

Washoe County Animal Control Board

Minutes

Tuesday ~ December 12, 2017~ 2:00 p.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]

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

PRESENT: Trudy Brussard, Linda Church, Paul Davis, Richard Simmonds and Tim Stoffel.

ABSENT: Elaine Carrick and Kathryn Hass.

Jen Gustafson – Deputy District Attorney, was also present.

Chair Simmonds asked that Board members and the public state their name when speaking. Chair Simmonds explained that while the applicant may be allowed somewhat more than 3 minutes, public comments are limited to 3 minutes. Additionally the Board may not engage in dialogue during public comment but may add items to a future agenda for discussion and possible action.

2. PUBLIC COMMENT (Non-action item)

There were no public comments.

3. APPROVAL OF SEPTEMBER 7, 2017, MINUTES [For possible action]

Chair Simmonds asked for Board discussion or a motion.

It was moved by member Brussard, seconded by Member Davis, to approve the September 7, 2017, meeting minutes, as submitted.

There were no public comments.

The motion carried: Members Brussard, Church, Davis, Stoffel and Chair Simmonds assenting; and Members Carrick and Hass absent.

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 Bishan Ghimine to keep six (6) dogs at 98 Sunnyside Drive, Reno, Nevada.*

Chair opened the agenda item.

Jen Gustafson – Deputy District Attorney, commented that public comment can be taken either before or after board deliberation. Typically public comment is taken before the Board's deliberations.

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Responding to Member Davis' recommendation to vote on when the Board should take public comment, Ms. Gustafson explained that that was the purview of the Board's Chair on when public comment is taken on action items.

Chair Simmonds indicated that he would take the staff report, hear the applicant and take public comments before Board discussion and deliberation.

Cynthia Doak - Regional Animal Services, outlined the application noting that Officers Brooks and Ueda were present to answer specific questions on each application as the officers in charge of inspecting the various properties. This particular application is the result of a complaint of too many dogs at this address.

Jeff Brooks – Animal Services, commented that he conducted the inspection of the property on August 19, 2017. The dogs all appeared healthy and well cared for. The applicant intends to use the home as the kennel and is aware that the dogs cannot be outside unless accompanied by an adult. Officer Brooks noted that the dogs had barked upon his approval and quieted soon after. The property was found to be clean, free of feces and odor. The back yard is fully fenced and some temporary repairs have been made. The applicant does plan to make permanent repairs. Officer Brooks noted that he could not confirm that all dogs had been spayed/neutered.

Bishan Ghimine commented that the two original dogs had puppies before the appointment to have the dogs neutered. Once the puppies were born a decision was made to keep all of the dogs. An appointment has been made to have the females spayed. Ms. Ghimine expressed her appreciation for the time and hard work of Regional Animal Services staff.

Chair Simmonds explained that the dogs must be accompanied by an adult when outside.

Ms. Ghimine commented that she understood the requirement and that the dogs tend to become excited when people come in. Ms. Ghimine noted that there are times the neighbor's cat gets into the applicant's yard and that the cat has almost captured a chicken that was given to them by another neighbor.

Melody Fulmer-Ghimine recalled that a rescue that had been given to them had not been neutered/spayed in time and that a decision had been made to keep all the puppies. Ms. Fulmer-Ghimine stated that the family tries its best to be good neighbors noting that the dogs are groomed and up-to-date on vaccinations and licensing.

Hearing no public comment Chair Simmonds closed the public hearing.

Member Davis stated he could support the application as they appear to be caring dog lovers.

Member Stoffel commented that he too can support the request.

Member Brussard concurred stating she was happy to support the permit request.

Member Church stated that she supports the permit and cautioned the applicant to make sure that barking does not become an issue.

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It was moved by Member Stoffel, seconded by Member Davis, that the kennel permit to allow Bishan Ghimine to keep six (6) dogs at 98 Sunnyside Drive, Reno, Nevada be approved on the basis that the factual findings required by Washoe County Code 55.420 and 55.400(3) can be made based on the evidence provided by Animal Control Officers, the applicant and other witnesses. The motion carried: Members Brussard, Church, Davis, Stoffel and Chair Simmonds assenting; and Members Carrick and Hass absent.

Chair read the appeal process

- 5. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Roberto Galan to keep six (6) dogs at 308 K Street, Sparks, Nevada.*

Cynthia Doak – Regional Animal Services, commented that a response to a stray dog had started the process. It was found that there were six dogs in the backyard.

Officer Brooks explained that the applicant is a renter and that a kennel has to be constructed and the property owner has given permission. The inspection found the property free of feces and odor and that the barking subsided soon after his arrival. The kennel must be constructed in a size and fashion that meets Washoe County code. The fencing will keep the dog contained on the property. The dogs appeared to be well cared for and were groomed and are all small breeds.

Roberto Galan-Gonzales commented that by the time he realized the female had not been spayed, it was too late. Mr. Galan-Gonzalez explained that after falling in love with the puppies he made the decision to keep all as a family. The older dog is doing great. Mr. Galan Gonzales noted that two of the three females were spayed and that all three of the males have been neutered. Mr. Galan-Gonzales commented that his children were also involved in the care of the animals and that he continues training to minimize barking issues.

Responding to an inquiry about the average lifespan of a Beagle, Chair Simmonds commented that the average is 12 to 15 years.

Hearing no public comment Chair Simmonds closed the public hearing.

During the discussion it was emphasized that surrounding neighbors have a right to the quiet enjoyment of their property and if approved the kennel permit could be revoked if there were any additional barking complaints.

David Woods noted his concerns with the application noting that his yard borders a portion of the applicant's and that when he is outside the dogs get behind the shed located in that corner of the property and bark. Mr. Woods noted that since he received notice of the application the barking has subsided and that he will meet with the applicant to discuss the issue should the permit be approved.

Chair Simmonds noted that the permit can be revoked if there is a complaint filed.

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During the discussion it was noted that it is unclear whether the dogs are kept in the kennel at night and that it is separate from the fencing and meets required kennel standards and has shelter for the animals.

Mr. Galan-Gonzales explained that the dogs are kept in the kennel that is tied to the house like an enclosed room that has a heater and lighting to provide additional heat.

Member Davis stated he could support the request.

Member Stoffel commented that he too can support the request and recommended that Mr. Galan-Gonzales continue to work on the barking issue.

Members Church and Brussard commented that they too can support the request.

It was moved by Member Brussard, seconded by Member Davis, that the kennel permit to allow Roberto Galan to keep six (6) dogs at 308 K Street, Sparks, Nevada, be approved on the basis that the factual findings required by Washoe County Code 55.420 and 55.400(3) can be made based on the evidence provided by Animal Control Officers, the applicant and other witnesses. The motion carried: Members Brussard, Church, Davis, Stoffel and Chair Simmonds assenting; and Members Carrick and Hass absent.

Chair Simmonds read the appeal process.

6. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Virginia Bernardino to keep five (5) dogs at 7477 Sandstone Drive, Reno, Nevada.*

Cynthia Doak – Regional Animal Services, commented that this permit is for a blended family that has three smaller and two larger dogs. The initial call was for animal welfare and noise.

Officer Ueda noted that the follow-up inspection could not be completed as the property owner was not present. Somewhat later in the day another officer gained access and indicated that there was a covered shelter for the animals and that the property was free of feces. Additionally, the Officer indicates in the report that the dogs were in good condition. However, the kennel did not meet standards set forth in Washoe County Code. The surrounding yard has a 6-foot wood fence that is in good condition and that the shelter also had water for the animals. The owner will be required to rebuild the kennel to meet Washoe County standards, which the applicant has agreed to. Officer Ueda reiterated that there did not appear to be a welfare issue and that while the kennel is “okay” it does not meet Washoe County standards for size. It is unknown if all the animals have been spayed/neuter.

Virginia Bernardino commented that her daughter had given her a Chihuahua for her birthday and that her children that live with her also have dogs including a German Shepard. She and her family are working together to work out a solution with the dogs noting that all females are spayed. Responding to an inquiry about a dog that had been impounded in the past, Ms. Bernardino explained that incident had occurred a long time ago and that the dog was given to her sister leaving her with only the five dogs listed in the application. Typically the dogs are brought in when they begin

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to bark and there are other dogs in the area that come to her fence to bark. Ms. Bernardino outlined the living arrangement with her children and the distribution of the dogs between the upstairs of the home when the other three are in the kennel.

Chair Simmonds pointed out that if the permit is approved, it can be revoked if there are other noise complaints.

Hearing no public comments Chair Simmonds closed the public hearing.

Officer Doak explained that once a kennel permit is approved, the applicant will have 60-days to complete the kennel and comply with any conditions set forth in the approval.

Members Brussard, Church, Davis, Stoffel and Chair Simmonds indicated they could support the request.

It was moved by Member Stoffel, seconded by Member Brussard, that the kennel permit to allow Virginia Bernardino to keep five dogs at 7477 Sandstone Drive, Reno, Nevada, be approved on the basis that the factual findings required by Washoe County Code 55.420 and 55.400(3) can be made based on the evidence provided by Animal Control Officers, the applicant and other witnesses. The motion carried: Members Brussard, Church, Davis, Stoffel and Chair Simmonds assenting; and Members Carrick and Hass absent.

Chair Simmonds read the appeal process.

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7. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Jeffrey Bates to keep seven (7) dogs at 1880 Castle Way, Reno, Nevada.*

Cynthia Doak – Regional Animal Services, noted that Animal Services had been asked to assist Social Services and read the notes filed by Officer Denning (copy on file) that noted seventeen individuals living in the resident and other shelters on the property as well as seventeen animals. The premises were dirty and cluttered and the yard littered with a variety of debris and garbage, some of which could have been detrimental to the animals. Officer Doak pointed out that the animal had access to the house and breezeway with two of the animals in need of grooming. Additionally, one of the cages inside also needed cleaning and water. A notice of violation was issued to get the dogs groomed and Code Enforcement noted that there was up to eighteen animals on the property on April 14, 2017.

During the discussion it was pointed out that seventeen individuals were living on the property and that the house and yard were unkempt. Other discussion noted that one of the dogs (Sid) jumps the fence and that four of the smaller dogs had also escaped the yard in September 2017. As the discussion continued it was noted that a Pitbull had been chased back to the house.

Officer Ueda commented that the dog owners have indicated that the house would be used as the kennel and has been made aware that the dogs must be under the supervision of an adult when

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outside. During a recent inspection the house was cluttered and dirty but there was only a faint odor of urine in one bedroom. Officer Ueda noted that there are still a number of individuals living on the property in a trailer in the back yard and that the 3-foot chain link fence is secure with a driveway gate that was also secured. The backyard fencing appears to be in an acceptable condition although a part of it is leaning and needs to be repaired. Officer Ueda noted that none of the animals were spayed/neutered. It is unclear what type of debris is in the backyard that could be detrimental to animal or human welfare due to disease or other dangerous conditions. Officer Ueda explained that the Animal Control Board only has jurisdictions over animal welfare issues and the Code Enforcement would be responsible for all other health and safety issues.

Jen Gustafson – Deputy District Attorney, explained that the Animal Control Board could only address welfare issues that are directly tied to animal welfare.

Officer Ueda noted that there is also a large swimming pool with garbage that some dogs might ingest as well as plastic and metal on the property.

Chair Simmonds opened the public hearing.

Jeff Bates commented that with his PTSD and stage 2 kidney disease and that his dogs are part of his family. Mr. Bates noted that his grandmother who lives with him has macular degeneration and has difficulty seeing. One of the dogs was pregnant and he kept two of the puppies. Two of the dogs sleep with him and have awakened him when necessary due to his sleep apnea. Mr. Bates noted that one of the dogs has been groomed and had the necessary vaccinations. Additionally, Mr. Bates is in the process of having one of the dogs neutered. The fencing has been fixed and he is working on cleaning up the property. Mr. Bates noted that he has paid fines imposed when the animals have been at large and apologized for taking up Animal Control Board member's time.

During the discussion Mr. Bates commented that SPCA had indicated they would try to reduce the cost of neutering to \$60.00 per dog and he will try to have all the animals spayed/neutered in January. Additionally, the number of animals listed on the permit application is correct although it was somewhat higher due to his former wife moving in with him with her three dogs.

Officer Doak explained that Animal Services had lodged the objection to the permit due to the conditions of the property as outlined in the report as well as at-large dog concerns. Officer Doak noted that the permit will provide a means to inspect the property and give notice to reduce if necessary. In the event the applicant fails to meet the requirements to reduce the issue can be taken to court if the permit requirements are not met.

Hearing no public comments Chair Simmonds closed the public hearing.

Member Davis noted that this was not an easy issue. However, Mr. Bates has accepted responsibility and noted some critical health issues. Member Davis emphasized the need for Mr. Bates to follow through and emphasized that the permit, if approved, can be revoked.

Member Stoffel concurred and believes he too can support the permit with a condition that all spay/neutering be completed by the end of January 2018.

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Member Brussard explained that she too can support the request and hopes all goes well so that the permit will not have to be revoked.

Member Church commented that she would support the request with a 60-day timeline to meet the requirements of the permit.

Chair Simmonds suggested that the Condition of Approval include a provision to resolve and prevent animals at large.

Jen Gustafson – Deputy District Attorney, asked that conditions of approval be specific for the record.

It was moved by Member Brussard. Seconded by Member Davis, that the kennel permit to allow Jeffrey Bates to keep seven (7) dogs at 1880 Castle Way, Reno, Nevada be approved with the following conditions: 1) all male dogs be neutered no later than December 31, 2017, all females spayed no later than March 31, 2017; 2) steps be taken to secure fencing to reduce the possibility of escape; and 3) that the house be kept in a sanitary conditions as verified by Washoe County Animal Services. Member Brussard stated that the approval can be made on the basis that the factual findings required by Washoe County Code 55.420 and 55.400(3) can be made based on the evidence provided by Animal Control Officers, the applicant and other witnesses. The motion carried: Members Brussard, Church, Davis, Stoffel and Chair Simmonds assenting; and Members Carrick and Hass absent.

Chair read the appeal process into the record.

The meeting recessed at 3:33 p.m. and reconvened at 3:36 p.m.

- 8. UNCONTESTED KENNEL PERMIT APPLICATION APPROVALS** [Non-action item] – *An informational update on the number of uncontested cattery/kennel permits issued by Animal Services since September 7, 2017.*

Cynthia Doak – Regional Animal Services, commented that 15 permits were in process with four heard at today's meeting. Initially there were originally six permits for this meeting but two reduced the number of animals. Currently four new permits are pending inspection with notifications distributed on five other permits that have another week to file an objection. Officer Doak noted that only one of the permits had an objection filed. As an update, the Victoria Edmonds permit discussion at the September meeting was vacated and a new application filed with no objections. Therefore, the permit did not need to be heard by the Board.

- 9. 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 to be determined.*

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Shyanne Schull – Animal Services Director, noted that the BCC (Board of County Commissioners) had given staff direction on revisions to Chapter 55 relative to kennel, cattery and exotic permits. An update will be provided to the BCC on January 9, 2018. A draft of the revisions will be provided to this Board once completed. Ms. Schull believes that there will be a minimum of one if not two more meetings of this body and recommended the second Tuesday in March, March 13, 2018, as the next meeting date.

10. PUBLIC COMMENT [Non-action item]

There were no public comments.

11. ADJOURNMENT [Non-action item]

Chair Simmonds adjourned the meeting at 3:44 p.m.

AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION ON MARCH 13, 2018.