



**San Mateo County  
Board of Supervisors  
Housing, Health, and Human  
Services Committee**

**Carole Groom, Chair  
Rose Jacobs Gibson, Vice-Chair**

David S. Boesch, County Manager  
Brenda Carlson, Chief Deputy County Counsel  
400 County Center, Redwood City, CA 94063  
650-363-4123

To: Housing, Health and Human Services Committee  
From: David S. Boesch, County Manager  
Subject: Housing, Health and Human Services Committee Meeting Agenda

**Meeting Date and Time:** April 7, 2009, 3:00 PM

**Place:** Board of Supervisors Chambers, Office of the Board of Supervisors  
First Floor, Hall of Justice, 400 County Center, Redwood City

1. Call to order
2. Oral communications and public comment
3. Approval of the minutes for the meetings of January 27, February 17 and March 17, 2009 - *attachment*
4. Report on the status of Coastside services (Health System)
5. Further report on plan to issue Request for Proposal for Methadone Clinic to succeed County Methadone Clinic (Health System) – *attachment*
6. Draft Medical Marijuana Ordinance (County Counsel) – *attachment*
7. Financial Assistance to the Women’s Recovery Association of San Mateo County (County Manager-Real Property) - *attachment*
8. Update on Process for the American Recovery and Reinvestment Act Homeless Prevention and Rapid Re-Housing Program (Housing)
9. Adjourn

A COPY OF THE SAN MATEO HOUSING, HEALTH AND HUMAN SERVICES COMMITTEE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD’S OFFICE, HALL OF JUSTICE, 400 COUNTY CENTER, FIRST FLOOR. THE CLERK OF THE BOARD’S OFFICE IS OPEN MONDAY THRU FRIDAY 8 A.M. - 5 P.M., SATURDAY AND SUNDAY – CLOSED.

MEETINGS ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES. INDIVIDUALS WHO NEED SPECIAL ASSISTANCE OR A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION (INCLUDING AUXILIARY AIDS OR SERVICES) TO PARTICIPATE IN THIS MEETING, OR WHO HAVE A DISABILITY AND WISH TO REQUEST AN ALTERNATIVE FORMAT FOR THE AGENDA, MEETING NOTICE, AGENDA PACKET OR OTHER WRITINGS THAT MAY BE DISTRIBUTED AT THE MEETING, SHOULD CONTACT ASHNITA NARAYAN, HOUSING, HEALTH AND HUMAN SERVICES COMMITTEE CLERK, AT LEAST 2 WORKING DAYS BEFORE THE MEETING AT (650) 363-4121 AND/OR [axnarayan@co.sanmateo.ca.us](mailto:axnarayan@co.sanmateo.ca.us). NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE COUNTY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING AND THE MATERIALS RELATED TO IT. ATTENDEES TO THIS MEETING ARE REMINDED THAT OTHER ATTENDEES MAY BE SENSITIVE TO VARIOUS CHEMICAL BASED PRODUCTS. PLEASE TURN OFF HAND HELD ELECTRONIC DEVICES DURING THE MEETING.

If you wish to speak to the Committee, please fill out a speaker’s slip. If you have anything that you wish distributed to the Committee and included in the official record, please hand it to the County Manager who will distribute the information to the Supervisors and staff.



**San Mateo County  
Board of Supervisors  
Housing, Health, and Human  
Services Committee**

**Carole Groom, Chair  
Rose Jacobs Gibson, Vice-Chair**

David S. Boesch, County Manager  
Brenda Carlson, Chief Deputy County Counsel  
400 County Center, Redwood City, CA 94063  
650-363-4123

To: Housing, Health and Human Services Committee  
From: David Boesch, County Manager  
Subject: Housing, Health and Human Services Committee Meeting Agenda

**Meeting Date and Time:** January 27, 2009, 4:00 PM

**Place:** Board Conference Room, Office of the Board of Supervisors  
First Floor, Hall of Justice, 400 County Center, Redwood City

1. Call to order

**The meeting was called to order at 4:05 p.m. Chair Groom and Vice-Chair Jacobs Gibson were both present.**

2. Oral communications and public comment

**No member of the public wished to speak.**

3. Approval of the minutes for the meeting of November 4, 2008

**The minutes were approved as submitted.**

4. Fiscal Update: Family Resource Centers (Human Services Agency)

**Beverly Johnson: Currently Prevention and Early Intervention operates out of 14 Family Resource Centers (FRC) generally located within school settings. They provide services to children and their parents. Sarif Etman provided information on the eligibility of FRC's funding source and scope of the program.**

**County Manager Boesch: Recreate this item as a Members Memo so the other board members are informed.**

5. Shelter and Safety Net Services Report-Back (Human Services Agency)

**Debbie Torres provided an overview of the following topics:**

- **Challenges in access to services**
- **Collaboration and coordination**
- **Funding – Federal, State and County levels**
- **Service providers budgetary constraints**
- **Potential loss of emergency shelter beds**

**Chair Groom asked if there is a way to put a group effort together for funding.**

**Beverly Johnson will incorporate this in the recommendation for the full board.**

**County Manager Boesch asked the Economic Action Team to provide a report back to the Committee.**

6. Consideration of a lease renewal at 400 Harbor Blvd. and of a new lease at 1 Davis Drive, Belmont for the Human Services Agency (Real Property)

**Steve Alms and John Joy provided the Committee with some background on the project and explained how the buildings will be occupied. There is no increase to the lease until FY 2011-12.**

7. Consideration of an extension of the deadline for performance request by Tuscan Tower, LLC (Real Property)

**Steve Alms recommended the extension be granted only if the project includes the originally proposed 15% plus two affordable units. According to Tuscan Towers this is not what was originally negotiated. The Chair and Vice Chair agreed that the wording should be changed to read "Redwood City's requirement, plus two units.**

8. Light Brown Apple Moth Eradication Project Update (Health System)

**Jean Fraser reported that on November 3, 2008 the CDFA announced the completion of the safety evaluation for the Light Brown Apple Moth (LBAM) eradication program. CDFA has decided not to spray in the County, but instead release sterile moths to control the spread of LBAM.**

9. Approval of the Meeting Schedule for 2009

**The schedule was approved with one correction to the day of the week.**

10. Adjourn

**The meeting adjourned at 5:13 p.m.**



**San Mateo County  
Board of Supervisors  
Housing, Health, and Human  
Services Committee**

**Carole Groom, Chair  
Rose Jacobs Gibson, Vice-Chair**

David S. Boesch, County Manager  
Brenda Carlson, Chief Deputy County Counsel  
400 County Center, Redwood City, CA 94063  
650-363-4123

**Meeting Date and Time:** February 17, 2009, 3:00 PM

**Place:** Board Conference Room, Office of the Board of Supervisors  
First Floor, Hall of Justice, 400 County Center, Redwood City

## **MINUTES**

1. Call to order

**The meeting was called to order at 3:03 p.m. Chair Groom and Vice-Chair Jacobs Gibson were both present.**

2. Oral communications and public comment

**No member of the public wished to speak.**

3. Report on American Medical Response West Contract (Health System)

**Brian Zamora:**

- **Fees will be capped for the first year, through June 2010. Second year there will be a cost of living increase.**
- **Automated Vehicle Location component will be addressed in the next few years.**
- **An Executive Steering Council will be established.**
- **This item will be presented to the full Board on March 3, 2009.**

4. Public Safety Dispatch Classification and Compensation Report (County Manager's Office and Human Resources)

**Peggy Jensen provided an overview of the following:**

- **Recruitment – A Recruitment Committee was established in December of 2008 to develop a Recruitment and Retention Strategic Plan. The Committee will look at different ways to advertise for recruitment.**
- **Retention – A Retention Committee is being established. The Committee will be meeting later this month.**
- **Training – Peninsula Conflict Resolution Center will conduct a workplace effective training. The Training Manager is developing training program of all line staff, supervisors and managers.**

**Jaime Young explained the restrictions on site locations for communication centers. County Manager Boesch suggested a report back in a year on the progress.**

**Speakers recognized by the Chair:**

**Linda Gregory  
David Wishman**

5. Update on the Half Moon Bay Senior Campus Plan (Department of Housing)

**ST Mayer presented to the committee with existing and proposed site diagrams. The Community Partnership has raised over \$5 million in private funding. They presented the County with a \$3-\$4 million gap.**

6. Approval of the Revised Meeting Schedule for 2009

**The schedule was approved as submitted.**

7. Adjourn

**The meeting adjourned 3:39 p.m.**



**San Mateo County  
Board of Supervisors  
Housing, Health, and Human  
Services Committee**

**Carole Groom, Chair  
Rose Jacobs Gibson, Vice-Chair**

David S. Boesch, County Manager  
Brenda Carlson, Chief Deputy County Counsel  
400 County Center, Redwood City, CA 94063  
650-363-4123

**Meeting Date and Time:** March 17, 2009, 3:00 PM

**Place:** Board Conference Room, Office of the Board of Supervisors  
First Floor, Hall of Justice, 400 County Center, Redwood City

## **MINUTES**

1. Call to order

**The meeting was called to order at 3:03 p.m. Chair Groom and Vice-Chair Jacobs Gibson were both present.**

2. Oral communications and public comment

**Beverly Johnson, Director, Human Services Agency – The Farmers Market will be held in the parking lot located at University and Bay Road in East Palo Alto. A work group was convened and will return with a plan for approval by the Board. County Manager Boesch mentioned that there were some logistical issues that needed to be worked out.**

3. Report on the Methadone Clinic Operations and Request for Proposals (Health System)

**Jean Fraser, Director, Health System introduced this item. Linda Franco and Steve Kaplan provided an update: Currently 250 clients are being served, location not accessible to most of the County, Request for Information issued – received 7, 14 month transition period because of site location and licenses. Vice-Chair Jacobs Gibson has concerns regarding cost to the County. The Request for Proposal will be sent out in April, selecting the provider mid to late Summer. Vice-Chair Jacobs Gibson asked this item be brought back to the Committee prior to full Board approval. Chair Groom also has concerns regarding the location, jobs and the community.**

**This item was continued to the meeting of April 7, 2009.**

4. Voucher Program Redesign (Housing)

**Duane Bay, Director, Housing – A stakeholders public hearing has taken place and will be listed for a public hearing on the Board of Supervisors agenda. Mr. Bay covered the following topics in more detail:**

- **Institute Biennial Reexamination for Elderly and Disabled HCV Households**
- **Eliminate the 40% affordability cap on family share at the time of initial lease-up**
- **Simplify Housing Quality Standards Inspection Process**

5. Economic Urgency Initiative Status Report (County Manager's Office)

**County Manager Boesch introduced the item. John Joy covered the following topics:**

- **Food and Shelter**
- **Employment Branch**
- **Outreach Branch**
- **Health Branch**
- **Finance Section**
- **Logistics Section**

**Mr. Joy distributed a handout title Economic Well Being Indicators which covered the following:**

- **Domestic Violence and Child Abuse Referrals**
- **PeninsulaWorks Swipes**
- **San Mateo County Foreclosures**
- **Unemployment Rate**
- **Public Assistance Applications**
- **Core Services Agencies**

6. Other Business

**Chair Groom asked for a general view of what the closing of the Half Moon Bay Clinic will mean to the Medical Center and other clinics, both in service level and financial needs at the April 7th meeting.**

7. Adjourn

**The meeting adjourned at 4:08 p.m.**

**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

**Health System**

**DATE:** March 31, 2009

**TO:** Honorable Board of Supervisors

**FROM:** Jean S. Fraser, Chief of the Health System  
Stephen Kaplan, Director of AOD Services, BHRS  
Linda Franco, Director of Ambulatory Care Services, SMMC

**SUBJECT:** Methadone Clinic Operations

**Recommendation**

Accept the Report that the Health System will release a Request for Proposals (RFP) for Methadone Clinic operations.

**Vision Alignment**

**Commitment:** Ensure basic health and safety for all.

**Goal 7:** Maintain and enhance the public safety of all residents and visitors.

**Background**

Persons addicted to opioids face many significant challenges in attaining and maintaining abstinence and recovery. In addition, those who are intravenous drug users are at substantial risk of myriad other health conditions while exposing others as well. These addicted individuals also have high probabilities of engaging in substantial illegal activities.

The use of methadone as the primary treatment approach for those addicted to opioids is the most effective and most researched intervention for such addictions. It is considered an evidence based practice. For those successfully engaged in this treatment modality, concomitant health and criminal justice related issues are far less frequent and serious.

Approximately seven years ago, the County took over the responsibility and operation of the methadone clinic when a private organization could not find a new location after losing its lease. Given the many challenges in finding an appropriate site for this service in a short time frame, the County decided to open a methadone clinic on the Veterans Administration campus in Menlo Park.

In general, the revenue to support a methadone clinic should be adequate to meet all of its financial requirements. Typically, revenue for methadone clinics comes from Drug Medi-Cal, private insurance, Veterans Benefits, and self pay. Since assuming operation of the clinic, however, the County has had to subsidize the operation of

the clinic. The subsidy is running at about \$450,000 per year now.

An important contributing factor to the subsidy is that county personnel cost significantly more than staff in private clinics due to the high cost of County benefits. Accordingly, the County subsidy is expected to grow as the cost of County benefits continues to increase at a faster rate than the increase in reimbursements.

An additional factor appears to be the lack of access to the clinic for large numbers of prospective clients. The client population has never stabilized at the level originally projected. The licensed capacity of the clinic is 330, and in February the actual caseload was 250. Only 18 of the 250 clients are County-paid clients; all of the others qualify for Medi-Cal, pay for the treatment themselves, or are on other state/federal programs. It is highly likely that residents in the central and northern parts of the County who are eligible for methadone services go to San Francisco because of the geographic proximity and convenience.

### **Discussion**

Due to the significant financial challenges facing the County and SMMC, it is no longer financially viable to have the County operate the methadone clinic, which is not a mandated service. However, it is essential that these services remain available to San Mateo County residents.

There are a couple of means to achieve this end. One would be for the County to close the methadone clinic, and hope that private clinic operators would decide to open in the County. We do not recommend this option as it carries great risks to the clients and the community as we would not know for sure if a reputable provider would open a clinic in San Mateo before we closed the clinic. Not providing methadone treatment for this population increases risks to their health, to those with whom they interact, and to the general public.

Another option would be to operate the methadone clinic out of existing SMMC clinics. This solution is not practical because it does not address the difference in staff costs. Indeed, such a solution likely would require an even greater County subsidy, since methadone clinics have significant licensing and staffing requirements that we would have to meet at each site, thereby losing any economy of scale in having only one methadone clinic.

The alternative we recommend is to synchronize the closure of the clinic at the VA with the opening of a carefully-selected successor private clinic, preferably at a location that is more accessible to prospective clients. Our recommendation is that we issue an RFP for a private clinic to open in San Mateo County by July 1, 2010. We would choose the clinic operator with the strongest financial, quality patient care, clinic siting and operational record. The clinic would have the responsibility of finding a suitable site, getting local approval for operating at the site, and obtaining state licensing approval. The County's financial relationship would be limited to a negotiated amount of funding for indigent care.

This alternative will eliminate the County subsidy while ensuring uninterrupted treatment for the methadone clinic patients. The only cost to the County would be to

maintain the subsidy for one more year until a new clinic is up and running, and then to pay for the treatment for indigent patients. In addition, this alternative would give a year to plan for transferring the staff to other positions and/or for staff to obtain work with the new clinic operator.

After discussing the best approach to explore the potential pool of private operators for this function with labor leaders, the Health System issued a Request for Information (RFI) to potential applicants in January. Seven methadone clinic operators responded to the RFI. Our plan now is to issue a Request for Proposals (RFP) to those seven clinic operators to select a provider to assume responsibility for the current patients. We would enter into an MOU with the selected provider agreeing to transfer our patients and close the clinic upon successful siting and licensure by the private operator. It is estimated that the actual start date for serving clients by the new operator would be July, 2010.

### **Conclusion**

It is no longer financially viable for the County to subsidize the operation of the Methadone Clinic. Despite the hard work of all involved there are no options that would significantly increase the client population and revenue. In addition, there are substantial complexities in securing a site, and licensing and certifying the program. To minimize the County's financial obligation it is important to start the Request for Proposals process soon.

Following review by the Board's Housing, Health and Human Services Committee, staff in the Health System will begin the process to prepare and release an RFP.

cc: David Boesch, County Manager  
Michael Murphy, County Counsel  
Susan Ehrlich, Interim Chief Executive Officer, San Mateo Medical Center  
Louise Rogers, Director, Behavioral Health and Recovery Services



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Counsel

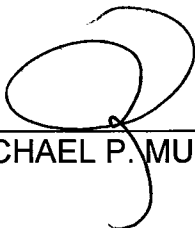
**DATE:** April 3, 2009

**COMMITTEE MEETING DATE:** April 7, 2009

**TO:** Board of Supervisors Housing, Health and Human Services  
Committee  
**FROM:** County Counsel  
**SUBJECT:** Draft Medical Marijuana Ordinance

In September 2007, following law enforcement activity at several medical marijuana businesses in the City of San Mateo, our office was asked to draft a "model" ordinance that would regulate medical marijuana businesses. Our goal was to draft an ordinance that was no more restrictive than state law, but would provide an orderly and logical way of implementing state law regarding medical marijuana collectives. The attached draft was based on an ordinance adopted by the City of South San Francisco, and has been reviewed by the District Attorney, the Sheriff, and the city attorneys for all cities in the County. The ordinance does not address dispensaries, which are unlawful enterprises that make a profit of the sale of marijuana. Rather, the ordinance regulates and requires licenses for collectives, which are sanctioned by the Compassionate Use Act, related state legislation, and the California Attorney General's Guidelines.

Two medical marijuana businesses have recently opened their doors in North Fair Oaks, and as a result, we have been asked to present the ordinance to the Health and Human Services Committee, in anticipation of consideration by the full Board of Supervisors.

  
\_\_\_\_\_  
MICHAEL P. MURPHY, COUNTY COUNSEL

**OFFICE OF COUNTY COUNSEL**  
**INTRAOFFICE MEMORANDUM**

**To:** Board of Supervisors Housing, Health and Human Services Committee  
**From:** County Counsel *MPM*  
**Subject:** Draft Medical Marijuana Ordinance  
**Date:** April 3, 2009

This memo will summarize the key points of the draft medical marijuana ordinance that is submitted for your consideration.

- The ordinance defines medical marijuana collectives exactly the same way that those enterprises are defined by state law—“a facility or location at which qualified patients, persons with identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, associate within the unincorporated area of the County of San Mateo in order collectively or cooperatively to cultivate and/or store marijuana for medical purposes.”
- The ordinance uses the state law definition of a “primary caregiver”—a person who has consistently assumed responsibility for the housing, health or safety of the person or patient using marijuana. Recent case law clarifies that the care must have been provided consistently, must extend to areas other than the use of marijuana, and must have been provided even before the use of marijuana.
- Primary caregivers are required to maintain a list of the persons to whom they provide care.
- Medical marijuana collectives located in the unincorporated area would be required to have a County license.
- The license would need to be approved by the County License Board.
- The application for the license would include a warning that the owner, operator and collective members may be subject to prosecution under federal law.
- The applicant would be required to hold the county harmless for any liability related to the license.
- Before issuing a license, the Licensing Board would be required to find that the collective will not adversely impact the economic welfare of the community; will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship or library; is sufficiently buffered in relation to

any residential area in the immediate vicinity so as not to adversely affect said area; and that the exterior appearance of the structure is compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the immediate area.

- The license will include specific conditions, and may be revoked for violation of those conditions. Related to health and safety.
- The Sheriff would be authorized to enforce the ordinance.
- Violation of the ordinance would be a misdemeanor.
- The ordinance would not apply to individual cultivation or use of medical marijuana at a person's residence to the extent it is consistent with state law.

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE ADDING CHAPTER 5.148 TO TITLE 5 OF THE SAN MATEO  
COUNTY ORDINANCE CODE, RELATING TO REGULATION OF  
COLLECTIVE CULTIVATION AND DISTRIBUTION OF MEDICAL MARIJUANA**

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows

**SECTION 1.** Chapter 5.148 is hereby added to Title 5 (Business Regulations) of the San Mateo County Ordinance Code, to read as follows:

**Chapter 5.148 Regulation of Collective Cultivation and Distribution of Medical Marijuana**

**5.148.010 Purpose.**

- A. In 1996, the voters of the State of California approved Proposition 215, "the Compassionate Use Act", which was intended to permit cultivation and possession of medical marijuana by single patient, or the patient's caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana; and
- B. In 2004, the State Legislature enacted Senate Bill 420, "the Medical Marijuana Program Act", to clarify the scope of the Compassionate Use Act and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to the crimes of possession for sale, transportation or furnishing marijuana, maintaining a location for unlawfully selling, giving away, or using controlled substances, managing a location for the storage or distribution of any controlled substance for sale, and the laws declaring the use of property for these purposes a nuisance; and
- C. The Medical Marijuana Program Act defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person; and
- D. The Medical Marijuana Program Act allows cities and counties to adopt and enforce rules consistent with the Medical Marijuana Program Act; and

- E. In August 2008, the California Attorney General issued guidelines that clarify the state's laws governing medical marijuana, and provided guidelines for patients and law enforcement to ensure that medical marijuana is not diverted to illicit markets; and
- F. This Chapter is enacted, pursuant to the Compassionate Use Act, and the Medical Marijuana Program Act, the Guidelines issued by the California Attorney General, and the County's constitutional police power to protect the health, safety and welfare of the residents of the County of San Mateo; and
- G. Since the sale of medical marijuana is unlawful, it is necessary to place restrictions on the exterior appearance of medical marijuana collectives in order to prevent the misunderstanding that collectives are places where marijuana may be purchased.
- H. It is the purpose and intent of this chapter to adopt and enforce rules consistent with the Compassionate Use Act, the Medical Marijuana Program Act, and the Guidelines issued by the California Attorney General, which will provide for the health, safety and welfare of the public by regulating the collective cultivation and possession of medical marijuana within the unincorporated area of the County of San Mateo, consistent with state law.
- I. This Chapter is intended to be consistent with the Compassionate Use Act, the Medical Marijuana Program Act, and the Guidelines issued by the California Attorney General, and towards that end, it is not intended to and does not criminalize activity which is otherwise permitted under state law, and it is not intended to and does not authorize conduct that is otherwise prohibited by state law, or to prohibit conduct that is authorized by state law.

#### **5.148.020 Definitions.**

- (a) "Medical marijuana collective" or "collective" means a facility or location at which qualified patients, persons with identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, associate within the unincorporated area of the County of San Mateo in order collectively or cooperatively to cultivate and/or store marijuana for medical purposes, as provided in Health & Safety Code section 11362.775.
- (b) "Primary caregiver" shall have the same meaning as provided in Health & Safety Code section 11362.7.

#### **5.148.030 Requirement that Primary Caregivers Create and Maintain Patient List.**

Each and every primary caregiver, as that term is defined by state law, is required to create and maintain an up to date list of qualified patients or persons with identification cards for whom the caregiver provides service. The list must immediately be provided to the Sheriff or the Sheriff's designee upon request, for the purposes of verifying that

the primary caregiver possesses no more than the maximum quantity per patient of medical marijuana authorized by state law, multiplied by the number of patients for whom the primary caregiver is providing service.

**5.148.040 Requirement of and Application for County License.**

- (a) Medical marijuana collectives are required to obtain a license to operate within the unincorporated area of the County of San Mateo. The license procedure shall be as set forth in Chapter 5.04 of this Code, and in addition, shall be subject to the specific requirements and regulations set forth in this Chapter.

In addition to the information ordinarily required in an application for a license, an application for a license under this Chapter shall include information that will enable the license board to make a finding that the collective meets the criteria that are included in the state law definition of a medical marijuana collective:

In addition, the application shall also include:

- (1) a warning that operators, employees, and members of facilities where medical marijuana is collectively cultivated may be subject to prosecution under federal laws, and
  - (2) the applicant's waiver and release of the County from any and all legal liability related to or arising from the application for a license, the issuance of the license, or the enforcement of the conditions of the license, and/or the operation of any facility at which where medical marijuana is collectively cultivated.
- 
- (b) In addition to the findings ordinarily required for a County License, the approval of a County License for a medical marijuana collective shall require the following specific findings:
    - (1) That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
    - (2) That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, place of religious worship, or library;
    - (3) That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and
    - (4) That the exterior appearance of the structure is compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration,

or substantial diminishment or impairment of property values within the immediate area.

**5.148.050 Conditions of License.**

- (a) The County License will include, at a minimum, the following conditions:
  - (1) Only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively or associate for the purpose of doing so;
  - (2) Absolutely no advertising of marijuana is allowed at any time;
  - (3) Exterior signage is limited to site addressing only;
  - (4) The collective site will include an alarm system that is monitored at all times for security purposes;
  - (5) A centrally monitored alarm system is required;
  - (6) Interior building lighting, exterior building lighting and parking area lighting will be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet;
  - (7) Windows and roof hatches will be secured with bars on the windows so as to prevent unauthorized entry, and be equipped with latches that may be released quickly from the inside to allow exit in the event of emergency;
  - (8) No cultivated marijuana or dried marijuana product may be visible from the building exterior;
  - (9) The activities that may be conducted at a licensed collective are limited to cultivation and storage of marijuana for personal use and preparation of cultivated marijuana for personal use, such as drying and processing;
  - (10) No cooking, sale, preparation, or manufacturing of marijuana enhanced or edible or drinkable products, including but not limited to cookies, candy, drinks, or brownies is allowed;
  - (11) No sales of cultivated marijuana are allowed on site;
  - (12) No persons under the age of eighteen are allowed on site, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian;
  - (13) The quantity of marijuana located at the facility where medical marijuana is collectively cultivated may not exceed the maximum quantity per patient of medical marijuana authorized by state law, multiplied by the number of participants who are served by the collective, consistent with the regulations set

forth in this Chapter;

- (14) The Sheriff may inspect the collective at any reasonable time to ensure that the amounts of medical marijuana on site conform to this Chapter and state law;
  - (15) No individual or group may cultivate or distribute marijuana for profit;
  - (16) No money or any other thing of value shall be exchanged for medical marijuana, with the sole exception that a primary caregiver, as defined herein, who receives compensation for actual expenses, including reasonable compensation incurred for services provided to an eligible qualified patient or person with an identification card to enable that person to use marijuana under this article, or for payment for out-of-pocket expenses incurred in providing those services, or both, shall not, on the sole basis of that fact, be subject to prosecution or punishment under this Chapter;
  - (17) Marijuana cultivated in a licensed collective must be secured from public access, and not be visible to the public domain. All cultivated marijuana must be secured in structures consisting of at least four walls and a roof, and conform to specified Security Standards, as to locks, deadbolts and additional security measures; and
  - (18) This Chapter does not authorize the consumption, use, or smoking of marijuana in the parking areas of a collective, or in vehicles located at or near or under said collective, or under any circumstances in which the consumption, use, or smoking of marijuana is prohibited by state law.
  - (19) The medical marijuana collective shall comply with the all applicable building, zoning, and environmental requirements set forth in this Ordinance Code or state law.
  - (20) The medical marijuana collective may not be operated or located in or within 1000 feet of the grounds of a school, recreation center, or youth center.
- (b) The Sheriff reserves the right to make additional security and safety conditions, if necessary, upon receipt of detailed/revised building plans.

#### **5.148.060 Revocation of License.**

This license may be revoked for any violation of state law or this Chapter, or for failure to comply with the conditions listed on said license. The revocation shall comply with the procedural requirements of Chapter 5.04 of this Code.

#### **5.148.070 Enforcement of Chapter**

The Sheriff or the Sheriff's designee shall have the duty and responsibility to investigate and enforce any violations of this chapter, and to report and enforce against any violations of the conditions of approval attached to licenses required by and obtained

pursuant to this Chapter. The Sheriff shall provide a report of all violations of these provisions to the License Board, for possible revocation of the license obtained under this Chapter, pursuant to the use revocation procedures contained in Chapter 5.04 of this code.

The Sheriff or the Sheriff's designee shall have the duty and responsibility of processing and referring to the license board all license applications using the minimum guidelines established by this Chapter consistent with the license procedure established by Chapter 5.04 of this code. The Sheriff or Sheriff's designee shall also have the duty and responsibility to consider the initiation of modification or revocation proceedings in accordance with the procedures outlined in Chapter 5.04 of this code.

**5.148.080 Marijuana Produced for Individual Residential On-Site Consumption.**

This Chapter does not apply to individual cultivation of marijuana for consumption or use of an individual at his or her residence, or for consumption by another individual or individuals regularly residing at said residence, if such consumption is otherwise permitted by state law.

**5.148.090 Violation and Penalties.**

Any violation of this chapter shall be deemed a misdemeanor, unless the circumstances that create the violation are subject to prosecution under state or federal law. Any violation of this chapter shall also be deemed a public nuisance and may be enforced by any remedy available to the County for abatement of public nuisances.

**5.48.100 Severability.**

If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

**SECTION 2.** This Ordinance shall be effective thirty (30) days from the passage date thereof.

\* \* \* \* \*



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Manager's Office

**DATE:** March 30, 2009

**COMMITTEE MEETING DATE:** April 7, 2009

**TO:** Housing, Health and Human Services Committee

**FROM:** Steve Alms, Manager, Real Property Services Division

**SUBJECT:** First Amendment to the Agreement to Provide Financial Assistance to Women's Recovery Association of San Mateo County for operation of a women's residential alcohol recovery home at 202 E. Bellevue in the City of San Mateo

**RECOMMENDATION:**

That this committee recommends to the full Board of Supervisors at its meeting on April 14, 2009 that it adopt a resolution:

- A) Authorizing and Directing the President of the Board to Execute a First Amendment to the Agreement to Provide Financial Assistance to Women's Recovery Association of San Mateo County ("WRA") for operation of a women's residential alcohol recovery home in the City of San Mateo in order to extend the period of ownership by WRA, and
- B) Authorizing the County Manager or his designee to execute notices, options, terminations and documents associated with the First Amendment and the Agreement including, but not limited to, those necessary to record a Memorandum of the Amended Agreement, under the terms set forth therein.

**VISION ALIGNMENT:**

**Commitment:** Ensure basic health and safety for all.

**Goal(s):** Goal 8. Help vulnerable people – the aged, disabled, mentally ill, at-risk youth and others – achieve a better quality of life. The services provided under the amended Agreement contribute to this commitment and goal by providing alcohol and chemical dependency treatment programs that benefit women, girls and families in San Mateo County by restoring them to a life of dignity and respect, free from the effects of substance abuse.

**BACKGROUND:**

On November 13, 1979, the County and Women's Recovery Association, formerly Women's Rehabilitation Association of San Mateo County, Inc., (WRA) entered into an Agreement for Provision of Alcoholism Services to Residents of San Mateo (the "Service Agreement") whereby WRA would provide women's alcohol recovery programs in San Mateo County. On March 4, 1980, the County and WRA amended the Service Agreement and entered into a second independent agreement, the Agreement to Provide Financial Assistance to Women's Recovery Association of San Mateo County ("Financial Assistance Agreement"), which is the subject of the proposed Amendment.

Under the terms of the Financial Assistance Agreement, the County agreed to provide financial assistance to WRA for either the lease or purchase of property to operate a women's residential alcohol recovery home. WRA proposed the purchase of property identified as Assessor's Parcel Number 032-177-220 and located at 202 East Bellevue in the City of San Mateo. The County approved the acquisition and title transferred to the WRA on September 8, 1980. The County provided approximately \$300,000 to fund the acquisition, and under the terms of the Financial Assistance Agreement, the property is to be conveyed to the County thirty years from the date of purchase. Community Development Block Grant funds totaling \$34,000 were provided in August 1990 and December 1996 to assist with improvements to the property.

**DISCUSSION:**

On September 8, 2010, thirty years will have passed since WRA took title to the property. WRA has requested an extension of this date so they can continue to provide services. Real Property Services has prepared the First Amendment to the Financial Assistance Agreement. The amendment extends the period of WRA's ownership for a 30 year period from the date the Amendment becomes effective. The terms and conditions of the Financial Assistance Agreement otherwise remain unchanged. A Memorandum of the Amended Agreement will be recorded identifying the County's interest.

County Counsel has reviewed and approved the Amendment as to form. The Director of Department of Housing concurs in this recommendation.

**FISCAL IMPACT:**

There is no impact on the General Fund.

Attachments:           draft Resolution  
                              draft Amendment  
                              draft Memorandum of Agreement  
                              Basic Property Data for 202 E. Bellevue Avenue, San Mateo

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AUTHORIZING AND DIRECTING THE BOARD PRESIDENT TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT TO PROVIDE FINANCIAL ASSISTANCE TO WOMEN’S RECOVERY ASSOCIATION OF SAN MATEO COUNTY (“WRA”) FOR OPERATION OF A WOMEN’S RESIDENTIAL ALCOHOL RECOVERY HOME AT 202 E. BELLEVUE IN THE CITY OF SAN MATEO IN ORDER TO EXTEND THE PERIOD OF OWNERSHIP BY WRA AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE NOTICES, OPTIONS, TERMINATIONS AND DOCUMENTS ASSOCIATED WITH THE FIRST AMENDMENT AND AGREEMENT INCLUDING, BUT NOT LIMITED TO, EXTENSION OR TERMINATION OF THE AGREEMENT UNDER THE TERMS SET FORTH THEREIN.**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on March 4, 1980, as authorized by Resolution No. 40760, the County and Women’s Rehabilitation Association of San Mateo County, Inc., (WRA) entered into the Agreement to Provide Financial Assistance to Women’s Rehabilitation Association of San Mateo County (“Agreement”) wherein County agreed to provide up to \$300,000 in financial assistance to WRA for the lease or purchase of property to operate a women’s residential alcohol recovery home; and

**WHEREAS**, the Agreement provides that the property acquired pursuant to the Agreement shall be conveyed to the County thirty years after its purchase and said thirty year period expires on September 8, 2010; and

**WHEREAS**, the parties, agree to extend said ownership period for an additional

thirty years; and

**WHEREAS**, the Agreement will otherwise stay in full force and effect, and

**WHEREAS**, there has been presented to this Board of Supervisors for its consideration and acceptance a First Amendment to Agreement (“Amendment”), reference to which is hereby made for further particulars, whereby the County of San Mateo authorizes the extension of the ownership period for an additional thirty years, and otherwise maintains the Agreement under the same terms and conditions, and

**WHEREAS**, this Board has been presented with the First Amendment to Agreement and has examined and approved same as to both form and content and desires to enter into same.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said First Amendment to Agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President’s signature thereto; and

**IT IS FURTHER DETERMINED AND ORDERED** that the County Manager or his designee is hereby authorized to accept or execute on behalf of the County, any and all notices, options and documents associated with the First Amendment and the Agreement including, but not limited to, those necessary to record a Memorandum of the Amended Agreement, under the terms set forth therein.

\* \* \* \* \*

**FIRST AMENDMENT TO AGREEMENT TO  
PROVIDE FINANCIAL ASSISTANCE TO WOMEN'S  
RECOVERY ASSOCIATION OF SAN MATEO COUNTY**

This First Amendment to Agreement ("First Amendment"), dated for reference purposes only as of \_\_\_\_\_, 2009 is by and between Women's Recovery Association, formerly Women's Rehabilitation Association, of San Mateo County, Inc., (WRA) and the COUNTY OF SAN MATEO, a political subdivision of the State of California ("County"),

**Recitals**

A. As authorized by San Mateo County Resolution No. 40760, WRA and County entered into an Agreement to Provide Financial Assistance to Women's Rehabilitation Association of San Mateo County ("Agreement") dated as of March 4, 1980.

B. On September 8, 1980 WRA acquired property identified as Assessor's Parcel Number 032-177-220, commonly known as 202 E. Bellevue Street, City of San Mateo, California.

C. WRA and County wish to amend the Agreement as herein set forth.

**Agreement**

For good and valuable consideration as hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date; Approval.** This First Amendment shall become effective (the "Effective Date") when the County Board of Supervisors adopts a resolution authorizing the execution of this First Amendment, and the First Amendment is duly executed by the County and WRA.
2. **Conveyance to County.** In Paragraph 6, delete the first sentence in the second paragraph and substitute:

It is further agreed that in any event, title to said property will be conveyed to COUNTY thirty years from the Effective Date, as that date is defined in the First Amendment.

3. **Counterparts.** This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.
4. **No Further Amendments; Conflicts.** All the terms and conditions of the Agreement remain in full force and effect except as expressly amended herein. The Agreement constitutes the entire agreement between WRA and County regarding the property and may not be modified except by an instrument in

writing duly executed by the parties hereto. In the event of any conflict between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

WRA and County have executed this First Amendment as of the date first written above.

Women’s Recovery Association of San Mateo County, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**COUNTY:**  
COUNTY OF SAN MATEO,  
a political subdivision of the State of  
California

By: \_\_\_\_\_

Mark Church  
President, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of the Board

Resolution No.: \_\_\_\_\_

Parcel No. 032-177-220

WHEN RECORDED MAIL TO:

Steve Alms, Manager  
Real Property Services  
County of San Mateo  
455 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

**NO FEE DOCUMENT**  
Per Government Code 6103

\_\_\_\_\_  
**THIS SPACE FOR RECORDER'S USE ONLY**

**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement is between the County of San Mateo, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and Women's Recovery Association of San Mateo County, a California Corporation, formerly Women's Rehabilitation Association, hereinafter referred to as "Owner," who agrees as follows:

1. This memorandum of agreement is based upon the covenant, conditions, and provisions set forth in that certain unrecorded Agreement between Owner and COUNTY, the Agreement to Provide Financial Assistance to Women's Recovery Association of San Mateo County dated March 4, 1980, as amended \_\_\_\_\_, ("Agreement") with regard to real property known as Assessor's Parcel No. (APN) 032-177-220, situated in the City of San Mateo, County of San Mateo, shown on the map marked "Exhibit B," and more particularly described in "Exhibit A" both attached hereto and by this reference made a part hereof, (hereinafter referred to as "Property").
2. This Memorandum of Agreement is prepared for the purpose of recordation, and it is in no way modifies the provisions of the Agreement.
3. Under the terms set forth in the Agreement, the Property shall be conveyed to COUNTY in the event Owner discontinues its operation or ceases to use the Property for purposes other than a women's alcohol residential recovery home, and in any case thirty years from \_\_\_\_\_.

**COUNTY**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**OWNER**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



## BASIC PROPERTY DATA

**OWNER:** County of San Mateo

**SUBJECT:** APN: 032-177-220

**PROPERTY ADDRESS:** 202 E. Bellevue Avenue, City of San Mateo, CA (Southwest corner of East Bellevue and Highland Avenue)

**DATE PROPERTY ACQUIRED:** 1980

**PRICE PAID:** \$275,000

**ZONING:** Residential, under the jurisdiction of City of San Mateo

**PRESENT USE:** Residential

**HIGHEST AND BEST USE:** Future (speculative) Duplex (Two 3/2 units)

**TOTAL PROPERTY AREA:** 7,500 s.f. :

**BUILDING:** 3,450 s.f.

**PROPERTY RIGHTS PROPOSED TO BE VALUED:** Fee simple

**ESTIMATE OF CURRENT MARKET**

**VALUE:** Based on rent of \$2750 x 2 units x 12 mos = \$5500 x Gross Rent Multiplier of approx.14 = \$924,000