

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, May 19, 2010 9:05 AM – 10:00 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: Jason Wiener, Mark Muir, Mike McMeekin, Chris Odlin, Jim Nugent, Karen Gardner, Mary Oestreich, Michael Oestreich, Kevin Hood, Ed Bezanson, Doug, McCollum, Wayne Paffhausen, Dollie Kelly, Dick Ainsworth, Tanya Chemodurow

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [May 5, 2010](#) .

Dave Strohmaier corrected the minutes to indicate that Roy Houseman, not Dave Strohmaier, supported and then withdrew a substitute motion for the original public hearing draft.

Minutes approved unanimously, as amended.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEMS

1. [Regular](#) and an [emergency ordinance](#) amending Missoula Municipal Code (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](#)) ([PSH](#)) (Returned from Council floor: 05/03/2010) **HELD IN COMMITTEE**

Dave Strohmaier introduced the proposed ordinance. He outlined possible modifications to the proposed ordinance. He read the text of the State statute MCA 7-32-4301.

Jim Nugent discussed State statutes that address extraterritorial jurisdiction. He opined that MCA 7-32-4301 is not entirely clear. He does not believe that City Statutes can be enforced under the proposed ordinance.

Jon Wilkins stated that he is not opposed to the proposed ordinance. He asked for clarification about dispatching the County Sheriff to 911 calls originating in the County.

Mark Muir clarified that 911 calls originating in the County will still be referred to the County Sheriff.

Jon Wilkins clarified that County areas between city 'islands' would be impacted.

Mark Muir outlined the reasons why the 5 mile limit should be used. He described an agency assist by the City Police in the county. He described the issue of liability by the Sheriff's Office. He discussed continuity of coverage.

Jon Wilkins asked for Sheriff McMeekin's input.

Dave Strohmaier asked Mark Muir to discuss the proposed amended language of the proposed ordinance

Mark Muir stated that the words "Enforce the criminal laws of the State and" were stricken.

Mike McMeekin stated that he supports the ordinance as amended. He clarified mutual aid between the City and County.

Dave Strohmaier asked for some more detail regarding the removal of the words "Enforce the criminal laws of the State and".

Mike McMeekin responded that the County Attorney's office is concerned about the Legislative intent of the State statute.

Pam Walzer asked for clarification between arrests for a current incident versus an arrest for a prior incident.

Mike McMeekin stated that a "person charged with a crime" who has an arrest warrant issued can be arrested in the County by the City Police under the proposed ordinance. He described a scenario where a City Police officer observes a crime committed while passing through County jurisdiction en route to a City 'island'. He stated that the prevailing opinion in the County is that if there is probable cause for a warrantless arrest, it can be made. Normal patrol activities that result in information that might lead to an arrest would have to be referred to the County.

Roy Houseman inquired about law enforcement response if a City resident calls 911 regarding an incident in adjacent County jurisdiction.

Mike McMeekin answered that the County and/or Fish, Wildlife, and Parks would be dispatched.

Bob Jaffe expressed concerns regarding 'gray areas' between casually observing illegal behavior and patrolling.

Mark Muir responded that each situation needs to be considered individually. He described different scenarios and the proposed guidelines for law enforcement actions based on the scenario.

Bob Jaffe stated that the ability of a City officer to serve a warrant in the County or for a City officer to have the ability to take action where the City and County are adjacent seems reasonable. Bob's concern is the idea of applying City Police resources outside of the City limits. He does not believe that enforcement beyond the City 'islands' is warranted.

Mark Muir described issues surrounding multijurisdictional task forces. Without this ordinance, The Sheriff's Office would have to deputize Police officers. Mark indicated that other Montana cities where similar ordinances are in place have not experienced any problems.

Jon Wilkins moved on the proposed emergency and regular ordinances as amended.

Ed Childers asked if the City could 'pick and choose' the areas that would be affected by the proposed ordinance. Ed clarified the intent of the ordinance. He discussed the specific needs of residents of the Deer Creek beach and making sure that the proposed ordinance addresses those needs without requiring City Police to overstep their bounds. He asked Chief Muir why the City has to serve arrest warrants outside of the City limits.

Mark Muir stated that most of the arrest warrants involve incidents that occurred within the City limits. Mark stated that the Sheriff can serve the warrants, but staffing limitations require flexibility.

Mike McMeekin stated that the County Sheriff cannot make warrant arrests for violations of City statutes.

Mark Muir stated that the City authority for arrest with a warrant is currently limited to three miles outside of the City limits. Mark clarified that the proposed ordinance is not about City police patrolling the County.

Ed Childers asked about the service of City warrants outside of the city limits. He contemplated a separate ordinance that would address that specific issue.

Dave Strohmaier clarified that the proposed ordinance is inclusive of the service of City warrants outside of the City limits.

Ed Childers asked about the reduction of liability for the Sheriff's Office.

Mark Muir stated that currently, anywhere in the County outside of the City limits, if the Sheriff needs mutual assistance, it must be requested. The requesting agency then assumes liability for the assisting agency. The proposed ordinance would allow the City Police to assume liability since they will have jurisdictional authority.

Renee Mitchell made the point that the catalyst for this ordinance is issues surrounding public use of the Beach off of Deer Creek road. She asked what would prompt a City Police Officer to make contact with beachgoers.

Mark Muir presented scenarios regarding a physical disturbance or disorderly conduct.

Renee Mitchell asked that if a City Police Officer is in the vicinity, could he assist when a call for service is requested for the beach, or would he have wait for a County Sheriff's deputy to respond.

Mark Muir stated that the County would have to approve a request for the City to assist for a County incident that was reported to dispatch.

Renee Mitchell expressed concerns about increased costs, and about the specter of City annexation.

Dave Strohmaier opened the floor to public comment.

Dick Ainsworth described some of the problems occurring on the Deer Creek beach, and he expressed his support for the proposed ordinance.

Tanya Chemodurov agrees there is a problem at Deer Creek, but she does not believe that the proposed ordinance is the solution. She thinks that the City is responsible by creating a parking area, but not providing toilets or trash receptacles. She stated that the Sheriff's Office does a good job of patrolling the area.

Ed Bezanson, General Manager of Canyon River Golf Club, described some of the specific problems occurring on the Deer Creek beach, and he expressed his support for the proposed ordinance. He described how the current situation affects his staff and guests.

Pam Walzer stated that she is not ready to vote on this.

Ed Childers stated that he supports the proposed ordinance.

Jon Wilkins stated that he supports the proposed ordinance.

Bob Jaffe stated that she is not ready to vote on this. He would like to work out the specific details.

Dick Haines called the question to end debate.

Vote failed.

Ed Childers moved to table the issue until the next PSH Committee meeting

Motion carried. This item will be held in committee until the next Public Safety and Health Committee meeting.

V. HELD AND ON-GOING AGENDA ITEMS

2. Police Department Update – Ongoing in Committee. (Mark Muir)
3. Fire Department Update – Ongoing in Committee (Mike Painter)
4. Health Department Update – Ongoing in Committee. (Ellen Leahy)
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)

V. ADJOURNMENT

The meeting adjourned at 10:07 AM. Submitted by Gregg Schonbachler.