



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** April 6, 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:

It is recommended that the City Council:

1. Conduct the public hearing; and
2. At the conclusion of the public hearing, consider adoption of the following ordinances:

**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**

**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 terminate the County's 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. 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 continue to benefit the community.

On March 16, 2021, the City Council introduced Ordinance No. 2478 and Ordinance No. 2479, and set the date for the public hearing regarding Ordinance No. 2479 for this evening.

#### 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 presents two ordinances for the City Council's consideration; 1) the adoption of an ordinance relating to establishing a Public Health Director position for the City of West Covina and 2) the adoption of the Los Angeles County Health Code by reference.

#### **Ordinance No. 2478 - Health Director Position**

Ordinance No. 2478 would create a Public Health Director position within the City. The Public Health Director will serve as the City's Health Officer. Local health directors have duties and powers that come from multiple sources of law. Duties typically include administration, enforcement of public health laws, communicable disease control, and education. To establish such position, Section 2-236 of the West Covina Municipal Code would need to be amended 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, next steps will include creation the position (including job description and salary range) through action of the City's Human Resources Commission.

### **Ordinance 2479 - County Health Code Provisions**

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. The City Council introduced Ordinance No. 2479 at the March 16, 2021 City Council meeting and set the date of the public hearing for April 6, 2021. In accordance with the requirements of Government Code section 50022.1 et seq., notice of the public hearing was published in the San Gabriel Valley Tribune on Monday, March 22, 2021 and on Monday, March 29, 2021. The notice was also published on the City's website.

The City has not updated the Health Code since 1975. The City's current 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. In order to maintain consistency in the public health regulations that are applicable within West Covina, the City Council would need 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 that are appended to Division 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. A certified copy of the provisions that will be adopted has been on file with the City Clerk's Office and available for public inspection since at least 15 days prior to this hearing and will remain on file with the City Clerk's Office while the ordinance is in effect, as required by Government Code section 50022.6.

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. Deletions or additions to the provisions of the County's Code would be handled 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.

Dr. Vassantachart and staff are continuing to work 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.

At the conclusion of the public hearing, the City Council will conduct the second readings for and consider adoption of Ordinance No. 2478 and Ordinance No. 2479. Both ordinances will take effect on the 31st day after their adoption, which is on or about May 7, 2021. Section 1 of Ordinance No. 2479, which repeals and replaces the Health Code, will amend the Municipal Code on July 1, 2021.

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:

- Approva staff's recommendation; 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            Enhance the City Image and Effectiveness  
COUNCIL        Protect Public Safety  
GOALS &        Respond to the Global COVID-19 Pandemic  
OBJECTIVES: