



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 23, 2021

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: Consideration of Termination of Health Officer Services Provided by the Los Angeles County Department of Public Health Pursuant to California Health and Safety Code section 101375

City Council Special Meeting

Meeting Date: February 23, 2021

1)

RECOMMENDATION:

It is recommended that the City Council provide direction to staff regarding terminating Health Officer Services provided by the Los Angeles County Department of Public Health pursuant to California Health and Safety Code section 101375 and pursuing the establishment of a local health department. If the City Council desires to terminate said services, the City Council would take the following actions:

1. Adopt the following resolution:

RESOLUTION NO. 2021-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, TERMINATING THE LOS ANGELES COUNTY HEALTH OFFICER'S SERVICES RELATING TO ORDERS AND QUARANTINE REGULATIONS PRESCRIBED BY THE STATE DEPARTMENT OF PUBLIC HEALTH, OTHER REGULATIONS ISSUED UNDER THE HEALTH AND SAFETY CODE AND STATUTES RELATING TO THE PUBLIC HEALTH

2. Introduce and adopt, by a four-fifths (4/5) vote of the City Council, the following urgency ordinance:

URGENCY ORDINANCE NO. 2476 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, TERMINATING THE LOS ANGELES COUNTY HEALTH OFFICER'S SERVICES RELATING TO ORDERS AND QUARANTINE REGULATIONS PRESCRIBED BY THE STATE DEPARTMENT OF PUBLIC HEALTH, OTHER REGULATIONS ISSUED UNDER THE HEALTH AND SAFETY CODE AND STATUTES RELATING TO THE PUBLIC HEALTH

BACKGROUND:

The City of West Covina currently receives its public health services through the Los Angeles County Department of Public Health (County Health Department). California Health and Safety Code section 101375 provides: "[w]hen the governing body of a city in the county consents by resolution or ordinance, the county health officer shall enforce and observe in the city all of the following: (a) [o]rders and quarantine regulations prescribed by the department and other regulations issued under this code [and] (b) [s]tatutes relating to the public health." In 1936, the City of West Covina adopted Resolution No. 2, consenting to the enforcement of all orders, quarantine regulations and rules prescribed by the State Board of Health, of all statutes relating to public health and to vital statistics by the County of Los Angeles (County) Health Officer within West Covina limits (Attachment No. 3). In 1963, West Covina entered into its current Health Services Agreement (Agreement) with the County (Attachment No. 4). Pursuant to the Agreement, the County provides health department services, including the enforcement of all ordinances relating to health and sanitation, inspections and related functions. The City's Health Code, which adopts by reference the County's Public Health Code, is set forth in Article II (Health Code) of Chapter 13 (Health and Sanitation) of the West Covina Municipal Code.

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in the State of California in response to the COVID-19 outbreak. Since the state of emergency was declared, Governor Newsom along with the County Health Department have imposed health orders aimed at curbing the spread of the virus. While well intended, the health orders at times have had no data or scientific evidence to support the mandated orders. In addition, the pandemic has impacted communities differently throughout Los Angeles County. Los Angeles County is one of

the largest counties in the nation at 4,084 square miles, and has the largest population in the nation, with nearly 10 million residents, who account for 27% of California's population. The combination of the County's vast geographic area with the significant population size make it difficult to address the specific needs of communities that are impacted differently by the pandemic with one-size-fits-all policies. Each community and region within the County have had drastically different case rates and hospitalization numbers. West Covina has had relatively low infection rates compared to the Countywide rates even during the times the pandemic was surging in the County.

On December 1, 2020, in response to complaints from residents and the business community and a desire to provide a more appropriate response to the pandemic based on West Covina's data, the West Covina City Council directed staff to explore methods to improve local public health -- including alternatives to the County Health Department. Various cities in Los Angeles County also expressed their concern over the County's Health Department's one-size-fits-all approach to the pandemic, including Beverly Hills, Whittier, Lancaster, and Hawaiian Gardens.

On December 9, 2020, the City engaged Valley Physicians Medical Group, through Dr. P. Basil Vasantachart, MD, to provide consulting services relating to evaluating options for establishing a local health department.

DISCUSSION:

Pursuant to Health and Safety Code section 101885, a "local health department" is defined to include four types of public health administrative organizations, including "[t]he health department of a city of 50,000 or greater population, except that the governing body of the city by resolution may declare its intention to be included under the jurisdiction of the county health department, as provided by existing statutes."

At the January 19, 2021 City Council meeting, Dr. Vasantachart provided a presentation on alternatives to the County Health Department, including the following information:

- City has the authority under the State of California to establish City's own local health department
- There are several options:
 - Full-Service Local Health Department
 - Basic Limited Local Health Department
 - Negotiate authority and duties with County Health Department

In the State of California, there are only four cities in that have their own health departments: Pasadena, Long Beach, Vernon and Berkeley. Berkeley established its health department in 1880, Pasadena established its health department in 1892, and Long Beach established its health department in 1906. The City of Vernon changed its health department to its current form in 1986.

Overview of Requirements for Operating a Local Health Department

The California Department of Public Health is responsible for establishing, by regulation, standards of education and experience for professional and technical personnel employed in local health departments and for the organization and operation of local health departments. The requirements are set forth in Chapter 3 of Division 1 of Title 17 of the California Code of Regulations (CCRs).

Generally, the CCRs require that local health departments have the following staff: health officer, clerical staff, nursing staff, environmental health staff, and a public health laboratory director. Local health departments are also required to maintain and operate a central office and headquarters on a full-time basis during the normal work week of the local government as well as a principal public health laboratory.

In order to qualify for funds made available to local health departments pursuant to the Health and Safety Code, a local health department is required to perform all of the duties and functions imposed upon it by the Health and Safety Code, other California statutes, and by the rules, regulations and orders of the California Department of Public Health.

Pursuant to 17 CCR 1276, a health department is required to provide at least the following basic services:

- a. Collection, tabulation, and analysis of all public health statistics
- b. Health education programs
- c. Communicable disease control (including availability of adequate isolation facilities)
- d. Medical, nursing, education and other services to promote maternal and child health
- e. Environmental health and sanitation services/programs (food, housing and institutions, radiological health in local jurisdictions, milk and dairy products in local jurisdictions, water-oriented recreation, safety, vector control, wastes management, among others)
- f. Laboratory services
- g. Services in nutrition
- h. Services in chronic disease
- i. Services directed to social factors affecting health
- j. Services in occupational health

- k. Appropriate services in the field of family planning
 - l. Public health nursing services to provide for the preventative and therapeutic care of the population served.

Requirements to Establish Local Health Department

If the City desires to establish its own local health department, the City must first terminate the services provided by the County. Pursuant to Health and Safety Code section 101380, the services provided by the County pursuant to Health and Safety Code section 101375 "...shall continue indefinitely until the governing body of the city terminates them by adoption of a resolution and ordinance and service of a certified copy on the clerk of the board of supervisors on or before the first day of March of any subsequent year. The services of the county health officer shall terminate on the first day of July following service of notice." Based on the express language of the statute, the City Council is required to adopt both a resolution and an ordinance terminating the County's services, and serve a certified copy of the resolution and ordinance on the Clerk of the County Board of Supervisors no later than March 1, 2021. The termination will be effective July 1, 2021.

Based on the statutory requirements, staff has prepared for the City Council's consideration a resolution and urgency ordinance to terminate the County's services.

The required ordinance is proposed as an urgency ordinance due to the March 1, 2021 deadline. Pursuant to Government Code section 36937, the City can adopt an ordinance to take effect immediately if the ordinance is necessary for the immediate preservation of the public peace, health or safety, contains a declaration of facts constituting such urgency, and is passed by a four-fifths (4/5) vote of the City Council.

If the City Council adopts the resolution and urgency ordinance, staff will submit certified copies to the County by the March 1, 2021 deadline. The termination would be effective July 1, 2021.

By adoption of the resolution and urgency ordinance, the City would only be terminating the County Health Officer's services identified in Health and Safety Code section 101375. To fully terminate the County's health services, the City is required to provide notice of termination of the Health Services Agreement at least 30 days prior to the end of the fiscal year, or by May 31, 2021.

West Covina Business Information

In considering proceeding with a local health department, the following is a breakdown of the business types in the City.

Business Type	# of Businesses in West Covina
Restaurants	183
Grocery Stores	9
Retail (Food)	22
Industrial / Manufacturing	12
Medical	162
Hospices / Assisted Living Homes	31
Retirement Homes	10
Permanent Makeup/Tattoo	5

In addition, there are services that the County Health Department provides to our local school districts, hospitals, clinics, mobile food vendors, among others.

Budgets for Local Health Departments

The following are samples of budgets for local health departments in California.

Health Department	Population	Budget	Revenues	Personnel	Divisions / Programs
Pasadena Public Health Department	141,029	\$15,558,271	Unable to Find	98.38 FTE	Epidemiology, Administration and Finance, Environmental Health, Social and Mental Services, Community Health Services, Prevention and Policy Programs
Vernon Environmental Health Department	112	\$1,433,869	\$1,112,000	4 FTE	CUPA program, Food program, Storm water program, Solid Waste Program/LEA, Garment Program, Water/Waste water systems, Animal & Vector

					control, General Environmental health
City of Berkeley Department of Health, Housing and Community Services	121,363	\$54,578,416	Unable to Find	246.18 FTE (76.47 FTE General Fund)	Aging Services, Housing & Community Services, Environmental Health, Mental Health, Public Health
Long Beach Health and Human Services Department	462,628	\$157,332,435	\$58,157,614	439.78 FTE (15.10 FTE General Fund)	Community Health, Environmental health, Housing Authority, Physician Services, Policy, Planning and Prevention

*Information is from corresponding City Budgets.

Please note that the health departments listed above receive various types of Federal, State, and local grants that supplement their general fund monies for the department budget.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and urgency ordinance and approved them as to form.

OPTIONS:

The options available to the City Council are as follows:

- Adopt the resolution and urgency ordinance and direct staff submit certified copies of both documents to the Clerk of the County Board of Supervisors, initiating termination of specified County Health Officer Services; or
- Provide alternative direction.

Prepared by: Paulina Morales, Economic Development & Housing Manager

Fiscal Impact

FISCAL IMPACT:

The County Health Department is funded by assessments on property tax roll. West Covina properties are currently assessed 1% property tax on the value of the home/building, of the 1% collected approximately 33.2% is distributed to the County of Los Angeles for county services, including the health department. Of the property taxes collected in West Covina, approximately \$31 million is attributable to LA County for county services.

The fiscal impact will be dependent on the desired structure for the local health department.

Attachments

- Attachment No. 1 - Resolution No. 2021-15
- Attachment No. 2 - Urgency Ordinance 2476
- Attachment No. 3 - Resolution No. 2
- Attachment No. 4 - Health Services Agreement

CITY COUNCIL GOALS & OBJECTIVES:

Respond to the Global COVID-19 Pandemic