



Date: July 15, 2020

To: Marijuana Control Board

From: Interim Director Klinkhart
Alcohol Marijuana Control Office (AMCO)
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Reference: AMCO Working Group Proposed Project for Consideration

AMCO WORKING GROUPS PROJECT PROPOSED OUTLINE
DRAFT version 07152020

Purpose: To create a test process and proper procedures for the Marijuana and Alcohol Boards to manage working groups to aid in board knowledge and decision making.

Steps:

Creation:

The Board shall decide the Working Group Project to be created and assign a board member to assist the Director.

Design the Working Group Parameters: (determined by Director and board member assigned to the project group):

Determine:

- What is the advisory goal of the working group?
 - What is the history of the issue/goals?
- What is the agenda for the meeting(s)?
- Who are the impacted groups and entities?
 - Who shall be asked to attend?
- Who are the subject matter experts to speak?
 - Who shall be asked to attend?
- Who from AMCO Staff shall be asked to attend?
- Who from the Board shall be requested to consider attending?

Who will lead the group?

Who will be the lead backup?

Who will compile the findings and produce the written options for board consideration?

Who will present those options to the board?

How often to meet? And when?

What is the expected lifespan of the working group?

Legal/Procedural Requirements:

Open Meetings Act Obligations

1. Overall Objective --- AS 44.62.312 --- It is the policy of the state that government exists to aid in the conduct of the people's business and as such the government should meet openly and with notice. The people of the state do not yield their sovereignty to the government.
2. AS 44.62.310
 - a. As such, absent an exception, meetings of a public entity are open to the public.
 - b. Agency materials that are considered at a meeting shall be made available.
 - c. Reasonable notice of the meeting shall be given (past practice helps determine reasonable notice). Notice required on Alaska Online Public Notice System and at the principle place of the office. May, but is not required to be published in the print or broadcast media. A body shall provide notice in a consistent fashion. That fashion may be distinct for working groups.
 - d. Meetings subject to this requirement for advisory groups (which these working groups appear to be) are those where more than three members or the majority of the members, whichever is less, are present and the meeting is pre-arranged for the purpose of considering a matter upon which a governmental body is empowered to act.
 - e. No specific minutes or recording requirements, but consider that it is best practice to do so.

Working Group Meetings **shall:**

Have a written agenda prior to the meeting.

Post the meeting notice and agenda within 3 days of the meeting.

Audio Recordings may or may not be not be taken depending on the subject matter.

Minutes or transcription(s) may or may not be not be taken depending on the subject matter.

If three or more members may be present, hence the need to comply with the Open Meetings Act, but it should be made clear that the members are meeting with impacted groups in an advisory fashion only. No government decision to occur.

The working groups may produce written options for the board to review and consider possible action(s), but these written documents should be made public and available for discussion when the board meets to consider them.

If regulations are to be proposed or reviewed, this is not a forum for avoiding the requirements of regulatory rulemaking. Parties should not be given additional opportunity beyond public comment to advise on regulations projects that are out for public comment.

Current List of Suggested Working Groups

Marijuana (in no specific order)

1. METRC Issues
2. Testing Laboratories
 - a. Laboratory Oversight/Standards
 - b. Testing
 - i. Sample oversight
 - ii. Transportation
 - iii. Facility SOPs
 - iv. Facility Standard Deviation(s)
 - v. Other tests
 1. Pesticides
 2. Metals
 3. Other?
3. Transportation
 - a. Safety issues
 - b. Chain of custody
4. Waste
5. Regulations
 - a. Revisions
 - b. New Regs/projects
6. New Product Reviews
7. Product Changes
8. Fine Schedule(s)
9. Handler Training/Quality Assurance

AMCO Resources availability

- a. Staffing issues