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January 9, 2024

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Re: Invitation to Consult on Syringe Services Authorization

Dear Ms. Long, Ms. Ross and Ms. Katz,

On December 22, 2023, Ms. Ross sent me an e-mail with the following subject line: *“Invitation to Consult on Syringe Services Authorization, Request Response by January 10, 2024”*. Specifically, the e-mail was sent to: (1) notify the City that CDPH received a new, revised application from Harm Reduction Institute (“HRI”) for authorization of a syringe services program in the City; (2) invite the City to provide feedback on HRI’s application, and (3) request the City respond fill out a short form to initiate the first step in the consultation process by

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January 10, 2024. The e-mail also provided that this “*consultation process with the City would end on February 10, 2024.*”

On January 2, 2024, and again on January 8, 2024, Ms. Ross sent a follow-up e-mail to me that referenced her December 22nd e-mail and reiterated that in order to ensure CDPH had ample time to meet with the City, it was requesting the City fill out the short form to start the first step of the process as a record of the City’s response. The e-mail reiterated that CDPH anticipated, “*concluding the consultation process on or around February 10, 2024.*”

It is important to note the first e-mail was sent on December 22, 2023, when the City was closed for the holidays (December 21, 2023 through January 1, 2024). CDPH knew or should have known this since my e-mail system was set to send the following automatic reply during that frame:

“Santa Ana City Hall and the City Attorney’s Office are closed for the holidays from Friday, December 22, 2023, through Monday, January 1, 2024. We will reopen on Tuesday, January 2, 2024.”

Moreover, the second e-mail, sent on January 2, 2024, was the first day I returned to work after the holiday break. Nevertheless, on January 8th, the City submitted the form before the January 10th deadline.

In order for the City to properly and thoroughly engage in a meaningful consultation on the impacts of a syringe services program operating in the City, the City respectfully requests CDPH representatives reconsider the arbitrary 30-day time frame it has set to consult with the City on HRI’s application. This extremely short and limited time frame (January 10 to February 10) is inadequate and will preclude the City from engaging in a robust and meaningful consultation with CDPH regarding HRI’s application. We are therefore requesting CDPH reconsider and revise its arbitrary timeline to provide the City ample opportunity to meet with all stakeholders (internally and externally) in order to engage in a meaningful consultation as required by Health and Safety Code §121349.

On January 9, 2024, Acting Police Chief Robert Rodriguez received an e-mail from Pike Long requesting Chief Rodriguez provide his availability for a teleconference consult regarding the proposed authorization of a syringe services program in the City. The City believes a telephonic consult is insufficient to fulfill CDPH’s obligation to engage in a back and forth interactive process as contemplated in Health & Safety Code §121349. As such, we are requesting CDPH schedule in-person meetings at the City to allow key City staff members, across various departments of the City (as determined by the Interim City Manager and Acting Chief of Police) to participate in the requisite consultation process.

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We look forward to CDPH's response to the critical points and requests addressed in this letter. You may contact me via e-mail or by phone; my contact information is provided on the first page of this letter.

Very truly yours,

SONIA R. CARVALHO, City Attorney
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Sent via U.S. Mail:

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