

DATE SUBMITTED 12/29/2021  
 SUBMITTED BY ACM  
 DATE ACTION REQUIRED 01/05/2022

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (x)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS em

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

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| SUBJECT: DISCUSSION/ACTION: RESOLUTION OPPOSING FEDERAL, STATE AND LOCAL MANDATES RELATED TO COVID19<br><br>1. ADOPTION OF RESOLUTION NO. 2022-1 OPPOSING FEDERAL, STATE AND LOCAL MANDATES AND IN FAVOR OF INDIVIDUAL CHOICE   |   |
| DEPARTMENT INVOLVED: CITY MANAGER'S OFFICE/CITY ATTORNEY  |   |
| BACKGROUND/SUMMARY:<br><br>At the direction of Mayor Dale, the City of Imperial has drafted and proposes the adoption of Resolution No. 2022-1, opposing the Federal, State, and Local Mandates relating to COVID-19. Whereas the City of Imperial City Council finds that the confusion resulting from the ever-changing rules, inconsistent requirements, and inconsistent implementation of federal, state, and local mandates in response to the COVID-19 pandemic, including mandating the use of masks, vaccines, and quarantines, has made these mandates unworkable and unenforceable, and urges its citizens to continue to make appropriate healthcare decisions in consultation with their chosen medical providers for themselves, their families, and our community. |   |
| FISCAL IMPACT: To be determined   | ADMIN SERV INITIALS <u>DP</u>   |
| STAFF RECOMMENDATION: It is staff's recommendation to review and consider the proposed resolution for adoption promoting an individual's choice in response to the COVID-19 pandemic.   | DEPT. INITIALS <u>ab</u>  |
| MANAGER'S RECOMMENDATION:<br><i>concur with staff recommendation</i>  | CITY MANAGER'S INITIALS <u>DM</u>   |
| MOTION:   |   |
| SECONDED:<br>AYES:<br>NAYES:<br>ABSENT:   | APPROVED ( )      REJECTED ( )<br>DISAPPROVED ( )      DEFERRED ( )<br><br>REFERRED TO: |

## **RESOLUTION NO. 2022-01**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL OPPOSING FEDERAL, STATE, AND LOCAL MANDATES AND IN FAVOR OF INDIVIDUAL CHOICE**

WHEREAS, the City Council (“City Council”) for the City of Imperial (“City”) firmly supports the rule of law and respects the authority of federal, state, and local authorities to address matters of public health;

WHEREAS, the City Council nevertheless believes that federal, state, and local mandates in response to the COVID-19 pandemic, including mandating the use of masks, vaccines, and quarantines, has been inconsistent, has caused confusion for its citizens, and intrudes on its citizens’ personal autonomy;

WHEREAS, the City Council notes that the exemptions contained in the various mandates and guidance documents issued by the federal, state, and local governments make it nearly impossible to determine whether a citizen is in compliance with the array of mandates without intruding upon that citizen’s private, personal information;

WHEREAS, the City Council believes that criminalizing the behavior of its citizens in the limited circumstances found in the City is counterproductive and serves only to alienate the very population the City is sworn to protect and serve;

WHEREAS, the City Council has faith in its citizens and their ability to make appropriate healthcare decisions, in consultation with their chosen medical providers, for themselves, their families, and our community; and

WHEREAS, an example of the confusing and conflicting mandates issued by federal, state, and local governments is the current masking mandates. The federal Centers for Disease Control and Prevention issued guidance that does not include a universal mask mandate and provides recommendations and exemptions based on people’s individual circumstances. The State of California Department of Public Health (“CDPH”) has issued a “universal” mandate requiring masking indoors statewide from December 15, 2021, through January 15, 2022. However, there are numerous exemptions to the CDPH mandate, including an unwritten exemption applicable to certain counties with existing mask mandates. Further, on August 17, 2021, the County of Imperial issued a mandatory mask mandate requiring all residents and visitors to wear a mask in indoor settings. On October 28, 2021, the County of Imperial amended this mandate to only require unvaccinated residents and visitors of the County to wear a mask in indoor public settings and businesses. On December 15, 2021, the County of Imperial amended the mandate for the third time in four months to again require all residents and visitors to wear a mask in indoor settings. This third amendment was made despite the County of Imperial having an existing mask mandate in place and apparently qualifying for an exemption to the CDPH mandate for similar reasons as other counties with similar circumstances.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The above-referenced recitals are true and correct and are incorporated herein.
2. The City Council finds that the confusion resulting from the ever-changing rules, inconsistent requirements, and inconsistent implementation of federal, state, and local mandates in response to the COVID-19 pandemic, including mandating the use of masks, vaccines, and quarantines, has made these mandates unworkable and unenforceable, and urges its citizens to continue to make appropriate healthcare decisions in consultation with their chosen medical providers for themselves, their families, and our community.
3. The City Council believes that its limited resources should be directed to educating and informing its citizens to act in accordance with the guidance and best practices and medical advice received in consultation with their chosen medical providers.
4. The City Council finds that all of its citizens, as well as those who work and recreate in the City, should be left to determine for themselves, based upon their individual circumstances and own medical history, whether to wear a mask or receive a vaccine, and should not have those decisions decided for them by a “one-size-fits-all” federal, state or local government mandate.
5. The City Council expresses its dissatisfaction with current federal, state and local mandates, to the extent such mandates intrude upon its citizens’ ability to make their own informed choices regarding their lives and their bodies. The City Council directs the City Manager to send a copy of this resolution to the Governor of the State of California, the State Public Health Officer, the Director of the State Department of Public Health, the County Executive Officer for the County of Imperial, and the Imperial County Local Health Officer.

**APPROVED, PASSED AND ADOPTED**, at the regular meeting of the City Council this 5<sup>th</sup> day of January, 2022.

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Geoff Dale, Mayor

ATTEST:

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City Clerk