

CANNABIS CONTROL COMMISSION

March 27, 2023

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- Discussion Items for the Executive Charter
- 20230323 Draft Charter V12
- Budget Process Standard Operating Procedure (SOP)

In Attendance:

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

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 directed the Commissioners to the Legislative and Executive Branch Outreach section of the Charter. The Chair raised concerns regarding the decision-making process within the Department of Government Affairs and Policy (DGAP). She highlighted that issues arose at the budget hearing which lead to confusion and a need for clarity. The Chair asserted that she and the Executive Director (ED) planned to lead the budget hearing testimony and were the designated spokespersons for the Commission's



priorities. She emphasized the need for consistency in decision-making and adherence to agreed-upon protocols, especially in relation to budgetary matters. Mediator Podziba directed the Board's attention to the Budget section on page 15, item No. 4, and clarified the Chair's concerns. Commissioner Camargo highlighted the importance of ensuring consistency between the written content of the Charter document and the actual implementation by staff, given that the document was still in development.

Commissioner Roy emphasized the importance of clarity in advocacy efforts and the need to notify fellow Commissioners about initiatives that could influence statutes as well as sharing that information with the ED. The ED emphasized that relevant information to the agency was already communicated as was the practice. He underscored that sharing such information was crucial, especially if it impacted the Commission before becoming law. Mediator Podziba directed the Board to item No. 8. Commissioner Concepcion suggested expanding No. 8 to include a step in which the ED may share information with other Commissioners after receiving it from legislators, executive branch officials or staff. Mediator Podziba proposed the new language and consensus was found among the Commissioners.

- Mediator Podziba directed the Commissioners' attention to No. 1, No. 2, and No. 3 of the Press, Media and External Engagement section of the Charter. Following the Commissioners' review, she inquired whether the Board had any questions or concerns regarding these three items and they did not. The Mediator guided the Board to item No. 4 and inquired if there were any questions. Commissioner Stebbins recommended rephrasing the item to indicate that a monthly summary would be included as part of the public meeting Commissioner briefing materials. Commissioner Camargo questioned whether the media outreach and government affairs work summary should be included in the monthly public meeting package and acknowledged that the content might be more suitable for internal use than public dissemination. The Chair echoed similar sentiments to Commissioner Camargo and acknowledged that such content would be best kept within the Commission rather than in the public briefing book. After consideration, the Board agreed to include a monthly summary as part of the Public Meeting Commissioner Briefing Book for internal reference. The Chair emphasized that the decision aimed to strike a balance between transparency and internal communications needs, ensuring that relevant information was shared appropriately within the Commission.
- Mediator Podziba moved to review Items No. 5, No. 6, and No. 7. Commissioner Concepcion raised a concern on item No. 7, and interpreted it to mean that Commissioners would not be able to proactively offer an opinion if the Commissioners opinions did not align. Mediator Podziba clarified that the intent behind item No. 7 was to provide communications support to Commissioners expressing opposing views in response to media inquiries, but not for proactive, unsolicited communications. Commissioner Concepcion highlighted potential ambiguities in the wording and suggested rephrasing for clarity. No. 7 was reworded, and consensus was met among the Board.
- Mediator Podziba asked Commissioners to review No. 8. The Chair looked to understand how No. 8 differed from No. 7, because there appeared to be ambiguity or overlap in how these two items were being implemented in practice. Mediator Podziba explained that



No. 7 was specific to a Commissioner's vote or policy while No. 8 covered any other situation that was not vote-related. The ED suggested that the Chair or another Commissioner were involved in determining divergences between personal matters and agency policies to avoid conflicts and ensure appropriate management of staff resources. Commissioner Camargo highlighted the ED's role in navigating contentious situations and ensuring a unified approach. The ED suggested that personal statements from a Commissioner should be clearly delineated and not presented as the official Commission position and that the Commission's response should be limited to factual, professional statements. He added that each situation would be unique and required a tailored approach. He emphasized that the goal was to maintain the integrity and credibility of the Commission while respecting individual Commissioners' rights to express their personal views. Commissioner Stebbins proposed language for No. 8 and consensus was met among the Board that the ED would collaborate with the Chair or appropriate Commissioner to assess when the interests of the Commission and a Commissioner had diverged. He elaborated that when such divergences were identified by the ED, the Commissioner would be informed in a timely manner. Mediator Podziba directed the Board to No. 9 and No. 10. Commissioner Camargo questioned the language on No. 10. The Chair emphasized that the logo was not chosen by the Commissioners but rather it was selected as an identifier and functioned as a name tag. The ED explained that the purpose of No. 10 was to extend the Commission's endorsement through the application of its logo. He added that the logo could also be used in promotion, advertising or identifying the presence of a Commissioner or Commission. Consensus was reached among the Board to add the following language to No. 10: "It is understood that external parties may display the Commission logo to identify participation of particular Commissioners and/or staff."

The Commission took a short recess.

- Mediator Podziba directed the Commissioners to the Budgeting and Budgeting Process section on page 15 of the Charter. Consensus was reached by the Board for the Mediator Podziba to include a No. 5 in the section stating that "the Chief Financial Accounting Officer (CFAO) will provide the monthly budget summary as part of the public meeting Commissioner briefing book."
- Mediator Podziba asked Commissioners to review the Accountability, Checks and Balances section. The Chair proposed additional language for No. 4 and consensus was met among the Board. Mediator Podziba moved to review items No. 1, 2 and 3 on page 15 of the Charter. Mediator Podziba indicated that consensus was met to remove a, b, c and all romanettes under No. 4 and transfer them into a Standard Operating Procedure (SOP). Additionally, she noted that Commissioners decided to introduce a new No. 5, stating that an SOP would be established in consultation with Commissioners and appointing authorities for investigations and referrals to appointing authorities. Next, Mediator Podziba asked Commissioners if they had any questions or concerns relative to No. 5 and No. 6 on pages 17 and 18. The Commissioners expressed no concerns and were in alignment with the language provided. Mediator Podziba directed the Board's



attention to No. 1 on page 15. Following extensive discussion, she proposed tabling the matter for further consideration.

The Commission took a short recess.

- Mediator Podziba moved to review Draft Charter Section: Professional Development and asked Commissioners to review No. 1 through No. 8 in the section. Commissioner Camargo inquired about further professional development training that could be incorporated into the Charter. Mediator Podziba pointed the Commissioners to (v.) on page 6 and asked Commissioner Camargo if she agreed with the existing language, to which she responded affirmatively. Following this, she confirmed with Commissioner Concepcion to include only Open Meeting Law training on No. 2. Commissioner Stebbins proposed adding the word “trainings” after “relevant” in No. 1.
- Mediator Podziba directed the Commissioners to the Conflict Resolution section, item No. 1(a) on page 18, and asked Commissioners if they had any comments. Commissioner Stebbins questioned the ED if he was comfortable with all staff approaching him about potential Charter violations. The ED responded in the affirmative.
- Mediator Podziba instructed the Commissioners to revisit all sections of the Charter to verify previously implemented modifications.
- Following this, she directed them to the Roles and Responsibilities section to refine the language for No. 1(a) (iii), where the ED proposed additional language. Commissioner Roy proposed adding the word “impartiality to (d)(ii).
- Mediator Podziba asked Commissioner Camargo if she wanted to discuss (b) under The Commission Treasurer, and Commissioner Camargo asked to table it for the time being.
- Mediator Podziba directed the Board’s attention to page 5, item (d) and the ED suggested that the language should mirror the language on the Budgeting and Budgeting Process section.
- Mediator Podziba instructed the Commissioners to review item (s) on page 7 and proposed adding “and if practical” before “in collaboration with the Chair.”
- Mediator Podziba asked the Commissioners to review No. 3 on page 9. She noted consensus on the language.

III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Roy 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 to adjourn.



