



CANNABIS CONTROL COMMISSION

**June 23, 2022
11:30 AM**

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- June 23, 2022, Cannabis Control Commission Mediation Session Agenda.
- June 23, 2022, Cannabis Control Commission Draft Scope of Issues.
- June 23, 2022, Mediator Podziba Cannabis Control Commission PowerPoint.
- Massachusetts Pension Reserves Investment Management Board Charter

In Attendance:

- Chair Sarah Kim
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Legal Assistant 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 asked all parties involved to review wants and expectations, and the Commissioners and Executive Director Shawn Collins (ED) expressed their gratitude that the process was taking place and their expectations that an enduring positive process would be realized through their efforts. Mediator Podziba presented context and background regarding public policy mediation, what to expect in the process, and next steps.



- Mediator Podziba asked what the parties understood about the Charter. The ED noted that a Charter is a governing document that sets expectations of an agreement, and that a Charter sets an expectation of how to tackle unexpected situations. He also stated that it allows all parties to be on the same page as it sets rules and expectations. The Chair mentioned that a Charter would help Commissioners understand their responsibilities and set a job description for the Secretary and a Treasurer. She commented that a Charter would allow for better accountability. Commissioner Concepcion noted that a Charter would also allow for the Commission to operate when something unexpected happens. Commissioner Camargo explained that a Charter would help Commissioners when conflict arose and stated the positive impact on culture that a Charter would bring. Commissioner Stebbins agreed with the need for a Charter and mentioned that the Charter also had benefits for staff. Commissioner Roy explained that it would be helpful to review organizational charts. Mediator Podziba noted a possible new position as a Commissioner Liaison. She also explained that the written goal would be to produce a Charter and a job description for Commissioners. She provided background and historical aspects of what constituted complimentary goals. Further, she expressed general agreement of the need for a Charter and for job descriptions. Mediator Podziba provided further context into what encompassed a complimentary goal. Commissioner Concepcion commented that Commissioners are seen as a floating body that is not connected to the staff and discussed the residual effects of the previous culture. The ED noted the historical aspects which had affected interactions between staff. Mediator Podziba suggested that staff feedback on the Charter would help model interactions between staff and Commissioners. Commissioner Roy commented that she interacted with the same handful of staff daily and wanted thoughts on if that was the most productive practice. Mediator Podziba noted that further clarity on roles would help. The ED mentioned that the Commission staff were energized, and staff involvement would help the Charter. Commissioner Concepcion discussed challenges that the ED faced and expressed a need for the Charter to empower the ED. Commissioner Camargo noted the challenges met by the previous cohorts of Commissioners and discussed the residual effects of culture. Mediator Podziba noted that a system was previously created and the challenges due to the previous system. Commissioner Camargo mentioned that many of the people who work at the Commission came from state government and Commissioner Roy noted the challenges of a virtual environment. The ED provided a historical aspect of how the previous cohort of Commissioners created culture. Mediator Podziba discussed the process for establishing the scope of issues and noted that the Chair shared a job description and a Charter that could be used as a reference. The Chair commented that the job description and Charter that she provided to Mediator Podziba are public records.
- Mediator Podziba asked all parties to comment about who should be a participant in these discussions in addition to the principals. Commissioner Stebbins noted the Commissions structure and the need to talk to department heads and staff. The ED mentioned his work as it related to his direct reports and how he would handle the assignment of directing culture. Commissioner Roy commented that Commissioners



are insulated from information around culture. Commissioner Camargo asked a clarifying question and Mediator Podziba clarified that her question is related to how the Commission should engage staff as they work to develop a job description and Charter. Commissioners and the ED noted the need to engage staff and solicit their feedback during this governance process. Mediator Podziba asked how often the Commission should meet and Commissioner Camargo noted her desire to hold full, day-long meetings. Commissioner Roy asked how long Mediator Podziba expected the process would take. Mediator Podziba noted that timing depends on the scope of the Charter. Commissioner Camargo mentioned the major transition that could happen as there is not a permanent Chair, and that bills are currently making their way through the statehouse. She also stated her desire to focus on this process for the next few months. The Chair noted that she agreed with Commissioner Camargo on timing. Commissioner Stebbins suggested that the Commission could benefit from the Chair's expertise. Commissioner Roy mentioned that once the HCA process was in the purview of the agency that the Commission's review of the contracts would be a heavy burden. Commissioner Camargo agreed and suggested the timeline should be discussed. Mediator Podziba asked how long the Chair expected to be in the seat, and the Chair answered that she is unclear but expected to be in the seat until July 3, 2022.

- Mediator Podziba asked thoughts on possible different schedules. The Chair mentioned that there were items that could be done before the new Chair joined the Commission. Mediator Podziba noted there were aspects of the Charter that could be accomplished prior to onboarding the new Chair. Commissioner Camargo gave an overview of the schedule and noted that the 4th week of July would work.
- Mediator Podziba asked what the Commission would prefer in terms of scheduling. Commissioner Camargo reiterated her preference to have multiple full-day meetings, which was agreed upon by the ED, Commissioner Stebbins and Commissioner Concepcion.

The Commission took a short recess.

- Mediator Podziba requested that the Commission define the scope of Issues, Roles, and Responsibilities. Mediator Podziba suggested topics like interaction with the advisory board, decision making, and emergency actions.
- Commissioner Roy asked why department heads were not included in the Charter and mentioned an interaction she had with a department head's rules and responsibilities.
- Commissioner Concepcion noted that the ED should have the purview of the department heads. Commissioner Stebbins mentioned that staff are not governed by statutory authority. Commissioner Concepcion noted the ED's job descriptions. The ED discussed the historical aspect of hiring and how it was informally delegated to him. He noted that he hoped they can manage staff interactions and responsiveness in a positive way. Commissioner Roy asked if department heads had the power to allow when Commissioners can meet with staff. The ED noted this is not a policy in any written way and unfortunately it would likely be a case-by-case basis. Mediator



Podziba asked that when the Commission was working to define the scope of rules and responsibilities of the ED that this process would be built into that section. The Chair asked for clarity on the issues listed on draft and if those topics are going into a Charter and/or job descriptions and Mediator Podziba noted that these issues will be discussed.

- Commissioner Camargo asked about the role of the appointing authorities as they governed the Commissioners and asked if it could be added to the Charter, and Mediator Podziba stated it can be put on the list and through discussion it can be determined if it is needed on the Charter. The Chair noted that appointing authorities are governed by statute. Commissioner Concepcion noted that Commissioners should build flexibility into the plan.
- Mediator Podziba called the Commissioners attention to revisions and said that she noted required revisions. Commissioner Concepcion asked a question regarding the need to have a regulatory system be resolved in the governance process. Mediator Podziba noted that it was included in the draft scope of issues. The ED explained the historical aspect of the tension that previously existed as it related to the promulgation of regulations. Commissioner Roy asked a clarifying question regarding the historical aspects and the ED provided further historical context. Commissioner Concepcion asked a clarifying question related to the need for the topic. The Chair recommended referencing regulatory review in the Charter for clarification, while the ED noted that the Commission did not yet have a process in place as it related to the regulatory review process.
- Mediator Podziba stated that there is a need to define the scope for regulatory change but maybe not for this project. Commissioner Concepcion agreed with the need. Mediator Podziba noted that they will need to work to define roles and responsibility as it related to the regulatory process.
- Mediator Podziba discussed next steps and deliverables.

III. Adjournment

- Commissioner Stebbins moved to adjourn the 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 Kim – Yes
- The Commission unanimously approved the motion to adjourn.

