



City of Culver City

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Staff Report

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CC - (1) Discussion of a COVID-19 Vaccination Verification Requirement for Patrons and Staff at Culver City Food and Drink, Health and Fitness, and Personal Care Businesses, Public Facilities, and for City Officials; and (2) Direction to the City Manager as Deemed Appropriate.

Meeting Date: September 27, 2021

Contact Person/Dept: Jesse Mays, Assistant City Manager

Phone Number: City Manager's Office - (310) 253-6000

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (09/22/2021); Coronavirus (09/22/2021)

Department Approval: John Nachbar, City Manager (09/21/2021)

RECOMMENDATION

Staff recommends the City Council 1) discuss a COVID-19 vaccination verification requirement for patrons and staff at Culver City food and drink, health and fitness, and personal care businesses, public facilities, and for City officials; and (2) provide direction to the City Manager as deemed appropriate.

BACKGROUND

Los Angeles County remains a global hub in the middle of the global COVID-19 pandemic. Since June 2021, COVID-19 positive cases have dramatically risen, as have hospitalizations and the death rate, driven by the "Delta" variant of the virus. On September 16, 2021, Los Angeles County Public Health reported 2,023 new positive cases of COVID-19 and 28 new deaths. Hospitalizations county-wide due to COVID were 1,185 on that date. As of September 16, 2021, only 67% of Los Angeles County residents over the age of 12 have been fully vaccinated.

Mandatory Vaccination Requirements

In response to the continued spread of COVID-19, and the relatively low vaccination rate among eligible individuals, Federal, State, and local governments, including Culver City, as well as private businesses, have begun to implement mandatory COVID-19 vaccination policies. Vaccination policies are an emergency public health response to mitigate the negative public health consequences associated with increased incidence and test positivity rates and the prevalence of new virus variants, including increased hospitalizations, intensive care unit (“ICU”) admissions, and deaths. A mandatory vaccination policy is not synonymous with involuntary vaccination. Instead, vaccine mandates establish consequences for individuals who refuse to get vaccinated, and in some cases establish reasonable accommodations for those who cannot be vaccinated due to medical conditions or sincerely-held religious beliefs.

Impact of Vaccination on Public Health

COVID-19 vaccines reduce transmission of COVID-19. Vaccinated persons are less likely than unvaccinated persons to acquire COVID-19 or transmit it to others. A study published by the CDC on September 10, 2021 found that compared to unvaccinated persons, vaccinated persons had five times less risk of infection, more than 10 times less risk of hospitalization, and more than 10 times less risk of death from COVID-19. Increasing the number of vaccinated persons in the community will reduce COVID-19 infections and transmission within the community. Breaking the chain of transmission within a community and limiting onward spread is critical to help protect others in the community, including children under the age of 12 who cannot yet be vaccinated and immune-compromised individuals. According to the American Medical Association, “vaccination is the primary way to put the pandemic behind us and avoid the return of stringent public health measures.”

Federal Requirements

President Biden recently announced that the Department of Labor’s Occupational Safety and Health Administration (OSHA) is developing a rule that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. This requirement will impact over 80 million workers in private sector businesses with 100+ employees. The President also signed Executive Orders requiring all federal Executive branch workers, and all employees of contractors that do business with the federal government. The Centers for Medicare & Medicaid Services (CMS) is taking action to require COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement, including but not limited to hospitals.

State of California Requirements

The State of California has required all state employees to demonstrate proof of vaccination or undergo weekly testing since August 2, and employees at all health facilities in the state since August 9. Beginning on September 20, 2021, the State of California will require proof of vaccination or a

negative COVID-19 test to attend indoor gatherings of 1,000 or more people. All K-12 teachers and staff in the state must demonstrate proof of vaccination or be subject to weekly testing by October 15.

Los Angeles County Requirements

Los Angeles County announced on September 15 that proof of COVID-19 vaccination will be required of patrons and employees at indoor bars, wineries, breweries, nightclubs, and lounges under a forthcoming health order. Proof of partial vaccination will be required by October 7, and full vaccination by November 4. There will be no option to show proof of a negative COVID-19 test. Health officials are strongly recommending but not requiring vaccine verification at indoor portions of restaurants. The County also requires proof of vaccination or a negative test for employees or patrons at outdoor events of more than 10,000 attendees, or indoor events of more than 1,000 attendees. Los Angeles County's 110,000 employees are required to be vaccinated by October 1.

Other Cities' Requirements

Numerous California cities have issued mandates requiring their employees to be vaccinated, including Los Angeles, West Hollywood, Santa Monica, Pasadena, Long Beach, and the City and County of San Francisco. Some of these and other cities have also expanded their vaccine mandates, as described below.

City of West Hollywood

On September 10, the City Manager of the City of West Hollywood issued an Emergency Executive Order implementing COVID-19 vaccine verification requirements for the following types of businesses and facilities: patrons and employees at covered businesses, age 18 and older, including establishments where food or drink is served indoors; health/fitness facilities; and personal care establishments. Covered Businesses are required to post notification signage for both patrons and staff. The Order also required vaccine verification for city facilities, city employees, city officials, and city contractors. Members of the public attending Brown Act noticed meetings are exempt from the order. The requirement also applies to team sports, athletic activities, and privately organized clubs and leagues held outdoors or indoors on the premises of a city facility.

City of Los Angeles

On August 4, the Los Angeles City Council introduced a motion to instruct the City attorney to prepare and present an ordinance that would require vaccine verification for eligible persons that have received at least one dose of the vaccine to enter indoor spaces including but not limited to restaurants, bars, retail establishments, fitness centers, spas, and entertainment centers such as stadiums, concert venues and movie theatres. It is not clear when that ordinance will be finalized and adopted/effective.

City of Palm Springs

On August 26, the City of Palm Springs began requiring proof of vaccination or a negative COVID-19

test taken within 72 hours prior to entering an indoor bar or restaurant.

New York City, New York

As of August 17, New York City requires proof of at least partial vaccination for patrons and employees of indoor dining, indoor fitness, and indoor entertainment. There is no option to provide a negative test as an alternative.

New Orleans, Louisiana

As of August 16, the City of New Orleans requires proof of at least partial vaccination or a negative PCR test taken within 72 hours for patrons and employees of indoor dining, indoor fitness, indoor entertainment and performance spaces, and large outdoor events.

City of Culver City

On September 7, the City issued an administrative policy requiring all City employees, volunteers, interns, and certain contractors, to comply with a mandatory vaccination policy. Employees and others are required to be fully or partially vaccinated by September 30, 2021, and fully vaccinated by October 28, 2021. All newly hired City employees and any new volunteers, interns or contractors must be fully vaccinated. Any employee with an approved religious or medical exemption must undergo weekly testing, among other requirements.

DISCUSSION

As stated above, Culver City has a mandatory vaccination verification policy in place for City employees, volunteers, interns, and certain contractors. If the City Council desires to expand the mandatory vaccine verification, the City Manager, as the Director of Emergency Services, could issue a Public Order requiring vaccination verification for eligible patrons and/or staff at any of the following additional categories of businesses or activities. These types of businesses and activities have all been previously identified by public health authorities as being at “high-risk” for contributing to the spread of COVID-19 because they can be classified as one or more of the following: places or activities where people are in close proximity in public where masks are removed, such as to eat, drink, or exercise; and/or places or activities where people spend long periods of time close to other people who are not in their household.

1. **Establishments where food or drink is served indoors**, including, but not limited to restaurants, bars, nightclubs, theaters, and entertainment venues.
2. **Health/Fitness facilities**, including, but not limited to; gyms, recreation facilities, yoga studios, dance studios, and other fitness establishments, where any patrons engage in cardiovascular, aerobic, strength training, or other exercise involving elevated breathing.
3. **Personal Care Establishments** that include businesses that offer personal care services such as but not limited to, esthetician, skin care and cosmetology services, non-medical electrology, body art professional, tattoo parlors, microblading and permanent makeup, piercing shops, massage therapy (non-healthcare), tanning services, nail salons, hair salons and barbershops.
4. **City of Culver City Public Facilities**, including City Hall, the Senior Center, Veterans Memorial

Building, Teen Center, The Plunge, Recreation Buildings at Culver West Alexander Park, Blanco Park, El Marino Park, Lindberg Park, and Syd Kronenthal Park, and the Transportation Building. An allowable exception could be added for persons using the facilities for emergency purposes, such as if the Senior Center is used as a cooling center, as long as other mitigations such as social distancing and health screening are used.

5. **Staff at Covered Businesses:** Covered Businesses (as listed above) could be required to use their best efforts to ascertain the vaccination status of all staff who routinely work onsite and must ensure that all staff who routinely work onsite provide proof of full vaccination before entering or working in any indoor portion of the facility. This would not include staff who enter or work in Covered Business facilities on an intermittent or occasional basis or for short periods of time (e.g., individuals who deliver goods or packages). West Hollywood has this requirement but does not require employees under the age of 18 to show proof of full vaccination.

6. **Team sports,** athletic activities, and privately organized clubs and leagues held outdoors or indoors on the premises of a City Facility.

7. **City Officials:** All elected and/or appointed officials who work at all City facilities.

Additional considerations

The public order could include one or more of the following requirements:

- Covered Businesses could be required to post patron notification signage at entrances informing individuals that proof of full vaccination is required to enter. The City could provide samples of signage on the City's webpage.
- Covered Businesses could be required to post staff notification signage in areas such as break rooms informing individuals that proof of full vaccination is required with details about how to get vaccinated. The City could provide samples of signage on the City's webpage.
- The vaccine verification mandate could exempt those younger than 18 years of age, or it could apply to those younger people who are eligible for the vaccine. Currently the vaccine is available to those 12 years of age and older.
- The vaccine verification mandate could exempt members of the public attending a Brown Act meeting, or it could apply to these members of the public. The City could make alternate accommodations for unvaccinated individuals, such as viewing the meeting in an outdoor area or online.
- The mandate could include an option to provide a negative test taken within 72 hours in lieu of proof of vaccination, either for patrons, employees, or both; or the mandate could not allow

negative test results as an alternative. The test result alternative would increase the mandate's complexity and reduce its efficacy, since tests are not a failsafe method, nor do they increase the community's vaccination rate.

FISCAL ANALYSIS

There is no fiscal impact associated with the discussion of this item. Should a vaccine verification requirement be expanded in the future to include Culver City public facilities, there would likely be additional costs to the City for any additional staffing required to verify vaccination status at facility entrances, as well as to purchase technology to assist with the vaccine verification process (such as hand-held devices to scan QR codes). There may be additional City costs associated with communicating the new vaccine verification requirements to businesses, as well as additional education and/or enforcement action. These costs are currently unknown.

ATTACHMENTS

None.

MOTION

That the City Council:

1. Discuss a COVID-19 vaccinate verification requirement for patrons and staff at certain Culver City businesses, public facilities, and for City officials; and
2. Provide direction to the City Manager as deemed appropriate.