



Legislation Text

File #: 21-1821, **Version:** 1

Resolution to Waive Privilege on Dykema Legal Analysis of Vaccine Mandate

Prepared by: Stephen K. Postema, City Attorney

Sponsored by: Mayor Christopher Taylor

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

Whereas, on September 29, 2021, the Governor signed into law the State budget which contains boilerplate language that purports 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 (hereinafter, "COVID Boilerplate Language");

Whereas, By resolution on September 27, 2021, City Council directed the City Attorney to review and provide advice to the Council on the legal impacts of COVID Boilerplate Language in the State budget bill;

Whereas, The City retained Dykema as outside counsel to assist the City Attorney's Office in reviewing the legal impact of the COVID Boilerplate Language;

Whereas, The Dykema team includes Steven Liedel, an attorney with over 25 years of experience related to state and local government, including an expertise on legislation, executive orders/directives, public policy, and constitutional issues;

Whereas, Outside counsel has prepared a legal analysis on the impact of the COVID Boilerplate Language on the City of Ann Arbor's vaccine mandate;

Whereas, It is in the public interest for this analysis to made publicly available;

RESOLVED, That City Council waives the attorney-client privilege with respect to the October 12, 2021 legal analysis from the City's outside counsel, Dykema; and

RESOLVED, That the City Attorney file the October 12, 2021 legal analysis, with the City Clerk as a public record.