

ORDINANCE NO. 3-22

ORDINANCE TO: (i) require all City contractors who are required to enter a City facility and perform a service or deliver a good that brings them into close proximity with City staff, officials, and members of the public, to provide proof of a COVID-19 vaccination before entering a City facility, (ii) require all members of City boards, commissions, task forces, and committees who enter a City facility in their capacity as a member or commissioner, to provide proof of COVID-19 vaccination before entering a City facility; and (iii) permit any party that leases a City facility to require their patrons and guest to provide proof of COVID-19 vaccination before entering the leased City facility.

RECITALS

WHEREAS, the entire country is experiencing high level community transmission and as of January 13, 2022 there have been more than 62.5 million cases of COVID-19 in the United States, with more than 840,000 deaths; and

WHEREAS, as of January 12, 2022, there have been more than 861,000 cases of COVID-19 in the State of Maryland and more than 12,100 confirmed deaths; and

WHEREAS, COVID-19, including the highly contagious Delta and Omicron variants, continue to pose a very serious health risk, especially to individuals who are not fully vaccinated, according to the Centers for Disease Control and Prevention (CDC), the Maryland Department of Health, and the Montgomery County Department of Health and Human Services; and

WHEREAS, it is in the best interest of the City to protect its employees and the public, and the City is committed to doing its part to mitigate the impact of COVID-19 in the workplace; and

WHEREAS, on October 4, 2021, the Mayor and Council adopted Resolution No: 13-21 requiring all City employees to be fully vaccinated by November 15, 2021, and receive any additional doses of the COVID-19 vaccine in a manner and schedule consistent with current CDC guidelines; and

WHEREAS, City contractors, guests, patrons, and members of boards, commissions, task forces, and committees attending meetings and events at City facilities are often in close proximity to City employees; and

WHEREAS, one of the most effective ways to combat the COVID-19 virus is to require that City contractors, and members of boards, commissions, task forces, and committees who enter a City

facility in their capacity as a member or commissioner, provide proof of COVID-19 vaccination before entering a City facility, and to permit individuals leasing City facilities to require their patrons, guests, contractors, and subcontractors to provide proof of COVID-19 vaccination before entering the leased City facility.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND THAT: City contractors who are required to enter a City facility and perform a service or deliver a good that brings them into close proximity with City staff, officials, and members of the public, to provide proof of COVID-19 vaccination before entering a City facility. Additionally, all members of City boards, commissions, task forces, and committees who enter a City facility in their capacity as a member or commissioner, are required to provide proof of COVID-19 vaccination before entering a City facility; and

BE IT FURTHER ORDAINED THAT: any party that leases a City facility is permitted to require their patrons, guests, contractors and subcontractors to provide proof of COVID-19 vaccination before entering the leased City facility.

SECTION I

1. To the extent permitted by law, all contractors, including their employees, subcontractors and agents, that enter a City facility and perform a service or deliver a good that brings them into close proximity with one or more City employees, members of the Mayor and Council, members of a City board, commission, task force, or committee, or members of the general public, pursuant to the terms of a contract or contract-like instrument entered into with the City, must provide the City Manager or his authorized designees with proof of COVID-19 vaccination before entering a City facility under the terms of the contract or contract-like instrument.
2. All members of City boards, commissions, task forces, and committees who enter a City facility in their respective capacity as a member a City board, commission, task force, or committee must provide the City Clerk/Director of Council Operations or her authorized designees with proof of COVID-19 vaccination before entering a City facility to carry out their duties as a member of a City board, commission, task force, or committee. It shall be at the discretion of each City board, commission, task force, or committee to convene meetings virtually or inside a City facility. All members of a City board, commission, task force, or committee shall be permitted to attend meetings virtually, in their capacity as members of their respective City board, commission, task force, or committee.
3. Any party who leases a City facility pursuant to a contract or contract-like instrument entered into with the City may require, upon written notice to the City Manager or the City Manager's authorized designees, their patrons, guests, contractors or subcontractors to provide proof of COVID-19 vaccination before entering the leased City facility.

SECTION II

For purposes of this Ordinance, the term *proof of COVID-19 vaccination* means the demonstration, pursuant to policies adopted by the City Manager, of having received a full dose of a COVID-19 vaccine authorized by the Federal Food and Drug Administration in a manner and on a schedule consistent with current United States Centers for Disease Control and Prevention guidelines or the demonstration of qualifying for an exemption pursuant to policies adopted by the City Manager.

The City Manager may, from time to time, adopt procedures and guidelines necessary to administer this Ordinance, including, but not limited to, procedures and guidelines for demonstrating proof of COVID-19 vaccination, any exceptions, definitions of relevant terms, and required protocols for contractors and subcontractors, lessees, and members of City boards, commissions, task forces and committees.

SECTION III

This ordinance takes effect January 24, 2022.

SECTION IV

This Ordinance expires and has no further force or effect [REDACTED], 202[REDACTED].

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of January 24, 2022.

A handwritten signature in cursive script that reads "Sara Taylor-Ferrell".

Sara Taylor-Ferrell
City Clerk/Director of Council Operation