

1 **CALIFORNIA PRIVACY PROTECTION AGENCY BOARD**

2
3 TRANSCRIPTION OF RECORDED PUBLIC MEETING

4
5 **MARCH 3, 2023**

6 **SACRAMENTO, CALIFORNIA**

7
8 Present: JENNIFER URBAN, Chairperson
9 LYDIA DE LA TORRE, Board Member
10 VINHCENT LE, Board Member
11 ALASTAIR MACTAGGART, Board Member
12 ASHKAN SOLTANI, Executive Director
13 PHILIP LAIRD, General Counsel
14 KEVIN SABO, Moderator
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22 Transcribed by: CHRISTIAN CATBAGAN, Senior Legal Analyst
23 **CALIFORNIA PRIVACY PROTECTION AGENCY**
24 Sacramento, California
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1 **CALIFORNIA PRIVACY PROTECTION AGENCY**

2 **TRANSCRIBED RECORDED PUBLIC MEETING**

3 **March 3, 2023**

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5 **MR. KEVIN SABO:** Madam Chair, it looks like the membership is
6 starting to stabilize some.

7 **MS. JENNIFER URBAN:** Wonderful, thank you very much, Mr. Sabo.
8 Let's go ahead and get started then. Welcome, everyone. Good
9 morning. I'm pleased to welcome you to this meeting of the
10 California Privacy Protection Agency Board. It's March 3, 2023, at
11 11:02 a.m. My name is Jennifer Urban. I'm the Chairperson of the
12 Board. Before we get started with the substance of the meeting, I
13 have some logistical announcements. First, I'd like to ask that
14 everyone please ensure your microphone is muted when you're not
15 speaking. Everyone, please also note this meeting is being
16 recorded. The meeting will be run today according to the Bagley-
17 Keene Open Meeting Act as required by law. After each agenda item,
18 there will be an opportunity for questions and discussion by Board
19 members. I will also ask for public comments on each agenda item.
20 Each speaker will be limited to three minutes per agenda item. If
21 you wish to speak on an item, and you are using the Zoom webinar,
22 please use the 'Raise Your Hand' function, which is in the reaction
23 feature at the bottom of your Zoom screen. I'm sure most people are
24 pretty familiar with it at this point, but if you'd like to take a
25 minute to locate it now if you anticipate you'd like to speak on an
26 item, please do. If you wish to speak on an item and you're joining
27 by phone, please press star 9 on your phone. That will show the
28 moderator that you are raising your hand. Our moderator will call

1 your name when it is your turn and request that you unmute yourself
2 for comment at that time. Those using the webinar can use the
3 unmute feature, and those dialing in by phone can press star 6 to
4 unmute. When your comment is completed, the moderator will mute
5 you. It is helpful if you identify yourself, but this is voluntary,
6 and you can input a pseudonym when you log into the meeting on the
7 webinar. We have a designated time on the agenda for public
8 comments. That's agenda item 7 today. The Board welcomes public
9 comment on any item on the agenda, and it is our intent to ask for
10 public comment prior to the Board voting on any agenda item. If for
11 some reason I forget to ask for public comments on an agenda item
12 and you wish to speak on the item, please use your 'Raise Your
13 Hand' function to let us know, and the moderator will recognize
14 you. Please be aware again that each speaker will be limited to
15 three minutes per agenda item for public comments. And if you're
16 speaking on an agenda item, both Board members and members of the
17 public must contain their comments to that agenda item. Relatedly,
18 I would like to remind everyone of the rules of the road under
19 Bagley-Keene. In addition to sticking to an agenda item for
20 discussion under that agenda item, both Board members and the
21 public may discuss agendized items only, with the exception of when
22 the Board takes up the agenda item for general public comment that
23 I just mentioned, and items not on the agenda can be suggested for
24 discussion at future Board meetings when the Board takes up our
25 agenda item for that purpose, which is number 8 today. We will take
26 breaks as needed. If we are continuing to meet at 2:00 p.m., we'll
27 take a break then for about 20 minutes, and I'll also check in to
28 see whether anyone needs an earlier break for lunch or shorter

1 breaks. Please note that the ninth agenda item today is a closed
2 session item. Assuming that we remain taking the items in order, we
3 will leave and then just come back to adjourn so the public can
4 decide whether or not they would like to stay through the closed
5 session item. As usual, my many thanks to the Board members for
6 their service and everyone who's made this meeting possible.
7 There's a lot of work behind the scenes, and there's a team
8 supporting us today: Mr. Philip Laird, our General Counsel, he's
9 our meeting counsel today and has a couple of items to present to
10 us and Mr. Ashkan Soltani, who's here as our Executive Director,
11 and will be giving us an update. I'd also like to especially thank
12 and welcome our moderator, Mr. Kevin Sabo. And Mr. Sabo, I'll ask
13 you now to please conduct the roll call.

14 **MR. SABO:** Okay, Board member de la Torre?

15 **MS. LYDIA DE LA TORRE:** Present.

16 **MR. SABO:** de la Torre present. Board member Le?

17 **MR. VINHCENT LE:** Present.

18 **MR. SABO:** Le present. Board member Mactaggart?

19 **MR. ALASTAIR MACTAGGART:** Here.

20 **MR. SABO:** Mactaggart present. Chair Urban?

21 **MS. URBAN:** Present.

22 **MR. SABO:** Urban present. You have four presents and no
23 absences.

24 **MS. URBAN:** Thank you very much, Mr. Sabo. In that case, the
25 Board has established a quorum, and I'd like to remind Board
26 members that we'll take a roll call vote today on any action items.
27 With that, we will move to agenda item number 2. If you're
28 following along on the Notice and Agenda, which is an update from

1 the chairperson. So, again welcome everybody to the meeting. I have
2 a short set of updates today. First, as usual, I'll situate today's
3 meeting in the Board's current work so it's clear what our overall
4 purpose is today. Our overall focus continues to have two main
5 components: the work necessary to build out the Agency and
6 rulemaking. We've been spending the bulk of some meetings on
7 rulemaking and others on discussions of administrative and
8 structural tasks. Our last meeting on February 3rd was focused on
9 rulemaking, and the Board approved a package to go to the Office of
10 Administrative Law for approval in that meeting. Today's meeting is
11 focused on topics related to administrative matters. Specifically,
12 the Agency's budget and Board oversight of that, along with further
13 topics related to building the Agency, organizing, and regularizing
14 our processes. Accordingly, today's meeting follows from our
15 meeting on December 16, 2022, in which we discussed Board oversight
16 and input into the early state budget process and staff's
17 recommended framework and schedule for regular updates and
18 consideration of the budget and legislation. Today we'll be
19 implementing the budget oversight framework the Board adopted in
20 December with the discussion of the Agency's current budget change
21 proposal. That will be under agenda item number 4. We will also be
22 continuing our discussions with frameworks and processes for
23 organizing the Board's work with two agenda items. The first is a
24 discussion of our practices with regards to subcommittees and
25 staff's recommendations for organizing this under agenda item
26 number 5. The second is a discussion of staff's recommendation for
27 a framework and schedule for identifying priorities and topics for
28 rulemaking somewhat analogous to the framework for legislation we

1 discussed in December, and that's agenda item number 6. So, we're
2 continuing to work our way through discussions of some of the big-
3 ticket items the Board and the Agency work on to allow us to
4 regularize those, create expectations for planning, and then to be
5 able, hopefully, to have a regularized calendar, which will
6 obviously be supplemented as needed so that we have though a good
7 sense of timing and methods for Board input and oversight. My hope
8 is that we will be able to create that sort of basic calendar for
9 regular meeting topics and budget, legislation, and rulemaking and
10 that kind of thing matched up to relevant state calendars so the
11 staff can plan for our input and provide the information we need in
12 good time and so we can plan as well. As I mentioned, of course
13 we'll always have agenda items that come up organically, and there
14 may be times we need to accelerate our planned schedule because
15 something comes up. But hopefully, we can get a basic framework in
16 place and have a sort of a good structure moving forward. And then,
17 as mentioned today, we have general items that we often have for
18 general public comment and future agenda items. And finally, at the
19 end of the day, as I mentioned earlier, the Board will go into
20 closed session to discuss aspects of the executive director's
21 annual review. I have three additional updates. First, on the
22 strategic planning process, I feel as though you may think I just
23 continue to be optimistic, but I do believe the procurement process
24 is nearly complete. And we'll be able to begin our strategic
25 planning as soon as the vendors in place, and, as ever, my thanks
26 to Ms. Von Chitambira, who's our Deputy Director of Administration,
27 who's overseeing procurement. Second, and somewhat related to the
28 strategic planning, we don't yet have a second gubernatorial

1 appointee for our fifth Board position. I'm hoping we will have one
2 soon. Of course, it would be great to have a new Board member in
3 place for that strategic planning process. Third, Congress
4 continues to consider the federal ADPPA, the Data Protection and
5 Privacy Act. The Board has been very clear on the Agency's
6 position. We strongly support privacy protections for all
7 Americans. But we cannot support a bill that does this at the
8 expense of Californians. My thanks again to the Board for its rapid
9 consideration of the issue in July of last year and its clear
10 direction to staff on the Agency's position. And my many thanks to
11 the staff for their careful and tireless work on the Agency's
12 behalf to protect California's privacy on this. The reason I'm
13 mentioning it today is because I'm delighted to highlight a joint
14 letter signed by our Agency, the Governor's Office, and the Office
15 of the Attorney General that went this week to Congress on this
16 issue. This is a strong statement for Californians made stronger, I
17 think, by being a joint statement speaking with one voice. I'm
18 grateful to the Governor's Office and the Office of the Attorney
19 General for standing with the Agency on this on behalf of
20 Californians. I'm very grateful to Ms. Maureen Mahoney, our Deputy
21 Director for Policy, Mr. Soltani, and others on the staff. This is
22 the part where the "tireless" comes in as coordinating agency
23 voices rightly requires a lot of work behind the scenes so that
24 everyone is following their processes properly. But it does take a
25 lot of work in time so many thanks from me and, I expect, all of us
26 on the Board. I'm also pleased to note that the Agency received in
27 return a letter from Representative Eshoo's office, thanking us for
28 our efforts and pledging to continue fighting for Californian's

1 privacy so these efforts are really greatly appreciated. For those
2 who are interested, I believe the letter will be up on our website
3 soon. And generally, just thank you and I know we all encourage
4 Congress to provide strong privacy protections for Americans and
5 not to undermine California's protections in the process. With
6 that, I will offer my usual offer to please sign up for our mailing
7 list. If you're interested in our work, you can look at our 'Join
8 our Mailing List' page on cppa.ca.gov and ask if there are any
9 questions or comments from the Board members.

10 **MR. LE:** Yeah, I just wanted to second the thanks to the Board
11 for the letter and the quick work on that. The ADPPA is still going
12 on. There's still a lot of action on it. And hopefully, with this
13 letter, Congress can understand our position and make sure they
14 don't preempt California. So, thanks for the work on that.

15 **MS. URBAN:** Thank you, Mr. Le. Anything else? Alright, with
16 that, Mr. Sabo, may I ask if you can check to see if we have any
17 public comments at this time on this agenda item from anyone?

18 **MR. SABO:** Yes, we're on agenda item 2, Chairperson's Update.
19 If you'd like to make a comment, please raise your hand using
20 Zoom's 'Raise Hand' feature or by pressing star 9 on your phone if
21 you're joining by phone today. Again, this is for agenda item
22 number 2, Chairperson's Update. If you'd like to make a comment,
23 please raise your hand using Zoom's 'Raise Hand' feature or by
24 pressing star 9 on your phone. Madam Chair, I'm not seeing any
25 hands this time.

26 **MS. URBAN:** Great, thank you, Mr. Sabo. I'll do one final scan
27 to see if any Board members have a comment. Alright. In that case,
28 let's move to agenda item number 3, which is an update from our

1 executive director, Mr. Ashkan Soltani. Mr. Soltani, please go
2 ahead.

3 **MR. ASHKAN SOLTANI:** Thank you, Chairperson Urban, and thank
4 you to the Board for the opportunity to provide a brief update
5 today. As per usual, I'd like to touch on three topics today:
6 hiring, rulemaking, and then budget, which I'll do as part of a
7 separate agenda item. An update on hiring: so, the Agency has
8 continued to steadily grow, and we're about at 50 percent of our
9 anticipated complement under the current statutory appropriation.
10 In addition to the great hires that we've made in the fall, I'm
11 pleased to announce that we've since brought on our CIO, fiscal
12 manager, and, as Chair Urban outlined last meeting, our senior
13 privacy counsel and advisor, Ms. Lisa Kim. We're also in the
14 process of reviewing applications for the head of Enforcement,
15 assistant chief counsel, and public affairs deputy, which we're
16 hoping to provide an update on at the next Board meeting. Once
17 those additional Exec team members are in place, we plan to
18 continue to grow out the key Legal, Public Affairs, and Enforcement
19 Divisions, assuming approval of our BCP request, which I'll touch
20 on later. I just wanted to share that I'm incredibly proud of not
21 only our rate of growth but the quality and culture we maintain in
22 our growth. We built out an incredible team, and I'm incredibly
23 happy that it shows not only the quality of our work but our
24 internal dynamic as we grow as an organization. Now, onto an update
25 on our rulemaking: Following the February 3rd Board meeting, staff
26 implemented the Board's direction and submitted our rulemaking
27 package to the Office of Administrative Law on February 14th,
28 Valentine's Day. As previously outlined, OAL has 30 business days

1 to respond to our submission, approve the regulation, or notify the
2 Agency of any potential deficiencies. If OAL does not approve the
3 regulation, we'll have an additional 120 days to cure any
4 deficiencies and potentially need to revise the regulation and go
5 out for an additional 15-day comment. Alternatively, as previously
6 outlined, there's also the possibility that OAL could approve a
7 portion of the regulation and allow us to withdraw the remainder.
8 And once again, we would need to revise any deficiencies in the
9 remainder through a 15-day comment period. In that scenario though,
10 we would likely need to complete and resubmit our revision to OAL
11 before July 8, 2023. In either event, by my math, 30 days from
12 February 14th will essentially be the end of March for an initial
13 decision by OAL. Following the same meeting, the Agency also issued
14 an Invitation for Preliminary Comments on the proposed rulemaking
15 on cybersecurity audits, risk assessments, and automated decision-
16 making. The Agency will be expecting and is currently accepting
17 pre-rulemaking comments on these topics until March 27th at 5:00
18 p.m., after which point staff will begin reviewing the input we've
19 received. We're encouraged by the engagement we've seen so far on
20 these important issues, and we're looking forward to strong public
21 participation in this pre-rulemaking period so that we can learn as
22 much as we can. The Agency is eager to hear from the public about
23 their experiences and receive their input. I'll stop here as the
24 budget item, is a separate item to discuss.

25 **MS. URBAN:** Thanks very much, Mr. Soltani, and I really
26 appreciate you highlighting not just the rapid growth in the staff,
27 but what a crackerjack team you've put together. I really want to
28 commend you and everybody for that work and hark back to Mr.

1 Thompson, who we miss, and I know he mentioned early on how
2 important culture is to an organization. So, I wanted to just reach
3 back and highlight that with thanks to you and for all the team for
4 all the great work you've done to put together a strong group. With
5 regards to the rulemaking if I may take the chair's prerogative for
6 just a second, I just wanted to ask a quick question. So, the July
7 8th deadline, if we needed to make changes, that is related to the
8 overall Administrative Procedures Act framework, right? We have to
9 finish the package within a certain time period? And I see Mr.
10 Laird has come on. Thank you, sorry for the question.

11 **MR. PHILIP LAIRD:** Not a problem. That's correct. We typically
12 have a year to complete the rulemaking from the date of the initial
13 notice. So, the formal rulemaking period, the one nuance here is
14 if, for instance, we were to receive a disapproval from Office of
15 Administrative Law, we automatically get 120 days, which in our
16 case would take us beyond that July 8th date, but we would have that
17 additional space to cure any deficiencies.

18 **MS. URBAN:** Oh, wonderful, okay, thank you. That's very
19 helpful. I mean, we're obviously well within the year at this
20 point. Wonderful, thanks so much, Mr. Laird, for that
21 clarification. Ms. de la Torre?

22 **MS. DE LA TORRE:** Thank you. I was just wondering if there is a
23 process for the director to report to the Board in terms of our
24 diversity and inclusion efforts. That's something that we
25 highlighted as important as a group, and I know that there's
26 statistics and ways to do that is respectful of the privacy of our
27 staff. But I will very much like to have a little bit more granular
28 understanding of where we are on that.

1 **MS. URBAN:** Thank you, Ms. de la Torre, absolutely correct.
2 This is something that has been important to the Board. Mr.
3 Soltani, is that something you need to look into, something you can
4 let us know?

5 **MR. SOLTANI:** I'm happy to look into it and figure out the
6 appropriate way to report out those figures. I'm encouraged to say
7 that we have often been, in meetings, positively supported in our
8 D&I efforts so I expect the Board will be pleased. But I'm happy to
9 highlight our staffing and our inclusionary efforts and find the
10 appropriate way to provide that maybe at the next staffing update
11 or admin update. I can do that, and I think we're also required to
12 report that to the state through a regular process as well.

13 **MS. URBAN:** Okay, okay, thanks so much, Mr. Soltani, and thank
14 you, Ms. de la Torre, for the request. Any other comments or
15 questions from Board members right now? Okay, with that, Mr. Sabo,
16 could we please invite public comments on this agenda item if
17 anyone has a comment?

18 **MR. SABO:** We are on agenda item 3, Executive Director's
19 Update. If you'd like to make a comment on agenda item 3, Executive
20 Director's Update, please raise your hand using Zoom's 'Raise Hand'
21 feature or by pressing star 9 if you're joining us by phone today.
22 Again, this is for agenda item 3, Executive Director's Update. If
23 you'd like to make a comment, please raise your hand using Zoom's
24 'Raise Hand' feature or by pressing star 9 on your phone. Madam
25 Chair, I'm not seeing any hands at this time.

26 **MS. URBAN:** Thank you very much, Mr. Sabo. Then I will do a
27 final scan to see if something occurred to any of our Board
28 members. And seeing no hands, let's move to agenda item 4 for those

1 following on the Notice and Agenda, this is number 4, Budget Update
2 and Priorities for Spring 2023. Mr. Soltani will be presenting this
3 budget update as part of the process and schedule we adopted in our
4 December 2022 meeting as I mentioned a bit earlier. If members of
5 the public would wish to see what is discussed, I would refer you,
6 please, to the materials for that meeting on December 16, 2022.
7 There's a memo that goes with the relevant agenda item, which I
8 think is number 5, if you want to see more about the overall
9 process. Okay, so the governor has released the state budget for
10 fiscal year 2023-2024. So, we have for our review the current
11 budget change proposal, commonly referred to as BCP, for fiscal
12 year 2023-2024. And we are now at the point in the schedule, and
13 here I'm just going to paraphrase from the staff's memo in
14 December, where staff briefs the Board on the details of any
15 approved BCP that appears in the governor's January 10 budget, and
16 Board members will ask questions about the BCP and provide any
17 additional direction that we might have on budget priorities to
18 inform the executive director and staff's work during spring
19 legislative engagements and the May Revise. And I think our
20 executive director is going to give us a little background on the
21 process at this point from the state side. I will note the memo
22 estimates that this happens in January, February. So, it's March 3rd
23 or three days later, but we're well within the budget schedule to
24 provide us an opportunity to give input within the budget schedule,
25 which is the most salient thing. So, with that I'd like to ask
26 everybody to turn your attention to the materials for agenda item
27 number 4 today. That's where you will find the BCP in case you'd
28 like to refer to it, and, Mr. Soltani, I will turn it over to you.

1 **MR. SOLTANI:** Thank you, Chair Urban, and thank you to the
2 Board for the opportunity to discuss the Agency's budget today. So,
3 quick touch on processes Chairperson Urban also highlighted: at the
4 December meeting, the Board adopted the process for the Board to
5 hear regular updates about the Agency's budget and provide timely
6 direction to staff on budget requests and priorities. The process
7 was designed to ensure that the Board stays informed about the
8 Agency's budget expenditures and forecasts to enable all Board
9 members to have meaningful input into the budget change proposals
10 and to enable staff to respond to fast-moving budget negotiations
11 in a timely and effective matter. In this process we outline key
12 points in the year for the Board to provide input. Specifically, we
13 recommended that at some time each summer the Agency presents the
14 Board a plan describing our recommended fiscal priorities and
15 budget goals, which then staff will prepare and submit to the
16 Department of Finance in the fall in the form of a budget change
17 proposal, requesting additional positions and spending authority
18 reflecting the priorities laid out by the Board. After the budget
19 proposal is published, staff will present the details of any
20 negotiated BCP to the Board so the Board may ask questions and
21 direct any changes for the spring legislative engagements and May
22 Revise. By way of background, the spring finance letter (now called
23 the spring budget change proposals) are additional ways for the
24 Agency to request revisions, add positions, increase budgetary
25 authority, or increase funding, and must be submitted to the
26 Department of Finance by April 1st to address unanticipated changes
27 on our uncertainties within a program or its funding. In addition,
28 May Revise letters are designed as ways for agencies to do last-

1 minute cleanup of budget bills or fund pet projects of the
2 Legislature using excess revenue from Department of Finance with
3 last revenue projections of the General Fund. Then, on May 14th of
4 every year, the governor releases the revisions to the proposed
5 budget, which the Legislature reviews and passes in the form of the
6 Budget Act on June 15th. Finally, the governor signs into law the
7 Budget Act for the new fiscal year, which becomes effective on July
8 1st. We're now in the step of the process where we present the
9 details of our proposed BCP so the Board may ask questions and
10 direct any changes for the spring legislative engagements and May
11 Revise. As discussed in my previous presentation on the budget, the
12 proposed financial year 2023-2024 BCP builds off our current year
13 priorities of rulemaking and public awareness but begins to
14 incorporate our plan deliverables for the upcoming fiscal year. Our
15 proposed budget was published in the governor's proposal on January
16 10th and is now being considered by the Legislature. We'll be also
17 presenting this BCP in front of this Senate Assembly Budget
18 Subcommittee later this month and in front of the Assembly in early
19 April. As I just laid out, following the discussion by the Board,
20 we also have opportunity in spring, by way of the spring BCP, and
21 early summer, by way of the May Revise, to request additional
22 changes or revisions. You can refer to the BCP that was shared with
23 you and is also available publicly on the Department of Finance
24 website for additional details on what I'm about to present.
25 Specifically, our 2023-24 BCP requests seven positions in fiscal
26 year 2023-24 and ongoing to provide additional staff resources
27 necessary to allow the Agency to develop its Enforcement and IT
28 Divisions pursuant to its statutory responsibilities. This includes

1 five specialized attorney positions in Enforcement Division
2 following the appointment of the deputy director of enforcement,
3 which we're in the process of hiring for. This allocation is
4 modeled after the initial staffing approach when similar agencies,
5 such as the Department of Justice or Department of Financial
6 Protection and Innovation, took when given new enforcement
7 authorities. Importantly, this sized team will allow us to
8 establish baseline numbers justifying future growth, for example,
9 once we have further metrics on the size and complexity of cases
10 the Agency will pursue, as well as the number of complaints we'll
11 need to field as we receive them. With respect to IT, the Agency
12 requested two specialized IT resources, an IT Manager I and IT
13 Specialist III, to support our enforcement and consumer complaint
14 function in-house, as well as additional oversight and audit-
15 related functions, such as maintaining our public-facing portals
16 for complaints and submissions of data privacy impact assessments
17 and cybersecurity audits to the Agency. If approved, this proposal
18 will provide the necessary positions to continue developing the
19 Agency's units and divisions, utilizing the existing appropriation
20 of \$10 million from the General Fund in ongoing authority for these
21 statutory required activities. In addition, as discussed in our
22 last admin meeting, the BCP also includes the requisite Department
23 of Finance Personnel Adjustment Drill 9803.6 Drills, which all
24 state agencies utilize to maintain current service levels and
25 adjust personnel costs by approximately 2 percent, bringing our
26 revised authority to \$10,236,000. Now, moving forward, I know some
27 members of the Board requested additional information on how the
28 Agency could seek a cost-of-living adjustment beyond the standard

1 Personnel 9803.6 Drills that I just mentioned, specifically section
2 1995(A) of our statute appropriates ongoing sum of \$10 million
3 adjusted for cost-of-living changes for expenditures to support the
4 operations of the Agency. As we also previously discussed in the
5 last admin meeting, the Agency can seek in any budget year the
6 cost-of-living adjustment of our statutory allocation of \$10
7 million. This request can take a few forms but typically occurs via
8 the STD 26 Budget Revision Request. The Agency did not request this
9 increase in '21 and '22 as we're still operating under our
10 statutory allocation, but we have discussed this adjustment with
11 the Department of Finance previously. We generally agreed they
12 would have incorporated back years at whenever time we do request
13 the adjustments. Should the Board opt to request the cost-of-living
14 adjustment this year, we would be able to request a 4.2-percent
15 increase for budget year 21-22 and a 7.3-percent increase for 22-23
16 based on the California Department of Industrial Relations Urban
17 Consumer Price Index for California, which represents the cost-of-
18 living figures that the state typically relies on for these
19 calculations. If directed by the Board to pursue the COLA
20 adjustment this year and subsequently if it is approved by the
21 Department of Finance, the adjustment would increase our statutory
22 allocation from \$10 million to \$11.181 million ongoing. However, as
23 the appropriation doesn't inherently grant a spending authority, we
24 would likely recommend that along with this revision we request
25 approval from the Department of Finance of seven additional
26 positions to further develop our enforcement and audit functions,
27 including an assistant chief counsel in Enforcement, as well as
28 three investigator auditor positions and three supporting

1 management staff for coordinating our enforcement functions and
2 complaints system. Finally, in addition to the requested positions,
3 staff will likely recommend a small revision to our administrative
4 process, which will allow us to more efficiently undertake
5 enforcement activities. Specifically, we'd like to request a
6 statutory clarification that would ensure that Enforcement Division
7 attorneys are able to represent the Agency in administrative
8 proceedings as currently the law would require us to retain the
9 Attorney General's Office for representation unless granted a
10 waiver. So that's my overview of our proposed BCP and budget plan.
11 Again, you have the specifics in the form of the published BCP
12 change, which is also available on the Department of Finance's
13 website. I'll stop here, and I'd be happy to answer any questions
14 about the budget process, BCP, or COLA adjustment.

15 **MS. URBAN:** Thank you so much, Mr. Soltani. Can I ask a quick
16 process question? If the Board were to... actually, you know what?
17 I'll hold it, and just let's have a more general discussion first.
18 It's kind of a technical question. Alright, comments? Questions?
19 First of all, thank you very much, Mr. Soltani, for that careful
20 and detailed overview, which I find very useful in sort of
21 untangling what is happening with the budget process at the state
22 level, and all the many different acronyms, and indeed many
23 different BCPs. So, it seems we have the Jan BCP and the spring
24 BCP, so this is really helpful, thank you. Comments? Questions from
25 other Board members? Please use the 'Raise Your Hand.' Thank you,
26 Mr. Mactaggart and then Mr. Le.

27 **MR. MACTAGGART:** Thanks. You know I brought this up before and
28 perhaps someone, maybe Mr. Soltani or Mr. Laird, could educate me.

1 I'm still stuck on this whole notion of "request." Because the
2 statute couldn't be any clearer than it is. There's no requesting
3 part. The statute literally says, "There is hereby appropriated
4 this money." There's no review part of it. There's no "if the
5 governor approves." There's no "if there's money in the budget."
6 And it doesn't say "oh, if we ask for cost-of-living changes." It
7 literally says, "adjusted for COLA." There's no wiggle room; 9.4
8 million Californians voted for this, and so I'm just struck as a
9 Board, how can we... we can't do anything... there would be negligence
10 not to demand the whole thing. And I'm still just kind of perplexed
11 how we're even... this notion of "oh, well, if the Appropriations
12 gives it to us..." There's no question. They have to. This is the
13 law. And can you imagine if the teachers if... their Prop. 98? I
14 mean, they get whatever 40 percent of the budget, period. So, could
15 you guys educate me on this? Because, again, we went through this
16 last fall. I kind of went along. I was new. But as I look at this
17 \$10 million number, and when I think about the "oh, well, maybe we
18 don't have enough..." Of course, we can spend it because one of our
19 responsibilities, as the statute says, is to promote public
20 awareness and understandings of the law. And so, we could and
21 should be saying, "Well, if we don't have enough personnel, we can
22 spend this on public awareness." And my one point there, which I'm
23 going to kind of lead two points into one, is just if we get to
24 that, the California Broadcasters Association has a program to do
25 PSAs for government agencies, and there's not a third-party buyer
26 that marks it up, and a ton of government agencies do it: the
27 Department of Solid Waste Management, the emergency services,
28 CalTrans, the Department of Managed Health Care, all these

1 agencies--and I can send the list--use this PSA to spend money to
2 get public awareness and to educate people. So, just kind of in a
3 nutshell, if you could explain to me how there's any possibility of
4 not getting our maximum dollar, why we're even asking whether or
5 not we would ask. We don't have any right not to ask for it, and
6 they don't have any right not to give it to us. So, can we just... I
7 guess I'll pause there.

8 **MS. URBAN:** Thanks, Mr. Mactaggart. Okay, I would like to have
9 that on the table and go to Mr. Le so that we have options open.

10 **MR. LE:** Thank you. I generally understand what Mr. Mactaggart
11 is coming from. If this money is available, I think, as a matter of
12 course, if there is funding that is excess, I'd like to see that go
13 to public education. That said, this year is an interesting year,
14 California-wide. I think there's a massive budget deficit, and I do
15 think the Agency, at least going in under budget this year, would
16 contribute to lessening that. And I do believe there is funding
17 left for public outreach and awareness that we banked in previous
18 years. I think the number should be \$11.18 million, I believe,
19 according to Mr. Soltani. Yes, and I do think it would be good to
20 spend that money if we could. I just want to acknowledge that this
21 is an interesting year for California, and in this instance, this
22 year, and during these circumstances, I think going in under budget
23 or at \$10 million may be more acceptable to me, and I'll just leave
24 it at that.

25 **MS. URBAN:** Thanks so much, Mr. Le. Ms. de la Torre, did you...?
26 I'm not pushing you. I just wanted to be sure you had a moment to
27 say something if you'd like.

28 **MS. DE LA TORRE:** I was waiting because I'm listening to

1 everybody who's sharing, but before we move on to a different
2 topic, I will have an opportunity to share my thoughts as well.

3 **MS. URBAN:** Okay, thank you, Ms. de la Torre. In that case I
4 have a couple of thoughts on this. Mr. Mactaggart, would you like
5 to expand before?

6 **MR. MACTAGGART:** Well, perhaps either the executive director or
7 general counsel could opine on this comment. While I appreciate Mr.
8 Le's desire to do something to help the budget process, I'm struck
9 by the fact that would sort of put one point of view, his point of
10 view, over the will of 9.5 million Californians. I mean, this is
11 crystal clear in statute. It doesn't say, "if the Board decides not
12 to ask for it." It says, "shall be appropriated." And so, I just
13 don't know that there's any wiggle room we have here. We have to
14 ask for it, and frankly, if we don't get it, we have to sue them.
15 which we're going to get it because it's in the law. I mean it
16 would be breaking the law not to give it to us. So, I just would
17 like to have an understanding of that because this is, to me, it's
18 just right there. Plain text. So, thanks.

19 **MS. URBAN:** Thank you, Mr. Mactaggart. So, I have a couple of
20 thoughts on a couple of the threads that have come up in the Board
21 members' comments so far. First, in response to Mr. Le, for my part
22 in terms of spending priorities, and also Mr. Mactaggart, I fully
23 support some considered attention to public awareness. I thank Mr.
24 Le for highlighting the encumbered contract that I think the Public
25 Awareness Subcommittee and executive staff worked on because I
26 think that is a really good vehicle for making sure that we have
27 some resources set aside to work on those important topics. So, I'd
28 like to highlight that. With regards to our money appropriated in

1 the statute, my understanding, Mr. Mactaggart, has sort of three
2 components. First of all, absolutely under the statute,
3 1798.199.95(a), \$10 million plus cost-of-living is appropriated to
4 us each year. The statute also says that the expenditure of funds
5 under the appropriation shall be subject to the normal
6 administrative review. We have the appropriation. We have normal
7 administrative review, and, as I understand it and I could be
8 wrong, and I definitely will ask Mr. Laird or Mr. Soltani to help
9 continue to illuminate this is that that is, both--that is, both in
10 the statute, that there will be that review, but also there is a
11 sort of a functional practical way that that administrative review
12 affects how funds actually are allocated. So, we don't have in--
13 the state doesn't really have a way to give us 10 million dollars.
14 We have the process by which we explain our budget and justify it,
15 and the money is allocated for those purposes as we spend it, it
16 would be spend it and we have authorization to spend it. I think
17 that's how it works, so it's sort of a combination of the normal
18 administrative review which we must follow, and then how the money
19 kind of moves around in the state from the General Fund. I could, I
20 could still be getting it wrong, but that's how I see it sort of
21 structurally working just to --it's not that you know that. But
22 anyway, that's how it's actually working. So, Mr. Soltani, Mr.
23 Laird, I'd like to invite you to respond, please. Thank you.

24 **MR. SOLTANI:** Sure thing, I'll start it, and Phil if you want
25 to fill in as well. So first off, I appreciate the input from the
26 Board, and especially around the public awareness efforts. As Mr.
27 Le mentioned, we do have funds encumbered for a media buy. We did
28 that last year, and we actually used some of those funds in advance

1 of our hearings for rulemaking to solicit broad awareness of our
2 agency and solicit public comment on the rulemaking and I think
3 that helps contribute to the robust feedback we received as part of
4 the rulemaking hearings during the first package. We do expect to
5 continue to utilize and focus on public awareness, including
6 expenditure of funds we've had, as you know, some challenges
7 bringing on our public affairs and building that team, and so we
8 expect to potentially contract for additional resources to help us
9 develop the materials and the, you know, the PSA is, as Mr.
10 Mactaggart describes, and kind of the content to help promote since
11 we don't have that expertise of, say, videographers and content
12 creators in-house. So that is going to be a function moving
13 forward, including this fiscal year. With regards to the kind of
14 how the appropriation Ms. Urban is right is that there's two pieces
15 which is our appropriation, and then our spending authority
16 essentially goes through state process, either by the creation of
17 personnel account, which is what I highlighted in my recognition,
18 or, you know, by procurement and standard procurement process. So,
19 if we want to, or to solicit a public awareness contract, or
20 perhaps someone like of the sort of Mr. Mactaggart referenced, we
21 have to go through the state process --we have to go through the
22 procurement process as we are doing for the strategic planning
23 process, and that it involves coordination with the Department of
24 Finance and the Department of General Services. So, with regards to
25 our appropriation, indeed, and our statute indicates that that
26 appropriation can be adjust or is adjusted for cost of living. But
27 the process by which that happens is what we're talking about. It
28 doesn't the number doesn't magically, dynamically kind of change

1 every time you reload the page on the, you know, Secretary of State
2 website. We have to go through and request that revision, and I
3 outlined one process which I understand that Standard 26 is what
4 the form is called, to request that the Department of Finance
5 revise that, and they need that needs to go through a review and
6 justification process which we will cite the statute as that
7 justification and request it. And I defer to Phil as-- to Mr.
8 Laird, as to the likelihood, but it is in statute, as Mr.
9 Mactaggart highlighted, and we can do that. And I've also said that
10 Department of Finance with-- previous to this conversation, even in
11 December we've already spoken with the Department of Finance, with
12 regards to that adjustment, and they have indicated that at which
13 point we need the expenditures, or at which point we would like the
14 expenditures, we can request it, and they will accommodate back
15 years. So, I don't think it's an issue of that we will get it. It's
16 an issue of essentially when and why. And I think, to Mr. Le's
17 point, we were-- it's maintaining our priorities. Under our
18 existing allocation, we can certainly request that our allocation
19 be expanded-- or appropriation --sorry --is the right term the
20 expanded-- even today we can begin that process. But there is a
21 review process, and then, in addition, there is a review process on
22 the actual expenditures. Mr. Laird, do you want to correct me if I
23 got any of that wrong or add on to that?

24 **MR. LAIRD:** Yeah, I actually I was thinking about it. I don't
25 know if I have much more to add. I think that's pretty much
26 correct, you know, I think, to Mr. Mactaggart's point I think our
27 law does lay out a clear appropriation that adds in sort of that
28 COLA adjustment. And so, but to the point of how we balance the

1 appropriation that ends up in our budget worth, you know, with the
2 expenditures that we are requesting through the BCP process or
3 other processes you've described. You know, I understand there--
4 there can be a calculation there. But no, I, at this point I can't
5 say if I have anything more to have, but happy to answer questions,
6 if there are some.

7 **MS. URBAN:** Thank you, Mr. Laird, so, as I understand it. I
8 would like to just highlight for the group and circle back to Mr.--
9 part of Mr. Le's point, which I understood to be a Board member
10 discussion of priorities and things to take into account, and so
11 Mr. Le and Mr. Mactaggart both mentioned public awareness as a
12 priority. Mr. Le, as I understand it, and please correct me if I'm
13 wrong, you mentioned the current challenging state budget
14 environment as part of the information that the Board might want to
15 take into account in terms of if we were to kick off this process
16 this year, or how much we would-- much we would this year, that
17 because those kinds of considerations, of course, also are relevant
18 to what we ask staff to do with regards to process. It's not a
19 question again of whether the money will be available for us when
20 we spend it when we need to spend it. It's a question of what's the
21 timing and sort of what's the process? And I just want to check
22 with Mr. Le to see if I mangled too much what he meant to convey
23 and then go to Ms. de la Torre.

24 **MR. LE:** Yeah. And I think that's right. I think Mr. Mactaggart
25 has a great point, you know, if the Agency has the funds available,
26 we should try our best to use it in accordance with, you know, what
27 was passed by the voters. And I think, going forward, you know,
28 that makes sense, and I think the reason why I'm not as opposed to

1 not taking the full allocation this year is: 1. That the money is
2 available if we need it. 2. There is, there is funding available
3 quite a bit for public outreach and awareness, you know. I think
4 I'm just waiting for the person to be hired so we can begin to use
5 that. And finally, I think the last, you know by the least concern.
6 But it's still a big one is, you know, when the Agency goes into
7 this budget hearing and oversight that, you know, the Agency can
8 say we are being a responsible steward of funds and but yes, so
9 what you said was correct, and I'm not against what Mr.
10 Mactaggart's point is. I do I do think he raises a good one, and I
11 am just a little bit relieved that, you know, if the money is, if
12 we do need the money, it will be available, as we are not
13 hamstringing ourselves in the future by this year not taking the
14 full amount.

15 **MS. URBAN:** Thank you, Mr. Le. Yes, big question for me from
16 our last discussion was, would we be leaving money on the table in
17 the future? And so, I'm pleased that that we would not be. Ms. de
18 la Torre, please go ahead.

19 **MS. DE LA TORRE:** Thank you. Seems to me that we are having two
20 conversations at the same time. One is how the money should be
21 spent, and the other one is how much money you should request. I do
22 not believe-- I think Mr. Mactaggart is right. I do not believe
23 that we should, as the Board, or, frankly, the staff of the
24 agencies, should substitute our judgment for the judgment of the
25 voters who approved the proposal, and so there is no reason in my
26 mind why we shouldn't request with the law states that we should
27 obtain. I understand that there is a process. Maybe there are ways
28 in which we --is allocated by law could be reduced that I'm not

1 aware of, or have not been, part of the discussion. But we start
2 the process by not asking what was allocated by law seems to me
3 that will be negligent on our end, considering the rights and
4 interests that we have been created to support. So, to that said, I
5 also wanted to mention that this is a little bit of a complicated
6 conversation, and I don't know that I'm grasping all of the
7 administrative steps here. I know that Chairperson Urban is
8 probably more adapt at all of these because she had to deal with it
9 at the beginning of the process. But I think that we should leave
10 the way to the staff of the Agency in determining what is it that
11 needs to be, you know, that the money can be dedicated to? I
12 support public awareness. There might be other pieces. Once we end
13 this conversation on how much which I think to me what Mr.
14 Mactaggart proposes is what the law says should be done. Maybe we
15 can have a little bit of a conversation on for what purposes. And I
16 know that it has been mentioned that we will apparently not put
17 that ourselves in a position where we will be missing out on the
18 increase in future years, which was a question in my mind as well.
19 But it is clear to me that we are missing out on what has been
20 allocated this year and last year, and nobody is going to return
21 that budget to us. So, it just again seems to me that what the law
22 says is what should be requested by the Agency, and I understand
23 that there are processes to correct the current proposal to adjust
24 it so that we can do so, which I will support.

25 **MS. URBAN:** Thank you. Ms. de la Torre. Mr. Mactaggart?

26 **MR. MACTAGGART:** So, I have a comment. But before that I just
27 have a question based on what Member de la Torre just said, which
28 do I understand it correctly? When you say they'll catch up in the

1 future they will allocate whatever the COLA has come, but do we
2 get-- have we lost the funds from last year? They just go to say,
3 okay, well, this is what the inflation rate would be in 23-24 so
4 we'll pay that, but you're out the 22-23 you didn't ask for?

5 **MR. SOLTANI:** We didn't get into that level of specificity
6 since we didn't articulate what the request would be. But we can
7 certainly identify that. My understanding of general, and why it
8 was so important that we, for example, undertake the public
9 awareness contract last year with the help of Mr. Le and Mr.
10 Thompson, was that any fund --so funds that are not spent by the
11 Agency return back to the General Fund. There's no kind of piggy
12 bank that we store maintain funds with one exception, which we had
13 a kind of an initial setup of the Agency. We had a special fund
14 that we still have some small amounts of allocation in our
15 appropriation in. But generally, I don't-- and again, I'm happy to
16 go and check and then report back on this question after both
17 consulting with Finance as well as what we've done, is, you know,
18 consult with all our agencies to see how this is done, typically.
19 But for the 21-22 year for the 3.7, you know, percent adjustment in
20 that year which would roughly be \$370,000. I don't know if we can
21 request the back year of those funds. I think what we can do is
22 request the adjustments that incorporate that --the moment the
23 adjustment is made it incorporates, you know, the 3.7 and the 7.3,
24 or I'm --sorry it might be between those numbers. I have to look
25 back to my notes but essentially the compound of those two. Does
26 that make sense?

27 **MR. MACTAGGART:** It does. To me, it's very worrying. Again,
28 When I --and I remember writing this paragraph to be as clear as

1 possible because I did not want the Legislature to be able to play
2 games with the agency funding, knowing how powerful tech is, and
3 knowing how much, you know, influence business does have over the
4 legislative process, I wanted to make it crystal clear that no
5 matter who was in power, no matter how they felt about privacy,
6 this agency was going to get funded, no matter what. And now I feel
7 like we may have given up hundreds of thousands of dollars that we
8 may never get back. And I feel like we're kind of being-- I mean to
9 use Member de la Torre's word-- we're playing with negligence here
10 about not getting the maximum that we are entitled to by law. You
11 know if you want to talk about stewardship, our stewardship is-- we
12 are a tiny little agency, facing the most powerful industry that
13 the world has ever seen in terms of money and influence and reach
14 and, you know, there are more resources on the other side, and not
15 that it's an antagonistic relationship, but we certainly need to
16 put rules of the road in place. We need to have some eventual
17 enforcement. And right now, there's an unlimited demand. You could
18 talk to the average California and say, "What's the CCPA?" They'll
19 look at you and just kind of shake their head. So, it doesn't take,
20 you know, months and months to get an ad out. You could put it on
21 the radio. Ashkan you could --Mr. Soltani, you could record it
22 yourself and put it on the radio and sort of say, hey, if you have
23 a question come to our website. So, I just feel like this is sort
24 of a fire here. I want to make sure that we get the maximum
25 dollars. I think we should absolutely try to go back to it to the
26 extent that we-- for-- we missed out on funding that we were
27 entitled to, we should go back and try to make a strong case for
28 that. Maybe that ship has sailed, but I certainly don't want to see

1 us do this anymore.

2 **MS. URBAN:** Thanks, Mr. Mactaggart. I also --I just wanted to
3 point out that before the Board had its first meeting with help
4 from staff, I directed several million dollars into an
5 architectural revolving fund, which is one of the few ways that you
6 can preserve money. Given that we have to spend it to get it. So,
7 through the-- through the administrative process and sort of
8 constraint, as the way the system works. So, we do have our
9 architectural revolving fund in place as well. Mr. Soltani, I'm
10 assuming that what you want to say is directly responsive. And
11 then, Mr. Le, thank you for your patience.

12 **MR. SOLTANI:** Okay, thank you. I just wanted to offer some
13 additional viewpoints and just make one correction or-- I know it's
14 not a correction, but it's not-- it's not even so much 'spend it to
15 get it.' It's 'spend it to keep it.' So, essentially, for example,
16 we expect a budget surplus this year. Given that we've been unable
17 to hire at the speed that we'd like. State hiring is very
18 difficult. I'm happy to share my experience here, but we've hired
19 from, you know, zero to-- or one to 25 in about a year's time, and
20 I expect-- I'd hope, you know, we-- we're trying to get up to our
21 kind of expected complement, as I said, but we're not near there,
22 and therefore we have another-- we expect to have a budget surplus
23 this year. And similar to last year, we would like to potentially
24 direct those funds for additional public awareness efforts in this
25 case, as I said, the contract and process for those for those types
26 of services takes roughly about six months, which we're behind the
27 ball on. But last year we were able to do a narrow contract for our
28 previous budget surplus to do media buy since it's a more expedited

1 contracting process, and this year I'd like to go through a
2 somewhat longer contracting process to get resources, as I said, to
3 focus on the content creation for those pieces. Alastair, I
4 appreciate-- Mr. Mactaggart, I appreciate your confidence in me
5 recording, but, you know, I think we'd like to make sure that we
6 not only provide kind of high-quality materials but also in
7 multiple languages to represent the diverse people in California.
8 So, we'd need translation services and all, the full gamut. And so,
9 I only go down this tangent to indicate that, for example, where we
10 have requested the approximate \$370,000 in 21-22, we would
11 essentially only be able to keep that money in either by
12 encumbering it through a contract for a specific purpose or through
13 the architectural revolving fund that Chair Urban highlighted,
14 which we already have, and it was created at the creation of the
15 Agency. I wish spending were quicker and faster, but I admit it's
16 one of the most difficult components of the state process,
17 particularly because we have a number of control agencies and small
18 agency, but also as any agency in California to actually spend
19 those funds. And I think the best use of those funds, future-
20 looking as I laid out, would be to start requesting personnel
21 authority in future years, because we expect the Agency to grow,
22 and with our key areas of the Agency, such as auditing and consumer
23 complaints, that we want to request personnel authority,
24 essentially the ability to hire and pay staff and then use the
25 surplus funds that we expect to have in this budget year for things
26 like public awareness and encumber those for approximately two
27 years to the completion of those contracts. So, that I just wanted
28 to add kind of that perspective. But I hear the Board. I certainly

1 don't want, you know, if the Board's direction's to not leave any
2 money on the table, I hear you. The challenge is that the money
3 goes off the table unless it's spent, and the spending of, you
4 know, we joke, and the inside joke with staff is buying the
5 printers, you know. I would love to be able to walk down to the
6 electronic store and purchase a printer. But it takes months and
7 months to go through that process and a lot of staff time, and
8 we're doing it as quickly as we can.

9 **MS. URBAN:** Thank you, Mr. Soltani. And again, I just really
10 want to commend you and staff on how quickly you've managed to hire
11 as many people as you have, because, of course, our main expense is
12 people, and the main reason that we've been under budget is because
13 we're busy trying to add people. And I also appreciate your
14 correction. You're right. It's 'spend it to keep it' more than
15 anything else under the budget process, which, you know, is slow.
16 It is just slow, and it can be frustrating, particularly as we are
17 trying to grow and fulfill our mission for Californians. It's also,
18 of course, important. This is California's money. It's not our
19 money. All of those processes are frustrating and slow as they may
20 be, and the fact that I certainly share Mr. Mactaggart's
21 frustration that like we can just keep what was left of our \$5
22 million in that first year. Those are all important processes to
23 make sure that the money is spent transparently and with proper
24 state oversight. Mr. Le and then Ms. de la Torre. No, sorry. Mr.
25 Mactaggart and then Ms. de la Torre.

26 **MR. LE:** Yeah. And I just, I have a question, and I guess a
27 comment on-- I'll start with a comment first and yeah. And to Ms.
28 de la Torre and Mr. Mactaggart's points, it is rare that an agency

1 doesn't ask for all the money it's entitled to. I don't think
2 that's very popular in government. I think it does a disservice to
3 the Agency if we had a use for it and we didn't take it. So, that's
4 why I said, you know, generally going forward in the future, I'd
5 like to encumber or use all that money if possible. I just want to
6 acknowledge it is a unique situation that the Agency is in,
7 considering how early it is that it's just hard to spend that much
8 money with 24 people and no office. But beyond that, I think one
9 consideration is, as far as I know, the 10 million plus the cost-
10 of-living increase is the minimum we can require-- we can ask for
11 if we need it. But I thought, and correct me if I'm wrong, Mr.
12 Soltani or Mr. Laird, but if the Agency wanted to go beyond that,
13 you know, \$11.18 million that we're maximally entitled to, we
14 could, right? And that is a question, like if there were legal
15 reasons or like enforcement needs, we could go beyond that number
16 if we could prove it to the Department of Finance. Is that correct
17 or no? And my thought is that, if we're going under this year but
18 we have to go over our statutory allotment, then this could be some
19 sort of credit to the Senate or our oversight folks. But just
20 curious to hear your thoughts on that if that's true or not?

21 **MS. URBAN:** It's absolutely true. Again, it's in the statute,
22 but it's also always true. That's how state agencies get their
23 money. And I'm so glad that you brought that up, Mr. Le, and also
24 that you pointed out something I meant to point out earlier, which
25 is-- and I pointed out in our last discussion of this, which is,
26 this is a slightly frustrating situation. It is very time-limited.
27 And it's time-limited because it is created by the fact that we are
28 growing as fast as we can, and it is not going to be very long at

1 all before we have no trouble with how we're going to spend our
2 full appropriation, which means that the justifications and
3 everything that we need to do will be straightforward to make, and
4 the only question in my mind very soon is going to be when we
5 request more than that statutory allocation because we have a lot
6 of work to do, and we have an incredibly effective staff that's
7 been growing really fast given the constraints. So, this is a time-
8 limited situation, and I just want to appreciate that Mr. Le sort
9 of highlighted that this is unusual, and also mentioned the fact
10 that it's not a ceiling. And I mean, we have a specific
11 appropriation from the people of California, but we also, of
12 course, if needed, can request more than that, and then that is
13 more discretionary on the part of the Legislature. So, thank you.
14 Mr. Soltani, did you have anything you wanted to add in terms of
15 Mr. Le's question?

16 **MR. SOLTANI:** Indeed. Thank you, Mr. Le, for asking that
17 question. That's a great question and a great point. I may have not
18 been clear to indicate in my kind of in the beginning of my
19 presentation on the budget, which is that the expected request, the
20 current BCP of seven staff, five in Enforcement and two in IT,
21 would put us essentially at our \$10 million appropriation. And
22 that's with five enforcement staff. And so, that includes kind of
23 the existing forecasts on spend for contracting for things like IT
24 services and things like GovLaw DOJ services. But it does not
25 project, for example, the bulk of our public awareness contracting
26 efforts forward-looking in future years because of the need for
27 essentially the-- one, because we have some already encumbered, and
28 two, that we expect that we will grow in that function, both in-

1 house-- and importantly, and I think the point that you were trying
2 to make is that we expect to-- if we go in future years for needs,
3 for things like our public awareness function, or additional staff
4 resources for enforcement, or whatever else function that the Board
5 wants to direct us to, we will need to go to Department of Finance
6 and request that appropriation over our 10 million plus cost of
7 living adjustment appropriation. And so, the part of the
8 sensitivity in this discussion is also that if we are not seen as
9 fiscally responsible, and we essentially heavily push the issue of
10 the cost-of-living adjustment with the Department of Finance and
11 get into an adversarial relationship, and then very soon actually,
12 and almost in the immediate next year, when we request to go over
13 the cost-of-living adjustment, then there will be push back, I
14 expect, where they could be pushed back on letting the Agency grow.
15 And so typically, I might not be clear, but most agencies, either
16 through just standard growth or, as I said, we're going to forecast
17 what our enforcement complexity, and as well as the number of
18 consumer complaints we receive, in order to then go back to the
19 Department of Finance and future years and say, no, perhaps we need
20 more attorneys in enforcement to actually undertake our mission, or
21 know, perhaps we need more employees and public awareness, where we
22 need more contracting budget and public awareness to achieve our
23 mission. And we make that case to the Department of Finance, and
24 they approve. And so, my worry is that they could say, no, you are
25 limited to your cost-of-living adjustment that's built into that
26 statute, and that's the only increase we'll give you, including in
27 future years, where the cost-of-living is not that significant as
28 it has been in the past two years. So, I think that's an important

1 point, which is that this kind of plan is not just about leaving
2 money on the table. Today, when we're small, we are essentially
3 limited in our ability to spend, but also forward-looking in our
4 ability to request further funds from the Legislature, as we need
5 to fulfill our mission. So, I hope that that was clear, but that's
6 kind of what we're thinking about in the back of our heads.

7 **MS. URBAN:** Thanks so much, Mr. Soltani. And that reminds me of
8 Mr. Mactaggart's point about sort of our earlier budget
9 allocations, and my point that we haven't had the people. So, you
10 know, we've been a little limited for a limited point of time.
11 Along with Ms. de la Torre's, I think, really important point
12 earlier in the discussion about providing the staff with the
13 guidance needed for staff's expertise to be deployed here. So, I'm
14 just going to say this, and then say staff will be able to decide
15 whether I'm wrong about this, but it does seem to me that in these
16 future years, a strong justification is the fact that we were under
17 budget for the first couple of years for, by ever, however much,
18 right? So, we didn't even spend our full allocation by, whatever it
19 ends up being, \$1 million, and we are now asking for it at this
20 point in time. That seems like a very reasonable support for that
21 request, and I will just leave it to-- and I apologize if that is
22 not an appropriate kind of justification. It just seems as though
23 it is to me, and that may be a way to alleviate the reasonable
24 worries that Mr. Mactaggart has about the people of California not
25 having the advantage of the full amount that they allocated for us
26 at the beginning, if that makes sense. Okay, Mr. Mactaggart, and
27 then Ms. de la Torre, who's been very patient.

28 **MR. MACTAGGART:** Well, I think we're conflating a couple of

1 things. Because in the future, if we want to go over our
2 allocation, which is in the statute so obviously we can, we're not
3 going to go to the Department of Finance. You got to go to the
4 budget. You got to go to approps. You got to go through the
5 Assembly. You got to go through the Senate. And you're back into
6 the world of normal politics. The notion that giving up on money
7 now is necessarily going to win us friends in the future somewhere
8 in that whole process, maybe will, maybe it won't, who knows? But
9 what I know for sure is we're giving up, and we gave up money now,
10 in the hope of something in the future. And generally, you know, I
11 think that's a bad bet to make because the political process, going
12 through the budget process in California, is a fraught political
13 process. Now maybe we get some huge settlement, and they'll say,
14 great, you guys are doing good things, or maybe they'll be moved
15 one way or another, but we're back out there; we're fighting with
16 other people for budget allocation at that point. This is
17 guaranteed budget allocation, and it is crazy to me that we would
18 think about giving up on guaranteed budget allocation for a hope
19 and a belief that in the future we'll be treated well to get more
20 when we have no indication that we will. And no one has ever said,
21 "oh, yeah, by the way, here's we will give you more in the future."
22 So, I come back to this sort of responsible stewardship and this
23 notion of fiscal responsibility. You talk about fiscal
24 responsibility. Fiscal responsibility is us getting what we are,
25 not deserve, what we are required to get under the law of
26 California. This is a legal thing. I don't think we have the
27 authority to ask for less. And they don't have the authority to
28 give us this, and they shouldn't be like, oh, you're playing nice

1 in the sandbox because you asked for what the people of California-
2 - how can they be angry at us? Let we just show them the statute
3 and say, "You owe us this." It's not even an issue. It's a speed
4 limit; they have to give it to us. So, I'm kind of unhappy that
5 we're budgeting asking for staff to get us to 10 million. We have
6 this wonderful ability to spend kind of as much as extra as we have
7 on this unlimited public demand for education. So, we could spend
8 hundreds of millions of dollars to educate people about their
9 privacy rights. Obviously, we're not going to, we don't have that
10 kind of money, but the kinds of money we're talking about, and
11 given what I just said about the California Broadcast Association
12 having a PSA program, we just need to have a contract to spend the
13 money. And okay, if the contract takes longer to get approved,
14 great, but we can allocate the money. We can fund the money. We can
15 say, here it is waiting to be funded. Well, then, let's find
16 someone who we can spend the money on a program to-- we've had a
17 year. If we didn't know that we were going to have an access
18 working, we are not treating our money well and there's got to be a
19 way we can spend this money, because we've known about it for a
20 year that we were either going to have a surplus, we're going to
21 have a need for it. And we should have some kind of a contract
22 which we can adjust to spend the money, as we have it, but we just
23 cannot be walking away from hundreds of thousands of dollars. I'm
24 very distressed about this.

25 **MS. URBAN:** Thank you so much, Mr. Mactaggart. So, I actually
26 think that we are moving towards something that could solidify into
27 helpful direction for the staff. I'd like to ask Ms. de la Torre
28 for her comments, and then I will summarize what I think I

1 understand and offer my proposal there.

2 **MS. DE LA TORRE:** Right. So, I think that we are all in
3 agreement in terms of how to move forward in the future, which will
4 be request the full allocated amount. And going back to this
5 impossible recover-- whatever it is can be recovered from the
6 budget years where that request was not made, I was just hoping to
7 move the conversation to the specifics that were mentioned as to
8 how the money was allocated, or what should be requested in terms
9 of the stuff. There's one comment from the Executive Director that
10 I wanted to circle back to, if that's possible. Could I do so, Ms.
11 Chairperson, or should you-- ?

12 **MS. URBAN:** I think, well, that's a specific question. So maybe
13 let's ask Mr. Soltani to answer. And everything you're saying is
14 aligned with what I'm thinking. So, I'll just slot that into the
15 framework and then offer what I'm thinking in a moment.

16 **MS. DE LA TORRE:** Okay, perfect. So, I think Mr. Soltani
17 mentioned among the ideas for future budget allocation, the fact
18 that we, as all agencies in California by law, are required to use
19 the AG for litigation. So, if there is a case that goes to
20 litigation, enforcement case for example, it will be the AG
21 defending that case as the law is right now. I believe Mr. Soltani
22 mentioned the idea of requesting an exemption from that
23 requirement. Some agencies in California do have these, where you
24 can internally, in the agency, have your own litigation staff, and
25 then that litigation staff will defend your cases. I just want to
26 circle back to Mr. Soltani and just check with him if I understood
27 this correctly.

28 **MR. SOLTANI:** Thank you, Lydia. Oh, sorry. [Cross talk]. Great.

1 I was just going to tap in Mr. Laird because it's almost right. So,
2 it's a little bit nuanced. So, Phil-- Mr. Laird, would you like to
3 take that question?

4 **MR. LAIRD:** Yeah, absolutely. As to what Mr. Soltani suggested
5 earlier, basically, what we have in mind is more or less actually,
6 Ms. de la Torre, what you described, is a sort of limited exemption
7 that would allow from existing law, which is this general premise
8 that the Attorney General's Office represents, sort of, all state
9 departments for not just only a judicial proceeding, but also
10 administrative proceedings. Knowing that our administrative
11 proceedings are going to go through the Office of Administrative
12 Hearings and then end up before this Board, we thought that was a
13 practical sort of venue for our own Enforcement Division to be able
14 to sort of, kind of own and control their cases, to be able to
15 investigate, and then also be the representing party in those
16 administrative proceedings specifically. For all other sort of
17 instances and if, for instance, somebody appeals a decision after
18 the Board renders one, and we end up in superior court or beyond,
19 that is something where we would still then work with the Attorney
20 General's Office to be the representatives of our agency. But for
21 our administrative proceedings, there's really a model for that and
22 plenty of other departments. In fact, the Department of Cannabis
23 Control just got this exact exemption we're talking about,
24 specifically for administrative proceedings, so that their
25 attorneys could represent the agency. And we really do, as much as
26 there's an efficiency argument for it, we also see this directly
27 related as a cost-savings measure, because you do pay for the
28 attorney general's representation for work that our attorneys, we

1 think, will be capable of doing.

2 **MS. DE LA TORRE:** Thank you so much. Let me repeat back to make
3 sure that I understood. So, what we're saying is that we will have
4 our own team dealing with all of the litigation up to the
5 administrative process, but if something goes to court, it will be
6 the AG, right? Is that correct?

7 **MR. LAIRD:** That's correct. That's correct.

8 **MS. URBAN:** That is separately split in the statute that they
9 have civil authority. We have administrative authority. I think
10 this is just the question of how our administrative authority is
11 exercised with people from the Attorney General's Office or with
12 our own people.

13 **MS. DE LA TORRE:** Okay, so I appreciate Mr. Laird providing the
14 clarification. I will not be supportive of switching to request the
15 exception so that we could-- I mean, I will listen to the
16 arguments, but it seems to me that the AG is very well-prepared to
17 defend our cases before court, and we should take advantage of
18 that. Thank you.

19 **MS. URBAN:** Thank you, Ms. de la Torre. Okay, so that is a
20 slight-- so that is a different-- so let me offer my sort of
21 framework. That's a detail that I hadn't worked into the framework,
22 and I'm not sure that I agree actually, Ms. de la Torre, but I
23 would have to listen and think about it a little bit. But so, as I
24 am listening to the Board discussion, and I'm putting that together
25 with options that we have in the budget process now, and what we
26 could do to direct the staff. I agree with Ms. de la Torre that
27 there's general agreement on the Board that we want to be able to
28 use the resources allocated to us by Californians on behalf of

1 Californians. And that we are at a moment in the budget process
2 where, using the May Revise or the Standard something or the--
3 sorry, apologies, the Spring BCP; there are a couple of different
4 options. Let me keep talking because you'll pick the right one.
5 That we could revise our request so that the request encompasses
6 our full statutory appropriation, including cost-of-living
7 increases for this year. And so that is one part. And then the
8 second part would be direction from the Board, in terms of how we
9 would like staff to allocate additional money: what are our values
10 and our priorities? We've certainly agreed on public awareness. I
11 know, Mr. Soltani, you mentioned some additional positions with
12 regards to enforcement and audit team, I think. And we haven't
13 really picked that up. But I would very much take sort of staff's
14 direction on this as you are thinking about carefully building out
15 all of our capacities, especially as the Board will need to be
16 screened to some degree from the day-to-day enforcement, as we will
17 be the decision-maker. So, I personally would probably let staff
18 know that we care about public awareness. We also care about
19 building enforcement and ask you all to allocate according to your
20 judgment. But that's like my basic understanding. There is this
21 additional wrinkle as to how we would staff administrative
22 procedures, which Ms. de la Torre just brought up. So, I want to
23 recognize that that is there. We haven't discussed it in much
24 detail and find out where the Board sort of is on the general sort
25 of framework, so that we can come to something that helps the staff
26 take next steps. Ms. de la Torre?

27 **MS. DE LA TORRE:** No, I think that you don't need to go back to
28 the question; I think that Mr. Soltani and Mr. Laird solved it. I

1 think I'm supportive. I just heard it and I think I understood
2 something different from what it was meant. I'm very supportive of
3 the proposal. The one only thing that I wanted to add is in terms
4 of priorities for spending. To me, they're very tied to our
5 priorities for the agency, and that's I understand the process
6 that's still ongoing. So, I think that it is appropriate for the
7 staff to right now, take the lead based on our conversations and
8 their needs. But at some point, we need to have that priorities
9 conversation, and tie the budget to the priorities that we say we
10 support.

11 **MS. URBAN:** Thank you, Ms. de la Torre. And just for everyone's
12 identification for the public who weren't maybe here in December,
13 we have a regularized sort of calendar and plan, and we will have a
14 priorities discussion when we start taking up the next budget. And
15 we'll also, hopefully very soon, be moving in strategic planning,
16 which will help illuminate all of that. I should clarify that for
17 what I was setting out here, was for purposes of the current budget
18 process, with regards to what we would like to authorize and direct
19 staff to do. And one component of it, I think, is the COLA, and
20 then the second component would be general, our thoughts and
21 guidance on how that additional money might be spent. I certainly
22 support Ms. de la Torre's thought that staff should be applying
23 their expertise to this in any level of detail. I just wanted to be
24 sure to reflect what I was hearing from the Board, in terms of
25 priorities. The Board would like the staff to take into account at
26 least. Thank you. Okay, Mr. Mactaggart.

27 **MR. MACTAGGART:** Thanks. Well, as long as we are committed to
28 obtaining our amount due this year through whatever the process is,

1 or revise the ST, whatever, that's fine. I would also like to
2 request that we ask for the money that we should have gotten. And
3 then, if we don't get that, I'd like a report back on how much we
4 didn't get, if we don't get it. And then presumably, we can use
5 that as this bargaining chip in the future and say, well, we should
6 have gotten that, but I'd like to like to ask for it as well. So,
7 whatever money we didn't get for the last couple of years. And then
8 I would like to-- I feel like it's staff to decide whether we spend
9 X on public outreach, and how they spend it, and whether they ask
10 for extra Enforcement people, that is actually what Mr. Soltani's
11 kind of responsibility is. And I feel like that would be
12 micromanaging to say, spend this or that. My only point is, I think
13 we have an unlimited demand on the public side of things. So, I'd
14 like to find out also, what's the constraint in getting that money
15 spent? And whether and again, I've been in conversations with some
16 people, who have asked me why we haven't used this public service
17 announcement; I don't know if we are, or if we have plans to
18 process, because apparently that's what a lot of other state
19 agencies do. And there's no mark up, and that's obviously a good
20 stewardship issue as well, with respect to our funding. And I feel
21 like if this vehicle exists, and I don't know if it takes months
22 and months to get approved, or if it exists with this public
23 service announcement program with the California Broadcast
24 Association with no markup, we should be taking advantage of it.
25 So, thank you.

26 **MS. URBAN:** Thank you, Mr. Mactaggart. Mr. Le?

27 **MR. LE:** Yeah, I had a question. I'm curious to how much
28 funding we have encumbered for public, you know, this public

1 education. And I'll note, with the departure of Mr. Thompson,
2 there's an opening, and the Public Awareness Committee, a
3 subcommittee with me, and I'm waiting eagerly for the hire for
4 public affairs, and then I will take responsibility for-- perhaps
5 they're not being very much action on the public awareness while
6 that hire is happening, because I haven't really been pushing it
7 without Mr. Thompson. So, I'll just note that. But yeah, if Mr.
8 Soltani or Mr. Laird know how much we have encumbered already for
9 public awareness, that'd be helpful. And I'll note for the campaign
10 that we did do, I believe we used some of the methods that Mr.
11 Mactaggart mentioned, where there was no mark up for the
12 broadcasts. Oh, so Mr. Soltani, do you know the amount we have
13 encumbered? Please let me know. If you don't, we can come back.

14 **MR. SOLTANI:** I don't know the exact amount. I can get those
15 figures, but it is pretty close to what we only spent about a
16 fraction about, I want to say an eighth of what we originally
17 encumbered, which was, I believe, something like 7.9 million is
18 what we may have encumbered. And that's for media buy, and so we
19 can use that, and we plan to use that very soon, as soon as we have
20 the public affairs person onboarded. And really, particularly the
21 timing should hopefully work well, because once our rules are
22 finalized, or assuming our rules are finalized, we can also more
23 accurately communicate what the rights and responsibility, or what
24 the rights and protections Californians have at that point. I can
25 get you those exact numbers if it's helpful. And I do, as I
26 mentioned, and to Mr. Mactaggart's point, very, and we are
27 currently also working on a contract to essentially-- that contract
28 was for media buy and that those funds are incumbered for media

1 buy. We're also essentially looking to contract for media
2 production or content creation, utilizing the expertise of the
3 agency, but also someone that can essentially develop a campaign,
4 make sure it reaches the broad kind of constituents of California
5 and make sure it's on message with our agency, and help us develop
6 that content hopefully, with the board's input. So those two pieces
7 are under way. I'm happy to either report back generally, I think
8 those figures are actually just, yeah, I believe that figures
9 somewhere. I can report back to these, I don't want to guess, but
10 it's around what I-- Yeah.

11 **MS. URBAN:** Okay, thanks Mr. Soltani. Mr. Le, does that answer
12 your question?

13 **MR. LE:** Yeah, I just wanted to get a ballpark and that sounded
14 me.

15 **MS. URBAN:** Its generous amount, and it's a generous proportion
16 of our overall yearly spend. So, I think it's very helpful to know
17 that we have that available to us for media buys at this moment,
18 and that it is encumbered for us. And so, let me circle back
19 around. So, I think that we have consensus to request that staff go
20 back and request the full allocation with the COLA, and that the
21 Board is generally in agreement that we would ask staff to exercise
22 judgment in terms of how exactly you allocate that--broadly, what
23 our values are, and they're also set out in the statute, and to
24 just come back with that to us if you need to. But I think that is
25 the plan. Now, Mr. Mactaggart also asked about the kind of request
26 to go back further, like to the first year, because the second year
27 we have encumbered everything we didn't spend, right? Pretty much
28 so. And then, in terms of that, what I would suggest is that staff

1 understand that they have direction for sure to explore these
2 possibilities. It just may be a challenge for this budget cycle,
3 but staff should explore it and move as aggressively as possible.
4 And then if we can also revisit when we talk about the next fiscal
5 budget. I just want to be sure that we're not asking for something
6 impossible at this time. Mr. Mactaggart?

7 **MR. MACTAGGART:** Sorry, I might have missed a word there, but
8 I've heard that. Let's ask for it, and then I heard you say, give
9 staff the ability to explore. I mean again, I think it should be--

10 **MS. URBAN:** Let me clarify. The Board has consensus that staff
11 should ask for our full additive COLA compounded for this year.
12 There's also the question of money that reverted to the general
13 fund in the first year. The second year, I believe, is all
14 encumbered for public awareness. That second amount of money it
15 would be-- It's unusual that it just never happened. So, what I was
16 going to say is that I'm happy to support staff exploring that for
17 sure. I just don't want us to direct staff to do something when we
18 don't exactly understand what the implications are for this budget
19 cycle to like, they should look into it and do their best. And
20 then, we definitely should also revisit it with the next budget
21 cycle, with staff's understanding and sort of research in hand. So
22 that's what I'm saying, there's two separate pieces. Ms. de la
23 Torre?

24 **MR. MACTAGGART:** Sorry. I'm sorry, I didn't get a chance to
25 make my point. So, as I understand, you said the first, the second
26 year, and again I'd like to know if we asked for the amount, or if
27 we didn't get our maximum? And then, going back to asking for the
28 money that we're due this year, we were able to have an important--

1 I was not on the Board there, but the Board did have an emergency
2 Board meeting last summer, when ADPPA was up and had a big, you
3 know, a session, and ended up writing a letter and voting on
4 opposing ADPPA. And I would say, this is at the same level. If we
5 get back negative response from some Department of Finance person
6 who says, "Well, we're not going to give this to you." I would want
7 to have an emergency Board meeting to say, "Well, wait. We need to
8 explore options here," because again, there's not a lot of-- when I
9 look at this, this is cut and dried. So, I think that I'm happy to
10 have this be through whatever proposal that we go, from 10 to
11 11.18, but we need to get to the 11.18.

12 **MS. URBAN:** Okay. So, the \$11.18 million is not a question.
13 Okay? The question in terms of just timing would be going to back
14 years, and recouping money that had reverted to the general fund.
15 And so, what I'm hearing, Mr. Mactaggart is, first of all a request
16 for an accounting, so we know for sure. I mean I can sort of only
17 give ballparks a little bit, but I know that that public awareness
18 contract encumbered a lot. And then, with regards to the very, very
19 first year, we should be able to find the numbers. And then
20 secondly, find out if there's a mechanism in this budget year or a
21 future budget year, to request those funds, so that they aren't
22 lost to us. I mean, all I was saying for that second part, not the
23 11-point whatever COLA, but for that second part, I would really
24 like staff to have discretion to research it and let us know what's
25 possible rather than us necessarily saying, "you have to like, do
26 this just because I don't know exactly what the traps are for the
27 process." So, there are two separate things. Does that make sense,
28 Mr. Mactaggart?

1 **MR. MACTAGGART:** Yes, thank you.

2 **MS. URBAN:** Okay, Good. Great. Thank you. Ms. de la Torre? Oh,
3 I'm sorry, Mr. Soltani, is it all right?

4 **MR. SOLTANI:** Yeah.

5 **MS. DE LA TORRE:** All right. I just think that when I hear Mr.
6 Mactaggart speak, it sounds really clear, but then I get confused.
7 So, I think that what we need to do is, identify the money that was
8 lost because it was not requested. That's one bucket, right? And
9 then there is another potential packet of money that was requested,
10 but not spent. Is that correct? Yeah. So long as we have a general
11 accounting of that, I think that we should leave to the agency to
12 give us an understanding of what might be recoverable from that and
13 make their best effort. It was difficult the first two years, you
14 know, we were all new. If something was perhaps not requested that
15 shouldn't have been. I'm very aware of what our director faced when
16 he was appointed. We didn't have a staff. The process was so new,
17 so I don't think that there is much use; I'm going back to the past
18 to identify who, or what was not done. It's just more about, if
19 there's packets in the past that we can identify that are
20 recoverable, how do we get there? What is the best process to get
21 there?

22 **MS. URBAN:** Okay, thanks, Mr. de la Torre. The first year is
23 weird because we were given, you know, we didn't have an advanced
24 BCP, we were allowed to file a BCP that just matched what we spent,
25 again, because, like we didn't exist. Okay, Mr. Soltani?

26 **MS. DE LA TORRE:** So, we don't need to re-engineer any of that.
27 It's just about identifying the accounting--

28 **MS. URBAN:** Yeah, the accounting point. Yes, thank you. Mr.

1 Soltani?

2 **MR. SOLTANI:** I was just gonna ask for clarification, but the
3 discussion between Ms. de la Torre and you, I think we had it, I
4 think, in terms of what the Board wants. I'm happy to repeat it,
5 but I think we have it.

6 **MS. URBAN:** All right. So, thank you very much, Mr. Soltani and
7 Mr. Laird for popping in to help us. I believe that we have, the
8 Board has provided its direction. And Mr. Soltani, do let us know
9 if that did seem unclear? I think we have a pretty straightforward
10 set of tasks and thoughts that hopefully you can work with.

11 **MR. SOLTANI:** I've one point of-- I apologize to-- One point of
12 clarification for Mr. Laird, in response to Mr. Mactaggart's
13 question regarding, if for some reason, the Department of Finance,
14 it does not approve a revision request, I believe we can stand-- We
15 can schedule a regular meeting of the Board, and we can do that
16 quickly within 10 days. But I don't think we have the ability to do
17 a special meeting or emergency meeting. But, Mr. Laird, you can
18 clarify, please.

19 **MS. URBAN:** Thank you, Mr. Soltani. I'm so sorry. I didn't mean
20 to drop that. Yes, there's a list of topics we could call an
21 emergency meeting for in the statute. I actually meant to ask the
22 same question in response to Mr. Mactaggart. Thank you. Mr. Laird?

23 **MR. LAIRD:** If I recall correctly, I apologize, I don't have
24 Bagley-Keene open in front of me. I should. I believe there is an
25 opportunity to schedule a special meeting for litigation matters,
26 not emergency meeting. And actually, a special meeting is
27 technically what the Board called the first time around. So, yes,
28 we would explore that option, if need be.

1 **MS. URBAN:** Okay. But if it were just a matter of hearing
2 something from the Department of Finance, we would need to just do
3 the 10 days, right? Well, I won't ask you to put you on the spot,
4 Mr. Laird, but instead, suggest that I take, as part of my task, to
5 call for a Board meeting as quickly as possible, if something like
6 that were to happen. Okay. Okay, Mr. Sabo, I would like to give the
7 public an opportunity to comment on this agenda item if they would
8 like. Would you please call for public comment?

9 **MR. SABO:** Yes, we are on agenda item 4, Budget Update and
10 Priorities for Spring 2023. If you'd like to make a comment on
11 agenda item 4, please raise your hand using Zoom's 'Raise Hand'
12 feature or by pressing star 9 on your phone. So, either Zoom's
13 'Raise Hand' feature or star 9 on your phone, this is for agenda
14 item 4, Budget Update and Priorities for Spring 2023. Madam Chair,
15 I'm not seeing any hands raised at this time.

16 **MS. URBAN:** Thank you very much, Mr. Sabo. All right, I really
17 thank the Board for robust discussion, and to the staff for
18 providing us with, I think, very helpful sort of framework, and
19 also very helpful detail on what is fairly complicated process. And
20 I think that we have been able to get the staff sufficient guidance
21 to move forward with the budget process this year, and we'll look
22 forward to hearing back anything from them on that, and also to our
23 meeting on setting priorities for the next year, which will come up
24 sooner than you think. So, thanks very much to everyone for the
25 input and for the discussion. And with that, let's go ahead and
26 move on. Actually, let me just pause. Since we've been meeting for
27 about two hours, does anybody need a break, or shall we just keep
28 going? Okay, Mr. Mactaggart, are you good? Great. Thank you. Let's

1 move on to agenda item number 5. Agenda item number 5 will be
2 presented by our general counsel, Mr. Philip Laird. And it's a
3 topic to discuss our practices related to subcommittees, which is
4 another place in which we've done our best with what we had. And
5 this is an opportunity to think through and regularize our
6 procedures. Before we get into the substance, I want to pause
7 because I don't think that I've done this in a little while, to
8 take this opportunity to thank Board members for all the work that
9 they've done through subcommittees, over the last 18 to maybe 20
10 months. I mean it's amazing to believe that's it. That's all the
11 time that we're talking about here. But it's been an intense amount
12 of work to help get the agency up and running, and move our crucial
13 rulemaking work along, as well as other work while we were
14 operating without staff and continuing to staff up. Now that we are
15 staffed fairly well, and we have a rulemaking package under review
16 with the Office of Administrative Law and additional topics out in
17 our preliminary request for comments, it's an opportunity time to
18 discuss regularizing some of our subcommittee structures. For Mr.
19 Mactaggart's benefit, we have talked about having such a discussion
20 in prior meetings. For example, we discussed the timeline for
21 disbanding the rulemaking subcommittees we set up for the
22 rulemaking that just went to the Office of Administrative Law. But
23 we also have the automated decision making and other topics that
24 are still underway, and we plan to pick up that issue when we had
25 our first package in, which we do so, which is great. So, our
26 general counsel has been carefully considering options and
27 recommendations, along with other staff, in light of our
28 discussions and in light of common practices, and of course, our

1 very constant companion, the Bagley-Keene Open Meeting Act, which
2 has a lot of, sort of, parameters with regards to subcommittees in
3 particular. So, Mr. Laird has provided for us a short background
4 memo, with some recommendations with my thanks, Mr. Laird. I'd like
5 to ask everyone to turn their attention to the memo, which is in
6 your materials under agenda item Number 5, in case you'd like to
7 refer to it, while Mr. Laird walks us through it for us. And with
8 that, I would like to turn it over to you, Mr. Laird. Thanks so
9 much.

10 **MR. LAIRD:** Thank you, Chairperson Urban, and I promise not to
11 just read the memo word for word. I'll try to hit on the
12 highlights. But as described in the meeting materials, staff have
13 spent some time considering the agency's current subcommittee
14 structures as well as those models employed by other similar boards
15 and commissions, and is recommending a policy, or what I actually
16 might say, is criteria really, for how the Board might create,
17 maintain, and wind-down subcommittees going forward. The memo
18 provided, gives background on how subcommittees can lawfully
19 operate under the Bagley-Keene Open Meeting Act, and then also
20 describes the Board's sort of specific history with subcommittees
21 to date. And then, the memo goes on to lay out the three most
22 common types of subcommittees that we've observed in other State
23 Boards and commissions, which I'll just very briefly describe right
24 now. The first one is an ad hoc subcommittee, which are some
25 committees that are temporary in nature, formed for the purpose of
26 overseeing a specific issue or project task. Ad hoc subcommittees
27 can be formed for a variety of purposes, such as preparing a one-
28 time study, or report, or making a single recommendation about a

1 time sensitive issue coming before the Board. Second is a
2 rulemaking subcommittee, which I'll just say is really just a form
3 of an ad hoc subcommittee in many ways, specific to rulemaking. So,
4 such subcommittees are tasked with proposing a specific regulatory
5 amendment addition, or repeal to the full Board for consideration,
6 and then often winds down after the Board commences formal
7 rulemaking. Frankly, a prime example of this would be, so far, the
8 New Rules Subcommittee, who's currently been working on sort of
9 proposed concepts for how to further investigate and eventually
10 prepare a text for things like automated decision making, risk
11 assessment and cyber security audits. Finally, I describe what is
12 called a subject matter subcommittee, which is typically more of a
13 standing subcommittee, tasked with making regular updates and
14 recommendations to a state body. Really, a key juncture is within
15 their subject area, but again, sort of a specific set of
16 deliverables just on an annual basis. Now, it's going to be seen
17 across various state Boards and commissions, one size or format
18 does not necessarily fit all when it comes to subcommittees. Some
19 Boards never form or utilize subcommittees, while other use them
20 quite regularly, or in some cases, are required by law actually to
21 form a specific subcommittee. Factors that can inform the best
22 options for a Board subcommittee use include, but are not limited
23 to, the size of the Board, the interest in a given subject by Board
24 members, size and expertise of staff and/or Board members, and the
25 likelihood of subject matter overlap between subcommittee topics.
26 The memo then basically concludes with recommendation that the
27 Board considers starting, continuing, and winding down
28 subcommittees, when three factors really are at play; and that is

1 the subject matter and tasks assigned to the subcommittee can be
2 appropriately bounded, so that there aren't any issues with
3 overlapping subject matter that sort of halts the work of either
4 subcommittee. The subcommittee can be given a specific deliverable-
5 based assignment with clear timelines for completion. And that
6 there is a benefit from the high engagement, advice, and guidance
7 by minority of Board members on a particular subject. So, that
8 really is the memo in a nutshell. Happy to answer any questions,
9 but otherwise, my thought was at this point. I would turn it over
10 to you, Board members, to consider what fits best for your Board.

11 **MS. URBAN:** Thank you very much, Mr. Laird. So, the
12 recommendation is that we regularize our current subcommittee
13 structure and plan to look over these factors as we move forward?

14 **MR. LAIRD:** That's correct. That's correct.

15 **MS. URBAN:** All right. Thank you very much, Mr. Laird.
16 Comments, questions from Board members? Yes, Ms. de la Torre?

17 **MS. DE LA TORRE:** I just quickly wanted to ask. I know we have
18 to go on appointing a member for the process of committee, and I
19 don't know if it is within this topic that we have an agenda item
20 that we're doing it or not?

21 **MS. URBAN:** Thank you, Ms. de la Torre. And so, actually, you
22 know what I think, this is a good place to start talking about
23 that, and also more generally, I'm not sure if Mr. Laird, I don't
24 recall him mentioning, when going through the current state of our
25 subcommittees, which is that I believe it's the New Rules
26 Subcommittee is the only one that currently has two members, right?

27 **MR. LAIRD:** That is correct.

28 **MS. URBAN:** Okay. So, we have several subcommittees that have

1 lost one of their members. I don't think we have any that actually
2 just kind of disappeared because all members left. But we do have
3 all the subcommittees, except for the New Rules Subcommittee, have
4 lost members. And I think that this makes it even more of a good
5 opportunity to kind of talk through where we are, and think about
6 whether we should go forward with subcommittees in their current
7 form, whether we should-- like what we should do to make sure that
8 we're very carefully bounding things, so that we don't
9 inadvertently run into issues, either now or in the future, with
10 regards to the subject matter, that we can't share between
11 subcommittees. But staff would be able to collect information and
12 be able to advise the Board, or by some sort of more bounded
13 subcommittee. So, I think it's generally-- I think, probably we
14 should just walk through each of the subcommittees that we have
15 right now and see if we can subject them to the rubric, and what we
16 think is what I would suggest. So, short answer to your questions,
17 Ms. de la Torre. Yes, I think, and I hope Mr. Laird agrees, like
18 that's a subcommittee question, so we can talk about it under this
19 item, and we also-- it is something that relates, perhaps to some
20 degree to the next item, although again, that's sort of a more
21 general framework. So, I think that that is absolutely a fair game
22 to talk about. Mr. Mactaggart put his hand up and took it down.

23 **MR. MACTAGGART:** That's because Madam Chair, you answered. I
24 was going to suggest because I'm not super familiar with them. What
25 was your-- I mean the recommendations are kind of general. So,
26 what's the specific? Do you want to get rid of one or all or some?

27 **MS. URBAN:** Yeah, yes, thank you. See, look at that. Answering
28 questions before they're asked. How awesome is that? Yeah. So, why

1 don't we list out the subcommittees and talk them through. And Ms.
2 de la Torre, did you want to say something more?

3 **MS. DE LA TORRE:** I'm happy to hear the list that the
4 chairperson has in mind. My preference will have been to have this
5 conversation where we have five Board members instead of four,
6 which we could wait a few months and be there. But if that is not
7 what we are going to do, then I guess we can move ahead, and I have
8 that conversation.

9 **MS. URBAN:** Thank you, Ms. de la Torre, and I did mean to say,
10 to sort of call back to your observation about that in December,
11 which I think was correct and fair. Like ideally, as we work
12 through our frameworks and policies, we'll have a full complement
13 of Board members. I'm just hoping that we can balance, continuing
14 to move forward with the fact that as we have discovered and
15 experienced Board members go, Board members come, and for the new
16 Board member, it would be wonderful to have that person's input. It
17 also would be nice to continue to build a suite of things that we
18 can hand over to new Board members that will help them get up to
19 speed quickly. So, I was just kind of balancing both of those, but
20 there's no process reason why we would need to fully make decisions
21 today. With regards to talking about our current subcommittees, you
22 know there are historical, and the Board members who have the
23 history of those subcommittees are either currently on the Board or
24 gone. So, I still think it's an opportune time to talk about
25 subcommittees, because that isn't something that the new Board
26 member has experience with. So that was my kind of thinking. I was
27 trying to be responsive, and also take into account the fact that
28 of course we'll have another person coming. So, I actually suggest

1 that maybe we start with the new rules. Let me think. Let me just
2 back up and say what subcommittees in some form, even if it's a
3 joke, because they only have one Board member we have, so we all
4 have the picture, and also for Mr. Mactaggart's benefit, it would
5 be not at all surprising, or at all to his lack of credit, that if
6 you hadn't kept track before he was on the Board. So, in June of
7 2021, in our very first Board meeting, we formed three
8 subcommittees. One was the Startup Administration Subcommittee, and
9 that was myself and Angela Sierra, tasked with essentially being
10 the point of contact and being able to bring to the Board issues
11 related to creating an agency, hiring and so forth. And one of our
12 first big tasks was to put together and implement the plan to hire
13 the Executive Director and other sort of things of that ilk.
14 Secondly, we created the Public Awareness Subcommittee that Mr. Le
15 mentioned earlier. And that was Mr. Le and Mr. Thompson. And the
16 remit of that subcommittee was to look into and help advise the
17 Board on moving forward on our public awareness function. The third
18 subcommittee was Ms. De la Torre and myself. And that was the
19 Regulations Subcommittee. And here, just to highlight a little bit
20 of what Mr. Laird was talking about, we were attentive to being
21 especially careful about how we would manage information around
22 regulations, so that we could comply with Bagley-Keene and
23 hopefully still make progress on our rulemaking, while we were
24 hiring staff and didn't have them directly at that time. So, the
25 Regulations Subcommittee was very careful about its boundedness,
26 especially temporarily, especially in terms of time. So, we were
27 able to-- close to finalize. If we didn't finalize, Ms. de la
28 Torre, which I actually don't remember if we fully finalized it, it

1 was very close, our agreement with the Office of the Attorney
2 General to provide legal advice to us for the rulemaking. And we
3 then proposed to the Board, and the Board adopted an overall plan
4 for commencing rulemaking, which included subject matter that would
5 be covered, and it included dissolving the regulation
6 subcommittees, so temporally limited and forming three subject-
7 matter subcommittees. One, the Update CPRA Rules Subcommittee,
8 which was Ms. Sierra and myself, who worked with staff to provide
9 input to the Board, on topics that we're updating, the right
10 existing regulations for the changes that came with this CPRA and
11 related. And the New Rules Subcommittee, which is Ms. de la Torre
12 and Mr. Le, which was tasked with, and has been working on topics
13 of rulemaking completely new in the CPRA, and we were specific
14 again to be very careful that it was clear what the parameters of
15 the subcommittees were; and that includes things like automated
16 decision making and audits and reporting functions that were set
17 out in the CPRA. And then finally, a process subcommittee that Ms.
18 de la Torre mentioned a few minutes ago, which was Ms. de la Torre
19 and Mr. Thompson. And that was charged with providing guidance and
20 input on process, because again, first rulemaking, limited staff,
21 and the AG's office was wonderful and amazing, but that was
22 hopefully a way as well to be clear on our parameters, so that we
23 were very, very scrupulous and careful with regards to Bagley-
24 Keene. So, Regulation Subcommittee then dissolved by date certain,
25 and the other three subcommittees came into being. So today, we
26 have, at least in theory and that we haven't talked about
27 dissolving them, five subcommittees; a Startup Administration,
28 Public Awareness, which continued, New Rules, Update Rules, and the

1 Process Subcommittee. And there, of course, the only one that is
2 fully peopled is the New Rules Subcommittee. I think there's an
3 argument that it's also really the one that is still sort of
4 working on substantive materials for rulemaking. Some of their
5 work, as I understand it, to go into the package that went in. But
6 of course, the Invitation for Comments that went out recently, was
7 part of that subcommittees' work. And so, we're sort of at that
8 stage where an Invitation for Comments has come out on some of
9 those topics. The Public Awareness Subcommittee, I'd be very
10 interested to hear your thoughts, Mr. Le. My thinking about it was
11 that you and Mr. Thompson did an amazing job, like making sure
12 staff were supported, and that you were giving guidance to staff,
13 particularly around building things out, getting the ads that went
14 out last year, and developing the contract. But that is also
15 something that could go to staff with the Board either. I'm giving
16 input as a full Board because this is a situation, if we compare to
17 the list. This is something where it's very clear all the Board
18 cares a lot about it, or we could dissolve the subcommittee, which
19 we just kind of-- It was more general, and we didn't put a time
20 limit on it, but then create subcommittees for specific campaigns
21 or specific projects, if it seemed to make sense. So that might be
22 a candidate for that approach. Startup Administration Subcommittee
23 might well be a candidate for that approach, because we have
24 amazing staff. Anyway, let me just pause there, because I do think
25 it makes sense to hear Mr. Le's thoughts on the Public Awareness
26 Subcommittee. And I apologize, I have a virus. And so, I know I
27 have a frog on my throat, so I am sorry. And if I need to speak up,
28 someone please tell me. Thank you. Mr. Le?

1 **MR. LE:** I'm happy to answer that question. But perhaps maybe
2 we want to take a quick break, if that would be helpful. Happy to
3 do that. It is a little past lunch time.

4 **MS. URBAN:** That is a good point. It is one o'clock. My guess
5 is that there are at least some people in the public, if not some
6 of us, who have a need for a blood sugar increase. How long would
7 you like Mr. Le?

8 **MR. LE:** You know, at least like 20 minutes would be good, or
9 more if you need, you feel necessary. But yeah, that would sound
10 good for me.

11 **MS. URBAN:** Okay? Well, why don't we come back at 1:30p.m.?
12 We'll also take that break at two o'clock, so we may be a little--

13 **MS. DE LA TORRE:** Yeah, it's okay, if we skipped a little
14 while.

15 **MS. URBAN:** Oh, it is? Okay. All right, well just let me know
16 if that comes back again, and that does mean that, you know it
17 makes perfect sense to take a 30-minute break now. So, let's do
18 that, and let's come back at, now it will be 1:32. Mr. Sabo, can
19 you take care of that for us and for everyone in the public, we're
20 going to be leaving the meeting, but we will come back at 1:32, and
21 look forward to seeing you then. Thanks so much.

22 **MS. URBAN:** All right. It's 1:30p.m. on Friday, March 3rd, and
23 the meeting of the California Privacy Protection Agency Board is
24 returning from a break. If everyone is ready, I see Ms. de la
25 Torre's camera is off, so some of you will wait for just a minute.
26 And while we wait, Mr. Laird, just to check, I mentioned I have
27 some kind of virus. I've been coughing. Is it okay if I turn off my
28 camera to cough? Is that acceptable under Bagley-Keene? I just

1 figure people don't--

2 **MR. LAIRD:** Absolutely, absolutely.

3 **MS. URBAN:** Okay, but if I turn my camera off, that's what's
4 going on, I'm not doing something else in the background. I'm just
5 coughing. Thank you. All right, Ms. de la Torre, are you with us by
6 chance? Alright, let's just give her another minute. Thanks,
7 everyone. All right. Welcome back, Ms. de la Torre. Welcome back to
8 everyone, once again, this meeting of the California Privacy
9 Protection Agency Board is returning from break. We are currently
10 discussing agenda item number 5, which is related to Board and
11 agency policies and practices regarding subcommittees. Mr. Laird
12 very helpfully put together and gave us a memo and kind of walk
13 through it with us in terms of considerations that staff recommend
14 we take into account when utilizing subcommittees for board and
15 agency work, and we were in the process of talking through the
16 subcommittees that we had already set up. We're focusing in a
17 little bit on the Public Awareness Subcommittee at the moment, and
18 I believe where we left it was, I was asking Mr. Le what his
19 thoughts were in terms of whether it's an appropriate time, given
20 that he doesn't --that we've lost two Board members, and we have
21 staff for that work to sort of be absorbed back to staff them, and
22 then, you know, we create more bounded subcommittees. Or if, for
23 example, maybe you know something ongoing that would have an end
24 point, or if you had other thoughts, so I believe that is where we
25 were in our discussion. If you would like to give us your thoughts.

26 **MR. LE:** Yeah, you know, I think everyone should have an
27 opportunity to opine on, you know where the public education should
28 be. You know, I think Mr. Thompson and I, you know, did our best

1 but this isn't an area where no one else has, you know, doesn't
2 like the other Board members, can also contribute. So, you know, I
3 think you know, if Staff is, you know, willing to reach out to each
4 individual Board member and solicit ideas on their public
5 awareness, you know direction, and perhaps maybe having an agenda
6 item to summarize those conversations and maybe discuss those at
7 the full Board meeting makes sense to me, you know. Really, I think
8 a lot of it --I think a lot of my thinking hinges on the hiring of
9 the public affairs person. You know we had the subcommittee because
10 we didn't have a public affairs person. We've had the job out, the
11 job application out for quite a while, and I believe you know the
12 process is, you know, kind of coming to an end, so I think it is a
13 good time to transition that responsibility to the public affairs
14 person. But that said, I do have a lot of ideas on public
15 education, and what a good campaign would be. I won't discuss it
16 right now, but yeah, that is something I think all Board members
17 should be able to have input on. So maybe it's not the best to tie
18 it all to one subcommittee.

19 **MS. URBAN:** Thank you, Mr. Le, so just to summarize and to add
20 some clarification, as I understand it. So, agreement, the Board
21 generally is very interested in this topic. The subcommittee, Mr.
22 Le, you have some specific ideas, and so the first item I wanted to
23 mention is I, and I apologize, I didn't mention this before,
24 because my understanding is absolutely that Board members would and
25 should be able to do two things: one would be to mention specific
26 ideas to staff and whether that is in a setting like this, or
27 whether that is through talking to staff. One of the benefits of
28 having staff receive that information for sort of long-standing

1 commitments like we have for public awareness is that staff are
2 able to judge kind of where we are on Bagley-Keene, and also, you
3 know, things like where we are against the budget, so that we can
4 then have a public discussion, if we need to, about things as they
5 are. There was a second component of what you said that I may have
6 gotten, or may have read in, which was potentially having a
7 regularized time on agendas to check in on public awareness, Ms. de
8 la Torre, so I didn't make it up out of whole cloth. Was that-- Did
9 I hear that correctly?

10 **MR. LE:** Yeah, I mean it doesn't have to be like every board
11 meeting. It is just, you know, when they do solicit the public
12 affairs, and solicits advice from all of the Board members, and is
13 ready to present something, I'd like that to be an item, so we can
14 all discuss everyone's ideas. So, if there isn't necessarily a need
15 for it to be regularized, you know it doesn't have to be, but
16 that's something, I think the public affairs hire would be better
17 equipped to decide.

18 **MS. URBAN:** Excellent! Thank you very much, Mr. Le. That all
19 seems eminently sensible to me. Other thoughts about the Public
20 Awareness Subcommittee? Or, more generally? All right. Well, I'll
21 circle back. Oh, yes, Mr. Mactaggart, please go ahead.

22 **MR. MACTAGGART:** I'm obviously the most recent person here, and
23 you know, from my perspective, it appears that obviously at the
24 beginning of the process, when there was nobody, you guys were all
25 scrambling to figure out how to put it all together. I guess one of
26 my questions would be now, I think, part and parcel of this is for
27 me, knowing as a Board member how often we meet would kind of have
28 an impact on this. So, for example, if you met once a year, for

1 example, and you could see, well, boy, we want to have some
2 subcommittees to make sure that work gets done here, or the Board
3 members have an expert, you know, a potential to do stuff. And then
4 again, if we're meeting, you know, twice a month, I'm not saying
5 should, but I mean I'm just kind of pushing a point there that that
6 feels different also. So, I kind of think that that's part of one
7 of the, you know, the two things would be, how often do we meet?
8 And then is there always an opportunity for Board members to bring
9 items up at those-- an agenda item for them to bring up things at
10 those meetings.

11 **MS. URBAN:** Thank you, Mr. Mactaggart, and thank you so much
12 for the observation. We've all been meeting so much. I think we
13 have sort of that expectations which I'm really glad that you
14 mentioned, because, as I said at the top of the meeting, and my
15 update, one of my hopes for as putting together the sort of
16 regularized expectations, for when we would talk about certain
17 things, always being able to supplement them if something comes up
18 in a public setting would be, as I said, for us to be able to have
19 a sort of regularized calendar. I will say in my own mind, I have
20 been thinking that for sort of settled agenda items, things that we
21 know we are going to need to talk about regularly, we can see if,
22 you know, like a quarterly meeting will work. But I, you know I
23 anticipate that we would have at least one more within a quarter at
24 least for now, because we're still doing so much, and that we've
25 been meeting, you know, approximately with some sort of Schmutz
26 about once a month, and it would be nice if we could be, you know,
27 efficient, so that we knew what was coming up, and we also were
28 maybe able to meet on court of a more normal schedule, which most

1 boards meet quarterly, twice yearly. I think there are some that
2 meet every year. But obviously we have a lot to consider, and that
3 wouldn't work for us, and quarterly may just not be often enough.
4 And that would always be quarterly supplemented by, you know,
5 meetings as needed, which I expect that we would be needed. But
6 then to your sort of point it with regards to this, so the question
7 of how we organize our work more generally. Yeah, absolutely. It
8 makes perfect sense that part of how we decide to do this will be
9 tied to how often we meet as a board, and my view is that we should
10 meet as frequently as a board as we need to, in order for the board
11 to discuss the topics that we're all fully interested in. Like
12 public awareness, like the budget, for example. There are
13 tradeoffs. Every meeting is a production, and it requires a lot of
14 staff time. But of course, you know, it's really important that the
15 board have been put in oversight into a lot of these topics. So,
16 staff are, have been very, very willing to set a lot of meetings
17 for us, and I think you know we'll probably be meeting quite
18 frequently for a while, and my hope is that we can also have, like,
19 you know, a calendar where we see what's coming in general.
20 Secondly, also, perhaps embedded in Mr. Mactaggart's point is that
21 the Public Board Meeting isn't the only opportunity to bring issues
22 to the attention of Staff. Staff will, and I have checked with them
23 to be sure I can say this, and of course I can, you know, because
24 they're wonderful. But staff will receive ideas from us as needed,
25 and they can also tell me, you know we should call a meeting on X
26 and Y topic as well as Board members can, of course, suggest agenda
27 items along the way. So, there should be ample opportunity for
28 input, and this would mostly just mean that is going through the

1 deputy director we're all eagerly waiting to hire, who would be
2 able to sort of in a more complete way, be able to put things
3 together, given that we are unable to talk with each other outside
4 of a subcommittee. And then, if we have a subcommittee, then that
5 really limits the rest of Board members' ability to do much outside
6 of a public meeting. So that's the thought. Ms. de la... oh, sorry,
7 Mr. Soltani, did you want to response to that briefly and then Ms.
8 de la Torre. Excuse me.

9 **MR. SOLTANI:** I just wanted to offer one additional
10 consideration, which is, as the Board might know, and the public
11 may not know. The Bagley-Keene exception that allows us to meet
12 remotely will expire on July of this year, and so, having a
13 regularized calendar with, you know, quarterly, or whatever the
14 interval the Board decides appropriate with the kind of planning
15 that well in advance will be quite helpful, given that managing
16 facilities and organizing the in-person piece, considering we also
17 probably want to do an online component for the public to make it
18 accessible is really logistically challenging. And so, that will
19 help quite a lot. So, I just wanted to share that aspect coming
20 into July of this year.

21 **MS. URBAN:** Thank you very much, Mr. Soltani. And Ms. de la
22 Torre?

23 **MS. DE LA TORRE:** I was going to mention that one of the
24 considerations is how long the meetings are. It is really pertinent
25 for us, and I think for this staff, when we have meetings that go
26 on for six, seven, eight hours, and we haven't done that lately as
27 much, but we have in the past. So, from my perspective, I will lean
28 towards saying, it might be better to say we meet monthly, knowing

1 that the meetings can be a three-hour, four-hour meeting, than
2 quarterly, if that really means that the meetings will be really
3 long, and it always will be possible if we decide that it's a
4 monthly schedule. If there is a month when there is not enough in
5 the agenda, that can be cancelled, and the agencies already, you
6 know, prepare in advance. They have the place security for this to
7 happen is easier, I think, to cancel than to you know, try to go
8 over the time or schedule something that realistically has to
9 happen in a physical location with a short notice.

10 **MS. URBAN:** Thank you, Ms. de la Torre, and that is a good
11 point. And you know, this is another reason why I also should have
12 pause, and I would like us all to pause right now to celebrate a
13 little bit that we are at this point where we can talk about
14 regularizing structure and, you know, directing staff to do some of
15 this work for us, and to be able to focus the Board's attention and
16 meetings on the kinds of things that are very directly tied to
17 vision, strategy, governance, and those kinds of things because,
18 you know, we've kind of often had to meet on all stuff that because
19 we didn't, you know we didn't have staff, so we had to talk about a
20 lot of stuff. And so hopefully, we are in a place where we can
21 focus our collective board time and staff time putting together our
22 meetings on that kind of thing. But I think that's also a very
23 helpful suggestion regarding timing, Ms. de la Torre, and I have
24 noted it down. So, thank you. Mr. Mactaggart.

25 **MR. MACTAGGART:** Thanks. Not a particularly substantive
26 comment, though I do think it-- when I joined, my first couple of
27 meetings were on the weekend, and I just think for our staff, who
28 are proverbially overworked, I think it would be good if we tried

1 to keep the meetings to work hours for them. I guess the first
2 thing, and the second thing is, I just-- I don't know what the
3 right meeting is, and eventually I can see getting to a less time,
4 it just feels like right now, quarterly probably feels light, and
5 that's my two cents right there.

6 **MS. URBAN:** Right. Yeah, thanks, Mr. Mactaggart. And I just
7 want to be clear that, you know, we'll put together all of the
8 different sort of regularized ideas that staff have had for us, and
9 that we've talked through, see where we are. I anticipate, you
10 know, probably bringing that up a bit the next time we meet, you
11 know, just to see where we are with the potential calendar. And I,
12 you know I hear you, which is why I said I suspect that would be at
13 least one-off meeting. Ms. de la Torre's point about timing of the
14 meetings is also helpful. Each one does require a sort of set like
15 there's minimal-- Sorry, there's a floor on the staff work for each
16 meeting. So that's also something. But if, you know, we'll just
17 keep all of that in mind as we work on it, and absolutely, Mr.
18 Mactaggart and weekends, it was just the once for the rulemaking
19 so. And Staff's work was very much appreciated. Thank you. Ms. de
20 la Torre?

21 **MS. DE LA TORRE:** I also wanted to mention an idea that I think
22 we talked about in the past, which is that if we reserve some of
23 the meetings for administrative issues like this one, it might be
24 that we don't need to organize the Zoom around it, because there's,
25 you know there is not that much public need of awareness.
26 Obviously, the meetings will still be open, and that might help
27 alleviate the burden on the staff.

28 **MS. URBAN:** Thank you. And for that, I will just ask staff to

1 note that and let us know if that's the case. Okay, great. Thank
2 you, Mr. Soltani, nodded. Popped into nod. All right. So, thank
3 you. So, what I suggest is we'll-- I'll circle back on the Public
4 Awareness Subcommittee, but it seems like it probably makes sense
5 for that one to be absorbed into the agency, and we will all look
6 forward to hearing from our new director, deputy director when that
7 person arrives, and I understand hiring is processes going on. The
8 next one that has some similarities, I think, is probably the
9 Startup and Administration subcommittee, and that was Angela Sierra
10 and myself, and you know, without anybody else to try to be
11 interface with DGS, the Department of General Services and so
12 forth, and to talk with staff as they came on board as they were
13 putting together sort of all of their internal things. That was
14 something that we desperately needed at the time, and thankfully
15 can probably absorb many functions into the agency now. Then,
16 there's also, as Ms. de la Torre brought up, and I want to be sure
17 that we don't-- that we give it the attention required would be the
18 process subcommittee for rulemaking, which Ms. de la Torre and Mr.
19 Thompson, I wasn't on the subcommittee, so I haven't been on the
20 subcommittee, so I'm sure, Ms. de la Torre can give us more
21 information. But my understanding from our public meetings, what we
22 planned for, it was a Ms. de la Torre and Mr. Thompson did a lot of
23 work to sort of help the staff with a process for rulemaking, which
24 we all want to move faster. But it really moved really fast, given
25 the constraints, and so they were able to sort of advise on that.
26 We can talk about it now. We can bring it back up when we talk
27 about the broader, more general rulemaking process that we have
28 coming up in our next agenda item. But I want to ask for Ms. de la

1 Torre's sort of thoughts, because again, the rest of us don't have
2 the benefit of your work on that subcommittee.

3 **MS. DE LA TORRE:** Sure, I'm happy to talk about it. I think we
4 also should talk about the CPRA update. Rules subcommittee which is
5 ad hoc. Which seems to me that we're on the other end of this,
6 almost having that package approved.

7 **MS. URBAN:** Yes, I was going to pair that with the new rules
8 which we'll get to next. Let's process the more substance. Yeah.

9 **MS. DE LA TORRE:** Okay. So, the rulemaking process subcommittee
10 was tasked, I think it was in March with four different things. The
11 first one was coordinate the generation of our report comparing
12 CPRA for completion, CPRA with the system regulations applicable to
13 insurance companies. That has not been done, and it should continue
14 to work. I haven't received an update on that because the society
15 has not been able to meet. But I think it is urgent, because the
16 insurance industry is waiting for us to give them guidance as to
17 how our statute applies to them. The second task was to supervise
18 and coordinate rulemaking effort until the staff can take over, and
19 I don't disagree with Chair Urban, that we probably are at the
20 stage where staff can take over that task. The third task was to
21 provide recommendations as to how to best organize future
22 rulemaking efforts. That's taking something that is ongoing, and I
23 think it will be beneficial to have a subcommittee propose ideas
24 for the Board to discuss. That should be a board discussion. But
25 these are advisory subcommittees. They are not decision-making
26 subcommittees, they are structured to bring ideas to the board, so
27 that we can have a conversation in a more organized fashion. The
28 last thing that was assigned to the rulemaking subcommittee was to

1 consider and made recommendations on any new need for additional
2 rules. We haven't had discussions about that in this subcommittee
3 so far, and I'm not sure that that's something that needs to
4 continue within the purview of this subcommittee. But we could, you
5 know we could leave it there. The agency staff, if they have ideas
6 on new items that might have to be changed, it could be good for
7 them to bring it before it comes to the board. So, I think that is
8 an ongoing subcommittee task that has been assigned to it, that is
9 important. And we should continue this committee until the task is
10 finished.

11 **MS. URBAN:** Thank you very much, Ms. de la Torre. That was
12 really helpful. I'm hoping that maybe Mr. Soltani or Mr. Laird can
13 touch on the insurance item. With regard to the others, I'm taking
14 through them that'll makes sense. With regards to new topics for
15 rules, my thinking is that again --one question I have for Ms. de
16 la Torre is how this relates to the next agenda item. So, I'll come
17 back to you and ask about that with regards to generally sort of
18 rulemaking. But with regards to new items, my thinking is that it
19 would be probably best at this point, now that we have staff for
20 that to sort of, again, dissolve, maybe into a broader purpose, so
21 that all Board members are able to directly bring potential topics
22 to staff and staff and kind of compare them in a way that we can't.
23 We had such a minor version of this with the Update Rule
24 Subcommittee, but we had to be very careful about not running into
25 things that in theory, could have been something that you and Mr.
26 Le were working on, maybe, or even the Process Subcommittee maybe,
27 so. So, it's a challenge when you add Board members to that, like,
28 layer before the full board meeting, if that makes sense. And yeah,

1 so maybe let's talk about that, Ms. de la Torre, and then I'll ask
2 Mr. Laird or Mr. Soltani to enlighten us on the insurance bit.
3 You're on mute.

4 **MS. DE LA TORRE:** It will-- just for clarity, it was never
5 intended that Board members will have to bring to the subcommittee
6 any idea for new rules. It will be, you know, outside of Bagley-
7 Keene if that was the case. I think it was intended for staff to be
8 able to have the choice to bring that conversation to the
9 subcommittee, and I don't think that has happened. So, I'm open to
10 hearing Mr. Soltani's and Mr. Laird's ideas about that, to the
11 extent that we don't have a different process. I would prefer to
12 leave it with the subcommittee until we can consolidate what that
13 process will be.

14 **MS. URBAN:** Thank you. Let me just also explain, so they can
15 respond. My work-- and you all know I'm the nerd. The Bagley-Keene
16 nerd, and I'm sorry, I know I can be kind of pedantic about it. But
17 my worry would just be that say, Mr. Mactaggart, or I bring a topic
18 to Mr. Laird, and then Mr. Laird is precluded from bringing it to
19 the subcommittee, because that's two more Board members. So, we
20 kind of get a little bit stuck. Do you see what I'm saying?

21 **MS. DE LA TORRE:** Not quite. I haven't found it difficult to
22 deal with that. I think that the solution for that's to bring it to
23 the board.

24 **MS. URBAN:** Yeah. Yeah, that was--

25 **MS. DE LA TORRE:** If we are meeting monthly, that's the
26 solution. If a conversation has been had with two Board members,
27 then bring it to the board.

28 **MS. URBAN:** Yeah, well, that was it. That was, I think we're in

1 agreement on that. That was why that particular function of the
2 process subcommittee, I'm not sure makes sense sort of going
3 forward without like a bound. And so, Mr. Soltani and Mr. Laird,
4 can you respond to Ms. de la Torre's question? And then I think our
5 joint question with regards to the insurance function.

6 **MR. LAIRD:** Sure, would you like me to-- Mr. Soltani. Yeah, all
7 right. So yes, Ms. de la Torre, we have been-- staff has been
8 actually working actively to continue their assessment for that
9 provision, and it is actually hoping to sort of finalize that
10 assessment within the coming couple of months at most, I would say.
11 So, we-- and then at that point, I think, would be prepared to come
12 forward to the board with some recommendations around those
13 provisions. I understand we haven't had a chance to check in sort
14 of in a formal subcommittee capacity, but that work has been
15 ongoing from a staff level, so I can assure you of that, and I
16 think it's something we would be prepared to discuss sort of with,
17 you know, who whoever we're to talk, directed to discuss that with
18 at this point, but I think we'd be prepared to bring the
19 conversation to the board in, you know, within the next couple of
20 months.

21 **MS. URBAN:** Thank you, Mr. Laird.

22 **MS. URBAN:** Mr. Mactaggart?

23 **MR. MACTAGGART:** Thanks. Well, I'd just like to echo what Ms.
24 de la Torre said. It feels to me like if there's a regular ability
25 to bring up topics to the board, and for future rulemaking, and I
26 have some thoughts about the next agenda item. But you know, I
27 think that's kind of-- that that might solve the problem of the
28 Bagley-Keene and, you know these things, and again, I'm a big

1 proponent of-- I'm not sure that rules proposed should be proposed
2 sort of in secret. I think they're, you know, just to --just to the
3 agency staff, and then wait a long time to get back, I think why
4 not come up with them, because that's the time, you know, you come
5 up with an idea, and you say, well, I think this, and then you know
6 two other Board members say, well, no, that's bad idea, because of
7 this. And then you think, oh, yeah, that's right. And then you can
8 maybe save some time there. You get a sense of the board also,
9 because if one person brings up a, you know, a proposed rule, and
10 all four other people say, that's a terrible idea. Then probably
11 the person's like, oh, okay, well, then let's not waste staff time
12 on that. So, I think I'm kind of echoing what Ms. de la Torre said
13 there.

14 **MS. URBAN:** thank you, Mr. Mactaggart, and I actually think
15 we're all in agreement on the fundamentals here which, correct me
16 if I'm wrong with this, that all Board members have an equitable
17 ability to suggest things, and that it gets to the Board in an
18 efficient and sort of quick manner with transparency. But I think
19 maybe process-wise for this discussion, I don't know that it could
20 go a couple of ways. Like we could just keep-- I'm talking about
21 this, but part of that, Mr. Mactaggart's really good point is
22 related to our next agenda item discussion. Our staff have tried to
23 put together for us a potential plan whereby we have dedicated
24 clear time that we're setting priorities for rules that we're
25 talking about rules, of course, also supplemented with bringing
26 things forward on a regular and sort of constant basis as needed.
27 So, these things do connect in various ways. Ms. de la Torre, could
28 I come back to you for just a second, and ask if you think that

1 it's advisable? Okay, reasonable? I don't know, a good approach to
2 have staff finish up the insurance advice and report to the board?
3 Do you think that you need a subcommittee member for that purpose?
4 Again, I don't have full insight.

5 **MS. DE LA TORRE:** So, I think ideally, we should, to be honest,
6 both to appoint new members to subcommittees the date that the
7 resignation of the member is announced. And it doesn't necessarily
8 mean that the subcommittee will exist forever. But the
9 subcommittee, when it's functioning, can come to the Board and
10 suggest that, you know, they have come to our conclusion in the
11 task that we assign. So that's why to me what makes most sense is
12 to appoint a new member to the subcommittee, and then allow this
13 subcommittee to go back and meet with these. I really do not have
14 much information, because before the announcement that Mr. Thompson
15 was leaving, we suspended meetings for several weeks, because the
16 agency staff was not available to answer some rather important
17 questions that we had. So, even for those questions, I would love
18 to go back to the committee and get those answers. So, my
19 preference will be to appoint a second member to the subcommittee,
20 allow the subcommittee to meet, and then go back, you know, come
21 back to the board and report as to when we think our task will be
22 completed.

23 **MS. URBAN:** Okay. Well, that's reasonable, Ms. de la Torre, and
24 with that-- in that case, I will volunteer to appoint myself and be
25 your other subcommittee member, which will also help in the sense
26 that I know the FPPC does it, so the chair is on every subcommittee
27 in order to make sure that there's traffic. So, I'm happy to do
28 that, and we could, you know, start checking in with staff, and

1 whatever else. I would take your lead, since I haven't been on it.

2 **MS. DE LA TORRE:** I think that we should first ask other
3 members as well, if somebody is interested. I'm happy if that's the
4 result. But I think that everybody should be given an opportunity.

5 **MS. URBAN:** Yea. That's true. I would like to hear from Mr.
6 Laird again about that process for the FPFC, intended to help like
7 with the Bagley-Keene thing. But that is my main motivator of that.
8 And it would be helpful to have.

9 **MS. DE LA TORRE:** Yeah, I think from my point of view,
10 especially for member Mactaggart, who has not had an opportunity to
11 serve in a subcommittee, if he has any interest to serve, that
12 should be a consideration. But I'm happy to, you know go in
13 whatever direction the board decides.

14 **MS. URBAN:** Okay, shall we have some discussion? Do we want to
15 come back, maybe walk through everything and come back as we are
16 and see where we are? Okay, Mr. Mactaggart?

17 **MR. MACTAGGART:** Well, again, I don't want to take things out
18 of order, but it does feel like for me, I kind of would like to get
19 clarity on item, whatever it is --the next item. Because I think
20 that that will have some-- as far as I know, as far as I remember
21 correctly, Ms. de la Torre, the second one you're talking about,
22 which is sort of rules and what rules need to get addressed, and
23 all the rest of it may kind of get subsumed by item number 6. I
24 just don't know if that is so. I kind of wouldn't mind pausing this
25 discussion to have that. If that's okay. But I don't want to tell
26 the chair.

27 **MS. URBAN:** Yeah, no. So, yeah. So that was my understanding.
28 And that's why I brought this up a few minutes ago. So, let's

1 pause. We can always-- we can recall this if, unless Mr. Laird lets
2 us fit the process subcommittee under the-- anyway, it doesn't
3 matter. We can definitely do that. So, let's pause, and we'll have
4 a full discussion of the overall framework of staff for
5 recommending and then we can return to this particular question
6 about the process subcommittee. Okay. So, we have talked about
7 public awareness, started talking about process. I mentioned a
8 little bit startup and Administration Subcommittee. I don't have
9 particularly strong feelings about that. I'm, you know, grateful to
10 Staff for doing a wonderful job, and I think that we could have
11 that subsumed into staff work. We have two subject matter
12 subcommittees, the Update Rules --CCPA Rules Subcommittee, and the
13 New Rules Subcommittee. The Update Rules Subcommittee is me, and
14 was Angela Sierra, and the New Rules Subcommittee is Mr. Le and Ms.
15 de la Torre. The Update Rules subcommittee-- the topics that we
16 were working on most directly are fielded in the package. There are
17 always other things that an Update Rules subcommittee could do,
18 obviously. But that's where we are on that, and we've talked about
19 where the New Rules Subcommittee is. So, in keeping with the sort
20 of suggested rubric that the staff suggested, it seems to me, and
21 this is my opinion that I'm going to put out, you know, for
22 discussion is that the New Rules Subcommittee has, with the topics
23 that it took on, has a relatively bounded subject matter that we
24 have talked previously about, generally kind of how we think about,
25 temporarily limiting subcommittees like way back in May and June,
26 but we haven't talked about it directly, and that the New Rules
27 Subcommittee is at a point where --and this is where I'm going to
28 ask for Mr. Le and Ms. de la Torre's input where there is a

1 reasonable thought that the Invitation for Comment has gone out,
2 and you know, Staff could work to put together proposed regulations
3 with input from all Board members. Or there's a reasonable world in
4 which, for example, the New Rules Subcommittee continues to lend
5 its expertise on that process, and maybe we just have a little-- we
6 have sort of earlier discussions and public meetings on a rules
7 package, but I think we can find a good spot. I will say I do think
8 this is also an area in which a lot of Board members have an
9 interest. You know, I have a particular interest in automated
10 decision making myself and I'm eager to see what you're coming up
11 with, as I always have been. But I think that there are a couple of
12 different --there are various ways that we could do it, and without
13 the insight into your subcommittee. Obviously, I don't want to make
14 a strong, just a recommendation without having your input. So, Ms.
15 de la Torre and then Mr. Le?

16 **MS. DE LA TORRE:** I guess I --I do believe that this committee
17 should continue because I think it's been very fruitful in terms of
18 the conversations that we've been having. I also think that we need
19 to approach through making a little bit differently this time. In
20 the prior package, we truly didn't have time. I think that a more
21 appropriate approach will be releasing a draft set of regulations
22 for the board discussion way before we have to go with the moving
23 those forward so that we can take the input of the whole board on
24 them, even before releasing a draft coming to the board as a
25 subcommittee with suggestions, and where we think we should go from
26 a policy perspective and getting the input of the board. I still
27 think that the conversations had at this subcommittee level will be
28 valuable to drive that input that will ultimately be received from

1 the board into the, you know, the package that will be released
2 hopefully soon.

3 **MS. URBAN:** Thank you, Ms. de la Torre. I think that was pretty
4 responsive to my question about at what sort of stage and baked--
5 how baked things are when the board talks about them. Mr. Le?

6 **MR. LE:** Yeah, I mean, I would agree with Ms. de la Torre. I
7 think we have established pretty good cadence, and you know we're
8 at kind of a place now in the subcommittee where I think we can
9 start having regular conversations with the full board on, you
10 know, where we're at on these rules and the direction we're taking.
11 So, perhaps keeping the subcommittee in place, but then, yeah,
12 having some sort of standing item on the board meetings too. Yeah,
13 to discuss certain different aspects of you know whether it's ADM
14 one month, or cyber security another. You know, I think that that
15 makes sense to me, and would help with at least a little bit of
16 continuity in terms of the process that we've set up and kind of
17 the plan that we have with Staff in developing these rules.

18 **MS. URBAN:** Thank you. That is very helpful in the spirit of
19 the framework it's been suggested, which I know, as informed by a
20 lot of expertise, and I think is generally helpful. Then that'll
21 make sense to me. My only question is, with my usual Bagley-Keene
22 head on, sort of with the endpoint then be a package of rules, do
23 you think? We can figure it out. I'm just trying to get a good
24 picture.

25 **MS. DE LA TORRE:** I think that that kind of is the next item in
26 the agenda, but based on our experience with the prior package, I
27 think once the package is, you know, put into the tracks for going
28 through the public hearings, etc. Rule Subcommittee is --should be

1 dormant. I think that's what we agree on for the prior package, and
2 that was presented by the Process Subcommittee as an idea. Maybe
3 not completely dissolved it, just leave it in case it is useful for
4 the staff to come back to the subcommittee if there is a need for
5 it for a historical purpose or whatever. But once the groups are in
6 the administrative process for approval, to me, that is a board
7 product and we should all have an opportunity to have conversations
8 at the board level about any area that we might want to consider,
9 yes.

10 **MS. URBAN:** Thank you, Ms. de la Torre, that's helpful. And Mr.
11 Le, did you have-- Did you want to--?

12 **MR. LE:** I mean, yeah, I think to your question, you know, I
13 think-- Yeah, Ms. de la Torre mentioned, we'd like to show you all,
14 you know, draft rules while it's still in the pre-rulemaking
15 process, while there's still a lot of opportunity to, yeah, get
16 more input from the board. So just to answer your question, yeah, I
17 think maybe not a fully complete rules package, right, but
18 something that you all can take a look at and provide comment on
19 during the pre-rulemaking process would be like a good deliverable
20 for our subcommittee.

21 **MS. URBAN:** Okay. I just want to ask Mr. Laird if that make
22 sense from staff perspective. And again, we can circle back after
23 we talk about the whole process after, as Ms. de la Torre pointed
24 out.

25 **MR. LAIRD:** Yeah, I guess just from my perspective, and it's
26 what I think I'm hearing is as long as sort of we have, like a
27 deliverable focus sort of for the activity that helps, I think,
28 from a staff level as provide the best support and understand the

1 support we're expected to provide. So, to that point, you know, I
2 think once that's set out, and it sounds like we're kind of in the
3 process of doing that, I think we know how to best support going
4 forward. So, I don't think I have further questions at this point,
5 although I did see my director just come on so anything further.

6 **MR. SOLTANI:** No, I was just popping on it in case it-- yeah,
7 no, I'm cool. Nothing like that.

8 **MS. URBAN:** All right, Thank you. Okay. So, as anticipated,
9 there is a connection between some of the rulemaking connected
10 subcommittees and the rulemaking sort of regularization process.
11 So, we've talked about returning back, and I think let's just take
12 them all three, since-- although the new rules, I think we've come
13 to a good place, but we might as well circle back after we've
14 talked about the whole process, just to be sure. And then my
15 question for Mr. Laird is, we could circle back, and we could
16 consider the framework that the staff has proposed since we've been
17 adopting these clearly in each meeting now, or we could also just
18 kind of do that together with the rulemaking framework. The reason
19 I'm asking is that I'm unsure about public comments. Should I go
20 ahead and take public comment on subcommittees now, or can we
21 circle back and take public comments when motions are on the table?
22 If that makes sense.

23 **MR. LAIRD:** Yeah, my recommendation might be actually, if I'm
24 getting this correct is that we can move on to the next agenda
25 item, have that discussion, maybe even end with a motion, if there
26 is one to be made, and then return to this item. So, for that final
27 public comment motion in action.

28 **MS. URBAN:** Thank you for clarifying that. I once moved. Once.

1 In all the meetings and all the agenda items, I once moved on
2 accidentally and it burned me. I don't-- I don't ever want to do
3 that. So, in that case then, let's pause our discussion on agenda
4 item number 5, with the understanding that we'll circle back to
5 provide any final decisions and guidance to staff in a bit and move
6 to agenda item number 6. Mr. Laird is going to present on Staff's
7 recommendations for practices related to rulemaking going forward.
8 As I understand it, and this is what we sort of been discussing
9 throughout. Staff are hoping to help us with the clear and
10 regularized process to provide to staff rulemaking priorities and
11 provide input on topics for rulemaking in an equitable and
12 efficient manner, and to receive the benefit of Staff's expertise
13 all in line with Bagley-Keene and to help us set expectations
14 around some of the broader questions, so that we have dedicated
15 time where we can expect those to come up, and then also be clear
16 that we will be working on topics, probably sort of organically as
17 necessary. And so, if you would turn your attention to materials
18 for agenda item number 6, if you'd like to follow along, Mr. Laird
19 may I turn it over to you?

20 **MR. LAIRD:** Absolutely. And again, I'll try to keep this brief.
21 I won't read what's in the memo exactly, but similar to the
22 subcommittee agenda item as well as other board kind of policies
23 and procedures we've discussed last December, the memo really is
24 intended to set out a recommended process by which Board members
25 can equitably introduce and consider regulation changes while
26 remaining compliant with Bagley-Keene, and then also harmonizing
27 with the timelines and requirements associated with rulemaking
28 under the administrative procedures act. As you know, it could be a

1 lengthy process, and so strategizing sort of our approach to
2 multiple rulemaking, for instance, at the same time takes a little
3 bit of thinking, I think. And so, to summarize the process,
4 contemplates this, and that is the individual Board members could
5 be provide suggestions to staff for changes or additions, and that
6 could happen individually, privately. But to Mr. Mactaggart's
7 support, point, could also be made during a public meeting as well.
8 We've had sort of both forms of input in the past. And then Staff
9 would then have the opportunity to analyze those requests for
10 things like legality, economic impact and consistency with existing
11 regulations, as well as other Board member proposals that may be
12 coming into us separately at the same time. Then our proposal at
13 this point at least is at least twice a year. We'd recommend in the
14 Spring in the Fall, to line up with some of the other topics that
15 we talk about like legislation. Staff would present the various
16 suggestions to the Board during the public meeting and make
17 recommendations concerning things like the prioritization of
18 suggested amendments, the combination of certain proposals into a
19 single package, and then the need for preliminary fact gathering.
20 Also, if there was an interest in assigning a subcommittee, for
21 instance, that would be a good opportunity to do so. The board, of
22 course, would have final say on what amendments they want to
23 advance. Again, back to Mr. Mactaggart's point, this would be the
24 opportunity for the, you know, four to one say, 'we don't like that
25 idea', fine, then the board can move on. But again, this would be
26 the opportunity for the board to kind of hear sort of a thought
27 through strategy on rulemaking, and then respond with either
28 advancing those proposals, directing staff or a subcommittee to

1 further analyze the proposals or decline to move it forward. And
2 would not likely under this process, and this is one of the
3 benefits we think, we need to hold multiple meetings on those
4 decisions, because we'd already know that they were something at
5 least staff thought was lawful, could weigh in on about economic
6 impact, and could also have presented sort of a strategy for how we
7 would maybe move it forward in tandem with other rulemaking
8 efforts. Outside of these, so what I will call sort of biannual
9 prioritization strategy meetings, whatever you want to call it.
10 Staff would also continue to bring rulemaking packages to the board
11 at other meetings for key decisions, such as to go out with a
12 notice package, obviously final approval of rules. We wouldn't want
13 any rulemaking that was currently in process to be having to wait
14 for some sort of, you know, biannual meeting. We would bring those
15 separately, so that the board could move from making packages
16 through the APA process as quickly as possible. And overall, I
17 think we think this process honors the board's interest in
18 exploring how to fine tune and improve its regulations over time,
19 while efficiently contending with the constraints of both Bagley-
20 Keene and the Administrative Procedures Act. So again, happy to
21 take questions, or, you know, fill in further details, if anybody
22 does have further questions about what's being proposed, but we'll
23 otherwise turn it to the board for their consideration.

24 **MS. URBAN:** Thank you, Mr. Laird. So, I have in mind our
25 continuing our conversation on 5, item 5, which we'll return to,
26 but also just as a general practical matter. So, I think it makes
27 perfect sense to have regularized times to set priorities and talk
28 about strategy and think through the overall plan. It is-- I was

1 correct when I mentioned earlier that Board members also could
2 reach out to staff with topics, kind of in any time, that staff
3 would be, you know, analyzing. And also, that those topics or the
4 topics you mentioned that staff bring forward may well be off of
5 the schedule. I just want to be sure that I wasn't misspeaking
6 there.

7 **MR. LAIRD:** That's correct. Yeah. Our goal would be to sort of
8 allow the ideas to at least come into the staff level as they're
9 developed, or as they come to Board members. But then sort of
10 present them in a uniform structure, so the board can kind of
11 consider them equally.

12 **MS. URBAN:** Ok, understood. Thank you. Mr. Mactaggart?

13 **MR. MACTAGGART:** Thank you. So, I can see that it makes sense
14 to kind of consolidate the submission prior to going to OALs.
15 You're not going to them every two minutes. But just so I'm clear,
16 I mean, I think this is the case anyway, there's always-- every
17 agenda has an item where Board members can bring things up. But I
18 guess my point-- would I prefer, because you can't talk about stuff
19 unless there's been agenda, agendized, right? I'd like to have an
20 agenda item at every board meeting for rulemaking ideas by Board
21 members. Not that it necessarily will come up at every time, but
22 what I'm thinking of is this is such a fast-flowing area right now,
23 and we all see things in the news which come up, and then you think
24 Gosh, wow! You know. And so, there's the New York Times does a deep
25 dive on six different things, or something comes up, and I think it
26 would be great to be able to talk about that at the next meeting.
27 Not have to worry about whether it had been that particular item
28 had been agendized. But just like one Board member says, look, I

1 think we should have a regulation around, you know these health
2 apps tracking your data and sending to Facebook that when that came
3 up, you know, whatever it is. And then you could have a little bit
4 of a real-time discussion of other people saying, yeah, we think
5 that's important. And then staff hears okay, that's, you know,
6 they're there. So, I would, I guess, want to make sure that this--
7 and this kind of gets back to the previous thing about whether this
8 committee, but that there is an opportunity for Board members to
9 bring up ideas around rulemaking at every meeting. Not that it
10 needs to happen, but just in case they want to.

11 **MS. URBAN:** Thank you, Mr. MacTaggart. Ms. de la Torre, and
12 then Mr. Le?

13 **MS. DE LA TORRE:** I will agree with Member Mactaggart that the
14 best way to deal with any concerns about Bagley-Keene is to have
15 our conversations as part of the board meeting. It seems to me that
16 it will be more transparent for the public as well. One question
17 that I had when I was reading this is the idea of individually as a
18 Board member drafting rules seems to me that it should come
19 together with support from staff in that track thing. We haven't
20 identified what kind of permanent support the Board should have
21 moving forward. I have been of the mind that we should think about
22 hiring a secretary of the Board, for example. Definitely, when it
23 comes to drafting rules, having some form of a staff support.
24 Actually, you know time allocated with a staff will be essential. I
25 just went through the experience with, you know, the last
26 rulemaking package where there was a rule where I saw, you know,
27 improvements were needed, and the board suggested during our
28 meeting that I should work with the staff on the rule. But then,

1 when I went back to the agency, I think there was a little bit of a
2 disconnect, and I was told that there was no staff available to
3 support a Board member, to redraft the rule, and I would like to
4 avoid that, not only for myself, but also for other Board members
5 that might have specific ideas on rules. So, what is the thought in
6 terms of providing support to Board members that might want to work
7 on improving existing rules by redrafting them with staff?

8 **MS. URBAN:** Thank you, Ms. de la Torre. Mr. Soltani, did you
9 have an answer to the question before we go to Mr. Le? Okay,
10 thanks, Mr. Le.

11 **MR. SOLTANI:** I got an answer to that suggestion, and I think
12 this is why I'm trying to balance Ms. de la Torre's comments, and
13 Mr. Mactaggart's comments, and Mr. Le's points with regards to
14 having a staff analysis. I think there's a couple of equities here
15 that are incredibly important. So, I think, having the entire
16 board's participation is really important, having kind of the-- but
17 I think, in addition, having kind of staff's ability to kind of
18 review that incorporate legally analyze kind of some of that pre-
19 work is important, and then importantly, and I think in response to
20 Ms. de la Torre, then, having these regularized meetings, where the
21 board can essentially set the priorities in order and resource
22 allocation for those individual priorities is important, because
23 what-- you know, we currently have, for example, a long list based
24 on the last meeting of a number of Board members have already
25 brought forward ideas for future rulemaking that we as staff are
26 contemplating. And, you know, I think it'd be helpful to have these
27 regularized set meetings to set which of those, you know, which of
28 the stack we pop to the top and prioritize and provide resources to

1 and provide support to. Otherwise, I think the challenges, if
2 we're-- If you imagine a world where if I have every meeting, you
3 know, if we're doing a monthly meeting every month, the board bring
4 forward new ideas, and as Mr. Laird said, these usually take-- it's
5 kind of a long process to do the requisite fact-finding analysis
6 and incorporate and essentially coordinate the trains, particularly
7 with the economic analysis taking about a year on average. So, I
8 think we want to create a venue for Board members to air ideas. We
9 want to create a venue for the staff to be able to, prior to that
10 area of ideas, provide some legal input and provide some analysis
11 and coordination. And then we want some ability for the entire
12 board to tell staff which are the priorities, which should receive
13 staff resources, dedicated staff and resources. We're still a small
14 agency. So, you know, if each Board member would require staff to
15 help support a particular rule that we would not actually be able
16 to work on any large package that would-- we're constantly doing
17 that. So, I think I don't have a particular position on how this
18 should go. I think all those pieces need to be considered,
19 particularly, I want to try to avoid being really overly responsive
20 and shifting those priorities every month, because of the amount of
21 time it takes to just get things on our way. So, that's just kind
22 of my general response, and that's in response to Ms. de la Torre.
23 We weren't clear, for example, whether the direction to have staff
24 support, what the time interval and priority for having staff
25 support a Board member on revising the rules. Was that supposed to
26 happen immediately? Does that happen-- supposed to happen after the
27 current rulemaking package, etc. And so that guidance is going to
28 be really helpful.

1 **MS. URBAN:** Thank you, Mr. Soltani, and I think that's again
2 really helpful background information. I'd like to hark back to
3 something that, Ms. de la Torre said earlier in the meeting, which
4 is always useful, is that part of the reason why I am quite
5 supportive of this overall framework is because it does allow staff
6 and their expertise to help us, basically. And I would generally
7 like to help them as well by giving them what they need sort of on
8 a on a timeline. That's reasonable and helps them keep moving us
9 forward efficiently.

10 **MS. URBAN:** Mr. Le?

11 **MR. LE:** Yeah, you know, I see the imports of having a regular
12 time to bring up other regulations. So, you know, our potential
13 regulations for board to discuss. But, you know, as chairman
14 mentioned, you know, I think limiting it to like for Staff to have
15 to respond to all of that to, you know, perhaps these predetermined
16 times per year would be better. You know, I personally know what
17 it's like to have someone come in and you you're working on a
18 project, and all of a sudden, the priorities change and, you know,
19 all of these things different-- You know, disrupting the workflow.
20 I am concerned about that, but I think, having a running list,
21 being able to bring it up at every board meeting, and then, you
22 know, giving staff enough time to research and think through and
23 respond to all of, you know, our concerns that we raise during
24 those meetings makes sense. So, may be a hybrid solution of what is
25 being proposed.

26 **MS. URBAN:** Thank you, Mr. Le. Okay, please forgive me if I
27 have my order wrong, but I think it's Ms. de la Torre, and then,
28 Mr. Mactaggart. Can you unmute Ms. de la Torre?

1 **MS. DE LA TORRE:** I would say I'm happy to let Mr. Mactaggart
2 go first, as he has not had an opportunity to comment.

3 **MS. URBAN:** Mr. Mactaggart?

4 **MR. MACTAGGART:** Yeah, thanks. I think I'm on the same page as
5 Mr. Le. I think it makes sense to have a venue to bring these
6 topics up at every meeting, but not expected response from staff.
7 Except for these sorts of biannual, semiannual, twice a year
8 meeting. I always get mixed up. Semiannual. And I feel like some of
9 this is just life, right? Your staff, you got this board, they come
10 up, there's a flavor to the-- of the month. They sort of raise it,
11 something's on fire, they want to address it. But I also think that
12 there's a benefit, because in listening to the conversation, the
13 board can also say, oh, wow! This is really important. You know,
14 Cambridge Analytica just happened. We really need to address this
15 sort of, you know, so there will be some iterating. But I do think
16 it would be really valuable on a whole bunch of different levels.
17 Telling the privacy community what the board is concerned about,
18 all of a sudden, some practice comes to light, and five members of
19 the board say, hey, regulator, you know, staff, please develop a
20 regulation about this. We all hate this. You're in the-- out there
21 in the industry, you know this is coming down the pike. You get
22 some real utility there from the signaling point of view, so I
23 would support the hybrid, what Mr. Le just said; being able to
24 bring it up, be able to discuss it, but not expecting Staff to come
25 back with a revised rule the next meeting, saving that for the
26 April, or the, you know, whatever October meeting.

27 **MS. URBAN:** Thank you, Mr. Mactaggart. Ms. de la Torre?

28 **MS. DE LA TORRE:** Yeah, I think that this needs careful

1 consideration. I don't disagree with what Mr. Mactaggart and Mr. Le
2 have proposed. I also think that there has to be some continuity to
3 it for us to even, you know, set the priorities in a way that's the
4 structure for the agency. So, we're having like six conversations
5 about what's going on the news today. I'm not sure how the agency
6 can organize that, and our own priorities might change. So, and I
7 also hear what Mr. Soltani said about support from the staff to the
8 Board members, and there's a difference, right, like I don't, you
9 know, I don't believe that any Board member will abuse that support
10 to be honest, but if there is any concern that there could be too
11 much of a request from the Board members to the agency staff, then
12 what is the threshold? Because to me, suggesting something in the
13 meeting as a thought is very different from having had, you know, a
14 probably 20-minute conversation with the Board on a specific
15 request for modifications that actually everybody agrees were
16 needed, and then actually drafting those. And I think that also
17 from my perspective, perhaps because of my expertise, I know that I
18 could be-- So let me put this in a different way. I don't-- I want
19 to put this stuff in the best possible situation when they are
20 presenting to us. And I think, for example, for that particular
21 rule for 702, if I had been allowed to work with the staff, then I
22 will not have been in a position where I have to ask questions from
23 the staff in the middle of a meeting that might make this stuff
24 feel uncomfortable. If I can raise those and solve them before the
25 new draft is proposed to the board, I think that I'm also placing
26 the staff in a better position, because they will come with the
27 suggested edit with my support, which, of course, you know, as a
28 board, you know, we can decide to implement or scratch. So, I think

1 that there is a space for the more informal. But I think there is
2 also a space, for you know, a hands-on approach when a Board member
3 wants to actually take one particular role and edit it and propose
4 it to the Board. I'm not saying that it will be, you know, a
5 decision of the Board member. But to me, on the other end of that
6 right, like I'm thinking about 7002 because my concerns around it.
7 But on the on the other side, if you know, a different member had
8 an idea about drafting or redrafting another rule. To me, it will
9 be helpful to look at what is drafted right now, what's the red
10 line that these Board members support? And analyze that before I
11 come to the Board meeting, so that I can decide whether I support
12 the changes or not, I think that will have value for me as well.
13 The other thing that I'm a little concerned about this process is
14 that biannual board meetings could be very, very long. We already
15 went through just one package, and I think two days, and we were
16 trying to be really efficient. So, I don't know that biannual board
17 meetings on rulemaking priorities are going to be-- are going to
18 give us enough time. And again, I'm not saying that they want. I
19 think that it just merits a little bit of careful consideration.

20 **MS. URBAN:** Thank you very much. Ms. de la Torre. If I could, I
21 don't think add to, I think, Mr. Laird, you probably had some
22 background, information, and response to this territory, but
23 clarify that my understanding of the biannual board meetings was
24 that it wouldn't be going through a specific package, necessarily,
25 as we did in October, but more again-- Excuse me. Setting
26 priorities more sort of at a higher level, so it wouldn't-- I
27 agree, if we were going through every possible package, that could
28 be an indefinite board meeting in theory. But I don't think that

1 was the idea in the regularized meeting. I also just wanted to,
2 again, sort of pause and say what I'm hearing in the discussion. It
3 helps me to say it out loud, so I don't forget, you know,
4 10 minutes from now, which is, I think that the Board is
5 collectively, very thoughtfully, considering some various things
6 that will have to be weighed against each other, although they're
7 not necessarily really intention. One is board input, robust and
8 full board input, on items that Board members care about. One is an
9 ability to be able to propose topics for rulemaking. One is being
10 able to gain input an expertise from staff. At least, I think that
11 that is important, and I heard that some-- and what Mr. de la Torre
12 was saying as well, and one that is-- I apologize, my cold is
13 making me less than efficient. And one that is, in being able to
14 have the ability for Staff to direct traffic in a way that we are
15 not creating a big resource drain or changing priorities in the
16 moment. So, I think I'm hearing that everybody would like to have a
17 rationalized approach that would have a positive outcome, and would
18 take into consideration at least those things, and if you want to
19 add in, Ms. de la Torre, please go ahead. I apologize. I didn't
20 mean to like to pause the flow so Mr. Laird could respond to your
21 comment.

22 **MS. DE LA TORRE:** No, that's okay. The only other thing that I
23 wanted to add is that there could be situations where we again
24 choose to create a subcommittee for particular updates. That is the
25 case with other sister agencies that we have been in contact with.
26 And I don't see that as considered in this proposal. But I think
27 that we should consider that as a possibility.

28 **MS. URBAN:** Thank you. Yes, this is the disentangling. I think

1 it's in the other one, the subcommittee. The subcommittee one, the
2 idea that is subject matter, you know, subcommittee looking at a
3 particular rulemaking item. Oh, my goodness, I am sorry about my
4 voice. So, these would work in harmony, I guess, in concert. Mr.
5 Laird, you've been patient. Thank you.

6 **MR. LAIRD:** Yeah, thank you. I think there's been some
7 excellent discussion, and I guess I just want to clarify a little
8 bit more where I think I see some of the pieces fitting together
9 with kind of the process we've proposed, and what I've heard so
10 far. I mean, I think first and foremost, you know, everything
11 starts with an idea, to Mr. MacTaggart's point. So, maybe actually
12 even I'll just put aside because I don't have strong feelings, one
13 or the other about the method that sort of ideas come from Board
14 members to staff, be it in a public meeting or be it privately. But
15 the-- I think the idea is, you know, we can receive a number of
16 those ideas at a given time, and even before we start putting pen
17 to paper on actual text there, you know, we're thinking through a
18 number of things, right? We're thinking, okay, do we feel like we
19 comfortably have legal authority to do this? Do we think this is
20 going to have come with the fiscal impact? Meaning, it's going to
21 have to be part of a package that's going to do a state regulatory
22 impact assessment, which is a longer process for rulemaking. And
23 then additionally, you know, how does how does this fit in with
24 existing regulations and existing proposals that are maybe moving,
25 and where do we think we could integrate that? So, our hope would
26 be to have the amount of-- to have adequate time sort of not in the
27 fly of a board meeting, but to have time to kind of develop that
28 sort of initial reaction to a proposed regulation, and then at

1 these sort of regularized meetings, be them biannual semi-annual,
2 or a different sort of rate, where we could then present sort of
3 all of the ideas that have come forward, again, in any variety of
4 formats and say things like, okay, so here, you know, there's one
5 idea to revise regulation 70XX, and there's one idea to add a whole
6 entirely new regulation about our enforcement process. You know,
7 it's sort of different ideas where then we could say, staff's
8 proposal is that we combine these ideas into a single rulemaking
9 package to then begin working on, and that would also be an
10 excellent juncture to Ms. de la Torre's point, where the Board
11 could say, we agree, we think we should move that forward, but we
12 actually think a subcommittee would be really valuable to further
13 developing these regulations. Similarly, I think this would also be
14 that juncture where the Board could say, we think there's a few
15 ideas. Maybe Board members disagree about sort of exactly the
16 concept how it should be done. Staff were going to direct you to
17 come up with the text for two ideas to consider, and that would
18 give us sort of a clear directive of the type of work that would be
19 helpful to move from that stage of now just a rulemaking idea to
20 actually draft text, a draft package that we're going to start an
21 official rulemaking process for. And then, you know, the stage
22 beyond that would be, we'd commence then that we're making it the
23 board's direction, and we would come back to the rule, then at all
24 the usual sort of APA junctures, obviously before the notice
25 package goes out. So, after public comments been received, again,
26 to Ms. de la Torre's point, there may be an opportunity where at
27 the board discussion, at that point on a particular package, the
28 Board discusses a public comment that was received and asked Staff

1 to consider drafting an alternative version that, you know, accepts
2 a public comment and one that maybe rejects it or modifies in a
3 different way. Again, that would be a stage where then we could
4 kind of structurally come up with the options that the board's most
5 interested in hearing, so that we're not sort of spending time, you
6 know, developing text or further legal analysis on an issue that
7 maybe no isn't going to get traction with the rest of the board. So
8 that's a lot. I've covered, I've tried to combine a number of
9 things, but, you know, my goal here really is to set a process that
10 both receives all the information, so it gives all Board members an
11 opportunity to bring up these ideas, gives staff an opportunity not
12 just to evaluate all the legal things, but also just present to you
13 a thought for okay, we can do this, all we think in three
14 rulemaking packages and rulemaking package one will be our top
15 priority, and it'll include these things, this other rulemaking
16 package we can move at the same time, and this final rulemaking
17 package we can do, you know, once we finish the first 2. It would
18 be a strategizing kind of to that effect. And then again, we can
19 take further direction from the board at that time of, you know,
20 please work with the subcommittee on that text, please go out for
21 preliminary, you know, comments. Certain direction that we could
22 take at that stage, and then come back on each rulemaking package.
23 So, I'll stop talking. If you have further questions, happy to keep
24 discussing this. But I think the balance that Mr. Soltani was
25 referring to earlier as well is just we don't want to do what I
26 think we're trying to avoid, and for the purpose of sort of staff
27 efficiency is too much work that will not ultimately come into a
28 final product for the board, but work that is, along the thinking

1 of the board and would be helpful to the board to finally coming to
2 a final regulation.

3 **MS. URBAN:** Thank you, Mr. Laird. Ms. de la Torre?

4 **MS. DE LA TORRE:** Yes, a couple more things. So, the first one
5 is, and I don't see it suggested here, but we did it in the prior
6 package. Will we potentially bring experts to talk to the Board,
7 even to have a conversation with the Board when there is any topic
8 that merits, you know, more information to the Board or a
9 discussion? And I think that could be helpful. I found it helpful
10 when we did it for the initial rulemaking. And when we see, as Mr.
11 Mactaggart was suggesting something that comes in the prayers that
12 we didn't anticipate to have the benefit of bringing somebody
13 beyond our staff, that can be an expert and kind of help us
14 understand more in depth. The issues involved can educate us and
15 make us, you know, generate better suggestions in terms of how we
16 have to adapt our regulations. So that was one thought, and then
17 the other one is, will we have opportunities to ask questions from
18 the staff? You know, I actually have a number of questions that I
19 would love to get answers from the staff, but I also want to put
20 this stuff in the best possible position to be thoughtful. I don't
21 want to-- I don't think that, you know, an item on the agenda.
22 Would I just come with my question, and I throw it at Mr. Laird.
23 You know, it's not ideal. I think that if we have a process where
24 you know, some Board members can present those questions in that
25 written form to the agency, and maybe we can, you know, consolidate
26 them in topics, and have a day where we're talking about one topic
27 and our experts know kind of what is in our mind, and what are our
28 questions? That will put them in the best position to give us

1 accurate information, and I think that it should be-- that idea
2 should be integrated as well.

3 **MS. URBAN:** Thank you Ms. de la Torre.

4 **MR. LAIRD:** If I may, I was just going to respond. I think
5 that's perfectly fine. And in my thought, I think that's the idea
6 of sort of that first phase of the idea that Board members could
7 sort of individually come to staff. I think the only division I
8 would maybe sort of want to make or clarification is I think we're
9 always happy to discuss with Board members sort of concepts, ideas.
10 It's just once we have to start turning that into sort of a more
11 formal work product like a longer drafting of text that we're
12 looking to sort of wait to take those additional steps till we've
13 got sort of further board direction. But happy to-- Even today,
14 even after the meeting, Happy to chat about some of these things.

15 **MS. DE LA TORRE:** Just for clarity, I was referring to
16 discussing it as a board, and I don't think that's possible without
17 the meeting, although I very much appreciate your offer, I probably
18 will take advantage of it. I think there is benefit also to have
19 that conversation, not only individually with agency members, which
20 actually will be more burdensome, because if it's five people
21 asking you the same question, but also having that conversation as
22 part of the core meeting. Thank you so much.

23 **MS. URBAN:** Thanks. Ms. de la Torre and Mr. Laird. Mr. Le?

24 **MR. LE:** Yeah, I mean I get what Ms. de la Torre is saying. I
25 do worry about the legal risks if we're just like coming up and,
26 you know, just opining on our own on perhaps flaws in the
27 regulations as we see it, and that being used against the agency,
28 even if it's not the view of the board or actually the legal

1 analysis that is right. So, I mean that that is just the one thing
2 I'm concerned about. I think Board members should be able to bring
3 it up. I just think, you know, maybe as perhaps to get informal
4 rules like we tell Staff first, give a heads up. So, you know, in
5 case something like that happens, Board members are advised by
6 staff and by, you know, legal that the possible consequences for
7 our regulations for California, and our ability to enforce our
8 rules don't get undermined by, you know, perhaps conversations that
9 may be misconstrued by OAL, outside council or other folks. So,
10 that is just my one concern with, you know, bringing up specific
11 things like in that level, and not letting Staff have a look at it
12 first, but I do think, you know, the Board should be able to bring
13 up, at least in generalities, concerns, and things like that.

14 **MS. URBAN:** Thank you, Mr. Le, and just to clarify, there are
15 at least two streams for board sort of individual proposals of
16 thoughts and ideas. Mr. Mactaggart was talking about, you know, an
17 agenda item in a public meeting. There's also always the ability to
18 ask staff to add it to their list, and if they add it to their
19 list, then they can do that initial review. Is that what you were--
20 Is that the kind of issue that you were thinking about, or were you
21 thinking more of thinking about where we are in terms of staffs'
22 like clarity and understanding? When we get to the meetings where
23 we're considering things sort of mark cohesively.

24 **MR. LE:** Oh, for me, I mean, I was just thinking if someone has
25 an issue with 700X right? And they want to bring it up, you know. I
26 think bringing it up in generalities is okay, but if you start
27 getting into a specific legal analysis or, you know, thoughts on,
28 you know, how this needs to be interpreted, I think that becomes

1 kind of an issue that would benefit from, you know, staff guidance
2 and on how that implicates our ability to succeed in, you know,
3 potential enforcement action and things like that.

4 **MS. URBAN:** Thank you. Okay, Mr. Mactaggart and then Ms. de la
5 Torre.

6 **MR. MACTAGGART:** Yeah, I don't disagree that, you know, when
7 you're bringing it up, you're not necessarily looking for a huge
8 analysis right then and there. I do think one of the side benefits
9 as I was thinking about it, of bring these things up in public is,
10 you know, I feel like there could be-- Let's just imagine a
11 situation in the future where one Board member was sort of on a
12 jihad about one particular topic, and kept on, you know, asking
13 staff to use up their time to do something. I think it's a good
14 dating function to have the topics brought up in public at the
15 board, first of all, from a transparency point of view; and second
16 of all, you know, I do think that the staff, who have a difficult
17 question, difficult task, and trying to prioritize these things,
18 we'll be able to kind of read the tea leaves, so to speak, in those
19 moments. And I think in general, this will not be a problem. In
20 general, they'll realize, okay, that was brought up the day before
21 the board meeting. You know, the month before. We're not going to
22 have time to get to it and it's not that critical versus okay, we
23 really do need to address it, so I'm just-- I think I guess what
24 I'm hearing is I feel like there's consensus here. I'm not hearing
25 anybody say that the board shouldn't be able to bring up matters at
26 every meeting. I'm not hearing anybody saying that we need an
27 analysis, you know, outside of those sort of a couple of times a
28 year, not hearing anybody saying we shouldn't be able to also call

1 the staff separately privately, if we wanted to, and please add
2 stuff to the list. And personally, for me, if this were the case,
3 and we were able to bring these up, and we were kind of able to
4 keep a mental list going of what the topics were, and maybe even
5 the staff could assemble that list of what's ongoing. Then for me,
6 I feel like that's a big part of our responsibility. A person
7 wouldn't necessarily need to be on a separate subcommittee about
8 that because I would think that that kind of the committee of the
9 whole would accomplish that.

10 **MS. URBAN:** Thanks, Mr. Mactaggart. Yes, I was going to do my
11 summary in a moment. I broadly agree that the goals are pretty
12 similar. I will say that I have one slight request that I would
13 make to the board. I think it's fine to have a standing agenda
14 item. My request to the board would be that standing agenda is fine
15 but check in with staff. I think it's going to be a rare occasion,
16 but perhaps not a never occasion where even just a brief, you know,
17 flagging an issue is something that Staff would be able to flag, as
18 you know what, this is actually something, if you wouldn't mind
19 bringing it up in the next board meeting, that would let us look
20 into it a little bit further. I don't think it's going to happen
21 much, but I would really appreciate if the board would be willing
22 to do that, and then I would support proceeding. You know, I'm not
23 going to ask you to like, you know, promise with a formal vote. But
24 I would like to flag, or if Staff thinks that we should, I'm happy
25 to talk about that. But I would like to echo Mr. Le's comments, but
26 add this sort of gloss as you know, check in, even if it's just
27 brief, so Staff can support us in that way, Ms. de la Torre?

28 **MS. DE LA TORRE:** Oh, thank you. Another item that is related

1 that not the process of getting to have a draft, but the process of
2 approving a draft is, how do we vote on rules? Should we vote on
3 rules in separate packages? Should individual members be able to
4 vote on individual sections, I suggest, an individual sections, as
5 I know. I do not want to make it more complicated than it needs to
6 be. But I think that we should all be given an opportunity to
7 express our opinion, not only on the whole package, but if there is
8 any piece of the package that we might not see as the correct
9 policy. In relation to that, how do we think about, you know,
10 drafting statements from four members that might agree, or disagree
11 with a particular item in a rulemaking package? And should we
12 publish those or not publish those? Some agencies do both in
13 enforcement and in rulemaking. That's not a topic that we have an
14 important to discuss the support, but I know that's one of the
15 things that we were thinking, in the process of committee, you
16 know, what's the right balance for that?

17 **MS. URBAN:** Thank you very much, Ms. de la Torre. So, I want to
18 just pause to say, I think what I'm hearing is broad consensus and
19 support for the general parameters of the staff proposal for some
20 regularization with the understanding that Ms. de la Torre has
21 cushioned us about level of detail and time, and the memo, If I
22 recall, build an individual proposals, and also, of course, meeting
23 as needed. And Mr. Mactaggart would like to have a standing agenda
24 item. I think we're all fine with that. I really want people to
25 mention it. So, before we're in the public meeting, just so Staff
26 can use the benefit of background information that they have, if
27 necessary. And then Ms. de la Torre is moving into a slightly more
28 detailed analysis of when rulemaking packages come forward, which

1 and how we choose to discuss them. But you know the level of detail
2 and sort of how we operate in terms of how we consider them, and I
3 think that is also an important conversation. Of course, it ties to
4 like how long is the board? And it ties to all of these other
5 things? My thought on that has been that it's likely to be, and I
6 think we need to get as much experience as we can. A rather case by
7 case basis kind of depending on the package. So, if we have a
8 package, that is a very sort of administrative procedure kind of
9 package, that maybe one thing. If we have a package with, you know,
10 substance like we did the last time around, maybe that's another
11 thing. So, my sort of a preference at this moment, understanding
12 that we can always revisit would be to take it on a case-by-case
13 basis and ask staff specifically to recommend to us like this is
14 how we propose-- we suggest handling this, and then, of course, as
15 the board we could say, hang on, like, I want to handle this
16 somewhat differently for this package. So that would be my
17 suggestion. Mr. Soltani?

18 **MR. SOLTANI:** Thank you. Thank you, Chair, and thank you for
19 this discussion. I wanted said one additional perspective that I
20 think might be helpful with regards to this concept of just
21 checking in with staff, you know, on the proposed topics;
22 rulemaking just even a heads-up or even these concepts of
23 dissenting or concurring statements, etc., which is that you know,
24 as we move to enforcement. But even rulemaking, staff might be
25 actively working on exact issues, litigating issues working with
26 OAL to resolve issues on the very topics the Board might bring up.
27 And while we surely can't tell the Board about ongoing enforcement
28 activities given the divide as adjudicators, the heads up would

1 allow us to perhaps be responsive, if we were to say an active
2 litigation on a particular topic that's, you know, bring
3 enforcement action on a particular topic that the board is flagging
4 for dissent or whatever it may be. So, the heads up would be
5 probably very appreciated as we move, especially as we move into
6 our enforcement function, but particularly even in as we're
7 negotiating or working through issues with OAL or others. So just
8 for a flag that, and then just a small-- I'll just stop there.
9 That's fine.

10 **MS. URBAN:** Okay, Thank you, Mr. Soltani. Other thoughts? All
11 right. So, then my suggestion is that I will request a motion to
12 adopt the process for considering and proposing topics for
13 rulemaking outlined in the memo, that memorandum that Mr. Laird
14 gave us, and that we have the understanding that Board members can--
15 - I mean, we don't need to vote on this, but let's just put it.
16 Just make it clear that Board members can propose and bring topics
17 on to staff as they occur, and also that we will have an agenda
18 item for-- I'm going to say almost all board meetings or most board
19 meetings, because sometimes we really need to focus support meeting
20 on sort of one thing, and sometimes, for example, I'll leave the
21 boiler plate ones out, but at least most board meetings, that is
22 sort of standing to check in on potential topics for rulemaking and
23 that like, that we sort of adopt that plan with my plea to check in
24 with staff, and then circle back to the other discussion. So, we
25 can have the motion and circle back, and then have public comments,
26 or do we need to have--? I'm sorry, Mr. Laird.

27 **MS. URBAN:** Can we do all the motions together? Do we have to
28 do them separately, because--?

1 **MR. LAIRD:** Well, if it were possible, I would recommend that
2 we maybe try to at least conclude one of the agenda--

3 **MS. URBAN:** Yes. My main concern is always that we make sure
4 that we have a robust public comment. Oh, Mr. Soltani, I apologize.
5 Did I miss something?

6 **MR. SOLTANI:** No, just a quick clarification on every meeting,
7 and why I think it might be important to give some discussion as--
8 and I'll kick it to Mr. Laird to clarify. But if we have an
9 emergency meeting or a special meeting, I'm not sure we can do it
10 at those meetings. So just--

11 **MS. URBAN:** Yes, I mean, I think the Board will understand the
12 parameters like that. But I did want to make sure with that. Ms. de
13 la Torre?

14 **MS. DE LA TORRE:** Just as a reminder, the other piece of this
15 was, how often do we meet, and we should bring that into the
16 conversation we settle on monthly?

17 **MS. URBAN:** Do you mean overall, or do you mean on rulemaking?

18 **MS. DE LA TORRE:** I think that conversation with overall how
19 many times the board meet. So, we are assuming that in every
20 meeting or most meetings, we will have at least some time dedicated
21 to this.

22 **MS. URBAN:** Yes, thank you. So that was not specifically on the
23 agenda, as sort of a holistic thing, what I had said at the top of
24 the meeting. And then, while we were talking about subcommittees as
25 well, I think, the hope is that with these components, staff will
26 work on, and I'll be able to bring to you very soon. I mean, I
27 think we have a lot of components here in place legislation, a
28 budget. We're working here on rulemaking, which are some of the

1 biggest things. And we know from our previous discussion, we'll be
2 adding in public awareness, for us to discuss like, as an overall
3 plan. And I've taken in input with regards to broadly how much, and
4 consideration. So, this would be a component of that, but not like
5 the whole meeting plan overall. If that makes sense, Ms. de la
6 Torre?

7 **MS. DE LA TORRE:** I have a follow up question on that. So, is
8 there like a general indication that can be provided, of aiming at
9 the meeting every two months or every month, or there's no
10 indication? And then the second one is for future meetings, will it
11 be possible to circulate the agenda before it's published, and
12 allow members to suggest items for every meeting? That, I think,
13 will be also helpful. Two members should be able to suggest an
14 agenda item that has to be agendized because two members can
15 propose anything for both. So, I know that that's taking it into a
16 different direction, but at least an indication of how often the
17 limit will be helpful.

18 **MS. URBAN:** Thank you, Ms. de la Torre. My hesitation is not in
19 any of the substance or anything you're saying. It's two-fold. One
20 is that we make sure that we are sticking to this agenda. And
21 secondly, that staff have the opportunity to put together the idea
22 for us to talk about. It will, I'm sure, be informed by our
23 discussion today, and I heard a number of things in our discussion
24 today that I will be sure to work with staff on. One is for Mr.
25 Mactaggart. Probably, his sort of sense of things is that a
26 frequency of more than quarterly meetings is likely to be
27 necessary. I should say, even if the set items work out to
28 quarterly, I certainly don't disagree with that. There is your

1 observation, Ms. de la Torre that fewer topics can equal shorter
2 meetings, and meeting length is also a consideration. So, the
3 longer we go between meetings, maybe a little more the agenda
4 stacks up. There's also staff brought up the consideration that we
5 will not be able to meet over Zoom quite soon, so I would like them
6 to help us sort of see how that might factor in, and sort of put it
7 all together. So, I think we're basically ready to put together an
8 idea. I'm hesitant, both because we need to stick to this agenda
9 item and because I want to be sure to have a chance to have been
10 put on putting everything together, if that makes sense. But for
11 this topic and these meetings, there is a plan in that memo from
12 Phil, which would fit in with all the others. Mr. Mactaggart?

13 **MR. MACTAGGART:** Hi there. I do actually think that the
14 frequency does tie into this agenda item, because it's kind of part
15 and parcel. I think, at least I'm thinking in my mind, and I think
16 if I'm listening to Ms. de la Torre also in her mind, again, it'd
17 just be absurd if you had a meeting every two years that would
18 argue differently about the rulemaking than if you're having one
19 every week. So, one way might be to do it, is to-- So that I want
20 to talk about that frequency or tie that in. And then the other
21 thing is, I just kind of go back to that point that Mr. Soltani was
22 making, personally, I would support, fine, if it's a special
23 meeting or an emergency meeting and you don't have the right to add
24 it to, that's fine. But I've really never been on a board where
25 there wasn't a general agenda item at the end for any other
26 business that a Board member wanted to raise, with the
27 understanding. You know, you can't necessarily talk about it at
28 that meeting, but it's, you know, you're bringing it up. So, I

1 would like to suggest that I would like this notion that Board
2 members can bring items up, be at every board meeting.

3 **MS. URBAN:** Mr. Mactaggart, there is an agenda item on almost
4 every agenda for Board members to bring up agenda items for future
5 meetings; and that is a standing item. And so, my understanding was
6 that you were proposing an additional standing item that was
7 focused directly on rulemaking ideas. We could just as easily do
8 that under the proposal for future agenda items because it's
9 something that would come up on a future agenda. So, a future
10 agenda item could be, 'I would like to put on the list of future
11 agenda items X or Y or Z topics for potential rulemaking.' So, we
12 could do it under our standing item, or we could add another
13 standing item, which I understood that you were asking for.

14 **MR. MACTAGGART:** As to the legalities, whether it's a separate
15 agenda item or this item, I just was responding to the-- I just
16 would like it to be-- For me, personally, it's a priority to be
17 able to have that flexibility as a Board member to bring up the
18 item which could be rulemaking. And then, just with respect to the
19 frequency, I mean I know it's sort of like throwing darts at this
20 point because who knows what the future will bring. But I would
21 suggest that if we set a minimum sort of like, no, we're going to
22 have at least six meetings a year or something like that, there
23 would be at least some kind of guidance for the board as to like,
24 okay, well, we know we're not meeting two times this year. And just
25 with the summer, it may just be more useful to have those meetings
26 mostly over the sort of winter kind of months, or something like
27 that, because people's travel schedules, and whatever. But I think
28 an indication like that, knowing that things may change, might be a

1 good way forward on this one.

2 **MS. URBAN:** Thank you, Mr. Mactaggart. Once again, I just want
3 to be sure we stick within our agenda. And I wonder, Mr. Laird, if
4 talking about overall a meeting schedule could work under the
5 future agenda items as well. With regards to the rulemaking versus
6 anything else, Mr. Mactaggart, I don't think there's a legal
7 difference. I understood you to be wanting to have sort of almost a
8 messaging component to the agenda, which is why we would run
9 through. We're making specifically every time. I do not have any
10 kind of a strong opinion on this. I'm feeling about the overall
11 meeting schedule is, whatever, whenever Mr. Laird tells us we can
12 talk about it, we can. And I can share my thoughts about that. Now,
13 I will just point out that we are meeting every month, and we have
14 been for quite a while. And like, that's been our usual cadence.
15 Okay, Mr. Le and then Ms. de la Torre.

16 **MR. LE:** Oh, yeah, I was just going to say that that point is,
17 we've been meeting every month, I assume, at minimum it'll be
18 quarterly. And I don't think things will change until our workload
19 decreases.

20 **MS. URBAN:** Thank you. Ms. de la Torre?

21 **MS. DE LA TORRE:** I have a suggestion that could help, because
22 this conversation has been going on for a while, and we have made
23 some comments that, in a way, have modified within the memo. So, I
24 was wondering if you will make sense to have the process
25 subcommittee exist for one more meeting, from this meeting to the
26 next. And then maybe Chairperson Urban and I, we work together on,
27 you know, looking at this memo. Is there any modifications? I think
28 that there's no reference to adding of the agenda item to all of

1 the meeting. So, we could adapt it to account for this conversation
2 and bring it back in the next meeting for the approval. It might
3 just be a cleaner way of doing it, because I'm seeing we have a
4 chair that is very experienced in summarizing our thoughts, but the
5 conversation has been going on for a long time. I think that will
6 also give us an opportunity to give an update on the other two
7 items that have been assigned to that subcommittee, and we can just
8 wrap this up more cleanly if we do so.

9 **MS. URBAN:** Thank you, Ms. de la Torre. So, I think that this
10 is a very sensible proposal for a few reasons. One is the Board, I
11 think, is very carefully and diligently trying to fit together a
12 bunch of different things, some of which we can talk about each at
13 the end of the agenda, some of which we can, some of which we need
14 some staff input, some of which we don't. And if the board will--
15 I'm going to have to recall the other agenda item. So, for this
16 agenda item then, I think Ms. de la Torre's suggestion is quite
17 sensible, so we could just hold it over briefly. And that means we
18 don't need to do a motion on this agenda item. Then we'll recall
19 the other one and discuss process subcommittee and the items that
20 Ms. de la Torre brought up about working all of that through. But I
21 think that this makes a lot of good sense, and it will allow for a
22 discussion of a concrete idea for frequency of meetings among other
23 things. Mr. Laird, is that an acceptable approach?

24 **MR. LAIRD:** Absolutely. Yes.

25 **MS. URBAN:** Okay. Great. Does anybody have a burning desire to
26 do a motion and a vote? And it's okay, I shouldn't have raised it
27 that way neutrally. Of course, if you'd like to do a motion or a
28 vote, that's just fine. I wasn't hearing that, though. Okay. So,

1 then we will take public comments, if we have any. Mr. Sabo, would
2 you please invite the public to comment, if they would like?

3 **MR. SABO:** Yes, I am seeing one hand raised. Laine Williams.
4 Laine, when I unmute you, you'll have three minutes to provide your
5 comment. So please begin when ready.

6 **MS. LAINE WILLIAMS:** Hi, can you hear me?

7 **MR. SABO:** Yes.

8 **MS. WILLIAMS:** Okay. I just had a quick, clarifying question.
9 When Chairperson Urban asked or said that you wouldn't be meeting
10 on Zoom like, what would that mean for the future of the board
11 meetings? And why are you not meeting on Zoom anymore?

12 **MS. URBAN:** Thank you very much. Mr. Laird, we didn't offer an
13 explanation. Would you like to?

14 **MR. LAIRD:** Yes, I'm happy to. So, under the Bagley-Keene
15 requirements currently, certain provisions have been waived in the
16 existing law that allow for an exclusively virtual meeting, like
17 we've been holding. Those provisions, however, are set to expire or
18 to sunset on June 30th of this year. So, beginning to July 1st, many
19 of the sort of pre-COVID, pre-pandemic Bagley-Keene requirements
20 will go back to in effect, including a requirement that the board
21 at least convene in a physical location. I'll just add, I know our
22 executive director is hinted at the thought that staff is
23 considering still making the option of a hybrid meeting. But,
24 strictly speaking, the Bagley-Keene requirements beginning July 1st
25 will be that the Board hold meetings in a public location
26 physically, where they are all present in one location; and that is
27 where the public can attend to participate. But again, I think
28 staff is exploring the option for having a hybrid meeting as well.

1 **MS. URBAN:** Thank you very much, Mr. Laird. Mr. Sabo, is there
2 further public coming? And I do want to thank Ms. Williams for the
3 clarifying question. I think we've been working within Bagley-Keene
4 and the executive order for so long, it's easy to forget that we're
5 saying things that don't necessarily make sense to everybody else.

6 **MR. SABO:** If you'd like to make a comment, please raise your
7 hand using Zoom's 'Raise Hand' feature or by pressing star 9 if
8 you're joining by phone. Madam Chair, I'm not seeing hands at this
9 time.

10 **MS. URBAN:** Thank you very much, Mr. Sabo. And thank you again
11 for the comment and clarifying question. With that, we will recall
12 agenda Item number 5, in which we have been discussing how the
13 Board thinks about and utilizes subcommittees based on some
14 recommendations from the staff and moving into sort of talking
15 through how to think about our current subcommittee structure as
16 compared to the recommendation, the sort of recommended, sort of
17 factors for us to consider for each of those. We have talked
18 through the Public Awareness Subcommittee, which we've decided to
19 go ahead and dissolve. And we talked mostly through the New Rules
20 subcommittee, I think. But we were going to circle back to it. And
21 the Startup Administration Subcommittee, I think, is also fairly
22 straightforward to dissolve. We pause our conversation on the
23 process, the Rulemaking Process Subcommittee, in order to be able
24 to talk about the overall rulemaking process as well, which we have
25 done. Ms. de la Torre has proposed that we manage also sort of
26 factors that are on the table, with regard to the meeting scope and
27 overall rulemaking process along with the small number of items,
28 but might be a number of items that the Process Subcommittee has in

1 its basket at the moment, by holding the process subcommittee open
2 until our next meeting at least, so that the subcommittee can come
3 forward and we can sort of finalize our plan. As I mentioned
4 before, I would be happy to be the other Board member. I think it
5 makes some sense if we're talking about some of the admin stuff as
6 well, or you know it's sort of all connected. But Ms. de la Torre
7 made the point, and I do agree. I want to be sure that other Board
8 members have an opportunity to say whether they have a strong
9 interest in this work. Wait, doesn't everybody love process? Isn't
10 Everybody's favorite thing process? Just the lawyers? All right.
11 So, given that, let's expand the conversation a little bit if we
12 could, to Ms. de la Torre's sort of idea overall, is there support
13 for that approach, other than me? Or comments or questions?

14 **MS. DE LA TORRE:** I definitely support that.

15 **MR. MACTAGGART:** And I'm sorry to be clear, but I'm sure you're
16 saying just keeping process open till next board meeting. Sure, I
17 support that.

18 **MS. URBAN:** Yes, and that gives the opportunity both to
19 finalize or get the advice on the insurance, but also to build
20 together the schedule related to rulemaking and sort of the
21 schedule overall, so that we can get a clear picture of all of
22 those things.

23 **MR. MACTAGGART:** Right.

24 **MS. URBAN:** Okay. All right. New Rules Subcommittee. I think
25 everyone was in agreement, has substantive work on going. The
26 subcommittee was willing to continue devoting their resources to
27 it, and I should pause here and say again, thank you for that.
28 There was always a consideration. It's a volunteer board. And in

1 addition to our interest, which we all have our interest in these
2 manners, there's also the fact that we do realize that you're doing
3 work for the Board and the Agency. So, thank you, Mr. Le and Ms. de
4 la Torre for working on that. And I believe that the New Rules
5 subcommittee is expected to request an agenda item at some point
6 when you're ready, probably relatively soon. But with regards to
7 the next step on potential rules, and we expect that we will be
8 able to see a good plan for when temporarily it would make sense to
9 dissolve that subcommittee at that time. The CPPA Update Rules
10 Subcommittee was Ms. Sierra and myself. And it has-- the package
11 that is with the office of administrative law right now
12 incorporates a lot of that subcommittee's immediate work. There is
13 a theory that a subcommittee that is more standing to be available
14 to sort of shift through work to update regulations is that would
15 be one way to do it. As the remaining member of that subcommittee,
16 thinking through the recommendation from Mr. Laird with regards to
17 kind of probably the most straightforward ways to think about
18 subcommittees and my own, and I believe advice with regards to
19 Bagley-Keene, I think that having the package out is a good point
20 now, to dissolve that subcommittee. I believe that is the
21 subcommittees. So, I'd like to open up for further comments on any
22 of those. Yes, Ms. de la Torre?

23 **MS. DE LA TORRE:** No, I don't have comments. I was just
24 assuming that we might need to put at least on the dissolution--

25 **MS. URBAN:** Yes, I just want a chance to weigh on that summary
26 and run through of what we might dissolve and whatnot. Okay. In
27 that case, let me see if I can keep them all straight. I will
28 request, after public comment, a motion to dissolve the Public

1 Awareness Subcommittee, the Startup and Administration
2 Subcommittee, the Update Rules Subcommittee, and to continue the
3 Rulemaking Process Subcommittee, at least until the next meeting,
4 in order to finish up that subcommittee's work, and to continue the
5 New Rules Subcommittee until a point in time at which a package is
6 sufficiently ready. So that, I think, summarize it appropriately.
7 and while we ask for public comment, Mr. Laird can tell me if-- we
8 can think about whether I missed anything I needed to do, in order
9 for the motion to be appropriate. Mr. Sabo, would you mind asking
10 if anyone in the public has a comment.

11 **MR. SABO:** Yes, this is for agenda item 5. If you'd like to
12 make a comment, please raise your hand using Zoom's 'Raise Hand'
13 feature or by pressing star 9 on your phone. This is for the board
14 item on subcommittees. Again, that's the Zoom 'Raise Hand' feature
15 or pressing star 9 on your phone. I'm not seeing any hands at this
16 time.

17 **MS. URBAN:** Thank you very much, Mr. Sabo. In that case, may I
18 have a motion as stated, in order to-- oh, sorry, Mr. Laird, should
19 I restate it?

20 **MR. LAIRD:** I think you're fine to refer back to the motion you
21 made earlier.

22 **MS. URBAN:** Okay. Wonderful. May I have a motion, as stated in
23 the last five minutes, for us to manage our subcommittees?

24 **MS. DE LA TORRE:** I move.

25 **MS. URBAN:** Thank you, Ms. de la Torre. May I have a second?

26 **MR. LE:** I can second.

27 **MS. URBAN:** Thank you, Mr. Le. Mr. Sabo, would you please call
28 the roll call vote?

1 **MR. SABO:** Yes, this is the motion as stated by the chair, for
2 agenda item 5. Board member de la Torre?

3 **MS. DE LA TORRE:** Aye.

4 **MR. SABO:** de la Torre aye. Board member Le?

5 **MR. LE:** Aye.

6 **MR. SABO:** Le aye. Board member Mactaggart?

7 **MR. MACTAGGART:** Aye.

8 **MR. SABO:** Mactaggart aye. Chair Urban?

9 **MS. URBAN:** Aye.

10 **MR. SABO:** Urban aye. You have four ayes and no noes.

11 **MS. URBAN:** Thank you, Mr. Sabo. The motion carries with a vote
12 of four to zero. I thank the Board for its careful consideration of
13 this topic. And we'll work with staff and Ms. de la Torre, and I
14 will work with staff to effectuate what we have decided here. We
15 should also consider a motion to adopt the outlines of the staff's
16 recommendations for this agenda item today, which includes the sort
17 of factors to consider. I apologize, I should have put that out and
18 called for public comment on both of them together. But I believe
19 that the motion would be, may I have a motion to adopt the
20 recommended practices for utilizing subcommittees as a board
21 outlined in the memorandum provided by Mr. Laird for our discussion
22 today, and I think we could fairly add, taking into account any
23 sort of details from our discussion today. And that would be those
24 just looking at these factors, if we're making decisions about
25 subcommittees. Ms. de la Torre?

26 **MS. DE LA TORRE:** If the chairperson is calling that vote, I
27 will prefer to have a edited version of the memo that we can vote
28 on. If there have been modifications based on our conversation. I

1 don't know that we need to vote on it. But if we're voting on a
2 document, I would prefer to see the final documents.

3 **MS. URBAN:** Thank you, Ms. de la Torre. I don't think there
4 were modifications to, just the general factors. Mr. Laird, do you
5 disagree? It is entirely possible that I have missed something.

6 **MR. LAIRD:** I think, to the extent the Board would be voting to
7 essentially adopt what I call a rubric, which are just those three
8 factors, and the recommendation section is sort of being the
9 guiding principle for subcommittee adoption, maintenance, or
10 disbandment in the future. I think it would be fine to just
11 reference that, of course. But if there's something-- I'm not aware
12 of anything sort of this changed about sort of the underlying
13 concept. But if there's something I'm missing, I'm happy to take
14 alternative directions.

15 **MS. URBAN:** And I'm happy to edit out my addendum about our
16 conversation to make it as clean as possible. Ms. de la Torre?

17 **MS. DE LA TORRE:** And I'm happy to generally approve. But if we
18 are voting on a document, we should have a final version of that
19 document in front of us. That, I think, will be best practice.

20 **MS. URBAN:** Thank you, Ms. de la Torre. So let me just restate,
21 just so we have clear statement, which would be a motion to adopt
22 the recommended practices for utilizing subcommittees of the board
23 outlined in the memorandum provided today by Mr. Laird. And so, I
24 will leave that there for the moment, and again ask Mr. Sabo if you
25 wouldn't mind inviting public comment.

26 **MR. SABO:** We are on agenda item, I believe 5, just to double
27 check. With respect to the staff recommendations, if you'd like to
28 speak on agenda item 5, please raise your hand using Zoom's 'Raise

1 Hand' feature or by pressing star 9 if you're joining us by phone.
2 This is for the staff recommendation on agenda item 5, Board
3 Subcommittees. Again, if you'd like to speak, please raise your
4 hand using Zoom's 'Raise Hand' feature or by pressing star 9 on
5 your phone. I'm not seeing any hands raised.

6 **MS. URBAN:** Thank you very much, Mr. Sabo. In that case, may I
7 have a motion as stated?

8 **MR. LE:** I can. I'll make the motion.

9 **MS. URBAN:** Thank you. Motion from Mr. Le. May I have a second?

10 **MR. MACTAGGART:** I'm happy to second. And I know we're on
11 agenda item 5, and this is the Board and Agenda Policies and
12 Practice Subcommittee memo?

13 **MS. URBAN:** That is correct.

14 **MR. MACTAGGART:** Yes. I second.

15 **MS. URBAN:** Thank you, Mr. Mactaggart. I have a motion and a
16 second. Mr. Sabo, would you please perform the roll call vote?

17 **MR. SABO:** Yes, the motion is to adopt the staff recommendation
18 and agenda item 5. Board member de la Torre?

19 **MS. DE LA TORRE:** I'm confused as to what we are adopting so I
20 don't know how to vote. Could we just get the document in front of
21 us that we're building as opposed to a memo that includes different
22 pieces?

23 **MR. LE:** The memo is agenda item 5. That memo, right?

24 **MS. DE LA TORRE:** Right, but we're not voting on the whole
25 memo. I understand that we are voting on a part of that memo, and I
26 don't have to it exactly what that is. I think there's like three
27 different bullet points within the memo, as per with our general
28 council just mentioned, that we are approving. And I think it will

1 be best if we had that as a separate document that we are voting on
2 or read it out loud. I mean I just want to have clarity and walk
3 rewarding.

4 **MR. LAIRD:** Thank you. I might recommend Chair, if I may, if
5 it's fine, then I think we could read into the motion, essentially
6 that section of the recommendation section and it should provide
7 that needed clarity.

8 **MS. URBAN:** Yes, I'm happy to do that. We've been proceeding by
9 adopting the policies laid out. But we have this section on the
10 recommendation. So let me restate. Thank you, Mr. Laird, Mr.
11 Mactaggart. But just to be sure that we've clarified, may I have a
12 motion to adopt the following recommended practices for utilizing
13 subcommittees of the Board. These practices are outlined in the
14 memorandum provided for agenda item 5 in the meeting today, and
15 they go as followed: to maximize the impact and efficiency of the
16 Board's subcommittees going forward, staff recommends that the
17 Board adopted practice of utilizing subcommittees and any of the
18 subcommittees when; one, the subject matter and tasks assigned to
19 the subcommittee can be appropriately bounded, so it's not to
20 overlap with any other existing subcommittee work. Two, the
21 subcommittee can be given specific deliberate subject-based
22 assignments with clear timelines for completion. And three, the
23 board can benefit from the heightened engagement, advice, and
24 guidance by a minority of Board members on a particular subject.
25 May I have a motion as stated?

26 **MS. DE LA TORRE:** I move.

27 **MS. URBAN:** Thank you, Ms. de la Torre. May I have a second?

28 **MR. LE:** I'll second.

1 **MS. URBAN:** Thank you, Mr. Le. Mr. Sabo, I have a motion and a
2 second. Would you please perform the roll call vote?

3 **MR. SABO:** Yes, Board member de la Torre?

4 **MS. DE LA TORRE:** Aye.

5 **MR. SABO:** de la Torre aye. Board member Le?

6 **MR. LE:** Aye.

7 **MR. SABO:** Le aye. Board member Mactaggart?

8 **MR. MACTAGGART:** Aye.

9 **MR. SABO:** Mactaggart aye. Chair Urban?

10 **MS. URBAN:** Aye.

11 **MR. SABO:** Urban aye. And the vote is four in favor and zero
12 opposed.

13 **MS. URBAN:** Thank you very much Mr. Sabo and members of the
14 Board. The motion carries with a vote of four to zero. I really
15 appreciate the considered and thoughtful discussion of this, and
16 the sister agenda item number 6. We will now move to agenda item
17 number 7, which is our item for public comment on items that are
18 not on the agenda. I would simply like to remind everyone, before
19 we proceed with public comments, to please note that the only
20 action the Board can take is to listen to comments and consider
21 whether it will discuss the topic at a future meeting. The Board
22 can't take any other action on items at this meeting, although it
23 may seem sometimes like we're being non-responsive, we do not mean
24 to get that impression, and we must. This is because we have to
25 follow the Bagley-Keene open meeting act, and it's critical at this
26 point to listen, to ensure that the rules of the open meeting act
27 are followed, and to avoid compromising either the commenters goals
28 or the goals of the board or the agency. So, with that small

1 introduction, Mr. Sabo, I would like to request if you can check to
2 see if there's public comment.

3 **MR. SABO:** Yes, this is for agenda item 7, for public comment
4 on items not on the agenda. Again, if you'd like to make a comment,
5 please raise your hand using Zoom's 'Raise Hand' feature or by
6 pressing star 9, if you're joining by phone. This is for agenda
7 item 7, Public Comment on Items Not on the Agenda. Again, you can
8 raise your hand using Zoom's 'Raise Hand' feature or by pressing
9 star 9 on your phone. Madam Chair, I'm not seeing any hands at this
10 time.

11 **MS. URBAN:** Thank you very much, Mr. Sabo. In that case, let us
12 move on to agenda item number 8. This is our standing item, we
13 follow in most meetings about future agenda items, and this
14 discussion can be of any future agenda items that the Board might
15 consider. Do any Board members have additional agenda items for the
16 next Board meeting? All right. Is there public comment from those
17 in the audience regarding this item on future agenda items?

18 **MR. SABO:** This is for agenda item 8, Future Agenda Items. If
19 you'd like to make a comment, please raise your hand at this time.
20 You can use Zoom's 'Raise Hand' feature, or you can press star 9 if
21 you're joining us by phone today. Again, this is for agenda item 8,
22 future agenda items. I'm not seeing any hands.

23 **MS. URBAN:** Thank you very much, Mr. Sabo. Let us then move to
24 agenda item number 9, which is a closed session for discussion of
25 the Executive Director's Annual Review, closed under authority of
26 Government Code section 11126(a)(1). This is our last remaining
27 agenda item before agenda item 10, which is adjournment, and I just
28 wanted to give the public a sense of process, so everyone can

1 decide whether they would like to stay and wait for us to come back
2 to adjourn or not. This is why we do this at the end sometimes, so
3 people can make a good decision. The Board will leave this Zoom to
4 prepare to our closed session meeting. This Zoom Meeting will
5 remain open, and you're welcome to stay. When the board is finished
6 with its discussion, it will return to this meeting in order to
7 take up agenda item number 10 adjournment. Is there a public
8 comment from those in the audience on this agenda item before we go
9 into the closed session?

10 **MR. SABO:** If you'd like to speak, please go ahead and raise
11 your hand using Zoom's 'Raise Hand' feature or pressing star 9.
12 This is the final opportunity for public comment before the board
13 enters closed session. Again, that's 'raise hand' if you're on Zoom
14 or star 9. I'm not seeing any hands.

15 **MS. URBAN:** Thank you very much, Mr. Sabo. And in case there's
16 anyone who doesn't want to wait, let me take the opportunity to
17 thank everyone for their attendance and any input they gave today.
18 Oh, Mr. Soltani, Are you asking? Okay, you just moved.

19 **MR. SOLTANI:** I was coughing. Sorry.

20 **MS. URBAN:** Okay, yes, I'm aware. I'm familiar with coughing at
21 the moment. So, with that, I'd like to ask the Board members to
22 please move to the Zoom Meeting established for the closed session
23 discussion of this agenda item. It takes a little, just a little
24 bit to set up. So, if you wouldn't mind, can we plan to begin that
25 part of the meeting at 3:45? And I will see everybody on the board
26 there, and the public when we return from that discussion. Thanks
27 very much, everyone.

28 - Closed Session -

1 **MS. URBAN:** Thanks to everyone. The Board is now returning from
2 its closed session agenda item discussion. Our final agenda item is
3 agenda item number 10, adjournment. I would like to again thank
4 everybody, Board members, staff, and members of the public for all
5 of your contributions to the meeting today, and to the Board's and
6 the agency's work. And may I have a motion to adjourn the meeting?

7 **MS. DE LA TORRE:** I move.

8 **MS. URBAN:** Thank you. Ms. de la Torre has moved. May I have a
9 second?

10 **MR. LE:** I will second.

11 **MS. URBAN:** Thank you. I have a motion to adjourn the meeting
12 from Ms. de la Torre, and second from Mr. Le. Do we have any
13 comments from members of the public?

14 **MR. SABO:** Members of the public, this is on the motion to
15 adjourn. If you'd like to speak on this, please raise your hand
16 using Zoom's 'Raise Hand' feature or by pressing star 9 on your
17 phone. This is on the motion to adjourn.

18 Madam Chair, I'm not seeing any hands.

19 **MS. URBAN:** Thank you, Mr. Sabo. And in that case, would you
20 please perform the roll call?

21 **MR. SABO:** Yes, the motion is to adjourn. Board member de la
22 Torre?

23 **MS. DE LA TORRE:** Aye.

24 **MR. SABO:** de la Torre aye. Board member Le?

25 **MR. LE:** Aye.

26 **MR. SABO:** Le aye. Board member Mactaggart?

27 **MR. MACTAGGART:** Aye.

28 **MR. SABO:** Mactaggart aye. Chair Urban?

1 **MS. URBAN:** Aye.

2 **MR. SABO:** Urban aye. You have four votes in favor and no votes
3 against.

4 **MS. URBAN:** Thank you very much. Mr. Sabo and members of the
5 Board. The vote is four to zero in favor of adjourning. Again, my
6 many thanks for all of your thoughtful attention to everything we
7 discussed today, and this meeting of the California Privacy
8 Protection Agency Board stands adjourned. Thank you very much.

9 (End of recording)

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