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7-11-06

(R-2006-599)

RESOLUTION NUMBER R- 301649

DATE OF FINAL PASSAGE JUL 18 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A CLEAN SYRINGE EXCHANGE PROGRAM IN THE CITY OF SAN DIEGO.

WHEREAS, by amending California Health and Safety Code section 11364.7 (effective January 1, 2000), the California Legislature acknowledged the public health threat posed by the sharing of hypodermic needles and syringes by injection drug users, and thereby permitted local jurisdictions to establish clean needle and syringe exchange programs, pursuant to a declaration of a state of local emergency due to the existence of a critical local public health crisis; and

WHEREAS, on November 27, 2001, the City Council adopted Resolution No. R-295797, in which the City Council declared the existence of a state of local emergency in the City of San Diego due to the spread of the Hepatitis C Virus and Human Immunodeficiency Virus [HIV], exacerbated by the shared use of hypodermic needles and syringes by injection drug users, and authorized the implementation of a one-year Clean Needle and Syringe Exchange Pilot Program [Pilot Program] linked to drug abuse treatment programs, at no cost to the City; and

WHEREAS, from December 10, 2001 to June 27, 2005, the City Council repeatedly adopted the findings made and measures taken in Resolution No. R-295797, including the finding that such state of local emergency continued to exist in the City of San Diego, and the implementation of the Pilot Program pursuant to a declaration of a state of local emergency; and

WHEREAS, from July 18, 2005 to December 31, 2005, the City Council was unable to authorize the Pilot Program in the City of San Diego, due to the existence of three vacant seats

on the City Council and the inability to obtain at least five City Council Member votes to declare the required state of local emergency; and

WHEREAS, by amending California Health and Safety Code section 11364.7 and enacting California Health and Safety Code sections 121349 through 121349.3 (effective January 1, 2006), the California Legislature eliminated the requirement that a public entity declare a state of local emergency as a prerequisite to the public entity's authorization of a clean needle and syringe exchange project; and

WHEREAS, by enacting California Health and Safety Code section 121349(b), the California Legislature authorized a clean needle and syringe exchange project in any city, upon the action of the city council and the mayor (of a city without a health department); and

WHEREAS, pursuant to California Health and Safety Code section 121349.1, a city, that acts to authorize a clean needle and syringe exchange project, shall, in consultation with the California Department of Health Services, authorize the exchange of clean hypodermic needles and syringes, as recommended by the United States Secretary of Health and Human Services, as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users; and

WHEREAS, on January 18, 2006, the City's Community Services Division received a letter from the California Department of Health Services, dated January 12, 2006, acknowledging the City's fulfillment of the requirement to consult with the California Department of Health Services; and

WHEREAS, on May 23, 2006, the Clean Syringe Exchange Program Facilitation Committee [Facilitation Committee] issued a report entitled *Clean Syringe Exchange Program Facilitation Committee Final Report on the Clean Syringe Exchange Pilot Program and*

Recommendations to Establish a Permanent Clean Syringe Exchange Program in the City of San Diego [Final Report], Report No. I; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That pursuant to California Health and Safety Code sections 121349 through 121349.3, the Clean Syringe Exchange Program, in consultation with the California Department of Health Services, involving the exchange of clean hypodermic needles and syringes, as recommended by the United States Secretary of Health and Human Services, as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users, is hereby authorized in the City of San Diego, at no cost to the City.

2. That the Basic Recommendations and Supplemental Recommendations set forth in the Facilitation Committee's Final Report, Report No. I, a copy of which is on file with the Office of the City Clerk as Document No. RR- 301649, are hereby approved and adopted.


3. That the Mayor or his designee is authorized to enter into agreements, and any amendments thereto, for the continued operation of the Clean Syringe Exchange Program in the City of San Diego, at no cost to the City.

4. That within one year of the final passage date of this Resolution, and annually thereafter, an open meeting of the City Council shall be held, at which the Health Officer for the City of San Diego (or other qualified person appointed by the Mayor), at no cost to the City, shall present a report detailing the status of syringe exchange programs, including, but not limited to, relevant statistics on blood-borne infections associated with needle sharing activity. Local government, local public health officials, law enforcement, administrators of alcohol and

drug treatment programs, other stakeholders, and the public shall be afforded ample opportunity to comment on syringe exchange programs at this annual meeting.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Michael D. Neumeyer
Deputy City Attorney

MDN:jab
06/27/06
Or.Dept: Comm. Services Div.
R-2006-599
MMS#2323

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 11 2006.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 7.18.06

(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on JUL 11 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 18 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California
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