



APPROVED: September 13, 2011

DANGEROUS DOG WORK GROUP
City Hall, Municipal Court Room
Monday, August 29, 2011

MINUTES

Members present: Mayor Sharon Konopa, Councilor Floyd Collins, Councilor Dick Olsen, Mark Azevedo (arrived at 5:40 p.m.), Max Frederick, Larry Holverson

Staff present: Casey Dorland, Police Lieutenant; Jim Delapoer, City Attorney; Diana Eilers, Administrative Assistant I; Gina Burrese, Administrative Assistant

Others present: None

Mayor Sharon Konopa called the meeting to order at 5:32 p.m.

APPROVAL OF MINUTES

August 16, 2011 and August 22, 2011

MOTION: Dick Olsen moved to approve the August 16 and 22 minutes as presented. Floyd Collins seconded the motion. Larry Holverson said that he had some questions about the minutes, but didn't have them with him. He said that he is unable to print them from his home computer and asked that the agenda packet be mailed to him. Konopa said that they could review the minutes at the next meeting.

Olsen said that he can read red print on white paper. He said that he cannot read red print on green paper.

Continued Review of AMC 6.18 Dangerous Dogs

Konopa asked if there are any comments on the latest revised ordinance. Delapoer said that he is concerned with the serious injury language. He said that it doesn't distinguish an injury based on the age of the victim. Casey Dorland said that he is concerned with a potentially dangerous dog being able to leave our jurisdiction. He said that once a potentially dangerous dog is moved, the other jurisdiction has no say over the dog and that jurisdiction would have to start the process all over again and would have to deal with the dangers associated with that animal. He said that Marion County's ordinance states that after a dog is deemed potentially dangerous, it is not allowed out of jurisdiction unless approved by a Hearings Officer. Holverson said that a potentially dangerous dog may need to go to a different jurisdiction to receive rehabilitation training. He said that he would expect the training facility to accept all responsibility for the animal. Dorland said the City has no way of tracking the animal once it leaves Albany. Holverson said that the language should be changed to state that the dog can only be transferred if it is for rehabilitation. Dorland said that he would like it written in that a potentially dangerous dog needs to stay in our jurisdiction. Delapoer said that we could add language that states that any other jurisdiction sending a dangerous dog to our community needs to first inform our police department.

Mark Azevedo arrived at 5:40 p.m.

Konopa said that she is concerned with another community being burdened with a dangerous or potentially dog and would like the language to incorporate that. Delapoer said that the owner's proposal has to be more than just moving a dog out of the jurisdiction. Collins said that he thinks this issue is already covered under 6.18.040 (4). Delapoer asked Dorland how many potentially dangerous dogs are in the City. Dorland said that his estimate is six or less. **No changes were made.**

Azevedo is concerned with 6.18.010 (12) – Quarantine. He said that the definition should state that the dog will be kept in a humane manner. Delapoer said that it would be easier to litigate as that terminology is subjective. He said that kind of language can be included in the recitals of the ordinance, but should not be included in the code. Holverson said that there

needs to be language to protect the animal, not just the community. Delapoer said adding this language will weaken the code. Dorland said that it was conveyed to him that Linn County Dog Control has been hurt by the negative publicity. He said that they consider themselves to be very humane and that the facts have been misconstrued. Olsen said that he likes to see ordinances that serve the public and not the staff. Konopa said that the language needs to be very clear and objective. Delapoer said that he doesn't want to accidentally make it easier for people to subvert the code. He said that he will work on suitable language for the ordinance and will bring it back to the next meeting.

Konopa asked if there are any other concerns. Holverson said that he still has concerns regarding the provocation language. He said that he wants provocation defined and included in 6.18.010, Definitions. He said that the Oregon Humane Society has 15 different points for provocations and this is what should be included in the definition. Collins said that if we try to define provocation, then we would also have to define abuse and neglect. Delapoer asked what including this language will accomplish. Collins said that it is the responsibility of the owner to prove whether the dog was provoked or not. Holverson asked if he could bring the Humane Society's language to the next meeting for the group to review. Dorland explained the procedure for determining provocation. He said that it would be a challenge if they are locked into a specific definition because there are so many variables that could occur. Olsen said that food provocation should be addressed. **This topic will be addressed again at the next meeting.**

Olsen said that he doesn't understand 6.18.020 (6). He said that it seems like a dog can be picked up for just looking dangerous. Dorland said that this authorizes a public safety official 24/7 to make an initial determination regarding a dog. He said that this is important because a Community Service Officer is not always available. Delapoer said that he would include the following language at the end of 6.18.020 (6) - proposed for classification as dangerous or potentially dangerous. Olsen asked who pays for the impound fees if the dog is found to be innocent. Delapoer said that the City does.

Holverson said that he doesn't understand why the text in 6.18.030 (1) has been removed. He said that if the police department is going to take control over someone's private property based on another person then we should have a statement from that person. Dorland said that the statements are now recorded to make sure that the witness is locked in to what they say. Konopa said that getting the signed affidavits would be more cumbersome for the police. Dorland said that what you will be doing is taking information that is coming from a police officer who took information from a witness/victim. He said that the affidavit process is an outdated process. Holverson said that if a person is going to make accusations, there should be something in writing. Delapoer said that by including this language it makes it more difficult for police to protect citizens. He said that the determination is based on an investigation that includes observations of animal control officers or other competent witnesses. **No changes were made.**

Olsen discussed 6.18.030 (2). He said that ten days is not enough time to receive notice in the mail and to be able to act on it. Delapoer said that the timeline could be lengthened. Dorland said that, in general, these letters are hand-delivered. Collins said that he is okay with changing it to 15 or 20 days. Collins said that the group needs to keep in mind that some will argue that this is too much time and it will be a longer process. Olsen said that doesn't understand why 6.18.030 (2) (c) is included. Delapoer said that it needs to be included because it is the date when the owner received the notice. 6.18.030 (2) will be changed from ten days to 15 days and 6.18.030 (2) (c) will remain unchanged.

Max Frederick left the meeting at 6:55 pm.

Olsen said that 6.18.030 should include language about a potentially dangerous dog being successfully rehabilitated. Delapoer said that he has concerns about a dog, which is deemed potentially dangerous, is sent off for rehabilitation. He said this will be a liability to the City. Delapoer said that if we want to include the option to reverse the classification, then there should be a fee as it will be a costly process for the City. Collins said that in the event that the owner sends the dog for rehabilitation, they can apply for removal of the classification of potentially dangerous. He said that the burden will be on the dog owner and will be presented to the Director. Delapoer said that he will work on this language and will bring it back to the next meeting.

Olsen said that 6.18.060, Penalty, is severe. Azevedo asked if the owner could take the dog to a vet under this language. He said that it would be difficult to rehabilitate a dog if it can't be socialized. Delapoer said that he will add "a behavior that represents a risk to the public", to the current language.

Olsen said that he likes the strike-out text in 6.18.070 (1) better than violation. Delapoer said that the term infraction is no longer used. **The language will remain the same.**

Olsen said that he is concerned with 6.18.070 (2). He said that it may be difficult for some to pay the full bill in ten days. Delapoer said that the date can be taken off. Dorland said that the fee goes to Linn County, not to the City. He said that if the dog is held for ten days and the judge says that the owner can get the dog; the owner goes and gets the dog and pays the fee. Delapoer said that if the dog has been classified as dangerous it is going to be euthanized if there is not an alternate order. He said if the dog is classified as potentially dangerous, the owner needs to make arrangements to make payment. Delapoer said that he will take out the language that would force the dog to be euthanized.

Delapoer said that he would like to group to consider distinguishing an injury based on the age of the victim.

Konopa said that a clean copy of the code will be ready for the next meeting.

Konopa suggested posting the draft ordinance on the website for public written comments. She said that the group can then address the written comments and see if there are any other changes. She said that it would then go to City Council for review and approval. Collins said that he thinks it should go to the City Council first and then to the public for comments if the Council approves. Konopa said that she is concerned that we will receive the bulk of the comments when we have it in front of the Council. Azevedo suggested having this group meet with the Council at a work session. Konopa asked the group to think about it and they will make a decision at the next meeting.

Next meeting date: 5:30 p.m., Tuesday, September 13, Municipal Court Room.

Meeting adjourned at 7:30 p.m.

Respectfully submitted,



Diana Eilers
Administrative Assistant I