

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S  
OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR REBECCA KAPLAN

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**RESOLUTION EXTENDING RESOLUTION NO. 89542 C.M.S. TO JULY 1, 2023, WHICH ESTABLISHED 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**, Governor Newsom lifted California’s State of Emergency on February 28, 2023, marking the end of statewide requirements and mandates to stem the spread of COVID-19 and other respiratory illnesses; and

**WHEREAS**, while Alameda County confirmed the end of the local public health emergency in alignment with the state, in their [February 28, 2023 press release](#), it states, “[t]he end of the local health emergency declaration does not mean the end of COVID-19, which will remain present in our community. Residents should use the same tools that have proven over time to be effective in keeping themselves and others as healthy as possible”; and

**WHEREAS**, the Alameda County Health Care Services Agency encourages everyone to wear high-quality, well-fitted masks for added protection against infection; and

**WHEREAS**, COVID-19, Respiratory Syncytial Virus (RSV), and Influenza continue to spread among adults and children; and

**WHEREAS**, an early wave of respiratory viruses in winter 2022 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**, as of March 2, 2023, the daily average of COVID-19 cases in California is 2,760 with 6.9 new cases per 100,000; and

**WHEREAS**, the daily reported case rate in Alameda County is 8.8 per 100,000 residents per day according to dashboard data from February 27, 2023; 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**, COVID-19 has shown evidence of seasonality, a feature of other respiratory viral infections including some other coronavirus infections; such seasonality in combination with other factors noted could lead to possible surges and subsequent annual waves of infection; 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**, “Public Area,” is defined as, “an area inside of City Facilities that is: 1) generally accessible to members of the public; or 2) within 20 feet of an area that is generally accessible to members of the public and that is not walled off;” and

**WHEREAS**, 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; 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 6 years of age or older, including City employees, City contractors, patrons and all visitors, who enter Public Areas of 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; and be it

**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 July 1, 2023 and, if necessary, a proposal for a budget amendment to address such costs; and be it

**FURTHER RESOLVED:** That the City Administrator is directed work with City staff to find locations and develop policies to allow for safe unmasking for the purposes of eating and taking breaks; and be it

**FURTHER RESOLVED:** That the requirements to wear and provide Face Masks in City Facilities pursuant to this Resolution shall expire at midnight on July 1, 2023.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED

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