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## Onsite Wastewater Treatment System Commission

Wednesday, March 23, 2022

6 p.m. – 8 p.m.

Location: Remote Meeting

### Minutes

#### **I. Call to Order by Chair and Pledge of Allegiance**

Meeting called to order at 6:01 p.m.

#### **II. Roll Call**

Commissioners Present:

Connie DeGrange

Kathy Gil

Paul Hodges, Vice Chair

Timothy Johnston

Jacqueline Sommers

Dale Silva

Marcos Gandara, Chair

#### **III. Action Item: Adopt Findings Authorizing Remote Teleconference Meetings for the OWTS Commission**

- a. Staff Recommendation: Adopt the findings that OWTS Commission meetings will be held by teleconference in accordance with the Brown Act, due to state and local measures to promote social distancing. [Attachment - Findings](#)
- b. Commissioner Silva noted that the findings must be approved each month.
- c. Commissioner Sommers moved to adopt the findings as written, Chair Gandara seconded the motion. 7 aye votes, 0 no votes, findings are adopted.

#### **IV. Welcome from the Chair**

- a. Chair Gandara welcomes everyone to the meeting noting this is the first commission meeting in two years, acknowledging impact of public health emergency on commission's ability to meet and Department of Environmental Health staffing. The Chair welcomes new commissioners, Kathy Gil (District 4) and Tim Johnston (District 1).

#### **V. Review of the OWTS Commission Roster [Attachment - Roster](#)**

- a. Chair Gandara noted there are no current vacancies. District 3 does not have representation as the district contains no septic systems.

#### **VI. Presentation - Roles and Responsibilities of the OWTS Commission**

- a. Kathleen Pacheco, Senior Deputy County Counsel, Office of the County Counsel presents background information on creation of OWTS commission, purpose and authority, Brown Act requirements, procedural issues, and public comment.

#### **VII. Action Item: Election of Officers to serve 2 years**

- a. Chair Gandara opened nominations for new officers. Commission bylaws state Chair and Vice chair will serve 2-year terms. Commissioner Sommers moves those new officers begin terms starting July 1, 2022. Commissioner Gil seconds. 7 aye votes, 0 no votes, 0 abstain. Motion approved.
- b. Chair Gandara nominates Jacque Sommers as chair. Chair Gandara moved to appoint Commissioner Sommers as Chair, Commissioner Hodges seconded the motion. 7 aye votes, 0 no votes, 0 abstain. Motion approved.
- c. Commissioner Silva nominates Vice Chair Hodges as Vice Chair. Chair Gandara moves to elect Vice Chair Hodges as Vice Chair. Commissioner Sommers seconded the motion. 7 aye votes, 0 no votes, 0 abstain. Motion approved.

### **VIII. OWTS Commission Meetings Scheduling for 2022**

- a. Chair Gandara opened discussion on meeting schedule for 2022. Currently two meetings per year are required. County Counsel noted that these meetings will be going back to in person if no longer able to make findings to allow for virtual meetings.
- b. Chair Gandara directed staff to set next meeting for Wednesday, May 25, 2022.
- c. County Counsel explained Commission Bylaws section 3.1 state meetings must be held once every 6 months with additional meetings if Commission finds it beneficial.
- d. Chair Gandara directed staff to schedule meeting for October 5, 2022, to comply with bylaws.
- e. Chair Gandara moved that the Commission find it beneficial to add an additional meeting on May 25, 2022. Commissioner Sommers seconded. 7 aye votes, 0 no votes, 0 abstain. Motion approved.

### **IX. Action Item: Consideration of the OWTS Commission as a Hearing Body**

[Attachment – Cover Memo](#)

[Attachment – Draft Revisions to Ordinance Section 15.18.140 Appeals](#)

[Attachment – Current Bylaws – May 2016](#)

[Attachment – Proposed New Bylaw Article VII](#)

- a. Dilan Roe, Chief - Land and Water Protection Division, DEH, reviews Draft Revisions to Ordinance Section 15.18.140 Appeals and Proposed New Bylaw Article VII and presents the staff recommendations for action to make changes to set OWTS Commission as a Hearing Body.
- b. Commissioners clarify the appeals process would include: 1) applicant appeals Department of Environment Health (DEH) decision to DEH Director, applicant could appeal DEH Director's decision to the OWTS Commission, OWTS Commission's advisory opinion would go to DEH Director for consideration. DEH Director could adopt recommendations in full, in part, or reject. Applicant could make final appeal to the Alameda County Board of Supervisors.

#### **Public Comment**

- a. Comment asked about technical expertise of commission and ability of commission to make recommendations around technical engineering elements. Commissioners highlight personal and professional expertise around septic/wastewater.

#### **Action**

- b. Commissioner Sommers made a motion that the OWTS Commission vote to recommend to the Alameda County Board of Supervisors that they adopt the proposed ordinance revisions and approve new Bylaw Section Article VII Appeal Hearings. Vice Chair Hodges seconded. 7 aye votes, 0 no votes, 0 abstain. Motion approved.
- c. Commissioner Sommers made a motion that the Board of Supervisors provides authority to the OWTS Commission to make minor administrative changes to the Bylaws for efficiency or clarity, with approval as to form by County Counsel. Motion seconded by Commissioner Gil. 7 aye votes, 0 no votes, 0 abstain. Motion approved.

#### **X. General Discussion Items Requested by Members**

- a. OWS Program Overview. Dilan Roe presented slide deck on discussion item requested by members. Slide deck will be posted to website and Commissioners can ask to revisit a topic at a future meeting if interested.
- b. Public Comment
  - o Three public commenters asked about technical questions regarding septic permitting requirements and process. Chair Gandara directed public to contact Dilan Roe regarding any technical questions. Chair Gandara noted a discussion related to the new City of Oakland ordinance pertaining to tiny homes/mobile homes is on the agenda under the General Discussion item and will be discussed at a subsequent meeting.
- c. Chair Gandara directs staff to continue the remaining topics under the General Discussion item to next meeting.

#### **XI. Public Input on Issues Not on the Agenda**

No comments

**XII. Adjournment** – Meeting adjourned at 8:17 p.m.