

# Washoe County Animal Control Board

## Minutes

Tuesday ~ September 20, 2016~ 10:00 a.m.

WASHOE COUNTY REGIONAL ANIMAL SERVICES CENTER

CLASSROOM

2825 LONGLEY LANE, RENO, NEVADA

## MEMBERS

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

### 1. CALL TO ORDER/ROLL CALL [Non-action item]

Vice-chair Carrick called the meeting to order at 10:00 a.m. A quorum was established.

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

**ABSENT:** Richard Simmonds.

Nate Edwards – Deputy District Attorney,

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

There were no public comments.

Vice-chair Carrick noted that public comments would be limited to three minutes.

### 3. APPROVAL OF JUNE 14, 2016, MINUTES [For possible action]

Hearing no public comment Vice-chair Carrick asked for board discussion or a motion.

***It was moved by Member Davis, seconded by Member Stoffel, to approve the June 14, 2016, minutes, as submitted. The motion carried: Members Brussard, Church, Davis, Hass, Stoffel and Vice-chair Carrick assenting; Chair Simmonds absent.***

### 4. EXOTIC PERMIT APPEAL HEARING [For possible action] – *A review, discussion and possible action to approve, deny or otherwise modify an Exotic Animal permit to allow Joshua and Patricia Matheus to keep one (1) Canadian Lynx at 1281 Weizen Drive, Sparks, Nevada (City of Sparks).*

Robert A. Smith – Manager, Regional Animal Services, drew attention to a late received objection (copy on file) to the permit to keep a Canadian Lynx in Sparks. Mr. Smith noted the fencing shown in the drawing and documentation on what will occur should the appellant be unable to care for the animal due to an injury or other disability. Mr. Smith outlined the most recent objection and drew attention to three other letters of objection provided to the board earlier (copies on file). Mr. Smith noted that there has been discussion about prohibiting the keeping of this type of exotic animal within the congested areas of Washoe County. Typically a Canadian Lynx can weigh upward of 45 pounds. It is unclear whether the appellant already has the animal although a deposit has been made. Provisions in existing code require the provision of adequate shelter from heat and cold. Mr. Smith emphasized that permit holders are subject to inspections to assure compliance with the terms and conditions of Code and the permit. Mr. Smith commented that there is a Bobcat and Mountain Lion in

## *Washoe County Animal Control Board* – Minutes

September 20, 2016

Page 2 of 5

Washoe County and that there was once a Servile at the Animal Ark on Red Rock Road in Washoe County. The plot plan meets the current code requirements for the enclosure and sanitation requirement are also covered in code.

Vice-chair Carrick open the public hearing.

Joshua Matheus commented that the Canadian Lynx typically weighs not more than 25 pounds and generally tall and lanky similar to a Maine Coon Cat. Mr. Matheus noted that all the letters of objection focused on the possible escape and attack on children and pets. Mr. Matheus explained the code requirements are designed to prevent an escape and that there are provisions for shading of the animal. Additionally, this will be a “tame” rather than “wild” animal that while not domesticated will be part of his family. It is Mr. Matheus’ belief that the Canadian Lynx would not cause more damage than any other animal. Mr. Matheus explained that he and his wife have been researching the type of cat and had talked to veterinarian that will ultimately care for the animal. The intent is to harness the cat in such a way that it cannot readily escape when being taken for a walk. Mr. Matheus noted that cats, unlike most dogs, do not tend to run and that during cold conditions that animal will be brought in the house. Mr. Matheus noted that the breeder he is dealing with has been in business for 30 plus years and that he has no intent of breeding the animal which will be spayed/neutered and declawed. Mr. Matheus is looking into a training program on Canadian Lynx. The animal will be microchipped and a camera for the enclosure is being considered. Mr. Mathews noted that the HOA (Homeowners Association) has approved the request to keep the animal subject to the receipt of a permit from Washoe County. Mr. Matheus explained the process he would use to transport the animal in a cage secured to the vehicle for transport to an area for exercise. Mr. Matheus and his wife will work different shifts to assure that someone is home at all times

The meeting recessed at 10:22 a.m. and reconvened 10:29 a.m.

Carole DeLong expressed her appreciation for the process and outlined her continued concerns about having anything other than a domesticated animal. Ms. DeLong noted that there are a number of small dogs in the neighborhood and that coyotes are an ongoing concern for animal safety.

Nate Edwards – Deputy District Attorney, joined the meeting at 10:31 a.m.

Ms. DeLong commented that she believes the food of choice for the Canadian Lynx is the Snowshoe Hare and that there is wildfire in the area. Therefore, it is important to know how the animal can be transported to safety should another fire occur.

Steve Deisenroth commented that there is always the potential of escape when caged. Therefore it is crucial that the person be trained since he believes the animal can easily clear a 6-foot fence. Mr. Deisenroth believes it is incumbent on the appellant to seek and take the necessary training to keep the animal.

Vice-chair Carrick closed the public hearing.

Mr. Smith explained that there is a specification in Chapter 55 on the construction of the enclosure and that a required document from NDOW (Nevada Department of Wildlife) has not yet been received.

## *Washoe County Animal Control Board* – Minutes

September 20, 2016

Page 3 of 5

Member Davis noted his concern that without the necessary NDOW document the board most likely should not have held this meeting.

Member Stoffel pointed out that window screens, storm doors and most other points of access to a domestic structure are not adequate to contain this type of animal. Therefore, Member Stoffel believes that the appellant must provide sufficient secondary containment features to assure that the animal cannot escape if someone comes to the door. Additionally, while Canadian Lynx are not noted for digging it would be advisable that the enclosure have some type of concrete and block foundation to prevent potential digging a way out of the enclosure.

Mr. Smith noted that NRS (Nevada Revised Statutes) 503.597 is a requirement of Washoe County Code and is required before any permit can be issued.

Responding to Vice-chair Carrick inquiry about continuing the deliberations until the document has been received, Deputy District Attorney Nathan Edwards opined that the board could condition a motion to require that the NDOW documentation and other conditions, if any, be met before the permit is issued. Mr. Edwards also noted that he provides similar advice to other board and commissions he serves as legal counsel.

Vice-chair Carrick closed the public hearing and asked for Board discussion.

Vice-chair Carrick drew attention to the number of objections to the exotic permit request and that she believes they have all made valid points. Vice-chair Carrick noted that as animals mature their personalities often change, especially once they reach breeding stages. Additionally, it takes a significant number of years to domesticate an otherwise wild animal and that in her opinion keeping such an animal in a 10 by 10 enclosure is cruel and inhumane. Therefore, she cannot support the request.

Member Church concurred with Vice-chair Carrick's comments and stated that she could not support the request based on the testimony heard.

Member Hass agreed that this is a wild animal and that she cannot support the request.

Member Davis commented that while he appreciates the concerns brought up by other board members and concerns of the public he believes that the appellant has a legal right to own such an animal and that he can support the request since he finds it to be legal. Member Davis stated he would support a motion to approve with conditions added to require the submission of the required NDOW document and reinforcement be made to vulnerable points in the residence. Member Davis also noted that he concurs with Vice-chair Carrick's comment but can support the request from a legal standpoint.

Vice-chair Carrick commented that in reviewing this on the basis of what is good for the community she cannot support the request. Additionally the issue of caged animals has been reviewed by the Nevada Legislature in the past and will most likely be reviewed again during the 2017 session.

## *Washoe County Animal Control Board* – Minutes

September 20, 2016

Page 4 of 5

Member Stoffel stated that based on the testimony heard and his understanding of the Canadian Lynx he can support the request. Member Stoffel encouraged the appellant to include climbing logs and such for the animal and that a secondary confinement system must be added to doors and windows such as welder wire to thwart the cat's attempts to escape.

Member Brussard believes that the requirements set for in Washoe County Code have been met and that this body is not here to make a moral judgement. Member Brussard pointed out that the animal will be born in captivity and would most likely not survive in the wild. Therefore she can support the request.

During a brief discussion it was pointed out that the cat would most likely go into hiding if it escaped from the enclosure and that there is no known record of attacked by this type of animal.

***It was moved by Member Stoffel, seconded by Member Davis to approve the Exotic Animal Permit to allow Joshua and Patricia Matheus to keep one Canadian Lynx at 1281 Weizen Drive, Sparks, Nevada (City of Sparks), subject to the following conditions: 1) modifications to the residential structure to ensure that the animal cannot escape; and 2) submit the required Nevada Department of Wildlife form as required under Nevada Revised Statutes. Member Stoffel stated he could make the applicable Findings because the evidence presented to this Board satisfies all of the requirements of Washoe County Code 55. The motion failed: Members Brussard, Davis and Stoffel assenting; Members Church, Hass and Vice-chair Carrick dissenting; and Chair Simmonds absent.***

Deputy District Attorney Edwards stated that a failed motion was a technical denial of the request.

Vice-chair Carrick read the appeal process into the record.

**5. 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, Regional Animal Services

Robert A. Smith - Manager, Regional Animal Services, noted that one exotic animal permit for a Serval was expected but not yet submitted and that six kennel permits were in process.

**6. UPDATE ON BOARD OF COUNTY COMMISSIONER'S DIRECTION REGARDING THE ANIMAL CONTROL BOARD** [Non-action item] - *An update from the Director of Regional Animal Services on the Board of County Commissioner's ("BCC") direction (April 12, 2016 BCC meeting) for Animal Services' staff to begin to research: (a) the continued value of the Animal Control Board ("ACB"), (b) whether legal limit and exotics permits can be determined via an alternate method, and if so, (c) whether the ACB should be disbanded.*

Shyanne Schull – Director Animal Services, provided an updated on the September 13, 2016, BCC (Board of County Commissioners) meeting. Staff researched 11 other jurisdictions relating to the governance of kennel/cattery permits and exotic animals in Nevada, Texas, Arizona, Utah, and California. As a result, many jurisdictions overlap this permitting process between multiple departments and some jurisdictions prohibited exotic animals and over the limit permits. The BCC gave direction to amend Chapter 55 and develop an internal process to absorb the duties of the

# *Washoe County Animal Control Board* – Minutes

September 20, 2016

Page 5 of 5

ACB. Ms. Schull noted that WCRAS received 104 permit applications in the past three years and the ACB heard 48 of those. The average meeting time is 1.5 hours. This Board will continue to be updated as this process proceeds but the anticipated timeline to develop an internal process is by the end of the 2016 calendar year. The ACB meeting will be held in December as scheduled.

- 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. 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 December 13, 2016.*

No new agenda items identified.

- 8. PUBLIC COMMENT** [Non-action item]

There were no public comments.

- 9. ADJOURNMENT** [Non-action item]

Vice-chair Carrick adjourned the meeting at 11:06 a.m.

**AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION ON DECEMBER 13, 2016.**