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City Manager's Report
April 9, 2024, City Council Meeting
Prepared by:
Item #: 10.1

Subject: Consideration of an Ordinance Extending the Temporary Moratorium on Needle and Syringe Exchange Programs in the City of Placerville for an Additional 10 Months and 15 Days.

Recommendation:

Adopt an ordinance extending the existing 45-day moratorium on the establishment, operation, use, and/or participation in needle and syringe exchange programs within the City of Placerville for an additional 10 months and 15 days to allow staff the opportunity to record the impacts of discarded needles and syringes and survey and discuss best practices with other jurisdictions that have regulated or banned such uses.

Purpose:

Extend an urgency ordinance prohibiting needle and syringe exchange programs within City limits to protect the public health, safety, and general welfare of its residents, while the City studies the impact of these programs and best practices of other jurisdictions.

Discussion:

At the February 27, 2024 Council meeting, Council adopted an urgency ordinance creating a temporary moratorium on needle and syringe exchange programs within the City of Placerville. The ordinance, by law, is only in effect for a period of 45 days unless extended by action of the Council.

California Government Code Section 65858 provides that an extension can be for a period of 10 months and 15 days with an additional one-year extension at the end of that time. The ordinance extending the moratorium must be passed by a 4/5 vote of the Council. If the Council elects to extend the urgency ordinance 10 months and 15 days, the temporary moratorium would end on January 11, 2025. However, at that point, the Council does have the option to extend the urgency ordinance by one year.

By way of brief background, an urgency ordinance temporarily banning the establishment, operation, use, and/or participation in needle and syringe exchange programs within the City of Placerville was passed after the California Department of Public Health reauthorized a needle and syringe program to operate *only* in City limits, despite the City's opposition. This needle and syringe program has operated within the City and El Dorado County since 2019 and the services it provides pose risks to public health and safety and undermine City and County efforts to address homelessness.

Since the adoption of the urgency ordinance, the following measures have been undertaken to alleviate the negative impacts to public health and safety posed by needle and syringe exchange programs:

1. Train and require all employees to document any instance of observing illegally discarded syringes. These departments include:
 - a. Police
 - b. Parks
 - c. Public Works
 - d. Code Enforcement
2. Provide a City Liaison to Marshall Hospital's Harm Reduction Program to increase education on illegal drug use.
3. Work with El Dorado County to use the City's contribution of Opioid Settlement Funds to investigate and review programs and resources to discourage syringes for illegal drug use.
4. Review potential Syringe Program regulations that could be adopted if it is determined a program should be allowed to mitigate harm to residents by discarded needles.

Adopting an extension to the temporary moratorium will provide City staff and the City Attorney time to gather additional data concerning best practices amongst municipalities, including ordinances of other jurisdictions, in order to present recommendations to the City Council concerning these matters and to determine how to best regulate such uses within the city so that the residents' health, safety and welfare can be protected. The Council should also direct the Police Department and City Code Enforcement to document improperly discarded needles and syringes, so the Council may have data to inform its future actions.

Therefore, staff is recommending Council adopt an urgency interim ordinance for the purpose of extending the 45-day moratorium of needle and syringe exchange programs within the City of Placerville for an additional 10 months and 15 days to provide staff with the opportunity to record the impacts of discarded needles and syringes and survey and discuss best practices with other jurisdictions that have regulated or banned such uses.

Options:

1. Approve the ordinance extending the urgency ordinance.
2. Do not adopt the urgency ordinance and provide further direction to staff.
3. Take no action and allow the urgency ordinance to expire on April 12, 2024.

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: Minimal at this time.

Budget Impact: None at this time.



M. Cleve Morris, City Manager

Attachments:

- A. Proposed Urgency Ordinance Extending the Temporary Moratorium