



Memorandum

TO: CITY COUNCIL
SUBJECT: BOOSTER MANDATE
EXPIRATION

FROM: Mayor Sam Liccardo
DATE: February 24, 2022

Approved:

Date: 2/24/22

Direction:

In light of rapidly falling rates of omicron transmission, direct the City Attorney and City Manager:

1. to deem the booster mandate expired for public entry to City-owned facilities, and establish criteria that will provide the public and facility operators with some advance notice of future mandates based on transmission or hospitalization rates, or public health guidance.
2. continue with existing testing requirements, as mandated under state law, and consult with event operators on optimal testing and masking protocols.

Discussion

In recent weeks, we have reevaluated the propriety of the booster mandate in our libraries, community centers, and event venues, in light of changing data that we see routinely emerge. The booster mandate at our public facilities has served its purpose in dramatically reducing risk of hospitalizations and serious illness among those who use our city libraries and other facilities, and among those who attend large events at venues like the CPA, SAP Arena, and California Theater.

Most importantly, we have moved beyond the omicron surge. Today's case rate has fallen below 550 for the first time since December, (and the [rolling average of new cases countywide has now dropped to 555](#)), one of the [key thresholds for lifting the countywide mask mandate](#).

To be clear, the evidence remains overwhelming about the efficacy and safety of boosters—and that [even with waning efficacy after four months, they still reduce hospitalizations with 78% efficacy, and substantial illness by 66%](#). Yet the additional data made available from [the study released by the FDA on February 18th](#) does suggest that the difference in efficacy between a dual-course vaccination and a third booster diminishes over time. Accordingly, maintaining a mandate for boosters some five or six months after their first administration leaves

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us making distinctions without a substantial difference for the health risks posed to or by any one attendee in a public venue.

In other words, the booster mandate served its purpose during the omicron surge, by encouraging attendees and visitors in public buildings to protect themselves and each other during the period when our ICU's faced the greatest stress of rising hospitalizations. While this surge has run its course, we must remain vigilant about the next one.

We are very fortunate to boast that San José residents have the highest vaccination rate of any major U.S. city—with more than 90% of our residents over 5 years old having taken at least two doses—saving thousands of lives. We must continue to work with our public health experts, venue operators, and community to establish objective thresholds, to ensure we're providing clear expectations about whether and when future mandates would be necessary.