



TOMÁS J. ARAGÓN, MD, DrPH
Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

NOTICE OF PROPOSED RULEMAKING
Title 17, California Code of Regulations

CCLHO Public Comment Period Limit (DPH-22-06-00013)
Notice Published April 7, 2023

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Veronica Rollin, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (279) 217-0836, email to veronica.rollin@CDPH.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a public hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by May 22, 2023, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written comments must be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “DPH-22-06-00013” in the subject line; to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636-6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH-22-06-00013 “CCLHO Public Comment Period Limit,” along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The Department proposes to adopt the regulation sections identified under the authority provided in sections 100925 and 100950 of the Health and Safety Code (HSC). This proposal implements, interprets, or makes specific, Sections: 11121 and 11125.7 of the Government Code (GC).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Proposal

The California Conference of Local Health Officers (CCLHO), administered by the California Department of Public Health (CDPH), proposes a new Chapter, 14 to Division 1 of Title 17, Public Participation at Meetings, to specify meeting processes in regulation to make meetings more efficient and establish a clear set of expectations for CCLHO, stakeholders, and the public.

Problem Statement

Currently, CCLHO does not have regulations on public comment and instead relies on existing informal meeting processes. The proposed addition of Chapter 14, Article 1, section 40100 will allow CCLHO to establish rules and procedures governing public comment at meetings of CCLHO and its committees, subject to the Bagley-Keene Open Meeting Act (Bagley-Keene) (Government Code section 11120 et seq.). All CCLHO meetings are subject to Bagley-Keene, which facilitates transparency of government activities and protects the rights of citizens to participate in state government deliberations. The existing law requires that a state body must provide an opportunity for members of the public to directly provide comment on each agenda item for discussion or consideration, with specific exceptions. While ensuring the broad public

right to be heard at public meetings, Bagley-Keene implicitly recognizes the need for efficiency in the conduct of the people's business through limitations on public comment and through the establishment of meeting frameworks. These practices are reasonable and have been adopted by other governmental bodies and upheld by California courts. Public comment and overall meeting frameworks promote transparency of process and efficiency of CCLHO and committee meetings to help ensure the public's business is not delayed or incomplete. The proposed addition of Chapter 14, Article 1, section 40100 will ensure that CCLHO and its committees are able to conduct transparent, efficient, and orderly meetings.

OBJECTIVES (GOALS) OF THE REGULATION

Anticipated Benefits

The proposed addition of Chapter 14, Article 1 will allow CCLHO to establish various rules regarding public hearing procedures, including public comment limitations allocated to individual speakers, and provide clarity on organization and order. This will ensure that all members of the public are afforded an equal opportunity to address CCLHO during public comment. It will also provide clarity about the rules applicable to public comment and serve the public interest in conserving time at CCLHO meetings, ensuring that CCLHO is able to complete the work on its agendas in a reasonably efficient manner.

Evaluation as to Whether the Proposed Regulations Are Inconsistent or Incompatible with Existing State and Federal Regulations

The Department evaluated whether the regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing state regulations and those regulations specific to CCLHO regulations. An internet search of other state agency regulations was also performed, and it was determined that no other state agency regulation addressed the same subject matter, and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that the regulations is not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

None

MANDATED BY FEDERAL LAW OR REGULATIONS

None

OTHER STATUTORY REQUIREMENTS

None

LOCAL MANDATE

None

DISCLOSURES REGARDING THE PROPOSED ACTION

Fiscal Impact Estimates

Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:

None

The cost or savings to any state agency

None

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

None

Cost or Savings in Federal Funding to the State:

None

Housing Costs

The Department has determined that the proposed regulations would not have an impact on housing costs.

Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Department has made an initial determination that the regulations would not have a statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment

The Department has determined that the proposed regulations would not affect the following:

- A. The creation or elimination of jobs within the state.
- B. The creation of new businesses or the elimination of existing businesses within the state.
- C. The expansion of businesses currently doing business within the state.
- D. The adoption of the proposed regulation will benefit the health and welfare of California residents by facilitating participation by members, stakeholders, and

other members of the public by establishing a regulation over public comment and will ensure that CCLHO and its committees can complete their work efficiently. These regulations do not benefit worker safety or the state's environment.

Cost Impacts on Representative Person or Business

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Reporting Requirements

None

Effect On Small Business

The proposed regulation will not have an effect on small business as it only pertains to the length of the public comment period for the CCLHO.

Specific Technologies or Equipment

None

Alternatives Considered

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department itself has made an initial determination that there are no acceptable alternatives to the regulations to protect the public interest. However, the Department invites interested persons to present alternatives with respect to the proposed regulation either during the public comment period or at the public hearing (if scheduled).

TECHNICAL, THERETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

None

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Jake Hanson of the CCLHO.

All other inquiries concerning the action described in this notice may be directed to Veronica Rollin, Office of Regulations, at (279) 217-0836, or to the designated backup contact person, Christy Correa at (279) 217-0674.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-22-06-00013.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (279) 217-0836 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Final Statement of Reasons

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at [the Department website](#) by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.