

**CANNABIS CONTROL AUTHORITY  
BOARD OF DIRECTORS MEETING –  
MINUTES**

**November 9, 2021**

**12:00-3:00 PM**

**Patrick Henry Building – West Reading Room**

**1111 E Broad St.**

**Richmond, VA**

**MEMBERS PRESENT:** Neil Amin, Chair  
Michael Jerome Massie, Esq., Vice Chair  
Bette Brand  
Shane Emmett  
Rasheeda N. Creighton

**LEGAL COUNSEL:** James M. Flaherty, Assistant Attorney General,  
Office of the Attorney General

**PRESENTORS:** Ashley Colvin, Associate Director, Planning, Evaluation &  
Regulation, Virginia Department of Planning and Budget  
  
Sergeant Dominic M. Sottile, Training Division, Virginia State Police  
Captain Robert C. Holland, Training Division, Virginia State Police  
  
Shawn Talmadge, Deputy Secretary of Public Safety and Homeland  
Megan Field, Policy Advisor, Governor Northam

**1. CALL TO ORDER**

Mr. Amin called the meeting to order at 12:04 PM.

**2. REMARKS FROM SECRETARY OF PUBLIC SAFETY & HOMELAND SECURITY  
BRIAN MORAN**

Secretary Moran thanked the Board for its progress to date and emphasized his team's commitment to continuing to support the Board's work.

### **3. DETERMINATION OF A QUORUM**

Mr. Amin determined that with all members present, the Board had a quorum.

### **3. APPROVAL OF PREVIOUS MEETING'S MINUTES**

Upon motion by Ms. Creighton, and duly seconded, the members unanimously voted to approve the draft minutes from the October 8, 2021 board meeting.

### **4. BRIEFING ON VIRGINIA'S REGULATORY PROCESS**

Mr. Colvin of the Virginia Department of Planning and Budget briefed the Board on the regulatory process for a typical state agency in Virginia. Mr. Flaherty, the Board's Counsel, provided a briefing and answered questions on how the process for the Cannabis Control Authority's first round of regulations may differ from the typical regulatory process described by Mr. Colvin.

### **5. BRIEFING ON DRUGGED DRIVING PREVENTION EFFORTS**

Captain Robert C. Holland, of the Virginia State Police (VSP), introduced the topic and his colleague Sergeant Dominic M. Sottile. Sergeant Sottile explained that VSP had been appropriated \$1 million in the current fiscal year to train more state and local law enforcement officials on how to accurately identify a drug-impaired driver. This funding was included in the Fiscal Year 2022 Budget by Governor Northam. Sergeant Sottile went on to explain progressive levels of training mandates, beginning with ARIDE training and increasing in rigor to Drug Recognition Expert (DRE) training. VSP anticipates training approximately 700 officers in ARIDE by the end of the fiscal year. With two more training classes (one in December 2021 and one in May 2022), VSP anticipates increasing the number of Drug Recognition Experts from 37 to 77 by the end of June 2022. For the first time this year, Virginia conducted its own DRE training. 2021 graduates of the training programs include officers from VSP, Henrico, Roanoke, Alexandria, Virginia Beach, and other localities. Captain Holland and Sergeant Sottile answered questions from the Board.

The CCA is responsible for developing and implementing a health, safety, and safe driving campaign by January 1, 2023.

### **6. UPDATE ON INTERIM ACTIVITIES**

#### **A. Establishing Initial Authority Functionalities**

Deputy Secretary Talmadge provided an update on staff efforts to establish infrastructure for the Authority. He explained that the CCA has been added to various state systems required to manage the Authority's finances. He informed the Board that the first request to disburse funding from the General Fund to the CCA to pay for obligations, including meeting costs; travel; and salaries for the Board, has been made, and that similar requests will be made as the Authority begins to hire or incur further expenses. Deputy Secretary Talmadge noted that staff has received a draft lease for office space; a quote on furniture; and is waiting for

final quotes to meet short-term IT and human resource contractual services; all of which will be presented to the Board for consideration. Deputy Secretary Talmadge fielded questions from the Board, including questions on expenses incurred to date and public accessibility of the proposed office space.

## **B. Coordination with Related Cannabis Boards**

Ms. Field provided an update on staff's work to collaborate with the Cannabis Public Health Advisory Council; the Cannabis Equity Reinvestment Board; and the legislative Cannabis Oversight Commission, including providing updates to those bodies on the work of the CCA to date; Virginia State Police's efforts to seal marijuana-related arrest and conviction records; and the need for the CCA's Board and the Cannabis Public Health Advisory Council to coordinate regulatory work. Ms. Field answered questions from the Board, including about the significance of the Public Health Advisor position, which the Board is currently accepting applications for, in supporting coordination between the CCA's Board and the Cannabis Public Health Advisory Council.

## **7. BOARD ACTIONS**

**A. Consideration of Electronic Meeting Policy** – Ms. Field and Mr. Flaherty presented a draft Electronic Meeting Policy, to ensure compliance with §2-2.3708.2 and enable remote participation in Board meetings under specified circumstances. Ms. Field and Mr. Flaherty answered questions from the Board.

Upon a motion by Mr. Massie, and duly seconded, the Board unanimously approved the policy.

**B. Discussion of Procurement Policies** – Deputy Secretary Talmadge explained that staff, in consultation with counsel, had reviewed ABC's procurement policies as models for CCA's own procurement policies. Deputy Secretary Talmadge recommended adoption of the following policies: Sole Source Purchasing; Three Quotes for Non-Contracted Goods and Services (with amendment: strike reference to the E-Procurement Policy); Sources of Supply (with amendment: strike the first paragraph (i)); Vendor Appeals, Disputes, and Remedies; Contracts; Debarred Vendors; Contract Administration; Informal Solicitations/ Quick Quotes and Unsealed RFPs; Ethics in Procurement; Guidelines and Planning; Procurement Advertising/ Award Notification; Receipt of Goods and Services; Responsible and Responsive Offeror; Single Quote; and Small Purchase Charge Card Policy. The Chair asked whether these policies can be amended in the future and Deputy Secretary Talmadge answered that they can. Deputy Secretary Talmadge fielded further questions from the Board.

Upon a motion by Ms. Creighton, and duly seconded, the Board unanimously approved the above-described policies, with the above-described amendments.

**C. Consideration of Pending Procurement Actions** –

**i. Discussion of Procurement Process** - Deputy Secretary Talmadge introduced the discussion of how the Board would like to handle the procurement process by outlining three potential processes to ensure transparent, efficient, and fair procurement: (i) Board considers every contract decision; (ii) Board can delegate authority to a member of the Board to make contract decisions; or (iii) Board can delegate authority to a staff member of the Secretariat of Public Safety and Homeland Security. Deputy Secretary Talmadge explained that these are just three potential paths forward. The Chair explained that the Board is cautious about spending public money and that the Board wants to remain closely involved to ensure that money is well-spent. Board members express their priorities for the process, including staying actively involved in the financial management of the Authority.

Upon a motion by Mr. Emmett and duly seconded, the Board unanimously agreed to delegate Authority to the Chair of the Board to authorize a process in which a staff member of the Secretariat of Public Safety and Homeland has authority to make procurement decisions up to \$25,000, in accordance with the policies approved earlier in the meeting and based on the budget approved by the Board, until a CEO is in place. The Chair will provide a letter to Secretariat of Public Safety and Homeland staff making this delegation. Staff will provide the Board with regular updates on budget in comparison to actuals.

**ii. Update on Pending Procurement Actions** - Deputy Secretary Talmadge provided an update on current pending procurement actions above the \$25,000 threshold.

He explained that the lease for the recommended office space (the state-owned Worker's Compensation Commission Building, 333 E Franklin St, Richmond, VA) likely needs some revisions to the terms and provisions. Board members shared their priorities for the office space, including being in a position to occupy the space once staff is hired; ensuring that the terms of the lease are sufficiently flexible to respond to uncertainty due to reenactment; and exercising continued caution until reenactment occurs. Deputy Secretary Talmadge will return to lease negotiations to ensure either a month-to-month lease or a 60 or 90 day termination; and will provide an update to the Board at its next meeting, include having the lease in exercisable form.

Deputy Secretary Talmadge recommended signing a furniture contract from the Virginia Correctional Enterprise to furnish two executive offices; ten work stations; and a conference room. He explained that lead time is about eight weeks at this point. Deputy Secretary Talmadge fielded questions from the Board. Upon a motion by Ms. Creighton and duly seconded, the Board unanimously agreed to the procurement of the above-described furniture.

**iii. Hiring** – Deputy Secretary Talmadge fielded questions from the Board on the on-going hiring process for the following positions: Chief Administration Officer; Chief

Diversity Officer and Social Equity Liaison; Chief Government & External Affairs Officer; Health Policy Advisor; and an Administrative Assistant. The Board expressed its priorities for hiring, including aligning procurement timelines with date of onboarding staff to make sure staff has equipment and office space; ensuring qualified and diverse applicant pool of candidates in light of reenactment uncertainty; and need to ensure a successful transition of staffing as the gubernatorial transition occurs.

**D. Update to the Authority’s FY’22 Operating Budget** – Deputy Secretary Talmadge recommended the Board adopt two changes to the fiscal year 2022 budget that it approved at its October 8, 2021 meeting: (i) \$1.1 million for professional services to provide strategic planning and support to the Authority and (ii) \$50,000 for professional services, including education and policy development; membership in professional associations; and staff training. Deputy Secretary Talmadge fielded questions from the Board.

Upon a motion by Mr. Emmett and duly seconded, the Board unanimously agreed to revise its fiscal year 2022 operating budget as recommended by Deputy Secretary Talmadge.

#### **PUBLIC COMMENT PERIOD**

At 2:02 pm Mr. Amin invited comment from the public. No one from the public wished to speak.

#### **ADJOURNMENT**

The Board adjourned at 2:02 pm.