



CANNABIS CONTROL COMMISSION

April 24, 2023

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20230420 Draft Charter V13
- CCC Draft Charter Legislative and Executive Branch Outreach 4.20.23 - Gov Affairs and Legislative Outreach feedback
- CCC Draft Charter Press Media Engagement Section 3.28.23-Comms Feedback
- Canna Statute

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Paralegal Sabiel Rodriguez
- Mediator Susan Podziba

Minutes:

I. Call to Order

- The Chair called the meeting to order and deferred to Mediator Susan Podziba (Mediator Podziba) to conduct the Mediation Executive Session.

II. Discussion – Mediation Regarding Commission Governance, G.L. c. 233, § 23C, and public records not subject to disclosure under G.L. c. 4, § 7 (26)

- Mediator Podziba gave an overview of the discussion items and noted the work that had been completed since the last Executive Session and the goals for executive session.
- Mediator Podziba stated they would review feedback from the Communications team on the legislative and executive branch outreach section following with the communication section and then review the entire Charter.



- Mediator Podziba moved to the Legislative and Executive Branch Outreach section and began the discussion with No. 4. She recommended changing the word “legislative” to “policy”. She mentioned Communication’s rationale behind the suggestion, then solicited input on the proposal. Commissioner Roy thought they always called it Executive and Legislative Outreach and suggested keeping that designation. Commissioner Concepcion understood the reason for the proposed change because they made policy decisions and endorsements, not legislative actions. Commissioner Stebbins also endorsed the policy objective language as he could foresee them doing federal outreach. The group agreed to language after the discussion concluded.
- Mediator Podziba proceeded to No. 5 and read a sentence of the text aloud, then suggested that they add “relevant departments” to the sentence. She also gave the rationale behind the suggestion and opened the floor for discussion. The Chair and Commissioner Concepcion opposed adding the additional language. The Commission agreed to strike the suggestion.
- Mediator Podziba went on to No. 6 and provided her rationale for adding a new sentence. The Chair expressed her concerns on the proposed language’s effect on the power of the Chair. She argued that it delegated too much authority to Government Affairs, Communications, and the direct reports. The Chair read the statute and felt that the proposed language in the Charter did not align. She provided instances of defiance from staff that she had witnessed. She provided examples of things that she felt needed to be changed. She offered the back to the office policy as one possible solution. She expressed her reluctance to sign on to the Charter. Commissioner Roy opined that she had never seen a government agency function and operate like the Commission. The Chair said that she wanted Commissioners to exercise their power in a collegial way and while supporting one another. She recalled that she wanted to suspend the Charter process when she on-boarded, due to her being new to her role. Commissioner Camargo responded to Commissioner Roy and the Chair’s comments and felt that the discussion about staff should not be brought at public meeting.
- In response to the Chair’s claim that she did not want to undermine the statute, the ED asked how she “squares the affairs of the Commission” with the statute stating that the ED shall be the executive and administrative head of the Commission. She reiterated that she supported the ED and wanted to work with him. The ED stated he had worked under three Chairs whom all had different interpretations of what the statute meant. He addressed Commissioner Roy’s point regarding the agency dynamics being so different than other agencies and pointed out that it was because there was usually one principal making determinations instead of the dispersed power under the statute. He added that being judged for his performance while the Commissioners were not reflecting on how they were contributing to the culture was frustrating for him. The Chair stated that since the last Chair left, the ED had been negotiating and directing individual Commissioners. She claimed the ED did not engage her when he should have, pursuant to statute, because the Chair was responsible for the delegation of work of the Commissioners in her opinion. She claimed he failed to ask her what subcommittee she wanted to work on and the ED disagreed. He claimed that he provided her multiple opportunities to be assigned to a certain group.



- While Commissioner Stebbins mentioned the uniqueness of the Commission, he stressed the desirability to agree on the Charter and mentioned that they all end up being “the complaint box.” After opining about the inverted hierarchy of the Commission, Commissioner Roy advocated that they stop democratizing everything and that the ED or the Commissioners should sign off on every standard operating procedure (SOP).
- Commissioner Concepcion noted the external focus on the Commission and stated she did not think they have course-corrected on the culture. She feared the message they would convey upon the Charter’s release. The Chair did not believe that the Charter made them better, but Commissioner Camargo believed that it would provide clarity for staff.
- Commissioner Camargo was disappointed with the testimony at the Ways and Means hearing. She stated that the Chair did not allow the ED to speak. The Chair claimed that staff had overruled a decision when they added Commissioner Camargo to testify before the legislature, without telling the ED or the Chair. The Chair interpreted the statute to indicate that she delegated the work of the individual Commissioners.
- Commissioner Stebbins explained that this process was a learning process and that it was worthwhile to get senior staff’s feedback and their viewpoints. Commissioner Concepcion added that the Charter needed to speak on its face. Commissioner Roy opined that culture was set from the top and to be mindful of how the press will analyze the Charter. The Chair commented that Senator Moore filed a bill out of a lack of faith that the agency could make the Commission function. The Chair opined that the Charter obliterated her ability to designate staff to do certain things and felt she was undermined by staff.
- The ED stated that there was tension and conflict within the statute, noting that each Commissioner had a different perspective on what the role should, could, or ought to be. He added the purpose of a Governance Charter was to set a precedent and standard for future Commissioners about the role. He believed a new Chair should not come in and have to spend months figuring out their power and authority. When the statute was not clear, the ED observed that the Charter can be a safety net. He mentioned his best intentions but that he had observed confusion and lack of clarity at the Commission. He did not like the Charter was “micromanaging” him. The ED appreciated that everyone’s experiences contributed to the Charter, and appreciated their efforts to clarify what should happen in the future. Mediator Podziba suggested the group take a break, and upon return, focus on the roles of the Chair, Secretary, Treasurer and ED.

The Commission took a short recess.

- Mediator Podziba moved to No. 2 in the Roles and Responsibilities section. The group read No. 2 and the G. L. c. 10, § 76 (h) footnote. The Chair suggested to move (k) up the list to (b) and Commissioner Camargo asked if it was for visual purposes. The Chair stated she thought having it higher up on the list would send a message that it is in the collaboration with the ED.



- Commissioner Stebbins suggested striking (g) as it was covered in the new (b) and the old (k). The Commissioners agreed to strike (g). The Chair suggested adding (i) to the footnote. The ED and the Chair discussed their differing interpretations of the statute. In response to Mediator Podziba inquiring about the effect of implementing this clause, the Chair responded that she and other Commissioner could direct staff to take action.
- The ED clarified that he took “hearing” as an event and explained formal and informal hearings. The Chair mentioned her experience after she requested organizational charts. The ED explained why it was handled in that manner, and cited privacy concerns in the request. The ED interpreted the section in question. Commissioner Roy asked the ED how he reconciled the last half of the sentence and read it aloud. Commissioner Roy asked what it meant by “other than those of a formal or administrative character;” He opined it involved non-licensing or non-enforcement matters. Commissioner Concepcion agreed with the ED’s interpretation of (i). Commissioner Stebbins added he thought “formal or administrative” encompassed things like voting to approve minutes or to elect an officer and provided an example. Mediator Podziba confirmed the proposed changes to the section.
- The Chair stated that rotating seats was her main priority and that establishing a collaborative working relationship between the Administrator and the Chair was the main goal if the Charter process. The ED asked the Chair if (k) became the new (b) was the language inclusive enough, given the myriad of things requiring collaboration, and also asked if “including but not limited to” policy matters should be added. The Chair agreed and Mediator read the proposed movement of sections and changes in language.
- Commissioner Concepcion brought their attention back to the Chair section and offered language to amend (j). A question arose if (j) should apply to all Commissioners. Discussion ensued about Commissioners testifying before legislative and regulatory committees about official Commission business. Language was suggested for testifying before the Ways and Means Committee.
- Mediator Podziba moved to No. 3 in the Roles and Responsibilities section and asked Commissioners to review it. After some discussion, the Chair asked if the Treasurer should restrict language to a Treasurer serving more as a “signatory,” not a financial expert. The ED stated the more language they could apply directly from the statute, the better. Commissioner Stebbins voiced that they were missing language regarding transfers, observing “approval” was there. Mediator Podziba reviewed the two changes to the section.
- Commissioner Camargo made a suggestion regarding adding a third person to the budget process. The Chair felt it was appropriate that the Chair could designate the work. The group revisited (j) for Chair’s Responsibilities, adding a designee for testimony before Ways and Means. Commissioner Concepcion noted the necessity of having a collaborative effort between the ED and the Chair.
- The Chair felt they lacked a granular enough understanding of how money was spent, and that the Treasurer should make sure they all understand how this occurred. Commissioner Camargo mentioned they had talked about this being a Chief Financial Accounting Officer (CFAO) position. The Chair voiced the importance of the Treasurer having a greater depth of knowledge on the budget. Commissioner Concepcion agreed with the



Chair's position of providing the Treasurer with a more active role, adding the necessity of having more information about the budget on an ongoing basis. Commissioner Stebbins advocated for building in more measurements of accountability regarding the expenditure of public funds.

- Commissioner Camargo emphasized that the ED must collaborate with the Treasurer throughout the budget process. Mediator Podziba directed them to (c)(i) and read Commissioner Stebbins' proposal. Commissioner Roy added it would help the Treasurer answer questions from the Commissioners. The ED proposed changes, while recognizing the budget was both technical and policy-related, and that the technical aspect should fall to the CFAO and budget director. He stated he liked "assist" versus "informs" language as it implied cooperation and collaboration. He added he would like to see the Treasurer play a meaningful role in evaluating the department requests and helping to explain how decisions were made.
- In response to Commissioner Roy's queries about unspent funds, Mediator Podziba explained the process whereby unspent funds ultimately had been removed from the Charter, to become instead the subject of a SOP. The ED mentioned SOPs should be documents guide and that they are auditable. Mediator Podziba proposed language based on the Commissioner's concerns, then acknowledged no dissent from the tentative agreement.
- Mediator Podziba asked if there were any questions, comments, concerns, or proposals on No. 4 in the Roles and Responsibilities section. Commissioner Roy brought up trainings and minutes and mentioned that the Legal Department was short staffed. She proposed that Commissioners review their own sections in minutes for accuracy, to assist the Secretary with providing accuracy. Paralegal Rodriguez stated it was possible to use color coding to make it easier for Commissioners to review minutes, and that it could just for the draft form, prior to posting on the Commission's website. Mediator Podziba noted no dissent from achieving a tentative agreement on the section.
- Mediator Podziba moved to No. 5 in the Roles and Responsibilities section. Language was proposed which suggested that the ED would work collaboratively with the Secretary and Treasurer to fulfill their roles. Language was proposed, to ensure clarity that the ED executed and implemented authorities delegated to the ED by the Commissioners, regarding areas of policy and administrative decisions. A distinction was made between the Commission abiding by and enforcing state law, as it related to municipalities.
- The ED explained that he considered and approved all SOPs. He suggested that "staff designated by ED" be substituted for "Government Affairs". He stated that votes should generally be noticed, but there might be minor issues which do not need prior notice.
- The discussion moved to better aligning goal setting with the budgetary process, and the influence of calendar years and fiscal years as they might affect the process.
- Eliminating "legislative outreach" or moving its language to another section in the Charter, was discussed. Mediator Podziba then moved to a discussion of next steps.

III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Camargo seconded the motion.



- The Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Concepcion – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair O'Brien – Yes
- The Commission unanimously approved the motion.

