

Washoe County Animal Control Board

MINUTES

Tuesday ~ December 8, 2015~ 2:00 P.M.

WASHOE COUNTY REGIONAL ANIMAL SERVICES CENTER

CLASSROOM

2825 LONGLEY LANE, RENO, NEVADA

MEMBERS

Elaine Carrick, Chair
Richard Simmonds, Vice-chair
Trudy Brussard
Linda Church
Paul B. Davis
Kathryn Hass
Tim Stoffel

- 1. CALL TO ORDER/ROLL CALL AND INTRODUCTION OF NEW MEMBERS** [Non-action item]

Chair Carrick called the meeting to order at 2:00 p.m. A quorum was established.

PRESENT: Trudy Brussard, Elaine Carrick, Linda Church, Paul Davis, Kathryn Hass, Richard Simmonds and Tim Stoffel.

ABSENT: None.

Jen Gustafson – Deputy District Attorney, was also present.

Chair Carrick welcomed the new members to the board.

- 2. PUBLIC COMMENT** (Non-action item)

There were no public comments.

- 3. APPROVAL OF SEPTEMBER 8, 2015, MINUTES** [For possible action]

Hearing no public comment Chair Carrick asked for Board discussion or a motion.

It was moved by Member Davis, seconded by Member Simmonds, to approve the September 8, 2015, minutes, as submitted. The motion carried unanimously.

- 4. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve deny or otherwise modify a kennel permit to allow Erica Dunn and Kanin Prucksakorn to keep six (6) dogs at 8175 Blackfoot Way, Reno Nevada (unincorporated Washoe County.*

Chair Carrick commented that public comment is limited to three (3) minutes.

Robert A. Smith – Manager - Regional Animal Services, commented that the complaint had been withdrawn as the objector realized that the complaint pertained to the previous resident at this address. Therefore, staff is recommending that the kennel permit be approved.

Chair Carrick opened the public hearing.

Responding to Member Davis' inquiry about the reason for keeping six (6) dogs, Erica Dunn explained that the dogs are her life and career and part of her family. Ms. Dunn noted that all dogs other than the puppy are spayed/neutered.

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Chair Carrick closed the public hearing and asked for board discussion or a motion.

It was moved by Member Simmonds, seconded by Member Davis, to approve the kennel permit to allow Erica Dunn and Kanin Prucksakorn to keep six (6) dogs at 8175 Blackfoot Way, Reno Nevada (unincorporated Washoe County) on the basis that the factual findings required by Washoe County Code Chapter 55 can be made based on the evidence provided by Animal Control Officers, the applicant and other witnesses. The motion carried unanimously.

Chair Carrick read the appeal process.

- 5. KENNEL PERMIT REVOCATION HEARING** [For possible action] – *A review discussion and possible action to revoke a suspended kennel permit allowing Kathy Miyoshi, to keep ten (10) dogs at 5710 Jacobson Way, Sun Valley, Nevada (unincorporated Washoe County).*

Robert A. Smith - Manager, Regional Animal Services, outlined the request to revoke the kennel permit for Kathy Miyoshi. Mr. Smith outlined the history of the permit, which dates back to 2004. Mr. Smith drew attention to the inspections that often resulted in the identification of additional or new animals on the property that were not part of the kennel permit. Additionally, a notice of failure to renew was sent June 16, 2014 that resulted in the permit being voided and inactive. A subsequent renewal was issued following required neighbor notification with no objections being received. He also noted that the Washoe County District Attorney's Office had opined that a vacant position in a kennel permit cannot be filled without proper notification. Mr. Smith pointed out that the appellant had once again exceeded the number of animals allowed and that an incident occurred that resulted in the death of another animal due to one of Ms. Miyoshi's dog getting out. Given Ms. Miyoshi's continued failure to abide by the terms and conditions of the kennel permit, staff is seeking the revocation. Mr. Smith explained that the permit has been reapplied for several times without objection from surrounding neighbors.

Chair Carrick opened the public hearing.

Kathy Miyoshi read from a prepared statement and explained that the original permit required that she reduce through attrition. Ms. Miyoshi noted that her dogs are like children to her and some breeds can live up to 16 years. Ms. Miyoshi commented that only two (2) of the animals are not spayed/neutered as they are show dogs and that she participates in complete sled dog racing and that she is not yet ready to stop. Ms. Miyoshi recalled that one of her rescue dogs had been stolen from her property and was subsequently found and returned to her. Ms. Miyoshi explained that a small child had crawled out of a window in the child's home and had come to her house and opened her door thus allowing a dog to escape. Ms. Miyoshi noted that she rescues dogs and provides them with a forever home until they pass on, including one that she received from Lyon County after being told that the dog would be euthanized should she not accept it as a rescue. Ms. Miyoshi stated that she primarily uses Huskies in the sled racing and has raced in California, Idaho, Montana and South Dakota.

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Bill Bates commented that he does not believe it is fair to ask that Ms. Miyoshi's kennel permit be revoked as she keeps her property clean and is on top of caring for the dogs and returns any escaped animal to her property.

Ms. Miyoshi commented that the rescue from Lyon County (Nevada) was approximately 4 years old.

Mr. Smith stated that there had been no complaints from surrounding neighbors about the dogs.

Chair Carrick closed the public hearing.

During the discussion Mr. Smith explained that a renewal of an expired kennel permit changed the date the permit would need to be renewed. Additionally, Animal Services is unaware of any breeding activity only that the appellant tends to exceed the number of dogs allowed by the kennel permit. The next renewal date is January 16, 2016. Mr. Smith noted that if the board decides to revoke the existing permit, Ms. Miyoshi may reapply for a kennel permit, which would then be brought to the ACB for review and action. Mr. Smith explained that the original permit application was most likely issued in 2004 although the year of issuance was not included in the date stamp. However, a change in the form now includes month, day and year of the request. Mr. Smith explained that dogs are allowed to be out of the kennel, in a house or transported as necessary but must otherwise be kept in a secured area. Additionally, the ACB typically imposes a condition of approval requiring the reduction in the number of animals by attrition, as well as any other conditions deemed necessary at the time the approval is granted. Therefore, the ACB could impose a condition of approval that requires a double entry system to negate the potential escape of animals as part of their conditions of approval (e.g. storm or screen door or other gate).

Chair Carrick reopened public comment.

Ms. Miyoshi commented that she is diligent in filing paperwork. However, the continuing change in the renewal date makes it difficult to plan accordingly. Ms. Miyoshi explained that she had not been notified of a renewal one time and had to contact Animal Services to obtain the necessary forms. While Ms. Miyoshi understands the issues with short staffing at Animal Services it is her desire that the renewal dates not change thereby making it easier to plan.

Chair Carrick closed the public hearing.

Member Davis noted that he believes Ms. Miyoshi to be a compassionate person and that there are extenuating circumstances associated with the dog at large issue since a small child opened the door allowing the animal to escape. Therefore, Member Davis would consider allowing the permit to stand unless there is another instance that results in a dog being at large. At that time Member Davis believes the revocation should be immediate.

Responding to Member Hass' inquiry about the action required, Jen Gustafson – Deputy District Attorney, explained that the action is to approve or deny the request to revoke the kennel permit currently in place.

Mr. Smith explained that the kennel permit is intact until January 12, 2016 and that dogs used as part of a professional sport do not have a separate category that could be used instead of the kennel

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permit. The current kennel permit is currently in a state of suspension pending a decision by this body. However, should the ACB decide to revoke the kennel permit the appellant may submit a new kennel permit application that would then be brought to the ACB for approval at the March 8, 2016 meeting. The kennel permit would remain status quo until that public hearing is held.

Chair Carrick reopened the public hearing.

Bill Bates commented that he can assist Ms. Miyoshi in the installation of a storm door or other device to safeguard against dogs being able to escape.

Chair Carrick closed the public hearing.

Chair Carrick commented that she would be in favor of revoking the kennel permit and that while it is heartbreaking to see dogs in need of a home, she is not comfortable in allowing the kennel permit to remaining in place based on the testimony and information provided.

Member Davis pointed out that while the ACB typically follows the advice of Animal Services staff, this body is not “a rubber stamp” for animal services. Member Davis emphasized that he is a believer in reviewing each case individually noting that there are exceptions.

Member Simmonds commented that while he is conflicted on this case and concurs with Member Davis’ comments regarding compassion. Given that there are no complaints from the surrounding neighbors he is in favor of revoking this particular permit and allowing Ms. Miyoshi to submit a new kennel permit application that can be reviewed at the March 8, 2016, meeting. Member Simmonds suggested that a condition of approval could then possibly be added stating that any violation will result in immediate revocation of the permit.

Mr. Smith explained that the name change of the animals allowed in the kennel permit indicates that an animal has been replaced. Mr. Smith further explained that kennel permits are issued for a specific number of and specific animals named on the application. Any change to the animals listed or the number authorized requires a reauthorization of the kennel permit thus allowing neighbors an opportunity to comment on the change. Ms. Smith reiterated that the kennel permit was conditioned that the number of dogs was to be reduced through attrition and that new dogs could not be brought in to fill vacant positions.

Chair Carrick reopened public comment.

Ms. Miyoshi noted that she has had the kennel permit for more than ten (10) years and that she keeps animals until they die. Ms. Miyoshi noted that the older dogs that can no longer race and are replaced on the sled team by a young dog. Ms. Miyoshi noted that all of the dogs listed on the original application have passed away.

Chair Carrick closed the public hearing.

It was moved by Member Simmonds, seconded by Member Church, to revoke the kennel permit allowing Kathy Miyoshi, to keep ten (10) dogs at 5710 Jacobson Way, Sun Valley, Nevada (unincorporated Washoe County) as the factual Findings in Washoe County Code

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cannot be met based on evidence and testimony presented. The motion carried: Members Church, Simmonds, Stoffel and Chair Carrick assenting; and Members Brussard, Davis and Hass dissenting.

Chair Carrick read the appeal process.

6. UNCONTESTED KENNEL PERMIT APPLICATION APPROVALS [Non-action item] – *An informational update on the number of uncontested cattery/kennel permits issued by Animal Services.*

Robert A. Smith – Manager, Washoe County Regional Animal Services, commented that three (3) kennel permits have been approved with no objection; two are pending for the March 8, 2016, meeting and four (4) are in process.

7. WASHOE COUNTY ANIMAL CONTROL BOARD MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS [Non-action item] – *Limited to items not addressed elsewhere on the agenda. While the Washoe County Animal Control Board may not engage in discussion or take action on any item identified under this topic and items may be placed on a future agenda for discussion and possible action. The next regular meeting of the Washoe County Animal Control Board is scheduled for March 8, 2016.*

The March 8, 2016, meeting may include, but is not limited to: 1) Election of Officers: Chair and Vice-chair; 2) Presentation on the Nevada Open Meeting Law, Jen Gustafson – Deputy District Attorney; and 3) Update on modifications to regulations pertaining to Animal Services, Robert A. Smith – Manager, Washoe County Regional Animal Services.

8. PUBLIC COMMENT [Non-action item]

William Bates stated that he believes a kennel permit should be only for the number of dogs with an ability to replace dogs. Mr. Bates pointed out dog sled racing is similar to horse racing and that Ms. Miyoshi's dogs are not like being family pets or used for breeding.

9. ADJOURNMENT [Non-action item]

Chair Carrick adjourned the meeting at 2:58 p.m.

AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION ON MARCH 8, 2016.