

## City and County of San Francisco



# CANNABIS OVERSIGHT COMMITTEE BYLAWS

## ARTICLE I IDENTIFICATION & OVERVIEW

### **1.1: Name:**

The name of this committee is the San Francisco Cannabis Oversight Committee (referred to herein as the "Committee").

### **1.2: Authority:**

The Committee derives its authority from Ordinance 260-18 (File No. 180800) last amended by the San Francisco Board of Supervisors on October 16, 2018, and enacted on November 2, 2018.

### **1.3: Purpose:**

As set forth in San Francisco Administrative Code Chapter 5, Article XXXVIII, Section 5.38-3, the purpose of this Committee is to:

- a) Convene representatives of Cannabis Business operators, workers, patients, and other key stakeholders in the Cannabis industry to oversee the Office of Cannabis' implementation of Police Code Article 16 by evaluating data on the industry's growth;
- b) Provide guidance and recommendations to the Board on amendments to local laws and regulations, including those governing the Equity Program, to advance racial equity and facilitate socially responsible growth of this new industry by creating living wage jobs and economic opportunities consistent with the Board's intent in adopting Police Code Article 16;

### **1.4 Mission:**

To advance racial equity within the cannabis industry by ensuring that relevant services, and legal processes are inclusive, equitable, culturally competent, and effective in removing barriers for individuals and communities of color who have been the most impacted by the War on Drugs.

### **1.5: Acknowledgment**

The Committee acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost nor forgotten their

responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As Guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders and Relatives of the Ramaytush Community and by affirming their sovereign rights as First Peoples.

### **1.5: Activities, Powers, and Responsibilities**

- a) As set forth in Administrative Code Article XXXVIII, Section 5.38-6(a), the Committee shall have the power and duty to:
  - 1) Oversee the Office of Cannabis' implementation and enforcement of City laws and regulations relating to Cannabis, by convening stakeholders, gathering data, and advising the Board and the Mayor.
  - 2) Gather and evaluate data, and report to the Board and Mayor, regarding the effectiveness of City laws and regulations relating to the Police Code Section 1604 Equity Program in fostering equitable access to participation in the Cannabis industry and providing assistance to communities unfairly burdened by the War on Drugs.
  - 3) Gather and evaluate data, and report to the Board and Mayor, on the overall health and stability of the Cannabis industry in San Francisco and make recommendations on possible ways the City can help the industry grow and prosper.
  - 4) Recommend to the Board modifications to City laws and regulations relating to Cannabis, including recommendations to maximize the creation of living wage jobs and economic opportunities for communities hit hardest by the War on Drugs. Where appropriate, the Committee's recommendations shall include draft legislation or regulations.
- b) Consistent with the powers and duties listed above, the Committee shall gather and evaluate data to assess the achievement of racial equity targets in the work of the Committee and the Office of Cannabis.
- c) The Committee shall adhere to the following Safe Space Agreements during meetings:
  - 1) No one knows everything, together we know a lot
  - 2) "Move up, Move up" (Move up into speaking, move up into listening – both are growth)
  - 3) We can't be articulate all the time
  - 4) Acknowledge the difference between intent and impact
  - 5) Honor where everyone is in their consciousness: not linear
  - 6) Speak from your own experience and avoid generalizations.
  - 7) Keep focus on race
  - 8) What is learned here leaves here. What is said here stays here.
- d) As set forth in Administrative Code Article XXXVIII, Section 5.38-6(b), and as an advisory committee, the Committee shall not have authority to hire, fire, or evaluate personnel in the Office of Cannabis, and shall not have authority over decisions by the Office of Cannabis to issue, deny, or modify permits.

### **1.5. Committee Sunset**

As set forth in Administrative Code Article XXXVIII, Section 5.38-8, unless the Board of Supervisors by ordinance extends the term of the Committee, the Committee shall terminate on December 3, 2021.

## **ARTICLE II COMMITTEE MEMBERS**

### **2.1: Members**

As set forth in Administrative Code Article XXXVIII, Section 5.38-4, the Committee shall consist of nine voting members and seven non-voting members, as follows (seats 1 through 7 being non-voting members):

- a) Seat 1 shall be held by the Director of the Department of Public Health or the Director's designee.
- b) Seat 2 shall be held by the Chief of the Police Department or the Chief's designee.
- c) Seat 3 shall be held by the Director of the Department of Building Inspection or the Director's designee.
- d) Seat 4 shall be held by the Director of the Planning Department or the Director's designee.
- e) Seat 5 shall be held by the Superintendent of the San Francisco Unified School District or the Superintendent's designee, which may include a Member of the Board of Education. The Superintendent is not required to hold this seat or appoint a designee, but shall be invited to do so.
- f) Seat 6 shall be held by the Executive Director of the Entertainment Commission or the Executive Director's designee.
- g) Seat 7 shall be held by the Chief of the Fire Department or the Chief's designee.
- h) Seat 8 shall be held by an Owner of a Cannabis Business permitted through the Equity Program, appointed by the Board. If there are no Equity Applicant permit-holders who apply for the seat then the Board may appoint a person who, at the time of the appointment, is an Equity Applicant, as that term is defined in Police Code Subsection 1604(b).
- i) Seat 9 shall be held by the operator of a Cannabis Cultivation, Manufacturing, or distribution business with fewer than 20 employees at the time of appointment, appointed by the Board.
- j) Seat 10 shall be held by a representative of organized labor who works with the Cannabis business labor force, appointed by the Board.
- k) Seat 11 shall be held by a representative of organized labor who works with the Cannabis delivery service labor force, appointed by the Board.
- l) Seat 12 shall be held by an owner of a Storefront Cannabis Retailer, appointed by the Board.
- m) Seat 13 shall be held by a person who at the time of the appointment is an Equity Applicant, as that term is defined in Police Code Subsection 1604(b), appointed by the Board.
- n) Seat 14 shall be held by a person with demonstrated subject matter expertise on the State of California's Cannabis laws and regulations, appointed by the Board.
- o) Seat 15 shall be held by a person with significant experience in workforce and economic development, appointed by the Board.

- p) Seat 16 shall be held by a person who has been a Medicinal Cannabis patient or Medicinal Cannabis consumer for at least five years, with an extensive history advocating for Medicinal Cannabis patients or involvement in implementing and running a Cannabis compassionate use program in compliance with the Compassionate Use Act of 1996, appointed by the Board.

## **2.2: Terms of Appointment**

- a) The passage of Proposition C 2020 removes the requirement of U.S. citizenship and voter registration for individuals to serve on City bodies. This includes the San Francisco Cannabis Oversight Committee. This Committee hereby acknowledges and accepts the passage of Proposition C 2020.
- b) As set forth in Administrative Code Article XXXVIII, Section 5.38-5(a), voting members shall serve two-year terms and shall serve at the pleasure of the Board of Supervisors. Any vacancy in Seats 8 through 16 on the Committee shall be filled by the Board of Supervisors. Voting members may serve multiple terms.
- c) As set forth in Administrative Code Article XXXVIII, Section 5.38-5(c), any member in Seats 8 through 16 who misses three regular meetings of the Committee within a six-month period without the express approval of the Committee at or before each missed meeting shall be deemed to have resigned from the Committee 10 days after the third unapproved absence. The Committee shall inform the Clerk of the Board of any such resignation.

## **2.3: Duties of Committee Members**

Unless excused, Committee members are to attend all regular and special meetings of the Committee; a Committee member may be excused by giving notice to the Committee Chair and approval of the Committee before the scheduled meeting.

## **2.4: Compensation**

As set forth in Administrative Code Article XXXVIII, Section 5.38-5(b), service on the Committee is voluntary and members shall receive no compensation from the City, except that the members in Seats 1 through 4, 6, and 7 may, if City employees, receive their regular City salaries for time spent on the Committee.

# **Article III Meetings**

## **3.1: Regular Meetings**

- a) Regular meetings of the Committee shall be held at a minimum of 5 times per year following the inaugural meeting, honoring August and December as dark months, at such dates as the Committee shall determine. The Committee may agree to change its meeting dates and times. Meeting information shall be promptly posted on the Committee's website and at the Main Library.

### **3.2: Special Meetings**

Special meetings of the Committee may be called at any time by the Committee Chair or a majority of Committee members. The notice for a special meeting shall specify the time and place of the meeting and the business to be transacted, and no other business shall be considered at such meeting. Special meetings shall be noticed pursuant to Section 3.4 of this document.

### **3.3: Closed Meetings**

The Committee is authorized to hold closed (non-public) sessions at regular and special meetings for limited purposes in accordance with applicable state and local laws. Upon consultation with the City Attorney, and determination that a closed session is both authorized and appropriate under the circumstances, the Chair may call a closed session in accordance with the public notice requirements specified in state and local public meeting laws.

### **3.4: Notice and Agendas of Meetings**

- a) Notices and agendas of all regular and special Committee meetings shall be posted at the San Francisco Main Library (once meetings resume to in person), on the Committee's website, available in hard copy at the Office of Cannabis located in the Permit Center at 49 South Van Ness, 6<sup>th</sup> Fl., San Francisco, CA 94103 (once OOC team members transition to the Permit Center per COVID-19 healthy and safety regulations), and delivered by e-mail, or as reasonably requested, to each Committee member and any person who files a written request for such notice with the Committee.
- b) Notice of regular and special meetings shall be posted at least 72 hours before the meeting. In the case of a special meeting held at a location other than the regular Committee meeting place, 15 days' notice shall be provided, unless the alternative meeting location is within the same building as the regular meeting place.

### **3.5: Cancellation of Meetings**

- a) The Chair may cancel a meeting when they are aware that a quorum of the body will not be present or if the meeting date conflicts with a holiday or other responsibilities of the Committee members. Notices of cancellations shall be posted on the Committee's website and at the Main Library. If time permits, notice of meeting cancellations shall be mailed to all members of the public who have requested in writing to receive notices and agendas of Committee meetings.
- b) If a regular meeting is cancelled, the Chair shall reschedule the regular meeting at a date and time that is after the originally scheduled date and time, that is reasonably close to the originally scheduled date and time, and that is calculated to result in the greatest number of Committee members in attendance at the rescheduled meeting.

### **3.6: Quorum**

The majority of the voting members of the Committee (five) shall constitute a quorum for all purposes. In the event no quorum is present the Committee shall not be entitled to undertake any official action of the

Committee or to hold an official meeting. Actions must be approved by a majority of the Committee (five votes), except that purely procedural matters may be approved by a majority of the quorum. In the event of the loss of a quorum, the only official actions that the Committee may take are to: (1) fix the time to which to adjourn; (2) adjourn the meeting; (3) recess the meeting; or (4) take measures to secure a quorum.

### **3.7: Voting and Abstention**

Each voting member present at a Committee meeting shall vote "yes" or "no" when a question is put, unless the member is excused from voting on a matter by a motion adopted by a majority of the members present, or if the member has a conflict of interest that legally precludes participation in the vote. Whether a Committee member has a conflict of interest that precludes participation shall be determined by the individual members in consultation with the City Attorney.

### **3.8: Meeting Minutes**

Minutes shall be taken at every regular and special Committee meeting and shall be approved by the Committee. Approved minutes shall be posted on the Committee's website no later than 48 hours after the meeting at which they are approved, and will be made available at the Government Information Center at the San Francisco Public Library.

### **3.9: Conduct of Meetings**

- a) All Committee meetings shall be held in compliance with all applicable laws, including but not limited to, the Ralph M. Brown Act (Cal. Gov. Code, Sections 54950 et. seq.), the California Public Records Act (Cal. Gov. Code, Sections 6250 et. seq.), the San Francisco Charter, the San Francisco Sunshine Ordinance (S.F. Admin. Code, Chapter 67), the Resolution and these Bylaws. Except where state or local laws or other rules provide to the contrary, the Committee, at the discretion of the Chair, may use Robert's Rules of Order as a guide to the conduct of meetings.
- b) When a member desires to address the Committee, he or she shall seek recognition by addressing the Chair. When recognized, the member shall proceed to speak. The member shall confine his or her remarks to the question before the Committee.

### **3.10: Public Comment**

- a) Consistent with the Sunshine Ordinance, San Francisco Administrative Code Section 67.15, a member of the public shall be allowed to give testimony before or during consideration of any item by the Committee at a public meeting. The Chair may place a limit on testimony, provided that each person shall be permitted to be heard once for up to two minutes. Time limits shall be applied uniformly to members of the public wishing to testify.
- b) Every agenda for regular meetings shall provide opportunities for members of the public to directly address the Committee on items of interest to the public that are within the subject matter jurisdiction of the Committee.

## **ARTICLE IV OFFICERS**

### **4.1: Officers**

- a) As set forth in Administrative Code Article XXXVIII, Section 5.38-7(b), the Committee shall elect a Chair and officers for such other positions, if any, it chooses to create. The Committee may establish bylaws and rules for its organization and procedures.
- b) In alignment with the Office of the City Administrator's Racial Equity Action Plan submitted on December 31, 2020, the Committee shall elect a Racial Equity Lead.

### **4.2: Election of Officers**

- a) Elections for officers shall be conducted annually at the first regular meeting of the Committee in the calendar year.
- b) In the event the Chair is unable to complete his or her term of office, the Vice Chair shall serve as Chair until the next regular meeting. At the next regular meeting, the Committee shall elect a new Chair to fill the vacancy for the balance of the unexpired term. In the event the Vice Chair is elected as Chair, there shall be an election for a new Vice Chair at that meeting. If the office of Vice Chair is vacated before the expiration of a term, it shall remain vacant until the next regular meeting, at which time the Committee shall elect a new Vice Chair who shall fill the vacancy for the balance of the unexpired term.

### **4.3: Terms of Office for Chairs**

The term of each office shall be for a period of one year. Officers may serve consecutive terms without limit, subject to election of the majority of the Committee. Officers serve at the pleasure of the Committee and may be removed from office before expiration of their one-year term by a vote of members of the Committee.

### **4.4: Duties of the Chair**

- a) The Chair shall preside at all meetings of the Committee, shall preserve order and decorum, and shall decide all questions of order subject to appeal to the Committee by any member. In addition, the Chair, working with staff, shall oversee the preparation of the agenda for all Committee meetings.
- b) Unless the Committee specifies otherwise, the Chair is empowered to call special meetings. The Chair shall endeavor to call such special meeting at such times to ensure maximum attendance by members of the Committee.
- c) In the absence of the Chair, the Vice Chair shall preside at meetings of the Committee. In the absence of both the Chair and Vice Chair for a Committee meeting, the members shall select by motion a member to preside over that meeting.
- d) The Chair, Vice Chair, and/or Interim Chair shall promote and encourage shared leadership when presiding over the Committee by offering facilitation duties to Committee members where

discussion items align with their individual area of experience and expertise.

#### **4.4: Duties of the Racial Equity Lead**

- a) The Racial Equity Lead shall spearhead efforts to:
  - a. Finalize the Committee’s mission statement, incorporating language to be more inclusive of enhancing racial equity.
  - b. Administer a survey to identify needs as they relate to achieving greater racial equity in the Committee’s work.
  - c. Adapt and incorporate the Safe Space Agreement into meetings.
  - d. Draft and adopt a racial equity resolution.
  - e. Support opportunities for affinity groups to gather across all of the Office of the City Administrator’s boards, commissions and committees.
  - f. Pass the Ramaytush Ohlone Lack Acknowledgment resolution.
  - g. Adopt ORE racial equity assessment tools.
  - h. Arrange racial equity trainings.
  - i. Request demographic data from Committee members, which Committee members may choose whether or not to provide.

### **ARTICLE V STANDARD OF CONDUCT**

#### **5.1: Conflict of Interest**

The Committee members shall comply with all applicable conflict of interest and governmental ethics laws. Such laws may include:

- a) The Political Reform Act of 1974 (Government Code sections 87100 et seq.), which prohibits public officials from making, participating in making or attempting to use their official position to influence a governmental decision in which they have a financial interest;
- b) California Government Code Section 1090, which prohibits public officials from making a contract in which they have a financial interest;
- c) San Francisco Campaign and Governmental Conduct Code (“C&GC Code”) Section 3.208, which prohibits City officers and employees from soliciting or accepting any money or other valuable thing in exchange for a person’s nomination or appointment to City office or employment, or any promotion or other favorable employment action;
- d) C&GC Code Section 3.210, which generally prohibits City officers and employees from voting on or influencing a governmental decision involving their own character or conduct, or their appointment to any office, position, or employment;
- e) C&GC Code Section 3.212, which prohibits City officers and employees from making, participating in



making, or otherwise seeking to influence a City employment action involving a relative;

- f) C&GC Code Section 3.214, which requires City officers and employees to disclose on the public record any personal, professional or business relationship with any individual who is the subject of or has an ownership or financial interest in the subject of a governmental decision pending before those City officers or employees;
- g) C&GC Code Section 3.216(a), which prohibits City officers and employees from accepting bribes;
- h) C&GC Code Section 3.216(b), which generally prohibits City officers and employees from soliciting or accepting any gift worth more than \$25 from either (1) a person contracting with or seeking to contract with the officer's or employee's department, or (2) a person who during the prior twelve months knowingly attempted to influence the officer or employee in any legislative or administrative action;
- i) C&GC Code Section 3.216(c), which generally prohibits City officers and employees from soliciting or accepting any gift or loan from any subordinate or employee under their supervision;
- j) C&GC Code Section 3.222, which generally prohibits City officers from entering into, submitting a bid for, negotiating for, or otherwise attempting to enter into, any contract or subcontract with the City, the San Francisco Housing Authority, the San Francisco Unified School District, or the San Francisco Community College District, where the amount of the contract or the subcontract exceeds \$10000;
- k) C&GC Code Section 3.224, which generally prohibits City officers from receiving any compensation to communicate orally, in writing, or in any other manner on behalf of any other person with any other City officer or employee with the intent to influence a government decision;
- l) C&GC Code Section 3.226(a), which prohibits City officers and employees from receiving any money, gift or other valuable thing for referrals related to City processes;
- m) C&GC Code Section 3.226(b), which generally prohibits City officers and employees from conditioning any governmental action on a member of the public hiring, employing, or contracting with any specific person or entity;
- n) C&GC Code Section 3.228, which prohibits City officers and employees from willfully or knowingly disclosing any confidential or privileged information, or using any confidential or privileged information to advance their private interests;
- o) C&GC Code Section 3.230(a), which prohibits City officers and employees from soliciting campaign contributions from other City officers or employees;
- p) C&GC Code Section 3.230(c), which generally prohibits City officers and employees from engaging in political activity during working hours or on City premises;
- q) C&GC Code Section 4.115, which prohibits City officers and employees from taking any adverse employment action against any City officer or employee because that officer or employee has in good faith filed a whistleblower complaint.

## **Section 5.2: Public Records and Meeting Laws**

The Committee Members shall comply with all applicable public records and meetings laws, including the

California Public Records Act (Cal. Govt. Code §§ 6250 et seq.), the Ralph M. Brown Act (Cal. Govt. Code §§ 54950 et seq.) and the San Francisco Sunshine Ordinance (Admin. Code Chapter 67).

## **ARTICLE VI BYLAWS**

### **Section 6.1: Adoption**

As set forth in Administrative Code Article XXXVIII, Section 5.38-7(b), the Committee may establish bylaws and rules for its organization and procedures to be adopted with a vote of a majority.

### **Section 6.2: Amendment**

After presentation of a proposed amendment of the Bylaws as a scheduled agenda item at a meeting of the Committee, the Bylaws may be amended by a vote of a majority. Proposed amendments shall be made public at least ten (10) days prior to adopting, amending, or repealing these Bylaws.