

WEST HOLLYWOOD  
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2021-7

EMERGENCY EXECUTIVE ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA IMPLEMENTING COVID-19 VACCINE VERIFICATION REQUIREMENTS FOR CITY FACILITIES, COVERED BUSINESSES, CITY CONTRACTORS, CITY EMPLOYEES, AND CITY OFFICIALS.

SECTION 1. Recitals.

- A. All of the recitals in West Hollywood Director of Emergency Services Executive Order Nos. 2020-1, 2020-2, 2020-3, 2020-4, 2020-7, 2020-8, 2020-9, 2020-10, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2021-1, 2021-2, 2021-3, and 2021-6 remain in effect and are incorporated herein by reference.
- B. On March 16, 2020, the City Council of the City of West Hollywood proclaimed the existence of a local emergency in response to new cases of COVID-19, authorizing the City Manager to exercise the emergency powers necessary to take extraordinary measures to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.
- C. During the pendency of the Local Emergency and Statewide State of Emergency, the Director of Emergency Services is empowered: “[to] make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.” under Section 2.80.060 A.(6)(a) of the West Hollywood Municipal Code.
- D. COVID-19 continues to present an imminent threat to the health and safety of City of West Hollywood residents. Although vaccines are now widely available, many people in the State and County are still not fully vaccinated and remain susceptible to infection. The disease can still spread rapidly through person-to-person contact and to those in close proximity. Further, more contagious variants of the disease are now present in the State and County, the most predominant of which is the Delta variant.
- E. According to the Los Angeles County Health Officer Order, unvaccinated people are considered at a higher risk of infection and higher risk of severe illness or death from COVID 19 and require special considerations because they are at higher risk for negative health outcomes.

- F. After a devastating year and a half of public health orders limiting personal and business activities, the American Medical Association says that “vaccination is the primary way to put the pandemic behind us and avoid the return of stringent public health measures.” “This is especially necessary to protect those who are vulnerable, including unvaccinated children and the immuno-compromised.”
- G. In addition to providing protection against COVID-19, there is increasing evidence that COVID-19 vaccines also provide protection against COVID-19 infections without symptoms (asymptomatic infections). The Centers for Disease Control and Prevention (CDC) reports that COVID-19 vaccination can reduce the spread of disease overall, helping protect people around you. The CDC also reports that vaccines continue to be highly effective at preventing hospitalization and death, including against the Delta variant. Dr. Barbara Ferrer, Los Angeles County Department Director of Public Health, also reports that vaccines are the most powerful tool to ending the pandemic. Fully vaccinated people with breakthrough infections from the Delta variant appear to be infectious for a shorter period. This means limiting spaces to only allow vaccinated people where people are in close contact (per CAL OSHA -- less than 6 feet for more than 15 minutes) should reduce the risk of spread and transmission to those close quarters while allowing businesses to remain open without having to limit capacity or close business operations.
- H. Vaccination requirements for entering certain spaces are an alternative approach to stringent public health measures (e.g. closing businesses to prevent the spread of COVID 19). An increasing number of public entities and businesses have issued or plan to issue formal COVID-19 vaccine policies that, subject to specified exemptions, require persons to be vaccinated in order to remain employed for a specific entity/business, enter a facility, or obtain a good or service. “Vaccine mandate” does not mean “involuntary vaccination.” Rather, such programs impose consequences on individuals who refuse to get vaccinated, such as not allowing access to certain places.
- I. Businesses such as bars, restaurants, personal care services, and health and fitness facilities, amongst other businesses specified in this Order (defined as “Covered Businesses”) have a higher risk of transmission because patrons are more likely to remove their face masks and/or are in close proximity with other patrons and the staff. For example, patrons of restaurants and bars need to remove their face coverings to eat and drink and typically remain in close proximity for more than 15 minutes. Patrons of personal care services are often required to be less than six (6) feet from a staff member. And patrons of health and fitness facilities engage in cardiovascular, aerobic, strength training, or other exercise involving elevated breathing that increases the likelihood and amount of respiratory droplets that are released into the air and onto fitness equipment. The virus is airborne. The high probability of transmission is exacerbated when patrons are required to stay in an indoor space for a prolonged period of time to receive a good or service or food or drink. Requiring patrons to provide Proof of Full Vaccination before entering indoor areas of businesses and remaining there for a prolonged period of time reduced the likelihood that they will succumb to a severe infection of the disease. Adopting similar vaccination requirements for staff is necessary because staff will have contact with patrons during their visit.

- J. Indoor (and certain outdoor) areas of “City Facilities” (as defined in this Order) present a similar risk. City Facilities are generally open to all members of the public. Thus, a person is more likely to be in close proximity with a person that is not a member of their own household, including city staff and contractors. Also, City Facilities are often used by operators/hosts of recreation activities that gather members of the public for prolonged periods of time, often in close proximity and with elevated breathing from physical activity.
- K. Additionally, the City as an employer is obligated to the extent possible, protect the health and safety of its City employees.
- L. Individuals with genuine medical contraindications to vaccination should be provided the opportunity to pursue reasonable accommodations from requirements from their employers and to access city services. Upon review and analysis of medical exemptions to vaccine mandates, professors affiliated with the Harvard School of Law Petrie-Flom Center recommend some of the policies in this Order to prevent the misuse of COVID-19 vaccine medical exemptions. <https://blog.petrieflom.law.harvard.edu/2021/08/23/covid-vaccine-medical-exemptions/>.
- M. While there is currently a significant increase in the community transmission of COVID-19 in California, vaccination against COVID-19 is the most effective means of preventing further infections, transmission, and outbreaks. As we respond to the dramatic increase in cases, transmission and prevention measures must be increased for the protection of patrons and workers in the facilities referenced in this Order. This can be done by reducing the risk that visitors to these facilities are bringing COVID-19 from the community and introducing it into these settings. In addition to county-wide face mask requirements, an emphasis on vaccination should also contribute to reduction of transmission risk in these higher-risk settings.
- N. This Order is adopted pursuant to the City’s police powers and powers afforded to the City in time of National, State, County and Local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency. COVID-19 vaccines are a powerful tool in ending the pandemic. Many eligible people in the City remain unvaccinated and thus susceptible to infection. Robust emergency measures are necessary to protect members of the public from COVID-19, to increase vaccination rates, and to prevent against any further disruption of businesses and activities as a result of COVID-19.

NOW, THEREFORE, I, David A. Wilson, the City Manager/Director of Emergency Services for the City of West Hollywood, do hereby issue the following order to become effective immediately.

SECTION 2. Emergency Measures.

**A. Definitions. For purposes of this Order:**

- i. “City Contractor” shall mean persons providing services to the City of West Hollywood through a contract with the City, and those persons are present at City Facilities, and/or interact in-person with city employees or city businesses or community members as part of their contractual obligations.
- ii. “Covered Businesses” shall mean:
  - (1) Establishments where food or drink is served indoors, including, but not limited to; restaurants, bars, nightclubs, theaters, cannabis consumption lounges, 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.
- iii. “Fully Vaccinated” and “Full Vaccination” means two weeks after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the U.S. Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO). For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer-BioNTech (Comirnaty) or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson’s Janssen COVID-19 vaccine. A list of FDA-authorized vaccines is available at [www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19vaccines](https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19vaccines). A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.
- iv. “City Facilities” shall be interpreted to include City buildings and areas of City parks where City employees, City contractors and/or members of the public are present to conduct city business and/or utilize city services or facilities.
- v. “Face Masks” shall be defined as the term is defined in the Los Angeles County Department of Public Health Health Officer Order, as this order is amended from time to time.
- vi. “Indoor” shall be defined as a structure with more than 50% of the sides “closed,” or made up of impermeable walls that air cannot flow through or a structure with

50% or less of the sides “open,” or made up of permeable wall material when the open side is continuous and made up of adjacent walls that form a corner.

- vii. “Negative COVID-19 Test” shall mean a negative SARS-CoV-2 test, where the specimen collection occurred within 72 hours before each visit and for which the test results are available at the time of entry to the subject business or facility. Patrons may use either PCR testing or antigen testing. Any PCR or antigen test used must either have Emergency Use Authorization by the FDA or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

**B. The following are acceptable forms of “Proof of Full Vaccination”:**

- i. The CDC vaccination card, which includes name of person vaccinated, type of vaccine provided, and date last dose administered, or similar documentation issued by another foreign governmental jurisdiction;
- ii. A photo or copy of a vaccination card as a separate document;
- iii. A photo of a vaccination card stored on a phone or electronic device;
- iv. Documentation of vaccination from a healthcare provider; or
- v. A personal digital COVID-19 vaccine record issued by the State of California and available by going to [myvaccinerecord.cdph.ca.gov](https://myvaccinerecord.cdph.ca.gov) or similar documentation issued by another state, local, or foreign governmental jurisdiction, or by an approved private company.

**C. Vaccination Requirements for Patrons at Covered Businesses.**

- i. Requirement. As soon as possible, but no later than October 11, 2021, Covered Businesses must require all patrons age 18 and older to show proof that they are Fully Vaccinated before entering any Indoor portion of a facility, subject only to the exceptions below.

For purposes of this requirement, Covered Businesses may not accept a written self-attestation of vaccination proof of Full Vaccination. Only the forms of Proof of Full Vaccination listed in Paragraph (B) of this Order are acceptable.

Covered Businesses are required to cross-check Proof of Full Vaccination for each patron against a photo identification, unless photo identification is integrated into the digital COVID-19 vaccine record.

- ii. Exemptions and Clarifications.

- (1) For clarity, individuals who do not provide Proof of Full Vaccination may use the outdoor portions of Covered Business facilities (but not the Indoor portions except solely as provided in subsections (2), (3), and (5) below).
- (2) Covered Businesses may allow patrons wearing a Face Mask to come Indoors to use a restroom without requiring patrons to show Proof of Full Vaccination.
- (3) Restaurants, bars, nightclubs, cannabis consumption lounges, and entertainment venues may require Proof of Full Vaccination to be shown at the time of patrons' first in-person interaction with staff (e.g., at the time of ordering) rather than at the entrance to the establishment, but only if all such patrons wear Face Masks at all times after entering the Indoor portion of the facility and before showing such proof. These businesses are prohibited from serving any patron indoors who fails to provide this proof.
- (4) Theaters where concessions are sold may require Proof of Full Vaccination to be shown at the time of patrons' purchase of concessions rather than at the entrance to the establishment. Theaters are prohibited from selling food or beverages to any patron Indoors who fails to provide this proof.
- (5) Restaurants, bars, nightclubs, cannabis consumption lounges, and entertainment venues that serve food/drinks may allow individuals wearing a Face Mask to enter the Indoor portion of the facility to order, pick up, or pay for food or drink "to go" without showing Proof of Full Vaccination.
- (6) Covered Businesses may obtain Proof of Full Vaccination in advance of a patron's arrival at a facility, e.g., by email or through a reservation system, but must confirm identification at the time of entry into the facility.
- (7) Persons under the age of 18 are not required to show Proof of Full Vaccination in order to enter any Indoor or outdoor area of a Covered Business.
- (8) This Section (C) applies subject to requirements of federal, state, or local laws requiring accommodation. Covered Businesses must provide reasonable accommodations to customers who need them because of a disability or medical condition. If a customer is unable to show Proof of Full Vaccination due to a disability or medical condition, the business operator must engage with them in a cooperative dialogue, or a good faith discussion, to see if a reasonable accommodation is possible. Reasonable accommodations can take many forms. For example, a customer could purchase food to take with them or consume outdoors, join a virtual

exercise class, or organize a house call for a personal service, or speak with a business representative by phone. The business does not have to provide a reasonable accommodation if it would impose an undue hardship on the business.

- iii. Signage for Patrons. As soon as possible, but no later than October 11, 2021, all Covered Businesses are required to conspicuously post at the entrance to the facility signage informing individuals that Proof of Full Vaccination is required to enter the indoor portion of the facility. Sample signage is available at [www.welco.org/coronavirus](http://www.welco.org/coronavirus).

**D. Vaccination Requirement for Staff at Covered Businesses.**

- i. Requirement. Subject to the exceptions below:
  - (1) As soon as possible, but no later than October 11, 2021, Covered Businesses must use their best efforts to ascertain the vaccination status of all staff who routinely work onsite.
  - (2) As soon as possible, but no later than November 1, 2021, Covered Businesses 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.
  - (3) Consistent with applicable privacy laws and regulations, Covered Businesses must maintain records of staff vaccination or exemption status and may be required to provide a self-certification to the city that it is complying with the terms of this Order.
- ii. Exemptions and Clarifications.
  - (1) For clarity, “staff” as used in this Order does not include all individuals who enter or work in a Covered Business facility on an intermittent or occasional basis or for short periods of time (e.g., individuals who deliver goods or packages) are not covered by the requirements of this Order.
  - (2) Persons under the age of 18 are not required to provide Proof of Full Vaccination to their employer.
  - (3) This Section (D) applies subject to requirements of federal, state, or local laws requiring accommodation. As necessary to comply with any applicable law requiring employers to provide accommodations, employers may offer a reasonable accommodation to any employee who does not receive a vaccination due to a medical condition, disability or sincerely held religious belief. A reasonable accommodation may include only working in outdoor areas and/or working at a social distance from coworkers or non-employees, working a modified shift, getting frequent and periodic Negative COVID-19 tests, be given the opportunity to

telework, or accepting a reassignment. As set out in applicable law, the business does not have to provide a reasonable accommodation if it would impose an undue hardship on the business.

- i. Signage for Staff. As soon as possible, but no later than November 1, 2021, all Covered Businesses are required to post signs in employee break rooms or similar areas informing applicable staff that they are required to provide Proof of Full Vaccination by November 1, 2021 and informing them how to obtain additional information about getting vaccinated. Sample signage is available online at: [www.who.org/coronavirus](http://www.who.org/coronavirus).

**E. Vaccination Requirements for City Facilities and City Contractors.**

- i. Requirement. Subject to the exceptions below:
  - (1) As soon as possible, but no later than October 11, 2021, persons 18 and older must show Proof of Full Vaccination before entering any Indoor area within a City Facility, subject only to the exceptions below and any applicable requirements of federal, state, or local laws requiring accommodation.
  - (2) Operators/hosts of “Recreation Activities” such as but not limited to: team sports, athletic activities and privately organized clubs and leagues held outdoors or Indoors on the premises of a City Facility must as soon as possible but no later than October 11, 2021, require athletes, coaches, staff and volunteers 18 and older to show Proof of Full Vaccination before participating in any outdoor or Indoor recreation activity, held on the premises of a City Facility, subject only to the exceptions below and any applicable requirements of federal, state or local laws requiring accommodation.
  - (3) Youth sports, youth activities, and youth programming are subject to any applicable Los Angeles County Department of Public Health guidelines and/or health officer orders.
  - (4) As soon as possible, but no later than November 1, 2021, City Contractors must show Proof of Full Vaccination before entering any City Facility or engaging in-person with city employees, community members or city businesses, subject only to the exceptions below and any applicable requirements of federal, state, or local laws requiring accommodation.
- ii. Exemptions and Clarifications.
  - (1) The vaccination requirements applicable to persons entering an Indoor portion of a City Facility does not apply to members of the public of all ages attending a public Brown Act meeting. In lieu of a vaccination



requirement, an in-person Brown Act meeting at a City Facility may be limited in capacity to provide space for social distancing between attendees, social distancing of attendees may be required, no one with a fever over 100.4 degrees shall be allowed into the facility, and equivalent viewing and commenting options will be provided in a remote and virtual format.

- (2) The vaccination requirements applicable to persons entering an Indoor portion of a City Facility does not apply to members of the public utilizing an Indoor cooling center. In lieu of a vaccination requirement, an Indoor cooling center at a City Facility may be limited in capacity, social distancing may be required, and no one with a fever over 100.4 degrees shall be allowed into the facility.
- (3) This Section (E) applies subject to requirements of federal, state, or local laws requiring accommodation. Reasonable accommodations may be provided to the requirements in this Section (E) to enter the facilities without Proof of Full Vaccination for individuals who have not received the vaccine due to disability or medical condition (for example medical contraindications to vaccination, or diagnostic precaution that supports the request). In order to utilize this medical exemption, the individual must provide proof of a Negative COVID-19 test, and a written statement that the person is excused from receiving any COVID-19 vaccine due to a medical condition or disability. The statement does not need to describe the underlying medical condition or disability itself; only the fact that the person has a qualifying medical condition or disability. The statement must be provided by an active, licensed health care provider (such as MD, DO, NP, PA) who has treated and/or examined the individual. The statement shall contain the clinician's state license number and contact information and shall indicate that the grounds for medical exemptions must be connected to contraindications as expressed by the CDC, the vaccine manufacturer, and/or the individual's physical condition contraindicating immunization, or diagnostic precaution that supports the request or other similar disability. Reasonable accommodations to this Section (E) may take others forms other than providing access to the building to unvaccinated individuals and may include, by way of example, remote and virtual city services. As set out in applicable law, the city does not have to provide a reasonable accommodation if it would impose an undue hardship on the city.

#### **F. Vaccination Requirements for City Employees and Officials.**

All City employees, temporary employees, interns, contract personnel, volunteers, and elected or appointed officials who work at all City Facilities shall be subject to a separate vaccination policy that will require vaccination no later than November 1, 2021. That separate policy shall control the applicable terms for these listed individuals.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order. Additional implementing regulations may be promulgated to assist in compliance with these requirements.

ORDERED by the City Manager/Director of Emergency Services this 10th day of September 2021.

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David A. Wilson, City  
Manager and Director of  
Emergency Services  
City of West Hollywood

DocuSigned by:



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Melissa Crowder, City Clerk