

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: | Action on Resolution No. 511 - Repealing Resolution No. 483 and Ending the Requirement of Mandatory COVID-19 Vaccinations as a Qualification of Employment or Public Service and for Contractors Providing Services at City Facilities |
| DEPARTMENT: | City Manager's Office |
| PRESENTED BY: | John Norris, Assistant City Manager |
| ACTION: | <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing |

PROBLEM/ISSUE STATEMENT:

On October 4, 2021, the City Council approved Resolution No. 483 which established a mandatory vaccination policy as a qualification of employment or volunteer public service with the City of Shoreline. It also required that contractors providing services in City facilities be fully vaccinated. Tonight, the City Council is scheduled to take action on proposed Resolution No. 511 (Attachment A) which would repeal Resolution No. 483 and end the requirement for this mandatory vaccination.

As per Council Rule of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting shall apply.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact to repealing Resolution No. 483 and ending the requirement of mandatory COVID-19 vaccinations as a qualification of employment, public service or for providing contracted services at City facilities. Resolution No. 483 was instituted as a public health and safety measure. When the Resolution was enacted, the identified potential resource impact was the staff time needed to monitor and process vaccination verification forms and exemption/accommodation requests. With the potential repeal of Resolution No. 483, this impact will be eliminated.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 511 repealing Resolution No. 483 and ending the requirement of mandatory COVID-19 vaccinations as a qualification of employment, public service or for providing contracted services at City facilities.

Approved By: City Manager **BE** City Attorney **JA-T**

BACKGROUND

On March 4, 2020, the Shoreline City Manager executed a Local Declaration of Public Health Emergency related to COVID-19. The City Manager's Declaration was subsequently ratified by the City Council through adoption of Resolution No. 454. As COVID-19 case counts finally began to drop in 2022 and statewide masking and vaccination restrictions were lifted, the City officially ended the Local Declaration of Public Health Emergency related to COVID-19 by rescinding Resolution No. 454 on October 17, 2022, via Resolution No. 500.

However, independent of the Local Declaration of Public Health Emergency, on October 4, 2021, the Council adopted Resolution No. 483 which established a mandatory COVID-19 vaccination policy as a qualification of employment or volunteer public service with the City of Shoreline. Resolution No. 483 also applied to contractors working at City facilities. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport100421-8b.pdf>.

As per Resolution No. 483, the vaccine mandate that the Resolution enacted is in effect until expressly revoked by formal action of the City Council. Thus, the rescission of Resolution No. 454 (ending of COVID-19 Local Declaration of Public Health Emergency) in October 2022 did not revoke the City's COVID-19 vaccine mandate. The Council is now interested in exploring the repeal of Resolution No. 483 and ending the requirement of mandatory COVID-19 vaccinations as conditions of employment, volunteer service or contracting in City facilities. To do this, Council must adopt a Resolution formally repealing the prior Resolution. Proposed Resolution No. 511 (Attachment A) would provide for this vaccine mandate repeal.

DISCUSSION

As the COVID-19 global pandemic has waned, masking and other public health regulations have been lifted, and local, state and federal public health emergency measures have been rescinded (the federal public health emergency will expire May 11th), staff feels that now is an appropriate time to also repeal the City's vaccine mandate. This is supported by high vaccination rates in Shoreline and King County and the availability of COVID-19 boosters.

Throughout the pandemic, the City communicated that we would follow public health guidance and direction in making the best decisions for the organization and the community regarding COVID-19 personal and community safety. In February 2023, at the time King County repealed their COVID-19 vaccination mandate, Dr. Jeff Duchin, Health Officer for Public Health – Seattle & King County, stated that, "while the significant benefits of vaccination have not changed, the acute threat to our community and healthcare system has decreased. Therefore, it makes sense that vaccination is highly recommended but no longer required for King County and Seattle staff and contractors outside of health care settings." Dr. Duchin also stated that, "at this stage in the pandemic, we have higher levels of immunity from vaccination and from many people having had COVID-19 infections. Treatments such as Paxlovid antiviral

treatment are available for people who get infected and may be at higher risk. We also have tools to further reduce the spread of illness.”

Thus, while there could still be some benefit to continue the City’s vaccination mandate, in balancing the trade-offs of this policy and the level of personal and community safety that now exists, staff feels comfortable recommending a change in policy from mandating vaccinations as a condition of employment, volunteering or contracting with the City, to one of strongly recommending vaccination for people in those capacities.

It is challenging to assess what the impact of the vaccination mandate has been on recruiting and filling open job positions at the City. While the City has been facing recruiting challenges that have affected the public sector nationwide and reflects the general changes in labor market during and after the pandemic, attributing these challenges to the vaccine mandate is difficult to do. The applicant pool for the City’s open positions have been qualified and diverse; however, repealing the vaccine mandate would likely open the applicant pool to more candidates who have not applied with the mandate in place. Where the policy has created some clearer challenges involves volunteers performing service on behalf of the City. While there have been many volunteers serving the City on a regular basis, including all members of our Boards and Commissions, some ad-hoc or one-off volunteer events have had challenges managing volunteer compliance with the mandate. While the City has of course managed this issue since the imposition of the policy, repealing the vaccine mandate will make volunteer coordination and management much easier in these instances, and will likely increase volunteerism at the City.

Vaccination Mandates of Other Local Jurisdictions

Staff also researched other local jurisdictions’ policies regarding COVID-19 vaccination mandates. Staff found that the following municipalities had vaccination requirements as conditions of employment at one point, but that they have since been repealed:

- City of Burien
- City of Kirkland
- City of Lynnwood (except for their municipal court)
- City of Mercer Island
- City of Mountlake Terrace
- City of Newcastle
- City of Normandy Park
- City of Seattle
- City of Snoqualmie
- City of Redmond

The only local municipality that staff could identify that continues to have a vaccine mandate for their staff, volunteers or contractors is the City of Olympia. The State of Washington also continues to have a vaccine requirement in place as a condition of employment. Other local jurisdictions that staff surveyed had never put a vaccine mandate in place.

Tonight's Council Action

Tonight, Council is scheduled to take action on proposed Resolution No. 511. As per Council Rule of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for Public Comment following the staff report, and the same rules for Public Comment provided as part of the Council's Regular Meeting Agenda shall apply.

RESOURCE/FINANCIAL IMPACT

There is no financial impact to repealing Resolution No. 483 and ending the requirement of mandatory COVID-19 vaccinations as a qualification of employment, public service or for providing contracted services at City facilities. Resolution No. 483 was instituted as a public health and safety measure. When the Resolution was enacted, the identified potential resource impact was the staff time needed to monitor and process vaccination verification forms and exemption/accommodation requests. With the potential repeal of Resolution No. 483, this impact will be eliminated.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 511 repealing Resolution No. 483 and ending the requirement of mandatory COVID-19 vaccinations as a qualification of employment, public service or for providing contracted services at City facilities.

ATTACHMENTS

Attachment A – Proposed Resolution No. 511

RESOLUTION NO. 511

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, REPEALING RESOLUTION NO. 483, A RESOLUTION REQUIRING MANDATORY COVID-19 VACCINATIONS AS A QUALIFICATION FOR EMPLOYMENT OR PUBLIC SERVICE AND FOR CONTRACTORS PROVIDING SERVICES AT CITY FACILITIES.

WHEREAS, on October 4, 2021, the Shoreline City Council passed Resolution No. 483 setting forth a COVID-19 vaccine requirement for employees, elected officials, appointed members of boards and commissions, volunteers and for contractors providing in-person services at City Facilities; and

WHEREAS, Section 5 of Resolution No. 483 stated that it will remain in effect until expressly revoked by formal action of the City Council; and

WHEREAS, since the passage of Resolution No. 483, masking and other public health regulations related to COVID-19 have been lifted and local, state, and federal public health emergency measures have been rescinded; and

WHEREAS, the City Council has determined that although vaccinations are still highly recommended by public health officials, there is no longer an acute threat to the community and the healthcare systems given the high levels of immunity gained from vaccination along with the additional tools that are now available to treat and reduce the spread of COVID-19;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Repeal of Resolution No. 483. Resolution No. 483, passed by the Shoreline City Council on October 4, 2021, setting forth a COVID-19 vaccine requirement is hereby repealed.

Section 2. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or situation be found unconstitutional or invalid for any reason by any court of competent, such decision shall

not affect the validity of the remaining portions of this Resolution or its application to any person or situation.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately upon passage by the City Council.

PASSED BY THE CITY COUNCIL ON MAY 8, 2023.

Keith Scully, Mayor

ATTEST:

Jessica Simulcik Smith, City Clerk