

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, April 14, 2010 8:15 AM – 9:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Dave Strohmaier, Pam Walzer, Roy Houseman, Bob Jaffe, Jon Wilkins, Lyn Hellegaard, Dick Haines, Renee Mitchell, Ed Childers.

Members Not Present:

Others Present: Mark Muir, Mike Brady, Jim Nugent

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [March 24, 2010](#) . Minutes approved unanimously.
2. Dave Strohmaier removed Items 4 and 7 from the held and on-going agenda items.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

1. Confirm the Mayor's appointment of Patrick Mulligan as a police officer ([memo](#)).—Regular Agenda (Mark Muir) (Referred to committee: 04/12/2010)

MOTION: The committee recommends that the City Council confirm the Mayor's appointment of Patrick Mulligan as a Police Office.

Mark Muir described Patrick Mulligan's credentials, and he asked the committee to recommend confirmation of the appointment.

Ed Childers moved to recommend the confirmation of Patrick Mulligan

The vote for confirmation was unanimous.

2. Ordinance amending MMC Title 2, Chapter 2.32 by creating new Section 2.32.060 giving Missoula police arrest authority to five miles outside the city limits ([memo](#)).—Regular Agenda (Mark Muir) (Referred to committee: 04/12/2010)

MOTION: The committee recommends that the City Council set a public hearing on May 3, 2010, on a [regular](#) and an [emergency ordinance](#) amending MMC Title 2, Chapter 2.32 by creating new Section 2.32.060 giving Missoula police arrest authority to five miles outside the city limits

Mark Muir described the need to enact this ordinance due to pockets of city jurisdiction that sit outside the main city limits. He referred to the State statute that permits local jurisdictions to enact such ordinances. He described the issue of liability if a City officer inadvertently makes an arrest that is in the County. He is asking for the ordinance to be enacted on an emergency basis due to the onset of warmer weather, and the need to have this authority sooner than later.

Dave Strohmaier clarified that this ordinance would allow the City Police to enforce State statutes, not Municipal code, in the County.

Ed Childers asked about 911 dispatch policy and the Sheriff's Office's feelings on this ordinance.

Mark Muir replied that he has discussed this with the Sheriff, and that the Sheriff supports this ordinance.

Ed Childers asked if the County might take advantage of City response.

Mark Muir does not think so.

Ed Childers asked about the City's mutual aid agreement with the County.

Mark Muir responded that is essentially incident-based.

Bob Jaffe stated that he is not entirely supportive of the ordinance. He thinks that the 5 mile radius is excessive. He is concerned that the City Police will have to take on too many enforcement duties from the County.

Mark Muir clarified that the City Police do not want to take on more territory to patrol. They just need the ability to perform their duties effectively and legally. He provided some examples.

Bob Jaffe reiterated his concern about the scope of the arrest authority as proposed.

Mark Muir described the benefit to the Police Department in regards to follow-up investigations.

Pam Walzer asked for clarification of the three mile enforcement referred to in the State Statute.

Jim Nugent described the practical application of this ordinance. He provided several examples.

Pam Walzer asked about the water supply provision in the State statute.

Mark Muir did not think that is was necessary to include that language in the proposed ordinance.

Jim Nugent stated that issues with Mountain Water do not need to be addressed with this proposed ordinance.

Jon Wilkins clarified the Sheriff's Office jurisdiction. He expressed concern that his ordinance might negatively impact the response time by the Sheriffs' Office if they are relying on a City response.

Mark Muir stated that this proposed ordinance is not call for service based.

Jon Wilkins moved to set a public hearing on the proposed ordinance for May 3, 2010.

Dick Haines expressed concerns about a judicial challenge to the proposed ordinance. He used the 'donut bill' as an example.

Renee Mitchell inquired about court assignment impact as a result of the proposed ordinance.

Mark Muir clarified the responsibilities of Municipal versus Justice courts.

Roy Houseman asked about the 3 mile versus 5 mile jurisdiction.

Mark Muir did not think that it will be an issue.

Jim Nugent believes that the Municipal Court might have countywide jurisdiction.

Pam Walzer wants to ensure that the Council is prepared for the public hearing. She asked about the financial impact resulting from the proposed ordinance.

Mark Muir stated that there is no anticipated additional cost. He described the current mutual aid agreement with the County.

The committee voted unanimously to set a public hearing for May 3, 2010.

IV. REGULAR AGENDA ITEMS

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. An [ordinance](#) amending Chapter 10.42 of the Missoula Municipal Code entitled "Bicycles" that would require minors to wear headgear while bicycling on streets, roadways, sidewalks, alleys and trails; and holding responsible the parent or guardian of a minor found to be in violation of this ordinance. ([Alternative Ordinance](#)) ([PS&H](#)) (Returned from Council floor: 2/26/07) **REMOVE FROM AGENDA**
5. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
6. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)
7. Review Public Safety and Health referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10) **REMOVE FROM AGENDA**
8. Consider an ordinance of the Missoula City Council amending Missoula Municipal Code Title 10 entitled "Vehicles and Traffic" by adding Chapter 56 entitled "Refusal to submit to alcohol and/or drug tests" and enacting sections 10.56.010 through 10.56.030 ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 02/08/10)

V. ADJOURNMENT

The meeting adjourned at 9:00 AM. Submitted by Gregg Schonbachler.