

**RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
JULY 31, 2024**

Mayor Pro Tem Carter called the Special meeting of the Rio Dell City Council to order at 1:00 p.m.

ROLL CALL: Present: Mayor Pro Tem Carter, Councilmembers Orr, Wilson and Woodall

Absent: Mayor Garnes (excused)

Others Present: City Manager Knopp, Interim Chief of Police Conner, Community Development Director Caldwell and City Clerk Dunham

PUBLIC PRESENTATIONS

Mayor Pro Tem Carter called for public comment on non-agenda items. No public comment was received.

SPECIAL MEETING MATTERS

Public Hearing on the Determination of an Animal as a Potentially Dangerous Dog

Mayor Pro Tem Carter opened the public hearing on the determination of an animal as a potentially dangerous dog.

Interim Chief of Police Conner provided testimony and said that on July 2, 2024, he was dispatched to a residence regarding a dog bite. He contacted ten-year old Grace Craps who had a laceration on her left calf that was the result of being bitten by an English bulldog while she was at 1051 Pacific Ave. in Rio Dell. Grace was transported to Redwood Memorial Hospital by ambulance and received 7 stitches to close the wound.

He said that he investigated the incident further and found three witnesses who all confirmed that Pedro, the English bulldog belonging to Dayana Blanchard, had bitten Grace without provocation and learned that Pedro does not like kids. He said that he later spoke with the owner of the dog who also confirmed that the dog doesn't like children as the result of him being beaten with sticks by a child .

He noted that Ms. Blanchard informed him that Pedro has cancer and doesn't have long to live. He said that he confirmed with the veterinary clinic that he does have cancer in his hind quarters but the prognosis was not spelled out in the medical report. He said that he explained to her that the Rio Dell Municipal Code requires dogs meeting the definition of a potentially dangerous dog to be confined in a fenced yard, a structure, a vehicle, or on a

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leash at all times. He said that his determination of Pedro is that he fits that description and that the existing 3-foot tall plastic fence at her residence is not adequate to keep the dog confined.

As allowed under the Rio Dell Municipal Code, Ms. Blanchard requested the hearing before the City Council to contest his determination that Pedro is a potentially dangerous dog and to discuss the fence requirement.

Ms. Blanchard addressed the Council and said that there are apparently four versions of the incident but since she was not there at the time the bite occurred, she was not in a position to state exactly what happened.

She explained that she acquired Pedro 5-years ago from an animal shelter as a service dog because of a medical condition and because Pedro was diagnosed with cancer, he was prescribed with steroids. As such, the dog bite incident was a classical response to his condition.

She indicated that this was the first time Pedro had bitten anyone and that she doesn't want him to die as a vicious dog because he is not vicious, just sick. As far as keeping him confined, she said that English bulldogs are typically kept indoors as they would die if they stayed outside. She added that she attempted to contact the dog sitter who was a witness to the incident so she could be present at the hearing but she was not able to reach her.

Mayor Pro Tem Carter called for questions from the Council.

Councilmember Woodall asked if a dog kennel could be used since the existing plastic fence was not adequate to confine the dog.

Interim Chief of Police Conner explained that there is nothing in the code that specifically requires a fence. If the dog was always on a leash, in a secure structure or a vehicle it would meet the requirements. It is the definition of "enclosure" that is problematic in terms of the plastic fence. He also noted that the landlord said that if she didn't build a fence he would take exception to that and possibly start the eviction process.

Councilmember Orr mentioned the comment about the landlord possibly threatening to evict Ms. Blanchard over the fence issue.

Ms. Blanchard explained that if the dog was not sick and bit someone the landlord would require that the dog be confined in a secure fence but since Pedro is sick he understood that it would not be feasible to build a fence for the remaining duration of the dog's life.

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She also indicated that she talked to the mother of the child and offered to pay what she could toward the medical bills.

Councilmember Woodall asked if it would be acceptable if Ms. Blanchard agreed to always have the dog on a leash when it is outside.

Interim Chief of Police Conner reiterated that the dog would need to be restrained at all times and said that one thing to keep in mind is that the child's family is now living at the residence across the court yard from where Pedro lives.

Mayor Pro Tem Carter closed the public hearing and called for comments from the Council.

Mayor Pro Tem Carter said that she understands what a touchy subject this as she is also an animal person. She commented that animals do change their behavior when they get sick or on medication however, she thinks the cause of the behavior doesn't weigh in as much as what the behavior actually is. As councilmembers, they need to separate personal feelings about animals and to look at the behavior itself and not just the cause.

She noted that she would be inclined to support the position of the Interim Chief of Police because it is their job to look out for the entire community. What the Council does here sets a precedent for what happens in the future and dogs biting children is something that doesn't bode well for anyone.

She commented that having a dog declared as a potentially dangerous dog is not a reflection of the owner or mean that someone is a bad dog owner as sometimes these things just happen. She pointed out that Ms. Blanchard has options to make sure the dog is restrained at all times exclusive of building a new fence. She clarified that no one is saying that the dog is vicious but rather a potentially dangerous dog and that seven stitches in a child is serious.

Councilmember Orr said that he had three concerns. He said that it was stated that the dog didn't like children which means it must have had some history of begin aggressive to children.

Ms. Blanchard responded that it was her understanding that Pedro had previously been abused.

Councilmember Orr agreed that health and medication can change a dog's behavior but why it happened doesn't matter so much but that it did bite and potentially could do it again. He said that it is not a stigma on the dog but if the Council doesn't do something and it happens again, it could be a liability to the City as well as the as the dog owner.

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He then asked if dogs were supposed to be running free in the City.

Interim Chief Conner explained that the City does have a leash law which is generally interpreted as having the dog under your control and not running loose. He noted that in this particular case, it likely wasn't a violation of the leash law because the dog was on private property however, this is a property that has a shared driveway in a courtyard setting which is where the dog was when the bite occurred.

Councilmember Orr commented that this action is less than a punishment for the dog or the owner but more of a protective measure in case it happens again.

Ms. Blanchard argued that it doesn't make sense to put up a \$1,000 fence for a dog that will likely only live another month.

Councilmember Wilson agreed that it is a sad story but concurred with comments of the other councilmembers. The child, at no fault of her own was bitten and the biggest issue is that after looking at the picture of the laceration, she will have a scar on her leg but could have been her face. He said he doesn't think that it is unreasonable to ask that the dog be restrained to protect other people around him. He supported the Chief's determination that Pedro is a potentially dangerous dog and that he be required to be restrained at all times.

Councilmember Woodall agreed with the Chief and said that she was bitten on her arm by a dog near the school and had it been a kid, it would have probably bit them in the face. She said that she understands how the owner feels, but the Chief has a lot of experience in these matters and supports his determination.

Mayor Pro Tem Carter added that this is not only a protective measure for the public but also for the dog owner in the event it should happen again. Keeping the dog restrained on a leash is important for everyone.

Ms. Blanchard agreed to notify the City when Pedro passes away.

Motion was made by Orr/Wilson to approve the Chief of Police's determination that Pedro is a Potentially Dangerous Dog. Motion carried 4-0.

Approve Resolution No. 1611-2024 Amending the Fiscal Year 2024-25 Adopted Budget to Increase Appropriations for the Per Capita Park Development Grant (Dog Park)

City Manager Knopp provided a staff report and said that the City received a Per Capita Park Development Grant for the dog park in the amount of \$177,952 with no City required match.

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The project originally included the dog park facilities along with a half-court basketball court however, when the bids came in higher than the grant amount, the project was scaled down eliminating the basketball court. He said that the Council allocated an additional \$40,000 in ARPA-SLFRL funding to push the project forward.

He noted that staff has worked very hard to eliminate some of the overhead costs associated with engineering related to the project but there are some final changes that need to occur with the project. He explained that some of elevations were off requiring some additional pavement work in addition to some minor changes related to drainage.

Staff's recommendation was to approve the budget amendment to allocate \$12,952.50 from the ARPA-SLFRF Fund to complete the Per Capita Park Development Grant project (Dog Park).

Motion was made by Orr/Woodall to approve Resolution No. 1611-2024 amending the Fiscal Year 2024-25 adopted budget to increase appropriations for the Per Capita Park Development Grant (Dog Park). Motion carried 4-0.

ADJOURNMENT

The meeting adjourned at 1:35 p.m. to the August 6, 2024 regular meeting.

Amanda Carter, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk