



# AGENDA REPORT

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

**FROM:** Councilmember **Dan Kalb**

**SUBJECT:** Emergency Ordinance Requiring  
Proof of Vaccination

**DATE:** December 21, 2021

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## **RECOMMENDATION**

**ADOPT AN EMERGENCY ORDINANCE ADDING OAKLAND MUNICIPAL CODE CHAPTER 8.68 TO REQUIRE PROOF OF A COVID-19 VACCINATION FOR PATRONS AT THE FOLLOWING INDOOR PUBLIC LOCATIONS: (1) ESTABLISHMENTS OR EVENTS WHERE FOOD OR DRINK IS SERVED INCLUDING RESTAURANTS, BARS, COFFEE HOUSES, CLUBS, AND BANQUET HALLS; (2) ENTERTAINMENT VENUES, THEATERS, CONCERT VENUES, MUSEUMS, AND RECREATION FACILITIES; (3) GYMS, FITNESS CENTERS AND YOGA STUDIOS; (4) SENIOR ADULT CARE FACILITIES AND CITY SENIOR CENTER PROGRAMS; (5) DENTAL OFFICES; (6) PUBLIC LIBRARIES; (7) CITY HALL; AND (8) LARGE INDOOR EVENTS AT CITY AND PRIVATELY OWNED FACILITIES**

## **EXECUTIVE SUMMARY**

This Emergency Ordinance will require patrons and visitors to show proof of vaccination to enter indoor food and beverage establishments, entertainment and recreational locations, gyms and fitness venues, senior adult care facilities and City Senior Center programs, public libraries, dental offices, City Hall, and at large indoor events.

## **BACKGROUND**

COVID-19 has killed over 5.2 million people around the world, over 808,000 in the United States and over 74,000 here in California. In Oakland, we have experienced over 38,000 known cases of COVID-19 leading to over 400 deaths, along with many who have contracted the virus who are having serious and continuing impacts that may last for years.

On August 5, 2021 the State Public Health Officer issued an Order requiring vaccination of workers in 'high risk' healthcare settings. On August 11, 2021, the State Public Health Officer

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issued an Order requiring vaccine verification of workers in public and private school settings serving students from transitional kindergarten through grade 12.

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 serious risk, particularly to individuals who are not fully vaccinated.

A number of other cities in California and across the country have implemented various types of proof of vaccinations requirements including the cities of San Jose, Berkeley, San Francisco, Los Angeles, New Orleans, and New York City. Contra Costa County also has instituted a limited proof of vaccination requirement.

This legislation does not weaken any mask requirements that are or may be in place due to orders from the CDC, CA Department of Health, Alameda County Health Officer, City Administrator, or any such masking requirement put in place by a business owner for their business,

## **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 and therefore more likely spread the virus. Most current hospitalizations and deaths are among unvaccinated persons.

The first confirmed case of the COVID-19 Omicron variant in the United States was detected in San Francisco on December 1, 2021. Several cases of the COVID-19 Omicron variant has showed up at Kaiser Medical Center in Oakland.

While nearly 84% of Oaklanders are fully vaccinated, COVID-19 continues to be a serious challenge here in Oakland particularly given the highly contagious delta variant and the spreading omicron variant. Alameda County as a whole has a vaccination rate higher than Oakland.

The California Department of Public Health issued recommendations for Californians to protect themselves from COVID-19 and the Delta and Omicron variants including by getting vaccinated! Some experts are predicting a steep rise in cases this winter.

This Emergency legislation would require proof of vaccination when visitors are patronizing any of the following establishments:

1. Restaurants, bars, coffeehouses etc.
2. Entertainment venues, concert venues, etc.
3. Gyms, fitness studios, etc.
4. Assisted Living Facilities and Senior Centers
5. Dental offices
6. Public Libraries
7. City Hall
8. Large Indoor Events

All adults would be required to show a proof of vaccination along with some form of ID to match the vaccination proof document. Children ages 12-17 would also have to show some proof of vaccination, but would not be required to show identification. A doctor-verified medical exemption in conjunction with a recent negative COVID test would be allowed. Further, for City Hall, Libraries and Dental offices, proof of recent negative COVID test can be used in lieu of proof of vaccination regardless of exemption status.

This proof of vaccination effort is designed to increase the vaccination rate in Oakland, decrease the likelihood of someone who has contracted COVID-19 from entering these establishments and importantly, reduce the spread of COVID-19. Other cities have seen a rise in vaccination rates after establishment of these types of requirements.

### **COORDINATION & PUBLIC OUTREACH**

Councilmember Kalb worked with the City Attorney's office and City staff regarding this legislation. Councilmember Kalb has discussed this legislation with representatives from several business organizations including the Oakland Chamber of Commerce, the Oakland African American Chamber of Commerce, Oakland Latino Chamber of Commerce, the Oakland Chinatown Chamber of Commerce. Councilmember Kalb has also met with representatives of several business improvement districts and with the Oakland Indie Alliance. Many businesses support this legislation and appreciate that all business of the same type would be under the same rules.

Councilmember Kalb has also had a number of productive conversations with the Alameda County Health Officer.

We have reviewed publicly available information regarding the spread of COVID-19 and vaccines. We have and will continue to engage with stakeholders—including the residents of Oakland—and experts to implement this important public health effort.

**ACTION REQUESTED BY THE CITY COUNCIL**

We respectfully request that the City Council adopt the Emergency Ordinance Requiring Proof of Vaccination.

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

Respectfully submitted,



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*Dan Kalb*  
Councilmember, District 1