



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

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Wednesday, August 14, 2019

5:30 PM

Sullivan Chamber  
795 Massachusetts Avenue  
Cambridge, MA 02139

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### ORDINANCE COMMITTEE - AUGUST 14, 2019 TRANSCRIPT OF PROCEEDINGS

Craig Kelley: We have the Ordinance Committee joining us today. We have Councillor Carlone, Councillor Siddiqui, Councillor Simmons, Councillor Mallon, Councillor Devereux, Councillor Zondervan. The Mayor will be here shortly and instead, for the time being, is his Chief of Staff Will Durbin. I'm joined by- are- I'm not even sure what she is. She's a retired City Clerk, but she does not seem any more retired than she's ever been, Donna Lopez. Uh, when City staff speaks, if you all could just introduce yourselves, the call of this meeting is the Ordinance Committee will conduct a Public Hearing to continue discussions on a proposed Amendment to the Municipal Code to create a Cannabis Business Permitting Ordinance, including Amendments submitted at the July 30th, 2019 Special Council Meeting. Now, I am a horribly disorganized person, so, it took me a few moments to go through the pile of paper. Uh, but what we're working off of is something, if you have paper in front of you, it says first publication No. 3488. That is the draft Amendment to the Cambridge Municipal Code to create a Cannabis Business Permit Ordinance. That's our base document. It has already been passed to a second reading at the City Council because it is a City Code and not a Zoning Code. It only needs five Councillors to vote to pass it whenever five Councillors decide to do that. So, that's our base document. We have two more documents. One is at the top it says City of Cambridge in the year 2019 an Ordinance- an Amendment to Municipal Code of the City of Cambridge. That's what I call the Simmons Amendment. That's something that Councillor Simmons has put together. And then there is another document, and that says Amendments to the Councillor Simmons Compromise submitted July 30th, 2019. And that is from- we're just joined by Councillor Toomey and the Mayor. Thank you both. Um, this one says Compromise submitted July 30th, 2019. That is submitted by Councillor Siddiqui and Councillor Zondervan. And then we have a Memo

from the City of Cambridge dated August 14th, 2019. And that is about the City Solicitor's responses to various issues Councillors have brought up during this discussion. And then we have a Memo from Councillor Simmons concerning her proposed Amendments. And then we have a Memo from Councillor Zondervan and Siddiqui about their proposed Amendments. So, the way I'm going to suggest we do this, by the way this meeting is being televised and taped, the way I'm going to propose that we do this is we ask City staff to explain the highlights of the Memo from the City Solicitor. I have not yet had a chance to read it. I'm pretty sure some of you have though because we got it a few hours ago. My understanding is this will be dispositive on some of the ideas that we've had. So, I'll ask the City staff to explain the Memo. We will do a round-robin of clarifying questions, not comments or postulation, but clarifying questions on what the City staff is saying in this Memo. Then I will ask the three Councillors who have submitted Memos to explain what their Memos are. Then we'll go to Public Comment. Public Comment is going to be limited to three minutes a person and I'll explain the importance of not clapping and so forth, to be inclusive in our comments when we get there. When Public Comment is closed my plan is to come back and to work through the non-controversial Amendment. So, we have the base document which has first publication 3488 both the Simmons and the Siddiqui/Zondervan Amendment have suggested changes to that first publication. Many of those changes are identical. So, with the Clerk's help, we're going to work through all of the identical changes and a couple of Scribner's errors and we will take those Amendments and assume when we all agree, we will amend the first publication to reflect those consistent agreed upon changes. And then we'll get to the really interesting part which is the big swath of the proposal that we don't have clear consensus on. I'm hoping to end this meeting at nine tonight. I suspect most of us will be at a point where further discussion won't take us anywhere. If we get to a place we'll resolve the big issues. That's great. If we haven't, we can recess and meet again as an Ordinance Committee without Public Comment sometime in the future. But again, this Ordinance has already been moved to a second reading, so, it is able to be Ordained at any Council meeting when five Councillors say they like what they want to Ordain. So, on that, do any of my Council peers have questions on the procedure I just laid out? All right, that's a good sign. Okay, I will leave it uh, Ms. Deputy City Manager, would you like to start off? You can pass the baton if you want, but I thought you might want to introduce people or whatever.

Lisa Peterson: Yeah, no, I'm happy. Thank you. Um, uh, my name is Lisa Peterson. Um, um, um, we'll introduce the people at the table. Um, uh, joined by Nancy Glowa, who will be going over the Memo that she has, um, uh, submitted just a few hours ago, Iram Farooq and Lisa Hemmerly. So, I will hand it over to the City Solicitor.

Nancy Glowa: Thank you. And through you, Mr. Chair, um, I will uh, go through the uh, the questions that were submitted by the Council at the uh, July 30th meeting in the Committee Report and adopted by the Council um, at that meeting. So, the first question is, may the City Council set Host Community Agreement criteria? And the answer is yes. Uh, it would be appropriate for the Council to set general criteria within the framework that allows the City Manager the room to agree to terms with individual applicants that may be unique to each applicant in order to negotiate a mutually acceptable Agreement. And for the Council's information we attached the preliminary draft Host Community Agreement which we have been- which City staff have worked on. Um, it, obviously, will be amended if there are further changes to the Ordinance um, before it's adopted and any other information that comes to us that um, would- would be helpful to put into it. The second question is how does the City Manager decide when there are three applicants for one neighborhood and establish criteria for areas- areas missing in Zoning, and missing in Permitting? Our response is that if there is a situation for example where three requests came in for Host Community Agreements from applicants with proposed locations that could comply with Zoning and other Permit requirements, but are too close to each other, we- we believe the City Manager can exercise his discretion and choose not to execute a Host Community Agreement with one or more of those applicants which would have the effect of denying those applicants the ability to move forward. Where he believes- the City Manager believes that it would be in the best interest of the City to

execute a Host Community Agreement with one or more other applicants. And I've cited to a superior court case where such an issue an analogous issue was brought to the superior court and the judge found that that was within the City Manager or City's discretion um, in that case. So, I would note that a superior court decision is not binding on the City. It's not binding precedent legally, but it does uh, provide support for this proposition that we believe the Manager has this discretion and we're not aware of any other case law to the contrary. The third question is if the City Council sets criteria to help guide the City Manager in negotiations.

Craig Kelley: Excuse me for a minute. Something's ringing or playing or...?

Unknown: It's outside.

Craig Kelley: Oh, outside. Okay, great. Sorry to interrupt.

Unknown: It's to go- it's to go along with the smell of cannabis. That's outside.

Nancy Glowa: Okay, so, the third question is if the City Council sets criteria to help guide the City Manager in negotiations for the Host Community Agreements, where would these criteria be placed? And as I noted in answer to the first question, we believe they should be provided in the Cannabis Business Permitting Ordinance. The fourth question is the City Manager was requested to instruct the City Solicitor to provide a legal opinion to the City Council about the legality of providing funding to nonprofits related to the Cannabis establishments and how this funding can be used for Economic Empowerment Entrepreneurs. And I recognize that this is an issue of um, great uh, focus and interest on the part of the Council. Um, so, we've researched this very carefully. Uh, our response uh, lays out that there were two proposals submitted. One to the Ordinance Committee on June 27th that would require existing RMDs, Registered Marijuana Dispensaries, to pay \$250,000 annually for four years into a fund that would benefit, we believe that both of these proposals have significant legal problems. So, the first issue that we have identified is that while the City has the authority generally to impose fees, such fees must be proportionate to the costs incurred by the City in providing the services for which the fee is imposed. And we have uh, cited to uh, well, settled case law to- as to that proposition relating to Cannabis, the governing statute allows a 3% local tax and a 3% Community Impact Fee on Cannabis retail establishments. Uh, but does not do not expressly authorize a local requirement of more payments to be made in order to operate. Within a municipality, the statutes cap the Community Impact Fee that municipalities may impose at 3%. So, requiring, by Ordinance, a substantial payment by licensed RMDs of \$250,000 or more to be paid into a fund to assist Economic Empowerment Applicants would likely be considered an impermissible tax if the fees are in excess of the City's reasonable costs in issuing Cannabis Business Permits. And as I think the Council knows, cities do not have independent legal authority to impose taxes. That limitation is stated expressly in the Massachusetts Constitution's Home Rule Amendment. In addition, we did speak with the Department of Revenue's Division of Local Services about this issue. And in a recent phone call with them, they provided the opinion that because the state has imposed this 3% cap that they believe that the state has preempted any local action on imposition of fees in excess of the 3% cap. We are aware- we've done a lot of inquiry of many of the communities around Massachusetts. In addition to reading a fairly comprehensive report that was submitted by the Cannabis Control Commission to the state legislature which prompted, or has prompted, perhaps among other reasons, the legislature to be considering two bills at present that would address perhaps more explicitly the issue of the 3% cap because a number of municipalities have um, asked for additional um, sums of money. So, we noted in the next paragraph of the letter that some municipalities have required that Cannabis businesses make payments beyond the 3% local tax and 3% Community Impact fee. Um, taking that position that they are allowed to do so. We're not aware of any court ruling that has struck down these provisions. Um, but the Boston Globe has reported that the legislature is taking this up. And as I said, the Cannabis Control Commission has submitted this lengthy report to the legislature outlining many of the concerns that it has and that have been expressed to the Cannabis Control issue primarily by uh, Cannabis business- businesses on this issue. So, uh, we- well, it's unclear exactly what action the legislature will take on this issue and what effect it might have on existing Agreements. Around other

communities in Massachusetts, we believe that the law is clear on its face, that we do not have the authority to exact a Community Impact Fee in excess of the 3% of annual revenues of the Cannabis business. In addition, aside from the tax fee analysis, an additional issue is that the Division of Local Services has opined that a financial extraction required by a municipality for a Cannabis Business Permit would be considered General Fund Revenue to the municipality, which could only be spent for a public purpose after appropriation. If the City were to require such payments by the Cannabis Business Permitting Ordinance, the proposed use of these General Funds to assist private parties such as Economic Empowerment Applicants would likely not be found- not to be a permitted public purpose for which General Funds could be appropriated as that would be in violation of the state constitution's Eighth Amendment. So, there are a few options that would be permissible. One would be for the City to provide through grant Agreements with non-profit charitable contributions, fees, some of the Impact Fees for services that the City would not otherwise be providing, which as the Council knows we have done in some other circumstances. Another approach that uh...

E. Denise Simmons: Mr. Chair could Ms. uh, through you, to Ms. Glowa. Could you repeat that again say it a little slower and a little louder.

Nancy Glowa: Certainly. Sorry, I'll try to keep my voice up. One approach that would be permissible would be for the City to enter into grant Agreements with nonprofit charitable corporations to have those entities provide services that the City would not otherwise be providing. And we have done that in some other circumstances. So, the Impact Fees could be used- those funds could be made available to the City Manager or City Administration to enter into grant Agreements to provide for um, services. Another approach that the uh, Department of Revenue suggested is that a proposed fund for Economic Empowerment Applicants could be created and or donated to voluntarily by RMDs, so long as the City did not require that they do so in connection with either obtaining a Permit or as a condition of the Host Community Agreement. And that was uh, provided by DoR in our telephone call with them. So, finally I just wanted to note that we are aware that this is in conflict with some of the issues uh, ideas rather, that the Council has proposed and that I think are important to many Councillors and we understand that and are committed to trying to continue to work with you to see if there are other ways um, to take steps to achieve the Council's goals. And I would also note that because these two bills are pending before the legislature It would be possible for the City to take a more active role in uh, seeking to provide input as to those bills if that's the will of the Council. The next question is that the City Manager was requested to instruct the City Solicitor to provide information on whether a provision could be included in the Host Community Agreements about requiring RMDs to provide Medical Cannabis after converting to adult use. Information was also requested about whether requirements regarding the disclosure of beneficial interest in an Applicant's business needs to be part of the Ordinance or could be accomplished by administrative regulations. The Cannabis Control Commission has stated in its guidance documents that a municipality may not prevent the conversion of a an existing permitted RMD to a retail only establishment. And they have interpreted uh, that to mean that if an RMD wants to convert to entirely different form of marijuana such as retail use only that we couldn't prohibit it so, long as they met the definition of an existing permitted RMD. So, we from that we believe that uh, legally we would not be permitted to require a business to continue to sell um, Medical Marijuana if the business uh, is allowed to Permit excuse me to convert their business to retail sales only. The Ordinance could require the disclosure of the beneficial interests in the applicant's business and authorize the City Manager to issue regulations relative to the specific disclosure requirements. And again in our conversations with DOR they have said that uh, local local requirements on making the businesses disclose beneficial interest does not in their view conflict with the Cannabis Control Commission's Regulations requiring similar ownership disclosures. Finally the City Manager was requested to instruct the City Solicitor to consider the proposed Amendments included in the Memorandum submitted by Councillors Siddiqui and Zondervan at the June 24th Council Meeting as a Communications Report from Other City Officers and to incorporate the Amendments on Pg. 4, relative to the City Manager not issuing a license to an applicant if any third party

has more than a 50% controlling interest in a Cannabis retail establishment, shelf space, loans, or other financial interests, in a Cannabis establishment and the creation of an Online Cannabis License Registry either as regulations and/or Ordinance or Policy Orders. Uh, so, first I just noted in the response that we understood that these uh, these questions related to the uh, submissions from Councillors Zondervan and Siddiqui on June 20th. Um, and those proposed regulations include provisions that would prohibit any entity with a controlling interest in an applicant from holding more than one controlling interest in any Cannabis retail establishment in Cambridge. And also provisions that authorize the City Manager to impose restrictions to limit the amount of control that any one party has over Cannabis retail establishments in Cambridge. So, essentially what we're saying is that we believe that those provisions should be placed into the Ordinance that uh, regulations technically are uh, should be promulgated by um, an official pursuant to uh, direction in the local legislation. So, our Ordinance should set forth specific requirements that the Council wants and provide the authority to the Manager or for example, Assistant City Manager for Community Development to promulgate regulations to affect those provisions. So, we do believe that those two proposed regulations could be added to the Ordinance but suggest clarifying the language. We weren't completely clear whether the intent was that the City Manager should accomplish those objectives by way of entering into Host Community Agreements or whether they are intended to be accomplished as actual business Permit requirements. So, we would welcome guidance from the Council on that. Also as to the first proposed regulation there are legal concerns raised to the extent that that provision would prohibit existing permitted RMDs from converting, as I just discussed earlier. The other proposed provisions proposes that CDD publish an nline registry of all currently licensed Cannabis establishments with owners names and other information, and we do not think that that is necessary to be included in the Ordinance but rather could be developed by the City Manager with the assistance of the Assistant City Manager for Community Development. So, that's the Memo.

Craig Kelley: Thank you, very much. Anyone else from the City have something to add? No? Okay.

Nancy Glowa: No, Mr. Chair.

Craig Kelley: Clarifying questions from the Council, not comments or statement questions. Councillor Siddiqui.

Sumbul Siddiqui: Thank you, Mr. Chair. Through you, uh, to Solicitor Glowa, on Pg. 4, you lay out some options and I had a clarifying question about that. So, on the first page we discussed that in the City Council can set certain criteria. Uh, and I know that some places have kind of done a scoring criteria of- of some sort. You know, they're looking at physical space, they're looking like at community involvement, they're looking at um, kind of various other factors. So, could we potentially, you know, have a section in that criteria that relates to kind of a corporate social responsibility plan that could potentially say so, and so, is going to be voluntarily committing to doing X or donating X. Could we take that into an into account?

Nancy Glowa: Through you, Mr. Chair, when we spoke with the Division of Local Services they were very clear that any voluntary contribution could not be documented as being required or even accepted by the City as part of a Host Community Agreement. And that it- they did not believe it would be permissible for the City to be involved in any way. So, they were saying that uh, Cannabis companies can voluntarily set up such a fund as a an act of goodwill or whatever. But that it is not something that the City can be involved in negotiating for or documenting as part of the Host Community Agreement.

Sumbul Siddiqui: Okay, thank you for clarifying. I have a few other questions but we can go around. Thank you.

Craig Kelley: Councillor Toomey.

Tim Toomey: Thank you, Mr. Chair. Thank you, to the panel. I just- on Pg. 4 on under No. 5. The second sentence in your reply says, the Cannabis Control Commission's guidance for municipalities at Pg. 10 states that it's interpretation. And then later it says therefore it appears so, I'm just curious why that isn't much stronger language that leads not to repeat the word but it's open to me- it's open to interpretation therefore. Why isn't that more definite instead of saying therefore it appears? What shouldn't it say-

therefore it's allowed or is not allowed. When you use the word open interpretation, it appears- it just raises questions on my heart- on my behalf. Why that language isn't more definitive, I guess, either way. Nancy Glowa: The language- so, well, through you, Mr. Chair. Uh, I believe is clear on its face as to what it says. And I think the meaning from that is also clear. It has not been interpreted by a court and therefore it's presumptively valid, which is what we base our analysis upon. And one of the reasons that we characterize it by saying it appears that is because you're the legislative body and you can enact provisions in your wisdom if you choose to. Our role is to provide the legal advice. So, I do believe that it's- it's not permitted. But uh, if the Council chose to do it, we would uh, vigorously represent the City if there were any challenge to it in a in a court of law.

Craig Kelley: Vice Mayor.

Jan Devereux: Um, thank you through you. Um, follow up question to the possible approaches to directing some of the impact fees to nonprofit charitable corporations um, for services that the City would not otherwise be providing. Can you give a little more um, background on what we've done in other circumstances and what kinds of services? Because the way- the way that this Accelerator Fund was laid out, it would give money that would be used for things like potentially operations and, you know, things that are not services. So, what kinds of services?

Nancy Glowa: Well, we've- we've- through you, Mr. Chair. We've dealt with this um, for example with the Community Benefits Ordinance. We cannot simply give money to other entities for their operating costs, capital costs, or anything like that. We can't give money to other entities. What we can do is enter into a contract for such entities to provide services that would be helpful to the community, such as with the Community Benefits Ordinance, for example, providing a human service type activity or um, perhaps if you want, Lisa could give you some more examples, but it has to be a grant agreement, that's essentially a contract, where we pay money and they provide a service. The value of the service has to be comparable to the amount of money that's being paid. So, we can use those funds to get some services that we might not otherwise have a budget to do, but it still would be a quid-pro-quo in a contractual arrangement through the grant agreement.

Jan Devereux: Yeah, I mean, I did make the analogy in my head to the Community Benefits Ordinance. I guess what I was trying to clarify is that in terms of services, maybe it could be used to set up some of these job training and other things that have been mentioned. But in terms of helping to give actual money that would help with startup costs to an Economic Empowerment applicant, it would not be something that would be useful. So, that sort of is pretty fundamental to what the- one of the proposed Amendments before us is envisioning. So, I just wanted to clarify that it is services and not something that is used for startup costs. Thank you.

E. Denise Simmons: Mr. Chair. Is the Vice Mayor yielding the floor? Okay, thank you. Sort of, if I may, Mr. Chair, through you to Ms. Glowa. Trying to sort of broaden this- this idea several years ago through Economic Development before your time is heavily there. We used to do this thing for like micro loans. We had this program where- where businesses that needed support, whatever that support might have been, it usually was monetary, we were the conduit to that. So, they would come to Economic Development and make Application and we would help facilitate that money going to them. Now, these- this necessarily is not alone, but is that something that we could do? Because if I understand this in Ms. Glowa, I love the way you talk, but I don't understand you half the time um, is according to your interpretation of the law, the- what we are proposing, a few of us, we cannot do, but we might be able to do something else. And so, in that something else, could we do something similar to what we once did? Uh, maybe- maybe over a decade ago.

Nancy Glowa: Through you, Mr. Chair. I- many of the programs that Community Development has, um, has- has, uh, handles and manages are, uh, the benefit of funds from either the state or the federal government, like Community Block Grant Funds and things like that. And municipalities cannot loan money to people or give money to people other than through a program that's been established and sanctioned by either the state or federal government. So, it may be that the program you're talking about

was one such program. I'm not familiar with the specific program. It seems very unlikely to me that the City was actually serving as a lender to people um, because that- that just normally would not be permitted. So, it seems more likely that it was through one of these state or federal programs.

E. Denise Simmons: Through you, Mr. Chair, to- to Ms. Glowa. I don't think the City was acting as a lender either. And I wish- I- it was under- it was during the time that Estella Johnson was with us. I could certainly talk to her and maybe she can remember exactly how it worked. I'm just- what I'm trying to figure out, is there a model similar to that, that we could utilize to get to what we're trying to do. So, the City Council clearly in earnest wants to do something to enfranchise ease. Uh, and so, what we're looking for, through you, is a way to facilitate that process if possible. So, now that we know that what we cannot do- do you have some ideas of what we could do in a broader way than what the tax would allow?

Nancy Glowa: Through you, Mr. Chair. I think that's a- that's a big question and I think we would have to work with other City staff and- and do some more research to see if there were things like that. We do have a lot of limitations on what we can do and, excuse me. So, I don't know more than what the Council has expressed in the currently proposed Amendments. So, we were telling you what you could or couldn't do with those. Um, so, perhaps Iram and her staff could either look into those things and get back to you. I don't know if she has any further thoughts now, but I don't. We'd have to do more work, I think, at least from my perspective.

E. Denise Simmons: So, Mr. Chair, through you, and then I'll yield the floor, to Ms. Glowa and Ms. Farooq. So, we're having in part this discussion because the Council does see the insufficiencies of what the Cannabis Commission has promulgated in terms of enfranchising EEs. In the absence of that, we have come up with our own ideas of what and how that would look. So, without polling the Council, I'm- I'm going to take a step by saying it's my assumption that the Council would like to find a way to...

Craig Kelley: Councillor Simmons?

E. Denise Simmons: It's a clarifying question. I'm getting to it, and the clarifying question is, can you clarify a way that we can get that done?

Nancy Glowa: Well, through you, Mr. Chair. I will say that a-a big hurdle is that Economic Empowerment Applicants are entering into business to make a profit and we cannot be in the business of providing funds to third parties who will use those funds to set up businesses to make a profit.

E. Denise Simmons: Thank you, Mr. Chair. I yield the floor.

Craig Kelley: Thank you. Councillor Mallon.

Alanna Mallon: So, thank you, Mr. Chair, through you. I had a couple of questions not so much around the impact fees but around the proposed fees from the RMDs that is being proposed. Is that an- is this a time to talk about that now or is this- would that be later?

Craig Kelley: If it's a question that you have that was not sufficiently elucidated in the Solicitor's comments, sure.

Alanna Mallon: Okay, so, I think we've seen the limitations of the Community Benefits Funds um, in terms of being able to directly give out funds to um, agencies here in Cambridge that are in need of the grants. Um, what I was thinking about was the Immigrant Defense Fund that we did with the Cambridge Community Foundation in terms of being able to have the Cambridge Community Foundation set up a fund that could be- money could be put into by the existing RMDs. They could administer the fund. And since it can't go through the Community Host Agreement, would there be a Letter of Intent or a Commitment Letter that would be a tool that we could use to- I just don't know what the tools that we can use. Since we can't use the Community Host Agreement to- to work on that, and make sure that- that happens is a Commitment Letter or a Letter of Intent to donate the money through a nonprofit entity, whether it's the Cambridge Community Foundation or not, is that a possibility?

Nancy Glowa: Through you, Mr. Chair. I'd- I'd have to know more about it. I don't think it's likely, but um, I certainly would need to look at, more carefully, at the details.

Alanna Mallon: You don't think it's likely?

Nancy Glowa: Correct.

Alanna Mallon: Okay, and then my second question is around the RMDs. Us not having the ability to ensure that the RMDs don't fully convert to adult use. Is that another-is that a place where we can? We've had the RMDs come up and in Public Comment say we are committing- we won't, you know, we won't lose the medical. I think it's a real concern for a lot of people here tonight. Um, that the medical stays here in Cambridge. Is there- because we can't do it through the Host Community Agreement, is there a way to do it through a Letter of Intent or some sort of Commitment Letter um, so, that we can all feel comfortable that we will continue to have medical that will service our medical patients.

Nancy Glowa: Through you, Mr. Chair. So long as it is a unilateral Letter of Commitment that's voluntary, that is simply provided to the City as an expression of what that entity wishes to do, and has nothing to do with the City's Permitting process or the Host Community Agreement. The same way I could write a letter saying I promised to, you know, donate money to the City every year or something that would be permissible.

Alanna Mallon: And then just lastly, is that legally binding a Commitment Letter?

Nancy Glowa: Through you, Mr. Chair. That gets into contract law, but one of the basic principles of contract law is that it has to have benefits or obligations to both parties and a unilateral promise is not typically considered a contract. So, under the traditional contract analysis that would not be binding.

Alanna Mallon: Okay, thank you.

Craig Kelley: Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. Um, my clarifying question is that I haven't heard you say that we cannot uh, require a fee in excess of what has been put forward in the Cannabis Control Commission regulations. I heard you say that there was a legal risk to doing so. Could you clarify that? Is that interpretation correct?

Nancy Glowa: Through you, Mr. Chair, the legal risk is that the statute says that you cannot impose a fee of more than 3% of the revenues of the business. So, there would be a legal risk in imposing a fee greater than that because the law doesn't allow you to.

Quinton Zondervan: Thanks. Um, I believe Boston has imposed uh, a fee.

Nancy Glowa: Through you, Mr. Chair. We have looked at the Host Community Agreements of Boston, Somerville and about 15 to 20 other communities in preparing for this and wanting to- thinking that the Council may have questions about that. And as far as we can tell, neither Boston nor Somerville has imposed fees of greater than 3% in their Host Community Agreements. There are some communities that have imposed fees higher than that. And some of the businesses that have entered into Host Community Agreements with some of those communities have gone to the legislature and are um, part of the discussion about whether to uh, um, amend the law to have even stronger language. So, some of those companies uh, may have agreed because they felt that they needed to to get the Permit. But they're not happy about it. So, in any event, our research is that neither Boston nor Somerville has imposed a fee of greater than 3% in their Host Community Agreements.

Quinton Zondervan: Okay. Um, and separate from so- so, again, just to be clear because I heard you say uh, to Councillor Toomey earlier, that the Council could choose to impose such a fee even though we believe it's not permissible under the- under the law currently.

Nancy Glowa: Through you, Mr. Chair. Yes. But I believe that there's uh, an obligation on the part of the Council to to take actions in good faith. I've advised you what the law is. And if- if the Council were to pass Ordinances that were subject to challenge and then were struck down, that's a lot of resources. And so, I question whether that's a good idea for that reason. But I certainly have uh, we- we- I and my staff have researched all of these things very carefully and I'm- I'm confident of what the legal analysis is and that's my legal advice to the Council.

Quinton Zondervan: Thank you. And through you, Mr Chair, there's also a proposal to take a portion of the fee that's within the allowable amount and have that go into a fund that's administered by a nonprofit. So, separate from the question of whether we could impose additional fees, what is your opinion on



putting those funds into a nonprofit where they could make grants to Economic Empowerment applicants?

Nancy Glowa: Through you, Mr. Chair. I am not- I don't think there's a prohibition against the City entering into a contract with a nonprofit to administer funds that are public monies of the City's for use in entering into grant agreements. However, uh, when we have looked into making arrangements like that it often has seemed to be somewhat cumbersome adding additional steps when we do have the capability of simply entering into grant agreements with eligible organizations ourselves. And having the entity that we provide the grants grant funds to pursuant to the agreement perform those services directly for the City. So, and it's also um, the case that some of those nonprofits want to charge a fee to administer those programs and funds and therefore that money if we can handle it in house is essentially money that could be better spent perhaps on the programs rather than paying a third party to administer the program.

Quinton Zondervan: Thank you.

Nancy Glowa: Through you, Mr. Chair. No, we couldn't do that.

Quinton Zondervan: My- Thank you.

Craig Kelley: Councillor Carlone.

Dennis J. Carlone: Thank you Mr. Chair. Um, based on on what you presented um, is it correct that the City could list goals that say things like we want to what we've discussed previously we want to uh, maintain medicinal operations where possible um, the criteria that we've talked about is we could list what our goals are. And um, when I've done proposals, any architect/urban designer that does proposals, you get those goals. And even though you're working on one specific project, the client or the overseeing entity wants to know what you're going to do. And you frankly go beyond what the scope is. You'll have more meetings at night. You'll do such and such. Um, the reason- so, what I'm asking is can we do that in essence with this whole process basically to inform the- I'm talking about the medicinal uh, operations, to inform them about what our civic goals are um, and then without requiring them to maintain medicinal or to participate with the Community, that's up to them to provide back. And the reason I say that, I know of two medicinal operations that said they would maintain medicinal if given recreational on their own. They would put that into a Host Community Agreement. So, it seems to me that if we don't say what we're after, we're not likely to get it. So, can we do that? Can we state goals and then um, in the process see what comes back and then evaluate those uh, potential operations based on those goals?

Nancy Glowa: Through you, Mr. Chair. Um, we can't do that in that manner. The Council could adopt goals that to be good corporate citizens. We value businesses that do X, Y and Z. But it cannot be part of the conversation as far as being related in any way to the Permit requirements. And it cannot be addressed in the Host Community Agreement because the- I mean the uh, the DOR is has been very clear in there. Um...

Dennis J. Carlone: So, goals, excuse me, goals really don't mean anything. It's strictly a business operation.

Nancy Glowa: Through you, Mr. Chair. What you're suggesting is that, as I understand it, is that the company would come to us and say I want to get my retail Permit and I meet your goals by saying I will promise to provide Medical Marijuana. That is not permissible.

Dennis J. Carlone: Well, I don't know why I'm here if that's the case. Thank you.

Craig Kelley: Other questions? I have one, which is your answer, one about the Council may set general Host Community Agreement criteria by Ordinance and that's just by Ordinance. If we pass an Order saying whatever it is, that doesn't count. It's gotta be in, I guess the business- Cannabis Business Permit Ordinance for it to be dispositive on the Host Community Agreement.

Nancy Glowa: No, I don't think that's true at all. Mr. Chair. I think that the Council could follow its usual practice of passing an Order, asking the Manager to do something. And if the Manager had any concerns, of course he could come back and discuss it with you. But there's no reason you couldn't pass an Order.

We were saying you could put it in the Ordinance and if you want it to be uh, a regulation that's binding. Somehow it should be done either through the Ordinance or through the Ordinance. You would authorize

the Manager to promulgate regulations. But if you simply want to say to the Manager, we'd like you to do X, Y and Z. Uh, that's certainly permissible.

Craig Kelley: But the former, the Ordinance part would be dispositive and the Order part would be advisory.

Nancy Glowa: Uh, well the City Manager works for the Council so, I- I mean usually you work things out together. So, um, if you put in a Council Order saying that you'd like to have X, Y, and Z requirements and if the Manager comes back and says he'll do those things there's no need to put it in the Ordinance. If you wanted to have it be more explicitly binding you certainly can put it in the Ordinance.

Craig Kelley: Thank you. Any other questions before we go to the discussion of the Submitted Memorandums? No, Okay. So, Councillor Simmons, do you want to briefly go over your Memorandum dated August 13, 2019?

E. Denise Simmons: Thank you, Mr. Chair. Given the news, I guess it will be brief. Uh, let me just start by saying reading into the submission of the record the cover letter which the citizens may or may not have, and people that may be viewing in. So, the cover letter to the Amendments are as follows. It says in Order to advance the Cannabis Business Permitting discussions which we're having this evening, August 14th, I submitted a document that summarized and I hope clarified the Amendments that I offered on July 30th to the Ordinance Committee. In addition to this document, uh, based on the monetary considerations I was asking the Council to have, I also submitted a sample budget of a typical dispensary that I hope will provide some context for the Ordinance Committee in terms of what funds were actually necessary to start a Cannabis operation or dispensary, excuse me. And also in that document and for the submission of the record as part of our considerations and discussion at this hearing there were you also see some attestations. So, I can read through what we have. I know that some of it seems to be either modified will have to be modified or prohibited but I will just run through them and then we can we'll salvage what we can, modify what we will, and, hopefully, we'll vote on something. Uh, one- the first one was the basic- the benefit- the whole- the whole idea of this is to benefit Economic Empowerment applicants who are invested in Cambridge. So, all certified EE applicants who have invested in carrying costs for real estate in Cambridge and are currently petitioning the planet board for special permits have have endorsed this compromise. And what I'm saying is so, when we had our earlier discussions in Ordinance Committee, there was a discussion about where were the EEs, where were the RMDs around these proposals. So, I did to the degree possible my due diligence talking to as many EEs and RMDs that I could reach on the phone or in a face-to-face meeting to have some discussion about it. And this is the idea that we worked on together. The second piece was no existing RMD can open for adult use sales until after 2020. That Economic Empowerment grants quickly get quickly distributed. The whole idea of the accelerator fund was, as we know and have talked about, is that it's great that the state, the Cannabis Commission has promulgated these laws, but there was no financial Supports in it. And so, this was to get at that. And if we were able to do it or can do it or some iteration of it. It's- each existing R&D that seeks conversion shall deposit no less than \$1 million over 18 months, starting January 2020, into a designated EE fund administrated by a selected existing Cambridge nonprofit for unrestricted grant supporting Cambridge state certified EE startup costs, including rent, build out, legal and professional fees and more. And that all grants awarded should not be repaid, carry interest or offer equity terms. And then the last bullet point of that is that the City Manager shall ensure selection process for existing Cannabis. Cambridge nonprofits is launched within 40 days of ordination ensuring critical startup dollars are expedited for at least two eligible EE applicants. And that's to address the- the desire and the need that there are EEs that have sites they can't move forward because uh, we have not moved for- we have not voted on anything but more importantly there's- there's also that allocation of funds that would be certainly helpful. And then for funding maintain in perpetuity via Economic Empowerment fund. And maybe, this is something that we can do given what Ms. Glower has said. Which was earmarking 20% of the Cambridge discretionary local sales tax, which is 3%, which I would like to hear from Ms. uh, Glowa, does that- would this exceed um, I can't find your words exactly, what we could legally capture and then we dispense. Um, as defined

the 3% tax as defined in Chapter 55 of the Acts of 2017. An Act to ensure safe access to marijuana Section 13 uh, and an estimated at \$1 million annually, once Cambridge market is full scale to fund the Cambridge Economic Empowerment Accelerator and Incubator fund to support additional unrestricted grants through an incubator program for qualifying EE applicants. And again, the whole idea of trying to put money- some in- give ease of access to some funds is right now the traditional ways of getting funds are blocked. There are a few of none banks, very few credit unions that are making loans to uh, anyone in the Cannabis business. Five, requiring RMDs to provide training and skills development for EE applicants. That the RMDs required to offer training and skill development to EE applicants including one-on-one consulting to assist with startup logistics strategies and best practices. RMDs volunteer to share in a standard operating practices. These these SOPs often are valued at \$25 to \$50,000 K and that would be a benefit to the EEs. If this is something that RMDs were able to provide to the EEs the RMDs volunteer to share vendors and advantageous deal structure for security, transportation, logistics and other high cost areas of retail. Six, expedite Host Community Agreements and Special Permits for all priority applicants. It's requiring the City to make a good faith effort to ensure all eligible priority applicants have Host Community Agreements within 45 days following Ordinance and Special Permits within 90 days following Ordinance. And then lastly the RMDs have signed a citation to continued medical use of Marijuana Programs. And I guess my question would be to Ms. Glowa, is, you know, you're saying that we- I think the answer you had to Councillor Mallon uh, around well, if they volunteered to continue um, providing medical. So, in that case, would these attestations be valid? Uh, way of of of establishing a promise, if you will, that medical will continue once retail is available with- once retail operation is open. So, I put this before the Council. Uh, we can ask questions or uh, let me also say there's a budget in the package for you to look at uh, worked out- given to me worked- working with the RMDs of the actual cost that they have um, incurred in opening up a Cannabis dispensary. So, Mr. Chair, I can yield the floor for questions or we can listen to it. Um, we could hear from my other colleagues that have...

Craig Kelley: Let's hear about the next Memo and then go to Public Comment and then we could...

E. Denise Simmons: Very good. So, Mr. Chair, I yield the floor.

Craig Kelley: Thank you so, much. Councillor Zondervan, Councillor Siddiqui, would either of you like to talk about your Memo dated 14th August 2019?

Quinton Zondervan: Yes, Mr. Chair, thank you. Um, so, we've submitted um, further Amendments that built on Councillor Simmons Amendments um, primarily having to do with the amount of the fees that the RMDs would pay into the fund. And so, understanding that our ability to do so, is in question. Um, nonetheless the Amendments propose that each RMD would make a deposit of \$5 million into the fund and that each Economic Empowerment applicant of the- well the first five Economic Empowerment applicants would receive two and a half million uh, each uh, spread out over- over some time. And we have also submitted, um...

Craig Kelley: Councillor Zondervan, I think you're talking about your proposed Amendment. I'm talking about your Memo dated August 14th, 2019, which is about Economic Empowerment startup costs.

Quinton Zondervan: Uh, sorry Mr. Chair. The- the um, Memo or cover page references both the Amendments and the startup costs.

Craig Kelley: We'll get to the Amendment part later. But is there something specific to the Memo that you wanted to call out in the numbers and whatnot that you

E. Denise Simmons: Point of Information? Mr. Chair, when you say Councillor Zondervan and Councillor Siddiqui's Memo, are you talking about this Memo that only has a budget attached?

Craig Kelley: Yes, the one dated August 14th 2019.

Quinton Zondervan: Right. That Memo also references Amendments that Councillor Siddiqui and I submitted on Monday to the Clerk that were distributed uh, to the Council and are also part of the information packet.

Point of information, Mr. Chair. I don't see it.

Craig Kelley: Yes, Councillor Simmons.

E. Denise Simmons: I was- I was saying to my colleagues, I think I- oh, it's in here. Golly gosh. All right. I retract it. I retracted my Point of Information.

Craig Kelley: Okay. So, without going into the Amendments in particular, Councillor Zondervan and Councillor Siddiqui, is there something about the August 14th Memo in particular that you want to talk about or is it self-explanatory?

Quinton Zondervan: I was getting there. I don't understand why I can't talk about the Amendments when Councillor Simmons just went through her Amendments. I don't see the problem. But in any case, I'm already done. So, those were the Amendments. And then we also included startup costs that were presented to us by uh, a consultant who works on these business plans for Cannabis retail uh, establishments and there there's essentially agreement that the um, startup costs that Councillor Simmons included um, are similar to what uh, was given to to us. The additional costs in uh, in our Memo are primarily around the cost of inventory for a retail establishment which were not part of the other proforma. So- so, that's the the two pieces. And then I do uh, as a Point of Order, would like to point out that um, in the previous Ordinance Committee Meeting we did forward um, the Amendment that Councillor Siddiqui and I had introduced previously to the Council um, as a substitution of what is before us. And now we haven't adopted that yet at the Council, but it- it- it has been forwarded to the Council.

Craig Kelley: Thank you. Give us a moment here.

Sumbul Siddiqui: Mr. Chair, I had a question. Is that okay?

Craig Kelley: Yes. Okay, go ahead.

Sumbul Siddiqui: So, through you to the Solicitor. So, in the Memo that you provided today, you've covered some of the proposals, uh, the Amendments that were covered that were listed in that Memorandum uh, that's- that's in this packet that speak to some of the Permitting requirements that we spoke about. One thing that this Memo, maybe there is a different Memo and I'm not remembering, but you haven't opined in- maybe you have opined in a written Memo about the Section 040 Permitting preferences priority applicants that was in our Memorandum that said for the first two years from the effective date provided in Section 10 below. The City shall issue a Cannabis Permit to operate a Cannabis retail store for swaying to this chapter only to priority applicants who are an Economic Empowerment applicant.

Nancy Glowa: Through you, Mr. Chair. I believe I did give a previous opinion...

Sumbul Siddiqui: Great.

Nancy Glowa: ...response to that. But I don't have it with me.

Sumbul Siddiqui: Yeah, no. And I know that I think I wanted to make sure. Thanks.

E. Denise Simmons: So, Mr. Chair, while you're- why don't we go to Public Comment?

Craig Kelley: Okay. The time of Public Comment is three minutes per person and we ask that people not clap, or boo, or do anything else because that can make the environment very challenging for people who may not share your opinion as passionate as we feel about this issue of many of us. If you could come and speak into the microphone. Say who you are and where you live, and then I will tell you when your three minutes is up. And I ask that you stop immediately because that way we'll be polite to everyone else that is coming on. And we have a list of names. The first person signed up to speak is Frank H. Shaw followed by Nicole Snow followed by Jason Perkins.

Frank H. Shaw: Thank you for allowing me to speak today. Cambridge Equity Ordinance Testimony. My name is Frank Shaw and I live at 126 County Road in Ipswich, Mass. I'm a Medical Marijuana patient. I frequent the Medical Marijuana dispensaries in Cambridge. I have been sick with AIDS since 1998 and I'm now sick of how the City Council here is treating Medical Marijuana. Every time we come here there's a new wrench thrown in so nothing ever gets completed. Medical Marijuana is not a shell game for your political Agenda. It means life to people like me with AIDS, HIV and AIDS. At this point, I'm pulling all my support from all these Amendments on the table because I'm done with being disrespected by this City Council. The goal is clearly how to disrupt and financially destroy the Medical Marijuana operators in Cambridge. No Medical Marijuana operator should ever be forced to pay into a fund that has

nothing to do with providing fees and low-cost marijuana to patients like me. The Municipal Equity Guidance is not law and if Cambridge could just delay Medical Marijuana operatives from co-locating with adult use, why isn't it included in the statutes or regulations in the first place? The legislature included the conversion language in the statute to protect the Medical Marijuana operators from being harmed by the adult use operators so patients like me don't lose their access. Cambridge does not have the authority to delay the Medical Marijuana operators from co-locating with adult use. It's like requiring CVS to only have a pharmacy. You also have no right to force a medical operator pay into a fund to help competing businesses open. Just a few days ago, Senator Pat Jalen spoke at the State House about the 3% limitation on the Community Host Agreements in the law. Maybe you need Senator Pat Jalen to give you a reading comprehensive course. Why aren't you demanding the \$25 million fund to provide low cost Medical Marijuana to patients suffering from AIDS and cancer from highly profitable adult use operators. If any of these Amendments pass, I hope you get sued. This- this and this proposal completely fails. Thank you for your time, and indulgence.

Craig Kelley: Thank you very much. You can leave- anyone can leave their written comments in the box to the side. Next up is Nicole Snow followed by Jason Perkins followed by Vanessa June Baptiste.

Nicole Snow: Hi, good evening. Nicole Snow, 190 Bridge Street, Salem, Mass. President and Executive Director of the Massachusetts Patient Advocacy Alliance. Um, first I want to thank the Council for doing an incredible amount of legwork, and I think that's a really important thing to think about. Um, I know some of the people that would be here today are not here today, but I made a promise to them that I would keep medical on the right track. And today I testified in Boston that there is an existing bill to cover Medical Cannabis under health insurance. We've come a long way and this Council was here through that entire past pathway. I trust the decisions that you make this evening and please come to a full compromise that is within the law. And we want to make sure that those Medical Cannabis businesses that came before but also the ones that will come afterwards when we change the law. We want to create non-vertical integration and small Medical Marijuana businesses that we don't set a dangerous precedent for them. We want to make sure adult-use businesses can add medical to their facility because they're the ones that came first. Those cultivators that grew at home, they came first for our patients. And now we have dispensaries, and now we have businesses, and now we have complicated Ordinances. It's up to you, and I see that you're thinking. Thank you very much. Have a good evening and I support a compromise. Thank you. Councillor Simmons.

Craig Kelley: Thank you very much. Next up is Jason Perkins followed by Vanessa June Baptiste followed by Grant Ellis.

Jason Perkins: Good afternoon and thank you for giving me this opportunity to speak in favor of the Zondervan/Siddiqui Amendment and the Green Soul Organics Ownership Group. Born and raised in the City of Cambridge, I have a great affinity for what this City has come to represent throughout the world. We, as Cantabrigians pride ourselves as being a melting pot of cultures and progressive social environment. With that being said, Cambridge has also fallen victim to the ugly reality of the haves and the have nots. I, by my own doing for a period of my early years, unfortunately, got caught up in the endless cycle of minor drug offenses, limited community role models, and poor rehabilitation opportunities. It can and has happened to some very promising and good-hearted people. Too many lives to count have been affected negatively for what now may become socially acceptable behavior. It only seems fitting that these that fell victim may now have an opportunity to redeem themselves. I'm a perfect example of redemption if exposed and given an opportunity to be a productive member of society. Twenty-three years ago, after a short period of incarceration, I was afforded the opportunity to attend a building trades program being run by what was then Cambridge Port Resource Center. Today I stand before you as a proud member of Carpenters Local 328 with over 20 years of service, which has turned-in turn ,led to me having a solid real estate portfolio in the greater Boston area. I bring up my past and present to give an example of what meaningful opportunities when meaningful opportunities have represented to those that for whatever reason have fallen off a productive path in life, can get right back

on that path if given the right directives, directions, and a little bit of guidance. This is a pivotal point in our community's history. We have a chance to make sure that those which had been most negatively affected and maybe less less fortunate or educated have an opportunity to benefit from this profitable global industry. Which has its roots firmly planted in these same often overlooked parts of our neighborhoods. I've known the founders of Green Soul Organics since approximately 1983. I truly have a admiration for these gentlemen for how they've been able to navigate a society that was, and I believe still, makes it very difficult for people of color or those less fortunate to succeed. They have gone on to be important members of our City, devoting considerable amounts of their time mentoring youth and to avoid- to avoid and overcome the obstacles. They've seen victimized and consumed so many of their friends from the past and present. Over the past few years, I've seen the work- seen them work tires...

Craig Kelley: Thank you very much. I'm afraid your time is up. Next up is Vanessa Jane Baptiste.

Marc G. McGovern: Mr. Chair, can you just just remind folks to speak right into the mic? I'm- the fan is- I'm having a little hard time unless you speak right into the mic. Thank you.

Craig Kelley: Please speak into the mic, and I'll apologize for cutting people off. It's painful, but there are an awful lot of people that want to speak.

Jan Devereux: Councillor Kelley.

Craig Kelley: Yes.

Jan Devereux: It's over here. Jan.

Craig Kelley: Okay.

Jan Devereux: Um, if you could give people like the 15 second warning so that you don't cut... yeah, okay.

Craig Kelley: Sure. I will. I will give you a wave if you're looking at me. Okay. Thank you very much.

Vanessa Jane Baptiste: So, I am an Economic Empowerment applicant and I'm in the process of opening a retail in Brockton and I know a couple other Economic Empowerment applicants that would like to come into Cambridge. Um, I just have a few words of my process. It takes a really long time to go through this and just to get a Host Agreement it took a really it took me a year to even get that and I've been talking to the Mayor, talking to City Council. So, um, with this opportunity that's going on in Cambridge as far as having the opportunity to keep medical from staying medical and not going to recreational. I feel like that is something that should be done because, even regardless of the money that they give to Economic Empowerment, it's not going to- it's going to help, but it's not going to help as much compared to a company that's already been established for three years, that's making their money, and that already has um, customers compared to an Economic Empowerment that has never even opened a company. It- it takes a while regardless of how much money you're going to give to somebody to get the comprehension of how to start a business. It's going to take a while, and medical companies already are going through this process. So, in my opinion, I would say at least ban them, or hold off on having recreation- having medical turn to recreational. And as far as the information that we heard today that medicals can't even donate into this fund to help economic empowerment this is really pointless to let a medical go into recreational and give priority to Economic Empowerment because as of right now there is priority for Economic Empowerment, but only one has a provisional license and it's been a whole year so, hold off.

Craig Kelley: Thank you very much. Next up is Grant Ellis followed by Mo Barbosa followed by Bob Moses.

Grant Ellis: Thank you very much, Mr. Chairman and thank you to the Council for your attention this evening. My name is Grant Ellis. Uh, I live with my family on Long Ave in Cambridge, Massachusetts. I want to say that I'm a disabled Medical Cannabis patient. I fell disabled after a surgery went wrong in 2014 and my throat is collapsing. My ability to access Medical Cannabis has nothing to do with the existing medical dispensaries and their ability to profit has no relationship to my ability to access Cannabis because I use a caregiver. I want to make clear that according to the Boston Globe, just one of the Cambridge dispensaries across all of its locations is projected to make \$90 million in revenue next

year alone. I also want to pull us back to the 30,000 foot elevation perspective here which is what are we fundamentally talking about. There's the proposal to give a two-year priority period to social empowerment and Economic- economic Empowerment and Social Equity applicants. The dispensaries offered a few different compromises to give funds to allow themselves co-equal priority. That priority period reflects the fact that those social equity and economic empowerment applicants suffered for decades at the hands of the drug war which caused their communities to suffer and this is a way that it can be made up to them. To give that co-equal priority to dispensaries for a monetary amount on its face doesn't seem like the best idea. But now that we've been told by the City Solicitor that it seems that these contributions may not even be legal, you have to look what's at stake here. If you can help these Social Equity and Economic Empowerment applicants through that kind of fund, if you can even force these medical dispensaries to remain medical dispensaries rather than selling off to some multinational conglomerate, then what can you offer them? You can offer them that two-year priority period. You can at least give them a chance to get a foothold in the market to compete against these monopolized corporate Cannabis dispensaries. If you don't, they're going to take over the market, funds or otherwise. They're going to corner the market, obtain the best locations, and undermine accessibility and equality in the pursuit of their own profit. And furthermore, the most- the most difficult aspect of this process has been the fact that this priority period is all you can offer these applicants. Throughout this entire process, the dispensaries have put forward their monetary contributions as a justification for getting a leg up. What amounts to a leg up? It's absolutely inappropriate and not something that the City should endorse. I would also say that the inability of the City to mandate if the fund is done on a voluntary basis, the inability of the City to mandate that it be overseen by a nonprofit would be hugely problematic. The dispensaries can't oversee the fund. And uh, finally uh, the uh, the uh, dedicated levy on the 6% local tax, regardless as to whether or not there's a compromise, should go forward, fund this program and go forward with the two-year moratorium. Thank you for your attention.

Craig Kelley: Thank you very much. If we could keep the enthusiasm down I'd appreciate it. Mo Barbosa followed by Bob Moses followed by Peter Valentine if he wishes to speak.

Mo Barbosa: Thank you, Mr. Mayor and City Councillors uh, for your time and attention to this really important piece. I am struck every time I'm in this room that there are four women on the wall and two people of color. Equity was not legislated and that's what we have in 300 plus years. Our five medicals right now are not owned by anybody of color. Equity was not legislated and that's the result that we got. There are 5,000 liquor licenses in Cambridge, one owned by a black man- by a black person, sorry. One out of 5,000, equity was not legislated and we got that result. You have the chance right now to do something different. I stood in this very room, I've stood in this building, I stood outside when Cambridge dared to be different and more progressive. Some of y'all might have been here that night when folks got married outside- right here, this City Hall. We were different. We were willing to be sued. We were willing to take on the laws that made inequitable things that were impossible to continue to tolerate. So, we should really um, think about what is possible beyond what other folks have already done. That cannot be the measure of who we are. It has never been the measure of who we are. All right so, I just want to put that out front. Um, if you do nothing else at the very least a one-to-one rollout. At the very least a one-to-one rollout. All right. That means that you would have a an EE rollout with a RMD for um, wreck- that would at least allow entry into the market. What you're doing right now or if if things go forward as they are is giving a four year head start to folks who were already given a head start with the original legislation. I'm gonna ask you to also really strongly consider the provisions in the Siddiqui/Zondervan uh, Amendment because creating that fund however it's run, and I'm sure the Cambridge Community Foundation would be happy to run it for you, um, however the dollars go into it. We find a way, when we're talking about things in Kendall Square, we find a way to allow City dollars, or City derived dollars, or City put through dollars, or City affected dollars, to support the development of those industries. We can find a way to make it support these industries. And as City Councillors, I'll ask you to ensure that when you're asking City Department folks for what is- how things are done, you're not asking them for

what can't happen. You're asking them for how to make it happen. And I would ask you to ensure that the City Solicitor's Office and the City Manager's Office give you the tools for what you dictate as vision because that's your role is to set the vision, and these folks can help you to make that happen. Thank you. And I yield my time to the distinguished gentleman from the Port.

Craig Kelley: Thank you very much. Bob Moses, followed by Peter Valentine. If he wishes to speak, followed by it looks like Steve Solari from 91 Park Ave.

Bob Moses: Um, to the members of the City Council, a full disclosure, I'm Robert Moses, Bob Moses. I live at 73 School Street in Cambridge. Uh, full disclosure, I'm here on behalf of my son, Taba Moses, and the Amendment, the Siddiqui/Zondervan Amendment. But what I wanted to do was put this in its historical context. And um, you guys are up against the fundamental fault line of American democracy uh, which I can describe this way. Uh, it's a democracy which has normalized opportunity for its constitutional people, and refused to provide structured opportunity for its constitutional rejects. So, in the first constitutional era, from 1787 to 1865, we had two sets of constitutional people. The preamble which outlines the people who own the constitution and then Article 4, Section 2, paragraph three, constitutional property Africans, who are property of the members of the constitutional people class. They are first set of undocumented people and the country would go to war over the question of their documentation and they spend their lives trying to be documented by insurgent runaways. That constitutional era ends with the war and the second constitutional era begins, and you should look up Circular 3591. Attorney General Biddle put that circular forward on December 12th, 1941 because President Roosevelt now needed young black men. And he instructed his Attorney General to stop rounding them up for uh, not having any work and instead Order the state prosecuting attorneys to prosecute as indentured servitude...

Mr.- Mr. Moses, I'm afraid your time is up unless someone moves to suspend to...

Marc G. McGovern: Move to allow the speaker one more minute.

Craig Kelley: So, please continue.

Bob Moses: So, Conant, James Conant in 1961, he wrote a book called Slums and Suburbs. He had been president of Harvard. What he said was that the country was running a tight caste system through its educational system. And then you should look up wisdom, Judge Wisdom, in December 1963 in the US v Louisiana, in which he said that from 1875 right down to 1963, the southern wing of the National Democratic Party was the manifestation of the will to white supremacy. So, in the first constitutional era you did not lock up enslaved Africans. In the second, African Americans were put to work. In our constitutional era, we have mass incarceration because there is no work for them. Thank you.

Craig Kelley: Thank you very much. The next up if you wish us to speak is Peter Valentine followed by Steve Solari followed by- it looks like .

Peter Valentine: Peter Valentine, 37 Brookline Street. I wish to speak because this is the United States of America and it's going to stay the United States of America forever. Very short statement. Other than using marijuana for medical reasons, I've heard nothing about a person being required to take a test to indicate whether a person has the maturity to use marijuana in a mature responsible way.

Craig Kelley: Thank you very much. Next up is Steve Salari followed by Malika Moses followed by Dr. Denise Valente.

Steve Salari: Thank you, Councillor Kelley. Good evening City Council. How you doing? My name is Steve Salari of 91 Park Avenue. I've been a Cambridge resident for 33 years and a taxpayer for the last 23. Thank you all very much for taking on this uh, important issue. A big proponent of legalized marijuana. It's been a long time coming, right, with the state dragging their feet for so long. Um, and I just want to make three important points real quickly. One is, I'm all about the non-profit fund. You guys can figure it out, right? You're all smart people. We did it to the Kendall Square group. As Mo Barbosa mentioned, we can do it for this group. Somebody mentioned that they weren't happy coming in with a license to pay 3% to a Community Fund or what have you. Well, they're going to be very happy making a lot of money over the next several years, right? So, as a as the Treasurer of Cambridge Community Television and on the Board of Cambridge um, uh, excuse me, Community Arts Center for the last 20



something years, I fully support non-profits trying to make some money off of this boom that the uh, that these guys are going to have. The second point is, I really think we should have a point system for community payback, right? As we were talking about uh, Boston has one, Somerville has one, and if you read in the actual wording of the law. It says anticipation of this scrutiny, meaning community involvement applications should include as much detail as available on the company's plan for positive impact as well as diversity plan, including qualitative and quantitative explanations of the plan information applied to the commission, should outline, specifically, how plans will assist communities of disproportionate impact. So, that, to me, sounds like a point system right- right from the law. The last point I want to make is, anybody on the Council that has been friends for decades, or family, or has relations, or it takes money from any of these applicants, certainly should recuse themselves from this process and not be voting on who these applicants should be. Thank you very much.

Craig Kelley: Thank you very much. Next up is Malika Moses followed by Dr. Denise Valenti followed by Samir Kapasi.

Malika Moses: Thank you for holding this hearing. My name is Malika Moses. Each of you has an opportunity to define the Cannabis retail market. The market will be comprised of five medicinal firms and potentially eight new retail shops. The question at hand is how will these eight licenses be distributed within my City? It's my City too, because I was born and raised in the City of Cambridge. I took my K-12 education to Spelman in Atlanta, and Babson College in Wellesley, where I earned my MBA. After graduation I worked for Fleet Boston and Bank of America, under the leadership of Gail Snowden, who was responsible for the bank's CRA rating. We used the full power of the bank's resources to help create wealth within minority and poor communities. The CRA, the Community Reinvestment Act, is a federal law that requires banks to direct resources to communities that were historically discriminated against by banking institutions. It's an attempt to correct the wrongdoings of the past. Because of my experience with the bank, I understand the power of the Zondervan/Siddiqui Amendment. It is a neighborhood reinvestment act that will require the Cannabis industry in the City to help build wealth in communities whose most valuable assets, teens and young adults did not achieve their full potential as a result of the war on drugs and the gross miseducation of working class and minority children who get tracked for failure in Cambridge's public schools. I support the Amendment because it is an opportunity for Cambridge to achieve four objectives, create long term value for officers and shareholders of publicly traded companies that are operating medicinal dispensaries in our eager to open retail venues. And I understand that none of these companies was founded by a Cambridge resident. Two, increase the City's revenue. Three, create long term value for community- for the community through performance based startup capital for emerging entrepreneurs who reside in Cambridge. And four, generate annual residual income for community programs to the 2% of the combined gross revenue of all Cannabis companies in Cambridge. Based on a forecast of \$1 to \$2 million in revenue per month at full tilt, that one percent could provide under \$2 million a year to fund programs and businesses that uplift families impacted by the war on drugs. We need to work strategically to hold Cannabis companies accountable in the same way that banks have been held accountable through the CRA for the past 42 years. In the time of Elizabeth Warren, Ayanna Pressley, and Rachel Rollins, in these times when women and mas- when women and leaders in Massachusetts are standing up for change, we're calling on you, Councillor Simmons, and anyone else who wants to stand up for economic justice to support the Zondervan/Siddiqui Amendment, which is a bold neighborhood reinvestment act. We should not pay lip service to Martin Luther King's dream. He was murdered while fighting for economic justice for poor people of all backgrounds. Let's honor King through right action. Now is the time to create wealth not only for Wall Street executives and their shareholders, but also for Main Street businesses and neighborhood residents. Thank you for the opportunity to share my perspective.

Craig Kelley: Thank you very much.

Marc G. McGovern: Mr. Chair, can you remind folks to leave their comments, if they're written out, so that- in the basket. Like...

Craig Kelley: If you have written comments, there is a basket by the podium, and you can leave them there. Thank you. Next up is Dr. Denise Valenti, followed by Samir Kapasi, followed by Nick Williams.

Dr. Denise Valenti: First, I'd like to thank everybody for the opportunity. Um, my perspective is extremely different. I grew up in Oregon, part of an active...

Craig Kelley: Could you state your name and address please?

Dr. Denise Valenti: I'm sorry.

Craig Kelley: Could you state your name and address please?

Dr. Denise Valenti: Denise Valenti. I live in Quincy, Massachusetts, 62 Forest Avenue. I grew up in Oregon as part of and as exposed to, what was then illegal Cannabis market. I am an advocate for medicinal and appropriately managed recreational. Somebody just mentioned Elizabeth Warren. I want to remind everybody here that the nation is watching the City of Cambridge. Cambridge was in a position to correct what the state of Massachusetts had put before them, voted on by Cambridge residents, discriminatory behavior against many diverse groups in our state by defining Economic Empowerment. They discriminated against Native Americans and disabled in writing these Amendments. Legislators here in Cambridge had an opportunity to correct this exclusionary discriminatory behavior. Instead, they focused on the money. The nation is watching. I would like to point out some of the data related to these populations. A Native American is incarcerated at a rate 38% higher than the general population. Data is hard to come by in Massachusetts, but in 19 states across our country, they are incarcerated at a higher rate than any other race. As a person developing my career, I was originally a blind rehabilitation specialist. I provided services in Alaska for Indian Health Services and then in Detroit, Michigan at the height of the crack epidemic. This career was cut short when I was diagnosed with lysine deletion 210 cardiomyopathy. If you've never heard of that, there are only 12 families in the world that have it so far because it is so deadly. I had already lost a 17 year old sibling, a 19 year old sibling, and my oldest child. I was confined to a wheelchair, had trouble walking, had trouble speaking. It was my disabled colleagues and those colleagues that had severe chronic illnesses such as muscular dystrophy, MS, HIV, and those visually impaired that worked with me to develop accommodations and move forward. My career changed. I now own a company, IMAD, Impairment Measurement Marijuana and Driving. Let me tell you a little bit about statistics about incarceration for disabled. When it comes to mental illness, 64% of those in a local jail have a mental illness, 56% in state and 45% in federal...

Craig Kelley: Thank you very much.

Dr. Denise Valenti: I have these data for you that you can read. Disabled are the highest incarcerated in the country and it recognizes...

Craig Kelley: No, time is up. Thank you ma'am.

Dr. Denise Valenti: It's very important to include language for the employment of disabled in all these...

Craig Kelley: Ma'am, your time is up. So, please leave your comments in the basket.

Dr. Denise Valenti: And disabled person does not get extra time. Thank you.

Craig Kelley: The next up is Nicola Williams, followed by Electric. I apologize for butchering that. Followed by Saskia James.

Samir Kapasi: I think I got skipped.

Craig Kelley: All right, I missed Samir- Samir Kapasi first, followed by Nicola Williams, followed by (inaudible).

Samir Kapasi: Good evening. Honorable Mayor McGovern, Honorable Council people, Honorable Commissioner, esteemed friends and colleagues. My name is Samir Kapasi. I grew up working over in Inman Square in my parents' restaurant as a busboy and waiter. And now I'm a physician practicing rehabilitation medicine and in particular pain medicine over at Mount Auburn Hospital. I've been there for the last five years and daily I see what the opiate epidemic has done to our community. We have relied on escalating doses of medication in the hopes that maybe a stronger opiate will help even though the weaker one only worked temporarily. Only to drop patients off the wagon when there was nothing else that could be done. We thought maybe you should knock on someone else's door to get your medication.

Since starting my practice, I've weaned so many of these patients off medications completely only to find that their pain actually improved after this. I've also seen so many of my patients progress through various forms of Cannabis, whether THC or CBD heavy. I've seen how this plant has changed lives, changed seizure thresholds, spasticity and managed chronic pain. And I can honestly say it isn't something that I, nor for that matter, does a scientific community readily understand. There is limited research and quantification on how Cannabis affects our bodies. I feel that as a physician, this is a clarion call to determine efficacy. However, the current industry is highly interested in a profit motive. Constellation Brands, the owner of Corona, bought a 38% stake in Canopy Growth for \$4 billion, the world's largest Cannabis company. Altria, the owner of Malibu cigarettes, bought 45% of Kronos for \$1.8 billion. Hence, we have alcohol and tobacco poised to control this industry. Both of these industries have deceived the public consistently and continue to market to an underage clientele. As a City, we need to avoid the lore of established RMDs, but also be cognizant of what it takes to build a company in the technology, education, and health center that Cambridge has become. Not only do we need to empower those victimized by the opiate epidemic through social equity and economic empowerment programs, we need to raise up hardworking and minority entrepreneurs. Hence, I support the moratorium on larger RMDs in favor of minority EE and social equity applicants. I propose also that special dispensation be made for co-op applicants so that multiple people may rise and benefit in this in whatever this industry can bring. And finally, I propose that folks like myself, physicians and researchers, be allowed to make Cannabis ubiquitous like ibuprofen, something you can walk into the store and get for your headache by empowering us to open up labs, manufacturing facilities and adult use stores. Thank you for your time. And I look forward to working with the City of Cambridge as we continue to be a beacon for the rest of the world.

Craig Kelley: Thank you very much. Next up is Nicola Williams, followed by Alichaphonetic, followed by Saskia James.

Nicola Williams: Good evening. Nicola Williams, 8 Brewer Street. I'm a business owner for 25 years. I've trained hundreds of businesses through my work with the Cambridge Business Development Center, which now the City of Cambridge works pretty much um, delivers those services for entrepreneurs sustainable business network. And I've worked with the Dorchester Bay Economic Development Center to help um, them with their loan program in funding small businesses. I support the Zondervan and Siddiqui Amendment because I think of the two Amendments that one has the more substance and offers the best chance for EE businesses to succeed. I think it's important to mention some facts. Um, there was a study done um, the color of wealth in Boston where it revealed that U.S. blacks, non-Caribbean, um, net median net worth WAS \$8 compared to whites of \$247,500 in the greater Boston area. Um, Mo mentioned one in 5,000 liquor license are owned by black entrepreneurs. We have more than almost 500 restaurants in Cambridge. About 1% are owned by black and Latinx resident or people um, we can all name them. And I feel that given this study that was done in 2015, I wonder what the City of Cambridge has done and what is the City's Equity Report Card look like. Um, the two things that businesses need the most are money and credit. This has been the biggest roadblock for these types of businesses. And I feel this is an opportunity for Cambridge to do something bold, right, big. And set an example for the rest of the state and the country. Our City Solicitor should be sharing with the Councillor how we can make it happen and now not how it cannot happen. So, we need business funds. We need loans. We need to also look at funding other businesses beyond the um, EE Cannabis businesses. This is the opportunity to do things right. And build economic- true economic development and equity for businesses in Cambridge which leads to jobs and stability and empowerment. Thank you.

Craig Kelley: Thank you very much. Next up is Alichaphonetic, followed by Saskia James.

Alichaphonetic Cadet: My name is Alichaphonetic Cadet. I don't have anything written- written down but I'm gonna try my best. Um, I believe that Cambridge is in a unique position to do something great. And that's level the playing field for economic empowerment actors. As I was walking up the stairs today, I saw a sign that really made me proud. Black Lives Matter. But let's ask ourselves, do the lives of black

businessmen matter or brown businessmen or female businesswomen? Who are these Economic Empowerment applicants? They're minorities and women. I'm not here to give a history lecture, but let's remember that for a while in this country, African Americans weren't allowed to read, weren't allowed to vote, weren't allowed to build houses, weren't allowed to get mortgages. And when those laws were lifted, we still had major hurdles in front of us in the way of systematic racism. And the Amendments that Councillors Zondervan and Siddiqui put forth are really supportive because they're taking this into consideration. And they're saying that let's level the playing field by giving Economic Empowerment actors who have a history of disenfranchisement a level playing field. These major corporations aren't going to go away. If you prohibit them for a certain amount of time, the fact is they have to do business in Cambridge. They want to do business in Cambridge. And the fact is they can afford to wait. And another reason why I was impressed by the Amendment put forth by Councillors Zondervan and Siddiqui is that it raises the standards. If these mega corporations, companies that are worth hundreds of millions, millions of dollars are gonna come do business in Cambridge, let's make sure that we remind them that Cambridge is a progressive City that stands for equality, social justice, and we have high expectations and standards for you if you're going to do business in the City. And you guys have a important vote tonight. And I would just ask you what side of history do you want to be on? Thank you.

Craig Kelley: Thank you very much. The next up is Saskia James.

Saskia James: Hello you guys. Um, good evening. um, I'll be brief hopefully before the three minutes. I know you guys have a lot to handle tonight. Um, I just want to say I'm happy with the progress.

Craig Kelley: Could you introduce yourself and say where you live please?

Saskia James: Saskia James. I live on 251 Cambridge. Um, I'm really happy with the progress we made and I am unhappy now to have to repeat myself in a serious request. There's a loophole in this paperwork And I'm seeing Amendments being placed on the table for suggestions from you guys. And I don't see this loophole being addressed. And it's under the group a priority applicant. Um, you've you've asked for Social Equity Program applicants certified by the Commonwealth Cannabis Control Commission who is also a Cambridge resident, and has been um, for at least the previous three years. You don't have any um, language underneath woman or minority owned business as certified by the commonwealth or the City. There's no language in regards to race. There's no language in regards to residency within the City of Cambridge. So, you're basically prioritizing somebody that's certified um, through the state or the City um, which can be a white woman making lots of money in western Massachusetts over a Social Equity applicant in Brockton. I don't understand why this is not being seriously addressed. I just saw on the cover of a local magazine Women in Cannabis. There was not one black woman on the cover. We know who really needs these funds and there's not a specific language in here addressing brown, black, indigenous women and white women are fine. They're flourishing and you guys don't want to be specific and about the war on drugs and really get into the details. But you've heard countless people tonight talk to you guys about the importance And the historical importance of getting the language right and being specific in who you're talking to. Because when you don't do it, when you're not intentional with your work and not intentional with the language that you use on this, then without intention there's negligence. And the result of the negligence is what the first man commented upon Which is the negligence which was done by the people of your president assessors. It's intentional. You have to be intentional to include us because legally the state is this country was founded intentionally not to include us. So, you have to be radical. You have to be oppositional and defiant within that. You have to want to shake things up. So, this language doesn't do it for me. I'm not seeing the radicalness, the intentionality, the we are here so that these children- these children- that my daughter go to school with, who are suffering from the war on drugs because we are still suffering to this day, aren't being addressed. So, please amend this. White women shouldn't be applying on any Social Equity applicants if they're not survivors from the war on drugs. We have to be very very specific about this um, in regards to that and also about being a resident in Cambridge. Thank you.

Craig Kelley: Thank you very much. That concludes our sign-up sheet. If there are people who have not signed up but would like to speak, please stand up and go to the podium. Introduce yourself and you will have three minutes.

Khadija Tribble: Sure, thank you so, much. Um, I wasn't planning on speaking but um, hearing the conversation here tonight, I felt compelled. I was reminded when I was in these chambers just a few months ago, maybe even a year ago...

Craig Kelley: Could you introduce yourself please?

Khadija Tribble: Sure, Khadija Tribble from Salem, Massachusetts, um, here to talk to you guys about the work that I did at the Kennedy School around social equity. And one of the things that I'm struck by here tonight in the conversation is um, a loss of what equity is all about. Equity is not about whether the RMDs can pay \$5 million or should volunteer to give that money. Equity is about actually looking at the least of your residents and doing what's right for them. Um, I actually uh, remember doing some research and earlier this year I understand that um, the Mayor and you Councillors embarked on a conversation called Dig Deep Cambridge, and in there I wanted to read what it said. It said that these conversations were to encourage community to live up to its values and to move us closer to realizing our vision of a truly just and equitable Cambridge. And I just want to remind that you guys have the right to seek that out in your legislative process. And with all due respect to the Solicitor, nothing progressive and equitable has come without risk. So, I ask you, if you're not willing to risk for the vote for the most vulnerable, for those that have been most damaged and harmed by the war on drugs, then who are you willing to take the risk for? And so, I think to consider two years of prioritizing EEs and SEs is the least of what you could do. And I also think if you're serious about equity and access to opportunities and ensuring equity and outcomes, that you're going to look beyond just the two-year prioritizing, prioritization of SEs and EEs. That you'll look to make sure that fees and tax revenues go to support those communities disproportionately harmed by the war on drugs. And I also think that you can go a step further in pushing yourselves as legislators to find out what are the ways in which you can ensure that the outcomes for equity are actually realized in the City, because we've seen in California, we've even seen in the state where the laws are really good, but the outcomes are not so good. And I think that you guys have an opportunity to do that. And I've spoken to people in this room, people on this Council, and I'll say it publicly. The nation is watching, if we can get this right in the most progressive City in the country, then it is hope for what we can do in other parts of the country. Thank you for listening.

Craig Kelley: Thank you very much. Is there anyone else that hasn't spoken yet that would like to speak? Please come to the podium, introduce yourself and you have three minutes.

Sean Hope: Evening Mr. Chairman, members of the Committee, for the record Sean Hope on Fairmont Avenue. I came here tonight in support of the Simmons Amendment. Um, I felt the Simmons Amendment was narrowly tailored. I felt there was rationing related to one of the important goals which was providing construction financing. Uh, I do believe both Amendments seek equity. I think that uh, I felt the Simmons Amendment was more balanced. But I think it's clear and I want to maybe state the obvious. There's no bad actors. There's the idea that one is more equitable than the other. I think there are different approaches to it. So, I think both sides should be applauded and commended because this is difficult work to do. um, but I am also I'm also thankful to the Solicitor. I do think I'm an attorney by training and there were lots of legal questions that were out there that were making it hard for the Council to come to some consensus. So, although the timing wasn't maybe what everyone wanted, I think it's I'm pleased that it's out there and I think it helps it move forward. Um, I'm not a municipal lawyer in the in the sense that I have uh, practice um, a specific set of municipal law that this is dealing with but I do think I had a proposal that might move this forward. Um, I do believe and this is a suggestion that uh, if the Council saw fit they could pass the Simmons Amendment. They could strike any reference to any impermissible dollar amount and replace that with the maximum amount that is allowed by state law in consultation with the City Solicitor. The Simmons Amendment contained \$5 million of construction financing and valuable services and training. I think that those elements outside of the \$5 million, if that's not allowed, those are very valuable

and I would hate to see those not used. Um, also as part of this conversation, I was made aware that the RMDs had committed to everything in the Simmons Amendment. And I believe that if the RMDs are still willing to do that, I think they can do that on their own. They do not need the Council to be involved. There are several non-profits that would be that they could enter into a private agreement prior to ordination to uh, to for the \$5 million plus all the training um, plus the the other elements and I believe there was also a piece about financing for product. So, I believe while the Council may not be able to engage in that, I do believe a private agreement with a nonprofit can take place. I believe the RMDs are who they said they are. They have sat down at the table. They have made commitments. I believe that they're in their power to enter a binding agreement prior to Ordinance Ordination outside of this Council. So, I do believe that the money that was promised and stated in an attestation can be delivered to the RMDs. I'd also like to say lastly that um, the moratorium which I believe uh, could be effective if it was passed without legal challenge. We have shovel ready or in the Cannabis retail ready projects to go. Multi-year litigation does not help anyone. So, we can throw around the two years but if we can't get the two years without litigation it doesn't help anyone. So, I think that was a suggestion and if it has any merits I'd love you to consider it.

Craig Kelley: Is there anyone else who has not spoken that would like to speak? Come to the microphone, introduce yourself please. And then you'll have three minutes.

Zachary Burke: Good evening Mr. Chairman and through you to the Ordinance Committee. Thank you for the opportunity to speak this evening. My name again is Zachary Burke. I'm a partner at the law firm of Saul Ewing, Arnstein, and Lair in Boston. And as I stated here before, I represent three of the existing Medical Marijuana treatment centers or RMDs currently operating in Cambridge. Um, first I want to thank you all for your thoughtful consideration of this issue. There's no doubt you've been careful and deliberate in considering what the Cannabis Ordinance should look like to ensure it benefits the City of Cambridge and its residents. Now with that said, I want to emphasize how critical it is that the Ordinance is voted on tonight. All of the parties involved here, the RMDs and EE applicants are harmed by continued delay. In addition, the residents of Cambridge who overwhelmingly voted for adult use legalization deserve to have these businesses up and running as consumers and taxpayers. The attorney general has said that Ordinances should have been adopted by December 31st 2018. My clients have been patient and letting this process play out and again appreciate your diligence. But if nothing gets voted on tonight, they'll be left with no choice but to consider immediate legal action to get their licenses converted. Now with all due respect to the Solicitor, I want to reiterate that the two year moratorium is clearly illegal and if passed will be challenged in court. By way of example, the CCC regulations clearly state that RMDs and EE applicants are their applications are to be considered on a one-for-one basis. Now the good news is Councillor Simmons has offered a framework that works for everyone here as the City Solicitor recognized in today's letter. RMDs are permitted to make voluntary donations and I want to assure you that my clients are willing to do that and attest to their willingness to do that as they've already done under the penalties of perjury with regard to committing to serve medical use customers in the future. So, long as this is within the parameters of Councillor Simmons proposal. We will work with the EAS to get it done in a legally enforceable way. We have a framework before you tonight in the Simmons Amendment that's thoughtful and beneficial to everyone. Therefore I urge you on behalf of my clients to vote in favor of some version of that Ordinance this evening. Thank you.

Craig Kelley: Thank you very much. If there's anyone else, introduce yourself please and you will have three minutes.

Sia Samora: Hello. Thank you. My name is Sia Samora. I'm a resident of Boston, but I'm currently pursuing Cannabis licensing here in Cambridge. Um, I wanted to start by thanking the entire Council. I know- I've been following this. I know how much work has been put into thinking about this Social Equity issue here in Cambridge. So, I want to thank you for that. I also wanted to let you know that through all of these many meetings that the Council had asked Economic Empowerment applicants to go back and meet with the RMDs and kind of sort it out, find out what's really going to work here. And I'm

proud to bring to you here that we did. We did have been having these talks and we have sat down and I believe the Councillor Simmons Amendment represents the fruit of all of those conversations. And so, I'm happy we were able to do that. I think this was very sensitive uh, vulnerable. I think you if- if you keep on having meetings, you'll continue to have a lot of people with a lot of different views come before you and advocate for them. But the the Councillor Simmons Amendment has really been worked on by a majority of the Economic Empowerment applicants that are moving through licensing here in Cambridge along with these RMDs. And I think this kind of represents- but we've all been looking to encourage in the Cannabis space. How do we get these companies to work together, encourage an equitable market, move things along. And so, the Councillor Simmons Amendment, I think, really does just that. And so, once again I want to thank everyone here. I know um, you'll continue to hear from a lot of folks. I- I- I am going through licensing here in Cambridge and the longer we do wait uh, the more it hurts our businesses. And so, we're looking for a resolution here. Um, and I think we found one frankly, and I think it's something we should all be very proud of the Councillor Simmons Amendment here in Cambridge. So, thank you very much.

Craig Kelley: Thank you very much. Is there anyone else who hasn't spoken that would like to speak? Introduce yourself please. And you have three minutes.

Chalene Title: Thank you. Uh, good evening. My name is Chalene Title. Um, I'm here in my personal capacity. I live in Malden. I previously lived in Cambridge. Um, and I'm an expert on this subject because I serve on the Massachusetts Cannabis Control Commission. I like all of the proposals in front of you. Um, I- I have said many times that I really admire the thoughtful and careful approach that you've taken. I do want to make a few important substantive points. One um, just a reminder that the idea of an exclusive period for economic empowerment applicants is explicitly contemplated in Cannabis Control Commission guidance. Um, I saw guidance uh, from our Commission cited in uh, the opinion discussed tonight so I want to make sure I mention that. Um, I sat through five hours of very moving testimony earlier today um, that the Commission held. We heard from a lot of small Businesses Equity applicants, Economic Empowerment applicants, and I came away with the feeling that um, 24 months is a very short period of time. Uh, what I want to impart upon you is that when we were considering all of the same um, legal questions and moral questions that you are um, we decided to set a period of 24 months but at the end of that time set very clear criteria that will be evaluated uh, to see whether the goals of that exclusivity period have been met because this is very unpredictable what could happen in 24 months and maybe nothing. So, um, that criteria is in our draft regulations. I would take a look at um, different ways you can measure whether you're meeting your goals and plan if you do have such a period at the end uh, to evaluate that and decide whether you want the period to continue. I'd also note um, the part of the law that governs Host Community Agreements looks very clear in terms of the limits. The real world conditions are very different. I personally have chosen to abstain from votes on licenses that I feel go beyond the law in terms of Host Community Agreements and that has ended up being The vast majority of them, I think about 75% so far. Um, and so, I would consider what advice other cities and towns are getting and what they're doing as you make your decision. Um, and I- I just really sympathize and empathize with um, all of your very clear intention to help these businesses um, and and to get um, opinions where it's- it's- it's really hard to know what to do next. So, I- I don't have a solution to that, but I just um, I empathize, and I- I thank you for your work and um, encourage you to keep looking at innovative solutions like the Sim- Simmons Amendment. Thank you.

Craig Kelley: Thank you very much. Is there anyone else who hasn't spoken that would like to speak? Please introduce yourself and you have three minutes.

Winston Brown: Uh, Hhello, my name is Winston Brown um, of Boston. I am also part of the Weish family, which has been a family here in Cambridge for about 60 years. Um, just wanted to speak on the- why there should be a one-for-one um, for over two years, and setting aside a number of licenses for EE applicants and non-EE will help others after moratorium licenses should be awarded on a point-based system just like Boston, our neighbors, not in Somerville. Um, there is no restriction on how many

licenses a City can distribute, so, we should also consider that. Um, there should be a one-for-one scenario rollout. Um, also it's been brought to my attention that there are RMDs, um, that are being considered for these new licenses, um, that have threatened to sue the City of Cambridge if certain things weren't done in their, that, you know, in the likeness of them getting one of these licenses. Um, and a lot of them don't even have ties to Cambridge. Some of them don't even have ties to America. Um, as far as the higher-ups that lead these, um, and they will not prioritize hiring black and brown, or women, um, or making them partners. Um, some RMDs, uh, it's not even in their- in their plan or what they propose. Now 100% Pure, which is also a part of the Green Soil Organics, is 100% Black and Brown owned, um, Cambridge born and raised. It's a- it's a- the group that heads it, have been here for just about as long as my family's been here as well. Um, even people like myself of Native American descent, and also I'm prior service military um, in upper management as well as another veteran that we also have in as upper management and partner, um, they're making a way for other EE applicants um, to open with open conversations to financially back other EE applicants as well. So, um, ensure just to cut it short. I just don't want the, um, Black Lives Matter banner to be a bold-faced lie. Lead the way. Let Cambridge lead the way for the neighbors and for the rest of the country. Thank you.

Craig Kelley: Thank you very much. Is there anyone else that has not spoken yet that would like to speak? If you could introduce yourself and you have three minutes.

Leah Somara: Good evening. My name is Leah Somara. Um, I would like to say that I support Councillor Simmons' Amendment. Um, I think it is a- it's a start, and I think we need to start somewhere. Um, I think that we can go on and on and on forever. Um, the other Amendment, I think, is a bit of a reach at the moment. Um, but I think we- for- I'm- I'm also an Economic Empowerment applicant. Um, I think it's a- it's a place for us to start. Um, if we don't start somewhere then we won't get anywhere. Thank you.

Craig Kelley: Thank you very much. Is there anyone else who has not spoken yet that would like to speak? Seeing no one, I'd entertain a...

E. Denise Simmons: Move to close Public Comment.

Craig Kelley: Looks like someone- no, go ahead. Introduce yourself and you have three minutes.

Joe Gilmore: Hello, my name is Joe Gilmore, President of the Massachusetts Recreational Consumer Council. Um, I'd like to speak in support of Councillor Siddiqui and Councillor Zondervan's Amendment. I agree with a lot of the Economic Empowerment applicants who spoke tonight, who spoke about the need for a much greater- greater leg up because these RMDs have essentially had all the resources they need to get through this process once they can do it again and just capture the market. Um, as I mentioned at my last testimony, I do work with social uh, Social Equity and Economic Empowerment applicants helping them navigate the licensing process. Um, I reached out to uh, just- just personally reached out to a lot of applicants who who are certified Economic Empowerment, Social Equity, and asked them about how much it actually cost to build uh, build out a Cannabis dispensary. And the majority of responses that I got were between the areas of \$1.5 million all the way to \$5 million. I believe there's a document that was provided by an Economic Empowerment applicant who is working with a Northeastern professor and their total capital requirement is \$2.4 million. So, for us to say that the \$5 million is sufficient to take care and really bolster opportunities for all of the um, Economic Empowerment applicants who want to apply in Cambridge, I don't think that that's sufficient at all. Um, and as I- as I mentioned the last testimony, equity is really about supporting everybody um, including the people at the bottom, not just the people at the top who were able to make it to the point where they could, you know, start paying for rent in Cambridge. We can't just think about allowing them to go forward because they were at the top. We have to think about the people at the bottom too, which is why we need a very substantial fund in Order to make sure that these EEs are successful. And if not, then we need to stand with uh, the moratorium. Thank you very much.

Craig Kelley: Thank you very much. Is there anyone else who has not yet spoken that would- please introduce yourself and you have three minutes.



Ahmed Lawal: Um, my name is Ahmed Lawal. I'm an EE applicant out of Randolph, Massachusetts. I just have a few thoughts on what's going on here in Cambridge. A hundred years from now people will look back and say wow I can't believe Cannabis was illegal. A hundred years from now folks will look back and say either Cambridge City Council set the precedent for what a real equitable playing field looks like when it comes to the Cannabis industry, or they'll say they had an opportunity to do it right for all people regardless of their color, regardless of their sex, regardless of their religion, regardless of finances and they blew it. In the past year or so, I've seen or read of people switching careers and jumping head first into the legal Cannabis market and it's a sign of changing times. That the negative stigma on Cannabis is gradually disappearing and this makes me happy and I'm sure a lot of other people in this chamber happy as well. That being said- that being said I implore the Council not to forget the years that have vanished never to be returned from the lives of those negatively affected by the misguided war on Cannabis, to consider those still in prison for something that has been legalized, or is in some stage of reform throughout the country and the world. I'm here to represent the little guy, the mom, the pop, the hobbyist, the enthusiast that was lucky enough to submit an EE application in time to the CCC. That's in line knowing all I need is a solid chance towards long-term success, not a well-meaning handout for short-term gain. I understand the RMDs aren't responsible for the war on Cannabis, but as of now it seems like they're the only ones legally benefiting from it. I understand that they shouldn't be vilified, that they're just trying to do business. EE applicants, the little guys, we're just trying to do business as well. The Zondervan/Siddiqui Amendment, speaking as an EE applicant, I believe is going in the right direction to help us do just that. To establish an equitable starting point for all EE applicants with a fair contribution from RMBs financially and socially. The Zondervan/Siddiqui Amendment puts more thought into actual startup costs required not the court of a mill I believe is proposed by the Simmons Amendment. The Zondervan/Siddiqui Amendment addresses the social responsibilities of all retail dispensaries to give back in some shape or form to the Community of Cambridge, setting a blueprint for other communities to follow. The Zondervan/Siddiqui Amendment is a thought-out approach to how David can stand in front of Goliath and they both walk away stoned and happy. A hundred years from now, my hope is history will show Cambridge got it right. Thank you.

Craig Kelley: Thank you very much. Is there anyone else who has not yet spoken and would like to speak? Introduce yourself please and you have three minutes.

Chris Hunter: Hi, Chris Hunter. Uh, thank you again for the opportunity to speak in front of you uh, on this proposed Amendment and the proposed Ordinance. Uh, and again, it's my pleasure to speak in support of the Economic Empowerment applicants. Uh, so, speaking first on Councillor Simmons' proposal, uh, it's insufficient. It effectively creates a scenario in which Economic Empowerment applicants are set up for failure. Uh, and the- the evidence of that is provided within sort of the the budget that was attached by Councillor Zondervan and Councillor Siddiqui uh, about the requirements for opening a Cannabis retail operation. Uh, so, in particular those conditions uh, are that it leads to insufficient cash flow generation due to lack of access to inventory due to lack of access to capital. Uh, so, in particular what I would highlight is that what a \$250,000 cash injection does is under capitalizes a business and leads to it entering into a vicious cash flow cycle that results in it's failure. Now I think the key points to be focusing on for the content of the Amendments are ultimately what is defining priority, and priority in this case is sort of quota ordering. As I mentioned the last time I was here, location control is what is being divvied up as access to prime retail locations. So, at a baseline, what any Amendment requires is one-to-one at least to ensure that Economic Empowerment applicants have access to prime retail locations. As a result of that access, those applicants, those licenses acquire access to capital. That is a portion of avoiding a vicious cash flow cycle scenario. So, again, what I would highlight are the key points that to make any proposal successful, what is required is a quota, as in the case of the Zondervan and Siddiqui Amendment, is at least as many applicants that are Economic Empowerment. That's a one-to-one ratio. In addition, we're trying to deal with, as has been highlighted, the highest barrier to entry for Economic Empowerment applicants and access to capital component, which again can be solved through

the creation of a fund. I think that's one option. I think as proposed, it is the best option because it requires effectively equity in the distribution of profits. Uh, but again, as a baseline, start with the distribution of licenses and move upward from there. I would just like to commend everyone for their hard work on developing the right answer to the question. But I- I think I'm done, thank you very much.

Craig Kelley: Is there anyone else who has not yet spoken and who would like to speak? Please introduce yourself and you have three minutes.

Taba Moses: How's everybody doing? Um, Taba Moses. I grew up in the Port. Um, I'd like to deal with some facts. So, I just saw two lawyers come up here and one said that they support the Siddiqui, not the Siddiqui Amendment, but Denise Simmons Amendment. And then he threatened to sue us. Sean Hope, another lawyer, came up here. What he didn't say is that he is the lawyer for Sarah Naturals. Since Sarah Naturals has become a medical RMD, they've sold their company to CSAC. We all knew that since the last meeting that we were at, they are now AYR. They're the biggest Cannabis trading company operating on the neo Canadian exchange. I have documentation here, which is a quote from the person who runs the Canadian stock exchange, commending them for being the first \$1 billion company on their exchange. So, these lawyers are sitting here and they're saying that they're representing Michael Dundas and everybody else. Who are they really representing? The CEO of Sarah Naturals is now John Sandelman. He was at highest executive, one of the highest at Bank of America. The COO of AYR who controls Sarah Naturals is Jennifer Drake, Goldman Sachs, The Commercial Chief Officer for Sierra Naturals controlled by AYR is Chris Bugravi. He ran Budweiser and Coca-Cola. These are the people that you guys are trying to give an advantage to. And then if you look at this the Denise Simmons Amendment, I broke it down. They said that in Order to run a bud tending store and a retail store, you can run it with six people. You can't run a coffee shop with six people. You need at least 12 people. I put some stuff in her budget without even overlooking it and I immediately got to \$2 million. So, I think it's time people look in the mirror and decide if they're going to vote for their friends or if they're going to vote for their community. Thank you.

Craig Kelley: Thank you very much. Is there anyone else who has not yet spoken who would like to speak? If you could come to the microphone and introduce yourself.

Richard Harding: Good evening. Richard Harding, 189 Windsor Street. Um, thank you for this opportunity. I just want to speak to where I think we ought to be around where we're going with this Amendment. First and foremost, and I said this before, the Denise Simmons Amendment was a slave Amendment. Okay. It was negotiated by the slave masters. That's what it was. \$250,000 is like giving us a tip. That's what that is. Let's talk a little bit more about what we know here. And all of the Council is- know this because not only have I told you this, but you could read it. The Cambridge Day has talked about in different places. We-, the- the Zondervan Amendment, Siddiqui Amendment gives EEs more money, more opportunity to close the gap with first mover advantage. And more leverage to equal the playing field. So, if a EE comes up here and says they don't want more money to open their business or they don't want to even the gap around first move advantage, it's because they're compromised. And the dirty little secret is you all know it. You know the lawyer for this one is the e-applicant for this one. You know what Taba said is absolutely true. You all know that there are people who are compromised and you're trying to play the game of divide and conquer. Let the colored people fight with the colored people because they don't know what they want. We know what we want. We know what we want. We want equity and we want equity in Cannabis. Now we want you to tell the voters when you go and knock on their doors, don't lie to them. Tell them that you didn't vote for this this Amendment because you want it to get marijuana moving quickly. Marijuana is going to happen. Cannabis will happen no matter what. You can't go back if you mess this up. That Amendment does not give you enough money to start a coffee shop, a cupcake stand. And we know this. All right, you have a billion dollar industry where we know some of these stores will make this money back in six months and we're acting as if they're poor. We're acting as if we're going to the spare change people and asking for a loan. The money in this business is different and we need to make sure that it's commensurate with the first move advantage that they get. You know what it is if I could get two Cannabis licenses for the short money \$5 million? Of course I'd do

that. They'd do it all over the country if they could do that. And that's the- that's the- that's the dirty little secret that you know. No one in this room, none of the medicals could ever say that given one entity, 25% of the licenses, it's fair. One entity is going to have two licenses. If you give them all, let them roll over, they'll have 60% of all of the Cannabis licenses in the City. That's equitable. I want to hear you not going to do it on the Port and say that's equitable because that's a lie. You all know that they're compromised. You know they are. You're not guessing. You know they are. You know he's the lawyer for this one. He has an EE applicant. You know this. And you're complicit in this complication. And this is why we're standing up today for equity in Cannabis. Last thing. We are not going away. They say they'll sue. We'll sue. We got the best attorneys going. It's not that they're the only ones that can sue. You have to watch what's happening. And the scariest part of this is you know what's going on.

Craig Kelley: Thank you very much. Is there anyone else who has not spoken yet who would like to speak? Please introduce yourself and you have three minutes.

E. Denise Simmons: Mic's not on. Your mic's not on. It's green. ((cross-talk))

Craig Kelley: The mic is on. Speak into it.

Marcus Johnson-Smith: Can you hear me? Got it. All right. Thank you. Uh, good evening Council. My name is Marcus Johnson-Smith. I grew up in West Cambridge in Cochrane Park, now live on Reed Street. I want to ground us in a little bit of reality, in my reality. Um, you know, I own my business 100% with my best friend who's Cape Verdean American, who we both grew up in West Cambridge. We have a lease. We've been paying on a property at 701 703 Mount Auburn Street for the last seven, eight months now. Um, as I ground myself in my reality uh, in my circumstances today um, you know, financial support in any capacity I think would be helpful um, to help me uh, maintain my equity in my business. And so, um, you know, I'm really in support of any Amendment seriously that helps uh, my circumstances because I think I represent um, you know, what the City wants and in Social uh, Equity effort. Um, but I also think it represents the circumstances of folks like myself who are EE applicants who have been paying rent on a property and need some sort of relief. Um, so, thank you for your time. I appreciate it. Thank you for all your work too.

Craig Kelley: Thank you very much. Is there anyone else who has not spoken yet who would like to speak? If you could introduce yourself and you have three minutes.

Suzanne Long: All right. Um, my name is Suzanne Long. I live in East Cambridge. Um, I've been going to a lot of meetings about the Leggett McCall, uh, courthouse construction fiasco that's going on in East Cambridge. Um, and one of the conditions of that situation is that we have a City-owned garage that has retail space on the first floor that we want to lease exclusively to the property that's going to get built in the area. And I'm wondering how many other City-owned properties exist where they could then lease that out to an EE applicant, because we own that. The City owns it. Why wouldn't we do that for them? We can help them. We can help subsidize whatever their costs would be on that property because the City owns it. Maybe it's not allowed. But if we're gonna fight about changing laws and changing rules and making different policies to benefit other people, why not these applicants? That's all I have to say. Thank you.

Craig Kelley: Thank you very much. Is there anyone else who has not spoken yet who would like to speak? Seeing no one I would entertain a...

Marc G. McGovern: Motion to close Public Comment.

Craig Kelley: So, moved. all in favor aye.

E. Denise Simmons: Aye.

Craig Kelley: Opposed nay. Okay.

E. Denise Simmons: Mr. Chair are we going to start discussing?

Craig Kelley: What was that?

E. Denise Simmons: Are we going to start discussing?

Craig Kelley: That would be a good idea but I want to clarify something first which is Councillor Zondervan said, I believe, that the First Publication Number 3488 Ordinance that I referred to earlier is, if

I understood you correctly, you said that is not the final or the current version in my understanding from the Clerk is that this is so...

E. Denise Simmons: So, Mr. Mr. Chair...

Craig Kelley: Wait one sec.

E. Denise Simmons: Just Point Information. You're saying what we have here, which is dated August 14th, 2019. This multi-page document is- is or is not the current...

Craig Kelley: What- what I understood Councillor Zondervan to say is that the document dated First Publication number- sorry titled First Publication No. 3488.

E. Denise Simmons: First Publication?

Craig Kelley: Yeah, it's a four page document. It's the Ordinance Draft.

Quinton Zondervan: Um, Mr. Chair, I did not mean to say that. What I said was that in the previous Ordinance Committee hearing on June 27th we voted five to one to forward the Amendments that Councillor Siddiqui and I had introduced at that time to the full Council. The Council has not yet deliberated those Amendments. But they have been forwarded by the Ordinance Committee to the Council. So, I- I don't think that supersedes the version that's before us. But I do think we need to take that fact into consideration in our discussions.

E. Denise Simmons: So, Mr. Chair Point of Information. So, what Councillor Zondervan is, I believe saying, first of all, we have too many documents on this desk. But that being said, Councillor Zondervan is saying that the First Publication No. 3488 is the most recent rendition coming out of the last... No.

Craig Kelley: Yes. I think I can clarify this. So, my understanding from the Clerk is that the version we have in front of us, which says First Publication No. 3488. It's a four page document. That is the version that the City Council has moved on to a second reading.

E. Denise Simmons: Okay, very good. We have a number of proposed Amendments to that, some of which both your Amendments and Councillor Siddiqui and Councillor Zondervan Amendments agree on some of which don't. And if we could go through the Amendments that we all agree on and amend First Publication No. 3488 accordingly will then be left with a handful of things that we haven't yet agreed on. But we'll...

E. Denise Simmons: Councillor Kelley. Council Kelly. I'm concerned. I conc- I think this meeting may have to adjourn. I think there's Councillor Kelly. I think you need to call a recess. Councillor Kelley, I would ask that you move for recess...

Craig Kelley: I will move- I will move for recess. We will move for a recess for 10 minutes and come back.

Unknown: (Background Conversations)

Craig Kelley: All right. The Council recess is over. I'll call the meeting back to order. And I would entertain a Motion to recess at this point.

Quinton Zondervan: Um, Mr. Chair?

Craig Kelley: Yes, Councillor Zondervan.

Quinton Zondervan: I would make such a Motion, but I would like the Clerk to just clear up which version is before us before we adjourn so, that we're clear on what we're working on when we come back.

E. Denise Simmons: Recess. Recess, it's not adjourn.

Craig Kelley: Recess, not adjourn.

Quinton Zondervan: Correct.

Madam Clerk: Through you, Mr. Chair to Councillor Zondervan. There was a Committee report after the April Committee report which was June 3rd. And in that um, Committee report there was an attachment that had the First Publication number on it, but it had above it. Um, text contains Councillor Zondervans Amendments. So, that is the copy that I should have made copies of, not the one that just said First Publication. So, um, copies are being made now, which the underlying shows- I think the Amendments, I think, show a couple of underlying portions.

E. Denise Simmons: Mr. Chair, Point of Information.

Craig Kelley: Yes, Councillor Simmons.

E. Denise Simmons: Through you to the Clerk, or to my colleague. So, in this First Publication No. 34488 in the- in the copy you say we're going to be getting will it be red line so, we can see what they meant.

Madam Clerk: What I think I did was any of the Amendments that the Council at the Ordinance Committee voted for I put in where they um, needed to be and then I just underlined them. There was one um, clerical error that we never actually voted on. So, I put that um, that it was not voted on. But I noticed that that word is in both your Amendment as well as Councillor Zondervan, and Councillor Siddiqui's Amendment, that the correct word is in there. So, um...

E. Denise Simmons: Okay, thank you.

Craig Kelley: So, we- we will all have access to the proper base document, and then after we come back from a recess, we will go through the Amendments that Councillor Siddiqui and Councillor Zondervan proposed, as well as what Councillor Simmons has proposed. And then we'll pass what we agree on and we can talk about the stuff that's in conflict at this point. I will let you know when a meeting has been set. It's a recess, not an adjournment, so, there will be no Public Comment much like with our A. H. O. Ordinances. Any... Mayor?

Marc G. McGovern: Just a quick question. Quick. Just a quick question. Mr. Chair. Are we- because this is on September 9th, are we hoping to do something before then or...

Craig Kelley: If- if we can, but... I'm just- I'm just- I just- for people's expectations about when- if we- if we can...

Marc G. McGovern: ....act on this on the night...

Craig Kelley: ...absolutely. Unlike Zoning there isn't that Calendar going but people want us to decide this...

E. Denise Simmons: As soon as possible.

Craig Kelley: ...one way or the other, as soon as possible. So, ideally we'll have a follow-up to this in the immediate future and still be ready for the next Council meeting. Okay on a Motion to recess. Okay thank you very much.

#### CERTIFICATION

I, Casey Kern, a transcriber for Intellectix, do hereby certify that said proceedings were listened to and transcribed by me and were prepared using standard electronic transcription equipment under my direction and supervision; and I hereby certify that the foregoing transcript of the proceedings is a full, true, and accurate transcript to the best of my ability.

In witness whereof, I have hereunto subscribed my name this 16th day of October 2024.

Casey Kern