Case No. C095659

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Government Code § 6103

In the Court of Appeal, State of California

THIRD APPELLATE DISTRICT

Grant Park Association Advocates, et al.,
Petitioner and Appellant

vs.

California Department of Public Health, et al.,
Respondent

Appeal From December 6, 2021 Court Order in Sacramento County Superior Court Case No. 34-2020-80003551; Hon. Judge Laurie M. Earl

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APPLICATION OF AMICI CURIAE CITY OF SANTA CRUZ, CITY OF SCOTTS VALLEY, CITY OF WATSONVILLE, CALIFORNIA POLICE CHIEFS ASSOCIATION, CALIFORNIA STATE SHERIFFS' ASSOCIATION, CALIFORNIA PEACE OFFICERS' ASSOCIATION, AND THE LEAGUE OF CALIFORNIA CITIES FOR LEAVE TO FILE AN AMICUS BRIEF; BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER AND APPELLANT GRANT PARK ASSOCIATION ADVOCATES, ET AL.

Anthony P. Condotti, City Attorney (SBN 149886)
acondotti@abc-law.com
ATCHISON, BARISONE & CONDOTTI, APC
PO Box 481
Santa Cruz, CA 95061
Telephone: (831) 423-8383
Facsimile: (831) 576-2269

Attorneys for Amici Curiae
CITY OF SANTA CRUZ and LEAGUE OF CALIFORNIA CITIES

Kirsten Powell, City Attorney (SBN 187200)
kpowell@loganpowell.com
LOGAN & POWELL LLP
15466 Los Gatos Blvd., Ste. 109/217
Los Gatos, CA 95032
Telephone: (408) 402-9542
Facsimile: (408) 402-8441

Attorneys for Amicus Curiae
CITY OF SCOTTS VALLEY

Samantha Zutler, City Attorney (SBN 238514)
szutler@bwslaw.com
BURKE, WILLIAMS & SORENSEN, LLP
1 California St., Ste. 3050
San Francisco, CA 94111-5432
Telephone: (415) 655-8113
Facsimile: (415) 655-8099

Attorneys for Amicus Curiae
CITY OF WATSONVILLE

James R. Touchstone (SBN 184584)
jrt@jones-mayer.com
JONES & MAYER
3777 N Harbor Blvd.
Fullerton, CA 92835
Telephone: (714) 446-1400
Facsimile: (714) 446-1448

Attorneys for Amici Curiae
CALIFORNIA POLICE CHIEFS ASSOCIATION, CALIFORNIA STATE SHERIFFS' ASSOCIATION, and CALIFORNIA PEACE OFFICERS' ASSOCIATION

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS
(Cal. Rules of Court, Rule 8.208)

The following entities or persons have either (1) an ownership interest of 10 percent or more in the party or parties filing this certificate or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves:

None.

ATCHISON, BARISONE & CONDOTTI, APC

Dated: February 22, 2023

By: /s/ *Anthony P. Condotti*
ANTHONY P. CONDOTTI
Attorney for Amici Curiae
City of Santa Cruz and League of California Cities

LOGAN & POWELL LLP

Dated: February 23, 2023

By: /s/ *Kirsten Powell*
KIRSTEN POWELL
Attorney for Amicus Curiae
City of Scotts Valley

BURKE, WILLIAMS & SORENSEN, LLP

Dated: February 23, 2023

By: /s/ *Samantha Zutler*
SAMANTHA ZUTLER
Attorney for Amicus Curiae
City of Watsonville

JONES & MAYER

Dated: February 22, 2023

By: /s/ *James R. Touchstone*
JAMES R. TOUCHSTONE
Attorney for Amici Curiae
California Police Chiefs
Association, California State
Sheriffs' Association, and
California Peace Officers'
Association

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APPLICATION FOR PERMISSION TO FILE AMICI CURIAE BRIEF

Pursuant to California Rules of Court, Rule 8.200, subdivision(c), the City of Santa Cruz, the City of Scotts Valley, the City of Watsonville, the California State Sheriffs' Association ("CSSA"), the California Police Chiefs Association ("CPCA"), the California Peace Officers' Association ("CPOA"), and the League of California Cities (collectively, "*Amici"*) request permission to file the attached amicus curiae brief in support of the Petitioner and Appellant Grant Park Association Advocates, et al. The brief will assist the Court by providing the legal justification for the proper interpretation of Health and Safety Code section 121349(c) and addressing why it is critical to require the California Department of Health to meaningfully consult with local law enforcement before making the determination to authorize qualified applicants to operate a Syringe Exchange Program.

The City of Santa Cruz, the City of Scotts Valley, and the City of Watsonville, (collectively, "the Cities") are cities located in Santa Cruz County, California. The Cities have been negatively impacted by syringe litter and illicit drug use on their public property, including in public open spaces, beaches, public parks, along public waterways, and along public rights-of way. The Cities seek to work constructively with the California Department of Public Health ("CDPH") to protect public health and safety

in a way that considers the Cities' significant local interest in eliminating syringe litter and illicit drug use on public property, especially in sensitive locations.

The Cities' position is that, to work constructively with the CDPH and to address public health, safety, and welfare issues related to the CDPH's permitting of Syringe Exchange Programs ("SEP"), CDPH must, at a minimum, engage in a meaningful consultation with local law enforcement before authorizing certified applicants to operate SEPs. This "consultation" is required by Health and Safety Code section 121349(c), under any reasonable interpretation of the law.

The League of California Cities ("Cal Cities") is an association of 479 California cities dedicated to protecting and restoring local control to provide for the public health, safety, and welfare of their residents, and to enhance the quality of life for all Californians. Cal Cities is advised by its Legal Advocacy Committee, comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.

CSSA is a non-profit professional organization that represents each of the 58 California Sheriffs. It was formed to allow the sharing of information and resources between sheriffs and departmental personnel in

order to allow for the general improvement of law enforcement throughout the State of California. CPCA represents virtually all of the more than 400 municipal chiefs of police in California. CPCA seeks to promote and advance the science and art of police administration and crime prevention, by developing and disseminating professional administrative practices for use in the police profession. Finally, CPOA represents more than 25,000 peace officers, of all ranks, throughout the State of California. CPOA provides professional development and training for peace officers, and reviews and comments on legislation and other matters impacting law enforcement.

No party to the *Grant Park Association Advocates, et al., vs. California Department of Public Health, et al.*, litigation or its counsel authored this brief in whole or in part. Nor did any party, their counsel, person, or entity make a monetary contribution to the preparation or submission of this brief.

Amici respectfully requests that the Court accept the accompanying brief for filing in this case.

ATCHISON, BARISONE & CONDOTTI, APC

Dated: February 22, 2023

By: /s/ *Anthony P. Condotti*
ANTHONY P. CONDOTTI
Attorney for Amici Curiae
City of Santa Cruz and League of California Cities

LOGAN & POWELL LLP

Dated: February 23, 2023 By: /s/ *Kirsten Powell*
KIRSTEN POWELL
Attorney for Amicus Curiae
City of Scotts Valley

BURKE, WILLIAMS &
SORENSEN, LLP

Dated: February 23, 2023 By: /s/ *Samantha Zutler*
SAMANTHA ZUTLER
Attorney for Amicus Curiae
City of Watsonville

JONES & MAYER

Dated: February 22, 2023 By: /s/ *James R. Touchstone*
JAMES R. TOUCHSTONE
Attorney for Amici Curiae
California Police Chiefs
Association, California State
Sheriffs' Association, and
California Peace Officers'
Association

I. INTRODUCTION

This case addresses the California Department of Public Health's ("CDPH") approval of Real Party in Interest Harm Reduction Coalition's ("HRC") syringe exchange program ("SEP"). This approval presents a

problem that is of critical importance both locally in Santa Cruz County and statewide: CDPH's failure to have a meaningful consultation with law enforcement from affected jurisdictions before authorizing privately-run SEPs in those jurisdictions.

The Cities, charged with protecting public welfare, are familiar with the challenges associated with preserving public health and safety in relation to opioid addiction. The Cities understand the urgency of finding practical solutions to this public health and safety crisis. *Amici* believe that Health and Safety Code Section 121349(c)[1] can be a practical solution, but only if it is adhered to properly. If Section 121349 is adhered to properly, it provides a constructive basis for collaboration between local and state entities charged with protecting public welfare.

Section 121349 allows CDPH to authorize qualified applicants to operate a privately-run SEP in a community, but only, "after consultation with the local health officer and local law enforcement leadership, and after a period of public comment." As discussed in detail below, Section 121349 was intended to allow CDPH to authorize SEPs in a way that is collaborative with local cities and counties; it was not intended to be implemented in the non-collaborative, top-down approach that came into fruition in the case at-hand.

[1] Unless otherwise noted, all subsequent section references are to Health & Saf. Code, § 121349(c).

Accordingly, *Amici* respectfully submit that the Court should hold that Section 121349 requires the CDPH to meaningfully consult with law enforcement agencies from affected jurisdictions before authorizing qualified applicants to operate a SEP in those jurisdictions.

II. RELEVANT LEGAL BACKGROUND

Grant Park Association Advocates, et al., ("Petitioners") are appealing an adverse decision by the Superior Court of Sacramento County ("Trial Court") in their lawsuit challenging a SEP authorized by Respondent CDPH and operated by Real Party in Interest the HRC.

In the Trial Court, Petitioners challenged the CDPH's authorization of the SEP and the SEP itself on numerous grounds. (4 AA, 1407-1458.) Petitioners specifically alleged that the CDPH failed to comply with Section 121349 when it authorized the SEP. (*Ibid*.)

On September 29, 2021, the Trial Court issued a tentative ruling which, if adopted, would have granted the petition in favor of the Petitioners. (1 AA, 162-193.) In the tentative ruling, the Trial Court held that CDPH erred in determining the project to be categorically exempt from California Environmental Quality Act ("CEQA"), failed to provide a 90-day public comment period, and failed to notify local law enforcement in all affected jurisdictions in which the SEP will operate, as required by Section 121349 and its implementing regulations. (*Ibid.*)

However, on or about October 4, 2021, the Governor signed Assembly Bill 1344, exempting syringe exchange programs from CEQA. (1 AA 143-160.) Also, on October 14, 2021, the CDPH notified the Trial Court that, effective October 4, the regulation governing the public comment period was amended to shorten the period from 90 days to 45 days. (1 AA 117-118.)

In an amended decision issued on December 6, 2021, the Trial Court essentially disposed of much of the Petitioners' case. (1 AA 47-75). The Trial Court rejected Petitioners' arguments regarding the CDPH's alleged non-compliance with Section 121349. (*Ibid.*) Although recognizing that the CDPH did not send notice of the SEP application to *all* chiefs of police in the county (only the Santa Cruz Chief of Police and County Sheriff were notified, and the Police Chiefs of Scotts Valley, Capitola, and Watsonville were not notified), the Trial Court found this error to be harmless. (*Ibid.*)

On the issue of whether a "consultation" was held with local law enforcement, pursuant to Section 121349, the Trial Court held that the CDPH actions were adequate, given that CDPH had considered some of the concerns raised by law enforcement in the affected jurisdictions during the public comment period. (*Ibid.*)

III. RELEVANT FACTUAL BACKGROUND

In March 2019, the Harm Reduction Coalition ("HRC") submitted an application to the CDPH to operate a SEP in Santa Cruz County. (CDPH 36.)[2] Because of the legitimate community concerns regarding the application, HRC decided to withdraw its application and resubmit it. *(Ibid.*)

On November 20, 2019, the HRC submitted its second application with the new commitment that syringe access services will not occur in any county park, city park, or state park. (*Ibid.*) However, the SEP would primarily be a "home delivery service." (CDPH 25.)

On December 6, 2019, the CDPH posted HRC's application on its webpage and initiated the required 45-day public comment period. (CDPH 792.) On December 11, 2019, the CDPH sent emails to the Santa Cruz County Sheriff and the Santa Cruz City Chief of Police, notifying them of HRC's application. (CDPH 168-171.) Both the Sheriff and Chief of Police replied to the email, opposing the application. *(Ibid.*) The Sheriff stated in his reply that HRC's SEP would have little to no oversight while it functioned and warned that HRC lacked transparency and full disclosure in its first application. (CDPH 227-228.) Similar to the Sheriff's concerns, the

[2] "CDPH" refers to the Bates prefix of documents contained in the Administrative Record, which was lodged with the trial court. Leading zeros have been omitted to improve readability.

Santa Cruz Chief of Police expressed that having no local oversight was problematic, and regarding syringe litter, HRC needed to have an "actual thoughtful procedure, not a simple reference to an evidence-based practice." (CDPH 231.)

The administrative record contains a document that was commented on by a CDPH official; in reference to the Chief of Police's email, the CDPH official stated that HRC's "procedure will never be 'thoughtful' enough for this imbecile," to not give the Chief of Police's statement any power, and to not respond to the Chief of Police. (CDPH 5061.)

Aside from these one-way communications, there was no further action by CPHD to collaborate with affected law enforcement.

The CDPH received a total of 667 comments on HRC's application for a SEP, with 456 comments, including the two comments from the Sheriff and Chief of Police, in opposition to authorizing the SEP. (CDPH 883.) On August 7, 2020, the CDPH authorized HRC's SEP. (CDPH 943-45.)

IV. ARGUMENT

A. Any Reasonable Interpretation of Section 121349 Requires the CDPH to Have a Distinct and Interactive Consultation with Affected Law Enforcement.

The plain reading, legislative history, legal precedent, and CDPH's own interpretation of Section 121349 all support the contention that, prior

to its authorization of qualified applicants to operate SEPs, CDPH has a legal duty, under Section 121349, to adequately consult with leadership from all affected law enforcement agencies.

1. A Plain Reading of Section 121349(c) Requires the CDPH to Have a Distinct "Consultation" with Affected Local Law Enforcement.

Section 121349(c) reads that authorization of SEPs, "*shall* be made *after consultation with* the local health officer and *local law enforcement leadership*, *and* after a period of *public comment*." (Italics and underline added.)

When interpreting statutes, courts look first to the words of the statute, which should be given their usual, ordinary, and common sense meaning. (*People v. Mejia* (2012) 211 Cal.App.4th 586, 611.) Statutes should also be construed to give meaning to all language used in the statute, and the legislature is presumed to not include unnecessary language in legislation. (*United Sav. Ass'n, of Tex. v. Timbers of Inwood Forest Assocs.* (1998) 484 U.S. 365; *Russello v. United States* (1983) 464 U.S. 16.)

Black's Law Dictionary defines "consultation" as, "a meeting in which parties consult or confer." (Black's Law Dict. (2nd ed. 2001) p. 135.) Merriam-Webster defines "consultation" as the "act of consulting or conferring, and 'comment' as "a note explaining, illustrating, or criticizing the meaning of a writing." (*Merriam-Webster.com*. 2023. https://www.merriam-webster.com (as of 14 February 2023).) Synonyms

listed under the definition of "consultation" include the following: "deliberation", "back-and-forth", "conference", and "dialogue." (*Ibid.*) Contrastingly, synonyms listed under the definitions of "comment" include the following: "reflection", "remark", and "observe." (*Ibid.*)

The words "consultation" and "comment" clearly have different meanings, and under a plain reading of Section 121349, "consultation" requires some action above and beyond the mere act of receiving and reviewing public "comments." Therefore, the statute plainly requires CDPH to engage in two separate actions: a "consultation" with local law enforcement *and* a period of public comment, the procedures of which are specifically detailed in Subsection (e) below.

Section 121349(e) describes the procedures of the "public comment" period as follows:

> If the application is provisionally deemed appropriate by the department, the department shall . . . provide for a period of public comment as follows:
>
> (1) Post on the department's internet website the name of the applicant, the nature of the services, and the location where the applying entity will provide the services.
>
> (2) Send a written and an email notice to the local health officer of the affected jurisdiction.
>
> (3) Send a written and an email notice to the chief of police, the sheriff, or both, as appropriate, of the jurisdictions in which the program will operate.

(Health & Saf. Code § 121349(e).)

Further, CDPH even admits in its brief that "consultation" and "comment" encompass two different actions by the CDPH, stating the following:

> By its plain terms section 121349, subdivision (e), lists the specific logistical requirements regarding notice to the public and the designated local health and law enforcement authorities. This statutory provision specifically establishes the scope of CDPH's duties regarding notice at least 45 days prior to making its decision on whether to authorize a pending application. In contrast to the specificity of section 121349, subdivision (e), subdivision (c)'s open-ended requirement of "consultation" leaves the specifics undefined . . . [.]

(Resp't Brief, p. 36.)

Importantly, the Trial Court's Order did not acknowledge the difference between the "consultation" requirement and the "comment" requirement within Section 121349(c). Instead, the Trial Court reasoned that, because CDPH emailed some individuals in local law enforcement, and because CDPH took into consideration some of local law enforcement's concerns submitted via public comment, CDPH met its "consultation" requirement under Section 121349. (1 AA 47-75.)

The problem with the Trial Court's reasoning is that CDPH was already required to notify local law enforcement of HRC's application under the public comment requirement contained in Sections 121369(c) and (e). CDPH made no attempt, above and beyond what it was already required to do under its public comment requirement, to consult with local law enforcement.

Essentially, the Trial Court collapsed the consultation requirement into the public comment requirement, rendering Section 121349(c)'s "consultation with local law enforcement" requirement meaningless, and, in the process, relegated the expertise of local law enforcement to a level of significance no more meaningful than the hundreds of other comments received from the public at large. In this way, the Trial Court's holding is at odds with the fundamental rule of statutory interpretation that *all* language of that statute be given meaning. (*United Sav. Ass'n, of Tex. v. Timbers of Inwood Forest Assocs.* (1998) 484 U.S. 365; *Russello v. United States* (1983) 464 U.S. 16.)

In summary, a "consultation" with local law enforcement is explicitly written in the statute and, according to the fundamental rules of statutory interpretation, is required to be undertaken by CDPH before it authorizes the operation of a SEP. "'Consultation" with law enforcement necessarily constitutes a separate action that goes above and beyond merely notifying impacted jurisdictions and reviewing public comment, all of which is covered under the Section 121349(e)'s public comment requirement.

Here, CDPH made no attempt to engage in a deliberative dialogue with law enforcement or anything else resembling a "consultation" with local law enforcement, as required by Section 121349(c). Receiving and reviewing emails from law enforcement, along with hundreds of other

comments from interested individuals is clearly not the equivalent of a "consultation" with law enforcement.

2. The Legislative History of Section 121349 Suggests that CDPH is Required to Engage in Meaningful Consultation and Collaboration with Local Authorities.

In 2005, the Health and Safety Code was amended to introduce the use of SEPs, and the statute permitted *only cities and counties* to authorize syringe exchange programs within their jurisdictional boundaries. (Health & Saf. Code, § 121349(b)). In 2012, AB 604 became effective and permitted CDPH to authorize SEPs in cities and counties. (App. Reply Brief, p. 12.)

The legislative history emphasizes the importance of CDPH's collaboration with impacted cities and counties. Indeed, the passage of AB 604 was conditioned on proper consultation with local authorities, and it likely would not have passed if it did not contain a requirement that CDPH engage in real, meaningful local consultation and collaboration, above and beyond the bare collection and consideration of emails and public comment.

In 2011, then-Governor Jerry Brown signed into law AB 604, which amended Section 121349 to include Subsection (c) and allowed entities to apply directly to the CDPH to operate a SEP. (App. Reply Brief, p. 12.) Governor Brown, in his message to the Legislature, stated that the CDPH can authorize qualified applicants to operate a SEP, "*only after* holding a

public comment period, *consulting with local public health and local law enforcement officers*, and carefully balancing both concerns and benefits of the SEP." (*Ibid.* Italics added.) Governor Brown indicated that CDPH was to, "*administer AB 604 in a constrained way, working closely not only with local health officers and police chiefs, but with neighborhood associations as well.*" (*Ibid.* Italics added.) Governor Brown emphasized that public safety and local preference were significant in CDPH's practice of determining whether to authorize SEPs. (*Ibid.*)

In summary, the legislative history of SEP-related legislation specifies that local consultation must be a key feature of SEP authorization. That legislative history stands in stark contrast to Respondents' contention that, "there is no indication of any legislative intention to impose any particular requirements as to the manner in which CDPH must carry out that consultation." (Resp't Brief, p. 36.)

3. Legal Precedent Requires CDPH to Conduct a Heightened Iterative Procedure in the Form of a "Consultation" with Law Enforcement.

In their opening brief, Petitioners cited several cases where courts have held that consultation and public comment are separate procedures requiring different actions by the relevant agencies. (App. Op. Brief, pp. 29-36.) In response to the authorities Petitioners cited, Respondent CDPH contended that each case cited by Petitioners was inapplicable because each

case involved a statute differing in context and form from Section 121349. (Resp't Brief, pp. 37-43.)

While it is true that the cases cited by Petitioner involve different statutes, the holdings of the cases indicate the unceasing pattern of courts to interpret "consultation" in a statute to be a process above and beyond the scope of public comment procedures. (See *City of Palo Alto v. Public Employment Relations Bd.* (2016) 5 Cal.App.5th 1271; *Confederated Tribes & Bands of Yakima Indian Nation v. Federal Energy Regulatory Com.* (9th Cir.1984) 746 F.2d 466; *Cal. Wilderness Coalition v. U.S. DOE* (9th Cir. 2011) 634 F.3d 1072.)

As stated in the Petitioners' Reply Brief, the common theme across all authorities is that there must be a back-and-forth interactive process where information is mutually exchanged, and Respondent CDPH does not proffer any authority that states otherwise. (App. Reply Brief, p. 27.)

As mentioned above, CDPH only received emails and comments from law enforcement along with hundreds of other comments from interested individuals and did not attempt to engage in any deliberative dialogue with law enforcement from the affected jurisdictions. The legal precedent provides that CDPH is required to have a meaningful consultation with local law enforcement.

4. The CDPH Interprets Section 121349 to Require a Separate Consultation with Local Law Enforcement in its Guidance Materials.

Written in 2018, but currently posted on the CDPH webpage, CDPH's Office of Aids (CDPH/OA) has authored a Fact Sheet regarding the procedures of CDPH's SEP Certification Program. (CDPH 191.) The Fact Sheet provides a step-by-step outline of the requirements of Section 121349(c). (*Ibid.*)

In the Fact Sheet, CDPH/OA relayed that once CDPH determines that an application meets certain requirements, CDPH will deem the application provisionally appropriate, and post information about the application on its website to initiate a 45-day public comment period. (*Ibid.*) In the step preceding the public comment requirement, CDPH/OA writes, "during this period, CDPH/OA *must consult* with local law enforcement and the local health officer of the proposed location." (*Ibid.* Italics added.) Separating these requirements into two steps in this fashion emphasizes that local consultation is a distinct and separate step, that is in addition to the public comment step, which must be taken before CDPH authorizes SEPs.

The Fact Sheet also states that once CDPH certifies the applicant to operate a SEP, the certification is valid for two years. (*Ibid.*) The Fact Sheet then states that CDPH can reauthorize the program "*in consultation with the local health officer and local law enforcement leadership*.' (*Ibid.*

Italics added.) There is a repeated emphasis of the importance of a consultation with law enforcement by CDPH.

In 2019, CDPH also outlined its duty under Section 121349(c) in a form provided to the public about HRC's SEP in 2019 (CDPH 160.) The form stated that the role of the CDPH in the approval of SEPs is to allow authorization of, "SEPs in any location where the department determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases," but that CDPH is "required to consult with local law enforcement and the local health officers as part of the authorization process." (*Ibid*.)

Engaging with local law enforcement through consultation, and not just mere public comment, is prominent throughout CDPH's own guidance documents regarding Section 121349. CDPH should therefore be required to have a meaningful consultation with local law enforcement. The Court should afford no deference to the Trial Court or CDPH's newly proffered interpretation of CDPH's consultation obligation, which equates consultation to a mere unilateral review of some of the affected law enforcement's concerns.

B. Local Collaboration in Areas of Public Health and Safety Is Imperative from a Public Policy Perspective and Must Be Given More than Mere Lip Service.

Cities and counties' ability to regulate for the benefit of the health, safety, and welfare of their communities is a power long recognized by the

federal courts and enshrined in the California Constitution. (Cal. Const., art. XI, § 7.) The way in which CDHP has chosen to approve of SEPs, without engaging in a meaningful consultation with local authorities, has resulted in the State nullifying cities' authority to craft and regulate a program that best fits the needs of the communities they are charged with protecting on a daily basis. This is of grave concern because residents feel the firsthand impacts of these programs, and without the expertise of local authorities, these programs risk having detrimental impacts on the public.

Section 121349 does not require CDPH to consult with local city councils or the City Manager before it authorizes the SEP. As mentioned above, Section 121349 requires CDPH to consult with the local health officer and law enforcement. However, the vast majority of cities have no local health officer[3], and thus, the statutorily required consultation with local law enforcement is the only meaningful, pre-SEP approval opportunity for cities to consult and collaborate with CDPH, on behalf of the many residents who are impacted by these programs.

The requirement that CDPH must consult with local law enforcement reflects both the public and the legislature's recognition that local governments are well-positioned to determine the way in which SEP programs may be safely introduced into communities and properly balance

[3] Local Health Officer is traditionally a County position.

the needs of residents. Further, if CDPH were to actually consult with local law enforcement in an interactive and collaborative way such as through deliberative dialogue, that consultation could go a long way toward promoting local trust and acceptance of these programs.

V. CONCLUSION

The presence of local control and authority should be abundant when making determinations about the operations of a SEP in communities. Local authority, such as local law enforcement, are familiar with the qualities of particular neighborhoods and are in the best position to identify sensitive areas, where residents experience the tangible effects of syringe litter and opioid addiction. Therefore, meaningful collaboration among those inside local government, such as local law enforcement, and the CDPH, and those outside government, such as the HRC, regarding the operations of a SEP, should occur before the approval of an SEP in a community.

This collaboration is essential to maintaining public health, safety, and welfare; it is also required by law, pursuant to the consultation requirement written in Section 12349. As outlined above, the plain reading, legislative history, legal precedent, and CDPH's own interpretation of Section 121349 all support the contention that a consultation between CDPH and local law enforcement, in addition to a public comment process,

must take place before CDPH authorizes the operation of a SEP in a community. The record clearly demonstrates that CDPH did not consult with local law enforcement and did not even comply with the notice procedures that are a part of CDPH's public comment obligations.

Section 121349 should require the CDPH to meaningfully consult with law enforcement agencies from affected jurisdictions before authorizing qualified applicants to operate a SEP in those jurisdictions. If CDPH continues to diminish the consultation requirement to a mere review of public comments submitted by local law enforcement, there will be detrimental effects to localities' welfare, health, and safety. Public welfare, health, and safety are areas deemed best cared for in the hands of local government.

ATCHISON, BARISONE & CONDOTTI, APC

Dated: February 22, 2023

By: /s/ *Anthony P. Condotti*
ANTHONY P. CONDOTTI
Attorney for Amici Curiae
City of Santa Cruz and League of California Cities

LOGAN & POWELL LLP

Dated: February 23, 2023

By: /s/ *Kirsten Powell*
KIRSTEN POWELL
Attorney for Amicus Curiae
City of Scotts Valley

BURKE, WILLIAMS &
SORENSEN, LLP

Dated: February 23, 2023

By: /s/ *Samantha Zutler*
SAMANTHA ZUTLER
Attorney for Amicus Curiae
City of Watsonville

JONES & MAYER

Dated: February 22, 2023

By: /s/ *James R. Touchstone*
JAMES R. TOUCHSTONE
Attorney for Amici Curiae
California Police Chiefs
Association, California State
Sheriffs' Association, and
California Peace Officers'
Association

CERTIFICATE OF COMPLIANCE WITH CAL. RULES OF COURT, RULE 8.204(C)(1)

Pursuant to California Rules of Court, rule 8.204(c)(1), the foregoing Amici Curiae's Brief is produced using 13-point Times New Roman font and contains 4,369 words (excluding the tables, cover information, and Certifications) and is thus within the limit of 14,000 words. In preparing this Certificate, I relied on the words count generated by Microsoft Word for Office 365.

ATCHISON, BARISONE & CONDOTTI, APC

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By: /s/ *Anthony P. Condotti*
ANTHONY P. CONDOTTI
Attorney for Amici Curiae
City of Santa Cruz and League of California Cities

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City of Scotts Valley

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By: /s/ *Samantha Zutler*
SAMANTHA ZUTLER
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City of Watsonville

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JAMES R. TOUCHSTONE
Attorney for Amici Curiae
California Police Chiefs
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Association

PROOF OF SERVICE

Grant Park Association Advocates, et al. v.
California Department of Public Health, et al.
Court of Appeal, Third Appellate District, Case No. C095659

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Santa Cruz, State of California. My business address is Atchison, Barisone & Condotti, APC, PO Box 481, Santa Cruz, California 95061. My email address is jpasquini@abc-law.com.

On the date set forth below, I served the following document(s):

APPLICATION OF AMICI CURIAE CITY OF SANTA CRUZ, CITY OF SCOTTS VALLEY, CITY OF WATSONVILLE, CALIFORNIA POLICE CHIEFS ASSOCIATION, CALIFORNIA STATE SHERIFFS' ASSOCIATION, CALIFORNIA PEACE OFFICERS' ASSOCIATION, AND THE LEAGUE OF CALIFORNIA CITIES FOR LEAVE TO FILE AN AMICUS BRIEF; BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER AND APPELLANT GRANT PARK ASSOCIATION ADVOCATES, ET AL.

on the interested party(ies) to said action by the following means:

[X] **(BY U.S. FIRST-CLASS MAIL)** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing on that date following ordinary business practices, in the United States Mail at the offices of Atchison, Barisone & Condotti, APC, Santa Cruz, CA, addressed as shown below. I am readily familiar with this firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

[X] **(BY ELECTRONIC TRANSMISSION)** By electronically transmitting a true copy of the document(s) listed above via this Court's TrueFiling system for service to those identified on the attached service list. Or, based on a court order or agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed on the attached service list. I did not receive, within

a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Dated: February 23, 2023

/s/ *Jennifer Pasquini*
JENNIFER PASQUINI

SERVICE LIST

Grant Park Association Advocates, et al. v. California Department of Public Health, et al.
Court of Appeal, Third Appellate District, Case No. C095659

DAVID J. TERRAZAS Brereton, Mohamed & Terrazas LLP 1362 Pacific Avenue, Suite 221 Santa Cruz, CA 95060 DJT@Brereton.Law	*Attorneys for Plaintiffs and Appellants* Grant Park Association Advocates, et al. *Via TrueFiling*
Walter P. McNeill McNeill Law Offices P.O. Box 2274 Nevada City, CA 95959	*Attorneys for Plaintiffs and Appellants* Grant Park Association Advocates, et al. *Via TrueFiling*
KIRIN K. GILL MATTHEW GOLDMAN Deputy Attorney General Office of the Attorney General 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Kirin.Gill@doj.ca.gov Matthew.Goldman@doj.ca.gov	*Attorneys for Defendants and Respondents* California Department of Public Health and Dr. Tomás J. Aragón, in his official capacity as Director of the California Department of Public Health and State Public Health Officer *Via TrueFiling*

SERVICE LIST (continued)

Grant Park Association Advocates, et al. v. California Department of Public Health, et al.
Court of Appeal, Third Appellate District, Case No. C095659

Babak Naficy Law Office of Babak Naficy 890 Monterey Street, Suite H San Luis Obispo, CA 93401 babaknaficy@naficylaw.com	*Attorneys for Real Party in Interest and Respondent* Harm Reduction Coalition of Santa Cruz County *Via TrueFiling*
Supreme Court of California 350 McAllister Street San Francisco, C 94102-4797	*Via TrueFiling*
Superior Court of California, County of Sacramento Clerk of the Superior Court Gordon D. Schaber Courthouse 720 Ninth Street Sacramento, CA 95814-1311	*Via U.S. Mail*
Kirsten Powell LOGAN & POWELL LLP 15466 Los Gatos Blvd, Ste 109/217 Los Gatos, CA 95032 kpowell@loganpowell.com	*Attorneys for Amicus Curiae* CITY OF SCOTTS VALLEY *Via Electronic Mail*
Samantha Zutler, BURKE, WILLIAMS & SORENSEN, LLP 1 California St., Ste. 3050 San Francisco, CA 94111-5432 szutler@bwslaw.com	*Attorneys for Amicus Curiae* *CITY OF WATSONVILLE* *Via Electronic Mail*

SERVICE LIST (continued)
Grant Park Association Advocates, et al. v. California Department of Public Health, et al.
Court of Appeal, Third Appellate District, Case No. C095659

James R. Touchstone
JONES & MAYER
3777 N Harbor Blvd.
Fullerton, CA 92835
jrt@jones-mayer.com

Attorneys for Amici Curiae CALIFORNIA POLICE CHIEFS ASSOCIATION, CALIFORNIA STATE SHERIFFS' ASSOCIATION, and CALIFORNIA PEACE OFFICERS' ASSOCIATION

Via Electronic Mail