

DRAFT
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY VICE MAYOR REBECCA KAPLAN & COUNCILMEMBER DAN KALB

RESOLUTION ESTABLISHING A POLICY REQUIRING ALL EMPLOYEES, PATRONS, AND VISITORS ENTERING CITY FACILITIES TO WEAR FACE MASKS TO MITIGATE THE SPREAD OF CONTAGIOUS RESPIRATORY ILLNESSES INCLUDING COVID-19, RESPIRATORY SYNCYTIAL VIRUS (RSV), AND INFLUENZA AND REQUIRING THE CITY TO PROVIDE QUALITY MASKS (KN-95, N-95, OR KF-94) TO PERSONS ENTERING CITY FACILITIES WHO DO NOT HAVE A MASK

WHEREAS, COVID-19, Respiratory Syncytial Virus (RSV), and Influenza are spreading among adults and children this winter season, and infection rates are projected to increase in the coming months; and

WHEREAS, this early wave of respiratory viruses has led to increased hospitalizations and has contributed to stresses in our healthcare delivery systems in California and across the US; and

WHEREAS, RSV is a common respiratory virus that usually causes mild, cold-like symptoms, but may cause severe disease in infants and older adults; RSV is the most common cause of bronchiolitis and pneumonia in children younger than 1 year of age in the United States; and

WHEREAS, in children, Emergency Department visits for 0-4-year-olds are already the highest they have been throughout the pandemic, impacting both pediatric hospital and pediatric intensive care unit bed availability; and

WHEREAS, for the flu, hospitalizations are now above the 2021–2022 peak in both Northern and Southern California; and

WHEREAS, currently, 30,000 to 40,000 COVID-19 cases are reported daily in the U.S., and this does not include cases diagnosed with at-home antigen tests nor undiagnosed infections; and

WHEREAS, the daily reported case rate in Alameda County is 11 per 100,000 residents per day, and rates are rising along with COVID-19 levels in wastewater according to an Alameda County Public Health Department advisory issued November 21, 2022; and

WHEREAS, COVID-19 hospitalizations have increased by 50 percent from their recent low in early October 2022 to mid-November 2022; COVID-19 activity is also rising as noted by increases in wastewater surveillance and recent increases in case rates, test positivity, and statewide new admissions increase of almost 16 percent from later October to mid-November according to a CA Department of Public Health Facilities Letter issued November 11, 2022; and

WHEREAS, the Centers for Disease Control (CDC) has identified the existence of highly contagious variants of the COVID virus and has indicated that additional variants of high consequence are to be expected; and

WHEREAS, on December 8th, 2022, health officials [announced](#) that Alameda County moved from the Centers for Disease Control and Prevention's (CDC's) "Low" COVID-19 Community Level to "Medium", requiring universal masking at homeless shelters, emergency shelters, and cooling and heating centers, in addition to health care facilities; and

WHEREAS, masks are a vital tool to prevent the spread of contagious respiratory illnesses, and wearing masks in public facilities is both a matter of protecting public health and ensuring safe and equitable access to public services; and

WHEREAS, there is no antiviral treatment nor vaccine for RSV infection, so wearing a mask can slow the spread and protect the most vulnerable, including babies, young children, and older adults; and

WHEREAS, there are millions of people for whom unmasking is dangerous -- including those who cannot be vaccinated, such as young children, individuals who are immunocompromised, and people with various disabilities and "pre-existing conditions"; and

WHEREAS, allowing individuals to enter City facilities unmasked puts people for whom unmasking is dangerous at severe risk, and hinders them from accessing needed services the City provides; and

WHEREAS, “Face Mask” is defined as, “a mask intended to trap respiratory droplets that are released when the wearer talks, coughs, or sneezes and that acts as a barrier to protect the wearer from inhaling droplets released by others;” and

WHEREAS, “City Facilities,” is defined as, “a building owned and operated by the City where regular City business is being conducted.” City Facilities shall not include the Paramount Theater, Fox Theater, Oakland Convention Center, Oakland Zoo, Children’s Fairyland, Oakland Museum of California, and similar facilities that are not operated directly by the City. and

WHEREAS, immediate action must be taken to address the spread of COVID-19, RSV, and influenza to avoid a substantial adverse impact of these illnesses on our public health, and in particular to increase safety for individuals who would be at the highest risk in an un-masked environment and who need to access City services in City facilities; and

WHEREAS, the need for action did not come to the City Council’s attention until after the 10-day publishing deadline for the Council’s December 20th, 2022 meeting, because the announcement moving Alameda County from “low” to “medium” risk of spreading COVID-19 came on December 9th, the day of our publishing deadline; now, therefore, be it

RESOLVED: That the preceding Whereas clauses are hereby incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: That Face Masks shall be worn by all persons, including City employees, City contractors, patrons and all visitors, who enter City Facilities; and be it

FURTHER RESOLVED: That the City shall provide quality face masks (KN-95, N-95, or KF-94) to all who enter City facilities, should they not have a mask of their own.

FURTHER RESOLVED: That the City Administrator is hereby directed to return to the City Council as soon as practicable with an analysis of the costs of providing face masks through June 30, 2023 and, if necessary, a proposal for a budget amendment to address such costs.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO,

PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California