



COUNCIL AGENDA: 1/11/2022
ITEM: 3.8
FILE NO: 21-2658

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: January 11, 2022

SUBJECT: Booster Mandate

Recommendation

Adopt an urgency ordinance that:

(a) Requires all attendees and staff at indoor events at City owned facilities - such as the SAP Arena, Convention Center, and Center for Performing Arts - to demonstrate prior to entry into an indoor event of 50 or more persons attending, either:

(1) proof of full vaccination and up-to-date boosters for all populations eligible to receive them;
or

(2) proof of a negative COVID test pursuant to State guidelines. The facility operators should utilize commonly accepted and readily deployable methods of proof for vaccinations, boosters, and negative tests; and

(b) Supersedes Ordinance No. 30652 adopted by Council on August 24, 2021.

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Liccardo)

[Rules Committee referral 1/5/2022 - Item G.4]



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: BOOSTER MANDATE

DATE: December 21, 2021

Approved:

Date: 12/21/21

Direction:

Direct the City Manager to:

1. Commence discussions with city bargaining groups in anticipation of establishing a January date for a mandate that every city worker must complete a third round of vaccination as a condition of employment.
 - a. In light of pending consideration of such a mandate, provide any information to employees helpful to enable and encourage them to receive their third vaccination during the holiday break, to maximize convenience and minimize disruption to their work schedules that might result from any temporary vaccine side effects.
2. Establish a date—preferably by late January—when all members of the public must present evidence of a third shot of vaccine to enter into a City-owned indoor public venue, such as the SAP Arena, Convention Center, or Center of Performing Arts, with the following exceptions:
 - a. Individuals who received their second vaccination shot within the prior 6 months must show proof of vaccination prior to entry.
 - b. Children unable to receive a third shot due to the recency of FDA approval for administration of shots to children must similarly show evidence of vaccination within prior six months, or, in conformance with state standards, proof of a negative test.
 - c. Consider the purchase of any software or equipment that will facilitate more rapid and less labor-intensive verification of vaccination at the entrance of City facilities, utilizing QR codes provided by the state database, and report to Council regarding the status of such purchases.
 - d. Accommodate unique circumstances relating to terms relating to vaccination of employees in collective bargaining agreements for Team San José, the Sharks, and other relevant stakeholders to minimize disruptions on operations.

- e. Assist with support of on-site vaccination clinics for workers who may live in high-risk or low-income neighborhoods, leveraging partnerships with the County and other local health providers.

Discussion

Even amid hopeful reports of potentially lower rates of hospitalization and serious illness, the Omicron variant's rapid spread appears ominous. In East Coast hotspots such as Washington, D.C., Omicron appears responsible for three-quarters of new infections. Although spikes have not yet emerged on the West Coast, we should expect that surge within days or weeks after Christmas gatherings, and even a relatively low rate of serious illness applied to a very large denominator of infections can cripple any urban health system.

All of the available information illuminates one path to avoid widespread shutdowns and full emergency rooms: vaccination. CDC data shows that even amid the Omicron surge, [the rate of infection among the unvaccinated exceeds that of the vaccinated by five \(5\) times, and the rate of death by thirteen \(13\) times.](#)

Although current City policy calls for updating requirements concurrent with federal or state changes in the definition of "fully vaccinated," we already have clear guidance from [federal health authorities that a third shot can substantially reduce the incidence of serious illness.](#) On Sunday, yet another published study demonstrated that a "booster" shot of 50 milligrams—in this case from Moderna—[increases COVID antibodies 37-fold against the Omicron variant.](#) [Pfizer and BioNTech published a similar study](#) two weeks ago. Rather than awaiting the inevitable but plodding revision of the official definition of "fully vaccinated" by federal and state bureaucracies, we should take action to protect our community with information made clearly available to us and affirmed by Dr. Fauci and other respected authorities.

We have the benefit of these additional studies and guidance, but we lack the benefit of time. Currently, Santa Clara County retains a stable infection rate and a relatively low hospitalization rate (7 per 100,000) compared to the rest of the nation, but the virus appears to be currently surging in the East and Midwest. That surge will move west, and we must do everything possible to prepare for it, starting with basic preventative measures to avoid infection among our City workforce, many of whom provide emergency and essential services to our community. We should also mitigate any risk that a City facility could host an event that could accelerate the virus' spread. I recommend that we move decisively.