

ORDINANCE NUMBER O- 21612 (NEW SERIES)
DATE OF FINAL PASSAGE FEB 09 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO SUNSET SAN DIEGO ORDINANCE O-21398
(NOV. 29, 2021), THE CITY'S MANDATORY COVID-19
VACCINATION POLICY.

WHEREAS, the coronavirus disease (COVID-19) is an infectious respiratory disease
caused by the SARS-CoV-2 virus; and

WHEREAS, on February 19, 2020, the Board of Supervisors of the County of San Diego
ratified a declaration of local health emergency related to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of
emergency due to the threat of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared
COVID-19 to be a global pandemic; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego (City) proclaimed
the existence of a local emergency related to the COVID-19 threat, which was ratified by the
San Diego City Council (Council) on March 17, 2020, by San Diego Resolution R-312895; and

WHEREAS, the Council adopted a mandatory COVID-19 vaccination policy on
November 29, 2021, by San Diego Ordinance O-21398, requiring all City employees, elected
officials, members of boards and commissions, authorized volunteers, and City contractors, as
defined, to be fully vaccinated against COVID-19 and provide proof of their full vaccination;
and

WHEREAS, City employees, elected officials, members of boards and commissions, and
authorized volunteers, as defined, could submit a request to the City for reasonable accommodation
and medical or religious exemption from the COVID-19 vaccination requirement, which would be

evaluated on a case-by-case basis as required by the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, and the California Fair Employment and Housing Act; and

WHEREAS, the mandatory COVID-19 vaccination policy was adopted as an emergency measure for the immediate preservation of the public peace, safety, and welfare pursuant to San Diego Charter section 295; and

WHEREAS, at the time of implementation of the mandatory COVID-19 vaccination policy, the COVID-19 case rate in the County of San Diego was three times higher for residents who were not fully vaccinated against COVID-19 than those who were fully vaccinated, with the hospitalization rate being six times higher for residents not fully vaccinated than for fully vaccinated residents. The COVID-19 vaccination rate for City employees was 80.6 percent; and

WHEREAS, currently, the COVID-19 case rate in the County of San Diego is two times higher for residents who are not fully vaccinated against COVID-19 than those who are fully vaccinated, with the hospitalization rate being two times higher for residents not fully vaccinated than for fully vaccinated residents. The COVID-19 vaccination rate for City employees is 91 percent; and

WHEREAS, the U.S. Centers for Disease Control and Prevention, the California Department of Public Health, and the San Diego County Health and Human Services Agency continue to monitor the threat to public health posed by COVID-19, and have removed requirements for social distancing, use of facial coverings, quarantine requirements for exposed individuals, differences in isolation protocols between vaccinated and unvaccinated individuals, and the use of asymptomatic testing; and

WHEREAS, on October 17, 2022, the Governor announced that he will end the COVID-19 state of emergency on February 28, 2023, finding that California has the tools needed

to continue fighting COVID-19, including vaccines and boosters, testing, treatments, and other mitigation measures like masking and indoor ventilation; and

WHEREAS, given the recent decrease in the COVID-19 case and hospitalization rates in the County of San Diego along with the removal of most COVID-19 related protocols by federal, state, and local public health agencies, the Mayor recommends that the Council sunset San Diego Ordinance O-21398 (Nov. 29, 2021), which established the City's mandatory COVID-19 vaccination policy; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 2. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and San Diego Ordinance O-21398 (Nov. 29, 2021), adopting a mandatory COVID-19 vaccination policy, shall sunset on the effective date of this ordinance.

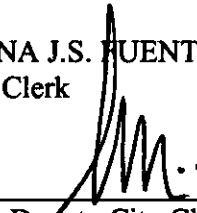
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Miguel Merrell
Miguel Merrell
Deputy City Attorney

MM:jvg
December 12, 2022
Or.Dept: Human Resources
Doc. No.: 3162554

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 07 2023.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 2/9/23
(date)

_____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 07 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 09 2023.

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J. S. FUENTES

City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 24 2023

FEB 09 2023

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J. S. FUENTES

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____

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