

**Minutes of Meeting
Vicious Dog Hearing
August 16, 2023
10:30 a.m.**

The Kootenai County Board of Commissioners: Chair Leslie Duncan and Commissioner Bruce Mattare met to discuss the following agenda items. Also present were KCSO Animal Control Officer Sandra Osburn, Civil Deputy Prosecuting Attorney Darrin Murphey, BOCC Executive Assistant Sara Masters and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents Penny Collinson and Penny Myers. Commissioner Bill Brooks was excused.

- A. Call to Order:** Chair Leslie Duncan called the meeting to order at 10:33 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Hearing for Impounded Dog (Herman) Set for Destruction. Case Numbers #23-34375, 20-06661, Penny Myers Animal Owner (Action)

Chair Duncan stated that the agenda item was not correct; the hearing was for the owner's appeal of the vicious dog designation only. She said the dog had not been impounded and was not set for destruction.

KCSO Animal Control Officer Sandra Osburn stated that on August 8, 2023, she responded to a residence adjacent to that of Penny Myers. She said the neighbor told her that Ms. Myers dog had been in their yard, killed some chickens and "threatened" her son.

Officer Osburn reported that this was not the first time she had taken a report on this dog for killing chickens. She said that, according to Kootenai County Ordinance, the dog was to be declared "dangerous." She read the definition of a "dangerous dog" into the record.

Ms. Myers explained that there was a history of animosity between herself and the other family that dated back some years to an incident in which she had decided not to have the husband continue as her realtor. She said her dog was not aggressive to people and her yard was fenced, but that members of the other family tormented her dogs on a daily basis. She pointed out that the "child" from the complaint was a 6 foot tall teenager who had participated in teasing the dogs. She also said that, when the family had begun keeping chickens, she had suggested that they not build the coop right next to the fence bordering her yard. She admitted that her dog had dug under the fence and had killed chickens on two occasions.

Commissioner Bruce Mattare asked if she had cameras in her yard that could provide documentation of the other family's treatment of her dogs or if she had filed reports about their behavior.

Ms. Myers said she had not filed reports because she had not wanted to make things worse. She stated that she did not have cameras in her yard before, but planned to have some installed now.

Commissioner Mattare asked if she had paid restitution for the chickens.

Ms. Myers said she had offered, but they had refused. She stated that she was having a new fence put up on her side of the existing fence-line that her dog could not dig under. She asked that the Board not declare her dog dangerous, because of the extenuating circumstances.

Commissioner Mattare moved that the Board end testimony and enter into deliberations. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Excused

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

Commissioner Mattare commented that terriers, like Herman, were known for strong prey drives, so killing chickens was not out of character for the breed. He acknowledged that the neighbors may have acted inappropriately but, since there was no video evidence or filed reports, he said he felt they could not dismiss the issue.

Civil Deputy Prosecuting Attorney Darrin Murphey reminded the Commissioners that the designation of “dangerous” came with certain default rules but that they were able to modify these as they felt were appropriate to the case.

Officer Osburn agreed and suggested that any restrictions be revisited after Ms. Myers installed the new fence.

Chair Duncan recommended that the dog be confined by the owner until the new fence was in place and that a liability insurance policy in the amount of \$10,000 be taken out by the owner to cover any future damages. She said she did not think it sounded like leash and muzzle restraint or signs on the property warning of a dangerous dog would be required. She agreed that inspection by Animal Control should be made, at their discretion.

Commissioner Mattare suggested that identification via microchip be required.

Officer Osburn confirmed that Herman had already been microchipped.

There followed general discussion and agreement related to the restrictions to be imposed. It was agreed that notification would have to be made should the dog be transferred to another owner, as described in statute.

Mr. Murphey reminded those present that the pet’s owner was able to request another hearing in the future and ask that the “dangerous” designation be removed, after all the requirements had been met.

Officer Osburn stated that, other requirements having been met, if two years passed without any further complaints against the dog, the designation could be dropped.

Commissioner Mattare moved that the Board uphold the declaration of a dangerous dog for case #23-34375 and 20-06661, with the following conditions: that the new fence will be installed for the backyard and that until the fence is installed the dog will remain on a leash with a muzzle in the backyard; that the fence would be inspected by the Sheriff's Office once it was installed; subject to the Sheriff's Office's approval of the fence, the leash and muzzle requirement would be removed; insurance would be obtained, at a minimum amount of \$10,000 liability; that the Sheriff's Office could inspect the premises at intervals; and that the Sheriff's Office would be notified if the animal was transferred to a new owner. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Excused

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

D. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no public comments.

E. Adjournment (Action): Chair Duncan adjourned the meeting at 10:54 a.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk