

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Monday, December 5, 2022  
9:30 a.m.

Supervisor Nate Miley, Chair  
Supervisor David Haubert

Location: Board of Supervisors Chamber – 5th Floor  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

## Summary/Action Minutes

### I. Update on East County Municipal Advisory Council

Supervisor David Haubert, Board of Supervisors, District 1, reported that the County is making progress on the East County Municipal Advisory Council. He has received information from the Office of County Counsel that there will be an update soon on the formation on the Council.

#### Purpose:

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation
- Other:

This item was informational only and required no Committee action.

### II. Discussion of utilizing existing American Rescue Plan Act (ARPA) funding to create a pilot county program tasked with responding to tenant/occupant complaints of housing quality, maintenance concerns and substandard code violations – *continued from November 7, 2022* [Attachment](#)

Edward Labayog, Code Enforcement Manager, Community Development Agency, presented a memorandum and a PowerPoint presentation on the discussion to use ARPA funding to create a polity program to respond to tenant/occupant complaints and concerns with code violations.

Staff is recommending the Board implement a two-year pilot program utilizing funds secured through the American Rescue Plan (ARPA) that was approved by the Board of Supervisors earlier this year. The introduction of a pilot program at this time is appropriate as it would provide multiple benefits to County residents and fill existing gaps in service.

Pilot program will be utilized to:

- Improve and enhance the delivery of service related to tenant complaints and enforcement in the unincorporated county.
- Provide outreach and education for tenants and housing providers.
- Provide compliance with State Law AB 838 - requirement to respond and inspect substandard buildings and enforce code violations.
- Support existing and upcoming tenant protection policies from HCD by identifying properties with violations and providing case data.
- Collect valuable data during the pilot program to support a continued re-active or a pro-active program after the end of the pilot period.

Staff has identified the following needs before the pilot can launch:

- Establish a Memorandum of Understanding (MOU) with the Building Department designating Code Enforcement Manager to enforce Chapter 15.24 of the Unincorporated Alameda County Housing Code.
- Adopt the International Property Maintenance Coded (IPMC) to have better codes covering property building maintenance issues.
- Train Code Enforcement staff regarding housing quality standards and substandard conditions.
- Develop outreach and education presentations and materials for tenants and housing providers as well as the general community.
- Update the existing Code Enforcement website to include general information, complaint form and referrals.
- Hire one additional project staff and clerical support as needed.

Staff requests the Committee to take public testimony and recommend moving the proposed pilot program to the full Board of Supervisors for consideration.

### **Speakers**

David Stark, Leo Esclamado, Dave Thompson, Julio Contreras, Ethan Silverstein, Evelina Nava, Kelly Abreu and Maria Miranda gave public testimony on this item.

### **Purpose:**

- Report progress
- Advocacy or Education
- Request Transportation and Planning Committee recommendation**
- Other:

**Recommendation from the Transportation & Planning Committee:** Staff to return to the Transportation & Planning Committee to report back on this item and to include comparisons with other jurisdictions, including Alameda County cities for rental protections. Staff to report on current operations and staffing levels compared to other jurisdictions as related to code enforcement, in addition to the role of the Fire Marshal.

### **III. Alameda County Environmental Health Department Comparison of Local vs. State codes** [Attachment](#)

Ronald Browder, Director, Environmental Health Department, Health Care Services Agency, presented a PowerPoint presentation on the Environmental Health Departments' local codes versus the state codes pertaining to:

#### **Land and Water Division**

- 1) Onsite Wastewater Treatment Systems (OWTS) program
- 2) Investigation & Cleanup of Hazardous Materials Releases program

#### **Certified Unified Program Agency (CUPA) Division**

- 1) Hazardous Materials Business Plan, Hazardous Waste, and CERS program
- 2) Underground Storage Tank (UST) program
- 3) Above Ground Petroleum Storage program:
- 4) California Accidental Release Prevention (CAL ARP) program
- 5) Waste Tire program
- 6) Storm Water program

#### **Solid Waste Division**

- 1) Solid Waste program
- 2) Medical Waste program
- 3) Body Arts program

**Environmental Protection Division**

- 4) Food program
- 5) Recreation program

**Household Hazardous Waste Division**

**Speakers**

Jacqueline Sommers, Chair, Onsite Wastewater Treatment Commission, stated that she is a subject matter expert in the wastewater business. In 2022 the Commission met four (4) times, according to the bylaws, the Commissions is allowed two (2) regular meetings and two (2) additional meetings as necessary. The Commission now has the authority to hear appeals, before they go on to the Board of Supervisors. The Commission requests to develop an Onsite Wastewater Task Force and their next meeting is on Wednesday, January 25, 2023.

Kelly Abreu stated that perhaps the OSWT Commission should change their bylaws to add additional meetings. Mr. Abreu stated that the presentation by environmental health was filled with complex information that should not take up so much time.

Marc Crawford stated that he was glad to hear a presentation from Ron Browder, Director, Environmental Health Department, as he has a good grasp of what the department does. However the County needs to do comparisons with other counties with the septic issue.

**Purpose:**

- Report progress
- Advocacy or Education**
- Request Transportation and Planning Committee recommendation
- Other:

**Recommendation from the Transportation & Planning Committee:** In review of the 5 year Onsite Wastewater Treatment Program, include dialogue from subject matter experts, review regulations that are different from state and federal regulations and align the County’s regulations to be consistent with state and federal regulations.

**PUBLIC COMMENT**

None.