

Request for Board Action Details

File #:	2021-555	Status:	Passed
Type:	Administrative Item	In control:	Board of Commissioners
On agenda:	10/19/2021	Final action:	10/19/2021
Title:	Amendments to the Ramsey County Administrative Ordinance- Waive the First Reading		
Sponsors:	Public Health		
Indexes:			
Code sections:			
Attachments:	1. Summary of Amendments to the Ramsey County Administrative Ordinance, 2. Redlined amendments to the Ramsey County Administrative Ordinance, 3. Clean Amendments to the Ramsey County Administrative Ordinance, 4. Summary of Community Engagement by Public Health, 5. Resolution		

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Commissioners	approved	Pass

Sponsor: Public Health

Title

Amendments to the Ramsey County Administrative Ordinance- Waive the First Reading

Recommendation

Waive the first reading of amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

Background and Rationale

Public Health is proposing amendments to the Ramsey County Administrative Ordinance to authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations. Section 6.00 of the Administrative Ordinance authorizes various enforcement tools that county departments may use when county ordinances are violated. They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recovery costs. Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and entity in violation. Section 6.02 authorizes "any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue [misdemeanor] citations for violations thereof."

The use of misdemeanor citations is problematic for two reasons. First, it makes the violator a criminal and the process takes the violator through the state's criminal court system. For many violations, this is a severe option. Second, the state Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access (and, hence, the ability to issue citations) to licensed law enforcement officers. This means that county departments that administer various ordinances cannot have staff issue citations but must request local law enforcement to do so. This is an impractical method of enforcement.

The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through a county administrative

appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview, White Bear Lake, and the city of Saint Paul is considering it.

The Environmental Health Division of Public Health administers ordinances to which this authority would apply, including ordinances for Food Protection, Public Swimming Pools, Lodging Establishments, Manufactured Home Park, Ramsey County Clean Indoor Air, Public Health Nuisance, Youth Camp, Solid Waste Management and Hazardous Waste Management.

Departmental procedures are in place to assure compliance with ordinances, the last step of which is enforcement action. In Public Health, for example, the department's compliance policy requires several steps to work with licensees to come into compliance before enforcement action is taken. The focus of enforcement is to provide guidance to compliance. When operators refuse or fail to make corrections, enforcement options are evaluated for each situation, and action is taken only after management approval.

The proposed amendments create the steps for issuing and processing administrative citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing to appeal), refers to a penalty schedule (adopted in separate action by the Ramsey County board), and outlines the process for hearings. An ordinance summary is part of this request for board action.

Public Health has conducted community engagement in developing these amendments and used the feedback provided to shape the proposed changes and inform internal policy and procedure development. The community engagement work is described in the attached Summary of Community Engagement by Public Health document.

The Ramsey County Administrative Ordinance was first adopted on February 23, 1981 (Resolution #81-166) and has been amended three times, with the most recent being in 2009 (Resolution #2009-362).

The Ramsey County Home Rule Charter section 5.02 states each proposed ordinance shall receive two readings: first, at the time it is presented, and second, at the time of the public hearing as required by law. Both readings may be waived if a copy of the ordinance is supplied to each member of the county board prior to its introduction. In accordance with these requirements, the proposed Amendments to the Ramsey County Administrative Ordinance was provided to each commissioner prior to its introduction on October 13, 2021. Therefore, the first reading may be waived by duly made motion and majority vote.

County Goals (Check those advanced by Action)

☒ Well-being

☐ Prosperity

☒ Opportunity

☒ Accountability

Racial Equity Impact

Once approved, this action will provide a decriminalized penalty for violation of county ordinances as an alternative to misdemeanor citations. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives Public Health a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

Community Participation Level and Impact

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. An online and

mailed survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Spanish and Chinese) and those were provided.

There were 186 responses to the online survey (out of 1428 invited by email) and one mailed survey response (out of 11 invited by mail); no stakeholders chose to provide feedback at any of the virtual listening sessions. Responses were collected August 10 through September 6, 2021.

More information about the community engagement efforts by Public Health is included in attached documents and can be found online at:

<https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>.

☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Fiscal Impact

Payments of penalties for administrative citations would accrue to the county, but it is expected that few citations would be issued, and the fiscal impact would be minimal.

Fees related to this were \$0 in 2020. Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account (Fund: 1101; Dept: 580701; Program: 000000; Account: 313107).

County Manager Comments

No additional comments.

Last Previous Action

On October 20, 2009, the Ramsey County Board approved adoption of the most recent revisions to the Ramsey County Administrative Ordinance (Ordinance 2009-362).

Attachments

1. Summary of Amendments to the Ramsey County Administrative Ordinance
2. Redlined Amendments to the Ramsey County Administrative Ordinance
3. Clean Amendments to the Ramsey County Administrative Ordinance
4. Summary of Community Engagement by Public Health