

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

August 26, 2021

MEMBERS PRESENT: Frank Axe, Supervisor District 4
Richard Forster, Supervisor District 2

MEMBERS ABSENT: None

STAFF PRESENT: Glenn Spitzer, Deputy County Counsel
Michelle Opalenik, Director Environmental Health
Michelle Gallaher, Code Enforcement
Roger Pitto, Surveying
Mary Ann Manges, Recording Secretary

OTHERS PRESENT: Ryan Lombardi, Odin Systems, Inc.

Supervisor Axe called the meeting to order at 2:00 p.m.

AGENDA: Approved

CORRESPONDENCE: None

APPROVAL OF MINUTES: July 22, 2021 approved

PUBLIC MATTERS NOT ON THE AGENDA: None

ITEM 1: Discussion and possible action relative to creating a stronger ordinance enacting more severe penalties for littering in Amador County

Supervisor Axe introduced the item.

Deputy County Counsel Spitzer shared that the red-lined version of the draft ordinance is based on the draft ordinance that was discussed at the last Land Use Committee meeting. He stated that he spoke with counsel at the City of Oakland and learned that their code has been in effect since 2013, that they have not had any problems enforcing it, only enforce it for administrative penalties, and the only time they do not pursue it is if a vehicle has been stolen. He stated that he took nearly identical language and adjusted the penalties section so that there are administrative penalties. The maximum penalties are \$100 for the first one within 12 months, \$250 for the 2nd one within 12 months, and \$500 for the 3rd and each additional one within 12 months. He added that he created a different section for commercial quantities that is defined by the penal code and a misdemeanor with a fine of \$1,000.

Supervisor Forster asked if Counsel Spitzer concurs with Oakland's opinion that it is legal and enforceable.

Counsel Spitzer responded yes and that there is not much guidance and no case law for it. He elaborated that the City of Oakland relies on the vehicle code. He stressed that we are only

using this for administrative penalties which have civil standards for burden of proof and that it should be okay.

Supervisor Forster commented that he wishes fines could start off higher than \$100.

Supervisor Axe asked if these incidents can be published in the newspaper.

Counsel Spitzer commented that he believes at least half of them will qualify as commercial and that they will be \$1000 fines.

Chair Axe asked if there were any questions. There were no questions.

Mr. Lombardi, representing Odin Systems, Inc., introduced himself and shared that they have donated 5 cameras to El Dorado County and 5 cameras to Amador County to mitigate looting and unlawful access associated with the fires. He shared that he has been speaking with the Amador County Sheriff's office about putting the cameras in. He commented that the cameras are rapid deployment and solar powered license plate reading cameras that also show the scene. He shared details and examples about how they work and added that he has spoken to Ms. Adams, has read previous Land Use minutes, and believes they can help.

Discussion ensued amongst the Committee and Mr. Lombardi regarding details, scenarios, and costs of using the cameras.

Supervisor Axe commented that the county could start with one camera and that a subscription has its perks.

Supervisor Forster stated that cameras are the way of the future.

Supervisor Axe asked if there are any questions about the strike-out version of the draft.

Discussion ensued amongst the Committee with Supervisor Forster asking Counsel Spitzer to check to see if the public needs notification of where cameras are to be placed. It was discussed that Code Enforcement be able to have access and that rotating signage also be considered as a deterrent. Supervisor Forster requested that documentation of where we are getting the Oakland code along with the new draft be shared with the Board. The Committee recommended that the item be sent onto the Board of Supervisors.

ITEM 2: Consideration of revised Onsite Wastewater Treatment System Regulations - Environmental Health

Supervisor Axe introduced the item.

Environmental Health Director Michelle Opalenik shared overview that the primary intent of the revisions is to eliminate the Department's role in designing onsite wastewater systems. She added that this will reduce liability and responsibility, especially since parcels are becoming more challenging. She continued that Environmental Health will still be present for profiles, and still do plan checks, approvals, and inspections. She added that a qualified consultant contracted by the property owner will design all new and replacement onsite wastewater systems including conventional ones.

Discussion ensued amongst the Commission and Ms. Opalenik with Ms. Opalenik going over proposed changes and definition additions to the regulations. She shared that she has tried to keep changes very simple and that there will be impacts to the public such as additional costs, less quick turnaround for installers, and a process that is not as easy for people going through a sale, but commented that she feels the Department is taking on a lot of liability by taking on these systems.

Chair Axe asked if there is any further comment. There was no more comment.

The Committee discussed that these are common sense changes and decided to move the item onto the Board. Staff was directed to check with County Administrative Officer Chuck Iley on whether it should go on the consent agenda.

The meeting was adjourned at 3:02 p.m. The next meeting date is tentatively scheduled for September 23, 2021 at 2:00 pm.