

**ORDER OF THE INTERIM CITY MANAGER OF THE CITY OF IRVINE IN HER CAPACITY
AS DIRECTOR OF EMERGENCY SERVICES AND MEMBER OF
THE IRVINE DISASTER COUNCIL**

DATE OF ORDER: July 24, 2021

Please read this Order carefully. Violation of or failure to comply with this Order is a crime. Violators are also subject to civil enforcement actions including civil penalties of up to \$1000 per violation per day, injunctive relief, and other relief. (Penal Code section 19; Government Code section 8665; Irvine Municipal Code Sections 4-9-107(A)(6)(a) [Director of Emergency Services authority to make and issue rules and regulations on matters reasonably related to the protection of life and property]; 4-9-111(A) and (B) [misdemeanor to violate any lawful rule or regulation issued pursuant to Emergency Services Division of Municipal Code]; 4-13-301 *et seq.* [discretion to prosecute Municipal Code violations as administrative citations]; 4-13-103 [discretion to prosecute all misdemeanors as infractions].)

UNDER THE AUTHORITY OF CALIFORNIA CONSTITUTION ARTICLE XI; CALIFORNIA GOVERNMENT CODE SECTIONS 8610, 8630, 8634, AND 8665, AND IRVINE MUNICIPAL CODE SECTIONS 4-9-101 *et seq.*, 4-13-301, AND 4-13-103, THE DIRECTOR OF EMERGENCY SERVICES ("DIRECTOR") OF THE CITY OF IRVINE ("CITY") ORDERS:

Effective 8:00 am on Tuesday, July 27, 2021 and continuing until terminated or amended by further Order of the Director, the following will be in effect for the City:

1. Order on Proof of Vaccination for Participation in City of Irvine's In-Person Congregate Meal Program Located in City Facilities.

Any person, otherwise qualified, who seeks to utilize the City of Irvine's In-Person Congregate Meal Program, as located in City of Irvine Senior Centers or other facilities of the City of Irvine, shall, as a condition of participation, provide to the City, or its designee, proof of full vaccination, including multiple doses if and as required by the vaccine manufacturer and completion of the recommended gestation period following the last dosage, in a manner as described below. Failure or refusal to provide proof of vaccination, as described below, shall preclude the person from participating or utilizing the City of Irvine's In-Person Congregate Meal Program.

2. Order on Provision of Alternative Meals to Persons Who Do Not, For Whatever Reason, Provide Proof of Vaccination, as Described Below.

Any person, otherwise qualified, who does not provide proof of vaccination in a manner as described below, for any reason, shall receive an alternative "take-out" meal, in a manner and form as determined by the City, as accommodation for and in lieu of participation in the City of Irvine's In-Person Congregate Meal Program. Proof of vaccination, as described below, is not a requirement for receipt of the alternative "take out" meal as described herein.

3. Order on Manner of Proof of Vaccination.

Any person seeking to establish proof of vaccination shall provide a form of picture identification to establish identity. Any form of picture identification issued by any level of government, any school or

educational institution, retail establishment, or such other identification as determined credible and reliable by the Director of Emergency Services, or her designee, shall suffice. In addition to a form of picture identification, the person shall provide one of the following: (1) vaccination record card issued by the provider of the vaccine; (2) digital proof of vaccination; (3) Digital COVID-19 Vaccine Record; (4) written document of medical provider; or (5) any other form of written or digital proof as determined credible and reliable by the Director of Emergency Services, or her designee.

4. No Government Benefit Conditioned Upon Proof of Vaccination.

If, and to the extent, this Order concerns any protected government benefit or property interest, nothing here conditions, or should be interpreted to condition, the receipt of a protected government benefit or property interest upon proof of vaccination.

5. Order on Collection, Storage and Dissemination of Information.

Any and all information, medical or otherwise, collected, stored, and disseminated pursuant to this Order shall be collected, stored, and disseminated only in compliance with HIPPA any and all federal, state and local privacy requirements.

This Order shall be effective **8:00 am on Tuesday, July 27, 2021** and will remain in effect until terminated or amended by further Order of the Director of Emergency Services.

This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over millions individuals worldwide and is implicated in millions of worldwide deaths, including over 278,000 cases and 5,139 deaths in Orange County. These numbers grow every day.

This Order is issued based on evidence of increasing transmission of COVID-19 both within the City of Irvine and worldwide, especially given the Delta Variant, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is intended to reduce the likelihood of exposure to COVID-19, and particularly the Delta Variant, in our most vulnerable populations. Many of our participants in senior citizen meal programs are, by definition, high risk due to age and also often may possess one or more comorbidities and thus are subject to a higher than average risk from COVID-19.

This Order is intended to address the strain upon the health care system from the effects of the COVID-19 virus. Similarly, this Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 particularly among some of the most susceptible populations in Irvine.

Emergency management and public health officials at the federal, state, and county levels continue to issue guidance to slow the spread of COVID-19.

Violation of this Order, including the provision of false or inaccurate proof of vaccination, is a crime and may also be pursued as an administrative fine, an infraction, or a misdemeanor, in the City's sole and absolute discretion. (Penal Code section 19; Government Code sections 8665, Irvine Municipal Code Sections 4-9-101 *et seq.*, 4-13-301, and 4-13-103.) For the avoidance of doubt, each act taken in violation of this Order may constitute a separate violation of this Order.

Copies of this Order shall promptly be: (1) made available at the City of Irvine City Hall located at 1 Civic Center Plaza, Irvine, CA 92606; (2) posted on the City of Irvine's website (www.cityofirvine.org); and (3) provided to any member of the public requesting a copy of this Order.



Marianna Marysheva, Director of Emergency Services / Interim City Manager, City of Irvine

Approved as to form:



By:
City Attorney