

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

September 17, 2015

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:05 p.m. in the City Council Conference Room on the 17th day of September, 2015, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmember Holman, Jungman, and Chairman Miller

ABSENT: Councilmember Williams

OTHERS STAFF PRESENT: Mayor Cindy Rosenthal  
Mr. John Bowman, Animal Welfare Supervisor  
Ms. Brenda Hall, City Clerk  
Mr. Keith Humphrey, Police Chief  
Mr. Steve Lewis, City Manager  
Mr. Jim Maisano, Deputy Police Chief  
Ms. Jeanne Snider, Assistant City Attorney  
Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

### DISCUSSION REGARDING POTENTIAL CHANGES TO THE ANIMAL WELFARE ORDINANCES.

Chairman Miller said the Animal Oversight Committee held several meetings to discuss amendments to Chapter 3 of the Code of Ordinances and the draft ordinance is ready for review by the City Council Oversight Committee.

Mr. Jim Maisano, Deputy Police Chief, said Staff met with four veterinarians on June 12, 2015, as well as five representatives from animal welfare groups on June 17th. On June 22nd the first Animal Welfare Oversight Committee (AWOC) was held and 40 citizens were in attendance for public input on the ordinance changes. On July 1st, Staff met with an AWOC member and an attorney representing local animal groups who provided a packet of recommendations and changes. Nine citizens attended the AWOC meeting on August 3rd and five citizens attended the AWOC meeting on August 24th where the Animal Oversight Committee unanimously approved support of the amendments. He said 75% of the proposed amendments were based on recommendations from veterinarians, animal welfare groups, citizens, and most notably the Humane Society of the United States (HSUS); American Society for the Prevention of Cruelty to Animals (ASPCA); University of California Davis Veterinary Medicine - University of California Veterinary Program; University Of California - National Medicine Program; Association of Shelter Veterinarians (ASV); American Veterinarian Medial Association (AVMA); North Carolina's ordinance on dangerous animals; and Fremont, California, Animal Welfare Center.

Deputy Chief Maisano said the last major review of Chapter 3 occurred in 2009 and, at that time, the changes focused on clarifying definitions and outdated language, updating the number of dogs and cats allowed at a residence, and establishing guidelines for kennels and animal welfare groups in the community.

The current modifications to Chapter 3 are focused on the review and update of existing and needed definitions, existing language updates, update of pet license requirements (to coordinate with three year rabies vaccinations), and establishment of a working definition and ordinance for dangerous *animals* (not limited to dogs) within the community.

Item 1, continued:

Deputy Chief highlighted key changes to the ordinance as follows:

### **Definitions for Chapter 3**

Section 3-103: (modified) **Altered** – expands definition to allow for other medically approved procedures to make and animal incapable of reproduction in accordance with State law.

Section 3-104: (modified) **Animal Welfare Groups** – allows for approval of Animal Welfare Groups registering with the City and defines condition for approval or denial of registrations.

Section 3-105: (new) **Animal Welfare Center** – provides definition of the Animal Welfare Center.

Section 3-107: (modified) **At Large** – removes chains, cords, and ropes as approved items to restrain an animal (item must be designed to restrain the animal).

Section 3-108: (new) **Dangerous Animal** – any animal whose behavior, temperament, size or any combination thereof, when considered under the *totality* of the circumstances including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal(s) biting or attacking or attempting to attack a human or other animal. This definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in Section 15-605, upon the animal owner's premises. (totality = looking at the whole picture of circumstances before declaring an animal as dangerous).

Section 3-109: (modified) **Confined on the premises** – removes chains, cords, and ropes as approved methods of physically restraining an animal upon the premises (item must be designed to restrain the animal).

Section 3-111: (modified) **Foster Home** – works under the direction of an *approved* Animal Welfare Group (must be registered with the City of Norman, may provide housing for up to twelve (12) months, and section provides for a temporary extension of six (6) months for an animal with a documented medical condition that requires extended housing).

Section 3-112(3): (modified) **Kennel classifications** – rescue kennel may provide housing for up to twelve (12) months and allows for a six (6) month extension for an animal a documented medical condition requires extended housing.

Section 3-113: (modified and new) **Nuisance** – a nuisance is an animal that (1) damages the property of anyone other than its owner including, but not limited to, scratches or digs about any flower bed, garden, tilted soil, vines shrubbery, or small plans and in to doing injures them and (5) annoys or disturbs any person by loud and frequent barking, howling, yelping or causes noise in an excessive, continuous, or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises.

Section 3-115: (new) **Unprovoked** – an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting, or motivation.

Section 3-118: (new) **Exotic Wildlife and Native Wildlife** – references Section 3-505(5) Keeping of animals other than dogs and cats (exotic animals already prohibited but there was no definition of what exotic wildlife is).

Item 1, continued:

### **Definitions Deleted**

Shelter – definition deleted and replaced with Animal Welfare Center.

Vicious Animal – definition deleted and replaced with Dangerous Animal definition and section on how it is to be enforced.

### **Ordinance Language Modifications/Additions**

#### **Section 3-201: (modified) Authority of Animal Welfare Supervisor and Officers**

- (3) The Animal Welfare Supervisor or Animal Welfare Officer may upon complaint or on their own initiative inspect any structure or place licensed with a kennel license with at least one inspection being conducted annually at each licensed or registered location.

#### **Section 3-202: (modified) Duties of Animal Welfare Supervisor**

- (2) The Animal Welfare Supervisor, his officers, and other person designated by the City Manager, shall pick up all animals in violation of the provision of this chapter or any animal that is or will be without proper care because of injury, illness, incarceration or other excusable, involuntary absence of the person responsible for the care of such animal and shall impound them at the Animal Welfare Center.
- (3) The Animal Welfare Officer may within the City, search out and destroy with firearms or other methods any dangerous animal when causing an immediate threat to a human or another animal after a reasonable attempt is unable to be captured (removes “pack of dogs (3 or more) causing no harm” and “agricultural areas only”).
- (4) Requires fees be paid before impounded animals are released (allows the Supervisor to waive part or all the fees to allow an animal to be returned to its owner based on documentation, reasonable, and necessary needs).
- (6) Nothing in this section shall prevent the Animal Welfare Supervisor or his/her designee from seizing and/or forfeiting an impounded animal pursuant to any other provision of the City ordinance or state law.

**Section 3-203: (modified) Fees, charges, and deposits** – clears up language of fees charged and adds those on the administrative list filed in the City Clerk’s Office.

#### **Section 3-205: (modified) Sale and disposition of animals not retrieved by owners**

- (4) ...disposal may include but not limited to adoptions, euthanasia, or transfer to another animal welfare groups, an animal rescue group or other animal welfare facility. For domestic animals other than dogs and cats sales by auction may be utilized as outlined in state law. No live animals shall be released or sold to any facility for educational, scientific and/or medical research.
- (5) Outlines reasons adoptions could be refused.

Item 1, continued:

**Ordinance Language Modifications/Additions, continued:**

Section 3-206: (new) **Owner relinquishment** – provides guidelines for when an owner relinquishes ownership of an animal (animal shall be screened for placement into the adoption program, owner will complete a release of ownership form if animal is accepted, if space is not available, the owner will be referred to other Animal Welfare groups/rescues, and animals will not be accepted solely for the purpose of euthanasia so the owner must declare the animal a dangerous animal or medically untreatable due to disease and/or injury and the animal needs to be euthanized for humanitarian reason).

Section 3-207: (new) **Refusal to redeem impounded animal** – requires owner to redeem as soon as reasonably possible.

Section 3-208: (modified) **Quarantine of animals which injure humans** – requires quarantine of a bite animal in accordance with Health Department regulations and makes it lawful to refuse to quarantine a bite animal.

Section 3-209: (modified) **destruction or impoundment of animal suspected of rabid** - requires quarantine of rabid animal in accordance with Health Department regulations

Section 3-210: (modified) **Animals that die within ten days after injuring a person** – requires the owner to notify the Animal Welfare Supervisor within ten (10) days should any animal bite or inflict by other means and open wound on a human and cause exposure to saliva or other potentially infectious tissue and thereafter die for any reason.

Section 3-211: (modified and new) **Pet License Required** – license will be required, clarifies moving into City or changing ownership; allows for a one (1) or three (3) year license to correspond with new three (3) year rabies vaccinations.

Section 3-212: (new) **Exemptions** – provides exemptions to Chapter 3 if meet certain criteria.

Section 3-213: (new) **Term of license** – sets terms for pet licensing.

Section 3-214: (new) **License application** – sets criteria of information on license application.

Section 3-215: (new) **Rabies vaccination** – requires certificate of vaccination at time of application for pet license.

Section 3-216: (new) **Issuance of tags and certificates** – allows micro-chip for identification in lieu of metal tag.

Section 3-217: (new) **Owner must attach license** – requires owner to attach tags to collar.

Section 3-218: (new) **Tag or Certificate must be shown** – upon request, tag or license certificate must be shown.

Section 3-219: (new) **Removal of registration tag prohibited** – only the owner or licensee shall have the authority to remove tag or other device used to identify the dog or cat owner.

Section 3-220: (new) **Lost and destroyed tags** – allows owners thirty (30) days to replace lost or destroyed tags.

Item 1, continued:

**Ordinance Language Modifications/Additions, continued:**

Section 3-221: (new) **Counterfeit and imitation tags** – prohibits persons from imitating or counterfeiting tags or other devices.

Section 3-222: (new) **Authority to euthanize** – provides codified authority to euthanize animals affected with any dangerous, painful, incurable, communicable disease, or incurably crippled or suffering after reasonable effort to notify the owner.

Section 3-223: (modified) **Penalties** – sets penalty costs for violations of Chapter 3.

Section 3-301: (modified) **Cruelty to Animals** (modified)

(g) it shall be unlawful to intentionally torment, harass, throw objects at, verbally or physically confront any animal, whether confined or unconfined in a manner to cause unjustified agitation or injury to the animal.

(h) No person shall cause an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health so as to cause injury to the animal.

(i) No person shall fail to provide or deprive any animal in their possession, care, or control reasonable medical or necessary veterinary care if the animal is sick, diseased, and/or injured.

Section 3-302: (new) **Transportation of animals in open areas of motor vehicles** - ...unlawful to transport an animal on any roadway or highway within the City ...in the open area where the animal could unintentionally fall, jump, or be thrown from the vehicle and be injured or killed (animal must be safely tethered or enclosed in a carrier of adequate size and properly ventilated).

Section 3-303: (modified) **Animals that are nuisances**

(1) No person shall own, keep, possess, or harbor any animal that is a nuisance unless the animal is confined on the premises of the owner as described in Section 3-109 or it off the premises of the owner the animal is at heel as described in Section 3-106 (upon conviction the animal may be ordered to be confined on the premises of the owner and upon three (3) convictions within a twelve (12) month period the animal will be ordered to be removed from the City or destroyed, owner's choice).

Section 3-402: (modified) **Confinement of dogs and cats** – removes the exemption for areas zoned agriculturally zoned areas, A1 and A2 (some parks and school areas in town still fall in this exemption).

Section 3-403: (modified) **Prohibition of dogs and cats in certain areas** – guide, signal, or service dogs charged to a service animal (includes rules from Oklahoma Administrative Code for prohibiting in places where food or drinks are dispensed commercially).

Section 3-405: (modified) **Number of dogs and/or cats allowed** – adds “or any combination thereof” to all sections, combines the limit for altered and unaltered animals (two dogs unaltered and 4 dogs maximum if all are altered and three cats unaltered and six cats maximum if all are altered).

Section 3-406: (modified) **sale of dogs or cats** – clarified language and requires animal welfare groups doing off-site sales or adoptions events to be an approved registered group with the City.

Item 1, continued:

**Ordinance Language Modifications/Additions, continued:**

Section 3-501: (modified) **Keeping of animals other than dogs and cats** – removes limitation of only on land on which the owner resides (i.e., farmer leasing pasture land for cattle).

Section 3-601: (new) **Dangerous animals prohibited** – prohibited to possess a dangerous animal except in compliance with provisions in Chapter 3.

Section 602: (new) **Animals classified by other governmental entities** – unlawful to keep or allow animals to bite or attack.

Section 3-603: (new) **Animal bite** – owners must report all animal bites.

Section 3-604: (new) **Animal Welfare Supervisor or his/her designee are to investigate complaints and dangerous animal designation** – animal bites will be investigated by Animal Welfare.

Section 3-605: (new) **Confinement/Impoundment** – bite animals must be confined during investigation.

Section 3-606: (new) **Authority to seize a dangerous animal** – if incident meets criteria for classification of a dangerous animal a municipal citation will be issued.

Section 3-607: (new) **Hearing and adjudication** - conviction in Municipal Court will deem animal as a dangerous animal (defendant must appear before the judge within ten (10) days of citation, animal may remain in City limits or animal may be removed from City limits, or animal may be euthanized).

Section 3-608: (new) **Dangerous animal permit required** – an annual Dangerous Animal Permit will be required, animal will be confined indoors or in an enclosed pen (must be leashed and muzzled when outside kennel), a dangerous animal sign must be posted on the property, proof of vaccination and pet license required, a photo must be on file with Animal Welfare Center, micro-chipping required, a minimum \$100,000 liability insurance required, notification of change of status (loss, escape, death) required, and notification of ownership change required.

Section 3-609: (new) **Exemptions to classification** – animal is confined on property and attacked by other animal, person committing a willful trespass, tormenting, abusing, or assaulting the animal, and committing a crime.

Section 3-610: (new) **Exemption of certain facilities** – exceptions for veterinary hospitals, zoo, or other licensed facility where animal are adequately cared for with due regard for public health and safety.

Section 13-1205: (new) **Dangerous animal permit** – a dangerous animal permit will be required at an initial fee of \$100 with an annual renewal fee of \$50. Notification of property owners must be in compliance with Chapter 13-1202 - Notice Required and 13-1203 – Public Hearing of the Code of Ordinance, and an Animal Welfare Officer will be able to inspect a licensed location a minimum of once per year.

Item 1, continued:

## **Staff and Council Comments/Questions**

### Duties of Animal Welfare Supervisor

Deputy Chief Maisano said Animal Welfare Officers are Council on Law Enforcement Education and Training (CLEET) Certified and must attend annual in-service firearm training as well as annual firearm safety classes. He said citizens have raised concerns about Animal Welfare Officers shooting an animal in a public venue with people around. As an example of when a firearm would be used, Deputy Chief Maisano said four or five times a year a deer is struck by a vehicle and is gravely injured, but not killed so in this type of situation an Animal Welfare Officer can use a shotgun to euthanize the animal. He said Animal Welfare Officers will be well trained and take every safety precaution when firing their weapon. He said there has not been an issue where an animal was so aggressive it had to be shot, but if that scenario happens, Officer's will have the authority take that action.

Councilmember Miller asked what "or other method" might be used and Deputy Chief Maisano said a dart gun could be used to shoot the animal in the hindquarters and tranquilize it, shoot a dart in its rib cage to inject chemical into the animals lung, or capture the animal with a snare pole. Councilmember Miller asked if Animal Welfare Officer's currently have a dart gun and Deputy Chief Maisano said yes, all Officers have pneumatic, high-powered dart guns. In 2007, Staff began purchasing practice darts to train new Animal Welfare Officers in the proper use of the dart gun.

### Fees, Charges and Deposits

Mayor Rosenthal asked if the fees and charges that will be filed administratively in the City Clerk's Office are the same as the fees and charges listed in the existing ordinance and Deputy Chief Maisano said yes. He said if the fees and charges change, it is more practical to re-file an administrative cost list than to take an ordinance amendment to Council.

### Confinement of Dogs and Cats

Mayor Rosenthal said a lot of people walk their dogs at the University of Oklahoma (OU) Campus off-leash and she assumes Norman cannot enforce leash laws on OU Campus and Deputy Chief Maisano said that is correct. He said Staff has talked to representatives at OU and they have had some recent issues with people allowing their dogs to run at-large on Campus as well as North Base, but OU will continue to allow animals to run at-large.

Councilmember Holman asked if dogs are allowed off-leash if they are with their owner and Deputy Chief Maisano said technically, if an animal is off the owner's premises it is supposed to be "at heel" and "under the owner's control." He said Animal Welfare Officers will not be pulling out tape measures to check if animals are more than ten feet from the owner, which is the regulation for "at heel." He said "under the owner's control" is the main issue, but Animal Welfare Offices will only work complaints for at-large animals. Mr. Steve Lewis, City Manager, asked if "under control" is defined in the ordinance and Ms. Jeanne Snider, Assistant City Attorney, said it is not specifically defined, but "under control" and "at heel" would mean obedient to the owners command. Mr. Lewis said those words can be used interchangeably so a definition needs to be in the ordinance and Deputy Chief Maisano said he would add that definition.

Item 1, continued:

### **Staff and Council Comments/Questions**

#### Dangerous Animals

Ms. Brenda Hall, City Clerk, said Section 3-1205 references Sections 13-1202 and 13-1203 of the City Code, which is the current requirement for obtaining a Kennel License. She said that process includes notification of surrounding property owners and a License Review Board hearing so Section 13-1205 will be another license type included in that process.

Councilmember Miller asked how many dangerous animals have been declared in Norman and Deputy Chief Maisano said none because there has been no definition of a dangerous animal in the Code of Ordinances and the City has not had the ability to designate an animal as being a dangerous animal; however, there have been some cases where the animal could have been declared a dangerous animal. He said in those cases, the owner removed the animal from the City or had the animal euthanized.

Councilmember Jungman asked who would have the authority to declare an animal as dangerous and Deputy Chief Maisano said the Animal Welfare Officer who investigates the bite would be the one that reviews all the circumstances to make that determination. He said if the animal is designated as dangerous, the owner is issued a citation to appear before a judge and if the owner pleads guilty or no contest, the animal would be declared a dangerous animal or the owner could request a hearing to plead their case and it would be the judge's determination if the animal is declared dangerous. The hearing would have to be within ten (10) days of the occurrence and if the animal is deemed dangerous by a judge, the owner still has the ability to appeal to District Court.

Councilmember Jungman asked what would happen if a person is cited and failed to appear and Deputy Chief Maisano said a warrant would be issued for failure to appear. Councilmember Jungman asked if the animal would be declared dangerous by default and Ms. Snider said if they do not appear the animal can be deemed abandoned and the City could dispose of the animal under Section 3-205, but the defendant would still have a failure to appear as well as the original charge of a dangerous dog.

#### Exotic Animals

Councilmember Miller questioned the wording in Section 3-118(1)(c) that states, "A wolf, coyote, jackal, hyena, or any other canines (family Canidae), except the domestic dog (species Canis familiaris) or the fox." She asked why the fox is exempted and Mr. John Bowman, Animal Welfare Supervisor, said there is fox indigenous to Oklahoma that may be exempted, but he would need to read that reference material again.

#### Public Education

Councilmember Miller said it looks as though every effort has been made to ensure dealing with animals will be as humane as possible and she appreciates that. She said people who live on the east side of Norman drive around all the time with unsecured dogs in the back of their trucks so it will be important to educate people and get the word out about the changes being made. Deputy Chief Maisano agreed and said agriculturally zoned areas will no longer be exempt as well so people need to understand that. He said changes will be advertised in as many ways as possible for educational purposes before citations are issued.

Item 1, continued:

Public Comments

Mr. Casey Holcomb said he appreciates all the work that has gone into the ordinance, but he has concerns about the permissive language that allows Animal Welfare Officers to destroy animals. He thinks the language would be better if it were changed to prohibitory language saying no animal will be destroyed unless certain criteria is met. Another issue is deeming animals as dangerous, aggressive, or vicious. He said Animal Welfare Officers do not currently receive training on best practices for identifying animals as vicious, aggressive, or dangerous so it would be an important requirement to ensure Animal Welfare Officers making that decision receive a high level training in accordance with American Society for Prevention of Cruelty to Animals (ASPCA) guidelines. Deputy Chief Maisano said employees are currently being trained in a program regarding animal behavior evaluations. Mr. Holcomb said he is concerned there is no training specified in the ordinance language.

Mr. Holcomb said the ASPCA recommends a Court require the person that owns a dangerous dog to have it analyzed by a certified animal behaviorist or veterinary behaviorist so the City could require anyone owning a dangerous animal to have it analyzed by a certified behaviorist.

Ms. Amy Bradshaw said the Animal Oversight Committee has been very responsive to the public on the ordinance amendments. She is still concerned about Section 3-206 – Owner Relinquishment if the animal is not accepted by the Animal Welfare Center. She said people relinquishing their animals are generally in a desperate situation and do not know what to do if that occurs. If the Animal Welfare Center is full and families cannot relinquish animals to the facility then they have to find another way to get rid of the animal and it is easy to say, “just send them to a rescue group,” but many of the reputable rescue groups can only take a limited number of animals. Many times rescue groups are full and the Animal Welfare Center is full, so people may lie and say the animal is a stray running around the neighborhood and an Animal Welfare Officer will be sent out to find the animal and take it in, which encourages the public to lie to the City. With no other choices, the people may abandon the animal in a neighborhood or rural area and in those cases, the animal may be injured and need medical attention or may need to be euthanized so that is just shifting the problem around.

Ms. Bradshaw said there are opportunities for the Animal Welfare Center to work with local rescue groups, foster groups, etc., to develop foster programs, develop shelter and rescue cooperative arrangements, etc. Many animal shelters in the metro area have arrangements with the local Animal Welfare Facility. Chairman Miller said there is a large effort in the City to collaborate with other organizations and she personally feels uncomfortable about taking the discretion away from the Staff at the Animal Welfare Center. She said the Staff needs to have the discretion on whether or not an animal can be taken in when the facility is full; however, there may need to be more of an effort in trying to find other placement for the animals. Deputy Chief Maisano said Animal Welfare Officers try to work with people when they want to relinquish their animal and if the facility is full, the Officers will call rescue groups to help find placement for the animal.

Ms. Mary Katherine Long said the Oklahoma City and Edmond’s Animal Welfare Facilities accept all animals no matter what. She hopes any responsible animal shelter would have the intent of accepting every animal that taxpayers bring in. She realizes that results in some really ugly math and is challenging the City to be more proactive in coordinating with rescue and foster groups. Her experience with people relinquishing animals is that they are in a desperate situation and have exhausted every other alternative so they will lie about an animal that could be potentially dangerous. She said if a person brings an animal in and requests it be euthanized then that is exactly what needs to happen and she is much more comfortable with that being done than turning the animal loose or chaining them in a yard. She appreciates that so many public comments were taken into consideration and Staff clearly listened during this process.

Item 1, continued:

Public Comments, continued:

Ms. Joy Hampton, The Norman Transcript, asked how the City plans to transition to the three (3) year pet licenses coinciding with rabies vaccinations and Deputy Chief Maisano said the transition will happen over a period of a year and the City will not issue citations until the pet licenses and vaccination are aligned. Councilmember Jungman said if the rabies vaccination occurs halfway through the pet licensing expiration date, people can obtain their three (3) year pet licenses a little early and that seems fair to him. Ms. Snider said the City will work with any gaps in pet licensing until the system is firmly in place and the Court system has policies in place for violations of pet licensing as well as vaccination requirements and will work with citizen on compliance.

Ms. Kate Schwartz, member of Animal Oversight Committee, said it is not fair to place undue burden on rescue and foster groups when the Animal Welfare Center has failed to form foster programs or encouraged a working volunteer program. She said without these programs in place the City is shirking its responsibility. All other metro cities have these programs and take in all voluntary surrenders, period. The City of Norman has positioned itself in direct contrast to the standards of care provided by other municipal shelters. In Oklahoma City, Edmond, and Midwest City, the policies are to accept any owners surrender for any reason, i.e., sick, aggressive, not able to afford care, moving, etc. If this is the standard in other metro shelters why does Norman think we should be any different? We all want to see good numbers in terms of adoptions over euthanasia; however, turning away desperate owners is not the way. Instead of helping the public that pays for this shelter, the City is turning them away because of its failure to run good programs and in doing so the City essentially invites people to dump their pets in the country, in other shelters, or even worse alternatives. She proposes the City lead the way and double-down to take in all animals for any reason, work smarter to enlist the help of the public, and commit to networking animals with rescue groups in the appropriate way rather than forcing their hand by creating a problem. The City must not shirk its basic duty even when the facility is full and if that means looking the owner in the eye and telling them that if the facility accepts their animal it may be euthanized then so be it. If the City worked with foster and rescue groups there would be empty cages and more lives would be saved. She requested the language in Section 3-206 be changed to accept all animals no matter what the reason.

Councilmember Jungman said the City cannot take in all the animals and if the City changed the language there would have to be exception clauses and he is not sure that gets us that far down the road. It would be helpful if the City Manager would agree that the City's practice would be to take any animal it can and not kill any animal that it does not have to. Those should be the City's practices and policy, not necessarily changing the Code.

Mr. Lewis said he and Deputy Chief Maisano have been working on finding middle ground for that language and thought that the City using its best efforts language would be a model approach and Staff will work on language to bring to Council that will get to that middle ground.

Chairman Miller asked if language changes should come back to this Committee or does the Committee feels comfortable enough for the draft ordinance to be presented to the whole Council. Committee members concurred the draft ordinance could move forward to the whole Council in a Conference or Study Session prior to being placed on a regular meeting agenda.

Item 1, continued:

Items submitted for the record

1. PowerPoint Presentation entitled “Animal Welfare Proposed Ordinance Amendments,” Oversight Committee – September 17, 2015
2. Legislatively notated copy of Ordinance O-1516-18

\*

Item 2, being:

MISCELLANEOUS DISCUSSION.

None

\*

The meeting adjourned at 6:30 p.m.