Approved as to Form and Legality

City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 JAN 23 AM 10: 00

OAKLAND CITY COUNCIL

RESOLUTION NO. 88003 C.M.S.

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 HUMAN IMMUNODEFICIENCY VIRUS ("HIV") / ACQUIRED IMMUNODEFICIENCY SYNDROME ("AIDS") EPIDEMIC

WHEREAS, AIDS was first reported in the United States in 1981 and has since become a major worldwide epidemic and AIDS is caused by the human immunodeficiency virus, or HIV; and

WHEREAS, the Centers for Disease Control's ("CDC") 2009 HIV Surveillance Report: Diagnosis of HIV infection and AIDS in the United States and the Dependent Areas ("CDC's 2009 Surveillance Report"), estimates that as of 2009 more than one million people were living with HIV in the United States and that twenty one percent (21%) of the people in the United States living with HIV were unaware of their infection; and

WHEREAS, despite increases in the total number of people living with HIV in the United States, the CDC's 2009 Surveillance Report stated that the annual number of new HIV infections has remained relatively stable; but the new infections nevertheless continue at far too high a level, including an estimated 56,300 Americans becoming infected with HIV each and every year; and

WHEREAS, based on CDC's 2009 Surveillance Report more than 18,000 people with AIDS still die each year in the United States; and

WHEREAS, according to the CDC, through 2007 more than 576,000 people with AIDS in the United States have died since the epidemic began; and

WHEREAS, according to the CDC the cumulative estimated number of AIDS diagnoses through 2009 in the United States and dependent areas (American Samoa, Guam, Northern Mariana Islands, Puerto Rico and U.S. Virgin Islands) was 1,142,714; and

WHEREAS, California is one of the ten states or dependent areas that reported the highest diagnosis of AIDS in 2009; and

WHEREAS, nationally, according to the CDC's 2009 Surveillance Report, (1) women account for 27% of annual new HIV infections and 25% of those living with HIV and (2) injection drug users represent 12% of annual new HIV infections and 19% of those living with HIV; and

WHEREAS, the CDC's 2009 Surveillance Report found that since the epidemic began, injection drug use has directly and indirectly accounted for more than one-third (36%) of AIDS cases in the United States and this horrifying trend appears to be continuing; and

WHEREAS, according to the 2007 Alameda County AIDS Epidemiology Report covering cumulative AIDS cases through 2006, 7,064 total AIDS cases were diagnosed among Alameda County residents from 1980 through 2006 and 58% were Oakland residents; and while declining since 1992, the incidence of AIDS in Alameda County has been higher than both the State of California and national case rates; and

WHEREAS, according to the same report, intravenous drug users compose 14% of cumulative AIDS cases diagnosed from 1980 through 2006 and women constitute 14% of total AIDS cases, but represent one-third of the cases from intravenous drug use exposure; and

WHEREAS, the AIDS/HIV epidemic continues to overwhelm our health care systems and has a devastating impact upon the public health and safety of our citizenry; 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 and education as strategies 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 City Council has renewed its declaration of a local public health emergency with regard to the HIV/AIDS epidemic at each of its regular Council meetings to assure that the epidemic remains in the forefront and that efforts continue to address this epidemic; and

WHEREAS, the Council's declaration of a local emergency due to the existence of a critical local public health crisis with respect to AIDS because a critical local public health emergency continues to exist; and

WHEREAS, Health and Safety Code section 11364.7(a) to provide an exemption from criminal prosecution for the City, its agents and/or employees for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the City pursuant to Health and Safety Code Chapter 18 (commencing with section 121349); and

WHEREAS, the California Legislature has found and declared that scientific data from needle exchange programs in the United States and in Europe have shown that the exchange of used hypodermic needles and syringes for clean hypodermic needles and syringes does not increase drug use in the population, can serve as an important bridge to treatment and recovery from drug abuse, and can curtail the spread of HIV infection among the intravenous drug user population; and

WHEREAS, in order to attempt to reduce the spread of HIV infection and blood-borne hepatitis among the intravenous drug user population in the California, the State Legislature has authorized a clean needle and syringe exchange project pursuant to Health and Safety Code Chapter 18 (commencing with section 121349), in any city and county, county, or city upon the action of a county board of supervisors and the local health officer for programs that meet the requirements of Chapter 18, and providing an exemption from criminal prosecution for such entities whose projects and programs meet the requirements of Chapter 18; and whereas, Chapter 18 obviates the need to declare a local public health emergency regarding HIV/AIDS epidemic in order to secure the exemption from criminal prosecution; and

WHEREAS, the City Council of the City of Oakland finds that it is important to renew and continue the declaration of emergency related to the HIV/AIDS epidemic because the crisis and epidemic continue to overwhelm our health care systems and have a devastating impact upon the public health and safety of our residents and the citizenry; 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 HIV/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 Obama.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 04 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, ~~KALB~~, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN – 7

NOES – Ø

ABSENT – 1 Gallo

ABSTENTION – Ø

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

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