

**DIRECTOR OF EMERGENCY SERVICES
EXECUTIVE ORDER NO. 2021-17**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, Calabasas Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency as a result of COVID-19 within the City on the 16th day of March 2020; and

WHEREAS, the City Council ratified the City Manager’s proclamation on March 16, 2020, and further ratified the City Manager’s Executive Orders responding to the Director of Emergency Services Executive Order No. 2020-16 local emergency issued to date on March 25, 2020, April 22, 2020, June 24, 2020, and September 23, 2020, November 10, 2020, December 9, 2020, January 27, 2021, March 24, 2021, May 12, 2021, June 23, 2021, August 11, 2021, September 28, 2021, and November 10, 2021; and

WHEREAS, Government Code section 8634 states, “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

WHEREAS, the City Council met on December 1, 2021 and provided direction to the City Manager to issue an executive order requiring proof of vaccination against COVID-19 or a negative COVID-19 test before entering City Facilities.

NOW, THEREFORE, I, Kindon Meik, City Manager of the City of Calabasas, as Director of Emergency Services, in accordance with the authority vested in me by Government Code section 8634, Calabasas Municipal Code section 2.44.060, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. Effective immediately to prevent the spread of the COVID-19 novel coronavirus, all City Facilities shall require each Patron over 18 years of age to provide Proof of Vaccination or Proof of Negative COVID-19 Test, each as defined below, upon entering the indoor portion of a City Facility. A City Facility is required to cross-check Proof of Vaccination for each Patron who appears to be 18 years of age or older against Photo Identification. Subject to the exemptions below, a Patron shall not be permitted to enter the indoor portion of a City Facility without providing Proof of Vaccination or Proof of Negative COVID-19 Test.
2. Effective immediately, a City Facility shall display prominently on its premises, visible to any persons upon entrance, an advisory notice that, beginning on December 27, 2021, Proof of Vaccination or Proof of Negative COVID-19 Test, each as defined below, is required to enter any indoor portion of a City Facility for all persons over 18 years of age.
3. Any person over 18 years of age who does not provide Proof of Vaccination or Proof of Negative COVID-19 Test will be provided alternative arrangements and any required reasonable accommodation 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 alternative methods of service delivery.
4. Any individual City employee or contractor covered by the COVID-19 Vaccination Requirement for all Current and Future City Employees shall be subject to the provisions of that separate policy, including any individually determined reasonable accommodation.
5. The following definitions shall apply to this order:
 - a. City means the City of Calabasas.
 - b. City Facility means the indoor portion of any building, structure, facility or premises belonging to or under the control of the City. City Facility includes, but is not limited to City Hall (including Council Chambers), Library (including Founders Hall), Senior Center, De Anza and Creekside Parks, Agoura Hills Calabasas Community Center, and the Calabasas Tennis & Swim Center.
 - c. COVID-19 Vaccine means a vaccine authorized to prevent COVID-19 by the United States Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO).
 - d. Full Vaccination/Fully Vaccinated means 14 or more days after completing the entire recommended series of vaccination with a COVID-19 Vaccine as

recommended by the FDA and CDC. Currently, an individual is considered Fully Vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 Vaccine or two weeks after receiving the single dose of the Johnson & Johnson Janssen COVID-19 Vaccine. An additional “booster” CoVID-19 vaccine inoculation after the two doses of the Pfizer or Moderna COVID-19 vaccine or single dose of the Johnson & Johnson COVID-19 vaccine is not required to qualify as Fully Vaccinated.

- e. Photo Identification means an original or copy of an identification card, including: Driver's license; Government issued identification card; School or work identification card; or Passport.
- f. Proof of Negative COVID-19 Test means a printed document, email or text message displayed on a phone, or other document or photo, from a test system, provider, or laboratory that shows results of a polymerase chain reaction (PCR) or antigen COVID-19 test that either has Emergency Use Authorization (EUA) by the U.S. Food and Drug Administration or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services, that was conducted within 72 hours before entry into a City Facility. The printed document, email, or text message must include the type of test performed, date of the test, and negative test result.
- g. Proof of Vaccination means one of the following demonstrating proof of Full Vaccination:
 - i. Proof of vaccination includes the following:
 1. COVID-19 vaccination record card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention (“CDC”) or World Health Organization Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered);
 2. A photo of a vaccination record card as a separate document;
 3. A photo of a vaccination record card stored on a phone or electronic device;
 4. Documentation of COVID-19 vaccination from a health care provider; and
 5. Digital record that includes a QR code that when scanned by a SMART Health Card reader or other appropriate digital device displays to the reader client name, date of birth, vaccine dates, and vaccine type.

6. Proof of Vaccination or Negative COVID-19 Test shall not be required for Patrons who only enter a City Facility for the momentary delivery of packages or envelopes, for service repairs or utility work, or to return or pick-up books at the City's library.
7. Proof of Vaccination or Negative COVID-19 Test shall not be required for Patrons who use restroom facilities with direct outside access at City parks.
8. Proof of Vaccination or Negative COVID-19 Test shall also not be required in any instance when the indoor portion of a City Facility is used as a polling booth or location for any local, state, or federal election.
9. The City will require any person(s) or organization renting a City Facility to sign a form indemnifying and holding the City harmless against any liability related to the spread of COVID-19 during the rental.
10. Failure to comply with this Order at the Senior Center or Calabasas Tennis & Swim Center may result in person(s) having their membership in the Calabasas Tennis & Swim Center suspended or revoked, pursuant to the Calabasas Tennis & Swim Center Rules & Regulations, specifically Articles 1.3, 3.4, and 5. Members who act belligerently or violently towards City staff enforcing the provisions of this Executive Order may further have their memberships in the Senior Center or Calabasas Tennis & Swim Center revoked and additional appropriate action will be taken.
11. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment as provided for by applicable law, including Calabasas Municipal Code section 2.44.100. I hereby urge the Los Angeles County Sheriff's Department and the City Attorney to vigorously enforce this Order pursuant to law. Further, the City's Code Enforcement Officers are hereby empowered to enforce compliance with this order within the City of Calabasas, under Calabasas Municipal Code Chapter 1.17 and any other applicable law.
12. This Order shall be filed in the office of the City Clerk, posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Senior Center, Library, Gelson's Market, at Calabasas City Hall, and published in a local newspaper.
13. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

SO ORDERED.

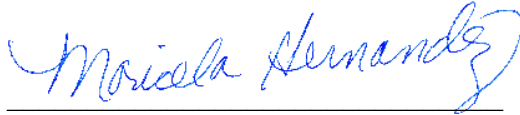


Kindon Meik
Director of Emergency Services City of Calabasas

December 27, 2021

Date signed

ATTEST:



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:



Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney