

**CDPH-CCLHO Public Comment Time Limit
ADOPT CHAPTER 14, ARTICLE 1, SECTION 40100.**

INITIAL STATEMENT OF REASONS

Public Hearing Procedures: Public Comment Time Limit

SPECIFIC PURPOSE OF THE REGULATION

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

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.

NECESSITY

The proposed addition of Chapter 14, Article 1, section 40100 will promote the intention of Bagley-Keene by providing an opportunity to all members of the public to speak and to not deny this opportunity because of the disruptive activities of others. Chapter 14, Article 1, section 40100 will also make meetings more efficient by laying out the circumstances under which a member of the public may be limited in delivering public comments to the CCLHO board or committee. In addition, the proposed regulation will ensure efficiency by creating a mechanism to address comments and disruptions, allowing meetings to be conducted within the time allotted in order to conduct the public's business.

Subsection (a) of the proposed regulation sets time limits for public comment and allows the presiding officer to modify or limit the total amount of time allocated for public comments.

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Specifically, subsection (a)(1) provides that a member of the public will have a maximum of three minutes to speak per agenda item. This is necessary to provide adequate timeframes for members of the public to address CCLHO, while also accommodating CCLHO's need to complete its work efficiently.

Subsection (a)(2) provides that a member of the public who requires translation or interpretive services will have a maximum of six minutes to speak per agenda item. This is necessary to comply with Government Code (GC) section 11125.7(c)(1), which requires a state body to provide at least twice the allotted time to a member of the public who uses a translator.

Subsection (a)(3) provides that the presiding officer of the meeting may modify the amount of time members of the public are allocated for individual comments if based on the number of speakers the public comment period would exceed 30 minutes on that agenda item. A change to the amount of time allocated for individual comments will apply equally to all speakers on a particular agenda item. This is necessary to ensure those individuals that wish to speak during public comment will have an equal opportunity to address CCLHO, as the number of speakers at CCLHO meetings can fluctuate depending on the agenda for that meeting. There have been instances in which there have been only a few public comments at meetings, and 20 or more public comments at other meetings due to the topics being discussed. Allowing the presiding officer the flexibility to modify the amount of time members of the public are allocated for individual comments will allow him or her to adjust in these instances and ensuring that CCLHO is able to complete the work on its agendas in a reasonably efficient manner.

Subsection (a)(4) provides that a member of the public may not transfer his or her unused time for public comment to another member of the public. This is necessary to prevent individuals from unfairly giving only certain people more time to speak, when the time allocated for individual comments must be applied equally to all speakers.

Subsection (b) of the proposed regulation provides rules of organization and order. Specifically, subsection (b)(1) provides that, except as otherwise directed by the presiding officer, public comments at meetings shall be received on a "first come, first serve" basis. This is necessary as it is the most reasonable method of receiving comments at

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meetings and would not require CCLHO to receive comments based on name for alphabetical order or other information that is not required to be provided by the speaker pursuant to GC section 11124.

Subsection (b)(2) provides that a speaker shall address only CCLHO during public comments and shall not direct comments at other members of the public in attendance. This is necessary because a speaker's purpose is to address CCLHO. If a speaker directs comments to other members of the public, it would be counterproductive to the purpose of the meeting and could intimidate others from speaking.

Subsection (b)(3) provides that a speaker shall yield the floor to any member of CCLHO who wishes to ask a question or otherwise speak during the speaker's comment. Yielding the floor to a CCLHO member will toll the speaker's allotted time. This is necessary because it will allow CCLHO to gain information or insight from the speaker that may help CCLHO make a decision regarding an agenda item. Tolling a speaker's time is necessary because any questions or comments made by a CCLHO member and any subsequent dialogue between CCLHO member and speaker may extend the speaker's time beyond the original allotment.

Subsection (b)(4) provides that a speaker shall limit comments to the subject matter of the agenda item being heard and to matters that are subject to CCLHO's jurisdiction. This is necessary to ensure public comments stay on point to allow meetings to be conducted within the time allotted.

Subsection (b)(5) provides that a member of the public may not impede or disrupt the orderly conduct of the meeting or disrupt any other attendee(s) from viewing, hearing, or legitimately participating in any material portion of the meeting. It provides that the presiding officer of the meeting may require a member of the public to leave the meeting, or limit that individual's opportunity to provide public comment, if that individual has violated this Regulation. This is necessary to provide an opportunity for all members of the public to participate in the meetings and to not deny them this opportunity because of the disruptive activities of others.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

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.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

CCLHO did not rely on any technical, theoretical, and/or empirical study, reports or documents in proposing the amendment of the regulation.

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RESULTS OF ECONOMIC IMPACT ASSESSMENT

The results of CCLHO's Economic Impact Assessment as required by Government Code (GC) section 11346.3(b) are as follows:

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The proposed regulation will not impact the creation or elimination of jobs within the State of California.

- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
- The proposed regulation will not have an impact on the expansion of existing businesses in the State of California.
- The proposed regulation will benefit the health and welfare of California residents and will not benefit the State's environment.

CCLHO has made the initial determination that the proposed addition of Chapter 14, Article 1, section 40100 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The regulation will promote efficiency while still allowing public participation and will not impact businesses in any way as this regulation simply codifies rules and procedures governing public comment at meetings of CCLHO and its committees.

PURPOSE

CCLHO proposes to add Chapter 14, Article 1, section 40100, Public Hearing Procedures to specify meeting processes in regulation to make meetings more efficient and establish a clear set of expectations for CCLHO, stakeholders, and the public.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

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 Bagley-Keene. Specifically, this rule will help to better facilitate CCLHO meetings and clarify the requirements of Bagley-Keene to better regulate public comments by identifying time limits and other limitations during CCLHO meetings. This regulation will only affect CCLHO, stakeholders, and the public. Therefore, CCLHO has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

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 Bagley-Keene. This regulation will only affect the CCLHO, stakeholders, and the public and not on any other type of California business. Specifically, the adoption of Chapter 14, Article 1, section 40100 will establish timelines and other requirements regarding public comments at meetings. Therefore, CCLHO has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.

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THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

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 Bagley-Keene. Specifically, the adoption of Chapter 14, Article 1, section 40100 will establish timelines and other requirements regarding public comments at meetings. Therefore, CCLHO has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

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.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES

CCLHO has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or 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.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed addition of Chapter 14, Article 1, section 40100 was discussed at the May 4, 2022 regular CCLHO meeting. No alternatives to the recommendation were proposed by CCLHO or by any other individual or entity at the meetings. No subsequent alternative recommendations were made prior to the notice. CCLHO invites any interested party to submit comments that offer any alternative proposal.