

COUNCIL COMMUNICATION

	Number:	20-228	Meeting:	May 18, 2020
	Agenda Item:	43	Roll Call:	20-0851
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

Amendments to Chapter 42 and Chapter 2 that will remove references to the environmental health officer and the citizens odor board.

SYNOPSIS:

On December 16, 2019 the City Council amended Chapter 42 and Chapter 2 to eliminate the citizen's odor board. The amendments did not include the amendments needed to the hearing process or the elimination of the environmental health officer.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Chapter 2, Article VI, Boards and Commissions, Committees and Agencies contains a cross reference the citizen odor board, Section 42-304, which was repealed by an amendment completed December 16, 2019, Ordinance Number 15,849. This amendment removes the cross reference that is no longer required.
- Chapter 42, Article V, Odor Control, Section 42-304 was amended on December 16, 2019, Ordinance Number 15,847, which repealed the citizen odor board. The amendment did not delate all references to the citizen odor board. In addition, the amendment did not clearly set out an appeal process for a business that is found to be a significant odor generator. This amendment completes the necessary amendments to remove references and processes no longer relevant to the repealed citizens odor board.
- The City, at one time, had an environmental health division within the Community Development Department. The division was staffed by an environmental health officer. Over time some of the duties of the environmental health division was moved into the neighborhood inspection division. These include, but are not limited to, vector control and odor control. Through reorganization and attrition, the position of environmental health officer ceased to be filled. This amendment removes reference to the environmental health officer. The staff position that is assigned to manage environmental health issues is the neighborhood inspection administrator. This amendment clarifies that the City does not have a person in the position of environmental health officer and the assignment of duties is the neighborhood inspection administrator's duties.

PREVIOUS COUNCIL ACTION(S):

Date: December 16, 2019

Roll Call Number: [19-2054](#) and [19-2055](#)

Action: Items related to Boards and Commissions: ([Council Communication No. 19-558](#))

(C) [Amending](#) Section 42-304 and 42-305 of the Municipal Code by removing Citizen Odor Board and by striking references to the Citizen Odor Board. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

1. Final consideration of ordinance above, requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,849](#). Refer to the City Manager and Legal to make sure best practices are being used by odor producing companies. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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