



# City of Culver City

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## Staff Report

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**CC - Adoption of a Resolution Confirming the October 26, 2021 Thirty-Eighth Supplement to Public Order [Proof of COVID-19 Vaccination Required to Enter Certain Indoor Businesses and Indoor City Facilities Effective November 29, 2021] Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Due to the Coronavirus Respiratory Disease (COVID-19) Pandemic, Including Proposed Modifications.**

**Meeting Date:** November 8, 2021

**Contact Person/Dept:** Jesse Mays/City Manager's Office  
Lisa Vidra/City Attorney's Office

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**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 (11/04/2021);

**Department Approval:** John M. Nachbar, City Manager (11/03/2021)

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### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution Confirming the October 26, 2021 Thirty-Eighth Supplement to Public Order [Proof of COVID-19 Vaccination Required to Enter Certain Indoor Businesses and Indoor City Facilities Effective November 29, 2021] issued by the City Manager, as Director of Emergency Services, under City of Culver City emergency authority, due to the coronavirus respiratory disease (COVID-19) pandemic, including proposed modifications.

### **BACKGROUND**

On March 14, 2020, the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency, due to the outbreak and spread of the Coronavirus Respiratory Disease (COVID-19); the Proclamation was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Beginning on March 16, 2020, the City Manager issued a number of public orders, closing many businesses and significantly restricting the operations of others, consistent with various

supplemental orders that were issued by the State of California and the Los Angeles County Department of Public Health (“County” or “DPH”), as well as a number of neighboring communities.

Due to the continuing community transmission of COVID-19 in the County of Los Angeles, and the ongoing concerns about the Delta variant, which even vaccinated persons who become infected can spread to others, the County of Los Angeles continues to issue Public Health Orders, with the most recent Order issued on September 28, 2021 and effective as of October 7, 2021. Over the past nineteen months, the City Manager has issued 37 supplements to the original Public Order, all of which were ratified by the City

Council. The City Manager’s Public Orders echoed the numerous detailed DPH Orders issued by the County of Los Angeles Health Officer, that included at various times: business closures, restrictions on non-essential activities, advising residents they should remain at home, mask and distancing requirements when around persons not in one’s immediate family, capacity requirements for businesses as well as refraining from social gatherings, and, at times, closing of indoor portions of non-essential businesses.

The County Public Health Officer has advised that “the best way to reduce the current level of community transmission and to prevent future surges is for everyone who is eligible, including those who have recovered from a COVID-19 infection, to get fully vaccinated as soon as possible.”

Specifically, the DPH mandates proof of vaccination or a negative COVID-19 test for “Mega Events” defined as event with large crowds, including indoor events with greater than 1,000 attendees and outdoor events with greater than 10,000 attendees. The County also requires proof of vaccination for all indoor spaces at bars, breweries, wineries, distilleries, nightclubs, and lounges. The locations covered under the County Order are required to follow the mandates of the Order. The County also strongly recommends that operators of all restaurants verify the COVID-19 vaccination status of their patrons for indoor service. The County Public Health Orders do not supersede any stricter limitation imposed by a local public entity and, in announcing the recent Orders, the Department of Public Health applauded cities across the County for creating additional safeguards by establishing vaccine mandates for settings that present a higher risk of transmission.

## **DISCUSSION**

### ***Summary of Order***

In light of the DPH’s guidance, requiring vaccination of all eligible individuals who frequent recreational indoor businesses that allow groups of unassociated individuals to interact for long periods of time where patrons remove their masks to eat or drink, engage in heavy physical exertion, or do not adequately physically distance, will provide the strongest protection to the health and safety of the City’s residents and visitors, including those who for reasons of age cannot be vaccinated. Requiring vaccination or proof of a negative COVID-19 test for large outdoor events between 5,000 and 9,999 attendees also will address several factors that increase the risk of transmission at those events, including crowding, prolonged duration, removal of masks for eating or drinking, and the increased likelihood contagious persons are present when a larger number of people are gathered.

As detailed in the Order, a notice is required to be displayed prominently, beginning November 12, 2021, to alert employees and patrons to the new requirements. Unvaccinated patrons including those

claiming an exemption, may use the outdoor portions of the covered businesses. If there is not an outdoor area, the patron may be permitted to enter upon proof of negative COVID-19 test and wearing of a mask.

***Covered Locations:***

1. Establishments where food or beverages are served, including, but not limited to, restaurants, bars, fast-food establishments, coffee shops, tasting rooms, cafeterias, food courts (including those in malls), breweries, wineries, distilleries, banquet halls, and hotel ballrooms;
2. Gyms and fitness venues, including, but not limited to gyms, recreation facilities, fitness centers, yoga, Pilates, cycling, barre, and dance studios, hotel gyms, boxing and kickboxing gyms, fitness bootcamps, and other facilities used for conducting indoor group fitness classes;
3. Entertainment and recreation venues, including, but not limited to, movie theaters, music and concert venues, live performance venues, adult entertainment venues, commercial event and party venues, sports arenas, convention centers, exhibition halls, performing arts theaters, bowling alleys, arcades, card rooms, family entertainment centers, play areas, pool and billiard halls, and other recreational game centers;
4. Personal care establishments, including spas, nail salons, hair salons, barbershops, tanning salons, estheticians, skin care and cosmetology services, body art professionals, piercing shops, and massage therapy, except as medically required.

***City Facilities***

Additionally, requiring vaccination for individuals who enter City facilities will protect the health and safety of the City's workforce, who themselves must be vaccinated, and will protect the public health at large. These requirements also offer an alternative approach to stringent public health measures such as complete business closures that have been implemented previously. The City therefore seeks to promote the health, safety, and welfare of its residents, to protect its workers, and to encourage vaccination, by requiring proof of full vaccination with a COVID-19 vaccine to enter recreational locations and events within the City that routinely allow for higher-risk interaction, and City facilities where City workers put themselves at risk to provide services to the general public. On the premises of these facilities, implementation of a vaccination requirement is critical in order to protect the City's employees, residents, visitors, and businesses, while also attempting to avoid future shutdowns and maintain the City's economic recovery.

The same deadlines apply to entering City facilities for posting notices (November 12) and implementing the vaccination requirement (November 29). An Individual Eligible for a COVID-19 Vaccine who does not provide Proof of Vaccination will be provided alternative arrangements for access to government services, to be determined on a case-by-case basis by each department, including, but not limited to, online or remote service, service outdoors, or providing Proof of Negative

COVID-19 Test and Photo Identification prior to entering any Indoor Portion of a City Facility

### ***Proposed/Recommended Modifications***

Staff has engaged extensively with the Culver City business community to educate impacted businesses about the order and to get feedback. This includes staff leading a meeting of the Economic Recovery Task Force on October 27, 2021, participating in discussions with the Culver City Chamber of Commerce Government Affairs Committee on October 26, and the Chamber of Commerce Board on October 28th. The business community provided specific feedback, including requests for resources and outreach materials from the City (such as sample signage and enforcement plans).

#### ***Face Mask Requirement Requested Change***

The business community expressed one significant concern about the Order, which was the Order's requirement for a surgical or N95 mask for both unvaccinated patrons and employees of covered businesses. Businesses expressed concern about the difficulty in enforcing this specific provision and potential shortages of these specific types of masks. In response to these concerns, staff recommends modifying the language of the order related to the mask requirements for unvaccinated patrons and employees of private businesses, and unvaccinated patrons of City facilities, except for meetings of the City Council, to allow any type of mask to be worn as long as it is "well-fitting". This mirrors the language used in the City of Los Angeles Public Order and County Public Health Order requirement for unvaccinated *patrons* of covered businesses. It should be noted that the County Public Health Order requires unvaccinated *employees* of settings covered by the County Public Health Order (bars, breweries, wineries, distilleries, nightclubs and lounges) to wear "a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator."

### ***Confirmation of Public Orders***

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the October 26th Order, with the recommended modifications.

### **FISCAL ANALYSIS**

There may be staff costs associated with the enforcement of the October 26th Order; however, it is not estimated to be material at this time.

### **ATTACHMENTS**

2021-11-08\_ATT\_Proposed Resolution Confirming October 26, 2021 Public Order

### **MOTION**

That the City Council:

Adopt a Resolution Confirming the October 26, 2021 Thirty-Eighth Supplement to Public Order [Proof of COVID-19 Vaccination Required to Enter Certain Indoor Businesses and Indoor City Facilities Effective November 29, 2021] Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Due to the Coronavirus Respiratory Disease (COVID-19) Pandemic, including the proposed modifications.