

CALIFORNIA PRIVACY PROTECTION AGENCY BOARD

AUDIO TRANSCRIPTION OF RECORDED PUBLIC COMMENT SESSION

THURSDAY, DECEMBER 19, 2024

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1 MS. URBAN: Good morning. Welcome to this meeting
2 of the California Privacy Protection Agency Board. It's
3 December 19th, 2024 at 9:31 a.m. My name is Jennifer Urban.
4 I'm the chairperson of the Board, and I'm pleased to be here
5 in person with the Board and members of the public in
6 Sacramento, and to welcome many of you via Zoom. Before we
7 get started with the substance of the meeting, as usual, I
8 have some logistical announcements.

9 First, I'd like to ask that everyone, please check
10 that your microphone is muted when you're not speaking, and
11 that you have turned off or silenced your cell phone, which
12 I'm doing right now, to avoid interruption. Thank you for
13 doing that.

14 And third, and importantly, this meeting is being
15 recorded. This meeting is being held in a hybrid format.
16 My fellow board members and members of the CPPA staff are
17 here in person and some members of the public, and I know
18 most members of the public are joining remotely. This
19 format -- the hybrid format does create technical
20 complexity. So if we have any technical kinks during the
21 meeting, we'll pause the meeting and address the issue.

22 Today's meeting is being held in person at the
23 Cannabis Control Appeals Panel Hearing Room in Sacramento,
24 and we really appreciate the CCAP team's hospitality. So
25 some additional logistics and meeting participation process.

1 Today's meeting will be run according to the
2 Bagley-Keene Open Meeting Act as required by law. We will
3 proceed through the agenda, which is available as a handout
4 here in Sacramento and also on the CPPA website. You can
5 look under meetings and events and click on the materials
6 for today's meeting. Materials for the meeting are also
7 available on the -- as handouts here and on the CPPA website
8 in the same place.

9 You may notice board members accessing their
10 laptops, phones, or other devices during the meeting.
11 They're using the devices solely to access board meeting
12 materials. After each agenda item, there'll be an
13 opportunity for questions and discussion by board members.
14 I'll also ask for public comment on each agenda item.

15 Each speaker for public comment will be limited to
16 three minutes per agenda item. We also have an agenda item
17 on the schedule for general public comment. That is Agenda
18 Item number 3 today. On that point, I want to note that we
19 have once again reordered the agenda to hear public general
20 -- general public comments at the beginning of the meeting
21 to help people plan their time.

22 Since we don't always know how long agenda items
23 are going to take, it's been difficult sometimes for
24 stakeholders to be able to ascertain when they need to join
25 the meeting to make their comment. And so we've put the

1 general public comment item at the top of the meeting. We
2 have members -- so in any case, if you would like to watch
3 the entire meeting, of course, you're welcome. You can also
4 make public comment in a little while.

5 If you're attending via Zoom and you wish to speak
6 on an item, please wait until I call for public comment and
7 then allow staff to prepare for Zoom public comment. Then
8 use the "raise your hand" function at the bottom of your
9 screen -- of your Zoom screen and the moderator will see
10 you. If you wish to speak on an item in you're adjoining by
11 phone, please press star nine on your phone and that will
12 show the moderator you're raising your hand.

13 Our moderator will call the time -- your name when
14 it is your turn, and request that you unmute yourself for
15 comment at that time. If you're using the webinar, you can
16 use the "unmute" feature on the screen, and those dialing by
17 phone can press star six to unmute. When your comment is
18 completed, the moderator will mute you.

19 Please note that the Board will not be able to see
20 you, only hear your voice. For this reason it's helpful if
21 you identify yourself, but this is entirely voluntary. And
22 you can also put -- input a pseudonym when you log into the
23 meeting via Zoom.

24 If you're attending in person and wish to speak on
25 an item, please wait for me to call for public comment then

1 move toward the podium in front of the Board here and speak
2 when you're called. As with the Zoom attendees, it's
3 helpful if you identify yourself, but this is entirely
4 voluntary. Please do speak into the microphone so that
5 everyone participating remotely can hear you, and so that
6 your remarks will be recorded in the meeting record.

7 As I mentioned, the -- for hybrid meeting format
8 is a little bit technically complex. First, I'd like to
9 thank our moderator Serena Marzion, for managing all the
10 technical aspects of today's meeting. Second, I'll explain
11 what to do. If you're participating remotely and you
12 experience an issue with the remote meeting, for example,
13 the audio drops or the video drops or something, if that
14 happens, please email info@coppa.ca.gov, India, November,
15 Foxtrot, Oscar, at Charlie, Alpha -- sorry,
16 coppa.charliealpha.gov.

17 And you'll -- that will be monitored throughout
18 the meeting and people will be -- respond if there's an
19 issue. We'll pause the meeting if that comes up to let the
20 technical staff work on the issue and restart the meeting or
21 rejoin the meeting when it's working again.

22 I'd also like to remind everybody that the Board
23 welcomes public comment on any item on the agenda, and it is
24 my intent always to ask for public comment prior to the
25 Board voting on any agenda item. If for some reason I

1 forget to ask for public comment and you wish to speak on
2 the item, please let us know by using the "raise your hand"
3 functions or coming to the podium and raising your hand, and
4 the moderator will recognize you.

5 Once again, speakers are limited to three minutes
6 per agenda item. The other limitation is, if you're
7 speaking on an agenda item, both board members and members
8 of the public must contain their comments to that agenda
9 item with the exception of the general public comment Item
10 number 3, when the public can comment on out -- items
11 outside the agenda.

12 Finally, we can also talk about items to be
13 discussed during future board meetings during the agenda
14 item for that purpose, which is number 9 today. We will
15 take breaks as needed today, including one for lunch. I
16 will announce each break, and we will leave the meeting
17 open. But -- and return when we are finished with the
18 break.

19 Please relatedly note that the 10th item on the
20 agenda is a closed session item. I'll announce the item and
21 the Board will leave this room to go into closed session.
22 The Zoom will stay open. When we're finished with our
23 closed session discussion we will return to public meeting.

24 My many thanks to the Board members for their
25 service today, and to everyone working to make the meeting

1 possible. I'd like to thank Mr. Laird for being here in his
2 capacity as our general counsel, and Mr. Ashkan Soltani in
3 his capacity as our executive director, and all of the
4 deputies who will be presenting today. I'd like to thank,
5 again, our moderator, Ms. Serena Marzion, and ask her to
6 please conduct the roll call.

7 MS. MARZION: Board Member Le?

8 MR. LE: Present.

9 MS. MARZION: Board Member Liebert?

10 MR. LIEBERT: Present.

11 MS. MARZION: Board Member Mactaggart?

12 MR. MACTAGGART: Present.

13 MS. MARZION: Board Member Worthe?

14 MR. WORTHE: Present.

15 MS. MARZION: Chair Urban?

16 MS. URBAN: Present.

17 MS. MARZION: Madam Chair, you have five present
18 members and no absences.

19 MS. URBAN: Thank you very much. The Board has
20 established a quorum. I would like to let the Board members
21 know that we'll be taking a roll call vote on any action
22 items. And actually, before we start our first full agenda
23 item, I'm going to pause the meeting and take a quick break.

24 Mr. Laird, could we get your counsel for just a
25 second?

(RECESS)

Thank you very much, Mr. Laird. And with that, let's continue on with the agenda for Agenda Item number 2. Mr. Soltani, can we have your attention, please? Agenda Item number 2 is an item to recognize distinguished service by our inaugural executive director, Ashkan Soltani. It is a delightful item and I'm very pleased to handle it. I'd like to invite Ms. Mahoney and Ms. Garcia to come up. We're going to do a little -- we're just -- we're going to do a little like set changing here, and bear with us.

Okay. Let's go. So as announced in our November 8th meeting, our intrepid and brilliant and dowdy executive director is going to be stepping down in the next few weeks. We are pleased today to announce some formal recognition for his tremendous vision, leadership, and service to the agency, to California, and to consumer privacy.

First, I'm delighted and grateful to present a resolution sponsored by California Legislators Assembly, Josh Lowenthal, Senator Josh Becker, and Senator Tom Umberg. Ms. Garcia and Ms. Mahoney will display this while I read it out.

"By the Honorable Josh Lowenthal, 69th Assembly District, the Honorable Josh Becker, 13th Senatorial District, and the Honorable Thomas J. Umberg, 34th Senatorial District 00 to commending Ashkan Soltani.

1 Whereas, Ashkan Soltani, a distinguished
2 California resident, who has worked for more than three
3 decades to advance Americans privacy and security, which
4 included serving as chief technologist for the Federal Trade
5 Commission, has served as executive director for the
6 California Privacy Protection Agency since 2021. And in
7 recognition of his upcoming departure from the agency, it is
8 appropriate to highlight his many achievements and extend to
9 him the highest congratulations.

10 And whereas, for three years, Ashkan Soltani, has
11 provided invaluable leadership to the California Privacy
12 Protection Agency, which stands as the first authority in
13 the United States with full administrative powers focused on
14 protecting consumer privacy. And during his tenure, he has
15 steered the agency toward making significant advances in a
16 very short time, such as expanding the organization from a
17 single employee to a fully staffed entity, comprising seven
18 divisions that brought together some of the nation's top
19 feature privacy experts.

20 And whereas, devoted to protecting California
21 residents, Ashkan has led the California Privacy Protection
22 Agency in finalizing a rulemaking package that added
23 protections to the California Consumer Privacy Act, the
24 CCPA, in alignment with the voter approved Proposition 24,
25 the ballot initiative to amend and expand the CCPA, which

1 secured strong privacy rights for Californians that have
2 been the model for other states to follow.

3 And he has continued to lead the agency in
4 pursuing additional rulemaking packages to implement voters'
5 wishes in Proposition 24 and further California consumer
6 privacy rights.

7 And whereas, as an integral member of the agency,
8 Ashkan has played a key role in shaping and implementing the
9 Delete Act, a role that included working to build a first of
10 its kind data broker delete request and opt out platform,
11 which once operational will make it easier for California
12 consumers to delete their personal information from data
13 brokers databases.

14 And he has also prioritized building a strong
15 enforcement division, which launched a complaint portal,
16 opened dozens of ongoing investigations, brought multiple
17 enforcement actions against data brokers, conducted
18 investigative sweeps, and issued enforcement advisories.

19 And whereas, in his role as executive director,
20 Ashkan has helped initiate a statewide public awareness
21 campaign and the privacy.ca.gov website, which serves as a
22 resource to help consumers better understand their privacy
23 rights and how to exercise them.

24 And beyond his leadership of the agency, he has
25 worked with other states and international data protection

1 authorities to facilitate collaboration efforts and
2 information sharing, which has enabled the agency to sign
3 partnerships with data protection authorities in Europe and
4 Asia, and secured California's admittance as a voting member
5 of the Global Privacy Assembly.

6 And whereas, Ashkan Soltani is genuinely
7 respected, admired, and appreciated -- sorry, oh boy, by
8 those who have had the opportunity to know and work with him
9 and to reap the benefits of his exceptional spirit and
10 devotion to making a difference in communities throughout
11 the State of California and beyond.

12 Now, therefore, be it resolved by assembly member
13 Josh Lowenthal and Senators Josh Becker and Thomas J.
14 Umberg that Ashkan Soltani be commended for his outstanding
15 contributions toward furthering Californian's privacy rights
16 through his tireless work to build the California Privacy
17 Protection Agency into a world class institution and
18 extended sincere best wishes for his continued successes in
19 protecting consumer privacy.

20 Members Resolution number 112 dated this 19th day
21 of December, 2024 by the Honorable Josh Lowenthal, Josh
22 Becker, and Thomas J."

23 Yeah, there's more to come. Yeah.

24 All right. So that's number one. Second, I am
25 thrilled to present a small gift, but on behalf of all the

1 staff at the agency and the Board, a keepsake of your time
2 here that we hope will remind you of your accomplishments
3 whenever you see it.

4 Sort of a deal block, but it's going to have to
5 cover like all the deals and all of the -- all of the
6 accomplishments. So we hope that this will be meaningful to
7 you. And we're very, very happy and grateful to present
8 this to you on behalf of the whole agency, all of us. Yeah.

9 And then last, but I hope not least, I'm delighted
10 to present for consideration to the Board, a California
11 Privacy Protection Agency Board Resolution, recognizing some
12 of your accomplishments and service in this role. I will
13 read the resolution while Ms. Garcia and Ms. Mahoney display
14 -- or Ms. Mahoney actually -- whoops, Ms. White display it
15 to everyone. And then the Board will discuss, we'll take
16 public comment, and we will -- we will vote.

17 "The resolution in recognition and appreciation of
18 distinguished service by Ashkan Soltani. Whereas, Ashkan
19 Soltani, as the founding Executive director of the
20 California Privacy Protection Agency, CPPA, played a
21 historic role in establishing the first state authority in
22 the United States, solely dedicated to enforcing consumer
23 privacy rights and data protection, setting a foundation
24 that will benefit Californians for generations to come.

25 And whereas, Mr. Soltani brought unmatched

1 expertise in privacy, consumer protection, and technology
2 regulation, drawing from his prior roles, including as chief
3 technologist at the Federal Trade Commission, to guide the
4 agency's mission with precision and integrity. And whereas,
5 under his visionary leadership, the agency grew rapidly and
6 with excellence establishing seven divisions and hiring a
7 dedicated, highly skilled team of over 45 employees.

8 And whereas, under Mr. Soltani's leadership, the
9 agency gathered robust public input and completed
10 substantial rulemaking to implement and strengthen the
11 California Consumer Privacy Act. Whereas, Mr. Soltani
12 prioritized consumer rights by advancing the creation of the
13 data broker deletion request and opt-out platform,
14 streamlining California's ability to safeguard their
15 personal information.

16 And whereas, under Mr. Soltani's leadership, the
17 CPPA enforcement division issued its first enforcement
18 advisories to promote compliance on key principles like data
19 minimization and the avoidance of dark patterns, while also
20 supporting enforcement actions, including the agency's first
21 data broker compliance sweep successfully securing
22 settlements under the Delete Act, reinforcing California's
23 commitment to transparency and accountability.

24 And whereas, Mr. Soltani strengthen California's
25 role as a global leader in privacy enforcement through

1 strategic collaboration with domestic and international
2 privacy authorities, securing California's place as the
3 first US State admitted as a full voting member of the
4 Global Privacy Assembly.

5 And whereas, Mr. Soltani demonstrated a commitment
6 to public trust and service by launching the state's --
7 agency statewide public outreach program and consumer
8 education initiatives. And whereas, his tenure leaves
9 behind a legacy of diligence, innovation, and unwavering
10 commitment to protecting the privacy rights of Californians.

11 And whereas, Mr. Soltani's colleagues on the
12 agency board recognized his extraordinary contributions and
13 wish him success in all his future endeavors. Therefore be
14 it resolved that we, the California Privacy Protection
15 Agency Board extend our heartfelt appreciation, Mr. -- For
16 Mr. Ashkan Soltani's distinguished service to the State of
17 California.

18 We recognize his exceptional leadership, vision,
19 and dedication in advancing consumer privacy protections and
20 shaping the future of data protection. The Board wishes Mr.
21 Soltani continued success in his next chapter. Dated this
22 19th day of December, 2024."

23 Now we actually have to discuss it though and vote
24 on it. So this one's a little different.

25 MR. MACTAGGART: Yeah. Just echoing what I said at

1 the last meeting, my wholeheartedly support the resolution.
2 And, you know, we've been so fortunate to have you for these
3 three years. And look, you got that great little -- that
4 great memento as effort in repayment for 16-hour days for
5 three years straight, 24 -- I mean, seven days a week.

6 What you have accomplished along with the early
7 board members, because I should give an nod to them too,
8 because that was really -- that was a lot of hard work, with
9 Vincent and the Chair here, but what you guys accomplished
10 was unbelievable.

11 And, you know, when we were writing the
12 initiative, we had no idea how difficult it was going to be
13 to stand up an agency. And had we known, we might have put
14 different things in there. But getting something going from
15 scratch was really tremendous.

16 And your unflagging determination to do the right
17 thing is -- was really, I think, one of the secrets to
18 getting this thing established because it would've been easy
19 to fold or give up, and you just kept going. And you've
20 assembled a tremendous team here. And you've, you know, I
21 think how things begin is so important to how they're -- how
22 they keep on going and the momentum that is established.

23 So we are -- I'm just profoundly grateful that you
24 chose to accept the job and take it and apply for it and
25 keep on going. And we are lucky to have had you for as long

1 as we've had you. So thank you for all your efforts.

2 MS. URBAN: Thank you, Mr. Mactaggart.

3 Other comments, questions, Mr. Worthe?

4 MR. WORTHE: Yeah. There's only so much that can
5 fit on a eight and a half by 11 plaque, right? But I think
6 a couple things that were just said, the tireless work and
7 how grateful we all are for what you've done. Personally,
8 you know, you spent a lot of time with me, bringing me along
9 in this endeavor, so I really appreciate all of that. So
10 just thank you and I -- and I wholeheartedly support the
11 resolution.

12 MS. URBAN: Thank you, Mr. Worthe.

13 Mr. Le.

14 MR. LE: Yeah. I've said a lot of this last time
15 and to you privately, but you know, I'm so grateful for,
16 yeah, the amount of time you've put into this agency to
17 working with me to understand the issues. And I know it
18 hasn't been easy. And I know you've put in probably more
19 time than you should have. And I'm just so happy for what
20 you've built here, and, you know, excited that you get some
21 time off to, you know, relax after building a great agency.
22 Thanks.

23 MS. URBAN: Thank you, Mr. Le.

24 Mr. Liebert?

25 MR. LIEBERT: Well, as you know, I'm the new kid on

1 the block. And --

2 MR. MACTAGGART: Closer.

3 MR. LIEBERT: Okay. This is weird. Okay. So, I
4 wanted to just acknowledge that from the moment I joined the
5 Board, you have been so incredibly helpful and always open
6 to my many questions. And I'm very grateful for that. We
7 heard a whole bunch of warehouses, and the amazing thing is
8 we could add another 20 or 30 of them. I know that you are
9 a California and frankly an international treasure on these
10 issues.

11 So if you think we're done seeking your counsel in
12 the future, of course, that's not the case. And I really
13 want to especially compliment you for the team that you help
14 put together with the leadership here. It's a real
15 testament, I think, to any leader that when they finally do
16 leave, they're leaving a group of people who can continue
17 the work robustly and so competently. And for that, I
18 really do congratulate you. Just a tremendous job, Ashkan.
19 Thank you.

20 MS. URBAN: Thank you, Ms. -- Thank you, Mr.
21 Liebert.

22 I'll keep my own remarks really short and echo a
23 little bit of what has been said already. I think Mr.
24 Mactaggart is right that ignorance can be a strength
25 sometimes. But often when then confronted with reality,

1 people dial down the expectations or they reduce the goals
2 or they give up entirely. And that simply doesn't comport
3 with your approach at all. So we are now in a position
4 where the agency is incredibly strong and is moving from
5 strength to strength.

6 I want to also echo what Mr. Liebert said about
7 the excellence of the staff. The resolution from the Board
8 says that you build the agency rapidly and with excellence.
9 And that was a very carefully and thoughtfully chosen word.
10 We have just the best staff that I've ever seen anywhere in
11 terms of their dedication and their expertise and their
12 alacrity.

13 And we did that without any reputation in state
14 government. And that really comes down, Ashkan, to your
15 efforts, your own reputation, the reputation of the people
16 you recruited, and it makes the agency just an absolute
17 force to be reckoned with. And I think it's one of -- you
18 know, one of your many major accomplishments.

19 Secondly, I would like to echo what the resolution
20 -- both resolutions said about international and national
21 partnerships. That is something that can easily fall by the
22 wayside when there are a million things to do and fires
23 burning everywhere, and you have always made time to begin
24 and to culture those relationships.

25 This is a complex area. It is an area with a lot

1 of interest, a lot of valid interests, and it's a difficult
2 path to navigate. And the only way that we can do that is
3 by connecting with experts in the area and talking it
4 through. And that is really appreciated.

5 So those are just two things for me out of many.
6 And I kind of have to stop, because I'm not much of a
7 tearful person, but this is -- this is quite an emotional
8 moment. But I'm tremendously grateful. And I would like
9 you to know that if you didn't realize already that you can
10 look back on this as a true legacy.

11 In a moment, then I will ask for a motion to adopt
12 this resolution and recognition and appreciation of
13 distinguished service by Ashkan Soltani on this the 20th day
14 of December, 2024, with the gratitude of the California
15 Privacy Protection Agency Board. And may I have such a
16 motion.

17 MR. LE: I would so move.

18 MS. URBAN: Thank you. I have a motion from Mr.
19 Le. May I have a second.

20 MR. MACTAGGART: Second.

21 MS. URBAN: I have a -- thank you. I have a motion
22 from Mr. Le and a second from Mr. Mactaggart. And is there
23 any public comment on this item.

24 MS. MARZION: This is for Agenda Item number 2. If
25 you'd like to make a public comment at this time, please

1 raise your hand using the "raised hand" feature, or by
2 pressing star nine if you are joining us by phone. This is
3 for Agenda Item number 2. Madam Chair, I'm not seeing any
4 hands raised at this time.

5 MS. URBAN: Thank you very much, Mr. Marzion -- Ms.
6 Marzion. I apologize. And thank you very much to the Board
7 and again to Mr. Soltani. With that, I will ask Ms.
8 Marzion, if you could please conduct the roll call vote on
9 the resolution.

10 MS. MARZION: Yes. Board Member Le?

11 MR. LE: Aye.

12 MS. MARZION: Board Member Liebert?

13 MR. LIEBERT: Aye.

14 MS. MARZION: Board Member Mactaggart?

15 MR. MACTAGGART: Aye.

16 MS. MARZION: Board Member Worthe?

17 MR. WORTHE: Aye.

18 MS. MARZION: Chair Urban?

19 MS. URBAN: Aye.

20 MS. MARZION: Madam Chair, you have five yeses.

21 MS. URBAN: Thank you very much, Ms. Marzion and
22 the Board. The motion passes with a vote of five to zero.
23 And we will prepare the resolution for you, Mr. Soltani, so
24 that you have that as a keepsake as well with our many
25 thanks.

1 MR. SOLTANI: Without words, thank you all so very
2 much. As someone who, you know, as you all know me, likes
3 to be on top of everything, I will just say I had no -- you
4 know, I knew there was a recognition, but I had no
5 expectation to the degree that you all went. And I'm so
6 blown away by your kind words -- blown away by your kind
7 words.

8 As I said, as someone who prides themselves on
9 being on top of everything that's going at the agency, I
10 would -- I had no idea the extent with -- to which you all
11 had -- you and staff and the senators. I'm so incredibly
12 grateful for all of the recognition, all the kind words to
13 the Board, to staff, to Senator Umberg, to Senator
14 Lowenthal, to Senator Becker, to our alleged deputy for
15 organizing.

16 It's just been such an incredible honor to be
17 entrusted to do this job and the support of the Board, both
18 present and past board members. As you all said, I could
19 not have done this without the incredible team that you see
20 before me. And I -- you know, I appreciate all the praise,
21 but there was a lot that was even done by our chief deputy
22 even prior to my arrival, by the board members, by Chair
23 Urban, by the folks at BCSH, by DCA, by DGS, and a number of
24 other agencies.

25 So, while I appreciate all the recognition, it was

1 truly a team effort and truly speaks to the excellence of
2 everyone here in the room and everyone at the agency, and
3 everyone supporting the agency. And I'm so incredibly
4 grateful to have been able to do this work.

5 It's bittersweet to leave. You know, as folks
6 know, I would love to continue to do this work, but it also
7 felt like the right time for me to step down. And I feel
8 like part of that was that we do have the incredible
9 leadership and team that I can take a break and I can take a
10 little bit of my foot off the gas, which is something that I
11 desperately have needed.

12 So, you know, I -- it's tremendous how much you
13 all have supported me and how staff has supported me and how
14 -- I'm so incredibly grateful for all of the kind words, the
15 opportunity to do this. And I agree that we are kind of a
16 model for hopefully a number of states. So hopefully, you
17 know, even internationally.

18 And so I continue to hopefully -- to -- I -- not
19 even hopefully. I can -- I will continue to be in this
20 ecosystem and I hope to be involved in some way in the
21 privacy space and hope to see from a distance what amazing
22 work the agency will continue to do. Honestly, I'm really
23 excited for what's in store next year. You all will see
24 there's a lot of other irons in the fire in addition to
25 rulemaking and enforcement that are still to come to

1 fruitation.

2 And again, that speaks to the hard work, not just
3 of me, but really the staff. Because at this point, it's
4 the staff really delivering on all of the vision that we
5 had. I agree that if we had known, I would've definitely
6 done things differently. It's just like there's -- you
7 know, but you have no idea in government. And that's what's
8 been part of the fun, is learning and having the support and
9 -- of the Board and the team to figure all that out.

10 So, thank you all so much. Thank you again to
11 senators, thank you to staff. Thank you to everyone. It's
12 been an incredible journey and I -- and I'm so grateful.

13 MS. URBAN: Thank you, Mr. Soltani. I want to
14 thank Ms. Mahoney for her work helping on the getting the
15 resolution and staff, and Assembly Member Lowenthal office,
16 especially on the other offices, and Mr. Le for his
17 contributions to the resolution. So, thank you, Mr.
18 Soltani. More to come.

19 And with that, we'll move to Agenda Item number 3,
20 which is the item I mentioned earlier of public comment, not
21 on -- of -- for items not on the agenda. As a reminder, I
22 do need to let everyone know again that the Board may not
23 discuss or act on any matter raised during this public
24 comment session, except to consider whether to place the
25 matter on the agenda in a future meeting. And we have an

1 agenda item for that later in the day.

2 Before we begin taking comments today, I also have
3 a special note that I need to make. I'd like to note that
4 the agency is currently in the midst of a formal public
5 rulemaking period for proposed regulations concerning
6 updates to the CCPA regulations, cybersecurity audits, risk
7 assessments, automated decision making technology, and
8 insurance companies.

9 And today's board meeting is not a public hearing
10 for receiving public comments on these draft regulations.
11 So I would encourage audience members to refrain from making
12 comments specifically about the proposed regulations during
13 this agenda item.

14 Instead, I encourage any members of the public
15 wishing to provide comments on the proposed regulations to
16 submit your comments in writing as specified in the
17 rulemaking notice available at coppa.ca.gov forward slash
18 regulations, or alternatively, to make them orally at the
19 public hearing for the purpose, which will be held in the
20 same room on January 14th 2025 from 2:00 to 6:00 p.m. And
21 we'll have a hybrid option for that hearing as well.

22 And so you can elect to participate in person or
23 virtually. That will be the last day we'll accept public
24 comments on the formal rulemaking opening period. So just a
25 reminder that when the rulemaking is open, it is best to

1 submit your comments in writing or during the public
2 hearing, so that the Board, the agency, and you all have
3 your comments in hand in the best possible and most useful
4 form. But -- and at this time then, I will call for any
5 other public comments on items not described on today's
6 agenda.

7 Ms. Marzion, are there any public comments?

8 MS. MARZION: This is for Agenda Item 2. And we do
9 have a hand raised. If -- or sorry, Agenda Item number 3.
10 And if you'd like to make a comment to this time, please
11 raise your hand using the "raised hand" feature, or by
12 pressing star nine, if you're joining us by phone.

13 It looks like we are first will be Benjamin, I'm
14 going to allow you to speak. At this time, you'll have
15 three minutes to make your comment, so please begin as soon
16 as you're ready.

17 MR. ISAACSON: Thank you. My name is Ben Isaacson. I am an
18 attorney specializing in data privacy who works with a
19 number of California registered data brokers. These
20 comments are not being made on behalf of any specific
21 companies, and I have published additional written comments
22 on LinkedIn with the CPPA tagged for anyone interested to
23 further review.

24 I have two requests for the CPPA to consider
25 following the actions taken at the November 8th meeting.

1 The first is a request to delay and, or modify the
2 implementation of the data broker registry fee increase.
3 And the second, if the chair would grant me a bit more time,
4 is a request for clarification regarding the SB 362
5 regulations related to the expanded definition of what
6 constitutes a data broker.

7 With respect to the data broker registry fee
8 increase from \$400 to \$6,600, SB 362 requires the CPPA to
9 establish the data broker registry fund to offset the
10 reasonable cost of establishing, maintaining, and providing
11 access to the accessible deletion mechanism.

12 The \$6,200 registry fee increase approved by the
13 Board on November 8th is a sudden surprising and significant
14 financial burden on many data brokers. And the materials
15 presented to justify the significant increase were vague
16 guesstimates with additional unnecessary expenditures that
17 calls into question the reasonableness of the proposed \$4.4
18 million budget.

19 Specifically, the Board should reevaluate the
20 budget allocation based on the following facts. The Board
21 should publicly release all information associated with this
22 request for ideas budget analysis in order for potential
23 vendors to bid on the request for proposals.

24 The Board should publicly state whether the vendor
25 award will be based on a lowest responsible -- lowest

1 qualified responsible or highest scored responsible bidder
2 as defined by California standards. If the CPPA receives a
3 proposal by a credible vendor that meets all of the criteria
4 specified, then the CPPA should be required to accept a
5 lowest responsible proposal.

6 The CPPA staff response on November 8th to the
7 question of a budget surplus was vague and insufficient.
8 Any budget surplus based on 2025 collected registration or
9 enforcement fees should not be awarded as a subsidiary to
10 2026 registrants, but rather returned pro rata to the
11 registered data brokers who are funding the creation of the
12 deletion mechanism.

13 Finally, the Board should have publicly released
14 its analysis of why \$1.3 million of the deletion mechanism
15 budget is being allocated for two non-technical positions,
16 including a full-time attorney. Based on this information,
17 I'm requesting that the CPPA Board schedule a meeting before
18 January 1st and vote on the following courses of action.

19 One, maintain the existing \$400 data broker
20 registration renewal, and issue a special assessment of the
21 registered data brokers following completion of the
22 procurement release based on a lowest responsible acceptance
23 criteria for selection of the deletion mechanism vendor.
24 Two, alternatively, the Board could place all registration
25 fees and enforcement revenue into an escrow --

1 MS. MARZION: That is your time. Thank you very
2 much. If there are any other members of the public who'd
3 like to speak at this time, please go ahead and raise your
4 hand using Zoom's "raised hand" feature, or by pressing star
5 six if you're joining us by phone. Again, this is for
6 Agenda Item number 3.

7 Madam Chair, I'm not seeing any additional hands
8 at this time.

9 MS. URBAN: Thank you, Ms. Marzion. And thank you
10 for that comment.

11 At this time we will turn to Agenda Item number 4.
12 Agenda Item Number 4 is our regularized legislation update
13 and agency proposals from CPPA's deputy director of policy
14 and legislation, Ms. Maureen Mahoney. As a reminder, we do
15 this at this time of year, so as to hear a report on the
16 previous legislative session and to consider any CPPA
17 proposals in advance of the upcoming legislative session.

18 I'll ask you to please turn your attention to the
19 materials provided for this agenda item. We have, I
20 believe, a memo and a presentation.

21 And, Ms. Mahoney, please go ahead whenever you're
22 ready.

23 MS. MAHONEY: Testing. Okay. Thank you,
24 Chairperson Urban, board members. I appreciate the
25 opportunity to provide a legislative update and present

1 staff's recommended legislative proposal. And before I get
2 (inaudible) member of the policy and legislation team
3 (inaudible) specialist. She's based in Los Angeles, so
4 couldn't be here today. But I'm really grateful to have her
5 on the team. And next slide please.

6 For this item -- testing. Okay. For this item,
7 I'll do several things. First, I'll provide an update on
8 the federal landscape in light of the election. Second,
9 provide an overview of the 2024 California legislative
10 session with respect to privacy and AI. And at the end,
11 I'll present for a Board consideration recommended
12 legislative proposal, an update of AB 3048, the opt-out
13 preference signal bill that the agency sponsored.

14 And so it should be about 10 minutes. Does that
15 sound like an okay approach? Okay. I can't keep this
16 microphone working. So first, with respect to the federal
17 landscape, obviously, the election is on everyone's mind.
18 It's created a great deal of uncertainty with respect to
19 federal privacy legislation and rulemaking. And this
20 uncertainty really highlights the importance of states like
21 California continuing to take the lead on privacy and
22 technology policy.

23 So you'll remember that the agency opposed the
24 American Privacy Rights Act of 2024. That's federal privacy
25 legislation that sought to preempt the CCPA, the Delete Act,

1 and other important state privacy laws. It's not expected
2 to move forward in its current form this year.

3 We've also been monitoring the Kids' Online Safety
4 Act or KOSA and the Children and Teens Online Privacy
5 Protection Act, known as COPA 2.0. They passed the senate
6 as a single vehicle. Earlier this year they advance out of
7 House Energy and commerce separately earlier this year as
8 well. Together they'd expand privacy and online protections
9 for children and teens. And the agency hasn't taken a
10 formal position on any of these bills, but appreciate that
11 the current versions of all of them explicitly allow states
12 to adopt stronger protections.

13 So those bills are very close to the finish line.
14 We've heard that they're unlikely to advance this year, but
15 we'll continue to monitor. Based on the house speaker's
16 comments, they appear more likely to advance next year
17 possibly with revisions, but we'll have to keep an eye on
18 that and provide updates to the Board.

19 We've heard that there will be likely revived
20 efforts in 2025 to pursue federal consumer privacy
21 legislation that could take an even more sweeping approach
22 to try to preempt state privacy laws with a single party
23 trifecta. They likely have a better chance of passing it
24 than in the current divided Congress. So staff will
25 continue to work with California partners, California

1 Delegation and Congress, and other states to defend our
2 ability to continue to move the ball forward on privacy.

3 So, moving to federal regulatory activity.

4 Likewise, the path ahead is unclear as well. We did want to
5 flag that earlier this month that Consumer Financial
6 Protection Bureau or CFPB proposed a rule that would expand
7 the Fair Credit Reporting Act or FCRA to cover certain data
8 broker activity.

9 So that could have implications for our work to
10 implement the Delete Act since both the CPPA and the Delete
11 Act have FCRA exemption. So staff are currently analyzing
12 the CFPB proposal and its potential impact on California
13 law.

14 Should the regulation move forward, the agency may
15 want to consider exploring legislative efforts to remove the
16 FCRA exemptions in California privacy law. But it's
17 currently unclear what will happen to the CFPB rulemaking
18 under the new administration. So we'll continue to monitor,
19 engage as appropriate, and keep the Board updated.

20 At the Federal Trade Commission or FTC, they've
21 also been working on updating the Children's Online Privacy
22 and Protection Act regulations and pursuing proceeding
23 rulemaking. But again, it's unclear what will happen to
24 them in the new administration. So we will continue to
25 watch. And next slide.

1 In contrast, California is moving full speed
2 ahead. Particularly on AI regulation this year, California
3 introduced dozens of privacy and AI bills, and my count, 23
4 of them signed into law covering varied focus areas. All
5 the bills that we were tracking were vetoed. But as you can
6 see there's a lot going on in California and we'll continue
7 to see evolving law. Next slide, please.

8 So, going through briefly CCPA bills, the agency
9 sponsored our first piece of legislation this year, AB 3048,
10 which would have required browsers and pursue into
11 regulation mobile operating systems to include a setting
12 allowing consumers to send opt-out preference signals. As
13 you know, that was vetoed. I'll discuss that in a more
14 detail a little bit later on.

15 The CCPA also supported AB 1949, sponsored by the
16 Attorney General's Office, which sought to expand the
17 protections provided to children under the CCPA. The agency
18 moved to support once the bill was amended to retain the
19 actual knowledge standard and remove the required rulemaking
20 for the agency on a jurisdiction** . So that also was
21 vetoed.

22 We formally supported two bills that were signed
23 into law, AB 1008, from Assembly Member Bauer-Kahan that
24 underscore that personal information can exist in various
25 formats, including in certain AI systems, as well as SB 1223

1 from Senator Becker. And that added neural data to the CCPA
2 sense -- definition and sense to the personal information.

3 The assembly privacy omnibus bill, AB 3286, was
4 also signed into law that made several tweaks to the CCPA,
5 including making threshold adjustments to the CCPA for cost
6 of living self-executing, rather than having to go through a
7 rulemaking process every two years. And finally, another
8 bill was passed to amend the CCPA, AB 1824, requiring
9 businesses that receive personal information as part of a
10 merger or acquisition to honor the opt-out request made
11 prior to that merger. Next slide, please.

12 So, moving on to AI, there's a lot of legislative
13 activity in California this year focused on AI, 18 bills
14 signed into law out of the dozens that were introduced and
15 considered. In general, most of them target specific harms.
16 For example, many of them regulate AI use in certain
17 industries with respect to certain types of content and
18 their distinct bills addressing media and entertainment,
19 elections and democracy, pornography, education, and
20 healthcare.

21 And I wanted to particularly flag that we
22 appreciate that AB 2885 from assembly member -- Assembly
23 Member Bauer-Kahan, that was established a -- it was
24 adopted, established a consistent definition of artificial
25 intelligence across the California code and one that's quite

1 similar to the definition in our proposed regulations. Next
2 slide, please.

3 So, moving on to 2025. So, to give a brief
4 overview of the timeline ahead of us in California, I'll
5 spare you going through every single date and refer you to
6 the slide, but noting that the legislature will reconvene on
7 January 6th, 2025. Next slide, please.

8 And the last day to pass bills will be September
9 12th, and then the governor will have until October 12th to
10 sign or veto bills. That's the timeline for policy bill.
11 Next slide.

12 So, moving on to the agency's primary legislative
13 focus in California from last year, AB 3048, again, required
14 browsers and mobile operating systems for opt-out preference
15 signals. So in staffs, you -- opt-out preference signals
16 are one of the most important things consumers can do to
17 exercise their privacy preferences. They allow consumers a
18 single step to opt-out of the sale and sharing of personal
19 information with every website with which they interact.

20 Privacy focused browsers are offering native
21 support for these signals, but browsers that come
22 pre-installed on devices like Google Chrome and Apple Safari
23 don't. Safari doesn't allow consumers to add this
24 functionality even through third party browser plugins
25 leaving many consumers out of luck. And it's more important

1 than ever that consumers are able to exercise their privacy
2 (inaudible) especially with respect to reproductive health,
3 immigration status, religious belief, among other sensitive
4 topics, and parents need easier controls to protect their
5 kids' privacy.

6 So the bill advanced off legislature, it was
7 vetoed by the governor who highlighted concerns. Lowenthal
8 requirement that mobile operating systems offer these tools
9 because the technology for mobile hasn't yet been developed.

10 Given the governor's objections to the mobile
11 requirements and because having access to opt-out preference
12 signals while consumers using browsers would amend it's
13 value, (inaudible) forward a modified proposal for the
14 agency to support a browser only.

15 Onto this memos in the meeting materials, the
16 modified proposal also emphasizes that into build a broad
17 coalition of supporters, for example, groups focused on
18 reproductive rights, immigrant rights, employee, and labor
19 concerns among others. It clarifies that staff would
20 continue to work with stakeholders including the regulated
21 community, the legislature, and the Governor's Office to
22 further the proposal.

23 And finally, staff request flexibility when it
24 comes to sponsorship so the staff can be nimble and pursue
25 opportunities with the greatest chance of success. And I'm

1 happy to answer any question.

2 MS. URBAN: Yes, Mr. Worthe.

3 MR. WORTHE: Sorry. Thank you very much. Couple
4 questions. In reading the governor's reason for vetoing,
5 you stated he thought this should first be addressed by the
6 software developers. Is there any progress been made on
7 that?

8 MS. MAHONEY: Not to my understanding. So, in my
9 understanding, in order to develop these tools, you know,
10 researchers would need access to systems in order to develop
11 them. But I'll defer to our technologist here.

12 MR. SOLTANI: Test. Great. And let me just be --
13 thank you for that question. Let me just briefly say this,
14 I'm guilty of it myself. These mics aren't inconsistent, so
15 we should try to not move when we speak. Your mics are
16 fine. Our mics are -- we're getting complaints on the Zoom,
17 so I'll just try to keep my head still while I respond. So
18 that's going to be my strategy.

19 So, as Deputy Director Mahoney, shared on the
20 mobile operating systems and even things like set top boxes
21 and Smart TVs and these type of things, the operating
22 systems are closed in such a way where only the
23 manufacturers of the technology, such as say Apple for
24 iPhone or Google for the Android devices or say Samsung for
25 Smart TV can actually implement opt-out preference signals

1 in the mobile environment.

2 And to our knowledge there's been no effort to do
3 so. Some developers have tried, but they are -- the system
4 is closed, these are walled gardens, and there's no ability
5 for mobile -- kind of mobile operating systems to have
6 opt-out preference signals without, say, Apple or Google
7 implementing it.

8 The bill that we had sponsored last year had a
9 rulemaking that was intended to be collaborative with those
10 developers with the -- with Google and Microsoft and Apple
11 and the developers of all the devices we use every day
12 today. But currently, there's no way for an independent
13 developer or third party developer to implement opt-out
14 preference signals in the mobile environment without the
15 support and participation of those larger firms.

16 MR. WORTHE: So how do we -- how do we not get to
17 the same place, you know, a year from now? We sponsor bill
18 we know the concerns, right? Through the veto. What can we
19 do either with that office to --

20 MR. SOLTANI: That's okay.

21 MR. WORTHE: -- to make progress as opposed to
22 being back in the same position?

23 MS. MAHONEY: You mean by maintaining the mobile
24 operating system.

25 MR. WORTHE: I just know that it got vetoed and for

1 what reason. So, how do we avoid that happening again? If
2 we don't have any control over what the developers can do,
3 what can we do?

4 MS. MAHONEY: Mr --

5 MR. LIEBERT: Well, I think the major difference
6 that we're talking about with the proposal that's being
7 brought to us now, if I can -- if I can reflect that in my
8 understanding of the memo, which by the way was excellent,
9 is dropping the mobile aspects of the bill that the governor
10 referred to. We don't know what the governor will do in
11 that response. In other words, we're -- in terms of
12 limiting the proposal, basically, so that it's only dealing
13 with the technology that already exists and we know that.

14 Hopefully that will make the difference. I'd like
15 to incorporate by reference as a lawyer here, the incredible
16 comments that Board Member Mactaggart made at our last
17 meeting, that we certainly think that the major companies
18 like Google and Apple, et cetera, will hopefully consider
19 coming to the table again this year to try to make this
20 work.

21 Obviously, this would have a very profound impact
22 on the work that we do and on protecting privacy rights.
23 I'm very proud of what the agency attempted to do. But I
24 think directly to your question, our hope would be, if I can
25 reflect that, that both capturing a great coalition of so

1 many folks who should be supportive of this in the -- in the
2 legislature, as well as hopefully being able to convince the
3 governor and other key stakeholders that by restricting this
4 bill to no longer apply to that mobile environment, but to
5 an environment that already can accommodate the -- these
6 signals, that should make a huge difference.

7 MR. WORTHE: Oh, so that --

8 MS. URBAN: Thank you, Mr. Liebert. Mr. Mactaggart
9 has a comment and then I will let you respond, Mr. Worthe.
10 Okay. Mr. Worthe, go ahead.

11 MR. WORTHE: Oh, that's really what wasn't -- my
12 next question was stakeholders geo, are we able to have
13 those conversations now and are we having those
14 conversations now?

15 MS. MAHONEY: Yeah. So we had some productive
16 conversations last year, but I think really accelerated
17 towards the end.

18 MR. WORTHE: Right.

19 MS. MAHONEY: And we kind of ran out of time. So,
20 you know, doing this again gives us more opportunity to
21 meaningfully engage with a wide variety of stakeholders.
22 And then dropping the mobile operating system requirement
23 can allow us to focus on browsers where there's already
24 existing technology in use for these signals.

25 MS. URBAN: Thank you, Mr. Worthe.

1 Mr. Mactaggart?

2 MR. MACTAGGART: Thank you. So, since the last
3 meeting, I've had conversations with the -- in -- folks in
4 the assembly and also with folks in the -- in the business,
5 so to speak, of people who might be opposed or who were
6 opposed to this. And let me just say, I think that the bill
7 really was a good bill, and the objections that I've heard,
8 which are kind of sometimes it just always kind of make me
9 recoil in disbelief are, well, you know, this will be too
10 confusing for consumers because, you know, if they have
11 control over their information, then they're going to get
12 confused when there's an opt-out and they go to a third
13 party website and their website doesn't work.

14 And when you say to these businesses, well, then
15 the consumer can just turn off the opt-out, you kind of get
16 looked, well, that's still going to be confusing, then
17 they're going to sue us.

18 My sense is that we all kind of just assumed, once
19 it went out to the assembly, that the heavy lifting was
20 done. And we thought, oh, great, fabulous. We've done
21 this. And we, and by that I mean, we, I mean -- I mean the
22 agency, I mean the privacy community, I mean, the advocates
23 out there, I mean, the businesses that are truly pro
24 privacy. Didn't mobilize to say to the governor, hey, look,
25 this is really an important thing. And you can only imagine

1 the governor trying to go through however many hundred
2 bills. You know, it's a -- it's a -- it's a difficult job.

3 So, you know, given that mobile is the deal, like
4 giving up on mobile is sort of giving up on it's way over
5 half the searches, you know, it's where the world is right
6 now. I -- what I'd like to suggest is if there's a way we
7 can kind of talk to some of these folks and to Assembly
8 Member Lowenthal, who I think is willing to reintroduce this
9 bill.

10 The areas that I think would be helpful to
11 business, they're -- you know, so let's take them at their
12 -- at their word that they're worried about being sued if
13 they deliver the opt-out to the third party and the third
14 party doesn't act on it.

15 So, it -- we could have -- if you look at the
16 bill, there's not, you know, black letter law about saying,
17 hey, you have no liability for transmitting the signal if
18 the third party doesn't do anything. And I think we could
19 really buttress. It would -- because we don't -- you know,
20 that's not -- we're not -- we're not asking the transmitter
21 to have any liabilities. That's kind of an no-brainer.

22 And then I think, you know, just to -- just to Mr.
23 Liebert's point right there, potentially a lead in, so we
24 could have a longer phase in to the extent that maybe you
25 have a shorter phase in for the non-mobile and then a longer

1 phase in for the mobile.

2 But I think there's a way to massage this
3 potentially to -- and then, you know, to these -- my crystal
4 balls ain't better than anybody else's, but if it did get
5 passed, I think then having a full court press, you know, in
6 literally the press and everywhere else saying, hey, look,
7 this is a great thing for consumers. Let's do this. You
8 know, my sense is there was -- there was some obfuscation in
9 October, in September, so I would -- that's -- I would be my
10 -- as opposed to giving up right now on the mobile, I would
11 love to see if we could incorporate it and get the whole
12 thing this year, and try to make it a little -- address the
13 concerns -- the stated concerns of industry.

14 MS. URBAN: Thank you, Mr. Mactaggart. So the last
15 bit I was going to ask you to clarify, but so you -- if I'm
16 understanding you correctly, that rather than just doing a
17 bill for the browser this time and then picking up mobile
18 later, we would -- your proposal would be that we would
19 include mobile, but we might put a longer leave time in.

20 MR. MACTAGGART: Yeah. Something like that. I
21 mean, obviously I'm not the author and so there'd be --
22 there'd have to be some, you know --

23 MS. URBAN: Sure. We could.

24 MR. MACTAGGART: But something like that --
25 something like that to work with it, you know, to address

1 the stated concerns. And again, I'm -- we're in it for the
2 long game, not the short game.

3 MS. URBAN: Yeah.

4 MR. MACTAGGART: So, you know, if it's -- if the
5 browsers that were a year and then there -- mobile was two
6 years or something like that, I don't think it would -- you
7 know, we just want to get on the Board here. And I -- and I
8 feel like if we can reintroduce this, I think the
9 legislature passed it last year, hopefully, this -- a new
10 legislature this year, but hopefully they will again. And
11 then hopefully, we can get a hold of the Governor's Office
12 and really kind of educate them as to the benefits for the
13 consumers.

14 MS. URBAN: Thank you, Mr. Mactaggart. And I
15 really like the limitation of liability idea because that
16 was a stated objection. Mr. Liebert, then Mr. Le, and Mr.
17 Soltani. Okay.

18 And Mr. Worthe do you want to pick up again as
19 well?

20 MR. WORTHE: Not on this topic.

21 MS. URBAN: Okay. Thank you.

22 MR. LIEBERT: I think that's an excellent idea.
23 We'll have to see what the author feels like. It's always
24 difficult as everyone knows to come back the following year
25 after you've had a veto. So clearly, many negotiations

1 would remain. And -- but my own personal perspective on
2 this is, this is one of the most important things that the
3 State of California can do to protect consumer privacy. And
4 this goes back to the original bargain that many of us
5 regret that we're not an opt-in society, we're an opt-out.

6 And if you look at the opt-out rates still about
7 many of these platforms, they're still really low.
8 Consumers have a long way to go to be educated on this. But
9 if we can accomplish this here in California, we will create
10 opportunities that are really unprecedented for us to
11 protect our personal information as consumers. So, I don't
12 think we should give up on this. I think you've been a
13 great leader on this Mr. Mactaggart.

14 And the real question is how the author and all of
15 us will ultimately conclude as a matter of strategy, whether
16 to start the bill broadly knowing that we've got a veto that
17 occurred based upon mobile, and that the opponents of the
18 bill know that there was a veto based upon mobile, or
19 whether we start with the hope that we can keep it in
20 through negotiations and figuring out all this stuff. But my
21 bottom line is that it's such an important effort on the
22 part of the agency with such profound potential help in the
23 future for consumers that we should spearhead along and do
24 this.

25 MS. URBAN: Thank you, Mr. Liebert.

1 Mr. Le.

2 MR. LE: Yeah. I'm in agreement that I would want
3 to start strong, right? And maybe the way to address the
4 veto message is by, you know, working on the edges,
5 addressing industry concerns -- stated concerns, and seeing
6 if those are real or, you know, just put out -- like put out
7 there to derail consumer privacy.

8 But I think we get more folks signed on in
9 supporting of the bill, making a bigger statement to the
10 governor that this is important if we start strong, and make
11 the attempt as Mr. Mactaggart noted to, yeah address, you
12 know, liability and other concerns that we're not trying to,
13 you know, push onto businesses that are developing these
14 opt-out preference signals requirements.

15 MS. URBAN: Thank you, Mr. Le.

16 Mr. Soltani?

17 MR. SOLTANI: Thank you all for those comments.
18 And so, indeed, Ms. Mahoney and I did have, you know, these
19 discussions regarding the mobile piece. And I agree with
20 Mr. Liebert that this is probably one of the most important
21 things that we can -- the opt-out preference signals are one
22 of the most important innovations, not just for
23 Californians, but the dozens of other states that also have
24 these requirements.

25 And so it was a really challenging kind of

1 discussion about whether to include that piece. And then,
2 indeed, it had a ratcheting where the requirement for mobile
3 was actually set after a rulemaking and consultation with
4 the companies after some time. So we did have that kind of
5 path.

6 Temporarily switching my hat to technologist hat,
7 the challenge here is that the importance of the opt-out
8 preference signal for browsers is incredibly also
9 significant. So while a lot of folks go to mobile, we're
10 already also seeing a backsliding with overall net consumer
11 privacy in -- on the browser side.

12 So just today, the UK ICO, which is one of our
13 sister agencies that we work closely with, issued kind of a
14 statement in the Guardian, calling out Google, the -- as a
15 browser maker, because they have now moved silently to
16 enable browser fingerprinting and permit browser
17 fingerprinting for the purpose of advertising. They changed
18 our policies to allow that.

19 And while we're in the weeds here, I know not
20 everyone knows what that is. What it signifies is that
21 browser controls the privacy protections built into
22 browsers, for example, for blocking cookies that do provide
23 some protections. And it -- in addition to opt-out, those
24 are no longer relevant because Google is saying we're
25 allowing advertisers explicitly to track people even without

1 cookies.

2 And so, for -- so the only defense that consumers
3 have in those environments in the web browser is an opt-out
4 preference. So -- and a -- or, you know, an opt-out
5 generally. And so for those reasons, it's a really tough
6 battle, and I don't -- you know, I don't want -- I don't
7 have you know, really it's dire and it's also important for
8 mobile. So it's a very hard choice.

9 MS. URBAN: Thank you, Mr. Soltani.

10 Mr. Mactaggart?

11 MR. MACTAGGART: You know, I totally agree with Mr.
12 Le. I think if we start strong, we will get more support
13 from the community as opposed to kind of settling for half
14 low early on. So I really think this is -- this is a
15 question also for us of just mobilizing that privacy
16 community state and nationally. I think we can do that with
17 a stronger bill.

18 MS. URBAN: I do not disagree. I do disagree as a
19 -- I -- sorry, I do agree with you as a political matter. I
20 would like to leave some flexibility for staff to work with
21 sponsors though to see if there are considerations that we
22 are not available to us right here in this discussion. Any
23 other comments or questions on this.

24 Can I check in with you, Mr. Worthe?

25 MR. WORTHE: New topic, you can actually --

1 MS. URBAN: Okay.

2 MR. WORTHE: -- apply to Agenda Item 5 anyway.

3 MS. URBAN: Okay. All right. Wonderful. Ms.
4 Mahoney what else do you need from us? I can request a
5 motion to a direct staff to move forward with this. And I
6 will formulate it the way that I like and then see what the
7 Board thinks. But is that what you need from us?

8 MS. MAHONEY: Yes. I appreciate the Board's
9 direction. This has been a really fruitful discussion.
10 And, you know, providing some flexibility does allow
11 discussions with potential authors, stakeholders, you know,
12 to make a (inaudible) down the line is.

13 MS. URBAN: All right. So before I formulate a
14 motion, I just want to check with Mr. Le and Mr. Mactaggart,
15 if that is acceptable, or you want us to direct staff to
16 definitely start with the whole -- with both sets of
17 opt-outs.

18 MR. MACTAGGART: Well, I'll defer to you as tier
19 I'm not even sure we needed a motion. I think --

20 MR. LE: We do.

21 MR. MACTAGGART: Okay. If we need a motion, then I
22 would prefer that it covers both opt-out for mobile and for
23 desktop and for a browser.

24 MS. URBAN: And if we -- if it's required, if we
25 need to move to the browser to get a sponsor, then what is

1 your view.

2 MR. MACTAGGART: I spoke with the Assembly Member
3 Lowenthal like a week ago. I don't think we do need -- I
4 don't think we'll need that.

5 MS. URBAN: Right. Mr. Le.

6 MR. LE: Yeah. I think expressing a preference in
7 the motion for the more expansive bill, but giving Maureen
8 the ability to, yeah, make negotiations as appropriate to
9 make sure we get the support for the bill.

10 MS. URBAN: All right. So the motion I would
11 request is, may I have a motion to direct staff to pursue
12 the legislative proposal to require browser and at least to
13 begin mobile vendors to include a feature that allows users
14 to exercise their California privacy rights through an
15 opt-out preference signal with the California legislature
16 and the upcoming session, and to allow staff flexibility to
17 support the proposal up through a sponsorship capacity based
18 on staff's assessment of the level of support and the
19 features that will give the proposal the greatest chance of
20 passage and the greatest effect. May I have the -- that
21 motion.

22 MR. LE: I move.

23 MR. MACTAGGART: I second.

24 MS. URBAN: Thank you. Okay. Thank you. I have a
25 motion and a second. Is there public comment on this agenda

1 item.

2 MS. MARZION: This Agenda Item number 4, if you'd
3 like to make a comment this time, please raise your hand
4 using the "raised hand" feature, or by pressing star nine if
5 you're joining us by phone. This is for Agenda Item number
6 4. I believe we have a few hands raised at this time.

7 MS. URBAN: Wonderful.

8 MS. MARZION: First, we have Shannon Straw. I am
9 going to unmute you at this time. You'll have three minutes
10 to make your comment, so please begin as soon as you're
11 ready. I'm sorry. Matt Schwartz, go ahead and you are
12 unmuted. And we -- you have three minutes.

13 MR. SCHWARTZ: Hi, can you hear me.

14 MS. MARZION: Yes, we can hear you now.

15 MR. SCHWARTZ: Hi, good morning. My name is Matt
16 Schwartz. I'm a policy analyst at Consumer Reports. Thank
17 you for the opportunity to speak and for all the agency's
18 work to make opt-outs more usable and accessible for
19 consumers. Consumer Reports supports the agency's proposal
20 to support legislation requiring browsers to include a
21 setting that allows users to universally opt-outs sales and
22 sharing. This is a critical requirement to make it easier
23 for California consumers to meaningfully take advantage of
24 their privacy rights.

25 While California consumers already enjoy the right

1 to send legally binding opt-out signals, major browsers like
2 Chrome, Safari, and Edge have suppressed usage of this right
3 by they not denying native opt-out preference functionality.
4 As a result, millions of Californians might not even be
5 aware that they have a practical way to manage their privacy
6 choices under the CCPA.

7 We know that this is a reasonable and technically
8 achievable requirement to ask of browser companies because
9 several of them, including Brave and Firefox, already
10 provide universal opt-out functionality. We also know that
11 without a mandate, the giant browser companies that profit
12 immensely from surveilling and profiling consumers will not
13 implement these much needed tools.

14 Unsurprisingly, these companies fought tooth and
15 nail to prevent AB 3048 from being signed into law. CR was
16 a strong supporter of AB 3048 this past legislative session,
17 and we were extremely disappointed to see the governor veto
18 the bill even after it received overwhelming support in the
19 legislature.

20 But as you've already heard, the governor's
21 statement accompanying his veto focused primarily on the
22 impact the legislation would've had on mobile operating
23 systems, leaving open the possibility that the bill more
24 narrowly tailored to browsers could be successful. While we
25 remain convinced that consumers deserve an accessible way to

1 use their opt-out rights on mobile devices as well, we're
2 happy to support the agency's proposal in whatever form that
3 might arrive.

4 The idea behind universal opt-outs is that it
5 shouldn't be hard for consumers to say no to their personal
6 data being sold or shared. We think that's a goal well
7 worth fighting for and worthy of the agency's time and
8 attention this next session. Again, thank you for the
9 opportunity to speak and we're happy to provide support for
10 this initiative in any way that we can.

11 MS. MARZION: Thank you for your comments. Tracy
12 Rosenberg, I'm going to unmute you at this time. You'll
13 have three minutes to make your comment. Go ahead and speak
14 when you're ready.

15 MS. ROSENBERG: Yes. Good morning. Thank you very
16 much. My name is Tracy Rosenberg. I'm with Oakland
17 Privacy. We are statewide coalition. The focus is on
18 regulation and guardrails in the interests of privacy
19 protections, civil rights, and community consent. We wanted
20 to express our support for the agency reintroducing AB 3048,
21 hopefully in its -- in its current or strongest version, and
22 getting the strongest level of protections for consumers
23 that you can get.

24 The operators of the world's largest internet
25 browsers, most notably Alphabet, which runs Chrome, and

1 Microsoft, which operates Edge, have declined to adopt and
2 opt-out -- a global opt-out preference signal to allow users
3 of their browser to indicate that they don't want their
4 personal information sold or shared by any website that they
5 visit.

6 Smaller browsers like Firefox, Brave, and Opera
7 have or are in the process of implementing a browser
8 preference signal, but they are used by much smaller
9 segments of the general internet user base. A right that is
10 difficult to exercise becomes a conditional right, one that
11 is only available if you are determined enough, persistent
12 enough, and computer savvy enough to be able to use it.

13 But the intention of the California Privacy Rights
14 Act and what this Board is kind of here to do was not a
15 conditional right to control the sale and sharing of your
16 personal information that was intended and sold to voters as
17 an absolute right.

18 I'll take a second to quote from the website of
19 the proponents of Prop 24, who are, of course, on the Board
20 now. "With the historic passage of Prop 24, the California
21 Privacy Rights Act, we are at the beginning of a journey
22 that will profoundly shape the fabric of our society by
23 redefining who is in control of our most personal
24 information and putting consumers back in charge of their
25 own data."

1 Putting consumers back in charge of their own data
2 requires that internet businesses let users make decisions
3 for themselves in an efficient manner without having to
4 negotiate confusing amazes on an ongoing basis. Again, we
5 have to let people exercise the rights that we are trying to
6 give them in a way that is realistic, useful, and efficient
7 for them. Thanks.

8 MS. MARZION: Thank you so much for your comment.
9 Hayley, I'm going to unmute you at this time. You will have
10 three minutes to make your comment. Begin when you are
11 ready.

12 MS. TSUKAYAMA: Thank you. Good morning. My name
13 is -- excuse me. My name is Hayley Tsukayama, and I'm
14 associate director of Legislative activism at the Electronic
15 Frontier Foundation, a digital rights nonprofit. Thank you
16 so much for the option or the opportunity to speak today.
17 On behalf of EFF and our allies at Access Humboldt, I'm here
18 to speak in strong support of the concept being discussed
19 today.

20 We are proud supporters of AB 3048 last year,
21 which was common sense legislation that would've helped
22 consumers exercise their privacy rights and use the
23 protections granted to them by the California Consumer
24 Privacy Act.

25 As you all know, large companies have often made

1 it difficult for consumers to exercise those rights on their
2 own. EFF, which employs both technologists and lawyers,
3 agreed that the proposal last year properly balanced
4 providing consumers with ways to exercise their privacy
5 rights without creating burdens in requirements for
6 developers or risk hindering innovation.

7 We think the bill -- the changes to this bill
8 proposed by the memo are a sensible response to the
9 governor's very disappointing veto last year. But obviously
10 we would support a broader proposal and would love to
11 continue conversations as the bill evolves, including this
12 discussed today.

13 As consumer advocates, we believe this proposal as
14 described, moves California in the right direction to
15 empower consumers to have control over their own privacy
16 choices. Thank you for your time.

17 MS. MARZION: Thank you for -- thank you for your
18 comment. This is for Agenda Item number 4. If we have any
19 other members of the public who'd like to make a comment,
20 please raise your hand using the "raised hand" feature, or
21 by pressing star six if you're joining us by phone. Again,
22 this is for Agenda Item number 4.

23 Madam Chair, I'm not seeing any other hands raised
24 to this time.

25 MS. URBAN: Thank you, Ms. Marzion. And thank you

1 to the commentators. The Board will now vote whether to
2 adopt the motion as stated. Ms. Marzion, would you please
3 perform the roll call vote.

4 MS. MARZION: Yes. Board Member Le?

5 MR. LE: Aye.

6 MS. MARZION: Board Member Liebert?

7 MR. LIEBERT: Aye.

8 MS. MARZION: Board member Mactaggart.

9 MR. MACTAGGART: Aye.

10 MS. MARZION: Board member Worthe?

11 MR. WORTHE: Aye.

12 MS. MARZION: Chair Urban?

13 MS. URBAN: Aye.

14 MS. MARZION: We have five yeses.

15 MS. URBAN: Thank you, Ms. Marzion. The motion
16 carries with a vote of five to zero. Thank you very much to
17 Ms. Mahoney and to the Board for a robust discussion, and
18 again, to our public commentators. I'm going to suggest
19 that we take a quick break. Shall we say that we come back
20 at 11:15 maybe? 11:00's good? Okay. Great. Thank you
21 very much. We're going to take a break. We'll be back
22 soon.

23 (RECESS)

24 MS. URBAN: Thank you for writing to the -- thank
25 you for writing to the info@cpa.ca.gov address to let us

1 know that the mics on the other side of the podium are still
2 fairly inconsistent. We really apologize for that. And
3 we're going to do our best to swallow the microphone or
4 whatever we can do to make sure that the audio doesn't drop
5 out.

6 And with that, we will move to Agenda Item number
7 5, which is our annual intergovernmental affairs update and
8 priorities, which we added to our regularized agenda last
9 year. This will also be presented by CPPA's deputy director
10 of policy and legislation, Maureen Mahoney. I just want to
11 sort of editorialize for a second that these materials are
12 impressive and exciting, and I am looking forward to hearing
13 the update. Ms. Mahoney, please go ahead.

14 MS. MAHONEY: Thank you, Chair, members of the
15 Board. Please provide an update on Intergovernmental
16 affairs. So, as you know, the statute CCPA directs our
17 agency to work with privacy authorities in California, other
18 jurisdictions to -- great. Oh, boy. Is that right.

19 So the statute directs us to work with authorities
20 in California and other jurisdictions towards consistency
21 that's guided our engagement and outreach, and California's
22 in a strong position to continue to lead on privacy since
23 our state is so active not only in innovating new
24 technologies, but also innovating on regulations to
25 incentivize positive outcomes for all Californians. Next

1 slide, please.

2 And today we're proud to share the progress that
3 the agency has made in developing partnerships across the
4 globe. So we'll first describe the work in California, then
5 with other states, on the federal level, internationally,
6 and then we'll look to 2025. And this should be around 10
7 minutes as well.

8 And I want to emphasize that this work brings
9 together all of our teams, the executive team, enforcement,
10 legal, public affairs, admin in developing and maintaining
11 these partnerships.

12 Great. So to start off with California, we're
13 very proud of the partnerships we've developed here, and
14 we're highlighting three of them. The first, the California
15 Attorney General's Office. They're a natural partner
16 because we share enforcement of the CCPA and the commitment
17 to protecting Californian's consumer privacy. We're in
18 frequent communication, and we're closely on enforcement and
19 policy matters, including working together to push back
20 against federal preemption efforts.

21 Likewise, the California Civil Rights Department,
22 they're another natural partner in that they, like us, are
23 working on a rulemaking having to do with automated decision
24 systems. So we're working -- watching that proceeding
25 closely. And we appreciate their commitment to consistency.

1 And we're truly grateful for our partner, the
2 California Department of Technology, for their dedication
3 and generosity in working with us to develop the drop system
4 under the Delete Act.

5 With respect to Multistate privacy laws, we've
6 continued to engage with other states to encourage
7 consistency in privacy protections as more states continue
8 to consider privacy laws. Now approximately 20 states have
9 comprehensive privacy laws, 12 of which including
10 California, require businesses to honor browser privacy
11 signals as an opt-out of sale.

12 And we expect this activity to continue this fall
13 and next year, and we'll likely see more comprehensive
14 privacy bills, more bills modeled after the Delete Act. And
15 we'll share what we've learned there to help other states.

16 Expect the next year we'll see continued
17 legislative interest in the states on AI and automated
18 decision making technology. To that end, staff has
19 continued to participate in a bipartisan multi-state working
20 group that meets on a roughly biweekly basis, bringing
21 together legislators, policy makers from across the United
22 States to share learnings from a variety of stakeholders and
23 discuss how to better achieve consistency across states.

24 We also work with federal partners, including the
25 Federal Communications Commission. In late October, the

1 enforcement team, a new memorandum of understanding with the
2 FCC, creating a partnership that enables us to share
3 learnings and expertise and coordinate in investigations.
4 Next slide.

5 And internationally, we're really proud that the
6 agency announced a declaration of cooperation with the
7 French Data Protection Authority known as the CNIL. And
8 this declaration establishes a general framework of
9 cooperation to facilitate joint internal research and
10 education, share best practices, and convene periodic
11 meetings. And we look forward to continuing to benefit from
12 their expertise and experience as they were established
13 nearly 50 years ago in 1978.

14 Some of our other highlights for international
15 engagement include cooperating with the Global Privacy
16 Enforcement Network or GPEN. They facilitate coordination
17 on privacy enforcement initiatives. And the agency's
18 enforcement team participated in a global privacy sweep of
19 over a thousand websites and apps to search for deceptive
20 design patterns.

21 Although the GPEN sweep applied a broader
22 definition of deceptive design than the one provided in our
23 law, our enforcement team contributed to this global effort.

24 Next, we're members of what's known as the Berlin
25 Group. Actually, can we go back one, please? Next, we're

1 members of the Berlin Group. They bring together primarily
2 data protection authorities from across the globe and has a
3 focus on privacy enhancing technology.

4 Executive Director Soltani presented on opt-out
5 preference signals before the group in Oslo in June. And
6 they're interested in pursuing a working paper on these
7 signals that highlights increasing adoption of these
8 signals. And I presented a first draft of that paper at
9 their fall meeting in Brussels, and we'll continue to engage
10 with an eye towards finalizing the paper next year with the
11 goal of encouraging further adoption of these signals.

12 We've been a member of the Global Privacy
13 Assembly, which brings together over a hundred data
14 protection authorities from across the globe. For about
15 three years now, the agency attended the Global Privacy
16 Assembly in Bermuda last year, and Turkey before that.
17 We're also members of the Asia Pacific Privacy Authorities.
18 A similar organization focused on data protection
19 authorities in the Pacific Realm.

20 Executive Director Soltani represented the agency
21 in Tokyo in late November, engaged in multiple days of
22 public and private discussion, many bilateral meetings with
23 our counterparts in Asia and elsewhere. And I represented
24 the agency at APPAs virtual meeting this spring.

25 Just to expand a bit more on these bilaterals,

1 both of these international convenings and in other
2 settings, we've spoken several times to the European
3 Commission to follow up on the Board's interest in exploring
4 the adequacy conversation.

5 So the federal election has created uncertainty
6 with respect to the existing USU data transfer agreement,
7 since the basis for that agreement was created by executive
8 order under the Biden administration, and it could be
9 undone, highlighting how an agreement with respect to
10 California adequacy could have particular value.

11 As Executive Director Soltani mentioned at the
12 July meeting, the European Commission will be happy to
13 present at a board meeting next year outlining the steps
14 that in their view would be necessary in order to achieve
15 adequacy. The primary one being establishing some way for
16 California privacy rights to apply to Europeans, not just
17 California consumers.

18 And I also wanted to highlight, you know, the
19 number of productive conversations and bilaterals we've had
20 this year that brought together staff from across the
21 divisions, including the British Data Protection Authority,
22 the Central EU authorities such as the European Data
23 Protection Supervisor and the European Data Protection
24 Board, Korean DPA, the Dutch, New Sri Lanka DPA, among
25 others. Next slide.

1 And then looking ahead to 2025, there will be
2 further opportunities to engage. The Berlin Group meetings
3 will be in Georgia and Uruguay. So there'll be
4 opportunities for staff to continue to work on the opt-out
5 preference signal paper. We're monitoring resources in the
6 political situation in Georgia vis-a-vis in person
7 participation.

8 They already have the dates lined up for GPA
9 that'll be in Korea next September, and we expect that the
10 Asia Pacific Privacy Authorities they'll have a virtual
11 meeting in the spring, and they haven't decided where their
12 fall in-person meeting will be.

13 So as a reminder, similar to the process for
14 domestic conferences, staff supports board members attending
15 meetings of international bodies. We just request that
16 board members notify staff if there's a meeting they want to
17 attend. And we'll coordinate with chairperson, manage
18 logistics, and ensure that we're complying with existing
19 law, including that no more than two board members are
20 planning to go. So, hopefully, this will ensure a
21 streamlined process. Thank you. I'm happy to answer any
22 questions.

23 MS. URBAN: Thank you, Ms. -- Thank you, Ms.
24 Mahoney. Well that was as impressive as I expected it to
25 be. Congratulations to you and Mr. Soltani and everybody

1 who supported all of these interactions. I am delighted to
2 hear that California has, hopefully, been a resource in
3 multiple-fora and nationally and internationally. And also
4 of course, that we are taking advantage of the resources
5 that are available to us through other authorities. So
6 kudos to these efforts. Comments, questions from board
7 members.

8 Yes, Mr. Le.

9 MR. LE: Yeah. I just wanted to add to that, you
10 know, for those listening, I think this work is really
11 important to the harmonization piece that -- you know, we
12 hear from businesses all the time, like, we don't want to
13 have a lot of different regulations. And, you know, this is
14 the type of work that's so important for that
15 internationally and domestically. So yeah, great work.

16 MS. URBAN: Thank you very much, Mr. Le.

17 I'm going to one more time to help my favorite
18 part of the CCPA and thank Mr. Mactaggart, Mr. Soltani, and
19 everybody who put it in there, that empowered and gave us
20 the duty to coordinate and to harmonize with other
21 jurisdictions because I think it's incredibly valuable for
22 policy around the world. And thank you, again, Ms. Mahoney
23 for all the work and for the presentation.

24 Are there any public comments on this item? I'd
25 like to invite those at this time.

1 MS. MARZION: If you'd like to make a public
2 comment, please raise your hand using the "raised hand"
3 feature, or by pressing star nine if you're joining us by
4 phone. This is for Agenda Item number 5. Madam Chair, I'm
5 not seeing any hands raised at this time.

6 MS. URBAN: Thank you, Ms. Marzion.

7 Thank you for both of those presentations, Ms.
8 Mahoney.

9 And with that, we will move to Agenda Item number
10 6, if you're ready, Ms. White. Thank you. Agenda Item
11 number 6 is a discussion of the 2025 board meeting calendar.
12 And that will be with our deputy director of Public and
13 External Affairs, Ms. Megan White. There's a presentation
14 and a draft calendar in your materials to support the
15 discussion. Whenever you're ready, Ms. White, please go
16 ahead.

17 MS. WHITE: Thank you so much, Chair. We're just
18 waiting for the slide deck to come up and hopefully
19 everybody can hear me well. I will do my best to speak
20 directly into the mic. Wonderful. Thank you all for the
21 opportunity to present the 2025 board meeting calendar. Of
22 course, this is just a proposal for your consideration. We
23 have some modifications that we are suggesting for 2025, and
24 we believe these modifications will benefit the Board, the
25 public, and staff. Next slide, please.

1 So, first, I wanted to give you an overview of the
2 cadence. One of the major recommendations that we're making
3 for 2025 as opposed to 2024, is that we suggest we move to
4 quarterly meetings. These meetings would be held the first
5 Friday of the month. And we would propose this starts in
6 February of 2025 because we are meeting December 19th. So
7 we feel as though a January meeting might not be
8 appropriate.

9 Another suggestion we are making, is that the
10 Board has the opportunity to do two-day meetings as they
11 feel appropriate. In this case, you would have the board
12 meeting on the first Friday of the month, and you would have
13 the opportunity to add a Thursday meeting as well if you
14 feel that all the Board's business could not be handled in
15 one day.

16 Important point here. The Thursday meetings, we
17 recommend that those meetings be informational items. So
18 they might not be items that you would vote on, but it would
19 give the Board the opportunity to do some informational
20 sessions that I know have been of interest for quite some
21 time.

22 And of course, as you all know, they could be half
23 day meetings, so you don't necessarily have to full eight
24 hours on Thursday. You could do a half day session in the
25 morning or the afternoon. So we would recommend that

1 Fridays are the standardized meetings, and that on
2 Thursdays, totally optional for you all, whether you'd like
3 to do it or not.

4 So what does this mean if we move to quarterly
5 meetings? Will there be less board meetings? Well, let's
6 take a look back really quick. When you look at 2024, we
7 met 16 -- or sorry, six times, apologies. And that --

8 MS. URBAN: It just felt like 16.

9 MS. WHITE: It's always a pleasure to see you all
10 here. I wish we could do more. But we felt that was
11 somewhat of an every other month cadence. And so by adding
12 the Thursday option, even though we would be moving to
13 quarterly meetings, you would certainly have the opportunity
14 to meet even more times in 2025 if you preferred.

15 The reason why staff is recommending this new
16 option is because we feel that it adds flexibility for the
17 Board. It's going to give you the opportunity to decide
18 whether you need one or two-day meetings. But we would
19 really appreciate the opportunity to have a set schedule
20 going into 2025. Because as you know, that -- what you guys
21 decide to do certainly helps guide staff work.

22 In addition, we are also suggesting that in 2025
23 we start to alternate locations between Sacramento and San
24 Francisco. Again, we feel this would be a benefit for the
25 Board, the public, and staff. So as you all know,

1 throughout the history of the agency, we've generally been
2 meeting in the Bay Area, but as we're doing today, adding
3 the Sacramento component helps people who are located here
4 in Sacramento, gives them the opportunity to attend in
5 person.

6 As you know, we don't have a lot of people that
7 generally attend our board meetings in person, but it does
8 make it accessible for people who live in the Central Valley
9 Sacramento region.

10 And of course, we will continue to stream these
11 meetings from everywhere, so -- or to anyone. So there's
12 definitely no need to attend in person, but it does give
13 that flexibility. Adding Sacramento into the mix also helps
14 to reduce some cost. When we have a meeting here in
15 Sacramento, we don't pay a facility fee.

16 In addition, most of the staff that work on your
17 board meetings and present are located here in the
18 Sacramento region. So by moving it to Sacramento, it
19 reduces cost to the agency in terms of travel reimbursement
20 and hotel stays.

21 So in addition, this is the bullet 0.3 is the last
22 big suggestion for a change in 2025. And we are
23 recommending that board members hold one day a month on
24 non-meeting months to convene on an as-needed basis. So, I
25 know this, you all are very busy, but we do feel like

1 there's a lot of benefit here. For example, when you have
2 time sensitive situations that you need to take care of
3 quickly, by you all holding that one day or be able to
4 convene a lot more easily, it minimizes logistics or what
5 would be a situation like this.

6 Perhaps enforcement has a time sensitive
7 settlement or action that the Board needs to take. It's
8 going to make it much easier for you all to meet because
9 you'll have held that day already. And of course, as you
10 know, you do have the option to attend virtually as long as
11 we have a quorum. Next slide, please.

12 Okay. So this gives a little bit visual
13 representation of what we're really talking about. Slide 3
14 has a nice snapshot of the year. As you see, the shaded
15 months are the months that we recommend meeting. So if you
16 do prove this proposal, you would be meeting the first
17 Fridays of the shaded months.

18 That looks like February 7th, which we would
19 recommend hosting in San Francisco, because we're here today
20 in December. Then you would have May 2nd in Sacramento,
21 August 8th in San Francisco, and November 7th in Sacramento.
22 That rounds out the year. The extra optional Thursdays
23 would all be the Thursday proceeding the board meeting, for
24 quick reference, that looks like February 6th, May 1st,
25 August 7th, November 6th.

1 And then for the additional holds, that would be
2 the first Friday of non-meeting months with just two
3 exceptions. So here we're looking at the non shaded months,
4 and January 17th would certainly be an option for you all,
5 if you did feel that you had board meeting materials or
6 board meeting items that needed to be covered in January.

7 If not, we would have our standing board meeting
8 in February, and then you all would just hold for the option
9 of having a meeting, March 7th, April 4th, June 6th. For
10 the month of July, the first Friday of the month is July
11 4th, so we would move that one to July 11th, September 5th,
12 October 3rd, and December 5th. Next slide, please.

13 Okay. So as has been past practice, staff has met
14 and determined some standing Board items that we think would
15 be helpful to discuss throughout the year. Of course, as
16 you all know, these would just be the standing items and you
17 all will be adding to these agendas items. So I'm just
18 going to roll through the proposed standing items. Next
19 slide, please.

20 So, looking at Friday, February 7th, we'd
21 recommend having two items from our legislative or for our
22 administrative team. The first one is the executive
23 director annual review. As we all know, Mr. Soltani's last
24 date is going to be before this meeting probably. So you
25 would have the option to discuss any hiring that you'd like

1 to do or anything along those lines, or you could simply
2 omit that item if it's not appropriate. And then you'd also
3 do the annual administrative update, and our legal team
4 would present regulation proposals and priorities.

5 All right. Moving on to the next slide. Slide 6.
6 We're looking at May, 2025, which would be held on Friday,
7 May 2nd. This would include numerous divisions presenting
8 to you. Our legislation team would have what the Board
9 wants to take positions on in terms of pending legislation.
10 The enforcement team would provide their annual enforcement
11 report and priorities. And the public affairs team would
12 provide our annual public affairs update.

13 Moving on to August, August 8th, here you would
14 have our admin team presenting two standing items for you.
15 The budget plan for the upcoming budget development, and
16 admin would also provide the annual hiring update, including
17 diversity and inclusion metrics.

18 And then rounding out the year in November Friday,
19 November 7th, legislation would present two items very
20 similar to today already, the annual legislation proposal
21 and priority and annual intergovernment's affair update and
22 priorities. And that rounds out the year. That concludes
23 my presentation. I'm happy to answer any questions you may
24 have.

25 MS. URBAN: Thank you, Ms. White. I really

1 appreciate this. I think I know that since -- well, Mr. Le
2 can back me up or disagree with me, but I think we've been
3 waiting and hoping for quarterly meetings for so long. And
4 of course, you know, there's always something that comes up.
5 But, you know, that is an outcome devoutly to be wished from
6 my perspective.

7 I also value the thought of having meetings in
8 Sacramento for staff and also for geographic diversity and
9 accessibility. I would -- I would request that those not be
10 alternating because during this semester I'm simply unable.
11 It takes -- it's not something I'm keen to talk about in
12 public, but I'm also committed to not hiding accessibility
13 issues.

14 And the travel for me is extremely physically
15 difficult and requires multiple days of recovery time. So
16 during the semester, I cannot do it, but I can do it in May
17 and I can do it in August. So that would be a request for
18 me.

19 The other thing that I would like us to consider
20 would be -- and this is a question and maybe it would take a
21 while to coordinate, but geographic diversity beyond just
22 Sacramento and the Bay Area. So, you know, we do have staff
23 in Los Angeles as well. And, of course, people live
24 throughout our beautiful and great states. So I'm just
25 mentioning that for that -- for that purpose.

1 Similarly, you know, Thursdays -- I teach from
2 Monday to Thursday. I'm going to try very hard to stop on
3 Thursday morning. I appreciate the idea of having
4 informational sessions during that time.

5 Is there comments or questions from board members?

6 Mr. Worthe, did I see your --

7 MR. WORTHE: Yeah. You might have answered some of
8 them. I was just curious, where does Fridays come from?
9 And maybe it has to do with scheduling for some of the board
10 members.

11 MS. URBAN: Yeah. Those of us who have other jobs.

12 MR. WORTHE: Right.

13 MS. URBAN: Yeah.

14 MR. WORTHE: Well, I think we all do.

15 MS. URBAN: Yeah. But I mean, I think when we
16 started, that was the thing.

17 MR. WORTHE: Right.

18 MS. URBAN: And then for me in particular, the
19 academic calendars always set up like that so that you can
20 have conferences and things --

21 MR. WORTHE: Okay.

22 MS. URBAN: -- on Fridays.

23 MR. WORTHE: That's fine. And then you're
24 referring to Sacramento being difficult during the school.

25 MS. URBAN: Yeah, it's okay as long as I don't have

1 to teach right around it.

2 MR. WORTHE: Okay. Yeah, I mean, I think it's one
3 of these things, when you start talking about how it saves
4 people time, it saves the agency money, I started thinking,
5 well, why aren't we just here all the time? But now I have
6 some good reasons. I do feel like what you said earlier,
7 Chair, is right. If we're going to try to be accessible,
8 maybe you have to do a meeting in Orange County, you know,
9 where people from LA and San Diego get to us easier.

10 It's either, like, just be here or move around.
11 And neither one of them sound like they're great options for
12 all of us, but it -- I think it's one of those decisions. I
13 don't know why we would just do San Francisco and Sacramento
14 and tell Southern California that, you know, it's -- we're
15 not thinking about that.

16 MS. URBAN: Ms. White, I -- would the staff be able
17 to sort of cost that out to like a -- and give us, you know,
18 whether we are asking for something that's really just the
19 sun or not, because I agree with Mr. Worthe. I just think
20 making ourselves available to as much of the state as we can
21 is an important goal.

22 MS. WHITE: Yes. We're happy to look into that.
23 And as you know, we had the stakeholder sessions earlier
24 this year throughout the state.

25 MS. URBAN: Yeah.

1 MS. WHITE: So we are have contacts down in the LA
2 and Fresno areas, so I can certainly look into costing for
3 that. In addition, it would be staff travel. So I can get
4 that information for you.

5 Sorry, Mr. Laird, did you have a point?

6 MR. LAIRD: Oh.

7 MS. URBAN: Thank you.

8 MS. WHITE: Mr. Laird and I worked on this item
9 together, so I want to make sure he's included if he had
10 anything to add.

11 MS. URBAN: Thank you, Ms. White. Mr. Liebert and
12 then Mr. Mactaggart.

13 MR. LIEBERT: Oh, actually, Mr. Mactaggart.

14 MS. URBAN: Oh, I -- sorry. Mr. Mactaggart and
15 then Mr. Liebert.

16 MR. MACTAGGART: Yeah. I think having a calendar
17 like this sounds great. I have a couple of thoughts. First
18 of all, I totally agree with Mr. Worthe. Like, it -- you
19 know, more than half the states is down south, we can't just
20 sort of, I think, abandon that. So I think we should --
21 even if it's costly, we should plan for one meeting a year
22 down there, just to kind of -- for not just not -- you know,
23 not to check the box because it's the right thing to do.

24 I'm a little concerned about this calendar because
25 it just kind of dropped on our desk and a lot of us have

1 dates that our book -- like I see a nodding head here. I
2 can't do the 7th and the 8th of February. And so I'm
3 wondering if we could do the next week or a week before or
4 something like that. I'm trying to move it right now.

5 And then I can't do the -- if we do need it July
6 -- June 6th. So, I just wonder if we could have a little
7 flexibility around that. And then the further out we can
8 schedule them. If we adopt this, then it's fine. We know
9 what it's for next year. And my calendar's not that busy.
10 So 2026 is, but '25, six weeks out is kind of hard for me
11 right now.

12 MS. URBAN: Thank you, Mr. Le. For what it's
13 worth, I have a conflict on the 7th too, but I was -- yeah.

14 Mr. Liebert?

15 MR. LIEBERT: Yes. Thank you for pulling this
16 together. I support everything my fellow board members have
17 said. I do think we should have a -- one of the four
18 meetings should be in Southern California. I recommend that
19 two of our meetings be in Sacramento, because I think a lot
20 of us recognize the importance of interfacing with a lot of
21 the stakeholders that we have here.

22 So I would continue to suggest if we can make that
23 work for other people's calendars, et cetera, and needs,
24 that still makes a lot of sense. And then one, of course,
25 in the Bay Area would be my recommendation. And I think

1 it'll be a great move for the agency. Thank you.

2 MS. URBAN: Thank you, Mr. Liebert.

3 Mr. Worthe and then Mr --

4 MR. WORTHE: I just had a question. The meeting on
5 January 14th -- the a public comment period, where is that
6 being held in?

7 MS. WHITE: Yes. That's in Sacramento, actually in
8 this room.

9 MR. WORTHE: Okay. I know that we're not required
10 to be here. Are we prohibited from attending that meeting?

11 MR. LAIRD: So, board members can certainly, I
12 think, attend in a listening capacity. It'll also be
13 streamed live, so anybody watching it, it will be part of
14 the formal record. That said, I would probably discourage a
15 majority of members attending together just because to
16 comply with Bagley-Keene, you really couldn't talk about any
17 of the substance being discussed that day, unless we notice
18 it as a public meeting. But otherwise, absolutely, anybody
19 can kind of watch that session unfold live.

20 MS. URBAN: And those of us who might want to
21 attend in person maybe could let you know. And then I'm
22 happy to do some traffic control and I'll watch remotely
23 just to make sure we don't have more than two people.

24 MR. LAIRD: Yeah, that would be great. And the
25 other thing just to mention, you know, for at least 2025

1 only, this is a provision in Bagley-Keene that sunsets
2 technically by 2026, but it's possible the legislature would
3 extend this to the extent it's working for the state.

4 We do have the ability for a minority of members
5 to participate remotely if there are maybe location
6 conflicts, but not necessarily timing conflicts with any of
7 these states. And so we could have up to two members
8 participating remotely.

9 MS. URBAN: Mr. Le.

10 MR. LE: Yeah, I -- you know, I second what the
11 Chair said about wanting quarterly meetings. So, yeah, I
12 think the proposal makes sense. The times work for me right
13 now. And yeah, I do want to recognize, you know, actually
14 Liebert's point around like Sacramento during the
15 legislative session might be valuable, right? Just so we
16 can get folks come in and perhaps speak to the Board in
17 Sacramento.

18 But, you know, knowing how that works with
19 schedule, yeah, I just want to point that out as like an
20 important consideration if, you know, 3048 or other
21 legislation is appearing before the Board.

22 MS. URBAN: Yeah. And we have our legislation
23 discussion would be in -- on early May, right? In the first
24 week of May, which would be -- yeah, that's fine. Yeah.
25 It's just about -- it's just these weeks between, yeah.

1 Mr. Liebert?

2 MR. LIEBERT: Yeah. So, if you're ready, I would
3 make a motion, although you're very good at articulating.
4 But essentially what the staff's recommending where we have
5 two of the meetings in Sacramento, one in Southern
6 California, one in the Bay Area --

7 MS. URBAN: Mic.

8 MR. LIEBERT: Sorry about that.

9 MS. URBAN: Took me a minute to understand.

10 MR. LIEBERT: Yeah, I'm --

11 MS. URBAN: Signs, I was --

12 MR. LIEBERT: Usually I'm being told I'm too loud.
13 That's -- this is a very strange experience. And consistent
14 with the calendar, but also recognizing that some members
15 may need to interface with staff, so there needs to be some
16 flexibility on those dates that have been suggested,
17 whatever that process would be. Would -- but essentially to
18 adopt what staff is recommending.

19 MS. URBAN: Thank you, Mr. Liebert. I just wasn't
20 sure the conversation was over. So other questions or
21 comments from anybody? Okay.

22 Yeah, Mr. Mactaggart?

23 MR. MACTAGGART: Just given Bagley-Keene, should we
24 try to sort out a date right now? Because I'm sure it's
25 kind of hard to sort out a date if we're not all.

1 MS. URBAN: It's definitely easiest if we're all
2 here. So indeed. So, the issue -- let's begin. So the
3 issue is, begin to begin is February 7th. I have a double
4 -- triple conflict. I was going to clear it all for the
5 Board meeting. But I understand others do have conflicts
6 too. So other options, Ms. White? Do you know yet what
7 other options around that time might be? Other weeks? So
8 like the 31st or I'm assuming not everybody wants to do the
9 14th.

10 MR. WORTHE: Did you mean the 21st when you said
11 31st?

12 MS. URBAN: I meant of January. I just went back.

13 MR. WORTHE: Oh, I'm sorry.

14 MS. URBAN: I meant back a week and forward a week.
15 Yeah. And the 21st and the 28th. Oh, I cannot do the -- I
16 cannot do the 28th. That's one -- that's one conflict I
17 can't -- I can't adjust. Do we have a preference, Mr.
18 Worthe? Mr. Le.

19 MR. WORTHE: I'm sorry, which ones can you not do?
20 28 or 21? 28, okay. I agree with you on the 14th not being
21 the greatest idea is --

22 MS. URBAN: A long suffering partners.

23 MR. WORTHE: Is it --

24 MR. LE: The 21st?

25 MR. WORTHE: Is 21 available?

1 MS. URBAN: 21.

2 MR. WORTHE: Of February.

3 MS. URBAN: Going once, no.

4 MR. WORTHE: How about 31st January?

5 MS. URBAN: 31st of January?

6 MS. WHITE: If I could propose --

7 MS. URBAN: Also, Ms. White, you've got to get in
8 here before I auction these off.

9 MR. WORTHE: Yeah, exactly.

10 MS. WHITE: Well, if I could propose one thing and
11 to Board Member Mactaggart's point, we did just, you know,
12 present you this information a week ago. And I know many
13 people's first quarter of 2024 -- 2025 is quite set. So one
14 option you would have is March 7th. You could meet that
15 date. That was one of our potential hold dates in lieu of a
16 February meeting since it is towards the beginning of March.

17 MS. URBAN: Got it. Okay. All right. Sorry, Mr.
18 Mactaggart, what would you say.

19 MR. MACTAGGART: March 7th is way better for me
20 than I don't have to cancel. I'm free that day.

21 MS. URBAN: Okay. March 7th. I feel like I should
22 start talking really fast. I'm like, you know.

23 MS. WHITE: Going --

24 MS. URBAN: Do I get a March 7th? What's March
25 7th? Okay, Mr. Worthe is nodding. Sold. March 7th.

1 MS. WHITE: Thank you all.

2 MR. LE: Saved how many email chains?

3 MS. WHITE: Really did save a lot.

4 MS. URBAN: Do we need to go through other dates on
5 the calendar? July 11th I want to check because I know Mr
6 -- I mean, that's an -- that's an if needed one, right?

7 MS. WHITE: Correct. That's okay.

8 MR. MACTAGGART: June 6th I wouldn't be able to
9 make.

10 MS. URBAN: It was June 6th. I apologize.

11 MR. MACTAGGART: June 6th, I wouldn't be able to
12 make.

13 MS. WHITE: Understood.

14 MS. URBAN: Okay. Fine.

15 MS. WHITE: And that's an optional one.

16 MR. LIEBERT: June 6th?

17 MS. WHITE: June 6th is an optional.

18 MS. URBAN: See, I'm still in that blush of a
19 moment where the semester's over and I'm like, it's so open.

20 MS. WHITE: Sure.

21 MS. URBAN: I can do anything in June.

22 MS. WHITE: Exactly.

23 MS. URBAN: It's this -- you know, it's a
24 misleading -- a misleading feeling, but it's there.

25 MS. WHITE: If it would be helpful, we can add the

1 slide back up that shows the shaded months versus unshaded.
2 If -- just for clarity, if people want to see.

3 MS. URBAN: Yeah. So, for that one, I mean I could
4 -- I could save the 13th instead in June. Yeah.

5 MS. WHITE: Yeah. It's just a hold day.

6 MS. URBAN: Yeah.

7 MS. WHITE: But we can certainly look into the 13th
8 because we don't have this facility as our own. I just have
9 to check with the facilities.

10 MS. URBAN: Sure. Yes.

11 MS. WHITE: And we have already confirmed that CPUC
12 can accommodate us for all of the holds. And then that's
13 where we meet the potential meetings. That's where we meet
14 in San Francisco and here can accommodate us as well. So
15 just as we look into alternative dates, that's when I have
16 to go back and check.

17 MS. URBAN: All right. Were there any other first
18 Fridays that were posing a difficulty for folks.

19 Okay. In that that case, may I have a motion to
20 accept staff's proposal regarding the regularized calendar
21 for 2025, including dates as discussed by the Board in our
22 meeting today, and topics as presented to us and an
23 understanding of locations that will be in San Francisco and
24 Sacramento, and if possible also in Southern California?

25 MR. LIEBERT: I'll let -- I'll make that motion.

1 MS. URBAN: Thank you. I have a motion from Mr.
2 Liebert. May I have a second.

3 MR. LE: I'll second.

4 MS. URBAN: Thank you. I have a motion from Mr.
5 Liebert and a second from Mr. Le. I'd like to invite public
6 comment on this item.

7 MS. MARZION: This is for Agenda Item number 6. If
8 you'd like to make a public comment at this time, please
9 raise your hand using the "raised hand" feature, or by
10 pressing star nine if you're joining us by phone. This is
11 for Agenda Item number 6. Madam Chair, I'm not seeing any
12 hands raised at this time.

13 MS. URBAN: Thank you very much, Ms. Marzion.

14 Yes, Mr. Laird.

15 MR. LAIRD: Just -- is it on? All right. Just as
16 a point of clarification and I think Mr. Mactaggart raised
17 this point. If the Board is supportive of this cadence sort
18 of ongoing, I just wanted to make that -- clarify that point
19 now, that if everybody is supportive then perhaps maybe we
20 can also just assume that in 2026, for instance, we'll stay
21 on the same cadence.

22 MS. URBAN: Okay.

23 MR. LAIRD: First Friday of February, May, August,
24 and November.

25 MS. URBAN: Okay. I made that motion up on the

1 spot. Would you like me to amend it or --

2 MR. LAIRD: I don't -- I don't think we need to
3 amend the motion. I think the motion for 2025 is perfect.
4 But I just wanted to make that point of clarification now.
5 So we're not here a year from now thinking, oh, we didn't
6 schedule for February of 2026.

7 MS. URBAN: Wonderful.

8 MR. LIEBERT: I totally intended that in my motion.

9 MS. URBAN: Should have let Mr. Liebert draft it
10 out of thin air.

11 MR. MACTAGGART: Could I just ask them to -- staff
12 to circulate those dates, because inevitably --

13 MS. URBAN: Yes, please.

14 MR. MACTAGGART: -- I'll give the first Friday
15 wrong or the quarter or whatever else? So if we just --

16 MS. URBAN: Yeah.

17 MR. MACTAGGART: -- put that out for '26. Thank
18 you.

19 MS. MARZION: Yes, please.

20 MR. LAIRD: Maybe midyear even just to --

21 MS. URBAN: Yeah.

22 MR. LAIRD: -- the jump.

23 MS. WHITE: Yeah.

24 MS. URBAN: Yeah. Thank you.

25 MS. WHITE: Definitely happy to do that.

1 MS. URBAN: All right. Ms. Marzion, would you
2 please call the roll call vote.

3 MS. MARZION: Yes. Board Member Le?

4 MR. LE: Aye.

5 MS. MARZION: Board Member Liebert?

6 MR. LIEBERT: Aye.

7 MS. MARZION: Board Member Mactaggart?

8 MR. MACTAGGART: Aye.

9 MS. MARZION: Board Member Worthe?

10 MR. WORTHE: Aye.

11 MS. MARZION: Chair Urban?

12 MS. URBAN: Aye.

13 MS. MARZION: Madam Chair, you have five yeses.

14 MS. URBAN: Thank you very much. Thank you very
15 much, Ms. White and everybody. I know that we are very
16 difficult to schedule. And it only becomes more challenging
17 with the happy news that the agency grows and complexity and
18 in the work that we're doing. So it's greatly appreciated
19 all the work on the calendar and I -- and the schedule.

20 And I want to also thank all my fellow board
21 members for their flexibility and their input and their
22 willingness and desire to be accessible across the state.
23 So, thank you, everyone. And we will hopefully have given
24 you what you need and what we need for a while now.

25 MS. WHITE: Yes, that was wonderful. Thank you all

1 so much.

2 MS. URBAN: Excellent. So I'm just looking to see
3 where we should be on the agenda. I'm going to suggest
4 actually that we take the next item out of order and move to
5 Agenda Item number 8, which is the Board and agency policies
6 and practices, the Board handbook.

7 If however, we think that might be a lengthy
8 conversation, we could also take the closed session item out
9 of order first and move into that sort of in an early
10 lunchtime. So what would people like to do?

11 Mr. Liebert?

12 MR. LIEBERT: I'm going to be optimistic and say
13 let's do the handbook.

14 MS. URBAN: Okay. All right. So Agenda Item
15 number -- oh, and sorry.

16 And Mr. Laird, sorry, like, I don't mean to just
17 drop this on you going out of order. Is that -- would that
18 work for you? Because --

19 MR. LAIRD: It's perfectly fine.

20 MS. URBAN: Okay. Thank you. So Agenda Item
21 number 8 is Board and agency policies and practices, the
22 Board handbook. And the presenter on this item will be our
23 general counsel, Mr. Philip Laird.

24 Mr. Laird, please do go ahead.

25 MR. LAIRD: Thank you, Chair Urban. So, the

1 background for this item has been provided in the cover memo
2 with your materials, and the concept of the bBoard handbook
3 is likely familiar to most, if not all members on the Board.
4 As is mentioned in the cover memo, the draft before you now
5 is a twice revised proposal based on feedback from board
6 members received over the past year.

7 Having spent a good deal of time in the past
8 record for this item, I'm optimistic that we've reached a
9 balance in many of the policies and processes contained in
10 the draft handbook, and accordingly, would encourage the
11 Board to adopt the draft. You know, and we can also be
12 nimble if there are tweaks discussed today. I think we can
13 still hopefully arrive at some consensus.

14 And as a quick reminder, the handbook is not
15 written in stone or even have the force of a regulation, but
16 instead is a living document that the Board can revisit and
17 amend as it sees fit over time. So while practices may be
18 defined here, they can always be amended if the experience
19 and preference of the Board suggests a need for revision.
20 And so really that's all I was going to say. So with that,
21 I'm going to turn it over to the Board for discussion.

22 MS. URBAN: Thank you, Mr. Laird.

23 You may please turn your attention to the
24 materials, which I am doing now. Comments or questions? I
25 also want to say with regards to this draft, the first round

1 of revisions I was -- actually thrive some end a bit. The
2 first round of revisions were before us in March, but we
3 didn't have time to get to the item. Was it March? We
4 didn't have time to get to the item. Those are not
5 redlined.

6 And -- but then some additional suggestions are in
7 redline. And the reason why when I talked to Mr. Laird
8 about this, I decided to do it that way, was because the
9 Board had had the document before. And as I understand, Mr.
10 Liebert, the new items were from your -- were your thoughts
11 from after joining the Board after that process. So it
12 seemed to be the easiest way for people to pick them out.
13 So just to explain sort of what you're looking at. So
14 questions or comments?

15 Mr. Mactaggart?

16 MR. MACTAGGART: Okay. All right. I'm just going
17 to go through all my questions -- my comments here. So, I
18 have a few. Right on page 12, this is a Section 6, board
19 member responsibilities. The third bullet point on page 12
20 says, "Board members shall not discuss personnel or Board
21 business matters outside their official capacity or outside
22 a properly noticed agenda meeting."

23 And so I think that needs to have some more
24 definition, because Board business matters. If someone's
25 asking us what happened at a board meeting, and, you know,

1 we can say, yeah, there was a vote. I feel like not being
2 able to discuss what actually has happened and been said in
3 public is a little too confining.

4 MS. URBAN: So, "Shall not discuss personnel or
5 Board business matters with each other." Isn't that the
6 idea? This is a Bagley-Keene.

7 MR. LAIRD: Yeah. And perhaps redundant of
8 Bagley-Keene compliance, which is the first bullet. But --

9 MS. URBAN: I think, yeah. I mean, it's meant to
10 be helpful, right? So that people see what that means.

11 MR. MACTAGGART: If we could just change that with
12 it. Okay.

13 MR. LAIRD: And yeah, I think it was added. It's
14 now says with the majority of members. So that was meant to
15 be the condition.

16 MS. URBAN: It's possibly the construction of the
17 sentence, so --

18 MR. LAIRD: Yeah. Okay. I can rework that. This
19 was a (inaudible).

20 MS. URBAN: Yeah. Put it before outside.

21 MR. MACTAGGART: Then two bullet points down, it
22 says, "Board members shall maintain the confidentiality of
23 information, which has come to their knowledge in the courts
24 of performance." And so I'm sitting here on the Board right
25 now in a public meeting, I learn information, and now I have

1 to keep it confidential. So I think it should say the
2 confidentiality of confidential information as opposed to
3 just information.

4 MR. LAIRD: Sure. We can make that. I believe
5 this does track the statute, actually, of that obligation on
6 board members. But I will make that clarification.

7 MR. MACTAGGART: On the top of page 13. This is a
8 suggestion to my fellow board members when, you know, the --
9 if you look at a lot of city councils or county councils,
10 when the chair's gone, they sort of rotate through the other
11 board member to represent the Board or whatever.

12 So there's a number of places where the chair can
13 designate a person. And I would just suggest in all those
14 places, if the -- my fellow board members agree, that
15 there's just a process for, you know, kind of rotating
16 through so that the vice chair, you know, the person is
17 always sort of just the next person in line.

18 I would actually like to ask our -- the fellow
19 board members -- I'm not -- I don't -- I actually would like
20 to have a change or I'd like to suggest a change to creating
21 subcommittees. I'd like that to be with the consent of the
22 Board as opposed to just being the chair's discretion.
23 Because while this chair is beyond reproach and is
24 wonderfully impartial, I can see a world in the future where
25 that would maybe not be the case. And so I think I'd like

1 to suggest that it would be good practice for us to approve
2 subcommittees. So that's the 13. There's a --

3 MS. URBAN: Which is honestly what we've done in
4 practice anyway.

5 MR. MACTAGGART: Right. So let's just do that
6 anyway, I think. And so that's that. Then on page 16,
7 communications on behalf of the Board. Again, just that
8 board members represent the Board and agency meetings. I
9 don't know what the process is, but again, I'm -- and I'm
10 not -- I don't want to go to any international meetings,
11 but, you know, there should -- I think there should be some
12 kind of a process where if there ever is sort of -- if only
13 two can go and three people want to go, there's sort of a
14 rotating process there.

15 In the second paragraph under communications on
16 behalf of the Board, starts off, "In the event that the
17 board members contacted for a statement or position of the
18 Board -- this is page 16. Again, this gets back to the, not
19 if I'm saying what happened, yeah, there was a vote. You
20 know, if a reporter calls me and says, you know, what
21 happened with ADM? And I say, well, you know, you can go
22 look in the thing, but there was a vote, and I lost it, you
23 know, it -- that I don't feel like I need to get permission
24 to go say what happened.

25 So if they're prospectively saying, you know, how

1 are were you going to -- how are you guys going to vote on
2 something, then, of course, I shouldn't be speaking for the
3 Board. But I don't think I need to sort of muzzle myself
4 about what's happened in the past.

5 And this -- that aspect there is also in the next
6 second paragraph under communications on behalf of
7 individual board members, in the middle of that paragraph
8 where it says that they're speaking on their own behalf and
9 not conveying a position of the Board. Again, I should be
10 able to say what's happened in the past that's happened at a
11 public meeting.

12 And then the top of page 17, I would suggest that
13 the notion that we have to include this statement in any of
14 our materials, we should be able to have a link to this
15 statement. It's going to be -- I can't put a 20 page -- if
16 I'm giving a slideshow, I can't put a 20 page document in
17 there.

18 So that's the second paragraph of the top of page
19 17, where it says that we're encouraged to -- will include.
20 And I would probably say are encouraged to include a written
21 version.

22 And then I -- that third paragraph on the top of
23 page 17, "In all instances, board members who oppose any
24 official position of the Board shall always state that
25 they're speaking on their own behalf and not conveying a

1 position of the board or the agency." That's a little
2 confusing to me because when I oppose a vote, I'm opposing
3 it in my official capacity as a board member.

4 So I'm not -- and if I'm speaking about that, I'm
5 speaking about it in my official capacity, I voted against
6 it. So this is weird to me that I think that should be
7 clarified that I'm able to speak about the official position
8 that I opposed as an official member of the Board of the
9 agency.

10 And then under media inquiries, "Media inquiries
11 to a board member about an issue related to the work of the
12 Board should be promptly referred to the executive
13 director." And again, if it's about like, just take that
14 same thing, a vote that I was on the, you know, losing side
15 of, I'm free to speak about that. So I need to be able to
16 speak about my official positions. So if a -- you know, if
17 a reporter calls me about that or a phone call --

18 AUTOMATED VOICE: We're sorry --

19 MR. MACTAGGART: -- I think that that's --

20 AUTOMATED VOICE: -- your conference is ending now.

21 Please hang up.

22 MR. MACTAGGART: This takes away a lot of power
23 from the appointing authority of whichever board member it
24 is. So I think, you know, there needs to be distinction
25 between speaking about official acts that have happened and

1 describing them especially because the person, the reporter
2 can always go back and look at the transcript.

3 And in the intergovernmental communications, this
4 is, again, the sort of same, I feel like this is very
5 limiting. Where it says in the second paragraph, this is
6 still on page 17, "Additionally, inquiries and
7 communications from government officials, including
8 legislators about an issue related to the work of the board
9 should be promptly related."

10 If a legislator reaches out to me and says, hey,
11 what do you think about working on this -- on this -- on
12 this matter? I'm -- I mean, I think that's my right to go
13 talk to them about that. And I think I certainly can go and
14 say, yes, I'm representing the Board and I'd love to work
15 with you as a -- and I could bring along the Board because I
16 can't represent that.

17 But at the same time, I think we need to make that
18 clear that there's a distinction between representing the
19 Board to the legislator. Like the second -- the last
20 sentence there is fine. Any board member communicating with
21 the government official on behalf of the Board or agency,
22 that's fine, as authorized by the chair of the Board shall
23 coordinate. But if you're not speaking on behalf, then I
24 think I just -- speaking for me, I do this all the time. I
25 talk to legislators about what we could get done in privacy.

1 So those are some of my concerns. And think they're --
2 yeah.

3 MS. URBAN: Thanks, Mr. Mactaggart. I think -- I
4 think that -- and this is perhaps the drafting within the --
5 you know, I know council's work to make -- to create a draft
6 that took into account our full conversations before. But
7 some of this is melding together the idea of Alastair
8 Mactaggart speaking for himself, although as a board member,
9 and speaking as the official position of the Board, which is
10 a different thing.

11 And so there wasn't anything in here that would
12 preclude you from speaking on your own as a board member.
13 There is the requirement of saying I'm speaking on my own as
14 a board member, which I strongly support. I've worked for
15 the governor of California for a long time. And it simply
16 avoids confusion.

17 But there -- I do not think and there wasn't an
18 intention at least as I understand it from Mr -- I haven't
19 been directly involved because we have a majority of the
20 Board at this point. But there wasn't an intent to say, you
21 can't identify yourself as a board member, so long as you're
22 clear in saying, this is my own position.

23 Is that correct, Mr. Laird?

24 MR. LAIRD: That's correct.

25 MS. URBAN: Okay. And I think that's really key,

1 actually. Because even if people theoretically can go back
2 to the transcript, I'm just going to say very frankly,
3 that's not good enough. People get confused. And they will
4 hear things in a statement that maybe would be beneficial
5 for them to hear or would -- for whatever reason, will think
6 that that is the agency's position or the Board's position.
7 And that's what we need to avoid.

8 Yes. Mr. Liebert?

9 MR. LIEBERT: Thank you, Board Member Mactaggart
10 for those comments. I have a feeling, and perhaps our
11 general counsel can confirm this, that all of those are
12 really drafting issues that can be accommodated. And I
13 would personally be supportive of that -- those
14 clarifications exactly as you just mentioned, Madam Chair.

15 MS. URBAN: Yeah. I just want to be clear that we
16 are not changing from --

17 MR. LIEBERT: Right.

18 MS. URBAN: -- you do not speak --

19 MR. LIEBERT: No. I don't think --

20 MS. URBAN: -- on behalf of the Board unless we've
21 agreed. Yeah.

22 MR. LIEBERT: Yeah. And I don't think that our
23 fellow board member ever had that intention. Yeah. So,
24 it's really just a drafting issue, and then it's a process
25 issue whether we can -- if we all do end up on a consensus

1 that the document as clarified with those points by Board
2 Member Mactaggart, if we can approve that today under those
3 circumstances, or if you are more comfortable seeing the
4 updated draft language, that's -- to me, that would be the
5 issue, if there is a consensus. But I would urge that we
6 find a path to actually approve the handbook with those
7 clarifications.

8 MS. URBAN: Thank you, Mr. Liebert.

9 Mr. Mactaggart, for you and Mr. Le? Okay.

10 MR. LE: Yeah. I read you know, the sections on
11 page 15, 16, kind of the same way as the Chair, as not
12 really require -- like, not being as restrictive as perhaps,
13 you know, you can interpret it to be. You know, but I will
14 -- so I'm not sure we need to even fix that because it's
15 pretty clear, it's -- you know, it's of the Board, you know,
16 conveying a position of the Board. And I've been being
17 like, this is my thought as a board member, is not the
18 agency.

19 So, you know, to the extent we want to correct it,
20 I think it's clear enough here. But the whole, yeah,
21 written statement of the -- written version of the statement
22 of materials, I think encourage is good or, you know, a
23 shorter version of the statement. That's -- I think that's
24 fair.

25 And then, you know, on that last part, on page 17,

1 you know, it -- with -- in all instances, board members who
2 oppose any official position of the Board shall always state
3 that they're speaking on their own behalf and not conveying
4 position of maybe you want to say the full board or agency,
5 but I still think it's fine as is.

6 MS. URBAN: I honestly, I just don't agree with
7 that.

8 MR. LE: Yeah, I think it's fine as is.

9 MS. URBAN: The legal lines are --

10 MR. LE: Yeah.

11 MS. URBAN: -- important. And yes, I'm completely
12 -- I think it would be -- to the extent that Mr. Mactaggart
13 thinks that we are understanding what his concern was, then
14 wordsmithing it to make it less loyally or something and
15 easier to parse, I mean, that would be something I could --
16 would certainly support as long as Mr. Laird said that we
17 can do it that way.

18 Mr. Mactaggart?

19 MR. MACTAGGART: Yeah. So when I look at the, for
20 example, the media inquiries, it says, media inquiries to a
21 board member about an issue related to the work of the
22 Board. Well, all of privacy is related to the work of the
23 Board. And it specifically says, and then you go and tell
24 them and you should -- you refer them and you don't talk.
25 Well --

1 MS. URBAN: It's --

2 MR. MACTAGGART: -- I've been --

3 MS. URBAN: It's optional. It's a guidance.

4 MR. MACTAGGART: Should be properly referred.

5 MS. URBAN: Should it, should, or shall.

6 MR. MACTAGGART: Okay. I don't want to agree to
7 something that I'm not going to agree to. I mean, I
8 wouldn't -- why --

9 MS. URBAN: I encouraged you.

10 MR. MACTAGGART: Well, but I -- but actually I
11 would like the freedom to talk to reporters or whoever about
12 privacy in California. It's kind of one of the things I've
13 done. So I'm not going to all of a sudden say yes, every
14 time I get a reporter, I'm going to go over for it to
15 agency.

16 MR. WORTHE: Rather than should, perhaps may.

17 MS. URBAN: I had suggested our encouraged to. I
18 mean, everybody is not as immersed in the issues or as, you
19 know, experienced in speaking with media. The idea of the
20 handbook is to provide guidance and the idea -- and ideas
21 about how we operate to people who are new to the Board. It
22 -- you know, it's.

23 Yeah. Ms. White?

24 MS. WHITE: Thank you so much, Chair Urban. Just
25 to quickly, really, the intent here is that the Board

1 provides staff a heads up if you're going to speak with the
2 media, particularly for myself and Ms. Mahoney, because if
3 you were to speak to a legislature too, it's just good so
4 we're aware. Just wanted to clarify. That's really the
5 intent here.

6 MR. MACTAGGART: The problem is, it says, you know,
7 whether it's a legislator or the -- you know, a federal
8 government official or anybody, it says you should. So then
9 you're in the position of being in a situation where you're
10 ignoring the Board guidelines if you don't.

11 And I just don't want to be in that position. I'm
12 happy to -- you know, if I just feel like -- you know, if --
13 I just think the language of should is way too strong. And
14 I don't -- I don't want to be in a position where I'm having
15 to be bound by this because I actually don't think it's the
16 right policy, I think. So, I disagree with it.

17 So if we could soften that language somehow and
18 that would -- you know, and make it clear that as a board
19 member, I'm allowed to speak about anything that has
20 happened, and I'm allowed to represent anything that has
21 happened on the Board. I feel like that's kind of basic.
22 All of our -- one of the reasons we've been appointed by
23 different authorities is to be able to have different voices
24 on it.

25 MS. WHITE: Absolutely, Mr. -- Board Member

1 Mactaggart. Our goal here is certainly not to muffle the
2 Board. You all are very smart. You have these positions
3 for a reason. It's simply so that the agency is aware of
4 what board members are doing, so we can best respond and
5 coordinate responses on our end.

6 MS. URBAN: Thank you.

7 Mr. Worthe?

8 MR. WORTHE: So, he's pretty clear, right? Are we
9 willing to modify the language to say that we'll endeavor to
10 inform staff, but, you know, and I think, Chair, you had --
11 actually, I think Board Member Mactaggart had some idea of
12 -- you know, I don't know what the right word is. Some of
13 us shouldn't speak to media on certain subjects, some of us
14 should.

15 So we have to put some language in that
16 accommodates his request, I think. And the only other point
17 I had was in the very beginning, under the purpose
18 statement, it really only talks about amending this if we
19 add additional policies. I think though my understanding is
20 we could just amend this. Because if we find out the
21 language a year from now as written isn't working, I'd like
22 to go back and be able to change it. That's the only other
23 point I had.

24 MS. URBAN: Sure. Thank you. And obviously, what
25 might've seemed clear, you know, this discussion shows it

1 maybe hasn't been -- it wasn't as clear.

2 Mr. Le.

3 MR. LE: Perhaps one thought for that section is,
4 instead of encourage, you know, is like in the best judgment
5 as needed. So like, if you think like, oh, the agency's
6 going to be blindsided by this interview I just gave, you
7 know, maybe that would be -- that's when you would inform
8 the agency or something like that.

9 MR. LAIRD: Can I ask for a point of clarification
10 though? Mr. Mactaggart is your concern -- it sounds like
11 not about informing staff that you talked -- spoke with the
12 media, for instance, but the idea that you would have to
13 refer media to speak with staff instead of you? Or is it
14 that it -- because I think from an efficiency standpoint, as
15 Ms. White mentioned, we inevitably get the call immediately
16 after saying, Mr. Mactaggart just said that, how does -- how
17 does staff respond.

18 And as a result, our time then gets consumed by
19 that. So I think what we're looking for is a balance, just
20 understanding you'd certainly have your autonomy, but I
21 think we -- just recognizing it does have impacts on staff
22 and sort of how our day gets structured when individual
23 board members are speaking sort of with media or with
24 legislators.

25 MR. MACTAGGART: I actually think I've been very

1 circumspect, and I don't think I've done that to you guys
2 this year. So I don't think that implications not at all
3 that I've done that.

4 MR. LAIRD: No. Absolutely. Sorry, I guess I just
5 want to clarify. If we're aligned on that though, then I
6 think that's what's --

7 MR. MACTAGGART: So I've tried to do my best, but
8 at the same time, I don't feel like I -- I'm worried about
9 an syn of omission, and so I just would prefer it to be --
10 first of all, not saying that we're supposed to do it. And
11 secondly, if it says, you know, you may, it didn't -- you
12 know, it'd be helpful if we did, something like that. I
13 just -- I worry about being in a situation where I'm
14 supposed to do something, and right now it says I'm supposed
15 to call you guys first and implications I'm not supposed to
16 talk. That's why that I totally disagree with.

17 And so I just feel like there's -- there needs to
18 be more language around the fact that we all have our
19 individual voices and we're allowed to talk about privacy.
20 We're allowed to talk about matters in front of the Board.
21 We're allowed to talk about matters, you know, in the state,
22 we're allowed to talk to legislators. And I think that's a
23 good thing, frankly.

24 And I -- you know, I -- and I just think it
25 wouldn't be very much effort for you to soften this a little

1 bit and send us a redline. And I think that could be a
2 pretty easy thing. I know I'm probably not a favorite
3 person for saying that, but I -- even just the stuff around,
4 like, how we're going to prove committees and all the rest
5 of it, I think there's enough changes there that where we
6 can -- I'd prefer to see a red line myself.

7 MS. URBAN: Apologies. I thought I turned that
8 off. Mr. Worthe I've lost the language that you had. So
9 there -- I like the judgment idea too, but you had a
10 language that wasn't quite encouraged.

11 MR. WORTHE: You liked my language?

12 MS. URBAN: I did.

13 MR. WORTHE: Because now I forgot it too.

14 MS. URBAN: Okay.

15 MR. WORTHE: But I think we have somebody who
16 remember.

17 MS. URBAN: Yeah, we do. And Mr. Mactaggart, just
18 to be -- just to be clear, I've been keeping track and I was
19 thinking that all of those changes could be made. Yeah.

20 MR. LIEBERT: Yeah. On on this last point, I
21 totally get your concern. And I would just suggest that
22 part of this, frankly, is training board members as they
23 come on, like me, that we very much appreciate. The staff
24 will inform me as the executive director has in the past,
25 that if you're going to talk to press it -- or to members

1 and you think it'll be useful to staff to be aware of this,
2 please let us know. That's totally optional.

3 But ultimately, I understand what Board Member
4 Mactaggart is saying, and I think, Jeff, the ideas
5 encouraged when you deem it appropriate to share with the --
6 with the staff that this has occurred. But it's totally up
7 to us as individual board members to use our judgment. I'm
8 certain of that.

9 I too would not feel comfortable being criticized
10 when I've used my judgment talking to a staff and the
11 legislator -- a legislature about some issue that somehow
12 I'm required to make sure that I let Megan know, but I'm
13 going to use my judgment and typically tell Megan. And so I
14 think it's kind of a training issue as well. But it is a
15 judgment call on the part of of us board members.

16 MS. URBAN: Thank you, Mr. Liebert.

17 MS. URBAN: Okay. So making clear to Mr. Worthe's
18 request that the Board -- that the handbook can be amended
19 should we decide to revisit it, not just the policies within
20 it. And adjusting for Mr. Mactaggart's preferences
21 regarding the appointment of subcommittees and how people
22 are chosen to do various things, and adjusting the language
23 on media and legislative inquiries to be clearer than
24 apparently it was.

25 That this is really about giving staff a heads up

1 and making sure that it's clear to all involved. That when
2 you're speaking as you -- a board member yourself, you're
3 not speaking for the whole agency or the Board on a position
4 the Board would vote on. Did I miss anything? Oh, yes.
5 And correcting the -- making the bullet point on
6 Bagley-Keene more scannable. Okay. All right.

7 MR. LIEBERT: That's a great motion.

8 MS. URBAN: I have to say it first though. May I
9 have a motion to request and direct staff to make the
10 adjustments as we discussed in our conversation today and
11 that I just listed out 30 seconds ago. And then to adopt
12 the Board handbook as amended.

13 MR. LIEBERT: I make that motion.

14 MS. URBAN: Thank you, Mr. Liebert. May I have a
15 second.

16 MR. WORTHE: Second.

17 MS. URBAN: I have a second. Mr. Worthe has
18 seconded.

19 Mr. Soltani, did you need something?

20 MR. SOLTANI: The mics.

21 MS. URBAN: Oh, I'm sorry. Okay. Yes, the mics.
22 We're doing our best to everyone who's watching. I would
23 like to invite public comments on this item.

24 MS. MARZION: This is for Agenda Item number 8. If
25 you'd like to make a public comment at this time, please

1 raise your hand using the "raised hand" feature, or by
2 pressing star nine if you're joining us by phone. This is
3 for Agenda Item number 8. Madam Chair, I'm not seeing any
4 hands raised at this time.

5 MS. URBAN: Thank you, Ms. Marzion. And in that
6 case, may I ask that you conduct the roll call vote.

7 MS. MARZION: Yes.

8 MS. URBAN: Before we do that, Mr. Mactaggart.

9 MR. MACTAGGART: Yeah, sorry. And I just want to
10 say I appreciate that and I -- and I -- we hope we'll work
11 in the -- in the best positive frame of mind. I just would
12 like to say that it -- I hope it -- I have the right to come
13 back if it -- if the edits come back and I -- and I feel
14 they're missing something, that I have the right to bring
15 that up again in the future. Okay.

16 MS. URBAN: That was the first item.

17 Ms. Marzion, could you please conduct the roll
18 call vote.

19 MS. MARZION: Board Member Le?

20 MR. LE: Aye.

21 MS. MARZION: Board Member Liebert?

22 MR. LIEBERT: Aye.

23 MS. MARZION: Board Member Mactaggart?

24 MR. MACTAGGART: Aye.

25 MS. MARZION: Board Member Worthe?

1 MR. WORTHE: Aye.

2 MS. MARZION: Chair Urban?

3 MS. URBAN: Aye.

4 MS. MARZION: Madam Chair, you have five yeses.

5 MS. URBAN: Thank you. Thank you very much, Ms.

6 Marzion, and thank you to the Board for the discussion, and
7 for everyone. And I thank an absentia absent member,
8 previous members of the Board for careful attention to this.

9 You know, I do think that the handbook contains policies.

10 It contains law. It also just contains sort of guidance
11 about how we will operate amongst one another. And it is
12 important as a statement of the Board's operation as well as
13 a handy place to have all those policies and laws in place.
14 So it's fairly complicated and I thank everybody for that.

15 With that, I think what I will do is call the
16 closed session item, which is on your agenda as Agenda Item
17 number 10. And as we -- as we do in order to try to help
18 everyone have the most efficient day as possible when we
19 have a closed session item, is we will work on this in
20 closed session over lunch or while every other folks who
21 won't be joining us in the public can take lunch.

22 This closed session item for today will include a
23 discussion and possible action on the appointment of an
24 executive director under authority of government code
25 Section 11126 (a) (1). And pursuant to government code

1 Section 11126 (e) (1) and (2)(a), the Board will meet in
2 closed session as well to confer and receive advice from
3 legal counsel regarding litigation for which disclosing the
4 names would jeopardize the agency's ability to conclude
5 existing settlement negotiations to its advantage.

6 So the Board will momentarily leave the space to
7 convene in closed session. We'll keep the public meeting
8 room and the Zoom meeting open. And members of the public
9 may come and go as you please. We will not reconvene -- we
10 don't know exactly how long the closed session will take,
11 but I always try to give some estimates so people know they
12 can run and get a coffee or a lunch or something if they're
13 not part of the discussion. So I'm -- we will not reconvene
14 before 1:15 p.m. Thank you everybody, and we will see you
15 when we're back from closed session.

16 (RECESS).

17 MS. URBAN: Welcome back, everyone. The Board is
18 now returning from closed session. I'm pleased to report
19 out in the public meeting that during our closed session
20 items, the Board has decided to appoint Ms. Tiffany Garcia
21 as our interim executive director during the time period
22 while we are engaging a new executive director after Mr.
23 Soltani leaves. And we greatly thank Ms. Garcia for this
24 service when she -- when she does take over.

25 With that, we will turn now to Agenda Item number

1 7. Agenda Item number 7 is the delegation of authority that
2 will be necessary for Ms. Garcia to act in the name of the
3 agency between meetings. And that will be presented by our
4 assistant chief counsel, Ms. Tamara Colson.

5 Ms. Colson, thank you. And please go ahead. Not
6 yet.

7 MS. COLSON: Can you hear me now.

8 MS. URBAN: Yes.

9 MS. COLSON: Okay. So, I'll try to stay close to
10 the microphone. So, initially, this Board had delegated
11 certain authority to Executive Director Soltani. So in
12 order for your interim executive director to take on all of
13 those day-to-day operations for you and to keep the agency
14 running smoothly, we'll need to make those same delegations
15 to her and revoke those that were made to Mr. Soltani.

16 It's my understanding that his last day will be
17 January 16th, and so she will take over January 17th, not
18 today. So we'll need a motion that delegates those
19 authorities and does it by appointing her as of January 17th
20 and revoking his as of January 16th.

21 MS. URBAN: Thank you, Ms. Colson.

22 Does that make sense to everybody? All right.
23 Well, if there are no questions, then I'd like to propose a
24 motion that pursuant to Civil code Section 1798.199.35, the
25 California Privacy Protection Agency Board delegates to the

1 agency's interim executive director Tiffany Garcia, the
2 authority to act in the name of the agency between meetings
3 to the extent necessary for the efficient day-to-day
4 administration of the agency.

5 This delegation includes, but is not limited to
6 the authority to conduct probable cause hearings, hire a
7 chief privacy auditor and other staff, and to certify
8 regulations for submission to the Office of Administrative
9 Law. As required by law, this delegation does not allow for
10 the interim executive director to resolve enforcement
11 actions or exercise the Board's rulemaking authority.

12 The interim executive director may further
13 delegate this authority to staff as necessary for the
14 agency's operations to comply with the applicable legal
15 requirements and operational needs. Delegation shall become
16 effective on January 17th, 2025, and the prior delegations
17 to Ashkan Soltani are revoked as of January 16th, 2025.

18 This delegation shall continue until rescinded or
19 modified by the Board, or until a non-interim executive
20 director assumes the duties of executive director, at which
21 time this delegation shall transfer to the non-interim
22 executive director.

23 Okay. Questions or comments or do I have the
24 motion.

25 MR. LE: So I move.

1 MS. URBAN: Thank you. Do I have a second? Thank
2 you. I have a motion from Mr. Le and a second from Mr.
3 Liebert. Is there public comment on this item.

4 MS. MARZION: This is for Agenda Item number 7.
5 And if you'd like to make a public comment at this time,
6 please raise your hand using the "raised hand" feature, or
7 by pressing star nine if you are joining us by phone. This
8 is for Agenda Item number 7. Madam Chair, I'm not seeing an
9 any hands raised at this time.

10 MS. URBAN: Thank you very much, Ms. Marzion. With
11 that, the motion carry -- oh, sorry, getting ahead of
12 myself. Thank you, Ms. Marzion. And would you please
13 conduct the vote.

14 MS. MARZION: Yes. Board Member Le?

15 MR. LE: Aye.

16 MS. MARZION: Board Member Liebert?

17 MR. LIEBERT: Aye.

18 MS. MARZION: Board Member Mactaggart?

19 MR. MACTAGGART: Aye.

20 MS. MARZION: Board Member Worthe?

21 MR. WORTHE: Aye.

22 MS. MARZION: Chair Urban?

23 MS. URBAN: Aye.

24 MS. MARZION: You have five yeses.

25 MS. URBAN: Thank you very much, Ms. Marzion and

1 the Board. The motion carries with a vote of five to zero.
2 And thank you Ms. Marzion for stepping into this role when
3 necessary.

4 With that, let's move to Agenda Item number --
5 apologies, I've lost my place in my agenda. Nine. Agenda
6 Item number 9, which is our item for future agenda items.
7 We have a number on the list that I mentioned last meeting.
8 I'm happy to go over them again or not. And we talked a
9 little bit more today about the adequacy -- the possibility
10 of an adequacy designation for California.

11 And Ms. Mahoney mentioned, again, the possibility
12 of European commission officials being willing to talk to us
13 about requirements there. So that's something that's come
14 up that is on the agenda. We have our regularized
15 rulemaking calendar in place, and my list from last time,
16 which is being operationalized.

17 Do board members have any additional agenda items
18 they would like to suggest for future discussion? No? All
19 right. Thank you. In that case I'd like to invite public
20 comments on potential agenda items for future meetings. As
21 a reminder, the Board can only deliberate or discuss whether
22 or not to put these items on a future agenda. We cannot
23 discuss an item directly today.

24 MS. MARZION: This is for Agenda Item number 9,
25 future agenda items. If you'd like to make a public comment

1 at this time, please raise your hand using the "raised hand"
2 feature, or by pressing star nine if you're joining us by
3 phone. This is for Agenda Item number 9. I believe we have
4 a hand raised.

5 MS. URBAN: Thank you.

6 MS. MARZION: Anya, I'm going to unmute you at this
7 time. You'll have three minutes to make your comment. So
8 please begin as soon as you're ready.

9 MS. ANYA: Sorry, this wasn't a comment, I just --
10 would you mind repeating the items again.

11 MS. MARZION: Hold on one moment. I'm not hearing
12 you.

13 MS. ANYA: Hello.

14 MS. MARZION: Are you there?

15 MS. ANYA: Yes.

16 MS. MARZION: Okay. Now we can hear you. Thank
17 you.

18 MS. ANYA: It wasn't a comment. I was just
19 wondering if you wouldn't mind repeating the items really
20 quick.

21 MS. MARZION: The future agenda items?

22 MS. ANYA: Yes.

23 MS. URBAN: Oh, the list from last time?

24 MS. ANYA: Yes.

25 MS. URBAN: Give me -- give me just a second. I

1 need to -- I need to access it. Oh, thank you. I really do
2 appreciate the request. I'm being directed to or requested,
3 and I think this is right, to direct you to the website for
4 the meeting materials for the November 8th meeting.

5 The transcript records everything. And I think
6 that's a good idea because there's always the possibility
7 that I jotted it down not exactly right. And so it's
8 important to have the -- to have the information from the
9 official source. So thank you for that.

10 Any other comments from the public.

11 MS. MARZION: Madam Chair, I'm not seeing any other
12 hands raised at this time.

13 MS. URBAN: Thank you, Ms. Marzion. And thank you
14 for the -- for the question. With that, our final agenda
15 item is number 11, adjournment. I would like to thank
16 everyone, the board members, staff and members of the public
17 for all of your contributions to the meeting and to the
18 Board's work.

19 I want to one more time, express our gratitude to
20 Mr. Soltani, since this is his last board meeting probably.
21 And just mention again, how grateful we are for your work
22 and delighted to be -- have been to work with you. And with
23 that, may I have a motion to adjourn the meeting?

24 MR. LIEBERT: So moved.

25 MS. URBAN: Thank you. May I have a second.

1 MR. LE: I'll second.

2 MS. URBAN: Thank you. I have a motion from Mr.
3 Liebert and a second from Mr. Le.

4 Ms. Marzion could you please conduct the vote.

5 MS. MARZION: Board Member Le?

6 MR. LE: Aye.

7 MS. MARZION: Board Member Liebert?

8 MR. LIEBERT: Aye.

9 MS. MARZION: Board Member Mactaggart?

10 MR. MACTAGGART: Aye.

11 MS. MARZION: Board Member Worthe?

12 MR. WORTHE: Aye.

13 MS. MARZION: Chair Urban?

14 MS. URBAN: Aye.

15 MS. MARZION: Madam Chair, you have five yeses.

16 MS. URBAN: Thank you. The motion has been
17 approved by a vote of five to zero. This meeting of the
18 California Privacy Protection Agency Board stands adjourned.
19 Thank you very much.

20 (Meeting Adjourned)

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