

April 23, 2023  
Mountain View, California

Dear members of the Board of Supervisors of the County of Santa Clara:

We truly believe in the vision of “Community for All” that has been adopted by the County of Santa Clara.

It is a vision that can be achieved, but one that will require specific changes to the county policy.

In particular, the County of Santa Clara needs to prohibit all exclusion from public activity based on COVID-19 vaccination status. Unfortunately, this unfair discrimination is still taking place on County property, and worse, it is happening as a matter of County policy.

The County of Santa Clara, in the name of safety, is denying employment to persons who are not fully vaccinated with a COVID-19 vaccine, even extending this exclusion to County contractors and interns.

All this is happening when it is well established that these vaccines were never approved or even authorized to, and in fact do not, prevent either infection or transmission of any disease, and so do not make the workplace any safer. In fact, as of this date, none of the COVID-19 vaccines currently available are approved by the Food and Drug Administration; they are only “Emergency Use Authorized” which means that the benefits have not been proven to outweigh the risks for those who take them. These considerations are not a matter of opinion, but a matter of fact, and should be enough to have the vaccination requirement lifted. But there is more.

Since being unvaccinated is a medical condition, or is perceived as such (e.g. presumed infectiousness or likelihood to become debilitated), excluding the unvaccinated from the workplace violates civil rights statutes of the United States (Americans with Disabilities Act) and California (Unruh Civil Rights Act), which both expressly equate being regarded or treated as having a disability with actually having a disability. Furthermore, due to the high rate of COVID-19 vaccine refusal among several minority religious, ethnic communities, as well as long-standing political communities, such a policy constitutes de facto religious, ethnic, and political discrimination.

We have a resolution that you can pass at your next meeting that will end all this. It will allow anyone to work for the County of Santa Clara without being asked about vaccination status. It will also keep any organization using County facilities as a public accommodation (such as special events at County parks) from perpetrating this discriminatory practice.

Please put it on the agenda at your next meeting and pass it unanimously.

Your neighbors,

Alex Eulenberg

Ariadna Solovyova

## **DRAFT RESOLUTION**

### **PROHIBITING DISCRIMINATION ON THE BASIS OF VACCINATION STATUS BY THE COUNTY OF SANTA CLARA**

**WHEREAS**, after two years of wide availability of COVID-19 vaccines, the U.S. Food and Drug Administration has not determined that any COVID-19 vaccine or booster prevents infection with or transmission of the pathogen that causes COVID-19; and

**WHEREAS**, neither the Public Health Department of the County of Santa Clara, nor the California Department of Public Health, nor the Centers For Disease Control and Prevention recommends the exclusion of COVID-19 unvaccinated people from any activity; and

**WHEREAS**, many people in the County community who are otherwise eligible to work for the County, or to take part in events held at County facilities, have not taken these vaccines, for religious, medical, or other legitimate reasons; and

**WHEREAS**, it is a violation of an employee's right to religious and medical privacy for an employer to require the disclosure of religious beliefs, or of a medical condition unrelated to the performance of one's work duties, in order to avoid undergoing a medical procedure not necessary to ensure safety in the workspace; and

**WHEREAS**, it is wrong to exclude people from the community or stigmatize them for making a personal medical decision that does not have a direct adverse affect on others; and

**WHEREAS**, the County of Santa Clara is committed to providing a workplace free of harassment, discrimination, and abusive conduct; and

**WHEREAS**, the County of Santa Clara is committed to creating an inclusive and accessible community, a "Community for All";

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara that the County Executive is directed to rescind all policies requiring COVID-19 vaccination, with or without exceptions, including those established by memoranda "Updated COVID-19 Vaccination Requirement for County Personnel" and "Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers" as well as any County policy requiring medical treatment or testing not required by applicable law.

**BE IT FURTHER RESOLVED** that the County Executive shall issue a memorandum prohibiting the enactment of any vaccination or booster requirement, with or without a pre-entry negative test result alternative, at events hosted at County facilities.

**BE IT FURTHER RESOLVED** that the County Executive shall issue a memorandum prohibiting the use of County facilities for conferences, workshops, camps, or any other activity advertised to the public, where participation is restricted in any way on the basis of vaccination status.