

CANNABIS CONTROL COMMISSION

February 15, 2023

Remote Participation via Zoom

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20220212 Draft Charter V9
- List of Discussion Items for Executive Session 10

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Associate General Counsel Michael Baker
- 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

- Mediator Podziba gave an overview of the discussion items and the work that had been completed since the last executive session.
- Mediator Podziba moved to the section on Interactions Between and Among Commissioners and Executive Director, Leadership Teams, and Staff, and confirmed there was no disagreement with the requested edit to No. 1. Mediator Podziba read the requested edit from staff to No. 9 and asked for feedback. The Chair Shannon O'Brien (Chair) stated that this section, as drafted, may be too stringent. She asked where someone should go when a legitimate complaint existed about an ongoing investigation. Commissioner Roy responded that No. 9 allowed Commissioners to request information on an investigation and Executive Director Shawn Collins (ED) confirmed. Commissioner Roy suggesting adding that Commissioners would be entitled to information regarding an investigation, as well as being able to request it. Mediator Podziba clarified for Commissioner Camargo that leadership included the ED, Direct Reports, and Department heads, which was specified earlier in the document.



Commissioners and the ED discussed when and how they should be alerted to issues that could become public. Mediator Podziba summarized that under this agreement the ED would be the person who conveyed this type of emergency information. Regarding No. 9, Commissioner Stebbins requested removing the word “prosecutorial” and noted that this section was not clear on what Commissioners should do once they receive information from leadership regarding an investigation or who was the judge of “special treatment” under No. 9(a). Mediator Podziba asked to table No. 9 until the General Counsel (GC) and Chief of Investigations and Enforcement (CIE) were available. The Chair noted frustration regarding the timeline and transparency of investigations. Mediator Podziba moved No. 10 and asked for feedback. The Chair suggested including “in consultation with the ED” and the ED noted that visits to businesses was covered elsewhere and suggested removing “legislatures.” Commissioners and the ED discussed and agreed to revise No. 10 to read: “Commissioners will inform the Executive Director and/or appropriate Department Heads, as needed, of invitations to participate in conferences.” Mediator Podziba moved on to No. 11 and asked for feedback. The Chair requested striking this section as it was covered by the Enhanced Code of Ethics of which Commissioners are bound. Commissioners Stebbins and Concepcion concurred. Mediator Podziba confirmed that there was consensus on No. 12. The Chair stated that she felt No. 13 was overly restrictive as Commissioners could be helpful in personnel matters. Commissioner Roy noted the way the language was written, it would require the Commissioners to coordinate with both the ED and Chief People Officer (CPO). The ED noted that if a personnel matter was raised with a Commissioner, it needed to be reported. The Chair noted the need for a culture shift so that staff and Commissioners could freely communicate and properly request resources. Commissioner Camargo concurred. Commissioner Roy stated that access to exit interviews may be helpful for addressing culture. Mediator Podziba suggested tabling Nos. 13 and 14 until the GC, CIE and Chief People Officer (CPO) opined.

- Mediator Podziba moved to the Press and Media Engagement section and asked for feedback. Commissioner Stebbins advocated including “External Communications” in the title which had been stricken. The Chair raised the language “in collaboration with Commissioners” in No. 1 and stated that she wanted it to be clearer that Commissioners would direct press and media management. Commissioners discussed how to address the Chair’s concern and Commissioner Stebbins suggested striking No. 1 and starting with No. 2. Mediator Podziba summarized that Commissioners had previously discussed how to rely on the Communications team as strategic advisors while not delegating authority. The Chair observed that there had been disagreements from Communications on messaging which is the prerogative of Commissioners. She opined the Chair had the statutory authority to develop strategy when there was no consensus. The Chair cited the example of driver’s education and staff pushback. Commissioner Roy agreed and noted that it had taken three weeks for a tweet to be posted regarding agreed upon policy. The ED agreed that that was an unacceptable delay but that no contrary information was released. He added that the delay had not been purposeful. Mediator Podziba offered alternative language to No. 1, requiring that Communications staff would strategize and work under the ED’s direction, in collaboration with the Commissioners. Commissioner



Camargo noted that Commissioners were free to conduct their own messaging, but warned that messaging could become messy. The Chair clarified that her concern was the primacy of the Commissioners' role in messaging. Commissioner Roy reiterated concern with the delay of messaging on driver's education. Mediator Podziba suggested including a provision in the Charter regarding the timeliness of media outreach following affirmative votes of the Commission. Commissioners Camargo and Concepcion were in favor of this idea and the Chair reiterated that Commissioners determined messaging. The ED noted another instance of media outreach being delayed following a public meeting.

The Commission took a short recess.

- Mediator Podziba read proposed language for No. 4 that she drafted to indicate that after an affirmative vote of the Commission, “Commissioners may direct the Communications Team to prioritize that item.” Commissioner Stebbins noted that planning outreach before the vote may be helpful. He clarified that it may be too granular for the Charter, but asked his fellow Commissioners if they thought pre-planning prioritized media outreach following a vote was necessary. Commissioner Camargo asked the ED about the operational implications of prioritized media outreach and he stated that was difficult to generalize as there was a wide range of topics in which the Commissioners may deliberate. Commissioner Stebbins suggested that the priority be deliberated in the Public Meeting to provide direction to Communications. Mediator Podziba requested that they table the topic until staff were able to review and provide input on the process. She moved back and confirmed consensus on No. 2 and asked for feedback on No. 3. The ED asked who would judge the “best interests” of the Commission. Mediator Podziba proposed language that indicated the ED would determine Commission priorities. The Chair noted her position's statutory responsibility for administering the Commission and stated that this was an area that she wished to work with the ED. Commissioners discussed how to balance their personal interests and coordinate outreach with staff. Commissioner Stebbins suggested an edit that indicated individual Commissioners may initiate work with Communications and the Chair noted that would leave the ED out of the process. Commissioner Camargo explained the distinction between individual Commissioner's personal priorities and those which were voted on in Public Meetings. Commissioner Concepcion stated that the conversation may have gotten too granular and Mediator Podziba stated she would revise No. 3 offline and bring a new draft at the next meeting.
- Mediator Podziba moved to No. 5(c) in the Accountability and Checks and Balances section and noted the GC's request that results of an investigation prompted by a complaint or allegation not be communicated in writing. Commissioners agreed to table this topic until the GC is present at a future session.
- Mediator Podziba moved to the Professional Development section. She noted the proposed edits included adding “and Ethics Training Obligations” in the title and to strike No. 3. Commissioner Stebbins rejected the edit to the title and no Commissioners objected. Regarding No. 3, Commissioner Stebbins stated that he did not see a purpose to strike it. The ED stated that all professional development fell under a Human Resources



allotment and Commissioner Stebbins suggested an edit so that No. 3 would read: “The annual Commission budget will include allocations for professional development to be accessed by Commissioners, Executive Director, Leadership and all Staff.” No Commissioners objected to the edit.

- Mediator Podziba moved to No. 4 under the Roles and Responsibilities section. Commissioner Stebbins noted that Executive Session minutes were now reviewed on a triannual basis pursuant to the Office of the Attorney General’s recommendation and Mediator Podziba proposed a footnote to indicate that change in policy. Commissioner Roy noted that, due to the upcoming promulgation process, she did not want to set unreasonable expectations. Mediator Podziba proposed edits to No. 4(b)(iii-v) and No. 4(c) and there appeared to be consensus.
- Mediator Podziba discussed next steps. She stated that she would apply Commissioner’s requested edit to the Charter and distribute it to Direct Reports before a mediation session with them, Commissioners, and the ED, on February 23, 2023. Commissioner Camargo noted the need to be mindful of how the Charter was presented to staff. Commissioners discussed how they hoped that the Charter would help address cultural issues.

III. Adjournment

- Commissioner Roy 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 to adjourn.

