

**Council Meeting: March 5, 2013****SUBJECT: Resolution Consenting to the Enforcement of all Health Laws within the City of Sunnyvale by the Santa Clara County Health Officer****BACKGROUND**

State law requires every city to either appoint a local health officer or to make arrangements with the county to exercise the required powers and duties of a health officer. For many years, the City of Sunnyvale has relied on the Santa Clara County Health Officer to act as the City's health officer. However, the City cannot locate a formal record authorizing the appointment. The County has requested that the city formalize this arrangement by enacting a resolution officially appointing the Santa Clara County Health Officer to serve as the health officer for the City (Attachment A).

**EXISTING POLICY**

City of Sunnyvale Municipal Code Sections 2.20.010 "Health Officer Created," and 12.28.090 "City Health Officer Defined."

**DISCUSSION**

The California Conference of Local Health Officers, which includes the 61 legally appointed physician Health Officers in California, provides the following information on the role of a local Health Officer:

"In California, the local Health Officer is an official appointed by the local governing body to provide public health leadership for the entire community. He or she is a physician responsible for assessing the community's health status and for medical and technical direction of the local government's mandated health protection functions. The Health Officer is expected to keep the governing body informed about all health issues that affect the jurisdiction, to act as a consultant to the governing body, and to provide advice and opinions on medical and public health policy issues."

"The Health Officer provides leadership in public health matters for the entire community. He or she is the visible medical authority who interacts with all segments of the community to lead in the development of public health policy and implementation of effective public health programs. In addition, the Health Officer has the

experience and training to exercise authority in a public health emergency, including a bioterrorism event.”

“The Health Officer is responsible for assessing and reporting on the health status of the community, using multiple epidemiologic, survey, and statistical methods. The Health Officer is responsible for assuring the effectiveness of the mandated health protection functions of local government, including services related to communicable disease control, maternal and child health, emergency services and disaster preparedness, sudden infant death, family planning, public health laboratory services, environmental health, vital statistics, public health nursing, nutrition, and chronic diseases.”

The City of Sunnyvale, along with all other cities in Santa Clara County, has relied on the Santa Clara County Health Officer to serve as the City’s health officer for many years. It recently came to staff’s attention that the City has no record of the resolution consenting to the authority of the Santa Clara County Health Officer to enforce state health laws within the City of Sunnyvale. Adoption of this resolution will provide a formal record of appointment of a Health Officer for the City of Sunnyvale as required by statute. This will allow for a coordinated response to all public health planning activities and identified threats to public health. No city within the County employs its own Health Officer. Public Safety has coordinated with the Office of the City Attorney, and the Departments of Environmental Services, Community Development and Public Works on this report.

### **FISCAL IMPACT**

There is no fiscal impact to the General Fund. Adoption of the resolution is a requirement to authorize the County of Santa Clara Health Officer to act in Sunnyvale.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

### **ALTERNATIVES**

1. Adopt the Resolution of the City of Sunnyvale consenting to the enforcement of all health laws within the City of Sunnyvale by the Santa Clara County Health Officer.
2. Do not adopt the Resolution of the City of Sunnyvale consenting to the enforcement of all health laws within the City of Sunnyvale by the Santa Clara County Health Officer.

**RECOMMENDATION**

1. Adopt the Resolution of the City of Sunnyvale consenting to the enforcement of all health laws within the City of Sunnyvale by the Santa Clara County Health Officer

Reviewed by:

Frank Grgurina, Director, Public Safety  
Prepared by: Steve Drewniany, Deputy Chief

Reviewed by:

Joan Borger, City Attorney

Approved by:

Gary M. Luebbers, City Manager

**Attachments**

- A. Resolution of the City of Sunnyvale consenting to the enforcement of all health laws within the City of Sunnyvale by the Santa Clara County Health Officer

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF SUNNYVALE  
CONFIRMING ITS CONSENT TO THE ENFORCEMENT  
OF ALL HEALTH LAWS WITHIN THE CITY OF  
SUNNYVALE BY THE SANTA CLARA COUNTY HEALTH  
OFFICER**

WHEREAS, California Health & Safety Code §101460 requires a city to appoint a health officer except when the City Council has made arrangements for the county to exercise the same powers and duties within the city as are conferred upon city health officers by law; and

WHEREAS, California Health & Safety Code §101375 authorizes the county health officer to enforce all health laws within an incorporated city with the consent of the city council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City of Sunnyvale hereby confirms its consent to allow the Health Officer of Santa Clara County to enforce and observe: (a) orders and quarantine regulations prescribed by the California Department of Public Health and other regulations issued under the California Health & Safety Code; and (b) all statutes, ordinances, regulations, and rules relating to public health, all as provided for in California Health & Safety Code §101375.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney