

CLARK COUNTY ANIMAL ADVISORY COMMITTEE

MINUTES

**Parks & Community Services Administration Building
2601 East Sunset Road, Administration Conference Room
Las Vegas, Nevada 89120
October 6, 2003
6:30 p.m.**

MEMBERS PRESENT: HENDERSON, DAVID
 HOFF, KARIN
 KRISKO, SUSAN
 MARCH, DEBRA

1. Call to order

The meeting was called to order at 6:30 p.m.

2. Approval of agenda

A motion to approve the agenda was made and seconded.

3. Approval of August 4, 2003 Minutes

A motion to approve the Minutes was made and seconded.

4. Possible changes to Ordinance Title 10 Chapter 24 regarding tethering of animals

SUSAN KRISKO would like to make it illegal to leave an animal unattended indefinitely and gave out an article on top 10 reasons why this should not happen to animals in our community. Only way to make it enforceable would be to make it unlawful to do it at all, taking away the subjective nature of causing cruelty to an animal. It is one thing to say a knife cut is cruel, another to say a dog tied up all day, 7 days a weeks, is inhumane.

DEBRA MARCH– How does Animal Control currently handle this and what kind of issues or counts do you get from this? Do you see a problem existing that needs more regulation? JOE BOTEILHO - We have had cases in the last year. We would have to search to see how many we had – don't know how many were adjudicated and how many we were successful. If it were against the law, people would call and say a horse is tied up, a goat is tied up. We would have to go out and take action. Enforcement would be in response to complaints or witnesses. Most calls are complaint driven. Wording would allow for discretion to do education. If something is clearly illegal, we couldn't leave it. We will have to take action; either turn it loose, impound it or talk to owner and have them do something. In most cases, owners are not available.

DEBRA MARCH expressed concern that if someone were in a neighborhood that cannot afford a fence and has dog tethered on a line, we would be penalizing him or her because they cannot afford a fence. SUSAN doesn't feel as if they are penalizing them. There is no constitutional right to keep a pet. There are increased problems in a neighborhood if animals are tethered without a yard. Animals can become aggressive. Tethering, left unattended to any stationary object, would include pulley runs. She is willing to talk about not having that illegal as long as the animal cannot injure itself.

KARIN HOFF – communities are very specific in length of line, time of attachment, entanglement provisions, shelter and water provisions, others related to public safety – what type of complaints would Animal Control get and will this weigh more heavily on one part of town than the other. Doing it abruptly could cause a problem.

SUSAN doesn't believe the law currently on the books is enforceable. Most problems are already in one area. Resources expended by Animal Control that happen as a result of these animals being tethered now could go down. DEBRA MARCH questioned the fiscal impact. Would you patrol for this?

JOE -The fiscal standpoint is if it is illegal, then any dog, cat, goat or horse, we get called on, we will have to look at. It is clearly a manpower issue for us. Presently, we are eliminating two areas we already enforce and looking at cutting enforcement in some areas. Unknown what fiscal impact will be. About 200 out of 30,000 calls are for cruel restraint. Will this now be every single person calling. Neighbors call to get back at neighbor to create hassles. Guy has a goat tethered out front while he is mowing the law will be a call. As a course of business, we don't get calls unless an animal has a problem.

DR. HENDERSON is leaning toward being in favor of it but if a hardship... Unless law is advertised, it is more a need for enforcement. If people call thinking it is cruelty, it is cut and dry – not sure you would get a lot of calls but not sure you wouldn't – many down sides to tethering – seen many many cases. If you can't afford a fence maybe you shouldn't have a pet you can't keep inside.

KARIN HOFF - It is a common practice and currently legal unless some obvious cruelty. What is the obligation of the county to let people know it is illegal. SUSAN – as a citizen, you are obligated to know the law. Laws change every day. The officers can talk to people and say hey this is illegal don't do it from now on. DEBRA - why do it if you are not going to tell the public. We should be informing them so they change their level of care for their animals. We should be educating them. If we want more teeth, maybe we need something that is moving in that direction. What outcome do we want. If no tethered animals, we would have responsibility to change the law and educate the people. Do we want something solid or do we want more teeth in certain circumstances? Now it is completely subjective. She suggested adding more specifics to it so an Animal Control officer could make a determination as to whether it is dangerous from a public health point of view or humane treatment. A blanket no tethering is going to be a hard sell. We may do better in reducing animal cruelty if we take in smaller steps and be specific.

PUBLIC COMMENT

KEN SONDEJ has had 2 calls of dogs out in the heat chained in a yard in the last 6 months. Existing law can be amended to put some teeth in it.

MYRA GLASSMAN is inclined to be in favor of the change. In the existing law, phrasing is vague. Her concern right now is that under state law it is legal to tether an animal in bed of pickup truck. But if this change goes into effect, it would be illegal to tether an animal in the bed of pickup truck and we would be contradicting state law.

JUDITH RUIZ receives several calls a week about animals being tied on short chains. Awful lot of dogs spend their entire life on a short chain with a 5 ft. radius. It is cruel. If you embrace the rationale that it is enforcement, then we should not have laws on book forbidding murder, rape, etc. because they are not totally enforceable. Need to have stronger laws for animals. Doesn't buy that it is unenforceable. Any animal behaviorist will tell you tethering an animal causes aggression. Sometimes death is better than the lives some of these animals live.

SONNIA PIERC believes it is unfortunate that Animal Control has to work with limited resources. Laws are meant to be progressive restraints. Cannot control every person but acts as a deterrent to others. That would be her point as to whether law is enforceable. Given the circumstances of a situation, she will go to a person and talk to them. Try to have a conversation in a non-hostile way. Saying this is against the law can act as a deterrent. Unless law is enforceable and used as a deterrent what is the point. People are just spinning their wheels.

KEN SONDEJ as far as tethering in the back of pick up truck – other counties wouldn't stand for that. Teeth have to be very specific to amend present law. Cruelty is not chaining dog outside. It is leaving it out there on short restraint.

JOE BOTEILHO - We can do it. Decide now what laws you want to chop off in priority - quality of life laws – no more barking dogs, no dead animals in roadway. What do you want to chop off that we don't have to get to. Vicious, attacking humans, injured, comes down on priority list – where does this fit in? Right now it is cruelty and it is very high – if animal is tangled, doesn't have water and shelter, it is a very high priority but not as a dog tied in his backyard with food and water, happy with his owner. If we had unlimited resources, it would not be a big deal. Will the community accept it? Restraint in other areas would also have to be redone.

KARIN HOFF - There are many sections in cruelty. This is one line – whether it be water, shelter, crating. There are very specific things to be looking for. Can you prove it in a court of law? Can you show if the animal was injured or was suffering? Animals cannot testify.

DARRELL HAMPTON has his dog on a leash tied out quite a bit and he has no problems. It is all in how you address the animal. All in how they are tied out, if tied out with appropriate length. Adequate room is something else. If the ordinance is completely against it, it will create a lot of problems for Animal Control and people who are trying to restrain animals as best as they can. His dog is tied out

right now with plenty of water and shade. Older neighborhoods and some newer ones you have to put in your own gates and fences. It will create more bites, more RAL, more hits in the streets. He personally has done bites on dogs that have bit through a fence. Outlawing tethering will not keep that from happening. After about a month of law enforcement, word of mouth will get it out and we will be inundated with calls just for being tied in back yard.

SUSAN KRISKO – There are animal behaviorists who say it is cruel to do that 24 hours a day. Now it is only illegal if causes cruelty or torture to animal.

DEBRA MARCH takes her dog for walk and has water, things for dog - stops at coffee shop and he is unattended for 5 minutes while she is in the shop buying coffee. Does this preclude her from having this social event with this animal?

KARIN HOFF – we need clarity in the law so information getting to DA is sufficient for conviction. What is unattended? With the change, tethering would not be legal.

TOM POOLER has been in this business long time. You have to have compassion. We have economically depressed areas in town and thousands of rental properties. They can't have a fence or cannot afford one. It will spread once people find out. Shelters will be overburdened because people won't take them into the house. It will knock down the number of adoptions because they won't be able to keep them. Likes idea of tweaking it. Lots of things we see are iffy – not always clear cut. We have to go by circumstances and for every real horror story you hear, there are ten we don't hear about but also 1,000 when they are fine. Lots of people go to work and leave their dogs out - they tether to tires or logs or cinder blocks intended to keep them from jumping over fences. To get around having a special permit, people chain them to stop them from jumping over fence. Lots of laws we think at time they are written will be good at prosecution, you find a loophole or a hotshot lawyer shoots it down. This one will have a great impact and should be taken into consideration.

SONNIA PIERC respects people in field doing this work and what they are saying – any reform we have to look out for well being of animal. Animal cannot speak for itself. Somebody has to speak for them. To some extent you are talking people's right to decide away but the only way reform happens if for someone to make those choices for the benefit of those who cannot speak for themselves.

KARIN HOFF believes tweaking would not be a bad idea if it can reduce cruelty, improves enforcement, prosecution and conviction. In context of low probability of expanding resources for Animal Control, we need to look at best regulations and enforcement. Animal Control officers make a lot of judgment calls but there needs to be meat in whatever is done doing so when it gets to prosecutor there is enough to assess penalty or take corrective action.

SUSAN KRISKO- we will not be able to write out every single situation and Animal Control cannot go back to enforce to see how long animal has been tethered.

TOM POOLER – I come to your house. Your dog has a doghouse, shelter, water and a long enough lease. No problems. You are not home. I take the dog. I would have to sit there 24/7 to watch that and then I can say he left the dog untethered for whatever. Currently with the other situation I would go and see the situation was alright and not do anything but with the new ordinance I would have to take

the animal.

DR. HENDERSON - if we are not going to go with this and say tethering is okay what is acceptable tethering.

KEN SONDEJ – 24/7 sometimes cruel sometimes not – gets a call, animal seems fit no problems. If animal looks sick something would have to be done.

JOE BOTEILHO probably hasn't written more than a handful in the totality of cases. There are usually other mitigating cases. Can I prove torture, probably not. The real case is how many have we had and how many times is there another factor. They are usually prosecuted on lack of medical care. He was asked to look into complaints to see how they relate to citations. That is a big task and staff wouldn't be able to get to it until January or February and suggests we look at how many cruel tethering we did. If this is what we want to do, we need to do it clean. We need to tell people, have the press. It will be a tough call for us from a manpower issue. Maybe it should be fix cruelty at this time – how long – 20 ft, 30 ft, put parameters on it. Even if we look at the number of complaints and number of complaints for cruel tethering, that will probably not give us enough to talk about.

JUDITH believes lot of barking because dog is tethered. TOM POOLER - happens whether tethered or not.

SONNIA asked if it's the first time, is it just a warning. If cruelty, is the dog immediately taken?

TOM POOLER - If necessary, the dog is taken. He would like to see a law regarding tethering mean or aggressive dogs. When we go on cases where a dog is chained to a truck to guard tools, these animals are dangerous to anyone who comes around - same situation in an apartment complex with no fences. People who live there have to go into backyard to get by the dog. He would like it changed for aggressive dogs on a chain in an open area to be taken.

DR. HENDERSON agrees. An aggressive dog should not be out without some protection for public - a change for an unattended dog that shows aggression in a public place.

KARIN HOFF would like publicly accessible place defined. Believes it should be taken in parts and see what will help the people in the field to be able to act on situations that are dangerous to the public or inhumane to animals. If we are going to do something that will affect their animals, we need to tell them. If we can couch this in terms of public protection, it will have an easier time getting through the BCC and build in to humane tethering couched in public protection. Joe hit on the first step – looking at what the complaints are and the results. We need to know all those things if a proper case is going to be put before the BCC to change something. What portion of complaints relate to tethering? What was the cite written for? If it was written, what was the outcome?

DR. HENDERSON is concerned about public protection and cruelty. What sort of tethering is acceptable or is any tethering acceptable and then, enforceability for Animal Control.

MYRA GLASSMAN believes the issue is outdoor dogs and whether that is an appropriate way to

have a pet. Something needs to be looked at. Many of the shelters discourage adoption if the animal is not being kept indoors. We have an educational job to do.

KARIN HOFF pointed out that there are cultural differences and we have to make sure ordinance makes better for community as a whole. We have to do what is possible and what will make things better.

DEBRA MARCH suggested committees made up of individuals such as Susan Krisko, someone from Animal Control and a humane group – a working group who would then come back with a recommendation. SUSAN will be happy to head up the group. We need to address public protection and is any tethering acceptable? Definition of acceptable tethering and addressing aggressive dogs in publicly accessible places. Myra Glassman, Susan Krisko, Tom Pooler and Sonnia Pierc make up the group.

5. Information-sharing by Committee Members

Sam Rivkin succumbed to stomach cancer September 15, 2003.

6. Comments by the General Public

KEN SONDEJ – problem in CA – only tie GO Natural dog food – batch 1631 G or F. Dogs are dying. Dogs from Dewey were dying. DR. HENDERSON - Participated in a private chat page e-mail to bring info together Dr. Freer spoke with a bunch of VCA vets – were all involved in it - lost 8 to 15 dogs and then it just stopped - happened to him a couple times – wound up being street virus – necropsy done .

JUDITH proposed a spot be placed on bills from the assessor be available for people to make a voluntary contribution for spay/neuter. Has spoken with Mary Kincaid-Chauncey and Rory Reid and received a response from Thom Reilly stating it was not expressly permitted for tax payers to be solicited for a fund.

TOM POOLER– The license plate for spay and neuter, everything was approved except someone sitting on the picture. Is there any info? JUDITH spoke to Martha Barnes at DMV and they are working on it.

SONNIA – Is anyone working to get more funding for Animal Control? As far as the license plate, the state is at fault for accepting one individual to sign off on it. What they are doing as far as resources for Animal Control? Is there anything we can do to help that

KARIN - Ever year they have asked for more staff . It is a BCC decision. They are the ones making those decisions and we have been told, the BCC have more important things to do with our money than dogs. If lots of people show up and make a compelling case for public protection in order to get improvement in budget situation for animal control, that could change.

7. Set date, time and agenda of next meeting

The next meeting was scheduled for December 8, 2003, at 6:30 p.m. in the Administration Conference Room at Sunset Park.

8. Adjournment

The meeting was adjourned at 8:12 p.m.