

**CITY OF LOS ANGELES**

**CANNABIS REGULATION COMMISSION**

**RULES AND OPERATING PROCEDURES**

Adopted Month, Day, Year

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## PREAMBLE

These rules and operating procedures are adopted pursuant to the authority set forth in Section 502 *et seq.* of the Los Angeles City Charter to assist the Cannabis Regulation Commission (Commission) in conducting City business consistent with law.

Meetings of the Commission are conducted according to these Rules and Operating Procedures and as modified by the Commission from time to time. To the extent possible, parliamentary formality and detail are avoided for the benefit of all concerned. However, Robert's Rules of Order Revised may be referred to and used for guidance, interpretation, or to supplement these Rules.

## **1.0 ELECTION OF OFFICERS**

- 1.1** During its first meeting, the Commission shall elect a President and Vice President, who shall serve until the first regular meeting date in July 2019, or until a successor has been elected. Thereafter, at every first regular meeting in July, the Commission shall elect a President and Vice President, who shall serve until the next first regular meeting date in July, or until a successor has been elected. The President shall be the presiding officer of the Commission and Chair the Meetings of the Commission. The Vice President of the Commission shall act as the presiding officer and Chair in the absence of the President of the Commission.

## **2.0 MEETING DAYS AND TIME**

- 2.1** All meetings of the Commission are open to the public; the Commission meets regularly every second and fourth Thursday of the month.

Regular meetings are held at 201 North Figueroa Street, 9<sup>th</sup> Floor, Los Angeles, on the second and fourth Thursdays of the month at 2:00 p.m. As a convenience to the public, the Commission may hold special meetings in other locations of the City, depending upon the agenda item or items before it.

From time to time, the Commission Executive Assistant may notice a different date, location or start time as operational needs require, and without prior approval from the Commission, upon giving proper notice to members of the public.

- 2.2** The Commission meets regularly at 2:00 p.m. as indicated above, but may meet earlier or later upon giving proper notice to members of the public.

Meetings shall commence promptly at 2:00 p.m., depending upon the location, as soon as a quorum is achieved. In the absence of both the President and Vice President, the quorum present shall select a Member to act as Chair until the President or Vice President arrives.

- 2.3** With appropriate notice, the Commission may temporarily schedule meetings at another time and/or location.

## **3.0 QUORUM, MAJORITY AND ATTENDANCE**

- 3.1** The presence of three Members of the Commission shall constitute a quorum of the Commission. Three votes shall constitute a majority of the Commission.

- 3.2 An Executive Assistant to the Commission shall attend all meetings of the Commission and shall keep a record of the proceedings and transactions, specifying the names of the Commission Members (Members) at all meetings and the ayes and noes upon all votes.
- 3.3 Members shall advise the President of the Commission, or the Executive Assistant, as early as possible in advance of expected absences, late arrivals and early departures from the meetings.

#### 4.0 AGENDA AND ORDER OF BUSINESS

- 4.1 The Commission President shall have the power to set the Commission's agenda. However, agenda scheduling is delegated to the Commission Office Staff.
- 4.2 The Agenda shall contain, in addition to information pertinent to a specific meeting, sufficient information as the public may require to follow the proceedings of the meeting and other information regarding proposed amendments to the Rules and Regulations, requests for license issuance and appeals from determinations by the Department of Cannabis Regulation (Department), and general licensing and administrative hearings.
- 4.3 The Agenda for all regular meetings of the Commission and reports on matters scheduled for decision shall be available on-line to those concerned or interested at least 72 hours before each meeting. To ensure that the Commission has ample opportunity to review written materials, members of the public who wish to submit written materials on agendized items should comply with the following:
  - a. **Regular submissions.** All materials must be received by the Commission Executive Assistant no later than by end of business day Thursday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to [CannabisCommission@lacity.org](mailto:CannabisCommission@lacity.org) and six (6) copies must be delivered or mailed to the Commission Executive Assistant at **221 North Figueroa Street, Suite 1245, Los Angeles, 90012**. The Commission Executive Assistant will send these submissions to the Commission.
  - b. **Day of hearing submissions.** All submissions after the Thursday before the Commission meeting up to and including the day of the meeting, must be a hard copy submission. Electronic submissions will not be accepted within this time period. Day-of submissions may not be more than two (2) written pages, including exhibits and must include the agenda item number on the cover or first page. Photographs do not count toward the page limitation. Twelve (12) copies of the submission must be given prior to the start of the meeting to the Commission Executive Assistant who will distribute them to the Commission.

- c. **Non-complying submissions.** Submissions that do not comply with these rules will be marked or stamped “**File Copy. Non-complying Submission.**” Noncomplying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission, and will not be included in the official administrative record for the item at issue.
- d. The Executive Assistant may waive the electronic submission requirement for those individual members of the public who do not have access to a computer or email.

**4.4** The usual order of business shall be:

- a. **Director’s Report** – The Executive Director, or his/her designated representative, shall report to the Commission concerning the events since the last meeting and other matters of interest.
- b. **Commission Business** – Generally, brief announcements may be made, matters may be referred to staff, and staff may be directed to place a matter on a future agenda.
- c. **Neighborhood Council Presentation** – An authorized Neighborhood Council Representative may present the formal position of his or her Neighborhood Council pursuant to requirements set forth in the Los Angeles Administrative Code.
- d. **Public Comment** – Reasonable amount of time to speak on agenda items and non-agenda items of interest that are within the subject matter jurisdiction of the Commission. (See sec. 6.0., *infra.*)
- e. **Cannabis Law and Regulations** – The Commission may make recommendations to the Mayor and City Council for adoption of City laws and regulations pertaining to cannabis-related activity in the City.
- f. **Licensing** – For Retail Commercial Cannabis and Non-Retail Commercial Cannabis Licenses pursuant to LAMC Sec. 104.06; for appeals of licensing decisions pursuant to LAMC Sec. 104.10; for general licensing matters.
- g. **Appeals** – For appeals from decisions of an administrative hearing officer pursuant to LAMC Sec. 104.14.
- h. **Motions to Reconsider** – Motions to reconsider a Commission Action on agenda items from earlier in the meeting pursuant to the provisions in Section 8.3, *infra.*

The Commission shall take up each item on the Agenda until all business

is completed, unless a quorum is lost. The Chair, at his or her discretion, may call items in a different order.

- 4.5** The Agenda for each regular meeting of the Commission shall be posted at least 72 hours before the meeting on the 3<sup>rd</sup> Floor of City Hall and the 2<sup>nd</sup> Floor of City Hall East. It shall contain the meeting date, time and location, and a brief general description of each item of business to be transacted or discussed at the meeting. No other business may be considered except as otherwise provided by law.

Exceptions to the 72-hour agenda posting requirement when the Commission may take an action on item(s) of business not listed on the agenda are as follows:

- a. If it makes a determination that an emergency situation exists; and
- b. If it makes a determination that the need to take action arose subsequent to the Agenda being posted.

## **5.0 SPECIAL MEETINGS, EMERGENCY MEETINGS**

- 5.1** A "special" meeting of the Commission may be called by the Commission President, or by a majority of the Commission, for a specific purpose. No other business may be discussed.

A 24-hour posting of written notice and delivery of the notice to Commission Members and news media (having requested notice of special meetings) is required.

- 5.2** An "emergency" meeting, as a result of a major disaster, work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Commission, may be called.

No posting or notice shall be required, except a one-hour prior notification provided to the news media (having requested notice of special or emergency meetings) by telephone.

Following such emergency meeting, a list of persons attempted to be notified and the Minutes of such meeting shall be posted as soon after the meeting as possible, and shall remain posted for a minimum of ten days.

## **6.0 PUBLIC COMMENT**

- 6.1** The Commission shall provide an opportunity in open meetings for the public to address agenda items or general items of interest to the public that are within the subject matter jurisdiction of the Commission. This requirement is in addition to any other hearing required or imposed by law. A person wishing to speak during a meeting must complete and submit a

speaker's request form to the Executive Assistant prior to the commencement of the public comment period.

A person wishing to speak on a non-agenda item or multiple agenda items must do so during the public comment period. A person wishing to speak only on one agenda item may do so during the public comment period or when the Commission takes up the item.

An individual shall be limited to one (1) minute of general public comment per meeting. In addition, an individual shall be limited to one (1) minute of public comment per agenda item, up to two (2) minutes per meeting. In total, an individual shall be limited to three (3) minutes of public comment per meeting.

The Chair, at his or her discretion, may modify the time for public comment as long as each individual is afforded the same amount of time.

- 6.2** No person shall be permitted to interrupt Commission Members during a Commission meeting and no person or group of persons shall be allowed to disrupt a Commission meeting.

In the event that any meeting is willfully interrupted by a person or a group of persons so as to render the orderly conduct of the meeting infeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Commission may order the meeting room cleared, continue in session, and otherwise conduct the meeting consistent with Government Code Section 54957.9.

## **7.0 PUBLIC HEARINGS**

- 7.1** Public hearings under this section shall be held during a regular Commission meeting or at a time and/or location set by the Commission.
- 7.2** **Public Hearing Pursuant to LAMC Sec. 104.06(a) or (c)** – The Commission shall hold a public hearing to consider a recommendation by the Department to issue a license sought by an Applicant pursuant to LAMC Sec. 104.06(a) or (c). The hearing shall be held at a location set by the Commission.

Prior to the hearing, the Department may submit a written report summarizing its recommendations. An Applicant or a member of the public may also submit written materials before the hearing by following Rule 4.3.

At the hearing, the Commission shall provide the Applicant [or its authorized representatives], up to ten (10) minutes to make an oral presentation regarding its application. The Commission may ask a Department representative to testify at the hearing. The Commission shall also provide an opportunity for public comment consistent with Rule 6.1.



- 7.3 Public Hearing Pursuant to LAMC 104.10** – The Commission shall hold a public hearing to consider an appeal filed by an Applicant or Aggrieved Party pursuant to LAMC Sec. 104.10. The hearing shall be held at a location set by the Commission.

Prior to the hearing, the Department may submit a written report summarizing its prior action. An Applicant, Aggrieved Party or a member of the public may also submit written materials before the hearing by following Rule 4.3.

At the hearing, the Commission shall provide an Applicant, Aggrieved Party [[,or an authorized representative of the Applicant and/or Aggrieved Party,]]and the Department up to ten (10) minutes each to make an oral presentation regarding the appeal. The Applicant or Aggrieved Party may choose to divide the allotted time between argument and rebuttal. The Chair, at his or her discretion, may provide additional time so long as the Applicant, Aggrieved Party, and Department staff are afforded the same amount. The Commission shall also provide an opportunity for public comment consistent with Rule 6.1.

- 7.4 Public Hearing Pursuant to LAMC Sec. 104.14** – The Commission shall hold a public hearing to consider an appeal of an administrative hearing officer’s decision issued pursuant to LAMC Sec. 104.14(d). The hearing shall be held at a location set by the Commission.

The Commission shall provide the Appellant [or its authorized representatives] and Department staff up to five (5) minutes each to present their respective arguments. The Appellant may choose to divide the allotted time between argument and rebuttal. The Chair, at his or her discretion, may provide additional time so long as the Appellant and Department staff are afforded the same amount.

The Commission shall also provide an opportunity for public comment consistent with Rule 6.1.

- 7.5** To the extent not already required by the Los Angeles Municipal Code, the Chair may at his/her discretion hold a single public hearing for multiple agenda items that are related to the same application or appeal.

## **8.0 COMMISSION ACTIONS, RECONSIDERATION, AND CONTINUATIONS**

- 8.1 Commission Action** - A Commission Action is a decision adopted by a majority of the Commission (three votes). After a motion is made and seconded, Members who are present shall vote at the call of the roll. In the event a Member who is present fails to vote either “yes” or “no,” that Member shall be deemed to have voted “yes,” and the Member’s vote shall be so recorded.

A Commission Action or transmittal of a Commission Action shall be signed by the Commission Executive Assistant.

- 8.2 Voting** – A Member is not qualified to participate in a vote on an agenda item unless the Member was present for the entire hearing on the agenda item before the Commission, or has listened to the audio recordings of the prior relevant proceedings prior to his or her participation in a vote.

If an agenda item is continued to a future meeting, a Member who was absent from any portion of the Commission hearing on the agenda item when it was initially considered may participate in a subsequent vote provided he or she has listened to the audio recordings of the prior relevant proceedings. These voting provisions shall only apply to quasi-judicial approvals.

- 8.3 Reconsideration** - The Commission may make a motion to reconsider a Commission Action on items listed on the agenda at the same meeting as the original Commission Action. These Reconsideration provisions apply only if there is Commission Action.

A motion to reconsider shall be made by a Member who voted on the prevailing side of the original vote.

If a motion to reconsider is approved, but the Commission wishes to reconsider the merits of the underlying Commission Action at the next meeting, reconsideration of the Commission Action shall be placed on the agenda for the next meeting, and effect of the original Commission Action shall be suspended until the Commission takes a new Action, provided that the Commission has not lost the jurisdiction to act.

A motion to reconsider any particular Commission Action may be made only once during the day on which the original Commission Action was taken.

- 8.4 Continuances** - The Commission may continue an item for a stated purpose to another day, or may continue an item at the request of staff, or the Council office affected, if that date is within legal time limits and the Commission has not lost jurisdiction to act.

Relative to extensions of time to hold a hearing pursuant to LAMC Section 104.10(3), the Commission hereby delegates its authority to the Executive Director.

- 8.5 Failure to Act** - A Failure to Act is when a majority of the Commission (3 votes) fails to approve or reject an agenda item. In that event, the Commission may deliberate further and take a new vote at the same meeting. If the Commission has not, either by a provision in the Los Angeles Municipal Code or by the passage of time, lost the power to act on that item, the agenda item shall be continued to the next regular meeting unless a majority of the Commission votes to continue that item beyond the next regular meeting.

- 8.6** If a Commission meeting is canceled or adjourned due to lack of quorum,

all remaining agenda items shall be continued to the next regular meeting or beyond as long as the continuance is within legal time limits and the Commission has not lost jurisdiction to act.

## **9.0 RULES**

- 9.1** These rules and procedures, one or more, may be suspended by a vote of the majority of the Commission, except for rules and procedures specified by the Los Angeles Municipal Code, the California Government Code, or other applicable legislation.
- 9.2** An affirmative vote of the majority of the Commission shall be necessary to amend these rules.
- 9.3** A copy of these Rules and Operating Procedures shall be available for public review on the Department's website or upon request at its office.

## **10. MINUTES**

- 10.1** If the Executive Assistant prepares Minutes for a meeting, they shall be signed by the President of the Commission, and Executive Assistant, or by two Members of the Commission and the Executive Assistant, after approval of the Minutes by the Commission. Correction to the Minutes shall be as directed by a Commission Action.

All meetings shall be recorded by audio recording device. The audio recording shall be made available to the public on the Department's website within a reasonable time frame after a meeting.

## **11. EX PARTE COMMUNICATIONS**

- 11.1** Each member of the Commission shall accord to every person who has an interest in the quasi-judicial proceeding the full right to be heard according to the law.
- 11.2** No Member of the Commission shall initiate, permit, or consider private, ex parte communications concerning a pending quasi-judicial proceeding unless the Commissioner is recused from the proceeding.
- 11.3** Notwithstanding the foregoing, when circumstances require it, a Member of the Commission may permit otherwise unauthorized ex parte communication for scheduling, administrative, or emergency purposes, but only if the communication does not address substantive matters and no one will gain a procedural, substantive, or tactical advantage as a result of the communication.

