



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** March 16, 2021

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF ORDINANCES RELATED TO ESTABLISHING LOCAL HEALTH DEPARTMENT**

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## RECOMMENDATION:

To move forward with the establishment of a local health department, the City Council would take the following actions:

1. Introduce for first reading, by title only, further reading waived, the following ordinance:

**ORDINANCE NO. 2478 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 2-236 (EXEMPT POSITIONS) OF DIVISION 3 (PERSONNEL SYSTEM) OF ARTICLE V (EMPLOYEES) OF CHAPTER 2 (ADMINISTRATION) OF THE WEST COVINA MUNICIPAL CODE**

2. Introduce for first reading, by title only, further reading waived, the following ordinance, and schedule a public hearing for April 6, 2021 regarding the adoption thereof in accordance with the provisions of Government Code section 50022.1 et seq.:

**ORDINANCE NO. 2479 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING AND REPLACING ARTICLE II (HEALTH CODE) OF CHAPTER 13 (HEALTH AND SANITATION) OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE DIVISION 1 (PUBLIC HEALTH) OF TITLE 11 (HEALTH AND SAFETY), INCLUDING THE RULES AND REGULATIONS APPENDED THERETO, AND DIVISION 1 (PUBLIC HEALTH LICENSES) OF TITLE 8 (CONSUMER PROTECTION, BUSINESS AND WAGE REGULATIONS) OF THE LOS ANGELES COUNTY CODE**

## BACKGROUND:

The City of West Covina currently receives its public health services through the Los Angeles County Department of Public Health (County Health Department). 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. In 1963, West Covina entered into its current Health Services Agreement (Agreement) with the County. 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.

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.

On February 23, 2021, the City Council adopted Resolution 2021-15 and Urgency Ordinance No. 2476, terminating the Los Angeles County Health Officer services identified in Health and Safety Code section 101375. Staff submitted certified copies to the County by the March 1, 2021 deadline (Attachment No. 3). The termination will be effective July 1, 2021.

To conclude the County's services, the City would be 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. The City received a letter dated February 23, 2021 from the County Health Department stating the County Health Department will continue to serve West Covina in its current capacity (Attachment No. 4). The City intends for services paid for by local property taxes to continue to benefit the community.

#### DISCUSSION:

To move forward with separating health services from the County Health Department and establishing a West Covina Health Department, several actions must occur. This agenda item includes some of the next steps, by introducing ordinances relating to establishing a Public Health Director position for the City of West Covina and adopting the Los Angeles County Health Code by reference.

#### **Health Director Position**

One of the first steps the City needs to take is to create a Public Health Director position within the City. The Public Health Director will serve as the City's Health Officer. To establish such position, staff is first proposing to amend Section 2-236 of the West Covina Municipal Code to include the Public Health Director as an exempt position (like the City Manager and Department Head positions). If the proposed ordinance to amend Section 2-236 is adopted, City staff will take the next steps to create the position (including job description and salary range) and will process the position through the Human Resources Commission.

### **County Health Code**

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. The City most recently updated the Health Code in 1975. In order to maintain consistency in the public health regulations that are applicable within West Covina, staff is proposing to continue to adopt the County's Health Code by reference. The proposed ordinance repeals and replaces the existing provisions of Article II of Chapter 13 and adopts by reference Division 1 (Health Code) of Title 11 (Health and Safety) of the County's Code, including the Rules and Regulations included as Appendix 1, and Division 1 (Public Health Licenses) of Title 8 (Consumer Protection, Business and Wage Regulations) of the County's Code relating to public health licenses. The provisions that will be adopted are included as Attachment No. 5. The proposed ordinance adopts the entirety of the County's provisions and only includes minor amendments to the County's Code relating to penalties and fees, which cannot be adopted by reference. Staff intends to recommend deletions or additions to the provisions of the County's Code through future amendments to the County's Code. Once staff, in consultation with Dr. Vassantachart, determines the structure of the City's Health Department and the services that will be provided by the City's Health Department, such amendments will be presented to the City Council for consideration.

The California Government Code (section 50022.1 et seq.) sets forth the requirements for adopting another ordinance or code by reference. Pursuant to such requirements, after first reading of the title of the adopting ordinance, the City Council is required to schedule a public hearing. If the City Council introduces Ordinance No. 2479, staff recommends scheduling the public for April 6, 2021.

Dr. Vassantachart and staff are working on developing a framework for West Covina's health department. Staff is creating a road map of realistic and pragmatic implementation steps. As the short, mid, and long-term plans are developed, they must fit the new model to the old. Staff will provide updates and come back for further direction/action from the City Council.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed the proposed ordinances and approved them as to form.

### **OPTIONS:**

The options available to the City Council are as follows:

- Introduce the proposed ordinances for first reading and schedule the public hearing for April 6, 2021;  
or
- Provide alternative direction.

Prepared by: Paulina Morales, Acting Assistant City Manager

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Attachments

Attachment No. 1 - Ordinance No. 2478

Attachment No. 2 - Ordinance No. 2479

Attachment No. 3 - Letter to County Terminating Health Officer

Attachment No. 4 - County Letter to City dated February 23, 2021

Attachment No. 5 - County Health Code Provisions

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CITY                    Respond to the Global COVID-19 Pandemic  
COUNCIL  
GOALS &  
OBJECTIVES: