

CLARK COUNTY ANIMAL ADVISORY COMMITTEE

MINUTES

**Parks & Community Services Administration Building
2601 East Sunset Road, Administration Conference Room
Las Vegas, Nevada 89120
October 19, 2004
6:30 p.m.**

MEMBERS PRESENT: HENDERSON, DAVID
HOFF, KARIN
HORN, KENNETH
KRISKO, SUSAN
ROGERS, TODD

1. Call to order

The meeting was called to order at 6:34 p.m.

2. Approval of agenda

A motion to approve the agenda was made and seconded.

3. Approval of September 21, 2004 Minutes

A motion to approve the minutes was made and seconded.

4. Proposed Unsterilized Animal Permit Ordinance

SUSAN KRISKO did not make the changes. A process for the hearing officer was put together and needs to be inserted. Take out the portion that says any appeal goes to the Animal Advisory Committee. It is set up in NRS to go through the court system. KARIN HOFF – schedule of fee requirements - Section 6 – unsterilized impounds, \$200 civil liability; second offense, \$350 and third and any additional offenses, \$500. Is there a provision where an Animal Control Officer goes to a house and finds an unsterilized animal? SUSAN KRISKO - only effect is if animal running at large. For civil penalties you could still cite for having an unsterilized animal without fancier but it would be criminal not civil. JOE BOTEILHO - The reasoning behind this was to try to reduce to ordinance put on the books without needing a full time employee (FTE). When you need FTE, it becomes more difficult. Criminal if go to house but if running at large civil penalty. KARIN – how do you respond to complaint? JOE BOTEILHO - Hopefully it would be in conjunction with something else. When we designed this it was put out if you don't see or hear, it is not a problem. We will not worry about, as it is not contributing to over population. If you go over there and they can't prove, you take action. If complaint for barking dog, you are there on a complaint and take a look. For us to initiate calls w/o any other complaint would be a great burden. We want to target those creating the problem. If you end up at a home on a complaint, you will look at everything. When referring to people causing problem (DR. HENDERSON), they are not always the people whose dogs are running at large. It is those people who are breeding and breeding ending up at shelter. This is to be leverage to make people sterilize animals, make them jump through hoops; force them to sterilize not just RAL. Criminal portion is telling them ordinance is there and will be enforced. JOE BOTEILHO – you are looking at one aspect. This ordinance was designed so that when someone is breeding those are the ones targeted. They have to have a fancier's permit and all provisions in place, have to show and have to provide fancier permit number and if in violation, it is one more enforcement facet to

deal with. Will we be able to absorb it? If you never see grandma's Chihuahua and it is not breeding, do you want to target? DR. HENDERSON - How about someone going through economically depressed areas and litters of kittens and puppies turning into Animal Control? Could be another avenue of enforcement. JOE BOTEILHO – would not turn a blind eye. How much enforcement do you want and how much are you going to get. County asking us what can we cut off bottom. We are adding laws and not getting any more people. Fantastic laws but they need to be serviced. They make work and this is probably as low impact and as far as we can do. The requirements are intensive due to pet store requirements. Fancier permit inspection process and complaint on selling or ads in paper without number is an additional enforcement burden. There are 150 to 200 ads every weekend. If 60 percent are in Clark County, there's your answer. DR. HENDERSON- you will get people other than county employees checking ads and would like to see this used as an incentive to get their animals sterilized. Point is to promote and advertise if you are not a legitimate breeder... county will enforce. Will you be able to make it valley wide, can you make something other cities will put on books as a minimum? SUSAN KRISKO – Since civil penalties apply only to this one section, we broadened it out with an attempt to include civil penalties in other areas. Anything we say is a civil liability. Page 5, Section 8, take out b. Section 9, Title 10, take out subsection c. That is where your Hearing Officer process goes in.

KARIN HOFF – hearing officer process and anything bolded was left for Animal Control to put it. Not a big deal for us to approve tonight without it in. Also, to deem what money is used for. JOE BOTEILHO – We will use it for just about anything. In 7, please make reference. Already being used by health district. KARIN HOFF – is hearing officer an additional staff person? SUSAN KRISKO – can't be a county, state, or Animal Control employee. It must be an independent contractor, not necessarily paid a salary. We could make it volunteer. That was one of the concerns about having one who is flaky and not show up. We can have 4, 5 or 6 and rotate. JOE BOTEILHO – we use a hearing officer for nuisance abatement hearings and you have to provide specific training for that person and that should be one of the only costs. KARIN HOFF asked about provision for a fee for having an unaltered animal rather than requiring all owners to have a pet fancier's pet. Is there a precedent for doing without it? JOE BOTEILHO – may be one in San Mateo requiring sterilization of all pets but not sure if overturned. DA would have to research and give final opinion. KARIN HOFF looked around and she has not seen this anywhere. JOE BOTEILHO – are you proposing that in lieu of pet fancier, person could pay an annual fee of \$100 without having to show it as a way out for some people who don't want to sterilize but don't meet any requirements and choose not to do it. SUSAN KRISKO – pit bull breeders can get \$200 a puppy, \$100 not a problem. DR. HENDERSON - make it \$500. KARIN HOFF does not see compelling people to have animals altered. SUSAN KRISKO – compare to rabies. We have the right to do that.

KEN SONDEJ – NE states have mandatory spay/neuter and have had for years. NE states quite different and KARIN HOFF is looking for a stepwise progression. Looking for an out.

MIKE CONNELL – you have a good bill now and are trying to throw things into it. Why can't you stick with what you have and then amend down the road? Unsterilized animals w/o fancier can be so much per year. Legality will shoot down and will have to start all over. DR. HENDERSON - if we don't have an out, the commissioners may throw it out. Almost mandating they do something w/o another way out, will not agree. We are worried they won't find it palatable. MIKE thinks it is more appealing than throwing big charges at the community. TODD ROGERS - \$500 too much and will generate hostility.

ERIC STEPHENS - question on civil liabilities. First offense in one year – in 6 b says 5 years. DAVE MARCH – it will actually come out. Designed for civil penalties for larger code. ERIC - On August 9 Maine introduced s/n program for low-income pet owners. Can it be considered so

if people can't afford, they can get assistance. SUSAN KRISKO - Animal Control has a voucher program. Every January they give away free sterilizations and Heaven Can Wait gives away free sterilizations and is giving away 100 free sterilizations for pit bulls and has given out less than 10. Been on TV 66 times promoting. We are working on it.

MYRA GLASSMAN would like to refer back to earlier discussion about selective enforcement and prioritizing and relate to Karen's comment. She is concerned when she hears things like that. We live in a lawless valley where everyone knows enforcement is spotty and prioritized and we can put out word it will be enforced and no one will believe. Suggestion about fee for people who want to keep unaltered animal will not work. We got rid of licensing cause compliance was less than 10 percent. It cost the county more to enforce than what they collected. You will run into same thing here. People in Las Vegas do not respond unless someone holds gun to their head. KARIN HOFF concerned that it be fair. JOE BOTEILHO suggesting majority of enforcement coming from RAL, then you have a menu of options. You can be fancier, etc. MYRA - Hears we don't have manpower. No enforcement in Vegas. Population knows that. When driving down street people run red lights, improper lane changes and turns and odds are they will not get caught and same problem here. Started out with a good ordinance. Thinks suggestion is good but concern we are continuing to enact ordinances that will not be enforced.

KARIN HOFF - original premise - Harold knocks on door, you have to have animal altered, or be fined or get pet fancier. No legal way unless you join a club. KEN HORN – unaltered dog discovered when running loose. If unaltered and walked, not going to get complaint. If responsible they will not be involved. If they breed, then there's a problem and that's when you get them. People moving here from Montana, Idaho and Utah and let animals go to neighbor. They will get fined. Neuter, chip or pay fine and put in database and next time fine is larger. Will probably end up getting rid of it. Not going to alter my dog, they will not come looking for me. Most do it because they want to – a lot w/o pet fancier are not even aware of laws.

JUDITH RUIZ can give precedents in other cities, states, Austria and Turkey. Los Angeles deemed illegal to breed any animal. Violators are charged up to \$500 unless have a breeding permit. Pacific Row, CA, you need a permit. San Mateo - over 6 months unless holding an unaltered license. Aurora, Colorado - differential fees for breeding animals. Denver - breeding illegal in any county. S/n mandatory for all animals over 6 months. Lake County differential for animals running loose. Rock Island, IL mandatory for all unless guardian pays for unaltered license. Bloomington, Indiana requirements for breeders and are limited to one litter each year. Fort Wayne has a licensing differential for unaltered; minor and major permit each year. Hamilton County Indiana, s/n mandatory by 9 months old - \$50 breeder permit. Baltimore, MD - differential license. St. Louis Missouri stray s/n at owner's expense and microchipped. New Mexico, differential licensing. NJ very strict laws over 6 months must be s/n except extreme medical condition. VA, Richmond, s/n \$100 for breeders permit otherwise mandatory, King County WA over 6 months must be altered, Tacoma WA, precedent has been set.

KARIN – differential fees are common and there is potential for having unaltered animal by paying a fee. Victorville bumped up fee, high commercial breeder fees so there is a way to legally have it. We are saying you can't unless you belong to a club. KEN HORN - how do you find them? KARIN HOFF - the way you find anything. TODD ROGERS – make fee less than the fine.

DIANE ORGILL – at last meeting, pet fanciers does not require showing if sterilized, dog and cat require engagement in showing or field trial. If you have an unaltered animal, you have a potential breeder. SUSAN KRISKO – that is where we started. Goes back to issue of do you want to sit back and wait until someone else does it. No reason Clark County can't be in the forefront. TODD ROGERS – simplify as much as possible. DR. HENDERSON - we need to

get message out for everyone and make them aware of what law is. We will still have a lot of people who don't. Every weekend see pit pups for sale but if not out running at large, nothing will happen. SUSAN KRISKO - enforcement comes for people who sell or offer for sale without permit. DIANE – so if I call Joe, will you go out and check it. JOE BOTEILHO - Yes, we are trying to encompass everyone and how do you do that. You get into an enforcement area. We are trying to do this on the cheap and it will be tough to do enforcements. How many will you have breeding? What will happen is person will go over and investigate; they will cite or bring into compliance. We will have to inspect for breeder's permit and meet professional animal standards and have animal chipped to be in compliance. Will be a major feat they will have to absorb. We are trying to target people as a start who are breeding animals. Calls will come from person who bought that pit bull and it died. There is a pet lemon law, have to give another one, exchange or refund and that is how we will find out. That is really what we are looking at. We are not going to be able to make it all encompassing. KARIN HOFF - my intent is to not touch the breeding parts of the ordinance so ability to go after pit bull puppy sign is the same but when Harold goes out the door he has legal options to offer. SUSAN KRISKO - when he is knocking at the doors, it is that dog that is breeding and you are still giving an out and those are the people who are causing the problem. There are people who keep control. If you do that and give out to person, that gives them an out to keep doing it. They will not get animal sterilized if they are willing to pay \$100 and no way to get them cause they are not selling just trying to survive in the back of house. KARIN HOFF thinks it is too stark and they will ask about right away. People coming out and saying I don't want to have animal sterilized.

JUDITH RUIZ - we are either going to continue to put down more than 25,000 or we are going to get laws on the book and if they don't understand maybe they need to be educated. If they are not happy, we have to fight for this. Giving them an out is not an acceptable argument or position. DR. HENDERSON - is there any way to say as an option – making the \$200 civil penalty for unaltered license. Are they still in violation if they pay the penalty? Do they have to come into compliance? KARIN HOFF - that is my problem. There has to be an option. She is not suggesting we put it in but wonders if we can tolerate an amendment if a commissioner insists on it.

DIANNE ORGIL - instead of penalty when it goes into shelter if unsterilized, you must purchase this permit to get it back. An unaltered animal permit. SUSAN KRISKO that is how we started originally. What is procedure when it goes to commission? Does it come back to us? That will be at their discretion (JOE BOTEILHO). TODD ROGERS in support but we are creating a small loophole. He doesn't think those we are trying to target are going to use the loophole. Not going to allow people to take advantage there will be a few people who will pay this fee. Knock on door in a trailer park; most people will not say here is a \$100. With s/n free, small percent of population will choose that but on books it is legal.

MIKE CONNELL – bet 80 percent are in litigation due to constitutionality and being thrown out daily. Little old lady with Chihuahua will not be going to commission to complain. Ones complaining will be ones not abiding laws already and they are the ones already breaking law. We have 6000 coming in a month and 4000 leaving. Ignorance of laws runs rampart in valley. They will be rough to enforce even if you just enforce present laws. With manpower they have, it is almost impossible. If you try to keep adding, you will not get anything through. It is a start. If they kick it out, you start over. Mandatory spay/neuter is unconstitutional.

DR. HENDERSON - you are trying to make this less stringent and they probably would not be down there screaming. Thinks it is a question that will come up and thinks most people outside of this room don't look at having an unsterilized animal as a criminal activity. KEN HORN - when people pay a fee to keep unaltered animal and have dogs in heat and not running at large and are out at dog park and puppies are being conceived, what happens to those people. Who is

going to stand at the gate to check to see if dogs are altered before they go into the park? She would like ordinance to pass (KARIN HOFF) and sees a roadblock. You are compelling them to sterilize or engage in some activity

ERIC STEPHENS doesn't understand why you have problem with compelling people to do something. Compelled to have drivers license and insurance - all kinds of laws for the benefit of the community. This is ordinance for benefit of community. KARIN HOFF - personal freedom vs. benefit of community. SUSAN KRISKO understands what you are trying to do. We have a limit of 3 dogs. If we are talking about personal freedom, we have ordinances that restrict personal freedom for animal stuff, the only out for a rabies shot is a cite, can't pay a fee. JOE BOTEILHO - as an option, what if you strike section 1 and go with other provisions. Targeting the areas, big step serious culture change, actually targeting sale, regulating sale and those producing puppies and kittens. Say we are not going out there hunting people up. Board will not have concern. Look at nature of pet licensing. Dispelled for more user-friendly system. Making big manpower issue. If take out (SUSAN KRISKO), then all you are doing is dealing with people who are breeding and selling. How often does that happen at a trailer? HAROLD- never? DR. HENDERSON – staff will tell county commission we will not head hunt. We will deal with those situations when animal is running at large and impounded. Obviously if they don't want to get sterilized, they need to be penalized. Can it get through as is by saying we will not head hunt? SUSAN KRISKO and DR. HENDERSON want to leave in and make it palatable by saying we are not headhunting. Will it be an issue? Have a law on books you will not enforce. JOE BOTEILHO - From policy standpoint we put enough into it and are making a statement and as a policy can be directed on implementation. Can Board say implementation will be such we are not going out looking for that? As easy as saying if you have fertile animal, you are in violation if animal out running loose. TODD ROGERS – let's vote. Don't think it is good to take out whole first section. Vote now – KARIN HOFF supports but wants a mechanism to support a compromise.

DIANE ORGIL – At the city council when we tried to change licensing fee for unaltered animals, we ended up with \$10 for altered and \$25 for unaltered. KARIN HOFF - we have no fees now.

MYRA GLASSMAN – This is a big problem with dogs and cats but wonders if it should be this specific as there seems to be a huge number of bunny rabbits people are rescuing and trying to place. It is getting to be a problem and just a matter of time. Rabbits should be sterilized also.

LINDA REESE - She feels most people who might have an altered animal who might have one or 2 are being responsible people. They will be responsible but those who are going to complain are the ones who want to breed. My dog accidentally got out and I paid a fee cause I know it wasn't right. That way everyone pays and is covered. Majority of the people out there are responsible and most people are getting s/n as far as responsible people having penalty should not be a problem.

KEN SONDEJ – It is very constitutional. If it gets bounced back, just insert as an amendment. If it is passed then put as an attachment to code already passed.

SUSAN KRISKO motion to vote as it is. Two ayes. Motion not approved.

KEN HORN has question about fee. If someone pays fee to keep unaltered dog, do we have to spell out control of dog. It just allows people to legally own an altered animal without belonging to a club.

TODD ROGERS – vote with amendment. JOE BOTEILHO - insert in section 1 after permit, an unsterilized animal permit, 10.08.135 require \$25 annual fee with microchip requirement. Say

we have less than 10 percent compliance, 28,000 inspections, that is pretty intense. Now we are licensing. KARIN HOFF - we are permitting activities. If we bring this before BCC, what does it have to do before it gets there? JOE BOTEILHO – It has to go to department, discuss with county management and then up to them. If county management didn't like it, would say no we will not bring to commissioners. JOE BOTEILHO - it would be at Thom's pleasure. He is the one who puts them before them. This goes up to the DA and then through the department for consideration and approval as an agenda item. If DA has a problem, they kick it back.

KEN doesn't think she is totally wrong. Try to get responsible pet owners to show up. DR HENDERSON - we don't want an out for bad seeds. We are compelled to follow hundreds of statutes for betterment of community and we are asking them to do things for betterment of community. They can pay penalty and sit in non-compliance. Animal Control will not go down and confiscate their dogs. We do not want to give breeders of pits an out. They have option of sterilizing. Have option of vet excuse; don't want to give target audience an out.

DR. HENDERSON motioned to vote on again. All in favor. Motion passed unanimous.

5. Update on Tethering Ordinance

SUSAN KRISKO – It was her mistake. The proposed ordinance says animals. We passed the ordinance to deal with dogs and she would like to clarify that it is dog and not animal. SUSAN KRISKO – motion to clarify tethering refers to dogs. All in favor.

6. Information-sharing by Committee Members

If DR. HENDERSON comes down with West Nile Virus, it is from these meetings.

7. Comments by the General Public

None.

8. Set date, time and agenda of next meeting

Complete for year. JOE BOTEILHO would like to do an ad seeking applications for the coming year. We make a recommendation but we need a sponsor, usually director, who goes to county manager and he is final signature and one who brings it before the Board. Committee was designed to be advisory in capacity. Advise commission (SUSAN KRISKO) but yet our things don't always get there. County Manager has that discretion.

Mike Connell, Ken Sondej, Myra Glassman, Ken Horn, Dr. Henderson, Todd Rogers, Karin Hoff, and Linda Reese requested applications.

9. Adjournment

The meeting was adjourned at 7:59 p.m.