

*"Placerville, a Unique Historical Past Forging into a Golden Future"*



**City Manager's Report**  
**May 26<sup>th</sup>, 2015 City Council Meeting**  
**Prepared by: Scott Heller, Chief of Police**  
**Item #: 8.6**

**Subject:** Consider a resolution approving the purchase of retired canine by its handler, Sergeant Ron Cannon, and authorize the City Manager to execute the agreement.

**Discussion:** Police Canine Sem has worked six (6) years on patrol and is being retired by the Chief of Police due to his age and health. Sem is currently ten (10) years of age. Canine Handler, Sergeant Ron Cannon, wishes to maintain ownership of Sem, and the City wishes to divest itself of both ownership and vicarious or direct liability for the subject dog. Staff is recommending the dog be released to its former handler, Sergeant Cannon, as per the attached Canine Transfer Contract.

Per the attached Canine Transfer Contract and Resolution, and with City Council approval, the City Manager will execute the agreement authorizing the sale of canine Sem to Sergeant Cannon for the purchase price of one dollar (\$1.00). Staff believes this nominal consideration is appropriate due to the vicarious or direct liability issues with owning this type of dog, the ongoing and increasing health issues, and the need to have someone familiar with the dog and its training for the safety of the dog and others. Staff believes the familiarity with these issues by the former handler and the known attention required by the handler to these identified issues justifies the contract agreement amount. This is also a common best practice amongst agencies in a similar situation facing similar facts.

**Cost:** None, There is revenue to the City of Placerville of one dollar (\$1.00).

**Budget Impact:** There is no budget impact associated with this item.

**Recommendation:** Adopt a resolution approving the purchase of retired canine by its handler, Sergeant Ron Cannon, and authorize the City Manager to execute the agreement.

M. Cleve Morris, City Manager

Scott Heller, Chief of Police

Attachments:  
 Resolution

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PURCHASE OF RETIRED CITY OF  
PLACERVILLE POLICE CANINE BY ASSIGNED PLACERVILLE POLICE CANINE  
HANDLER**

**WHEREAS**, the Police Chief for the City of Placerville officially retires police canines from departmental service, and

**WHEREAS**, the City of Placerville police canine handler desires to purchase and assume possession of their assigned canine upon the dog's official retirement for one dollar (\$1.00), and

**WHEREAS**, it is necessary to adopt a resolution authorizing the purchase of the City of Placerville police canine by the assigned department handler,

**NOW, THEREFORE BE IT RESOLVED** by the Placerville City Council that officially retired City of Placerville Police Canine Sem may be purchased by the assigned Placerville Police Department handler Ron Cannon in accordance with the terms and conditions set forth in the Placerville Police Canine Transfer contract attached hereto as Exhibit "A" and incorporated herein by this reference.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Placerville held on May 26<sup>th</sup>, 2015 by Councilmember \_\_\_\_\_, who moved its adoption. The motion was seconded by Councilmember \_\_\_\_\_. The motion was passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

There being a majority of votes "AYE", motion carried and was so ordered.

\_\_\_\_\_  
Mayor Patty Borelli

ATTEST:

\_\_\_\_\_  
Susan Zito, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHN DRISCOLL, City Attorney

**Exhibit A -- AGREEMENT FOR TRANSFER OF OWNERSHIP OF CANINE**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of May, 2015, by and between the City of Placerville, a municipal corporation ("CITY") and Ron Cannon, an individual ("RECEIVER"), and

WITNESSETH:

WHEREAS, a Malinois male dog, approximately (10) years and two (2) months of age, named Sem, owned by the CITY has been found to be unfit for service due to age and health issues;

WHEREAS, CITY is willing to sell the Canine to RECEIVER upon the terms and conditions specified in this Agreement;

WHEREAS, RECEIVER is aware of the Canine's history as a Police Service Dog and is willing to assume the liability of owning the Canine.

NOW, THEREFORE, the parties agree as follows:

1. Currency Exchanged. CITY agrees to sell to RECIPIENT for the sum of one dollar (\$1.00), and RECIPIENT agrees to receive from CITY, the Canine upon the RECIPIENT'S execution of this Agreement. RECIPIENT also agrees to take immediate possession and ownership of the Canine upon execution of the Agreement.
2. Disclosures. CITY has informed RECIPIENT, and RECIPIENT acknowledges that he is aware, that Canine has a history of health problems.
3. Indemnification. CITY will have no responsibility for the food, care, health, vet bills or liability for actions of the Canine from and after the date of this Agreement. RECIPIENT shall defend, indemnify and save and hold harmless CITY, and its officers, agents, and employees, from any and all claims, suits, actions, liability or damages resulting from or arising out of the ownership or use of the Canine from and after the date of this Agreement. The parties intend that this provision shall be broadly construed.

IN WITNESS WHEREOF, the City of Placerville, a municipal corporation, has executed this Agreement in duplicate by its City Manager and RECIPIENT has caused this Agreement to be duly executed.

**CITY OF PLACERVILLE, a  
Municipal Corporation**

**RECIPIENT**

BY: \_\_\_\_\_  
M. Cleve Morris  
City Manager

BY: \_\_\_\_\_  
Ron Cannon  
an individual