

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBERS RAMACHANDRAN AND JENKINS

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### RESOLUTION TERMINATING LOCAL EMERGENCIES RELATED TO HIV/AIDS, MEDICAL CANNABIS, AND HOMELESSNESS

**WHEREAS**, Government Code Section 8630 authorizes the City Council to declare a local emergency and requires Council to review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency; and

**WHEREAS**, Oakland Municipal Code 8.50.020(A) defines Local Emergency as.... " the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City caused by such conditions as air pollution, fire, flood, landslide storm, epidemic/pandemic, riot, earthquake, drought, hazardous materials incidents, sudden and severe energy shortage, plant or animal infestation, terrorism, the Governor's warning of an earthquake, conditions resulting from war or imminent threat of war, or other conditions which are or are likely to be beyond the capability or control of the services, personnel, equipment, facilities, or finances of the City, requiring the combined forces of other political subdivisions to combat;" and

**WHEREAS**, the purpose of declaring a local emergency is to vest the City Administrator with extraordinary powers in addition to their normal administrative powers, including the power to suspend local laws and regulations, to procure goods and services on an emergency basis without Council approval, and to require City employees and officials to provide emergency services; and

**WHEREAS**, on December 19, 1993, the City Council adopted Resolution 70644 CMS declaring a local public health emergency related to the spread of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) epidemic) which, at that time was overwhelming the health care system and having a devastating impact on public health and safety; and

**WHEREAS**, the local emergency related to AIDS allowed the City to engage in various efforts, including adopting Planning Code changes and other policies addressing needle-exchange programs and other public health response programs aimed at curbing the transmission of HIV; and

**WHEREAS**, in accordance with state law, the City Council has reviewed and continued the local emergency related to HIV and AIDS at regular intervals since its initial adoption; and

**WHEREAS**, over the years, the rate of transmission has decreased. The Alameda County Department of Public Health has reported that HIV diagnosis rates have declined steadily between 2006 and 2020 by an average of 3.2% annually (See the December 2021 Executive Summary for “HIV in Alameda County:” <https://acphd-web-media.s3-us-west-2.amazonaws.com/media/data-reports/communicable-disease/docs/hiv-ac-2018-20-es.pdf>.); and

**WHEREAS**, notwithstanding the progress that has been made, the work to respond to AIDS is not finished. Significant challenges remain, including the fact that HIV/AIDS still disproportionately impacts populations who are highly vulnerable as a result of racism, criminalization, and other forms of marginalization; and

**WHEREAS**, the City can continue to do its part to address those challenges without a local emergency that vests extraordinary powers in the City Administrator; and

**WHEREAS**, on October 19, 1998, the City Council adopted Resolution 74618 CMS declaring a local public health emergency related to safe, affordable access to medical cannabis; in accordance with state law, the City Council has reviewed and continued the local emergency related to medical cannabis at regular intervals since its initial adoption; and

**WHEREAS**, in 1998, providers of medical cannabis in Oakland, such as the Oakland Cannabis Buyers Cooperative, were being prosecuted by the federal government for providing medical cannabis to seriously ill persons and were being forced to close their doors; and

**WHEREAS**, since that time, thirty-seven states, including California, have legalized medical cannabis. Also during this time, twenty-four states, including California, have legalized recreational cannabis; and

**WHEREAS**, also during this time, the City has developed an extensive permitting program resulting in more than twenty permitted cannabis dispensaries throughout the City providing substantial access to cannabis for both medical and recreational use; and

**WHEREAS**, on February 26, 2019, the City Council adopted Resolution 87538 CMS declaring a local emergency regarding the City’s homelessness crisis. In accordance with state law, Council has reviewed and continued the local emergency related to homelessness at regular intervals since its initial adoption; and

**WHEREAS**, in 2020, the City Council approved the City’s Oakland’s Encampment Management Policy, to govern how the City Administrator and City staff will respond to the needs of unsheltered residents or those at risk of homelessness, including but not limited to providing shelter services, emergency beds, safe parking sites, hygiene services, prevention services, and employment services; and

**WHEREAS**, in 2021 and 2023, Council reenacted and expanded the Shelter Crisis Ordinance, originally adopted in 2017 (Ordinance 13456 CMS), which gives the City Administrator authority, among other things, to suspend state and local regulations related to

housing standards as needed for the purpose of establishing shelter facilities for people without homes, and to enter into certain contracts and agreements for the purposes of addressing the shelter crisis without returning to Council, and

**WHEREAS**, homelessness is still a crisis and responding to homelessness is still one of the City’s highest duties. But since the Encampment Management Policy and the Shelter Crisis Ordinance are now in place to govern the City Administrator’s duties and powers, it is no longer necessary to vest the City Administrator with the extraordinary powers created by Resolution 87538; now, therefore, be it

**RESOLVED:** That the local public health emergency declared by Council in 1993 related to the spread of HIV/AIDS is terminated; and be it

**FURTHER RESOLVED:** That the local public health emergency declared by Council in 1998 related to safe, affordable access to medical cannabis is terminated; and be it

**FURTHER RESOLVED:** That the local emergency declared by Council in 2019 declaring a local emergency is terminated.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

