



# Agenda Report

**MEETING DATE:** Tuesday, February 21, 2023

**TO:** City Council

**FROM:** CITY ATTORNEY ZUTLER

**THROUGH:** CITY MANAGER MENDEZ

**SUBJECT:** JOIN CITY OF SANTA CRUZ IN OFFERING AMICUS SUPPORT  
TO GRANT PARK NEIGHBORHOOD ASSOC V CA  
DEPARTMENT OF PUBLIC HEALTH

---

## RECOMMENDED ACTION:

Motion to authorize the City Attorney to sign on, indicating support of the City of Watsonville, to the amicus brief prepared by the City of Santa Cruz and filed in support of Petitioner/ appellants in *Grant Park Neighborhood Association vs. CA Department of Public Health*

## BACKGROUND:

In *Grant Park Neighborhood Association vs. CA Department of Public Health*, a group of neighbors challenged the California Department of Public Health's (CDPH) authorization of a needle exchange program run by Harm Reduction Coalition of Santa Cruz County (HRCSCC). The court denied the neighbors' petition. The neighbors are appealing, and the City of Santa Cruz is filing an amicus brief in support of the neighbors. Santa Cruz is asking other cities in the County to sign onto the amicus brief, to show our support.

## DISCUSSION:

Health and Safety Code Section 121349(c) provides that CDPH may authorize applicants to provide hypodermic needle and syringe exchange services consistent with State standards in certain locations. Before authorizing a program, CDPH is required to consult with the local health officer and local law enforcement, and receive public comment. (H&S Section 121349) The statute requires that, in deciding whether or not to authorize a program, CDPH "balance the concerns of law enforcement with the public health benefits." Multiple County police chiefs, including former Watsonville Chief Honda, wrote letters to CDPH asking them not to authorize the HRCSCC program. HRCSCC authorized the program anyway, and the neighbors sued, alleging CDPH (and various other defendants/ respondents) violated the California Environmental Quality Act (CEQA), created a nuisance, and abused its discretion. The neighbors sought damages,

attorney's fees, declaratory relief and an injunction requiring CDPH to rescind any authorization for HRCSCC to operate in the County.

The City of Santa Cruz is preparing an amicus brief ("friend of the court") in support of the Neighborhood Association's appeal of the Court's ruling. Santa Cruz's brief will focus on the requirement that CA Department of Public Health's obligation to "consult" with local law enforcement before authorizing syringe exchange programs. Santa Cruz has indicated that the League of California Cities will also sign onto the brief, as will (likely) the City of Scotts Valley.

**STRATEGIC PLAN:**

5-Community Engagement & Well-Being  
6-Public Safety

**FINANCIAL IMPACT:**

Signing on to the City of Santa Cruz's amicus brief will have no cost to the City.

**ALTERNATIVE ACTION:**

The Council could decide not to sign on to the City of Santa Cruz's amicus brief.

**ATTACHMENTS AND/OR REFERENCES (If any):**

*Grant Park Neighborhood Association Advocates, Melissa Freebairn, Johnny Font, Kevin Vogel, and Renee Golder vs. California Department of Public Health, Shandra Shewry, Dr. Erica Pan, Harm Reduction Coalition of Santa Cruz County, Denise Elerick, and Does 1-50, Verified Complaint and Petition (Sacramento Superior Court, Case No. 34-2020-80003551)*

December 6, 2021 Order After Hearing on Petition for Writ of Mandate