



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**FEBRUARY 23, 2021, 4:00 PM
SPECIAL MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Letty Lopez-Viado
Mayor Pro Tem Dario Castellanos
Councilwoman Rosario Diaz
Councilmember Brian Tabatabai
Councilman Tony Wu**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings. Pursuant to the Executive Orders, Council Members may attend City Council meetings telephonically and the City Council is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside of, or in line to enter, any indoor public space. Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the City Council meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols. Members of the public may also watch City Council the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel at www.westcovina.org/LIVE. If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION:

In lieu of attending the meeting in person, members of the public can submit public comments via email or address the City Council by telephone using the methods described below.

EMAILED PUBLIC COMMENT:

Members of the public can submit public comments to the City Clerk via e-mail at City_Clerk@westcovina.org. The subject line should specify "Oral Communications - 2/23/2021". Please include your full name and address in your e-mail. All emails received by 3:00 P.M. on the day of the Special Council meeting will be posted to the City's website under "Current Meetings and Agendas" and provided to the City Council prior to the meeting. No comments will be read out loud during the meeting. All comments received by the start of the meeting will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY.

Members of the public that wish to address the Council by telephone during Oral Communications or a public hearing may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 3:30 P.M. on the day of the Council meeting for instructions regarding addressing the City Council by telephone during the meeting.

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE

The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS
ADDRESSING THE CITY COUNCIL
(Per WCMC 2-48, Ordinance No. 2150)

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

RULES OF DECORUM

Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA
CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY FEBRUARY 23, 2021, 4:00 PM
SPECIAL MEETING

PLEDGE OF ALLEGIANCE

Led by Councilman Tabatabai

ROLL CALL

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

DEPARTMENTAL REGULAR MATTERS

CITY ATTORNEY'S OFFICE

- 1) 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

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

ADJOURNMENT

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

- a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
- b. The city council may establish a limit on the duration of oral communications.
- c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
- d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum—Required.

- a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
 - a. Addressing the Mayor and City Council without first being recognized.
 - b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
 - c. Repetitiously addressing the same subject.
 - d. Failing to relinquish the podium when directed to do so.
 - e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
 - f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Sec. 2-52. Persons authorized to be within council area.

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.



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:

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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

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

WHEREAS, 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; and

WHEREAS, Health and Safety Code section 101380 provides: “[t]he resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July following service of notice. The services 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”; and

WHEREAS, on February 26, 1936, the City of West Covina adopted Resolution No. 2, consenting to the enforcement within City limits all orders, quarantine regulations and rules prescribed by the State Board of Health and all statutes relating to public health and to vital statistics by the Health Officer of the County of Los Angeles; and

WHEREAS, the City of West Covina now desires to establish its own local health department in order to maintain local control over public health issues and better serve the community; and

WHEREAS, in accordance with Health and Safety Code section 101380, the City Council now desires to terminate the Los Angeles County Health Officer's services provided pursuant to Health and Safety Code section 101375.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby terminates the Los Angeles County Health Officer's services provided pursuant to Health and Safety Code section 101375.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 3. The City Clerk shall serve a certified copy of this resolution on the Clerk of the Los Angeles County Board of Supervisors on or before March 1, 2021.

APPROVED AND ADOPTED this 23rd day of February, 2021.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2021-15 was duly adopted by the City Council of the City of West Covina, California, at a special meeting thereof held on the 23rd day of February, 2021, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

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**

WHEREAS, 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; and

WHEREAS, Health and Safety Code section 101380 provides: “[t]he resolution or ordinance shall be adopted and a certified copy served on the clerk of the board of supervisors on or before the first day of March of any year, and the services of the county health officer in the city shall commence on the first day of July following service of notice. The services 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”; and

WHEREAS, on February 26, 1936, the City of West Covina adopted Resolution No. 2, consenting to the enforcement within City limits all orders, quarantine regulations and rules prescribed by the State Board of Health and all statutes relating to public health and to vital statistics by the Health Officer of the County of Los Angeles; and

WHEREAS, the City of West Covina now desires to establish the City’s own local health department in order to maintain local control over public health issues and better serve the community; and

WHEREAS, in accordance with Health and Safety Code section 101380, the City Council now desires to terminate the Los Angeles County Health Officer’s services provided pursuant to Health and Safety Code section 101375; and

WHEREAS, Government Code section 36937 allows a city to 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 the urgency, and is passed by a four-fifths (4/5) vote of the City Council; and

WHEREAS, the City Council believes that establishing the City's own local health department is necessary for the immediate preservation of the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that all of the recitals set forth herein are true and correct.

SECTION 2. Urgency Measure. The City Council hereby finds and determines that this Ordinance is an urgency measure necessary for the immediate preservation and protection of the public health, safety and welfare, and it shall take effect immediately upon adoption. The City Council finds that the following circumstances constitute such urgency: (1) the City Council desires to maintain local control over public health issues and better serve the community; (2) in order to maintain local control over public health issues and better serve the community, the City Council desires to establish the City's own local health department; (3) to establish a local health department, the City must terminate the services provided by the Los Angeles County Department of Public Health; (4) to terminate the services provided by the Los Angeles County Department of Public Health, namely those services provided pursuant to Health and Safety Code section 101375, the City is required, pursuant to Health and Safety Code section 101380, to adopt a resolution and ordinance and submit certified copies of said resolution and ordinance to the Clerk of the Los Angeles County Board of Supervisors on or before March 1, 2021 in order for termination of said services to be effective July 1, 2021; and (5) in order to meet the March 1, 2021 deadline, this Ordinance must take effect immediately.

SECTION 3. Termination of County Services. The City Council hereby terminates the Los Angeles County Health Officer's services provided pursuant to Health and Safety Code section 101375.

SECTION 4. Severability. If any section, subsection, clause or phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this Ordinance. The City Council of West Covina hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect immediately.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 7. Certified Copy. The City Clerk shall serve a certified copy of this Ordinance on the Clerk of the Los Angeles County Board of Supervisors on or before March 1, 2021.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2021.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Urgency Ordinance No. 2476 was duly introduced and adopted by the City Council of the City of West Covina, California, at a special meeting thereof held on the 23rd day of February, 2021, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

CITY OF WEST COVINA

(POSTOFFICE) COVINA, CALIFORNIA



RESOLUTION NO. 2

2/24/36

A RESOLUTION CONSENTING TO THE ENFORCEMENT WITHIN THE CITY OF WEST COVINA, CALIFORNIA, OF ALL ORDERS, QUARANTINE REGULATIONS AND RULES PRESCRIBED BY THE STATE BOARD OF HEALTH AND OF ALL STATUTES RELATING TO PUBLIC HEALTH AND TO VITAL STATISTICS BY THE HEALTH OFFICER OF THE COUNTY OF LOS ANGELES.

At the regular meeting of the City Council of the City of West Covina held on February 26, 1936, the following Resolution was offered by Councilman F.L. Mowder, seconded by Councilman C.H. Coffman and unanimously adopted:

RESOLVED: That the City of West Covina does hereby consent To the enforcement within its City Limits of all orders, quarantine regulations and rules prescribed by the State Board of Health and of all statutes relating to public health and to vital statistics by the Health Officer of the County of Los Angeles.

This Resolution is adopted pursuant to Section 4224 of the Political Code of the State of California, as amended in 1935, it being the intention of the City of West Covina to avail itself of all the terms of said Section.

Percy R. Jackson
Mayor of the City of West Covina

ATTEST:

C. C. Toland
City Clerk

PERCY R. JACKSON

MAYOR

C. C. TOLAND

CITY CLERK

CITY OF WEST COVINA

(POSTOFFICE) COVINA, CALIFORNIA

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES (ss.
CITY OF WEST COVINA)

I, C. C. TOLAND, City Clerk of the City of West Covina hereby certify that the foregoing Resolution was adopted by the City Council of the City of West Covina at the regular meeting of said Council on the 26th day of February, 1936, and signed by the Mayor of said City, and that said Resolution was adopted by the following votes:

AYES: P.R. Jackson, F.L. Mowder, C.H. Coffman and L. Reeg
NOES: None
ABSENT: J.K. Hedges

C. C. Toland
City Clerk

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AGREEMENT - HEALTH SERVICES



No. 7238

THIS AGREEMENT, made and entered into this 1st
 day of JULY, 1963, by and between
 the COUNTY OF LOS ANGELES, State of California, hereinafter
 called the "County," and the CITY OF WEST COVINA,
 Los Angeles County, California, a municipal corporation,
 hereinafter called the "City,"

WITNESSETH:

THAT WHEREAS, Sections 480, 481 and 482 of the
 Health and Safety Code of the State of California
 authorize the Board of Supervisors of the County to contract
 with the City for the performance by the Health Officer
 and other employees of the County of any or all functions
 relating to the enforcement in the City of all ordinances
 thereof relating to public health and sanitation, and the
 making of all inspections and the performance of all
 functions in connection therewith at cost;

NOW, THEREFORE, in consideration of the mutual
 covenants and agreements herein contained, it is hereby
 agreed as follows:

FIRST: The County agrees to render such public
 health services as authorized by Sections 480 and 482 of
 the Health and Safety Code of the State of California and
 as may be required by the City as provided by its
 ordinances now in effect or hereafter adopted. Copies of

APPROVED
 BOARD OF SUPERVISORS
 COUNTY OF LOS ANGELES

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 GORDON T. HENNING
 CLERK OF THE BOARD

all ordinances now in effect, or hereafter adopted, and all amendments thereto, shall be promptly supplied the County of Los Angeles. It is understood that the City, upon proper resolution by the City Council, shall make request in writing to the County Health Officer for performance of services required under ordinances now in effect or later to be enacted.

SECOND: The City agrees to pay the cost as defined in Paragraph Ninth hereof, for the enforcement of said ordinance or ordinances, or in its election, the provisions in Paragraph Fifteenth. Costs of services rendered under Paragraph Fifth shall be paid pursuant to Paragraph Ninth. Services performed under Paragraph Sixteenth shall be paid for in the manner of election as provided for therein.

THIRD: It is expressly and mutually agreed that the City shall compensate the County for court time in the enforcement of local ordinances on the basis of the cost of performing said work as defined in Paragraph Ninth hereof, reduced by the amount recovered by witness fees.

FOURTH: No services to be compensated for pursuant to Paragraphs Third and Ninth hereof shall be performed unless said City shall have available funds previously appropriated to cover the costs hereof.

FIFTH: In the event the City desires to have rodent control and extermination measures undertaken by the County, it is expressly and mutually agreed that the City shall

compensate the County for the cost of providing said service, as defined in Paragraph Ninth hereof. Further, it is expressly understood that the City shall notify the County Health Officer of its intent to avail itself of rodent control or extermination; that the City shall set aside a sum sufficient to cover the cost of rodent control or extermination; that the County Health Officer shall be notified of the amount set aside for the control and suppression of rodents; and that the County shall not exceed the amount set up by the City unless expressly authorized in writing to do so by the City.

SIXTH: The County agrees to submit to the City during the life of this agreement periodic statements in duplicate for services rendered during the period covered, and the City agrees to pay the cost thereof within thirty (30) days after receipt of such billing. If the City desires monthly billing it shall notify the County in writing, otherwise billing periods shall be fixed by the County.

SEVENTH: It is expressly agreed between the parties hereto that nothing herein contained shall be construed to bind the City to designate or demand of the County, or the County to furnish any particular number of inspections or visits.

EIGHTH: Performance hereunder shall commence on JULY 1 , 19 63 , and this contract shall remain in full force and effect to July 1, 1968, and unless then terminated shall be renewed without further action

of the contracting parties from year to year. Either party hereto shall have the right to terminate this agreement at the end of any fiscal year by giving written notice of such intention to so do, such notice to be given not less than thirty (30) days prior to the end of any fiscal year.

NINTH: The City agrees to pay the County the cost of performing all services covered by this agreement, except as otherwise provided in Paragraph Fifteenth hereof. Costs shall include salaries of employees engaged in performing said services, a pro-rate of vacation and sick leave, supervision of such employees while so employed, the County Retirement Contribution and Workmen's Compensation Insurance Premiums on salaries, traveling expenses, supplies, plus a pro-rate of all indirect expenses. If the cost of providing the services changes, the City shall be notified of each such change in writing. i

TENTH: For the purpose of performing said functions, County shall furnish and supply all necessary labor, supervision, equipment, communication facilities, and supplies necessary to maintain the level of service to be rendered hereunder.

ELEVENTH: Notwithstanding anything hereinbefore contained, it is agreed that in all instances where special supplies, stationery, notices, forms, and the like must be issued in the name of said City, the same shall be supplied.

by said City at its own cost and expense.

TWELFTH: All persons employed in the performance of such services and functions for said City shall be County employees, and no City employee as such shall be taken over by said County, and no person employed hereunder shall have any City pension, civil service, or any status or right.

For the purpose of performing such services and functions, and for the purpose of giving official status to the performance thereof, every County officer and employee engaged in performing any such service and function shall be deemed to be an officer or employee of said City while performing service for said City, which service is within the scope of this agreement and is a municipal function.

THIRTEENTH: City shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any County personnel performing services hereunder for said City, or any liability other than that provided for in this agreement.

Except as herein otherwise specified, the City shall not be liable for compensation or indemnity to any County employee for injury or sickness arising out of his employment.

FOURTEENTH: County, its officers and employees, shall not be deemed to assume any liability for intentional or

negligent acts of said City or of any officer or employee thereof.

FIFTEENTH: In the event City by ordinance adopts the provisions of the Public Health Code of County (Ordinance No. 7583), the Health Officer shall perform the services necessary to enforce said ordinance provisions in the City to the same extent as the County Ordinance is enforced in unincorporated territory, and shall issue the permits and collect the fees provided for in Section 750 of said Public Health Code.

Said fees shall be retained by the Health Officer for the benefit of County as full compensation for the services performed by the Health Officer in the enforcement of said ordinance provisions, except that any court time spent in the enforcement thereof shall be compensated for in accordance with Paragraph Third hereof. In the event and whenever County Ordinance No. 7583 is amended to change the amount or amounts of any of the said permit fees, City shall at once amend its ordinance to provide permit fees in the exact amount as those designated in the County Ordinance as amended.

In the event that the City elects to set, collect and retain its own permit fees, it shall so notify the County Health Officer, and shall thereafter pay the cost of the service under this paragraph pursuant to Paragraph Ninth.

SIXTEENTH: The County agrees to enforce the provisions of Division 13, Part 2 of the Health and Safety Code of the State of California, relating to the sanitation, maintenance, use and occupancy of mobile homes and mobile

home parks and as may be requested pursuant to such sections by the City. It is understood that any such requests shall be in writing, directed to the County Health Officer and specifically designate the services to be required pursuant to any or all of the above sections of the Health and Safety Code. Such notification to the County Health Officer from the City shall indicate the election of the City that the City agrees either to pay the cost as defined in Paragraph Ninth hereof for the enforcement of said provisions of Division 13, Part 2 of the Health and Safety Code or that the City desires the County Health Officer to collect and retain the annual operating permit fees as prescribed in Division 13, Part 2 as full compensation for services performed by the County Health Officer.

INWITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

ATTEST:

Robert Hotten

City Clerk

CITY OF CITY OF WEST COVINA

BY

Claude L. Daines

MAYOR

ATTEST:

GORDON T. NESVIG
Clerk of the
Board of Supervisors

(SEAL)

COUNTY OF LOS ANGELES

BY

WARREN M. DORN

Chairman, Board of Supervisors

WINIFRED BERNSTEIN

Deputy

APPROVED AS TO FORM
HAROLD W. KENNEDY, County Counsel

BY

David P. King

Deputy

4/63