

CANNABIS CONTROL COMMISSION

November 22, 2022

Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- List of Discussion Items for Executive Session 8
- 20221117 Draft Governance Charter V2
- Draft Executive Director Job Posting
- Draft Cannabis Control Commission Commissioner Job Description

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 began with discussing the Structural Mechanisms for Joint Commissioner and Staff Work section and asked for feedback on No. 1. Commissioners confirmed that they were agreeable with the redline edits. The Chair asked if No. 3 broke from current practices and Mediator Podziba stated it had been added to reflect feedback from a memorandum. There was a discussion about what No. 3 should contain, but ultimately there was an agreement to keep No. 3 in the Charter. Commissioners and the ED discussed whether No. 3 sufficiently described how to initiate a project charter and Commissioner Roy suggested adding language to provide the ED with advance notice.



The ED stated that he did not want to formalize or limit the process too much, but he did not want to be surprised either. He articulated the peril attendant to not receiving notice until very late in the process, with a project charter. Mediator Podziba proposed language to address the ED's concerns and requested comments from the group. Commissioners agreed to strike No. 4 as it was redundant and agreed to the redline edits to Nos. 5 and 6. The Chair suggested that "Executive Assistant" in No. 11 be made plural. Commissioner Roy suggested an edit to No. 7 to include the Chair in the process of working towards alternative strategies in the event a project charter is not approved, and the ED suggested adding that this work would be done in accordance with Open Meeting Law. Commissioners discussed No. 11 and agreed that the ED should notify Commissioners of newly formed project charters rather than an executive assistant. Commissioners agreed to the remainder of this section.

- Mediator Podziba moved to the Legislative and Executive Branch Outreach section and Commissioners agreed to the redline edit to No. 2. Commissioners and the ED discussed No. 7(b) and whether adding a timeframe was necessary to the advanced notice of legislative and/or executive branch outreach language. Commissioner Roy suggested that there would be as much advanced notification as possible. Commissioner Concepcion expressed that she preferred the current language because she felt it was less ambiguous. Mediator Podziba noted that Direct Reports would have an opportunity to review. Commissioners discussed what communications this provision would apply to and how it may have affected recent outreach efforts. They ultimately decided not to include a timeframe.

The Commission took a short recess.

- Mediator Podziba moved to the External Communication section and confirmed that Commissioners were in consensus with the redlined edits to Nos. 2. and 5. The Chair stated that she was hesitant to restrict a Commissioner's ability to speak. She gave an example of muzzling where the Communications team set the order when a Commissioner can speak at scrum. In that example she explained that if the Commissioners did not speak during their turn then they would lose their ability to speak thereafter. The Commissioners discussed how to address the Chair's concerns and Mediator Podziba suggested removing the clause indicating that the strategy would be formalized in an SOP. Commissioners and the ED discussed the current policy regarding Commissioner participation in press scrums following Public Meetings and how they arrived at the current policy. There was a discussion about Commissioners communicating with the Communications team regarding how they would like scrum procedures to be modified. The ED set forth why the scrum procedures developed: for example, what happened in an instance when two Commissioners insisted on speaking last at a scrum. Commissioner Roy noted the process was unfair because of an example she used where two Commissioners could agree to switch places. Mediator Podziba suggested moving on and circling back. Commissioners agreed to the redline edit to No. 7 and to list additional departments in No. 8 besides the Communications team. Mediator



Podziba discussed the redline edits to No. 9, and Commissioners and the ED discussed what “non-Commission related issues” meant and who determined those issues. The Chair mentioned political issues, a hypothetical criminal issue regarding a commissioner, and one’s personal life where he noted that overlap could occur. She elaborated that at times what a Commissioner did in their personal life affected the Commission. They agreed to strike the last clause of No. 9 as it was covered by No. 10 and include the word “work” before “interests.” Mediator Podziba confirmed consensus on redline edits to Nos. 11 and 13. Regarding the latter, the Chair suggested that they direct staff to provide a training on best practices regarding social media. Mediator Podziba returned to No. 5 and asked for feedback. Commissioner Concepcion stated her preference to keep “in consultation with the Commissioners” and the Chair requested striking the reference to SOPs. The Chair repeated her concern that Commissioners are not “muzzled,” due to how scrums were organized. The ED noted that any policy in determining participation in press scrums would still have to be documented, which the Commissioners discussed. They decided to retain the reference to an SOP which would formalize a strategy developed by the Communications team in consultation with Commissioners and approved by the ED. Commissioner Roy asked for clarification on the Commissioner’s role in the process and the ED stated that they would still have an important role. Mediator Podziba summarized conversations on the topic and confirmed that Commissioners were comfortable sharing the draft Charter with Direct Reports.

- Mediator Podziba stated that the next meeting would be held on December 5, 2022. Commissioners and the ED discussed scheduling and availability. Commissioners and the ED discussed which staff members should be involved in the meeting and decided to include only Direct Reports. Mediator Podziba suggested that Direct Reports come to the meeting before speaking with their staff and the meeting would be a learning opportunity for Commissioners and staff. Commissioner Stebbins stated that the “Interactions Between and Among Commissioners and Executive Director, Leadership Teams and Staff” through the “Accountability, Checks and Balances” sections should be the priority. Commissioners and the ED discussed how to best present the Charter to staff. Mediator Podziba suggested that she would share the Charter with Direct Reports after a staff meeting on November 30, 2022, and then meet one-on-one with them to get feedback before the meeting on December 5, 2022. She stated that at the outreach and consultation meeting, she would guide conversation based on feedback from Direct Reports. Commissioner Camargo suggested that there be time at the outreach and consultation meeting to meet with staff because they had not met in person yet due to COVID restrictions. Mediator Podziba confirmed that the meeting would be held from 9:15 a.m. through 4:00 p.m.

III. Adjournment

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

