

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....April 11, 2011

► Minutes: Beth Perkins

► The Board met to award the bid for Herbicide at 9:00 a.m. Present was Weed Supervisor Kelliann Morris.

**Commissioner Kanenwisher made a motion to accept all bids received for Herbicide. Commissioner Stoltz seconded the motion and all voted “aye”. (4-0)**

► The Board met for discussion and possible decision on issuing an RFP for the care of impounded animals at 11:00 a.m. Present were Teresa Loya, Kathy Good, Judy Vernier, Jeanne McKinney, Vicki Dawson, and several citizens

Commissioner Iman stated the purpose of this meeting is to gather information necessary to create an RFP for the care of impounded animals. There is an agreement with BRHA for the care of animals since 1984 with the requirement of an audit. There is a new animal control officer and interest of creating a timeframe of impounded animals to be spayed/neutered and adopted/destroyed from the County side. There are facilities in other parts of the County that have an interest of housing animals specifically large animals (horses). The Board then asked the representatives of BRHA how many animals are taken in yearly, monthly, weekly and to separate them from strays, ACO strays and owner surrenders. Vicki Dawson noted the City ordinance requires a five day impound prior to having the animal become available for adoption.

Commissioner Kanenwisher discussed the need for an audit and if there had ever been one provided to the County pursuant to the agreement. Kathy Good replied no but they have provided financial statements in the past. BRHA consulted with the firm Galusha,

Higgins & Galusha for the requirements of an audit and if it was needed. They provided her with four options. Based on the cost of those four options, BRHA determined the financial review would be appropriate. Commissioner Iman asked about tracking donation received since BRHA is a 501(3) C. Kathy replies all is receipted except donations under \$10.00 and a thank you is issued.

Commissioner Chilcott asked how many animals were taken in last year. Vicki Dawson replied based on the available information of 2010, the amount was 589 with 325 directly from Ravalli County. Commissioner Chilcott requested a breakdown of the amount of County animals for average stay, those adopted, returned to owner, and euthanized as well as spayed/neutered.

Jeanne McKinney questioned the December minutes from BRHA and the comparison of December 2009 and January 2010 being the basis for the financial review.

Terry Hammerschmit stated the County's portion is \$30,000 per year. The argument is what the County pays to take care of the animals to the kenneled. Small and large animals need to be first and then determine if extending the stay of the animal past five days and the animal should be microchipped. Jeanne McKinney stated the County has liability in the situation of a spay/neuter according to the Montana Consolidated Dog laws.

Commissioner Iman stated he does not believe there is enough information provided to issue an RFP. The County is investing \$30,000 and the funding for the ACO is up at the end of the year. He recommended scheduling another meeting at a later time so more information can be obtained. The Board concurred.

- ▶ Commissioner Chilcott participated in the Child Abuse Prevention Proclamation reading and placement of the pinwheels of prevention on the front lawn at 12:00 p.m.
- ▶ The Commissioners attended a site visit at the Fairgrounds and an update at 1:30 p.m.

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(6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies in writing that spaying or neutering would be injurious to the animal's health.

(7) ~~The provisions of this section do not apply when a humane society or publicly operated animal shelter or pound, at its discretion, chooses to accept an adoption fee of not less than \$50 from a person who wishes to adopt an animal for breeding purposes.~~

History: En. Sec. 2, Ch. 426, L. 1997.

### **7-23-4203. Additional spaying or neutering requirements not precluded -- cooperative agreements**

(1) Humane societies and publicly operated animal shelters and pounds may enter into cooperative agreements with each other and with licensed veterinarians in carrying out the provisions of 7-23-4202.

(2) Section 7-23-4202 does not preclude humane societies and publicly operated animal shelters and pounds from engaging in activities set forth in their charters as long as the activities are not inconsistent with 7-23-4202.

(3) Humane societies and publicly operated animal shelters and pounds may establish spaying and neutering requirements in addition to the requirements set out in 7-23-4202, such as:

(a) shorter timeframes for compliance with spaying and neutering requirements;

(b) arranging an appointment for spaying or neutering with a licensed veterinarian; and

(c) delivering the animal to a licensed veterinarian for surgery prior to releasing the animal to the adopting person.

History: En. Sec. 3, Ch. 426, L. 1997.

## **TITLE 27. CIVIL LIABILITY, REMEDIES, AND LIMITATIONS. CHAPTER 1. AVAILABILITY OF REMEDIES -- LIABILITY. PART 7. LIABILITY.**

### **27-1-715. Liability of owner of vicious dog**

(1) The owner of any dog which shall without provocation bite any person while such person is on or in a public place or lawfully on or in a private place, including the property of the owner of such dog, located within an incorporated city or town shall be liable for such damages as may be suffered by the person bitten regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.

(2) A person is lawfully upon the private property of such owner within the meaning of this section when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America or when he is on such property as an invitee or licensee of the person lawfully in possession of the property.

History: En. Sec. 1, Ch. 113, L. 1943; R.C.M. 1947, 17-409.

## **TITLE 81. LIVESTOCK. CHAPTER 7. PREDATORY ANIMAL CONTROL. PART 4. DOGS.**

(d) a record of surgical sterilization of the animal or notice of the lack of surgical sterilization, as applicable.

(2) The following information must be retained for a period of 2 years and remains confidential unless requested pursuant to an enforcement action or legal proceeding:

(a) if known, the name and address of the breeder of the animal;

(b) if known, the name and address of any person who owned or harbored the animal between its birth and the time of sale or adoption; and

(c) a copy of the import permit and health certificate pertaining to an animal imported from outside Montana.

History: En. Sec. 1, Ch. 426, L. 1997.

### **7-23-4202. Adoption of cat or dog from humane society, animal shelter, or pound -- spay or neuter required -- deposit -- penalty -- exceptions**

(1) Except as provided in subsections (6) and (7), a humane society or publicly operated animal shelter or pound may not offer for adoption, sale, or trade any cat or dog that has not been redeemed by the owner unless:

(a) the animal has been spayed or neutered; or

(b) the person to whom the animal is released agrees in writing to have the animal spayed or neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an amount determined by the humane society or publicly operated animal shelter or pound to be comparable to the lowest fee for spaying or neutering that is charged by veterinarians in the locale.

(2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate verifying that the animal has been spayed or neutered, the humane society or publicly operated animal shelter or pound shall forward the deposit to the veterinarian who performed the procedure.

(3) The deposit must be forfeited if the spaying or neutering is not done:

(a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

(b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at the time of adoption, or within 30 days of the adoption, whichever is longer.

(4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

(a) a public education program designed to prevent the overpopulation of cats and dogs;

(b) a program to spay or neuter cats and dogs; and

(c) costs incurred in the enforcement of this section, including a followup program to ensure that animals adopted from or sold or traded by the humane society or publicly operated animal shelter or pound are spayed or neutered.

(5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may, at the discretion of the county attorney, result in the filing of a misdemeanor charge punishable by a fine of not more than \$500.