

RESOLUTION NO. 2023-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DECLARING THE CITY OF HUNTINGTON BEACH A "NO MASK AND NO VACCINE MANDATE CITY."

WHEREAS, on September 5, 2023, Mayor Pro Tem, Gracey Van Der Mark, presented a Council Member Item to the Huntington Beach City Council requesting a Resolution declaring the City of Huntington Beach a "No Mask and No Vaccine Mandate City" pertaining to response to COVID-19 and variants (all COVID-19 and related variants hereinafter as "COVID-19"); and,

WHEREAS, America is built upon freedoms, rights, and responsibilities, and the City of Huntington Beach recognizes freedom and individual choice in making health decisions, local control, and civic pride; and,

WHEREAS, in early 2020, COVID-19 and the State, County, and local response to the pandemic caused significant hardship to the residents and businesses of the City of Huntington Beach, including depriving individuals of freedom of movement and freedom to choose how to handle their own individual health and response to health concerns; and,

WHEREAS, the government responses to COVID-19 from 2020 through 2021 disrupted more than a century of Huntington Beach's embrace and exercise of individual freedoms, including but not limited to moving freely throughout the City, and, individuals making their own personal health decisions. This disruption included the government-imposed mask-wearing and vaccine mandates; and,

WHEREAS, a retrospective analysis has shown that government responses to COVID-19 were not convincingly or compellingly supported by medical or scientific evidence and therefore did not justify governments imposing on, or depriving of, individual liberties and the freedoms of businesses to make choices best for their own safety and self-determination; and

WHEREAS, on September 5, 2023, the Huntington Beach City Council voted to take a stand against government imposing on individual liberties and broadly imposing mask-wearing and vaccination measures on individuals and businesses; and,

WHEREAS, individuals not directly at risk of direct exposure should have a right to choose whether to wear a mask or not, or whether to get vaccinated or not, and if someone chooses to, they should be allowed to; and,

WHEREAS, there is presently no competing authority by the State of California or the County of Orange mandating masks or vaccines; and,

WHEREAS, the Preamble of the City Charter includes "...we do hereby exercise the privilege of retaining for ourselves, the benefits of local government, by enacting the laws, rules, regulations and procedures set forth herein pertaining to the governance and operation of our City."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach, California, Resolves and Declares, as follows:

1. The City of Huntington Beach is hereby a "NO MASK AND NO VACCINE MANDATE CITY"; and
2. As such, the City of Huntington Beach hereby bans broad (universal) mask-wearing and vaccine mandates within its jurisdiction (recognizing exceptions may exist for individuals who have tested positive for COVID-19); and
3. Such that individuals are free to choose whether to wear a mask, or, whether to be vaccinated; and
4. Businesses throughout the City are free to choose whether to require patrons to wear masks, or, whether to show proof of vaccination; and
5. The following exceptions to this NO MASK AND NO VACCINE MANDATE CITY Declaration are as follows:
 - a. Employees of the City of Huntington Beach who have tested positive for COVID-19 or have been directly exposed to someone who tested positive for COVID-19 will continue to follow the mask-wearing recommendations by State of California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) for recommended absence from work and for temporary mask-wearing upon return to work. At no time, however, will the City of Huntington Beach require City employees to get vaccinated; and
 - b. As first responders, the City's Police and Fire Department personnel may be required by their respective Chiefs, as determined by the Chief in the Chief's sole discretion, to wear masks while responding to emergency calls. At no time, however, will the City of Huntington Beach require the City's Police and Fire Department personnel to get vaccinated.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2023.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



City Attorney