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SAN DIEGO
COUNTY GRAND JURY

The Honorable Kevin A. Enright
Presiding Judge, Superior Court
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

RE: Response to 2009/2010 Grand Jury Report:
"Medical Marijuana in San Diego"

Dear Judge Enright:

The City of National City is in receipt of the San Diego County Grand Jury report entitled, "Medical Marijuana in San Diego" dated May 28, 2010. In accordance with California Penal Code Section 933(c), the City of National City is responding to the findings and recommendations made by the Grand Jury Report which reference the City of National City:

Finding #05: Adopting a cost neutral zoning and land use ordinances is an effective method for the licensing, regulation and periodic inspection of cooperatives and collectives distributing medical marijuana in the unincorporated areas and eighteen cities of San Diego County.

Response: The City of National City disagrees with this finding. There is insufficient information to find that cost neutral zoning and land use ordinances would be effective with respect to medicinal marijuana distribution, given the adverse secondary effects of medicinal marijuana dispensaries. The alleged effectiveness is questionable in light of the overall impact to the health, safety and welfare of the community.

Finding #10: The current moratorium on the opening of cooperatives and collectives distributing medical marijuana in the unincorporated areas of San Diego County and the cities of Chula Vista, Imperial Beach, National City, Oceanside and Santee deprives some qualified medical marijuana patients of access to marijuana in their communities.

Response: Respondent disagrees with this finding. The City of National City is immediately adjacent to the City of San Diego to the east and north. The Grand Jury Report references more than 100 dispensaries exist within the City of San Diego. Thus, qualified patients can access dispensaries in relative proximity.

Mayor Ron Morrison

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Recommendation 10-120: Enact an ordinance to establish a cost neutral program for the licensing, regulation and monitoring of medical marijuana collectives and cooperatives, and establish a limit on the number of such facilities.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable at this time. Currently, the City of National City has adopted a moratorium banning dispensaries. The moratorium articulated the reasons for prohibiting dispensaries for an additional year. The reasoning stated in the moratorium still applies. Moreover, as this Grand Jury Report references, there is a pending appellate court decision in the matter of *Qualified Patients Association v. City of Anaheim*, in which the issue of dispensary bans is central. In addition, *California Proposition 19, the Marijuana Legalization Initiative* is on the November ballot. The discussion of whether to enact such an ordinance may be appropriate after the court case is decided and the ballot initiative is voted upon.

Recommendation 10-121: Adopt regulations which would allow for the closure of all unlicensed "dispensaries."

Response: This recommendation has already been implemented based on the current land use code which provides that only permitted uses can exist and violations of the land use code can be pursued by both civil and criminal enforcement.

Recommendation 10-122: Upon the enactment of such an ordinance, rescind the current moratorium on the opening of medical marijuana collectives and cooperatives.

Response: This recommendation requires further analysis. Dependent upon the outcome of the pending case and pending ballot initiative, the City of National City may need to take additional action. It is speculative at this time, however, to determine what that action may be.

Very truly yours,



Ron Morrison
Mayor

cc: City Councilmembers
Chris Zapata, City Manager
Leslie Deese, Assistant City Manager
Claudia Silva, City Attorney
Adolfo Gonzales, Police Chief