

Meeting Minutes

City Council Community Safety Subcommittee Meeting

October 23, 2023 | 1:00 p.m.
Chandler Police Community Room
250 E Chicago St., Chandler, AZ



Call to Order

The meeting was called to order at 1:00 p.m.

Roll Call

Subcommittee Attendance

Councilmember Christine Ellis
Councilmember OD Harris
Councilmember Angel Encinas

Staff Attendance

Assistant Chief David Ramer
City Attorney Kelly Schwab
Neighborhood Resources Director Leah Powell
Planning Administrator Kevin Mayo
Police Legal Advisor Ean White
Neighborhood Preservation Manager Guy Jacques
Management Assistant Cassie Gutenson

Discussion

1. Review and Discussion of Possible Revisions to the Chandler City Code Chapter 14 – Animals Including but not Limited to Abuse, Cruel Neglect, Hoarding, and Seizure of Abused or Neglected Animals

DAVID RAMER, Assistant Chief gave opening remarks and laid the ground rules for the meeting for public members in attendance.

DAVID RAMER began the presentation regarding proposed changes to Chandler City Code Chapter 14.

COUNCILMEMBER ENCINAS asked: We reached out to five animal organizations for comment and only heard back from one?

DAVID RAMER: Yes.

COUNCILMEMBER ENCINAS: Are we giving them additional time to reach out?

KELLY SCHWAB, CITY ATTORNEY: Arizona Humane Society did reach out Friday and provided comments. We will reach out again to see if there are any comments from the other organizations.

COUNCILMEMBER HARRIS: Would like for us to expand this list, perhaps to ten groups.

DAVID RAMER: Do you have any groups to recommend?

COUNCILMEMBER HARRIS did not.

KELLY SCHWAB: Many of these groups were recommended to us by the other groups, which is how we came up with the list.

COUNCILMEMBER ENCINAS: Can I get the comments from the Arizona Humane Society?

KELLY SCHWAB: Of course.

There was general discussion about groups to be involved in this conversation.

Presentation resumed with current challenges.

COUNCILMEMBER ENCINAS: What is the current policy on post-seizure of animals?

KELLY SCHWAB: We don't have a specific policy outside of the state laws.

COUNCILMEMBER ELLIS: Question about notice of animal seizure procedures, how far ahead is the notice provided?

DAVID RAMER explained the process from initial seizure of any animal. It is served at the time of seizure; the form explains the rights of the animal owner and the steps to expect. If the owner is not around, we will post it on the door or somewhere visible.

COUNCILMEMBER ELLIS: In these situations, we are still able to get the animals out?

DAVID RAMER: Yes, although every case is different, we make every attempt to seize the animals in these instances if the owners are not around.

COUNCILMEMBER HARRIS: Question regarding what the fourth amendment procedures are and what they protect against.

DAVID RAMER explained the fourth amendment and the protections provided against unreasonable search and seizure.

COUNCILMEMBER HARRIS: What would happen to evidence if we violated these protections?

DAVID RAMER: It would negatively impact the case.

Presentation resumed.

COUNCILMEMBER ELLIS: If someone wanted to run a rescue out of their home, they would need a permit?

DAVID RAMER: Correct, and we have no records of ever approving one of these as a home-based animal shelter within the city limits.

COUNCILMEMBER HARRIS: Does the city require a permit in place for certain businesses to be run out of a residence, such as a shelter?

DAVID RAMER: Yes, if they are operating as an animal rescue shelter.

Presentation resumed.

COUNCILMEMBER ELLIS: When you looked at the factors for hoarding, what did we look at to define this? Are there restrictions based on property size and number of animals?

KELLY SCHWAB: The definition was based on adequate access to food, water, shelter, and freedom of movement, but there are no restrictions based on size of the property and a specific number of animals.

COUNCILMEMBER HARRIS: Is there a way that we can do wellness checks on animals?

DAVID RAMER: We do go out to calls for service for these instances already and assist these animals. For instance, for dogs in cars in summer, or tethered without access to shade, water, and food, etc.

COUNCILMEMBER HARRIS: What if someone calls suspecting abuse?

DAVID RAMER: This is a case-by-case basis how this is handled, but we will investigate.

COUNCILMEMBER ELLIS: How are we handling situations where people are saying that their animal “just looks this way” or other similar explanations? Are we working with any professionals who can advise on the validity of these claims?

DAVID RAMER: We rely on our partnership with Arizona Humane Society to use their expertise to advise us on these situations.

COUNCILMEMBER HARRIS: How long have we been working with the Arizona Humane Society?

DAVID RAMER: It would have to be over 10 years, at least, but I can investigate that for you.

COUNCILMEMBER ENCINAS: Is there any verbiage we can add to this to cover animals with special needs and what they should be provided?

KELLY SCHWAB: We can absolutely research that.

Presentation resumed.

COUNCILMEMBER ENCINAS: Is there anything on the state law side that directly addresses the heat of our state and what would be cruel based on that?

DAVID RAMER: We do capture the evidence of the temperature when we respond to animal abuse and neglect calls.

KELLY SCHWAB: This is covered by the “adequate shelter” clause. In the middle of summer, the requirements for adequate shelter are different than at other times of year.

COUNCILMEMBER ELLIS: Can you speak to the context of an animal welfare check, what are our officers supposed to do when they get there to ensure we are not leaving animals in abusive situations?

DAVID RAMER: I can speak to this in broad terms. We rely on our community members to be good reporters, and to be willing witnesses. We always work within the framework of the law, and we take an oath to protect and uphold that. We will assess the totality of the circumstances, based on what we can observe and articulate, and if we have witnesses, or history with the subject.

KELLY SCHWAB: We must be able to build a case, establish evidence, and have a court-ordered warrant to enter someone’s home.

COUNCILMEMBER ELLIS: Is there a cutoff date for public comment on this issue?

KELLY SCHWAB: This is posted on our website under the subcommittee agenda and there is an opportunity to address the council during the public comment period at council meetings.

COUNCILMEMBER HARRIS: Will we be able to add something in there about leashing?

KELLY SCHWAB: We currently have leash law requirements in the city.

COUNCILMEMBER HARRIS: Can we look at strengthening enforcement or including signage?

DAVID RAMER: We can do public education about the leash law.

COUNCILMEMBER HARRIS: I would like it on the record that I don't just want education but that I want more signs, specifically at Tumbleweed Park.

COUNCILMEMBER ENCINAS: Can you give me insight on a peace officer having reasonable grounds for a prompt seizure? I want to make sure that our officers have the tools they need to act.

DAVID RAMER: We empower our officers to act and are trained to reach out to legal counsel and partners on how to proceed, when there is a question on how to proceed.

COUNCILMEMBER ENCINAS: Would like to hear more from community groups and feedback from the community.

COUNCILMEMBER ENCINAS: What is the actual mechanism for reporting if they are seeing issues that would be of concern to this ordinance?

DAVID RAMER: Most of these situations would come to us through the dispatch center, either by telephone call or through our online reporting.

COUNCILMEMBER ELLIS: Want to make is clear that we are not going after unsheltered individuals' dogs. Within this context, how are we handling these?

LEAH POWELL, NEIGHBORHOOD RESOURCES DIRECTOR: We do have navigators who work with unsheltered individuals with animals in the city to get them vet care and make sure they have the things they need.

DAVID RAMER: thank you all for coming.

Adjourn

The meeting was adjourned at 1:53 p.m.

A handwritten signature in black ink, appearing to read "J. J. J. J.", written over a horizontal line.

Recording Secretary