

AMADOR COUNTY

COVID-19 EDUCATION COMPLIANCE AND ENFORCEMENT TEAM

This proposal recommends the creation of a business focused Covid-19 ECE Team within Amador County Public Health in partnership with Environmental Health, which would take a proactive role related to COVID-19 in Amador County pursuant to the Governor's Office and State Public Health Officer's Orders and Guidance.

All complaints regarding non-compliance to the above concerning business operations in Amador County would be directed to this new Team. Staff and volunteers assigned to the ECE Team would gather initial complaint information, conduct site visits, provide educational material, and issue Letters of Non-Compliance to those businesses not adhering to the above stated state Orders and Guidance.

The actions of the ECE Team will be complaint driven, either from the public, local organizations, the local business community, or other sources, that a business operating in Amador County may not be in compliance with the state Orders and Guidance.

Upon receipt of a complaint, an ECE Team member will visit the identified business as soon as practical to personally document their compliance or non-compliance.

If a business is found to be non-compliant, the ECE Team/Health Officer will issue the business a Letter of Non-Compliance which describes the details of why the ECE Team deemed them out of compliance and also provide the business with educational materials stating COVID-19 requirements for operation, and materials related to grants available for the business to obtain PPE's.

Within 5-7 days of noticing a business that they are out of compliance, an ECE Team member will conduct a compliance check on that business. If the business is still out of compliance, the ECE Team member will again notify the business verbally and try to identify and document any impediments to compliance the business may be experiencing.

A follow-up letter will be sent from the ECE Team to the business within 5-7 days advising them that their continued failure to comply could result in a civil Administrative Citation and the referral of that business to the appropriate state licensing/regulatory agency IE: ABC, Cal OSHA, Consumer Affairs, Cosmetology Board, etc.

Continuing non-compliance will result in a civil Administrative Citation issued by the County Health Officer to the offending business.

In order to facilitate the above process it is recommended that a County Ordinance be established which creates the civil Administrative Citation process as follows:

**AMADOR COUNTY COVID-19 BUSINESS VIOLATIONS CIVIL ENFORCEMENT
ORDINANCE**

SECTION A - ISSUANCE:

An ECE Team Member may issue a civil Administrative Citation to any business violating this Ordinance. The ECE Team Member may issue a Citation for a violation not committed in their presence if they determine through their investigation, including, but not limited to, credible information from County staff, that the business did commit or is otherwise responsible for the violation.

SECTION B - PENALTIES:

Penalties by way of fines for Administrative Citations issued pursuant to this Ordinance shall be as follows:

- 1) The civil penalty for each violation involving a commercial activity shall be a fine not to exceed \$10,000. The minimum amount of any fine shall be \$250.00.

SECTION C - FACTORS IN SETTING FINE AMOUNT:

In determining the amount of fine pursuant to SECTION B, the ECE Team member shall consider:

- 1) The gravity of the public health risk posed by the violation;
- 2) The number of times a business has been previously noticed regarding the violation(s);
- 3) Whether the business has received a prior Administrative Citation;
- 4) Whether the business is making a good faith effort to achieve and maintain compliance with this Ordinance; and
- 5) Any other matters relating to the nature, circumstances, extent, and gravity of the violation.

SECTION D - NOTIFICATION TO STATE LICENSING AGENCIES:

- 1) Upon the issuance of an Administrative Citation, the Amador County Health Officer will notify the state agency responsible for licensing the offending business of the violation.

SECTION E - POSTING OF BUSINESS RULES:

- 1) All businesses shall establish and clearly post their COVID-19 rules for customer entry into the business IE: the wearing of face masks and social distancing requirements etc. Business owners, managers and/or staff should advise those out of compliance with the business rules that failure to do so will result in the business refusing to do business with them and may request they leave the premises.

SECTION F – LAW ENFORCEMENT ROLE:

- 1) In the event that verbal arguments, physical threats, or trespassing by customers arise from these COVID-19 business rules, the business management should call their respective law enforcement agency to intervene to de-escalate the situation and/or take enforcement action as determined by each circumstance.