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Approved as to Form and Legality

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City Attorney

**OAKLAND CITY COUNCIL**

**RESOLUTION No. - 78950 C.M.S.**

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**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, according to the Center for Disease Control's (CDC) 2003 HIV/AIDS Surveillance Report, twenty-four percent (24%) of all male adult/adolescent AIDS cases and twenty-five (25%) of all female adult/adolescent AIDS cases are related to intravenous drug use (IDU); and

**WHEREAS**, according to the same report, of all the pediatric AIDS cases related to a mother with or at risk for HIV infection, fifty six percent (56%) of such cases are directly related to maternal exposure to HIV through IDU or sex with someone using intravenous drug; and

**WHEREAS**, according to the Alameda County Health Profile of June 2004, fifty-eight percent (58%) of the 6,383 persons who have been diagnosed with AIDS in Alameda County reside in the City of Oakland; and

**WHEREAS**, according to the 2003 Alameda County AIDS Epidemiology Report, as of 2003 there were 3,839 people living with AIDS in the City of Oakland; and

**WHEREAS**, according to the same report, thirteen percent (13%) of the males and forty-three percent (43%) of the females were exposed to HIV through IDU; and

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

**WHEREAS**, the high rate of HIV exposure and infection through IDU 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 exposure through IDU causes the spread of AIDS among people who are the sex partners of 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 commissioned by the Center for Disease Control and Prevention, concluded that the data suggests 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 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 the local governments and communities develop a comprehensive approach to the 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 local emergency exist 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 project 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 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

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**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, DEC 21 2004, 20    

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-  $\emptyset$

ABSENT-  $\emptyset$

ABSTENTION-  $\emptyset$

ATTEST:

*Interim*

*Latonda Simmons*

*Latonda Simmons*  
City Clerk and Clerk of the Council  
of the City of Oakland, California