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City Manager's Report
February 27, 2024, City Council Meeting
Prepared by:
Item #: 10.1

Subject: Consideration of An Urgency Ordinance Banning Needle and Syringe Exchange Programs in the City of Placerville.

Recommendation:

Adopt Urgency Ordinance #__ prohibiting the establishment, operation, use, and/or participation in needle and syringe exchange programs within the City of Placerville.

Purpose:

Pass an urgency ordinance prohibiting needle and syringe exchange programs within City limits to protect the public health, safety, and general welfare of its residents.

Background:

State law allows the California Department of Public Health ("CDPH") and local governments to authorize organizations to operate needle and syringe exchange programs in local communities for a period of two years at a time. Since 2019, Sierra Harm Reduction Coalition has been providing needle and syringe exchange services in El Dorado County.

In January 2024, the CDPH reauthorized Sierra Harm Reduction Coalition to provide mobile home delivery and pick up of needles, syringes, and sharps within the City of Placerville. CDPH has explicitly authorized Sierra Harm Reduction Coalition to operate *only* in City limits; it may not operate in unincorporated areas of the County.

In June 2023, when CDPH was still considering the reauthorization of the Sierra Harm Reduction Coalition, the Mayor and Chief of Police of Placerville authored a letter to CDPH stating their opposition to needle and syringe exchange programs operating within City limits. The letter expressed that harm reduction services and needle exchange programs pose risks to public health and safety and undermine City and County efforts to address homelessness. Despite the City's opposition, CDPH reauthorized Sierra Harm Reduction Coalition to operate within City limits.

Discussion:

State law (Health and Safety Code section 121349 et seq.) allows the state or local governments to authorize needle and syringe exchange programs, notwithstanding any other laws. State regulations allow CDPH to reject an application if there is "evidence of projected harm to public safety, presented by local law enforcement ... [that] is, in the department's judgment, greater than evidence of projected benefits to public health." (17 CCR 7004(c).)

The proposed urgency ordinance is essentially identical to the ordinance adopted by the El Dorado County Board of Supervisors. Several counties and cities have adopted similar bans of syringe services programs, including Butte County, Sutter County, Placer County, and the cities of Anaheim, Chico, Orange, Oroville, Santa Ana, Loomis, Rocklin, and Yuba City. The proposed ordinance includes language stating that the prohibition would not apply if it is determined to be in conflict with any state or federal laws.

Ordinances generally cannot be passed within five days of their introduction and take effect 30 days after their adoption. However, these rules do not apply to an urgency ordinance. Urgency ordinances may be passed immediately upon introduction. They also take effect immediately. Urgency ordinances for the immediate preservation of the public peace, health, or safety, must contain a declaration of facts constituting the urgency. They must be passed by a four-fifths vote of the City Council.

An urgency ordinance will be effective for 45 days from its enactment. There are two paths for extending such an ordinance. First, the City Council may extend the ordinance for 10 months and 15 days and, after the 10 months and 15 days, it may extend the ordinance once more for one year. Any extension requires a four-fifths vote. In this case, not more than two extensions may be adopted. In the alternative, after the original 45 days, the City Council may extend the ordinance once for 22 months and 15 days. after the original 45 days.

Options:

1. Approve the urgency prohibiting needle and syringe exchange programs as presented.
2. Do not adopt the urgency ordinance and provide further direction to staff.
3. Take no action.

Environmental:

The proposed action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 150161(b)(3) and is not a project pursuant to section 15378 because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Cost: Staff and City Attorney time to prepare the ordinance.

Budget: None



M. Cleve Morris, City Manager

Attachments:

- A. Proposed Urgency Ordinance
- B. Letter dated January 25, 2025 from California Department of Public Health
- C. Letters to CDPH dated November 14, 2023 and June 29, 2023 from Mayor and Chief of Police