



County of San Diego

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JUL 22 2010

SAN DIEGO
COUNTY GRAND JURY

July 13, 2010

The Honorable Kevin Enright
Presiding Judge, San Diego Superior Court
220 West Broadway
San Diego, CA 92101

Dear Judge Enright,

On July 13, 2010, the County of San Diego Board of Supervisors approved responses to nine Grand Jury reports that addressed findings and recommendations to the County of San Diego. The Board further directed that these responses be sent to your office. The reports for which responses are attached are titled:

- Ethical Political Practices-Enforcement of Campaign and Lobbying Laws
- Transitional Age Youth: Navigating a Difficult Course to Independent Living
- Homeless in San Diego
- San Diego County Detention Facility Inspection Report
- Proposition 63 Mental Health Services Act
- The Substance Abuse Recovery Management System (SARMS)
- Ethics in Government- Code of Ethics, Internal Control, Fraud Hotlines
- Efficiency in Government-Managed Competition, Outsourcing, Reengineering and Reverse Auction Within San Diego County
- Medical Marijuana in San Diego

The Board is scheduled to consider the County's response to a 10th report titled "Eye Gnats in San Diego County" on August 3, 2010. That response will complete the County's obligations to the 2009-2010 Grand Jury and will be sent to you as soon as Board approval is obtained. If you have any questions, please contact me at (619) 531-5250.

Sincerely,

WALTER F. EKARD

Chief Administrative Officer

Attachment

cc: Board of Supervisors

COUNTY OF SAN DIEGO
RESPONSE TO 2009/10 GRAND JURY REPORT
“Medical Marijuana in San Diego”
Issued June 7, 2010

Finding #05: Adopting 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: Agree. On June 30, 2010 the County Board of Supervisors adopted ordinances regulating the siting and operations of medical marijuana collective facilities within the unincorporated County. The County adopted cost neutral ordinances which will require applicants to cover costs associated with the Sheriff's licensing process and the Department of Planning and Land Use (DPLU) building division fees. Fees would be utilized to cover applicant processing and inspection of medical marijuana collective facilities.

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: Disagree. See above response to Finding #05 regarding recent County action relative to the siting and operations of medical marijuana collective facilities within the unincorporated County.

The 2009/2010 San Diego County Grand Jury recommends that the County of San Diego Board of Supervisors:

Recommendation 10-112: Adopt a cost neutral County program for the licensing, regulation and periodic inspection of authorized collectives and cooperatives distributing medical marijuana in the unincorporated areas of San Diego County, and establish a limited on the number of such facilities.

Response: The recommendation has been implemented. On June 30, 2010 the County Board of Supervisors adopted ordinances regulating the siting and operations of medical marijuana collective facilities within the unincorporated County. The Board adopted cost neutral ordinances which will require applicants to cover costs associated with the Sheriff's licensing process and DPLU building division fees. Fees would be utilized to cover staff time needed for applicant processing and inspection of medical marijuana collective facilities.

Also, as part of this action, amendments to the County Zoning Ordinance would limit the number of such facilities by requiring that medical marijuana collective facilities be located within certain zones, maintain buffer distances from residential zoned properties and certain sensitive land uses and to require distance separations from other medical marijuana collective facilities.

Recommendation 10-113: Adopt regulations which would allow for the closure of all unlicensed “dispensaries” in the unincorporated areas.

Response: The recommendation has been implemented. On June 30, 2010 the County Board of Supervisors adopted ordinances which included zoning ordinance amendments that incorporated a provision regarding the amortization of all nonconforming medical marijuana collective facilities within the unincorporated County.