

MOTION BY SUPERVISOR HILDA L. SOLIS

AUGUST 10, 2021

Ratification of August 4, 2021 Executive Order and Directive to the Chief Executive Officer Regarding Establishment of a Mandatory COVID-19 Vaccination Policy for County Employees

On March 4, 2020, the Chair of the Los Angeles County Board of Supervisors (Board) proclaimed the existence of a local emergency following the introduction of the novel coronavirus, COVID-19, in the County of Los Angeles (County). On March 4, 2020, the Los Angeles County Health Officer issued a declaration of a local health emergency due to the occurrence of COVID-19 in the County. On this same date, the Board ratified both the local emergency proclamation and the local health emergency declaration.

On June 15, 2021, the County joined the rest of the State of California in celebrating a full re-opening following months of tiered restrictions under the State’s former COVID-19 safety plan: Blueprint for a Safer Economy. This plan, which was introduced in August of 2020, outlined restrictions and permissible activities based on existing COVID-19 conditions in a select community. After months of being in the most

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restrictive Purple Tier, the County began to quickly move through the tiers as vaccination access expanded, ultimately becoming the first Southern California county to enter the least restrictive Yellow Tier in early May 2021, where it remained through the State's retirement of the Blueprint on June 15, 2021. On that day, the County had only 210 confirmed new cases, fewer than 220 were in the hospital with COVID-19, and the test positivity rate was at an incredibly low 0.6%.

Unfortunately, at that same point in time, the pace of new vaccinations had also slowed considerably. Sixty-six percent of Los Angeles County residents age 16 and above had received at least one dose, and 56% were fully vaccinated. While there was a significant level of protection within the community, with a county as large as Los Angeles, millions of residents remained unvaccinated and therefore vulnerable. With masking and distancing requirements disappearing in the vast majority of locations, protections that once existed for those who had yet to be fully vaccinated were no longer in place.

At the same time, the Delta variant also began spreading in Los Angeles County. Internal reporting from within the Centers for Disease Control and Prevention (CDC) have estimated that the Delta variant is more than twice as transmissible as the original COVID-19 strain, and is more contagious than the cold, the flu, SARS, MERS, the 1918 Spanish influenza, and Ebola, and is just as transmissible as chickenpox. Early studies have shown that an unvaccinated person infected with the Delta variant is likely to pass it on to 5 or 6 other unvaccinated people, more than double the estimates for the original COVID-19 strain. With a more transmissible variant of the virus spreading and precautions eased, the main line of defense against further spread is vaccinations, and

for those that remained hesitant, refused vaccines, or were only partially vaccinated, there remained significant vulnerability to the Delta variant.

Due to the Delta variant, over three million eligible, but as yet unvaccinated, residents remain particularly vulnerable to COVID-19, as well as over one million children who are not yet eligible for vaccination. As cases continue to increase, it is clear more must be done to increase vaccination efforts. As the CDC's own documentation states, it is incumbent upon everyone to "acknowledge the war has changed," and take additional steps to keep residents protected from this dangerous variant, which is highly contagious, likely more severe, and can result in breakthrough vaccinations for vaccinated people, who may be as likely to spread the virus as unvaccinated persons.

In June and July, vaccination rates remained slow, the Delta variant found a foothold, and the County is once more experiencing a concerning surge in cases driven primarily by those who remain unvaccinated or partially vaccinated. As of Thursday, August 5, the County 7-day average is over 2,750 new cases per day, with several days reporting over 3,000 new cases per day. Cases have increased over twenty-fold since June 21, over 1,200 residents are currently hospitalized with COVID-19, and nearly 5% of tests are returning positive. The County now finds itself in the CDC's "high" level of community transmission – the highest category CDC assigns to localities. Under the retired Blueprint system, Los Angeles County would be deeply entrenched in the Purple Tier once more.

The State of California has already begun to act, and on July 26 the State announced a requirement that all State employees must provide proof of vaccination or

submit to at least weekly testing. Also, on July 26, the California Department of Public Health ("CDPH") issued an order that workers in health care and high-risk congregate settings, must either show proof of full vaccination or be tested at least once per week. The Governor encouraged all local governments and other employers to adopt a similar protocol, which would help encourage vaccinations while creating safer workplaces to protect employees and patrons. This policy for State employees took effect on August 2, with the testing program phased in over the following weeks. The new CDPH order will take effect on August 9, and facilities will have until August 23 to come into full compliance. On July 30, 2021, the Los Angeles County Health Officer issued a Health Officer Order, which incorporated by reference, the July 26, 2021 CDPH order requiring workers in high-risk health care and congregate settings to provide proof of vaccination or submit to at least weekly testing.

Los Angeles County is prepared to do its part to fulfill its obligation and protect its over 110,000 employees. We must protect our workers and minimize the spread of this dangerous variant and end this pandemic. County departments must be prepared to work in concert with one another and our labor partners, and the County must serve as an example for business and community partners to follow.

This is especially critical as the County prepares for reopening its buildings on October 1, 2021, to comply with the Brown Act. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which provides that the waiver of certain provisions of the Brown Act contained in Executive Orders N-29-20 and N-35-20 will expire September 30, 2021. As a result of Governor Newsom's order, the County will be required to make its Brown Act meetings fully accessible to the public and provide the

public with the ability to testify in person, which entails opening County buildings. As this reopening date approaches, the County has a strong interest in protecting its employees and the public from COVID-19.

Government Code section 8634 and Los Angeles County Code (LACC) section 2.68.150 empower the Chair of the Board, during a proclaimed local emergency, to promulgate orders and regulations necessary to provide for the protection of life or property. Therefore, on August 4, 2021, in the interest of providing for the protection of life and property, acting as the Chair of the Board, I issued an Executive Order directing: (1) the Chief Executive Officer, in consultation with the Office of the County Counsel and the Departments of Human Resources and Public Health, to establish a mandatory vaccination policy, effective immediately, which requires all County employees to provide proof of full vaccination by October 1, 2021; and (2) the Chief Executive Officer to engage with the County's labor partners regarding the effects of the vaccination policy.

In support of the directives included in the August 4, 2021 Executive Order, our Board must act to protect County employees and residents from this dangerous variant by establishing a mandatory COVID-19 vaccination policy to keep people safe, and to establish an example for business and community partners to follow. We must also be prepared to work in concert with our labor partners regarding the effects of the COVID-19 vaccination policy. Accordingly, I propose that the Board ratify the Executive Order issued by the Chair of the Board on August 4, 2021 and approve the below directives.

I, THEREFORE, MOVE that the Board of Supervisors ratify the attached Executive Order issued by the Chair of the Board on August 4, 2021, and direct:

1. The Chief Executive Officer, in consultation with the Office of the County Counsel and the Departments of Human Resources and Public Health, to establish a mandatory COVID-19 vaccination policy, effective immediately, which requires all County employees to provide proof of full COVID-19 vaccination by October 1, 2021; and
2. The Chief Executive Officer to engage with the County's labor partners regarding the effects of the COVID-19 vaccination policy.

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EXECUTIVE ORDER OF THE CHAIR OF THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS – COVID-19

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors (“Board”) proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code (“LACC”), the existence of a local emergency because the County of Los Angeles (“County”) was affected or likely to be affected by a public calamity due to conditions of disaster or of extreme peril to the safety of persons and property arising as a result of the novel coronavirus, COVID-19, in the County;

WHEREAS, on March 4, 2020, the Los Angeles County Health Officer issued a declaration of local health emergency due to the occurrence of COVID-19 in the County;

WHEREAS, Government Code Section 8634 and LACC Section 2.68.150 empower the Chair of the Board, during a proclaimed local emergency, to promulgate orders and regulations necessary to provide for the protection of life or property;

WHEREAS, COVID-19 vaccines have been developed to help combat the spread of COVID-19 and prevent people from getting seriously ill from COVID-19;

WHEREAS, the County is now experiencing increased spread due to the highly transmissible Delta variant, which now comprises more than 94% of sequenced cases in the County;

WHEREAS, there are many residents who are not fully vaccinated, including over three million vaccine-eligible residents and one million residents currently ineligible, who are especially vulnerable to the spread of the Delta variant;

WHEREAS, on July 26, 2021, the State of California announced a requirement that all State employees must provide proof of vaccination or submit to at least weekly testing, and encouraged localities and businesses to implement similar programs;

WHEREAS, on July 26, 2021, the California Department of Public Health (“CDPH”) issued an order requiring workers in high-risk health care and congregate settings to provide proof of vaccination or submit to at least weekly testing;

WHEREAS, on July 30, 2021, the Los Angeles County Health Officer issued a Health Officer Order, which incorporated by reference, the July 26, 2021 CDPH order requiring workers in high-risk health care and congregate settings to provide proof of vaccination or submit to at least weekly testing;

WHEREAS, on July 26, 2021, the Department of Justice released a Memorandum Opinion stating that Section 564 of the Food, Drug, and Cosmetic Act does not prohibit public or private employers from imposing vaccination requirements for a vaccine that is subject to an emergency use authorization;

WHEREAS, on July 15, 2021, Los Angeles County led by example by being the first in the nation to reinstitute a masking requirement for public indoor settings, which would soon after be emulated in varying degrees by the Centers for Disease Control and Prevention (CDC), the State of California, and other localities across the country;

WHEREAS, on July 29, 2021, President Biden announced that he would direct the Department of Defense to look into how and when they will add the COVID-19 vaccination to the list of required vaccinations for members of the military;

WHEREAS, on July 29, 2021, President Biden announced every federal government employee and onsite contractor will be asked to attest to their vaccination status, and those who do not must comply with testing at least once per week, a masking requirement, physical distancing from other employees and visitors, and restrictions on official travel;

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which set a date of October 1, 2021 for public agencies to transition back to public meetings held under the Brown Act;

WHEREAS, the County plans on reopening its buildings to the public on October 1, 2021, and the County has a strong interest in protecting its employees and the public from COVID; and

WHEREAS, pursuant to Government Code section 8634, and in the interest of public health and safety, it is necessary to issue the following order for the protection of life and property.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Chief Executive Officer, in consultation with the Office of County Counsel and the Departments of Human Resources and Public Health, establish a mandatory vaccination policy, effective immediately, which requires all County employees to provide proof of full vaccination by October 1, 2021; and
2. The Chief Executive Officer engage with the County's labor partners regarding the effects of the vaccination policy.

Date: August 4, 2021



Hilda L. Solis
Chair, Los Angeles County Board of Supervisors

