

*Barbara J. Park*  
City Attorney

OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. 78508 C.M.S.

04 JAN 29 AM 9:10

**RESOLUTION RENEWING AND CONTINUING THE CITY COUNCIL'S DECLARATION OF A LOCAL EMERGENCY DUE TO THE EXISTENCE OF A CRITICAL PUBLIC HEALTH CRISIS WITH REGARD TO THE AIDS EPIDEMIC**

**WHEREAS**, nationally, thirty-two percent (32%) of all adult / adolescent AIDS cases are related to intravenous ("IV") drug use and seventy-one percent (71%) of female AIDS cases are linked directly or indirectly to IV drug use; and

**WHEREAS**, of all the pediatric AIDS cases related to a mother with or at risk for HIV infection, seventy percent (70%) of such cases are directly related to maternal exposure to HIV through IV drug use or sex with an IV drug user; and

**WHEREAS**, according to the HIV / AIDS Epidemiology Report for Alameda County dated June 2000, fifty-eight percent (58%) of the 5,725 persons who have been diagnosed with AIDS in Alameda County reside in the City of Oakland; and

**WHEREAS**, as of June 2000 there were 1,291 people living with AIDS in the City of Oakland; and

**WHEREAS**, according to the HIV / AIDS Epidemiology Report for Alameda County dated June 2000, twenty percent (20%) of the males living with AIDS are IV drug users and forty-six percent (46%) of the females are IV drug users; and

**WHEREAS**, the twin epidemic of IV drug use and AIDS / HIV are overwhelming our help care systems are having a devastating impact upon the public health and safety of our citizenry; and

**WHEREAS**, the high rate of HIV infection among IV drug users threatens to increase the number of HIV-infected persons unless steps are taken to stem the spread of the disease; and

**WHEREAS**, a high rate of HIV infection among IV drug users causes the spread of AIDS among people who are the sex partners of IV drug users; and

**WHEREAS**, the September 1993 report entitled "The Public Health Impact of Needle Exchange Programs in the United States and Abroad", based on a study commission by the Center for Disease Control and Prevention, concluded that the

data suggest that needle exchange programs can prevent significant numbers of infections among clients of the programs, their drug and sex partners and their offspring and the data provide no evidence that needle exchange programs increase the amount of drug use by needle exchange program clients or change overall community levels of injection and non-injection drug use; and

**WHEREAS**, the aforesaid September 1993 report based on a study commissioned by the Centers for Disease Control and Prevention recommends that states repeal paraphernalia laws as they apply to syringes, that the federal government repeal the ban on the use of federal funds for needle exchange services and that local governments and communities develop a comprehensive approach to preventing HIV in IV drug users, their sex partners and their offspring that should include needle exchange programs and the expansion of drug treatment services; and

**WHEREAS**, other jurisdictions in the Bay Area, namely, the City of Berkeley, the City and County of San Francisco, and the County of Marin have recognized the gravity of the AIDS epidemic by declaring that a local emergency exists in their jurisdictions with regard to the transmission of the HIV virus; and

**WHEREAS**, the City Council of the City of Oakland has declared its support of needle exchange programs as a strategy to assist in the effort to limit the spread of the HIV / AIDS epidemic; and

**WHEREAS**, the City Council passed Resolution No. 70644 C.M.S. on December 14, 1993, declaring a local emergency with regard to the AIDS epidemic; and

**WHEREAS**, the California State Legislature passed and the Governor signed into law Assembly Bill 136 which amended the California Health and Safety Code to provide an exemption from criminal prosecution for public entities, their agents and / or employees for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis; now, therefore be it

**RESOLVED:** That the City Council of the City of Oakland finds and proclaims that a local emergency exists due to a critical local public health crisis regarding the AIDS epidemic and the transmission of HIV infection through contaminated hypodermic needles and pursuant to Government Code section 8630 does so declare; and be it further

**RESOLVED:** That the City Council of the City of Oakland hereby proclaims and orders that a local emergency continues to exist within the City of Oakland which led to the enactment of its December 14, 1993 local emergency declaration, pursuant to Resolution No. 70644 C.M.S., and the emergency will continue until its termination is proclaimed and ordered by the City Council, and will be reviewed every 14 days by the City Council pursuant to Government Code section 8630, and be it further

**RESOLVED:** That the City Clerk shall communicate this resolution to all City Departments, to the President Pro Tempore of the California Senate and the Speaker of

the California Assembly, to the Alameda County District Attorney, to the California Congressional delegation and Senators, and to President Bush.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 4 2004, ~~2008~~

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT  
DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



*for* CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California