

RULES COMMITTEE: 05/17/2023  
Item: B.1  
File ID: ROGC 23-199



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** The Public Record  
May 4 – May 11, 2023

**DATE:** May 17, 2023

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## **ITEMS FILED FOR THE PUBLIC RECORD**

### **Letters from Boards, Commissions, and Committees**

#### **Letters from the Public**

1. Letter from Arisha S, dated May 8, 2023, regarding: Public comment for San Jose City Council meeting, Tuesday 5/9, Open Forum.
2. Letter from Alex Eulenberg and Ari Solovyonva, dated May 8, 2023, regarding: Open Forum comment for meeting of May 9.
3. Letter from Nicolas Lorain, dated May 10, 2023, regarding: Solar Access Act.
4. Letter from Martha O'Connell, received May 11, 2023, regarding: Anti Semitism and Racism at Rules.

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Toni J. Taber, CMC  
City Clerk

## Fw: Public comment for San Jose City Council meeting, Tuesday 5/9, Open Forum

Agendadesk <Agendadesk@sanjoseca.gov>

Mon 5/8/2023 3:16 PM

To: Rules and Open Government Committee Agendas rulescommitteeagenda@sanjoseca.gov

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Monday, May 8, 2023 3:11 PM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** Fw: Public comment for San Jose City Council meeting, Tuesday 5/9, Open Forum

### Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14<sup>th</sup> Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

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**From:** Arisha S [REDACTED]

**Sent:** Monday, May 8, 2023 3:09 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Public comment for San Jose City Council meeting, Tuesday 5/9, Open Forum

You don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Hi,

Please note that the City of San Jose Mandatory COVID-19 Vaccination policy is obsolete:

<https://www.sanjoseca.gov/home/showpublisheddocument/76359/638016911487730000>

Its main authority is the **Santa Clara County public health orders page** (<https://covid19.sccgov.org/public-health-orders>), which lists **\*\*\*only one\*\*\* active health order**, and this order **does not mention any vaccination requirement**

<https://covid19.sccgov.org/health-order-requiring-use-face-masks-patient-care-area-health-care-delivery-facilities-during>

Please reconsider your discriminatory employment policy as soon as possible

Thank you for your attention to this matter

Ariadna Solovyova,  
South Bay resident


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## Fw: Open Forum comment for meeting of May 9

Agendadesk <Agendadesk@sanjoseca.gov>

Tue 5/9/2023 10:29 AM

To: Rules and Open Government Committee Agendas rulescommitteeagenda@sanjoseca.gov

 1 attachments (82 KB)

SCC Ending Discrimination Cover letter and Draft Resolution pdf

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**From:** Alex Eulenberg [REDACTED]  
**Sent:** Monday, May 8, 2023 11:46 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Cc:** Ari Solovyova [REDACTED]  
**Subject:** Open Forum comment for meeting of May 9

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[External Email]

Dear City Clerk,

Please include the attached document as comment on the Public Forum for the May 9 City Council meeting.

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Alex Eulenberg and Ari Solovyova

April 23, 2023  
Mountain View, California

Dear members of the Board of Supervisors of the County of Santa Clara:

We truly believe in the vision of “Community for All” that has been adopted by the County of Santa Clara.

It is a vision that can be achieved, but one that will require specific changes to the county policy.

In particular, the County of Santa Clara needs to prohibit all exclusion from public activity based on COVID-19 vaccination status. Unfortunately, this unfair discrimination is still taking place on County property, and worse, it is happening as a matter of County policy.

The County of Santa Clara, in the name of safety, is denying employment to persons who are not fully vaccinated with a COVID-19 vaccine, even extending this exclusion to County contractors and interns.

All this is happening when it is well established that these vaccines were never approved or even authorized to, and in fact do not, prevent either infection or transmission of any disease, and so do not make the workplace any safer. In fact, as of this date, none of the COVID-19 vaccines currently available are approved by the Food and Drug Administration; they are only “Emergency Use Authorized” which means that the benefits have not been proven to outweigh the risks for those who take them. These considerations are not a matter of opinion, but a matter of fact, and should be enough to have the vaccination requirement lifted. But there is more.

Since being unvaccinated is a medical condition, or is perceived as such (e.g. presumed infectiousness or likelihood to become debilitated), excluding the unvaccinated from the workplace violates civil rights statutes of the United States (Americans with Disabilities Act) and California (Unruh Civil Rights Act), which both expressly equate being regarded or treated as having a disability with actually having a disability. Furthermore, due to the high rate of COVID-19 vaccine refusal among several minority religious, ethnic communities, as well as long-standing political communities, such a policy constitutes de facto religious, ethnic, and political discrimination.

We have a resolution that you can pass at your next meeting that will end all this. It will allow anyone to work for the County of Santa Clara without being asked about vaccination status. It will also keep any organization using County facilities as a public accommodation (such as special events at County parks) from perpetrating this discriminatory practice.

Please put it on the agenda at your next meeting and pass it unanimously.

Your neighbors,

Alex Eulenberg

Ariadna Solovyova

## **DRAFT RESOLUTION**

### **PROHIBITING DISCRIMINATION ON THE BASIS OF VACCINATION STATUS BY THE COUNTY OF SANTA CLARA**

**WHEREAS**, after two years of wide availability of COVID-19 vaccines, the U.S. Food and Drug Administration has not determined that any COVID-19 vaccine or booster prevents infection with or transmission of the pathogen that causes COVID-19; and

**WHEREAS**, neither the Public Health Department of the County of Santa Clara, nor the California Department of Public Health, nor the Centers For Disease Control and Prevention recommends the exclusion of COVID-19 unvaccinated people from any activity; and

**WHEREAS**, many people in the County community who are otherwise eligible to work for the County, or to take part in events held at County facilities, have not taken these vaccines, for religious, medical, or other legitimate reasons; and

**WHEREAS**, it is a violation of an employee's right to religious and medical privacy for an employer to require the disclosure of religious beliefs, or of a medical condition unrelated to the performance of one's work duties, in order to avoid undergoing a medical procedure not necessary to ensure safety in the workspace; and

**WHEREAS**, it is wrong to exclude people from the community or stigmatize them for making a personal medical decision that does not have a direct adverse affect on others; and

**WHEREAS**, the County of Santa Clara is committed to providing a workplace free of harassment, discrimination, and abusive conduct; and

**WHEREAS**, the County of Santa Clara is committed to creating an inclusive and accessible community, a "Community for All";

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara that the County Executive is directed to rescind all policies requiring COVID-19 vaccination, with or without exceptions, including those established by memoranda "Updated COVID-19 Vaccination Requirement for County Personnel" and "Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers" as well as any County policy requiring medical treatment or testing not required by applicable law.

**BE IT FURTHER RESOLVED** that the County Executive shall issue a memorandum prohibiting the enactment of any vaccination or booster requirement, with or without a pre-entry negative test result alternative, at events hosted at County facilities.

**BE IT FURTHER RESOLVED** that the County Executive shall issue a memorandum prohibiting the use of County facilities for conferences, workshops, camps, or any other activity advertised to the public, where participation is restricted in any way on the basis of vaccination status.

**Fw: Solar Access Act**

Agendadesk <Agendadesk@sanjoseca.gov>

Wed 5/10/2023 1:22 PM

To: Rules and Open Government Committee Agendas rulescommitteeagenda@sanjoseca.gov

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Wednesday, May 10, 2023 8:09 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** FW: Solar Access Act

-----Original Message-----

From: Nicolas Lorain [REDACTED]

Sent: Wednesday, May 10, 2023 7:44 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Solar Access Act

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

[External Email]

My name is Nicolas Lorain and I live in San Jose The new Solar Access Act requires cities to streamline their solar permit process to make it easier for residents to go solar. I support this. Will you comply with the law?

Nicolas Lorain  
[REDACTED]

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## Anti Semitism and Racism at Rules

martha O'Connell [REDACTED]

Thu 5/11/2023 9:39 AM

To: Rules and Open Government Committee Agendas rulescommitteeagenda@sanjoseca.gov ;The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>;Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>;Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>;Torres, Omar <Omar.Torres@sanjoseca.gov>;Cohen, David <David.Cohen@sanjoseca.gov>;Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>;Davis, Dev dev.davis@sanjoseca.gov ;Doan, Bien Bien.Doan@sanjoseca.gov ;Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>;Foley, Pam <Pam.Foley@sanjoseca.gov>;Batra, Arjun <arjun.batra@sanjoseca.gov>;martha O'Connell [REDACTED]

[External Email]

For Rules Packet

To Mayor and Council

Anti-Semitic and Racist comments at Rules

On 5 10 23 a member of the public referred to a Councilperson as a “Jewish white man” in an apparent attack on his perspective. This reference has been made before by this caller to this same Councilperson.

The Councilperson handled the matter with grace and dignity, however this issue goes beyond this one Councilperson.

The City needs to see that such references stop post haste.

What message does this send to Jews in San Jose, especially children, **when such references stand unopposed?** What message does this send to the survivors of the Holocaust? What message does this send to those of us who have visited Dachau or Auschwitz.

This is not ok.

Never again - לעולם לא עוד

This same caller has also repeatedly made comments about the Vietnamese Community. That is also unacceptable.

**Racism and antisemitism should not be tolerated because the maker of such comments is himself a man of color.**

Shut down anti-Semitism and across the board racism. Step up to the plate and show moral courage.

If you are neutral in situations of injustice, you have chosen the side of the oppressor If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your

neutrality Desmond Tutu

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