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   Lisa Sherrick
City Attorney   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