



AGENDA REPORT

TO: Members on the City Council and
Members of the Public

FROM: Councilmember **Dan Kalb**

SUBJECT: Ordinance Amending the Proof of
Vaccination

DATE: May 3rd, 2022

RECOMMENDATION

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 8.68 BY: (1) DELETING THE REQUIREMENT FOR PROOF OF A COVID-19 VACCINATION (PROOF OF COVID VACCINATION) FOR PATRONS AT THE FOLLOWING INDOOR PUBLIC LOCATIONS: (A) ESTABLISHMENTS OR EVENTS WHERE FOOD OR DRINK IS SERVED INCLUDING RESTAURANTS, BARS, COFFEE HOUSES, CLUBS, AND BANQUET HALLS; (B) ENTERTAINMENT VENUES, THEATERS, CONCERT VENUES, MUSEUMS, AND RECREATION FACILITIES; (C) GYMS, FITNESS CENTERS AND YOGA STUDIOS; (D) CITY HALL; (E) LARGE INDOOR EVENTS AT CITY AND PRIVATELY-OWNED FACILITIES; AND (2) REQUIRING FACE MASKS FOR PATRONS AT LARGE INDOOR EVENTS AT CITY AND PRIVATELY-OWNED FACILITIES

EXECUTIVE SUMMARY

This Ordinance eliminates the requirement for patrons to show proof of vaccination to enter indoor food and beverage establishments, entertainment and recreational locations, gyms and fitness venues, public libraries, City Hall and the Oakland Convention Center, and large indoor events. It keeps the proof of vaccination requirement for senior adult care facilities and City senior centers and adds a requirement for masking at large indoor events.

BACKGROUND

COVID-19 has killed over 6.2 million people around the world, over 1,000,000 in the United States and over 89,000 here in California. In Oakland, we have experienced over 76,000 cases of COVID-19 involving over 500 deaths.

Item: _____
City Council
May 3, 2022

On September 28, 2021, the California State Public Health Officer issued an order requiring the vaccine at all adult care facilities and direct care workers, as adult and senior care facilities and settings where direct care and services are provided, are high-risk settings where COVID-19 transmission and outbreaks can have severe consequences.

The City Administrator implemented a Mandatory Vaccination Policy requiring all City employees to be fully vaccinated no later than November 29, 2021.

The federal Centers for Disease Control (CDC), the California Department of Public Health and the Alameda County Health Officer agree that COVID-19 poses a risk, particularly to individuals who are not fully vaccinated.

Owners of indoor businesses and indoor gathering facilities have the right to require proof of vaccination and masking as a condition of entering their respective establishments regardless of what it says in the Oakland Municipal Code or any relevant County health order.

There is a consensus among most public health experts that using a high-quality mask, such as N95/KN95/KF94, provides the better protection from the COVID virus that other types of masks, and therefore people who are at higher risk of serious health consequences should they contract the virus should use the better quality masks when in most indoor settings.

ANALYSIS

Medical professionals, scientists, and epidemiologists agree that vaccines are proven the most effective in preventing infection and the subsequent spread of COVID-19 and to reduce hospitalizations and death.

Unvaccinated persons are more likely to get infected with serious consequences and spread the virus. Most current hospitalizations and deaths are among unvaccinated persons.

On April 21, 2022, the Centers for Disease Control and Prevention COVID Data Tracker listed the COVID-19 Community Level as Low for Alameda County. It must be noted that the Centers for Disease Control and Prevention COVID-19 Community Level does not apply in healthcare settings such as nursing homes.

The Centers for Disease Control and Prevention have made clear that people who are older are more likely to become very sick with COVID-19.

The California Department of Public Health has indicated that mega events including indoor events with more than 1,000 people, are riskier than other events.

On February 11, 2022, the Centers for Disease Control and Prevention published the findings of a study that show use of a mask in indoor settings protects against COVID-19 by lowering the odds of testing positive by as much as 83%.

As of April 20, 2022, the California Department of Public Health strongly recommends all persons regardless of vaccine status wear masks in indoor public settings.

COORDINATION & PUBLIC OUTREACH

Councilmember Kalb worked with City staff and the City Attorney’s office regarding this legislation. We have reviewed publicly available information regarding the spread of COVID-19 and vaccines, including the lifting of proof of vaccination requirements in other jurisdictions throughout California. Note that should any variant of the COVID virus lead to new surges with increased rates of hospitalizations, it would be our intention to reinstitute the indoor proof of vaccination requirement broadly in Oakland.

ACTION REQUESTED BY THE CITY COUNCIL

We respectfully request that the City Council: Adopt the Ordinance Amending the Proof of Vaccination Requirement to set aside the requirement for most previously covered establishments, retain the proof of vaccination requirement for senior centers and senior adult care facilities, and add a masking requirement at large indoor gatherings in Oakland.

For questions regarding this report, please contact Seth Steward, Chief of Staff to Councilmember Kalb, at 510-238-7013.

Respectfully submitted,



Dan Kalb
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