

**RESOLUTION NO. \_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, SUPPORTING THE POSITION TAKEN BY NUMEROUS STATES THAT HAVE CHALLENGED THE EMERGENCY TEMPORARY STANDARDS ADOPTED BY THE OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (OSHA) IMPOSING CIVIL PENALTIES ON CERTAIN EMPLOYERS WHO DO NOT ENFORCE MANDATORY VACCINATION REQUIREMENTS BY JANUARY 4, 2022**

**WHEREAS**, the United States Constitution protects the rights of states to regulate activity and protect the health, safety and welfare of their residents; and

**WHEREAS**, the 10<sup>th</sup> Amendment to the United States Constitution provides that powers not expressly delegated to the federal government are reserved for the states.

**WHEREAS**, the enumerated powers of Congress do not include the right to regulate public health within the states; and

**WHEREAS**, the President of the United States has issued an executive order directing the Department of Labor (DOL), an administrative agency, to adopt and enforce a requirement that all businesses with 100 or more employees shall ensure that their workers are either vaccinated for the COVID-19 virus or are tested once a week.

**WHEREAS**, the President of the United States did not obtain the approval of Congress to direct the DOL to adopt this requirement; and

**WHEREAS**, the Occupational Health and Safety Administration (OSHA), a division of the DOL, has limited power to issue an emergency mandate; and

**WHEREAS**, the OSHA has now adopted Emergency Temporary Standards (ETS) imposing civil penalties on certain employers who do not enforce mandatory vaccination requirements by January 4, 2022; and

**WHEREAS**, numerous states have initiated litigation challenging OSHA's ETS on constitutional grounds, and the enforcement of the ETS has been stayed pending the resolution of these challenges; and

**WHEREAS**, the members of the City Council of the City of Beaumont have taken an oath to support and defend the Constitution of the United States and believe that the President's vaccine mandate order and subsequent OSHA ETS violate the 10<sup>th</sup> Amendment of the United States Constitution and that OSHA lacked authority to issue the ETS requiring certain employers to mandate that employees be vaccinated or tested weekly; and

**WHEREAS**, the City Council further recognizes that a vaccine mandate imposed on the City of Beaumont is likely to increase turnover rates and cause the City to incur additional recruiting costs.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Beaumont supports the position taken by numerous U.S. states that have challenged the ETS and vaccine mandate on constitutional grounds. The Council further resolves that the federal government has overreached its power and constitutional authority by issuing the ETS without congressional approval. The City Council pledges and affirms its sworn duty to preserve, protect and defend the Constitution of the United States.

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(Seal)