

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, January 26, 2011 8:00 AM – 9:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

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

Members Not Present:

Others Present: Mark Muir, Brad Giffin, Brent Gyuricza, Gary Bakke, Brandee Tyree, Bob Reid, Jim Nugent, Trish Foster

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [January 12, 2011](#). Minutes approved unanimously.
2. Bob Reid discussed the revision of the County's disaster plan (Emergency Operations Plan). He indicated that the revised document is available on the County web site for review.
3. Remove item 6 (Review implementation of the Missoula Outdoor Lighting Ordinance) from the held and ongoing agenda items.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

1. Consider an [ordinance](#) amending Missoula Municipal Code Title 9 entitled "Public Peace, Morals and Welfare" by creating Chapter 58 entitled "Social Host and Rental Space Gatherings involving consumption of Alcohol by Minors" and enacting Sections 9.58.010 through 9.58.030. ([memo](#))—Regular Agenda (Dave Strohmaier) (Referred to committee: 12/06/10) **(HELD IN COMMITTEE)**

Dave Strohmaier introduced the proposed Social Host Ordinance. He pointed out changes that were made to the proposed ordinance since the last time that it was discussed in committee.

Mark Muir referred to a [document](#) provided to the committee from the Office of Juvenile Justice and Delinquency Prevention called Regulatory Strategies for Preventing Youth Access to Alcohol. He discussed a success story regarding Helena's Social Host Ordinance. He indicated his concern for underage drinking by individuals under the age of 18. He discussed the current State laws regarding underage drinking. He cited inadequacies in State law regarding the provision of alcohol to minors. He indicated his support for the proposed ordinance. He referred to a recent incident in the Grant Creek area that was described in detail during the last committee discussion of the proposed Social Host Ordinance.

Brent Gyuricza, Executive Director of the City Life Community Center voiced his support for the proposed ordinance. He provided examples illustrating the need to implement the proposed ordinance. He feels that the proposed ordinance will hold irresponsible parents accountable.

Gary Bakke cited incidents involving fraternities, and the illicit use of alcohol by individuals between the ages of 18 and 21.

Brandee Tyree asked if the committee's questions had been answered by Chief Muir.

Bob Jaffe responded that he still had questions regarding the evaluation of existing Social Host ordinances.

Brandee Tyree responded that there is no data available from existing Social Host ordinances in Montana. She did note that data from other communities around the Country indicate that these types of ordinances have been successful. She discussed best practices regarding this issue, including keg registration.

Trish Foster discussed a study conducted in California in communities with colleges. She described the decrease in occurrences of excessive drinking where tools such as the social host ordinance have been implemented.

Ed Childers asked Trish about specifics regarding the sampling size and specific locations used in the study.

Trish Foster provided some details.

Jon Wilkins related a personal incident regarding underage drinking. He emphasized diligence by parents. He expressed concern that the County cannot implement a similar ordinance. He indicated his support for House Bill 20 currently pending in the State Legislature.

Jim Nugent stated that MT County governments do not have the same authority to enact ordinances as cities do.

Dave Strohmaier commented on the definition of 'Social Host' as it relates to parents.

Renee Mitchell noted that under section 6a of the ordinance, the word 'certainly' could be removed. She noted that 'injury and death' should be added. She asked if she could introduce an amendment.

Dave Strohmaier indicated that he would find that acceptable.

Renee Mitchell provided a potential scenario that is not really addressed in the proposed ordinance that should be considered.

Bob Jaffe's primary objection to the proposed ordinance is the definition of the word 'knowledge'. He asked what constitutes 'knowledge'. He expressed concern how this could be applied to parents of children who legal adults over the age of eighteen. He noted that 'knowledge' is not included in the section regarding prohibited acts.

Mark Muir discussed 'knowledge' as an element of a crime. It requires that a Police Officer establish probable cause that knowledge did exist. In a court of law, proof beyond a reasonable doubt would have to exist.

Jim Nugent discussed the issue of knowledge in regards to timeframes and prior conduct.

Pam Walzer expressed concern for the distinction between 'minor' and 'underage' persons. She feels that this needs to be addressed, as 'underage' persons are legal adults

Jon Wilkins would like to see 'knowledge' changed to some other wording.

Dave Strohmaier clarified the definition of 'knowledge'.

Ed Childers highlighted the definition of 'fact' versus the definition of 'opinion'. He asked who is responsible for a minor, and when does the responsibility shift from the responsible party to the individual.

Jim Nugent clarified that the proposed ordinance addresses holding the person in control of the premises where facilitating or permitting underage drinking occurs.

Ed Childers discussed the issue of responsibility.

Jon Wilkins stated that he would like the proposed ordinance to be held in committee for further discussion.

Pam Walzer moved to hold a public hearing on the proposed ordinance for 2/28/2011.

Renee Mitchell stated that she would like the proposed ordinance to be held in committee for further discussion. She expressed her support for the proposed ordinance, but thinks that it needs more work before being presented to the public for comment.

Jon Wilkins would like to see how House Bill 20 currently pending in the State Legislature fares.

Ed Childers feels that the proposed ordinance to be held in committee for further discussion.

Pam Walzer withdrew the motion to hold a public hearing on the proposed ordinance for 2/28/2011.

Jim Nugent suggested addressing Gary Bakke's concerns by amending the section referring to 'dwelling unit and places of assembly' and adding 'fraternity and sorority'.

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 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)
5. 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)
6. Review implementation of the Missoula Outdoor Lighting Ordinance ([memo](#)).—Regular Agenda (Dave Strohmaier) (Referred to committee: 08/09/10) **(REMOVE FROM AGENDA)**

V. ADJOURNMENT

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