

Washoe County Regional Animal Services Advisory Board

MINUTES

Thursday, February 27, 2020 @ 9:30 a.m.
WASHOE COUNTY REGIONAL ANIMAL SERVICES
CENTER CLASSROOM
2825 LONGLEY LANE, RENO, NEVADA

MEMBERS

Naomi Duerr (Chair)
Annette Rink (Vice Chair)
Paul Anderson
Jill Dobbs
Irene Payne
Al Rogers (absent)
Kitty Jung

1. CALL TO ORDER/ROLL CALL [Non-Action Item]

The meeting was opened and a quorum was established.

PRESENT: Naomi Duerr, Dr. Annette Rink, Paul Anderson, Kitty Jung, Jill Dobbs, Irene Payne

ABSENT: Al Rogers

2. PUBLIC COMMENT [Non-Action Item]

[First 25 minutes of ASAB meeting is not recorded]

Barry: Barry is the owner of On Command. He discussed the Animal Welfare Permit and how he doesn't agree with it.

Ardena Perry: Discussed the possible ban on dog and cat retail stores and the animal welfare permit.

Rene Johnson: Discussed her opinion on the possible dog and cat retail stores.

Kenji Otto: Discussed the constitution and possible ban on dog and cat retail stores.

[Recording begins at 9:55 a.m.]

Billy Howard: (Continued conversation).

Discussed the puppy store in Reno and is rated an “F” with the BBB. Continued discussion regarding animal cruelty in the puppy mills, the distribution system and puppy mill stores. Presented that puppy mill stores depend on fallacious licensing by the AKC which most people believe a puppy is bred from a reputable breeder. Provided a link for faulty licensing.

Further discussion regarding felons owning puppy stores. Confirmed that Carson City is ready to move forward regarding bans of puppy stores when the Reno ban is enforced. Also discussed legal technicalities possible for the Schneiders. The puppy stores still remain open and functioning.

At the conclusion of his presentation, he is requesting that three jurisdictions be provided support for an end to the sale of dogs and cats in retail stores and to put an end to the bad publicity.

Chair Duerr: Commented that the City of Reno is taking on this issue to ban puppy and cat retail stores. City of Reno staff is developing the language. A moratorium has been enacted during this period of time so activity doesn’t take place. Clarified that this matter had been long contemplated by the City of Reno.

Billy Howard: Doesn’t necessarily want the stores to close, but to change the business model to pet supplies rather than selling animals.

Chair Duerr: Confirmed the moratorium boundaries. Discussed that if the ordinance did pass, there would be a period of time that people would be able to operate the puppy stores and then the ordinance would take effect. Wanted confirmation that there are two stores in Reno that sell cats and dogs.

Director Schull: Confirmed there is one store in Reno’s jurisdiction and one store in Sparks’ jurisdiction in operation.

Chair Duerr: Discussed the licensing procedure.

Director Schull: The Commercial Animal Welfare Permit process was a code amendment that was adopted by the Board of County Commissioners a couple of years ago. As part of that, any boarding facility that houses animals overnight, any retail establishment that sells animals, would be required to be licensed by Animal Services under the

Commercial Animal Welfare Permit process. Both of the stores in Reno/Sparks are currently licensed under that permit process and were licensed in 2019.

Applications are required to be reinspected and re-permitted every year, and a couple of applications are being processed every month.

Chair Duerr: Wanted clarification that the Advisory Board's advice would go to Reno, Sparks and Washoe County to end the sales of dogs, cats, rabbits, ferrets, in retail stores and ordinances would be drafted to Reno and Sparks City Council.

Member Anderson: Confirmed there are two stores: one in Sparks and one in Reno, but the ordinance adds in cats, rabbits and ferrets. Wanted to know how many more stores were included into that category.

Mr. Howard: His request was for dogs and cats from WCRAS.

Director Schull: Wanted to confirm with records, but thinks maybe 5 or 10 stores actually sell reptiles, ferrets, small pocket pets, not puppies and kittens.

Chair Duerr: Confirmed the request was also to consider rabbits and ferrets and the ordinance proposal was tailored to dogs and cats.

2. PUBLIC COMMENT [Non-Action Item] [continued]

Hanna Ratliff: Discussed her work history at Puppies Plus and animal cruelty witnessed while working there.

Charlene Bybee: Provided presentation as Sparks City Councilwoman. She spoke with regard to the proposed ban on the sale of animals in pet stores in our region. The City of Reno is empowered to license, regulate and control those entities conducting business within our municipal jurisdiction. Washoe County does not have the legal authority to regulate or otherwise decide whether a Sparks business can or cannot do business in the City of Sparks. State law vests the City Council with the authority to license all businesses within the City of Sparks. The City of Sparks went to an inter local agreement which has been successful.

She spoke to the issue with the business side of this matter. Confirmed the Board has no authority to tell the three jurisdictions what they can or cannot do. Each entity can make their decisions. Feels the judicial system has to go through due process. Discussed other entities that have committed crimes, but are still in business.

Ardena Perry: Further discussed her rights and the Commercial Animal Welfare Permit and the language contained therein regarding Washoe County being able to prohibit pet shops from selling dogs and cats. In the alternative, whether Washoe County can prohibit pet shops from selling dogs and cats that came from breeders.

She suggested that if there is a problem with animals not being treated well, going elsewhere. Suggested additional testing and made improvements with the people who are selling the dogs. Go back to the source of the problem.

Kenji Otto: Discussed that his district isn't being represented on the Board because of its make-up.

Member Dobbs: Corrected his statement.

Kenji Otto: Felt that if the puppy businesses were banned, it would be all encompassing and eliminate the entire process. Is concerned with what this country is doing under our constitution, and how Nevada is doing it under it's constitution, as well as Washoe County, to prevent the citizens from owning pets. Feels that if a store is banned, that it will affect all stores that sell any kind of pet.

Wanted to know if any charges have been brought against the Schneiders, and agreed that the legal process is supposed to show it should work. But banning is not the way that it should be done. He is against banning, but agrees with proper regulation.

Marika Moore: Supports the ban, the regulation of stopping sales specifically of dogs and cats in retail stores – stay in business. Is in favor of the reputable breeders. Stop the demand and supply locally of puppy mills. Indicated there were approximately 7,000 people supporting the ban on puppy mills. Too many people find pleasure in torturing animals. Set boundaries and limits.

Amanda Schultz: Received a letter from Jeff Dickson, the Nevada State Director for the U.S. Humane Society. He was ill and couldn't attend, but letter was provided to Director Schull. She received a letter from Mariah Worcester, and also Elizabeth Gorick. Both of those support the bill for puppy mill initiatives – Best Friend's Animal Society. Also Ardena Perry's letter was received.

Member Dobbs: Clarified accusations of wanting to put every type of animal breeding out of business. Stated that high quality, responsible breeders, and those who breed purpose bred dogs would never support the sale of their animal in a commercial pet store business. She works with responsible breeders and supports responsible breeders. By no

means is she or the SPCA trying to put them out of business.

There is frustration with puppy mill pet stores because of the reputation of sick puppies, rabbits and ferrets. She believes in consumer protection and she is anti consumer fraud. The public is lied to from the stores regarding the pets. She feels the Advisory Board is a process wherein a recommendation is made to those who hold different powers.

Kitty Jung: Echoes Member Dobbs' comments. Clarified that she believes the government's job is to protect the elderly, children, disabled and animals in our community – those unable to protect themselves. Acknowledges there are different philosophies on how animals are to be cared for. Disagreement with Kenji Otto regarding constitutional law. WCRAS has jurisdiction over this matter.

Discussed WC-1 also. Agrees there is no right to cause suffering – not to children, elderly parents, animals, and not to fellow citizens. Her responsibility is to make sure those rights are upheld. Confirmed that Ardena Perry works with commercial breeders to enhance and decrease the suffering of animals.

Anette Rink: Discussed slippery slope arguments and the dislike. Didn't comment on the specific case. Further commented on dogs who are bred for just puppies, kept in a cage. Wants it clarified that the people who abuse the system suffer the consequences. Is in favor of a ban. Is not in favor of putting people out of business. Commented on people who abuse the system, but are here to protect the consumer. Wants the Board to consider a ban on pet stores selling puppies and kittens.

Kenji Otto: Requested to speak before vote is taken.

Member Anderson: Commented on his love of animals. If someone is abusing the animals in any way, they need to be held accountable. He is opposed to this because he believes it is overstepping. Feels that Washoe County having the ability to regulate commercial businesses should be left to the city. Discussed NRS 244.189 which is tempered by the caveat that such ordinances cannot conflict. Section 2.090(1) of the Sparks City Charter vests the City Council with the authority to license all businesses, trades, professions, including safeguarding public health and the city.

He doesn't believe it is right to attempt to regulate and license animal establishments within Washoe County. Believes it goes along with the Interlocal Agreement regarding animal control.

Discussed the fiscal impact – the animals are sold for thousands of dollars. It

will greatly affect the business if the pet store is only allowed to sell supplies and not animals. Feels the decision will be detrimental and the accountability has to be at the City level.

Kenji Otto: Clarified the comments regarding cruelty and happiness. People who are cruel to animals are not happy. That was a false statement previously. As a previous Animal Control Officer, he educated individuals how not to be cruel. NRS 574 has plenty of law pertaining to those who abuse the law.

Chair Duerr: Appreciated the perspectives from all who reported. She was a proponent of initiating the process at the City of Reno. Agrees the process needs to be careful, precise and within the laws. The responsibilities lie with all entities involved and have a role in the process.

Discussed making a recommendation to all jurisdictions to consider the ban for retail sales. Reno is underway, but hasn't landed.

Member Payne made the motion to make the recommendation to the jurisdictions that WCRAS supports ending the sale of cats, dogs, rabbits and ferrets in retail stores within Washoe County. Member Dobbs seconded the motion. 5 in favor, 1 opposed. Motion passes.

Action will be summarized and a letter will be sent to the Reno/Sparks, Washoe County Boards saying they have deliberated, came to a majority vote, to recommend and go forward.

Member Dobbs: Clarified specific threats and accusations to her personally over the issue. To address the business concern, she was involved in the ban for Pet Station in Truckee, California. The action did not put them out of business.

Chair Duerr: Commented the Board members on the work done and was appreciative of the effort.

Director Schull: Recommended the Bylaws be addressed.

3. INTRODUCTION AND DISCUSSION OF PROPOSED BYLAWS [For possible action] [Agenda Item 4]

DA Gustafson: Presented draft Bylaws. Discussed Article I – kept very brief.

Chair Duerr: Further comment on language contained in Article I.

DA Gustafson: Will add additional language regarding committee responsibilities and advising. Article VIII indicates the same language, but she will add to Article I.

Member Anderson: Confirmed language “advisory board” and that it is implied.

DA Gustafson: Article II – Advisory Board Membership. Discusses the Washoe County Code and the membership/composition of the Board. Standard in Bylaws - Section A.

Section B. Qualifications. Standard language. Members appointed for a term of four years. Further discussed Chair selection, resignation provision for non-elected members, removal section.

Chair Duerr: Discussed excused or unexcused attendance. Feels that the Chair should talk with the Director.

Member Dobbs: Confirmed language – “may request” is permissive. “Shall request” would be automatic.

DA Gustafson: “Shall notify the Board of County Commissioners there has been three consecutive absences” and then “may request...”

Chair Duerr: Inquired as to four year term of elected members.

DA Gustafson: Confirmed language should be “non-elected members shall be appointed to a four year term.”

Article III. Forum and voting. This works like an open meeting law.

Chair Duerr: Asked for confirmation. It has been reviewed numerous times with legal team. Wanted to know if the language will read “total membership appointed” or it would just say “total membership.”

Member Anderson: Wanted to know if alternates should be considered.

DA Gustafson: Confirmed that the only way an alternate can be considered is if

the enabling statute which created the Board allows an alternate, and because Washoe County Code does not specifically allow an alternate, it's prohibited. It's open meeting law.

Voting. Discussed majority of the members present at a meeting for a vote is required to take action because the Board has elected and non-elected members.

Chair Duerr: Sought clarification for quorum.

DA Gustafson: Language regarding a vote on any issue. All votes shall be recorded. Meeting minutes shall indicate the members voting for, against, or abstaining. All votes are individually recorded, but specific roll call for the record can be done.

Officers of the Committee – Article IV. Chair and Vice Chair are the only officers.

Chair Duerr: Discussed emergency meetings can be done without a three day posting in terms of a crisis. A special meeting is something out of the regular norm.

Member Anderson: Recalled information in the packet that had an Agenda under Emergency Meeting. Feels it caused confusion.

DA Gustafson: Inquired as to language in the Bylaws that if both the Chair or Vice Chair is absent, do they want to have a vote as to who is Acting Chair? It was agreed and she will add a provision.

Succession. There is no guarantee that someone will become the Chair or Vice Chair.

Election of Officers. First meeting of the calendar year shall include selection of Chair and Vice Chair, shall be the first order of business following determination of a quorum, newly selected officers take office. Very standard procedure.

Authority to Sign. Chair can sign certain documents such as Bylaws.

Staff to Assist Advisory Board. Recording secretary is Mandy. She attends meetings, records proceedings, creates Agendas and draft minutes, distributes Agendas and supporting materials, makes committee records.

Chair Duerr: Confirmed that it is important to ensure that the meeting is properly noticed.

DA Gustafson: Legal counsel. Appointed by the District Attorney. Legal counsel may assist the Board in determining points of order, reviewing Agenda items, legality, advising members on the Open Meeting Law, reviewing contracts, and various other items.

Director is also considered staff to the Board. Shall attend meetings, provide report on programs and services, developments, financial budgetary updates, recent events and accomplishments, goals and objectives, and will serve in a technical and advisory capability to the Board.

Chair Duerr: Inquired as to annual report.

DA Gustafson: Confirmed annual report is in the ordinance that sets up the committee. It should be addressed as to how often it should occur because in the ordinance, it discusses bi-annually.

Chair Duerr: Asks if it should be every two years.

DA Gustafson: Confirmed language in ordinance.

Member Dobbs: Wanted to know if a report is to be created on an annual basis, the ability to do so is okay.

DA Gustafson: In next code change, they will make revision. Annually would be good, but the original intent of the legislation was bi-annually. Continued discussion regarding clarification. Confirmed “periodic report” is okay without specifying a time frame.

Meetings. All meeting comport with open meeting laws. Notice of the meeting Agenda shall be posted at appropriate locations at least three business days before to allow public awareness of the meeting.

Agenda. Items may be placed on the Agenda by any member of the Advisory Board or by the Director of Regional Animal Services. Any other person shall contact the Chair for authorization – members of the public. To place an item on the Agenda, contact the recording secretary who actually drafts the Agenda, and provide specific Agenda item language so it reads correctly. All Agenda items must be provided at least two weeks prior to the meeting date.

Supporting Materials. Provide appropriate information if it is an Agenda item. Two weeks prior to meeting date to provide information. Recording secretary distributes

supporting materials in advance of the meeting at the time the Agenda is posted because the Agenda is posted on the website. Late producing of supporting materials will be decided by the Advisory Board by a majority vote to consider late supporting materials. Meeting can be rescheduled, if necessary.

Member Anderson: Confirmed if it is late supporting materials whether public or staff.

DA Gustafson: Anyone can legally show up with supporting materials at the meeting. But if the Board doesn't have time to digest the materials, the meeting can be adjusted to review materials, or rescheduled for a different time.

Member Anderson: Confirmed if it is supporting materials from staff, it would have to be provided beforehand to make Agenda and Open Meeting Law.

DA Gustafson: Under Open Meeting Law, supporting materials can be provided at any time, as long as they are made available to the public at the same time they're available to the Board. The 2-week time period would be a Bylaw issue. It mostly pertains to action items.

Robert's Rules of Order. It is complicated and didn't know if it should be left in, or taken out.

Chair Duerr: Agrees language should be kept in.

Member Dobbs: Wanted clarification on "shall inform." Does it mean they don't have to follow exactly. The language is so onerous in a number of areas.

DA Gustafson: Confirmed it is advisory materials. It is to guide the Advisory Board's procedures.

Records. The Advisory Board shall keep a complete record of the Board's action and shall be on file with Animal Services, and the website.

Regular Meetings. The Board will set regular meetings, dates and times quarterly. The meeting will be scheduled for no more than three hours, at which time, the meeting can be rescheduled for remaining items.

Chair Duerr: Further discussion re: same.

DA Gustafson: Special meetings. Can be held at the Chair's request or by written request by at least three committee members.

Chair Duerr: This is the one she changed. Doesn't think it should say "written request of at least three committee members," because four is a quorum and serial communication would be had outside of the Open Meeting Law. Suggested different language.

Member Anderson: Suggested sending communications to the Director, and the Director reaches out to the rest of the Board to get approval of meeting.

DA Gustafson: Will change language to "two."

Emergency meetings standard language is discussed. Will leave in language.

Order of Business. General order that is on Agenda. The Chair has the discretion to change around the order. Starts with roll call, public comment, approval of minutes, business of the day, announcements, topics for future Agendas, public comment, adjournment. Public comment should be limited to three minutes per comment.

Chair Duerr: Currently allows people to speak on matters on or off the Agenda. Discussed special circumstances re: three minute limitations.

DA Gustafson: Agreed that **all** public comment should be limited to three minutes per person for each comment period.

Records and Minutes. All documents pertaining to the Advisory Board's work shall be maintained with the Chair and Animal Services. Documents are open and accessible to Board Members and to the public during working hours, unless the record is declared confidential. Written minutes shall be kept in the public records. Electronic recordings will be made available after adjournment of meeting. The Chair shall ensure that a recording secretary is available to record all actions.

Chair Duerr: Thinks it should be changed to the Director ensuring there will be a recording secretary.

DA Gustafson: Copies of written **draft** minutes furnished to Board Minutes within 20 days and three days in advance of the next regular meeting for approval. Approved written minutes are a summary of proceedings.

Article 8. Committee Responsibilities. Facilitate communication between members and Director to enhance services, programs, operations, objective. Offer opinions and make recommendations for: short/long term goals and objectives; amendments to Washoe County Code; amendments to NRS; governing animals and strategies to implement those amendments; development of educational materials and programs; departmental delivery of programs and services to community; departmental policies and procedures; animal related community events.

Chair Duerr: Wanted clarification about the Board's role.

Director Schull: Clarified Kitty Jung's comments regarding the inter local agreement and Animal Services' responsibility and the oversight of animals as a result of the inter local agreement, and the discussion about the Board being in the works for a long time, and what that role plays with Animal Services to help with what has been written in the Code.

Chair Duerr: Discussed prior discussion of Item 5 – "Animal related community needs and trends." Doesn't think the Board is out of order to make recommendations to the cities and counties re: licensing requirements. Also discussed animal shelters outside of restaurants be set up. This would have been implemented by a jurisdiction, but it could have been considered.

DA Gustafson: Agreed with Chair Duerr's comments.

Member Anderson: Felt there was a misunderstanding in today's meeting about the Board trying to push the ban, whereas the Board is advising one way or another. Felt it comes down to the entities – it's not being implemented, it's being advised.

DA Gustafson: Clarified discussion regarding this issue.

Billy Howard: Prior discussion with Commissioners lead him to believe they would take their cue from the Advisory Board.

Chair Duerr: Made revision in Article 8 to do a biennial approval of report.

DA Gustafson: Changed language to "periodically review and approve Director of Regional Animal Services report."

Article 9. Amendment of the Bylaws. Amended by a majority vote or quorum at a regular meeting effective upon signature of the Chair.

Failure to Follow. If the Advisory Board fails to follow one of its own Bylaws, the Board's actions are not invalidated so long as the action is in compliance with other laws. This is the policy guidance document.

If no further changes, the document will be finalized. A vote will be taken at the next meeting, and then have the Chair sign.

Member Anderson made the motion to approve the proposed Bylaws as amended.

Chair Duerr: Suggested the motion contain to direct legal counsel to revise in accordance with discussions.

Member Anderson rephrased the motion for recommendation to have legal counsel to revise Bylaws based on information received at this meeting and return a clean copy for consideration at next meeting. Member Rink seconded the motion. Motion passes unanimously.

Chair Duerr: Feeling under the weather and suggested not having Director's report today.

Member Payne: Agreed.

Director Schull: Indicated her report is about 15 minutes long re: statistics, developments, Happy Tails. It is time sensitive so by next meeting it will be old data.

Member Payne: Indicated Director's Report should be heard.

4. **DIRECTOR'S REPORT** [Non-Action Item] [Agenda Item 3]

An informational update on the Department of Regional Animal Services' programs, statistics, emerging developments, financial updates, and other matters properly related thereto.

Director Schull: Statistics are for Quarter 2 of fiscal year.

Discussed statistics focused on intakes, outgoing animals, more simplistic. Provided spreadsheet with comprehensive review of statistics.

Animal intakes for 2nd quarter are broken down by animals that came in over the counter and animals brought in by the field. 1,255 came in over the counter; 1,527 were

brought in from the field; total of 2,782 animals – live and deceased.

Discussed intake types: 82% stray; confiscated/case animals; 4% is disposal animals; quarantine; safe hold. Courtesy 5 day safe hold for emergency situations.

Discussed free microchip program. Helps reunification. 799 dogs; 140 cats. Always higher number of dogs than cats.

Discussed live animal outcome – came to them live or born there. 1,335 animals transferred to rescue, or 54%. Majority go to NHS and SPCA. 17% were field return to owners. 29% (699) were returned after animal was already impounded into shelter and owner got the animal.

Discussed year summary of animals returned home – field versus shelter. 63% were returned from the shelter; 37% from the field. Prior quarter was 69% from the shelter; 31% from the field.

Animal outcomes. Discussed animals that come into care. Return to owner is 15%. 14% were returned by chip. 14% died/euthanized. 47% transferred to rescue.

Member Payne: Wanted confirmation on 14% died/euthanized. Was it always this high? Wanted comparisons.

Director Schull: Discussed breakdown even further re: information. Will provide comparisons.

Average length of stay is about the same throughout quarters. Dogs are average 9 days and cats 7 days length of stays. This is just strays. Case animals are not included.

Animal welfare investigations. Colder months are fewer calls. Warmer months it increases due to dogs being locked in vehicles, animals without shelter, etc.

Tammy Wines-Jennings: Discusses Happy Tails program. 76 pets were placed through Homebound Senior Program. 656 pets were micro chipped. Vaccinated 1,037 pets.

Discussed donations of 4,000 pounds of food donations from community for holiday meal for animals. A special meal was held on Christmas Day for families and the pets.

Technical large animal rescue. Discussed a case of a horse who had fallen into a swimming pool. The fire department and AC officers got the horse out of the pool. Also provided information on technical rescue course that is provided.

Annual report will be provided next time, as will the code language developments for the dangerous dog and more developments in the NRS legislation.

Director Schull: Clarified that the annual report is the report discussed in Bylaws. Is currently working on it and will provide a draft next time.

5. WCRAS MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS
[Non-Action Item] [Agenda Item 5]

Chair Duerr: Requested meeting be moved to April 23rd. All members clarified that April 23rd works for their calendars.

Director Schull: There may be a location change.

Chair Duerr: Confirmed April 23rd at 9:30 am. Asked for suggestions for upcoming Agenda.

Member Payne: Requested a note be provided of upcoming events so members could provide support.

Chair Duerr: Agreed that Art Paws would be a good event to support.

Director Schull: Will add information to the report. Karen will have information prepared.

Member Dobbs: Inquired as to legislation overview.

Director Schull: Advised of discussion with legislative liaison with the county, and it's possible there may be a discussion at next meeting. Further discussion in support of all changes.

Member Anderson: Discussed the letter received from Sue Davis from Ironwood Events Center. Sought clarification. Wanted to know how to proceed.

Director Schull: Confirmed she read the letter and discussed with Ms. Davis her

concerns. It is relative to the Commercial Animal Welfare Permit and how it applies to horse boarding facilities. Further discussion was had about amending the code in the future to better incorporate horse boarding facilities.

Chair Duerr: Requested further information re: same at the next meeting from Director Schull.

6. ADJOURNMENT [Non-Action Item] [Agenda Item 8]

Chair Duerr declared the meeting adjourned.