



**Board of Commissioners' County Counsel Meeting
April 23, 2019 ~ 10:00am ~ Room 214**

4/23/2019 - Minutes

1. Call To Order & Those Present

Commissioner Boyd, Commissioner DeGroot, Commissioner Morris, Mika Blain, Sandy Cox/Staff, Jennifer Liittle/Public Health, Tess Novatny/Herald and News

2. Approve Minutes From Last Meeting

Commissioner Boyd approves minutes from April 16, 2019 meeting.

3. Indoor Clean Air Act Ordinance

Mika Addresses the Board, this Ordinance would track the Indoor Clean Air Act. Little: Discusses the reasoning behind the proposed Ordinance, explains the State can give an exemption to the Indoor Clean Air Act so they want a local Ordinance to close that loophole. Commissioner DeGroot questions throwing in Marijuana so that in the future the Ordinance would be in effect. Mika further explains that the County has already opted out concerning Marijuana. Morris questions if we pass Ordinance then would State uphold our position? Little responds no they would still issue exemption, but caution the business about local Ordinance and it would have to be enforced locally. Mika brings up the enforcement issue, does the Board want to move forward and look into that piece further, OHA would not help enforce this on a local level the burden would be on us. Morris likes the idea. Mika clarifies definition for "Smoke Shop" and limitations of those shops. Boyd thinks we are wasting our time passing an Ordinance, this is government overreach, we just need to follow State and Federal laws. Little would like to preempt the marijuana issue that is inevitably coming. Boyd: Isn't it illegal to smoke marijuana in public, Little says yes today it is. Morris understands where this is going doesn't want to see "hookah bars" in our community. Mika responds, there are limitations on these shops. DeGroot needs more information before we make a decision. Mika just wants direction before she does more research. Little asks what exactly the BOCC wants to know. Mika reads information off State website regarding getting a permit for "smoke shop" from the State: they must be a retail shop, no lottery, no food and only can have 4 seats available for testing product. DeGroot asks if people are trying to open these shops for marijuana? Mika will look into that. Boyd States again that he is against prohibiting "smoke shops" regarding the tobacco piece of this, but understands the concerns if marijuana is coming into play.

4. TRL Citation

Little presents how Public Health has been dealing with enforcement, just sending warning letters at this point, but now want to be able issue citations if inspections are failed. Mika explains these citations would be similar to nuisance code enforcement citations to be heard in Justice Court. Mika has reached out to other County Counsel's in the State and got a sample letter from Multnomah County, presents sample letter to BOCC. Morris thinks if we are just pushing for compliance then likes the letter route better than citation. Little has looked into this process from both ways and prefers the letter rather than a citation. DeGroot asks if they request a hearing do they go to Justice Court? Mika: Yes, DeGroot:

Can you see scenario of business getting second warning letter rather than citation? would like to see businesses cited if had more than one offense. Little: just wants to get mechanism in place to enforce. DeGroot prefers letter format. Boyd: Doesn't matter to him, but what bothers him is that we have had this TRL in place for 18 months, but we are just now looking at enforcement. Consensus is that Public Health will proceed with letter version.

5. Public Records Policy

Mika reviews current policy and summarizes proposed draft policy so that all public records requests would be processed through BOCC staff for follow up. Boyd has issue with BOCC staff doing all the follow up. Mika: just need someone monitoring these requests so that we are in compliance. Mika: Doesn't need to be BOCC staff, but needs to be someone. Morris asks if we have BOCC staff monitoring it, but have the Liaison Commissioner enforce issue if one arises. DeGroot would like to know how many records requests we typically receive? Boyd: Asks staff to inquire with department heads about the number of requests. DeGroot: Maybe should be Counsel's office that monitors these? DeGroot suggests having Counsel's office monitor these since sounds like they review some of it anyway. Mika: Well most of those don't come to Counsel, would have to look at Susan's workload she is only one person.

6. Other County Business

7. Adjournment

10:45am

Audio recordings of all proceedings are available at the County Commissioners' office. The meeting facility is handicap accessible. Persons needing materials in alternate format or communication access, should telephone this office at 541-883-5100 (voice/TDD) or the ADA Coordinator at 541-883-4296 at least 48 hours in advance of the scheduled meeting.

Klamath County Commissioners' Weekly Calendar is subject to change without notice. 305 Main Street 2nd Floor, Klamath Falls, OR 97601

E-mail: bocc@klamathcounty.org Website: www.klamathcounty.org