

ANIMAL COMMISSION RULES

Organization of the Commission

At its first regular meeting of the fiscal year, the members of the Animal Commission shall elect, by a simple majority of the members present, from its membership a Chairperson, Vice Chairperson, Secretary. Each officer shall not serve for more than two (2) consecutive one (1) year terms. If at the time of election, it is determined that there are no viable nominations for the slate of officers, including the Chairperson, the Commission may request an exemption of the general rule pertaining to the term(s) for the Officers/Chairperson from the City Council. Vacancies in any office may be filled in the same manner provided for elections.

The duties of the Chairperson shall be consistent with those of a presiding officer as they pertain to the conduct of the Commission meetings and adherence to the general powers and duties of the Commission as set forth in the City Code.

The Commission shall keep minutes of its meetings, which shall include its determinations, recommendations, the attendance of members and an indication of who prepared the minutes. The minutes are reviewed by the City Manager who, in consultation with the City Council liaison to this Commission, will determine which items need to be agendaized for a City Council meeting. The minutes are public records.

Animal Commission members, including the Chairman, shall vote and shall not abstain from voting unless such member identifies a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention. Voting by proxy or absentee is prohibited.

Conduct of Hearings

ORDER OF PRESENTATION The Commission will first hear preliminary motions in the nature of a motion to dismiss. The Commission may, in its discretion, reserve rulings on such motions pending further hearings.

The Chief of Police, or his designee, shall present his case-in-chief after the consideration of such preliminary motions. The Chief of Police shall bear the burden of presenting evidence sufficient to support a decision sustaining the allegation that the animal is at-risk or dangerous. The applicable evidentiary threshold shall be a "preponderance of the evidence". After the conclusion of the Chief of Police's case-in-chief, the respondent may present his/her case-in-chief.

In the interest of brevity, the Commission may terminate evidence or argument on repetitive or cumulative matters or matters plainly beyond the scope of the case. The Commission may refuse to hear, with or without an objection of a party, evidence or argument it determines not germane to the hearing.

The Commission may alter the order of proof in order to expedite the hearing.

EVIDENCE The Commission will consider such admissible evidence as may be submitted, including, but not limited to, properly authenticated public records, other documentary evidence, reliable affidavits, and oral testimony. The Commission will, where practicable and appropriate, follow (but will not be bound by) rules of evidence which prevail in Illinois courts of law. The Commission may accept such evidence as a prudent person may consider reliable in the course of conducting his or her business affairs. The Commission, with the assistance of the City Attorney, shall make all necessary evidentiary rulings.

GENERAL PROCEDURES For matters not covered herein, the Commission will generally follow rules of practice which prevail in the Circuit Court of Cook County and the Illinois Code of Civil Procedure. Because of the nature of these proceedings, the Commission shall not be bound by such rules in all particulars, it being understood that hearings conducted under these rules are inherently more informal than a court proceeding.