

★ Roll Call Number

D8-2074

Agenda Item Number

41

Date November 24, 2008

**PUBLIC HEARING ON APPEAL OF
DANGEROUS ANIMAL DECLARATION**

WHEREAS, Shannon Simmons, 1800 Watrous Avenue, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of her dog as a dangerous animal; and,

WHEREAS, Ms. Simmons requested an opportunity to address the City Council regarding her appeal; and,

WHEREAS, Ms. Simmons has been provided with the opportunity to address the City Council on the matter of her appeal of the administrative hearing officer; NOW, THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

_____ Alternative One: That the administrative hearing officer's ruling be upheld and Ms. Simmons' dog be declared a dangerous animal and that it be humanely destroyed.

MOVED BY Hensley TO reverse the decision of the Hearing Officer and declare the dog vicious.

FORM APPROVED:

K. Massier

Katharine Massier
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | ✓ | | |
| COLEMAN | | ✓ | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 5 | 2 | | |

MOTION CARRIED

APPROVED

Y. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk