



Legislation Details (With Text)

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Title: Resolution to Direct the City Attorney to Explore Legal Remedies in Response to the Local Government Preemption Regarding COVID-19 Powers in Senate Bill 82

Sponsors:

Indexes:

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Date	Ver.	Action By	Action	Result
9/27/2021	1	City Council	Approved	Pass

Resolution to Direct the City Attorney to Explore Legal Remedies in Response to the Local Government Preemption Regarding COVID-19 Powers in Senate Bill 82

This resolution directs the City Attorney to explore legal options in response to the local government pre-emption regarding COVID-19 powers for local governments contemplated in Senate Bill 82, the state budget proposal that passed the legislature. The language in question is intended to prevent local governments from requiring their employees to be vaccinated as a condition of employment, requiring proof of vaccination before entering City facilities, requiring a vaccine passport, producing a vaccine database, or taking any employment action against an employee based on their vaccination status. The Governor is considering nullifying these provisions through a signing statement.

Whereas, COVID-19 is a deadly, highly contagious disease;

Whereas, Vaccines against COVID-19 have been proven safe and effective;

Whereas, On September 21, 2021 the Michigan legislature passed SB 82, the FY 21-22 state budget, and sent it to the Governor for review and signature;

Whereas, Included therein is so-called “boilerplate language” that appears intended to prevent local governments from requiring their employees to be vaccinated or maintaining a database of vaccinated employees, among other things (collectively, “COVID Boilerplate Language”);

Whereas, On August 26, 2021, the City announced a vaccine mandate for all employees;

Whereas, Similarly, on September 9, 2021, the Biden Administration announced a COVID-19 plan that will eventually require all employers will over 100 employees to ensure their employers are vaccinated or receive weekly testing; and

Whereas, It is critical to the health and safety of the City of Ann Arbor's employees, its customers, and the community at large that the City of Ann Arbor be able to understand employee-vaccination status and to require employee vaccinations (the "Employee Vaccine Mandate");

RESOLVED, The City Council endorses the Employee Vaccine Mandate and supports its continued implementation;

RESOLVED, The City Council opposes the inclusion of COVID Boilerplate Language in the state budget;

RESOLVED, The City Council directs the City Attorney to review and provide advice to the Council on the legal impacts of COVID Boilerplate Language on the City; and

RESOLVED, The City Council directs the City Attorney to investigate and provide advice to the Council on legal remedies that could be pursued to address the COVID Boilerplate Language should the Governor sign it into law without declaring it unenforceable or unconstitutional.

Sponsored by: Taylor