 resources to ask.

21 Thank you very much, members of the board. I will
22 now re-close out agenda item number 1 and move to agenda
23 item number 7. We have three agenda items remaining and
24 a date with our closed session, so I do not want to limit
25 substantive discussion, but I do -- would like to people

1 to be aware of the deadline, and if I'm asking you to
2 move along if you can, it is with that in mind.

3 Agenda item number 7 is a revisitation of the
4 delegation of authority for limited administrative
5 functions we discussed in the last meeting. This is the
6 limited delegation that allows me to do things like sign
7 contracts, and as Ms. de la Torre mentioned earlier in
8 the meeting, approve hiring for the positions that are
9 not carved out and that kind of thing.

10 It's based on section 1798.199.135 of the civil code
11 from the CPRA, which says that agency board may delegate
12 authority to the chairperson or executive director to act
13 in the name of the agency between meetings of the agency
14 with two very important exceptions: enforcement and
15 rulemaking authority.

16 I will go ahead and bring the delegation that's been
17 circulated up on the screen.

18 For members of the public, this is also on the
19 website. The only change to the delegation is to change
20 the -- the date. Please bear with me for one second.
21 I've shared a lot of documents today.

22 All right. With that, I will open this for board
23 comment.

24 **BOARD MEMBER THOMPSON:** I've read it. I think it's
25 good. I'm ready to move its adoption.

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

2 Boy. Mr. Le and Ms. de la Torre happened at the
3 same time.

4 Ms. -- Mr. -- Mr. Le.

5 **BOARD MEMBER LE:** Oh, yeah, just -- I thought we
6 were going to make a motion, but yeah, I'm fine with
7 (indiscernible).

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

9 Ms. de la Torre?

10 **BOARD MEMBER DE LA TORRE:** I am fine as well. I
11 will suggest that if we are meeting in the next month, we
12 need to consider how we going to transfer these
13 delegation to the executive director at -- at that point.
14 I also think that we might want to consider the idea of
15 delegating authority to a vice chair to support the work
16 that the chair is doing. We don't have time to discuss
17 that today. Perhaps that's something that we can discuss
18 in our next meeting.

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

20 That is a -- it is a very important issue that I am
21 aware of and paying attention to. We will need to
22 transfer the authority cleanly to the executive director.
23 And the vice chair ideas is also noted. Thank you.

24 Ms. Sierra, did you have comment?

25 **BOARD MEMBER SIERRA:** No.

1 **CHAIRMAN URBAN:** Thank you.

2 Is there public comment from those in the audience?

3 **MR. PANERO:** As a reminder, if anyone would like to
4 make a public comment at this time, please press the
5 raised hand icon on your screen or press *9 if you're
6 connected by telephone.

7 I am not seeing any public comments on this item.

8 **CHAIRMAN URBAN:** Thank you. Thank you, Mr. Joseph
9 Panero.

10 May I have a motion to approve the delegation of
11 authority as reviewed for this meeting, which starts from
12 this meeting to goes to the next meeting, with the carve-
13 outs that we decided upon last time?

14 **BOARD MEMBER SIERRA:** I will so move.

15 **CHAIRMAN URBAN:** Thank you.

16 **BOARD MEMBER LE:** I'll second.

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

18 Ms. Sierra moves.

19 Thank you, Mr. Le. Mr. Le seconds.

20 Mr. Joseph Panero, would you please call the roll
21 call vote?

22 **MR. PANERO:** Certainly.

23 Ms. de la Torre?

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

25 **MR. PANERO:** Ms. de la Torre, Aye.

1 Mr. Le?

2 **BOARD MEMBER LE:** Aye.

3 **MR. PANERO:** Mr. Le, aye.

4 Ms. Sierra?

5 **BOARD MEMBER SIERRA:** Aye.

6 **MR. PANERO:** Ms. Sierra, aye.

7 Mr. Thompson?

8 **BOARD MEMBER THOMPSON:** Aye.

9 **MR. PANERO:** Mr. Thompson, aye.

10 And Chairperson Urban?

11 **CHAIRMAN URBAN:** Aye.

12 **MR. PANERO:** Chairperson Urban, aye.

13 The vote is 5-0.

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

15 The motion carries. And we will operate under this
16 delegation of authority until the next meeting. We will
17 be sure to have a plan for clean transfer of delegation
18 authority to the executive director. And I will take
19 under advisement the vice chair and the -- and -- and
20 consider and research that.

21 Thank you to the board for -- for carefully
22 considering efficiently working on -- it has been a long
23 day. I do apologize. I've been talking a lot. I will
24 start over.

25 Thank you to the board for carefully considering and

1 efficiently disposing of this item.

2 We will now move onto agenda item number 8, public
3 comments on items not on the agenda. This is an
4 opportunity for public comment for any item, not those --
5 not just those that are on the agenda. Before we proceed
6 with public comment, please note that the only action the
7 board can take on these items is to listen to comments
8 and consider whether it will discuss the topic at a
9 future meeting.

10 No other action may be taken on the item at the
11 meeting. Though this may seem at times like the board
12 members are not being responsive, these guide --
13 following these guidelines is critical to ensure that the
14 rules of the Bagley-Keene Open Meeting Act are followed
15 and to avoid compromising either the commenter's goals or
16 the board's mission.

17 And with that, Mr. Joseph Panero, is there any
18 public comment?

19 **MR. PANERO:** Thank you, Chairperson. So it looks
20 like we have one comment initially.

21 As a reminder for anyone else who'd like to make a
22 public comment on this item, please press the raised hand
23 on your screen or press *9 if you're connected by
24 telephone.

25 So our first comment is Ray Kitty. You have three

1 minutes to make your comment.

2 **MR. KITTY:** Hello. I just wanted to sunshine my
3 concern for privacy rights of the previously incarcerated
4 people. I think this is something that deserves some
5 attention. For an example, somebody who is in jail but
6 not convicted of a crime, there is a lot of information
7 out on public websites. I can point you to Sutter County
8 Sheriff, Alpine County, every -- you know, all -- all
9 these counties share a lot of information. Information
10 scrapers scoop that up, and it's out there forever.

11 Plus when people -- when their crimes are
12 expunged -- you know, we expunged all marijuana
13 convictions and things like that -- what happens to the
14 data that is now held by the data founders, they got it a
15 year ago, two years ago, do they get rid of that data now
16 that the crimes been expunged? I don't think they do.
17 And so I just wanted to highlight that as an issue.
18 Thank you. Cheers.

19 **CHAIRMAN URBAN:** Mr. Joseph Panero, are there
20 further public comments?

21 **MR. PANERO:** There are no further public comments at
22 this time.

23 Oh, sorry. A hand came up as I was saying that. We
24 have comment from Barry Weber(ph.).

25 **MR. WEBER:** I actually have a -- a question that may

1 require putting something on a future agenda. So as I
2 understand it, the -- the employee exemption is due to
3 expire on January 1st, 2023. And I would assume that if
4 that occurs, then it's covered by one of the regulation
5 subcommittees that's dealing with what already exists in
6 CCPA. If that's not clear, or if the agency has the
7 ability to, itself, extend employee exemptions -- it's
8 not clear to me, and I'm just looking for either an
9 understanding of that or possibly adding something to the
10 next agenda.

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

12 Mr. Phillips, is it proper to clarify where that is
13 with the subcommittees?

14 **MR. PHILLIPS:** You -- you certainly -- if it's a
15 simple question like that, you shouldn't really go into
16 any detail or discussion about comments that are not on
17 the agenda. If it's, like, a one subcommittee answer, I
18 don't think that's a big deal. But -- but yes, be
19 careful about discussing things not on the agenda.

20 **CHAIRMAN URBAN:** Thank you, Mr. Phillips.

21 This was an agenda-ized item earlier in the day. I
22 would simply refer Mr. Weber to the presentation from the
23 regulation subcommittee. If you go to the supplemental
24 materials, you will see the subcommittee that issue rests
25 with.

1 Mr. Joseph Panero, are there any additional public
2 comments?

3 **MR. PANERO:** I am not seeing any at this moment, but
4 I'll give just a couple more seconds.

5 I see no further public comments on this item.

6 **CHAIRMAN URBAN:** Thank you very much, Mr. Joseph
7 Panero.

8 We now turn to agenda item number 13, discussion of
9 future agenda items. This is an opportunity for board
10 members to offer future agenda items, along with any
11 information you have about prioritization and for -- for
12 potential consideration in a future meeting. We have a
13 list of items, I think, from our discussion today as well
14 as some from June 14th meeting.

15 Obviously, hiring, interviews, and decisions by the
16 board on the relevant positions, additional reports from
17 subcommittees. We have the notice to the Attorney
18 General regarding our authority to do rulemaking as a
19 holdover. Delegation of authority lasts only between
20 meetings, and we will need to consider transfer to the
21 executive director. The conflict of interest code that
22 is currently out for public comments may need to be
23 considered again with a vote or it may not. I will find
24 that out. But that is also on the list.

25 And the other things that we discussed today,

1 informational hearings, engaging with the public. We
2 also have the possibility of further information or
3 presentations. As Mr. Thompson alluded to earlier, we
4 can be trained all together if we publicly -- if we
5 notice a public meeting.

6 We do have some items that I want to be sure I
7 convey or have not gone unnoticed; we just haven't gotten
8 to them today or yet. One is the question of whether
9 California might apply for adequacy under the EU regime
10 that Ms. de la Torre brought up next time. There's
11 also -- there was a specific question about the
12 communications policy.

13 We did end up -- at that -- we did end up at least
14 clarifying that as long as board members do not -- make
15 sure that they just -- that they just make clear that
16 they are not speaking for the agency or the board, they
17 are free to speak in public, but -- but Ms. de la Torre
18 had some questions about some specific conferences. And
19 that is -- that is what I have on my list initially.

20 Are there initial future agenda items from board
21 members?

22 Mr. Le.

23 **BOARD MEMBER LE:** Yeah. Perhaps a presentation
24 from -- from someone about kind of a little bit more
25 detail on the legislative process or requesting an

1 extension of time, what steps do we have to take or the
2 ED, hopefully by then, to get that.

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

4 Further potential future agenda items from board
5 members?

6 Thank you, board members.

7 Mr. Joseph Panero, is there public comment?

8 **MR. PANERO:** I'm not seeing any at this moment.

9 As a reminder, if anyone would like to make a public
10 comment, please press the raised hand or press *9 on your
11 telephone.

12 I see no public comments on this item.

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

14 We will now move to item 10 on our agenda for today,
15 which is a closed-session item. The board will now go
16 into closed session for the discussion of and possible
17 action on the appointment of an executive director.
18 Closed session is under the authority of Government Code
19 1126 subsection A, sub-subsection 1. We will return to
20 this public session briefly when we are finished with the
21 closed session today. We do hope to be done with the
22 closed session by about 5 o'clock.

23 When we return, we will come back into public
24 session but go directly into recess until 11 a.m.
25 tomorrow morning, when we will continue in closed

1 session. I would like to express my deep gratitude to
2 everyone on the board for all the work that you've been
3 doing and the work today in this meeting. My gratitude
4 to Mr. Joseph Panero; Ms. Debbie Castanon, who has been
5 taking minutes and who's done so much to make this
6 meeting happen; Mr. Chris Phillips for being our meeting
7 counsel; Ms. Lila Mirrashidi, who's also done so much to
8 make this meeting happen; and multiple staff at DCA, DGS,
9 the board, and -- and other groups where -- for all of
10 the help that they've given us so we can do this. And I
11 would like to thank the public for its attention and
12 valuable participation.

13 With that, we will recess.

14 Board members, we will return to go into public
15 session. I propose that we go into public session and
16 then do a quick discussion of the schedule there. I
17 realize people may need a short break, and I -- I -- I
18 suggest that we -- well, maybe we need to figure that out
19 now. So I just realized we will be in closed session.
20 So if people would like a short break, please let me know
21 and we can take a short break and the board will
22 reconvene in closed session at a certain time.

23 **BOARD MEMBER DE LA TORRE:** I was just hoping to
24 understand. Do we -- we log off and then we have to log
25 in under a different link? Is that what's going to

1 happen?

2 **CHAIRMAN URBAN:** Yes.

3 **BOARD MEMBER DE LA TORRE:** And you will give the
4 time?

5 **CHAIRMAN URBAN:** That is correct.

6 **BOARD MEMBER DE LA TORRE:** Okay.

7 **CHAIRMAN URBAN:** I will be sure -- we will meet you
8 there at the link that we have for closed session.

9 **BOARD MEMBER LE:** That was my question.

10 **CHAIRMAN URBAN:** Okay. Wonderful. So we will leave
11 this meeting. It will remain open, but we will leave.
12 And we will reconvene after closed session link. I will
13 make an executive decision that we will reconvene at
14 2:50. And I thank you all for your continued efforts and
15 energy. And thanks to the public. We will see you again
16 later.

17 **BOARD MEMBER LE:** Thanks.

18 (End of recording)

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



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