



AGENDA REPORT



TO: Honorable Mayor & City Council

FROM: Councilmember Kevin Jenkins
Council District 6 &
Councilmember Janani
Ramachandran, Council
District 4

**SUBJECT: Resolution to Terminate
Local Emergencies Related to
HIV/AIDS, Medical Cannabis, and
Homelessness**

DATE: Thursday, May 9, 2024

RECOMMENDATION

COUNCILMEMEBERS JENKINS AND RAMACHANDRAN RECOMMEND THAT THE CITY TERMINATES LOCAL EMERGENCIES RELATED TO HIV/AIDS, MEDICAL CANNABIS, AND HOMELESSNESS.

EXECUTIVE SUMMARY

Councilmembers Jenkins and Ramachandran are recommending that the City of Oakland terminate local emergencies related to HIV/AIDS, medical cannabis and homelessness effective as soon as possible. While concerns on all these matters undeniably still exist, there has been substantial progress in each of these areas and the development of permanent citywide solutions and policies that render the special administrative powers afforded these areas in the form of a local emergency unnecessary. The end of these emergencies in no way means that the City's work is complete – particularly in regard to homelessness – but since the initial declaration of emergency on homelessness there have been institutional processes set up within the city that are better suited to address our homelessness crisis than a state of emergency, and the City will continue to improve upon these processes and treat our homelessness crisis as a priority.

Background/Legislative History

1. The City Council, in accordance with Government Code Section 8630 and Oakland Municipal Code 8.50.020(A), is empowered to declare local emergencies when conditions pose extreme peril to the safety of persons and property within the city. These emergencies enable the City Administrator to exercise extraordinary powers beyond normal administrative functions. This authority facilitates immediate and effective response to crises, which historically have included the HIV/AIDS epidemic, access to medical cannabis, and homelessness.

HIV/AIDS: Initially declared in 1993 due to a severe public health crisis, the local emergency enabled the City to implement critical public health responses including needle-exchange programs. Over the years, consistent with Alameda County health data, HIV transmission rates

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have substantially decreased, reducing the necessity for emergency powers.

Medical Cannabis: Declared in 1998 following federal actions against local providers, this emergency helped safeguard access to medical cannabis. With the evolution of state laws and local regulatory frameworks, both medical and recreational cannabis have become widely accessible, diminishing the need for emergency measures.

Homelessness: The 2019 emergency declaration addressed a significant housing and public safety crisis. Since then, policies such as the Encampment Management Policy and the Shelter Crisis Ordinance have been established, providing structured responses to homelessness without necessitating extraordinary administrative powers. There are a number of city departments that are working in collaboration with the City Administrator's office to [comprehensively address the issue of homelessness](#) by supporting the transitions of our unhoused communities into transitional and permanent housing, and by partnering with local organizations and the County to offer services to those still unsheltered.

Analysis/Policy Alternatives

The reason for such recommendations is due to the fact that there is significant progress in managing HIV/AIDS over the last several decades. In addition, the normalization of cannabis access, coupled with robust legislative frameworks and strategies to manage homelessness indicate that the original conditions warranting these all three of these emergencies have evolved past a local emergency declaration.

The termination of these emergencies reflects the City's capacity to manage these issues under current standard governance structures with the advancement in resources and legislation required to manage these conditions. The City remains committed to addressing ongoing challenges in these areas through regular administrative channels and community engagement.

FISCAL IMPACT

No known fiscal impact.

PUBLIC OUTREACH / INTEREST

The City Council will continue to engage with community members around these areas and coordinate with the City Administrator accordingly.

ACTION REQUESTED OF THE CITY COUNCIL

Councilmembers Kevin Jenkins and Janani Ramachandran recommend that the Oakland City Council terminate local emergencies related to HIV/AIDS, medical cannabis and homelessness.

For questions regarding this report, please contact Dyana Delfin Polk, Policy Coordinator, Office of Councilmember Kevin Jenkins, District 6.

Respectfully submitted,

Kevin Jenkins

Councilmember Kevin Jenkins
District 6

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District 4

Prepared by: Dyana Delfin Polk
Name of Preparer, Policy Coordinator, District 6

Attachments (#): *(If Applicable)*