



CANNABIS
CONTROL
APPEALS
PANEL

February 26, 2021
PANEL MEETING MATERIALS



CANNABIS CONTROL APPEALS PANEL

GOVERNOR GAVIN NEWSOM

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
Secretary Lourdes M. Castro Ramirez



MEMBERS OF THE PANEL

Dr. Diandra Bremond – Chairperson, Los Angeles County
Sharon-Frances Moore, J.D. – Member, San Diego County
Majority Leader Ian Calderon – Member, Orange County

LOCATION	MEETING DATE AND TIME
Cannabis Control Appeals Panel 401 R Street Sacramento, CA 95811	Friday, February 26, 2021 10:00 a.m. to 11:30 a.m. (or conclusion of business)
Note: Video Conference Only	

NOTICE TO THE PUBLIC

Pursuant to [Executive Order N-29-20](#), certain provisions of the Bagley Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, the Cannabis Control Appeals Panel (CCAP) meeting will occur remotely, with no physical meeting location. CCAP will be using the video conferencing service, Zoom, to host the meeting and allow for remote public participation.

If you have any questions or comments regarding the meeting, or addressing the Panel, or requesting special accommodations during the Public Comment portion of the meeting, contact us by email at info@ccap.ca.gov or by calling (916) 322-6870 one week prior to the Panel meeting.

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<https://us02web.zoom.us/j/89037812775?pwd=WWtudWJCZEJlbDE0NzNqcS83Y2diQT09>

Meeting ID: 890 3781 2775

Passcode: 802535

Call-In Information:

1-669-900-9128

Meeting ID: 890 3781 2775

Passcode: 802535

MEETING AGENDA

- 1. Call to Order and Establishment of Quorum**
Dr. Diandra Bremond, Chairperson
- 2. Approval of June 19, 2019 and August 21, 2019 Meeting Minutes**
Dr. Diandra Bremond, Chairperson
- 3. Executive Management Report**
Anne Hawley, Executive Director

4. Information Presentation: Executive Director Appraisal Process

Dr. Diandra Bremond, Chairperson

5. Self-nominating Procedure for Chair Election: Handbook Revision

Christopher Phillips, Chief Counsel

6. Election of the Chair

Christopher Phillips, Chief Counsel

7. Public Comments on Items Not on the Agenda

The Panel may not discuss or act on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.

[Government Code Sections 11125, 11125.7 (a)]

8. Future Agenda Items

9. Adjournment

NOTICE TO THE PUBLIC

The public may provide appropriate comment on any issue before the panel at the time the item is discussed. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Total time allocated for public comment may be limited.

All times are approximate and subject to change. The meeting may be cancelled without notice. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. Action may be taken on any item on the agenda. Time limitations for discussion and comment will be determined by the Chair.

This panel meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting Christopher Phillips at (916) 322-6870. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Interested parties should access the Panel's website for the meeting agenda and more information at <http://www.ccap.ca.gov/>. Requests for further information should be directed to Christopher Phillips at (916) 322-6870 or in writing to: Cannabis Control Appeals Panel, 400 R Street, Suite 320, Sacramento, CA 95811



CANNABIS CONTROL APPEALS PANEL

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AGENDA ITEM 1

**CALL TO ORDER AND
ESTABLISHMENT OF QUORUM**

NO MATERIALS FOR ITEM 1

AGENDA ITEM 2

**APPROVAL OF 6/19/19 AND 8/21/19
MEETING MINUTES**



Open Session Meeting Minutes

Wednesday, June 19, 2019
10:00 am – 11:00 am

State Personnel Board Building
801 Capitol Mall, Sacramento, CA 95814

Members present:

- Sabrina Ashjian, Chair
- Diandra Bremond
- Adrian Carpenter
- Sharon-Frances Moore

Staff present:

- Anne Hawley, Executive Director, Cannabis Control Appeals Panel
- Christopher Phillips, Chief Counsel, Cannabis Control Appeals Panel
- Sarah M. Smith, Senior Staff Attorney, Cannabis Control Appeals Panel
- Brian Hwang, Staff Attorney, Cannabis Control Appeals Panel
- Melita Sagar, Administrative and Business Services Coordinator, Cannabis Control Appeals Panel

Public present

- Alexis Podesta, Secretary, Business, Consumer Services and Housing Agency
- Anna Pozdyn, Administrative Operations, Business, Consumer Services and Housing Agency
- Alexander Nieves, Cannabis Policy Reporter, Politico California

Summary:

1. Call to Order and Establishment of Quorum.

Chair Sabrina Ashjian called the meeting to order at 10:01 am. Melita Sagar took roll call. Panel Members Sabrina Ashjian, Diandra Bremond, Adrian Carpenter, and Sharon-Francis Moore were present. A quorum was established.

2. Approval of Meeting Minutes for April 29, 2019.

Chair Ashjian asked the Panel Members if there were any additions or corrections to the minutes of the April 29, 2019 meeting. There were no additions or corrections.

Motion (Bremond): Approve the minutes of the April 29, 2019 Panel meeting as submitted. Seconded (Moore).

Executive Director Anne Hawley noted a typographical error in the second agenda item. The date of the approved minutes should read November 28, 2019, not 2018.

Motion passed 4-0 with typographical correction.

3. Executive Summary Report.

Executive Director Hawley presented the Executive Staff Report.

Hawley reminded Panel members to submit expense forms to Sagar by the deadline.

Hawley expressed personal gratitude to Chair Ashjian and Panel Member Carpenter for their service to the Panel. Hawley offered Ashjian and Carpenter each a bouquet of flowers as a token of appreciation.

CCAP is on track to move into its new office location on November 1, 2019. A bill moving through the legislature should eliminate the delays associated with state fire marshal approvals.

CCAP had anticipated receiving staff cell phones at the end of May. However, due to the sales representative's absence, processing was delayed. Hawley now anticipates receiving the phones by Friday, June 21, and will update Panel members accordingly.

Currently, there are no pending hearings filed by annual cannabis license holders before the Office of Administrative Hearings. Staff is monitoring for potential appeals.

The budget-to-actuals report for 2018-2019 shows a savings due to vacancies on the Panel and CCAP staff. There is a remaining balance of \$1.203 million. The balance will go down following the purchase of computer and other equipment. The balance is current as of May 31, 2019.

Hawley addressed the rollover funds question raised at the April meeting. In order to retain rollover funds, CCAP must secure a contract within the current fiscal year. If the funds are encumbered, CCAP will have access through 2021.

In July, CCAP staff will engage in a strategic planning session led by the Department of Consumer Affairs (DCA). DCA staff will first meet with CCAP staff. Later, DCA will meet with the Panel for input and to sign off on the plan. The Panel portion of the DCA meeting will take place in August or September.

On July 30-31, CCAP staff will participate in LEAN Methodology Training to refine internal work processes. The training will focus on identifying and streamlining processes so that they operate efficiently once CCAP begins receiving appeals.

Chief Counsel Christopher Phillips and Senior Staff Attorney Sarah M. Smith will attend a meeting of WomenGrow Santa Ana Chapter on June 27, 2019, where they will offer a presentation on the CCAP appeals process. The presentation has also been accepted for the National Cannabis Industry Association's California Cannabis Business Conference in October. CCAP will continue to do outreach and welcomes ideas or information about potential events.

Panel Member Moore asked if outreach includes out-of-state events—specifically the District of Columbia.

Hawley explained that out-of-state travel must be mission critical. CCAP would need to show that the travel is relevant to the work.

Panel Member Bremond asked if CCAP can look at other states with agencies like CCAP and potentially model itself on those who have succeeded.

Hawley says that's possible and noted CCAP is willing to talk about ideas.

Hawley also noted after speaking with Sagar that California has banned business travel to certain states.

Panel Member Moore asked what the reasoning was.

Hawley explained that the list of banned states is short and includes states that do not share California's values.

Hawley noted that circulation of internal policies and procedures was delayed following the previous meeting as the policies required labor union approval, and approval is on a

30-day timeframe. However, the bargaining units have now approved the policies, which will be uploaded for Panel member access. Panel members will need to review these new policies and sign the acknowledgement sheet.

Senior Staff Attorney Smith discussed pending legislation, including Assembly Bill 545 and the budget trailer bill. AB-545 would subject CCAP, along with the Bureau of Cannabis Control, to sunset review. The trailer bill language would allow CCAP to deliberate in closed session. The trailer bill also adds significant fines—up to \$30,000 per day—for non-licensees who violate cannabis laws, with limited appeal rights.

Panel Member Bremond asked if CCAP has done anything to oppose sunset review.

Smith explained that CCAP has submitted a bill analysis and provided input whenever possible. CCAP staff will update the Panel as necessary.

Smith added that the trailer bill language would also bring CCAP under the Business, Consumer Services and Housing Agency.

4. Authorization of Procurement – Case Management System.

Executive Director Hawley explained that CCAP originally proceeded with Prolaw. However, the Department of Business Oversight (DBO) informed CCAP that they were looking instead at Salesforce and LegalStratus. CCAP staff later discovered that the Department of Transportation was considering these options as well. Accordingly, CCAP requested information from Prolaw, LegalStratus, and Salesforce. After receiving and reviewing responses, Hawley and CCAP staff believe LegalStratus is a superior product.

Chief Counsel Phillips directed the Panel to a point-by-point comparison sheet of the three systems. Salesforce allows customization via “widgets.” LegalStratus is prebuilt out of the Salesforce building blocks and is geared specifically toward legal offices.

Compared with Prolaw, LegalStratus and Salesforce are intuitive, while Prolaw is powerful but less user-friendly. Both Salesforce and LegalStratus feature superior data reporting capabilities. LegalStratus and Salesforce are also browser based, while Prolaw is loaded onto the office PC and would require a VPN. LegalStratus and Salesforce feature website portals, potentially allowing appellants to complete and submit appeal forms online. Salesforce and LegalStratus would better facilitate a searchable, seamless case database. Finally, LegalStratus and Salesforce offer superior mobile apps.

Phillips noted that the costs for Salesforce and LegalStratus differ, but that is because LegalStratus comes prebuilt. CCAP staff recommends LegalStratus because it is already designed for the legal industry, making it much easier to implement.

Panel Member Bremond asked if there is an additional cost for adding users.

Phillips explained that there would be an additional cost per license.

Hawley explained that the quote included 13 licenses. LegalStratus and Salesforce are subscriptions, while Prolaw is an outright license purchase.

Bremond asked if Panel members would have access.

Phillips explained that yes, Panel members may access case files and all documents, including any prepared by staff. It would eliminate the need to FedEx documents.

Bremond asked what training Panel members would receive.

Phillips said LegalStratus training for Panel members would be an hour or two at most. With Prolaw, it is not clear that Panel members would be accessing the Prolaw system, but if so, the training would be longer.

Phillips explained that while staff recommends LegalStratus, it would alternatively prefer Salesforce over Prolaw.

Phillips noted that Panel members have received draft proposed delegations of authority for the purchase of LegalStratus and Salesforce. The Panel has already approved purchase of Prolaw, so if either of the proposed delegations passes, it will override the Prolaw delegation.

Motion (Bremond): Approve Delegation Resolution 19-02 authorizing procurement of the LegalStratus case management system. Seconded (Moore).

No comments from Panel members or the public.

Panel Chair Ashjian abstained. Motion passed 3-0.

5. Authorization of Contracts for Fiscal Year 2019-20.

Executive Directory Hawley suggested moving on to Agenda Item 6, Election of the Chair, due to the arrival of BCSH Secretary Podesta.

Chair Ashjian agreed.

6. Election of the Chair.

Chief Counsel Phillips explained that election of the chair is necessary because by operation of law, two Panel members—including Chair Ashjian—will fall off the Panel in July. The election of a new Chair is necessary to continue CCAP business.

Panel Members must first indicate they are willing to serve as Chair. Panel members must then be nominated for the position and cannot self-nominate. Once the nominations are in, the candidates may make a statement. After that, the Panel members will vote. If there is a tie, Secretary Podesta will cast the deciding vote.

Phillips asked if any Panel members are willing to serve as Chair.

Panel Members Bremond and Moore stated they are willing to serve.

Phillips requested nominations. Panel Member Carpenter nominated Bremond.

Phillips asked if Bremond wished to make a statement. Bremond did not.

Motion (Carpenter): Elect Diandra Bremond Chair of the Cannabis Control Appeals Panel. Seconded (Bremond).

No comments from Panel members or the public.

Chair Ashjian and Panel Member Moore abstained. Motion passed 2-0.

5. Authorization of Contracts for Fiscal Year 2019-20, Continued.

Executive Director Hawley explained that CCAP requires interagency contracts to function.

The first is a three-year, \$60,000 contract with DBO for IT goods and services. The second is a one-year contract with the Department of General Services for \$30,802.50 for human resource services. The third is a two-year contract with DCA, which breaks down into \$3,080.50 for administrative services, including strategic planning and translation, and an estimated \$40,000 for IT services.

CCAP is also seeking delegation for the purchase of Microsoft Surface Pro notebooks to replace computer equipment currently on loan from DBO, at a cost of \$30,582.

Hawley asked if Panel had any questions. The Panel had none.

Chief Counsel Phillips explained that we already have contracts for DBO and DGS, so staff is recommending approval of those contracts. CCAP does not yet have a contract with DCA but has an idea of the terms. The final delegation is for computer purchase identical to previous purchase delegations before the Panel.

No motion or second was taken on approval of contract for fiscal year 2019-20.

Chair Ashjian abstained. Motion passed 3-0.

Motion (Bremond): Approve purchase of computer hardware. Seconded (Moore).

No comments from Panel members or the public.

Chair Ashjian abstained. Motion passed 3-0.

7. Public Comment on Items Not on the Agenda.

Chair Ashjian warned any comment should not involve pending or future appeals. No comments from public.

Secretary Podesta extended her gratitude to Ashjian and Panel Member Carpenter for their service on the Panel, and for being trailblazers in unknown territory. Podesta presented Ashjian and Carpenter with letters of thanks.

Ashjian and Carpenter thanked Governor Brown, BCSH, their Panel colleagues, Executive Director Hawley, Chief Counsel Phillips, and the rest of the CCAP staff.

8. Future Agenda Items.

No comments from Panel Members or the public.

9. Adjournment.

Motion (Bremond): Adjourn the meeting. Seconded (Carpenter). Meeting adjourned at 10:53 am.

9. Reconvene: Authorization of Contracts for Fiscal Year 2019-20, Continued.

Chair Ashjian explained that CCAP staff had concerns about the procedure leading up to the vote on the fiscal year contracts. The Panel reconvened to remedy the procedure.

Motion (Moore): Approve contracts for fiscal year 2019-20. Seconded (Carpenter).

Ashjian abstained. Motion approved 3-0.

Meeting adjourned at 10:58 am.

Open Session Meeting Minutes

Wednesday, August 21, 2019
10:00 am – 10:35 am

State Personnel Board Building
801 Capitol Mall, Sacramento, CA 95814

Members present:

- Diandra Bremond, Chairperson (in Los Angeles)
- Sharon-Frances Moore (in San Diego)

Staff present:

- Anne Hawley, Executive Director, Cannabis Control Appeals Panel
- Christopher Phillips, Chief Counsel, Cannabis Control Appeals Panel
- Sarah M. Smith, Senior Staff Attorney, Cannabis Control Appeals Panel
- Brian Hwang, Staff Attorney, Cannabis Control Appeals Panel
- Melita Sagar, Administrative and Business Services Coordinator, Cannabis Control Appeals Panel

Presenters:

- Elizabeth Coronel, Department of Consumer Affairs
- Trisha St. Clair, Department of Consumer Affairs
- Suzanne Mayes, Department of Consumer Affairs

Public present:

- None present

Summary:

1. Call to Order and Establishment of Quorum.

Chairperson Dr. Diandra Bremond called the teleconference meeting to order at 9:59 am. Melita Sagar called the roll. Panel Members Dr. Diandra Bremond and Sharon-Frances Moore were present. A quorum was unable to be established. The rest of the meeting proceeded through the agenda items with no vote or action taken on those items.

2. Approval of June 19, 2019 Meeting Minutes.

Chairperson Bremond asked the Panel if there were any additions or corrections to the minutes of the June 19, 2019 meeting. There were no additions or corrections.

A vote on the approval of the minutes will be postponed until the next Panel meeting with an established quorum.

3. Executive Summary Report.

Executive Director Anne Hawley presented the Executive Staff Report.

Hawley reported there were currently no appeals filed by annual cannabis license holders or administrative hearings scheduled at the Office of Administrative Hearings. CCAP will probably not receive cases before early spring.

Hawley re-iterated that CCAP is an entity established by Proposition 64, later amended by trailer bills in 2017. Typically, new agencies, such as CCAP, get a three-year limited term funding. As of July 2020, CCAP will no longer have authorization for hiring or expenditures. Therefore, the Panel was informed CCAP will be preparing a Budget Change Proposal (BCP) to ensure continuing funding. The BCP will be submitted to the Business, Consumer Services and Housing Agency (Agency) in September. Hawley will provide an update at a future Panel meeting.

Hawley provided an update on recent legislation. Budget Trailer Bill 97 went into effect as of July 1, 2019, establishing the Panel under Agency as well as creating an exception to the Bagley-Keene Act for closed sessions. It is anticipated that CCAP will be removed from Assembly Bill 545 following next week's suspense hearing. This bill would have provided for sunset review of CCAP. Hawley will provide update at a future meeting.

Hawley discussed the End of the Year Report for the 2018-19 Fiscal Year. CCAP had expenditures of \$1.355 million, cost savings of \$844,896, and a balance of \$558,000. At a previous Panel meeting, there were questions about whether the funds could roll over. Hawley clarified that while the funds can be encumbered, they cannot be rolled over into the new fiscal year. CCAP has closed out the books for last fiscal year and is in compliance.

Hawley then discussed the Proposed Budget for the 2019-20 Fiscal year. The proposed budget provided for 13 positions, including 5 Panel Members and 8 CCAP staff members. CCAP's total appropriation is \$2.646 million, which includes salaries and benefits. As CCAP is still gathering information, a more detailed budget report will be provided at a future meeting.

Hawley updated the Panel on CCAP's progress in the LEAN Process Improvement program, presented by California LEAN Academy. LEAN is a continuous improvement methodology program focusing on eliminating waste, streamlining processes, as well as increasing value and services to the customer. CCAP staff met with the academy facilitator and discussed CCAP's workflow processes. Through these discussions, the facilitator and CCAP staff were able to diagram work processes and assign clear roles for CCAP attorneys and support staff. This training was valuable considering the importance of workflow process in building out LegalStratus/Salesforce, CCAP's case management software.

CCAP staff will meet with Sophus Consulting later this month, from August 26 to 28, regarding LegalStratus/Salesforce implementation. CCAP staff prepared 14 diagrams of various workflow processes. Staff will work with Sophus to build out and adapt LegalStratus/Salesforce to suit CCAP's particular needs. Hawley thanked the legal team for their efforts on preparing the workflow diagrams.

CCAP's website received accessibility certification on July 1. CCAP is in compliance with web accessibility guidelines and its website shall be accessible to a wider range of disabled individuals. CCAP will be working with the Department of Consumer Affairs (DCA) to add new pages and content to its website to make it more helpful to potential appellants and the general public. A draft version of the updated website should be completed by August 30, and will be forwarded to the Panel for review and feedback. The updates will include adding FAQs, Glossary, and Forms. It will also include adding instructional videos to help members of the public navigate the appeal process. There will be eight to ten total videos with each video being around 3 to 5 minutes in length. Finally, the website will be translated into Spanish, Mandarin, and Tagalog. Translations will be uploaded to the website.

Chief Counsel Christopher Phillips and Senior Staff Attorney Sarah Smith reported on CCAP's recent outreach efforts. On June 27, 2019, Phillips and Smith made a presentation at WomenGrow in Santa Ana, California. WomenGrow attendees were very appreciative of CCAP's presentation. The next outreach opportunity is the National Cannabis Industry Association's (NCIA) California Cannabis Business Conference on October 8, 2019. Phillips and Smith will present on the appeal process for annual license holders.

CCAP has been holding meetings regarding its new office at 400 R Street. A meeting took place on June 25 with Campbell Keller, who will be providing the furniture. CCAP has also been holding weekly construction meetings with various agencies and consultants. CCAP held a conference call on August 19 with an Audio/Video (AV) consultant and other partners regarding the livestreaming of Panel meetings. AV would also allow for videos of open sessions to be uploaded to CCAP's website after the conclusion of meetings. Currently, the target move-in date is November 18, 2019. The Panel will be notified if the date changes.

Panel Member Moore asked where the NCIA conference will be held. Hawley answered that it will be held at the Long Beach Convention Center and can provide more information if needed. Phillips offered to send Panel Member Moore more information on the conference.

No additional comments from the Panel. No comments from the public.

4. Informational Presentation: Draft Mission, Vision, Value Statements.

Hawley explained it was important to provide draft statements of CCAP's mission, vision, and values for the Panel's review and input. Hawley emphasized the importance of CCAP members understanding the reason behind their work. Once the draft statements are approved by the

Panel, it will help CCAP focus on its mission, which is serving the people of California. Hawley expressed that CCAP staff looks forward to Panel feedback.

Hawley introduced Elizabeth Coronel, Strategic Business Analyst and Facilitator, SOLID Training and Planning Solutions, DCA, to the Panel. CCAP reached out to Coronel in June because of their deep experience working with over 30 boards and bureaus housed within the DCA. Coronel reviewed the strategic planning schedule and the draft statements of CCAP's mission, vision, and values.

Coronel explained she collaborated with CCAP in a workshop to create draft statements of CCAP's mission, visions, and values. The draft statements were sent out for feedback through a survey, which elicited three responses. Recommendations from the survey included simplifying the vision statement generally. Regarding the value statement, it was recommended that "accountability" be added and "respect" removed. The discussion then shifted to CCAP's strategic goals, specifically where the Panel's efforts should focus on. It was suggested that a different term other than "transparency" be used for the goal area of outreach and education. It was also suggested that "collaboration" and "seeks continuous improvement" should both be added as values under the goal area of organizational effectiveness. Hawley noted that some of the feedback on the draft statements came from outside CCAP.

No comments from the Panel. No comments from the public.

A vote on the approval of the draft statements will be postponed until the next Panel meeting with an established quorum.

5. Public Comments on Items Not on the Agenda.

Chairperson Bremond warned any comment should not involve pending or future appeals. No comments from the public.

6. Future Agenda Items.

A vote on the foregoing agenda items will be postponed until the next Panel meeting with an established quorum. No comments from the Panel. No comments from the public.

7. Closed Session.

Open session suspended at 10:26 am for the Annual Review of the Executive Director in closed session, under the authority of Government Code section 11126(a)(1).

Open session resumed at 10:32 am.

8. Adjournment.

Motion (Moore). Adjourn the meeting. Seconded (Bremond). Meeting adjourned at 10:35 am.

AGENDA ITEM 3

EXECUTIVE SUMMARY REPORT

**MATERIALS PRESENTED AT
MEETING**

AGENDA ITEM 4

**INFORMATIONAL PRESENTATION:
EXECUTIVE DIRECTOR
APPRAISAL PROCESS**

NO MATERIALS FOR ITEM 1

AGENDA ITEM 5

**SELF-NOMINATING PROCEDURE
FOR CHAIR ELECTION:
HANDBOOK REVISION**

CANNABIS CONTROL APPEALS PANEL

STAFF REPORT

REGULAR PANEL MEETING

February 26, 2021

SUBJECT: Self-Nominating Procedure for Chair Election: Handbook Revision

BACKGROUND:

As a matter of best practices, all government boards and commissions typically adopt a board policy manual. This document is intended to guide members of the Panel under specific procedural circumstances, reiterate relevant statutes and ethical standards, and ensure consistent application of general administrative policies. The current policy manual, known as the "Member Handbook," was adopted by the Panel at its first meeting on August 13, 2018.

ANALYSIS:

Currently, the Chair election process outlined in the Member Handbook requires a Panel member to first announce their willingness to be chairperson, and then requires a second member to nominate them in order to be eligible for consideration. Currently, the process does not allow for self-nomination, thereby potentially preventing a willing candidate from consideration for the position. The proposed revised process would instead allow individual Panel members to self-nominate for the Chair position.

BUDGET AND FISCAL IMPACTS:

None.

BENEFITS AND RISKS:

No known risks are associated with revising the Member Handbook to permit any willing Panel member to be considered for the Chair position. A significant benefit is that the new policy will treat all members equally with respect to eligibility for the Chair position. Additionally, this procedurally streamlined method of nomination will increase the slate of candidates and allow individual Panel members to independently determine whether they are both willing and qualified to fill the role.

ATTACHMENTS:

1. Proposed revision to Election of Chair section of Member Handbook
2. Marked-up version of proposed revision

RECOMMENDATION:

Approve the Proposed Revision of the Member Handbook (Attachment 1).

STAFF CONTACT:

Christopher Phillips, Chief Counsel
Cannabis Control Appeals Panel
(916) 322-6874

Election of Chair

Election of the Chair shall occur annually at the first meeting of each calendar year. The election can only occur with a quorum present.

A member must first announce their willingness to be Chair and then may give a short statement why they should be elected.

Each Panel member may cast one vote for the Chair position. Votes will be made publicly. The candidate with the most votes will be elected Chair and will assume the duties of that position at the end of the public meeting.

In the event of a tie, the Secretary of the Business, Consumer Services and Housing, or their delegate, shall publicly cast a single vote to break the tie either at the meeting, or at the next publicly noticed meeting. In the latter situation, the prior Chair shall retain their duties until the tie is broken.

Election of Chair

Election of the Chair shall occur annually at the first meeting of calendar each year. The election can only occur with a quorum present.

A member must first announce ~~his or her~~ their willingness to be Chair. ~~Thereafter, that member(s) can be nominated by another member to be eligible to receive votes for Chair. Another member can nominate more than one candidate. A member cannot nominate themselves. If agreed upon by a majority of the members present, a candidate can~~ and then may give a short statement why ~~he or she~~ they should be elected.

Each Panel member may cast one vote for the Chair position. Votes ~~will be~~ are made publicly, ~~and~~ † ~~The candidate with the most votes become~~ will be elected Chair, and will assume the duties of that position at the end of the public meeting.

In the event of a tie, the Secretary of the Business, Consumer Services and Housing or ~~his or her~~ their delegate, shall publicly cast a single vote to break the tie at the meeting, or ~~in~~ at the next publicly noticed meeting. In the latter situation, the prior Chair shall retain ~~his or her~~ their duties until the tie is broken.

AGENDA ITEM 6

ELECTION OF THE CHAIR

CANNABIS CONTROL APPEALS PANEL

STAFF REPORT

REGULAR PANEL MEETING

February 26, 2021

SUBJECT: Election of the Chair

BACKGROUND:

Pursuant to the Member Handbook, election of the Panel Chair should occur at the first meeting of each calendar year. Pursuant to this procedure, the Panel must elect a new Chair at the current meeting.

ANALYSIS:

Election of the new Chair is subject to the procedures outlined in the Member Handbook:

A member must first announce his or her willingness to be Chair. Thereafter, that member(s) can be nominated by another member to be eligible to receive votes for Chair. Another member can nominate more than one candidate. A member cannot nominate themselves. If agreed upon by a majority of the members present, a candidate can give a short statement why he or she should be elected.

Votes are made publicly, and the candidate with the most votes become[s] Chair, and assumes duties at the end of the public meeting. In the event of a tie, the Secretary of the Business, Consumer Services and Housing [Agency] or his or her delegate, shall break the tie at the meeting, or in the next publicly noticed meeting. In the latter situation, the prior Chair shall retain his or her duties until the tie is broken.

(Selection of Officers, CCAP Member Handbook, at p. 9.)

If the Panel voted to revise the Member Handbook during Agenda Item 5 of today's meeting, then the revised procedure should be followed. Please see Agenda Item 5, Attachment 1 for the revised procedure. If the Panel voted against that revision, then the election must follow the procedures described above.

The Member Handbook also outlines the Chair's responsibilities, including coordinating with the Executive Director to stay abreast of day-to-day Panel operations; managing Panel meetings; overseeing annual review of the Executive Director; and representing the Panel before external entities as necessary. (*Ibid.*) Panel staff can answer any additional questions regarding the duties of the Chair.

BUDGET AND FISCAL IMPACTS:

The election of the Chair will have no effect on the Panel's personnel budget. While the Chair enjoys a higher pay rate than other Panel members (see Gov. Code, § 11553), that pay is already contemplated in the Panel's budget.

BENEFITS AND RISKS:

The election of a Panel Chair during the first meeting of a calendar year is consistent with the duties and responsibilities of the Panel. Adherence to these requirements aligns with best practices, ensures the Panel's administrative and procedural tasks are accomplished, and allows the Panel to continue to adapt its procedures as necessary to accommodate the ongoing development of the cannabis industry. Deviation from these procedures, or failure to timely elect a Chair, may lead to confusion and delays to Panel business. Requiring the regular election at the first meeting of every calendar year also provides clear notice to and consistency for interested parties.

Holding the regular election only once a year ensures continuity of leadership and service under a single Chair. Should the Panel determine that the duly elected Chair has failed to fulfill their duties, there are statutory mechanisms for the removal or resignation of a Panel member, as well as filling the resulting vacancy:

- If necessary, a Panel member may be removed from office by their appointing authority (see Bus. & Prof. Code, § 26040(b)).
- A Panel member, including the current Chair, can resign from their position by providing written notification (see Gov. Code, § 1750).
- Finally, the Member Handbook provides that if the office of the Chair becomes vacant, the Panel shall elect a new Chair at its first meeting after such vacancy occurs, if reasonably feasible. (Selection of Officers, CCAP Member Handbook, at p. 9.)

In sum, the election of the Chair is necessary for the Panel's continuing function and carries only negligible risks.

ATTACHMENTS:

None.

RECOMMENDATION:

Elect a Panel Chair pursuant to either existing Member Handbook procedures, or revised procedures as adopted under agenda item #5.

STAFF CONTACT:

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Cannabis Control Appeals Panel
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AGENDA ITEM 7

**PUBLIC COMMENTS ON ITEMS
NOT ON THE AGENDA**

NO MATERIALS FOR ITEM 7

AGENDA ITEM 8

FUTURE AGENDA ITEMS

NO MATERIALS FOR ITEM 8

AGENDA ITEM 9

ADJOURNMENT

NO MATERIALS FOR ITEM 9