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Subject: Opposition to Smoking Notice Ord 20-37

Hi Ladies, hope you are well.

I would like my comments opposing the ordinance to be part of the public record for Ord 20-37 regarding smoking notice when selling ordinance.

This proposed ordinance has numerous problems:

- TISH inspections are performed by "independent evaluators" whereas this proposed ordinance attaches a statement by the "property owner" to the independent report.
- The owner is not an "independent evaluator" and the owners' statement should not be attached to that independent report

Association disclosures:

- The appropriate place for disclosing smoking restrictions is in the legal association declarations agreed to by the purchaser when purchasing a common interest community (CIC).
- All rules and restriction relating to ownership of the CIC property should be located in the association declarations which are filed with the County Recorder and therefor publicly available.

Smoking prohibitions should be within those declarations

Buyer beware:

- Buyers must do their own due diligence by reading the declarations for the CIC and ensuring the community into which they wish to buy is suitable for the buyers' personal desires. If they dislike brown buildings and the association requires building be painted shades of brown, they should not buy into that CIC. Smoking choices are a personal preference and a personal responsibility.

Technical challenges:

The proposed ordinance defines terms that are then not used in section 194.02. One cannot enforce definitions and the definitions are not clearly written:

- The definition for "electronic delivery device," as written, could include a standard vaporizer using essential oils.
- Why are plant products called out in this "electronic delivery device" definition?
- Doesn't lobelia have historically (indigenous) medicinal uses?

The key point is the first one which I think was the essential objection by the board during our discussions. The middle comments were part of our discussion during the TISH meetings. The last point is my objection to this specific proposal.

Peace,

~Vicki Baucom